

In this instrument, underlining indicates new text and striking through indicates deleted text.

## Annex A

### COMMISSION DELEGATED REGULATION (EU) 2019/357 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards on access to details of securities financing transactions (SFTs) held in trade repositories

(Text with EEA relevance)

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#### Article -1

##### **Interpretation**

Where a term is defined in Regulation 2015/2365/EU, as amended by The Transparency of Securities Financing Transactions and of Reuse (Amendment) (EU Exit) Regulations 2019, that definition shall apply for the purposes of this Regulation.

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#### Article 2

##### **Single access**

A trade repository shall provide the entities that have several responsibilities or mandates under Article 12(2) of Regulation (EU) 2015/2365 with a single access to the details of all SFTs covered by those responsibilities and mandates.

#### Article 3

##### **Access to details of SFTs in accordance with the mandate and specific needs of each authority concerned**

1. A trade repository shall provide ~~ESMA~~ the FCA with access to all details of all SFTs to exercise its supervisory competences in accordance with its responsibilities and mandates.
2. A trade repository shall provide the ~~EBA, EIOPA and ESRB~~ Prudential Regulation Authority, the Pensions Regulator and the Bank of England with access to all details of all SFTs.
3. ~~A trade repository shall provide an authority supervising trading venues with access to the details of all SFTs executed on those trading venues. [deleted]~~
4. ~~A trade repository shall provide a member of the ESCB whose Member State's currency is the euro and the ECB with access to the details of all SFTs:~~
  - (a) ~~where the securities lent or borrowed or provided as collateral were issued by or offered on behalf of an entity established within a Member State whose currency is the euro;~~

- (b) ~~where the securities lent or borrowed or provided as collateral are sovereign debt of a Member State whose currency is the euro; [deleted]~~
- (c) ~~where the currency lent or borrowed or provided as collateral is the euro.~~
5. ~~A trade repository shall provide a member of the ESCB whose Member State's currency is not the euro with access to the details of all SFTs:~~
- (a) ~~where the securities lent or borrowed or provided as collateral were issued by or offered on behalf of an entity established within the Member State of that ESCB member;~~
- (b) ~~where the securities lent or borrowed or provided as collateral are sovereign debt of the Member State of that ESCB member;~~
- (c) ~~where the currency lent or borrowed or provided as collateral is the currency issued by that ESCB member. [deleted]~~
6. ~~A trade repository shall provide an authority listed in Article 12(2) of Regulation (EU) 2015/2365, that monitors systemic risks to financial stability in the euro area, with access to the details of all SFTs concluded on trading venues, or by counterparties that fall under the responsibilities and mandates of that authority when monitoring systemic risks to financial stability in the euro area. A trade repository shall also provide that authority with access to the details of the SFTs of all branches of counterparties established in a third country that operate in a Member State whose currency is the euro. [deleted]~~
7. ~~A trade repository shall provide an authority listed in Article 12(2) of Regulation (EU) 2015/2365, that monitors systemic risks to financial stability and whose Member State's currency is not the euro, with access to the details of all SFTs concluded on trading venues, or by counterparties that fall under the responsibilities and mandates of that authority when monitoring systemic risks to financial stability in a Member State whose currency is not the euro. A trade repository shall also provide that authority with access to the details of all SFTs of all branches of counterparties established in a third country that operate in that authority's Member State. [deleted]~~
8. ~~A trade repository shall provide the ECB, in carrying out its tasks within the single supervisory mechanism under Council Regulation (EU) No 1024/2013, with access to the details of all SFTs concluded by any counterparty which, within the single supervisory mechanism, is subject to the ECB's supervision pursuant to Regulation (EU) No 1024/2013. [deleted]~~
9. A trade repository shall provide an authority of a third country in respect of which ~~an~~ implementing act pursuant to Article 19(1) of Regulation (EU) 2015/2365 has been adopted regulations pursuant to Article 19(1) have been prescribed by the Treasury with access to the details of all SFTs under the third country authority's mandate and responsibilities in line with the provisions of the aforementioned ~~implementing act~~ regulations.
10. A trade repository shall provide ~~an authority designated pursuant to Article 4 of Directive 2004/25/EC of the European Parliament and of the Council~~ the Panel on Takeovers and Mergers with access to the details of all SFTs for which the security lent or borrowed or provided as collateral is a security issued by a company that meets one or more of the following conditions:

- ~~(a) the company is admitted to trading on a regulated market established within the Member State of that authority and the takeover bids on the securities of that company fall under that authority's supervisory responsibilities and mandates; [deleted]~~
- (b) the company has its registered office or head office in the ~~Member State of that authority~~ United Kingdom and the takeover bids on the securities of that company fall under that authority's supervisory responsibilities and mandates;
- (c) the company is an offeror as ~~defined in Article 2(1)(c) of Directive 2004/25/EC~~ for the companies referred to in ~~points point (a) or (b)~~ point (a) or (b) and the consideration it offers includes securities.

For the purposes of this provision, "company" has the meaning set out in paragraph 21(1) of Schedule 1C to the Companies Act 2006 and the terms "takeover bid" and "offeror" have the meanings defined in paragraph 20 of that Schedule.

- ~~11. A trade repository shall provide an authority as referred to in Article 12(2)(i) of Regulation (EU) 2015/2365 with access to the details of all SFTs representing transactions, or relating to markets, securities lent or borrowed or provided as collateral, benchmarks used as references and counterparties that fall under the supervisory responsibilities and mandates of that authority. A trade repository shall also provide that authority with access to the details of the SFTs of all branches of counterparties established in a third country that operate in the authority's Member State.~~
- ~~12. A trade repository shall provide the Agency for the Cooperation of Energy Regulators (ACER) with access to the details of all SFTs where the commodity lent or borrowed or provided as collateral is energy.~~
- ~~13. A trade repository shall provide a resolution authority as referred to in Article 12(2)(k) of Regulation (EU) 2015/2365 with access to the details of all SFTs concluded by:
 
  - ~~(a) a counterparty that falls under the responsibilities and mandates of that authority;~~
  - ~~(b) a branch of a counterparty established in a third country that operates in the Member State of that resolution authority and falls under its responsibilities and mandates.~~~~
- ~~14. A trade repository shall provide the Single Resolution Board with access to the details of all SFTs concluded by any counterparty that falls under the scope of Regulation (EU) No 806/2014.~~
- ~~15. A trade repository shall provide a competent authority listed in Article 12(2)(m) of Regulation (EU) 2015/2365 with access to the details of all SFTs concluded by:
 
  - ~~(a) a counterparty that falls under the responsibilities and mandates of that authority;~~
  - ~~(b) a branch of a counterparty established in a third country that operates in the Member State of that competent authority and falls under its responsibilities and mandates.~~~~
- ~~16. A trade repository shall provide an authority supervising a central counterparty (CCP) and the member of the ESCB overseeing that CCP with access to the details of all SFTs cleared or concluded by that CCP.~~

## Article 4

**Setting up of the access to details of SFTs**

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2. A trade repository shall prepare a form to be used by the entities listed in Article 12(2) of Regulation (EU) 2015/2365 when submitting a request for setting up access to details of SFT details. That form shall contain the following entries:

- (a) the name of the entity;
- (b) the contact person at the entity;
- ~~(c) the entity's legal responsibilities and mandates; [deleted]~~
- (d) a list of authorised users of the requested details of SFTs;
- (e) credentials for a secure SSH FTP connection;
- (f) any other technical information relevant to the entity's access to details of SFTs;
- ~~(g) whether the entity is competent for counterparties in its Member State, the euro area or the Union;~~
- ~~(h) the types of counterparties for which the entity is competent as per the classification in Table 1 of Annex I to Implementing Regulation (EU) 2019/363;~~
- ~~(i) the types of SFT that are supervised by the entity;~~
- ~~(j) all Member States where the issuer of securities that were borrowed or lent or provided as collateral is supervised by the entity, if any;~~
- ~~(k) all Member States where the commodities that were borrowed or lent or provided as collateral are supervised by the entity, if any;~~
- ~~(l) the trading venues that are supervised by the entity, if any;~~
- ~~(m) the CCPs that are supervised or overseen by the entity, if any;~~
- ~~(n) the currency that is issued by the entity, if any;~~
- ~~(o) the benchmarks used in the Union, the administrator of which the entity is competent for, if any.~~

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## Article 6

**Entry into force**

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~~It shall be binding in its entirety and directly applicable in all Member States.~~

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