

ARTICLE		
CONTENT	SUBTITLE	TITLE
<div> <p>A trade repository shall ensure that details of SFTs made accessible to each entity listed in Article 12(2) of Regulation (EU) 2015/2365 in accordance with Article 3 include the following data:</p> <ul style="list-style-type: none"> <li>the reports of SFTs reported in accordance with Tables 1 to 4 of the Annex to Commission Delegated Regulation (EU) 2019/356 Commission Delegated Regulation (EU) 2019/356 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards specifying the details of securities financing transactions (SFTs) to be reported to trade repositories contracts (See page 1 of this Official Journal)., including the latest trade states of SFTs that have not matured or which have not been the subject of reports with action types Error, Termination/Early termination, or Position component as referred to in Field 98 of Table 2 of Annex I to Commission Implementing Regulation (EU) 2019/363 Commission Implementing Regulation (EU) 2019/363 of 13 December 2018 laying down implementing technical standards with regard to the format and frequency of reports on the details of securities financing transactions (SFTs) to trade repositories in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the Council and amending Implementing Regulation (EU) No 1247/2012 with regard to the use of reporting codes in the reporting of derivative contracts (See page 85 of this Official Journal).</li> <li>the relevant details of SFT reports rejected by the trade repository, including any SFT reports rejected during the previous working day and the reasons for their rejection, as specified in accordance with Table 2 of Annex I to Commission Delegated Regulation (EU) 2019/358 Commission Delegated Regulation (EU) 2019/358 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards on the collection, verification, aggregation, comparison and publication of data on securities financing transactions (SFTs) by trade repositories (See page 30 of this Official Journal).</li> <li>the reconciliation status of all reported SFTs for which the trade repository has carried out the reconciliation process in accordance with Delegated Regulation (EU) 2019/358 except those SFTs that have expired or for which SFT reports with action types Error, Termination/Early termination, or Position component were received more than a month before the date on which the reconciliation process takes place.</li> </ul> </div>	Details of SFTs to be made accessible	Article 1
<div> <p>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.</p> </div>	Single access	Article 2
<ul style="list-style-type: none"> <li>A trade repository shall provide ESMA with access to all details of all SFTs to exercise its supervisory competences in accordance with its responsibilities and mandates.</li> <li>A trade repository shall provide the EBA, EIOPA and ESRB with access to all details of all SFTs.</li> <li>A trade repository shall provide an authority supervising trading venues with access to the details of all SFTs executed on those trading venues.</li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>where the securities lent or borrowed or provided as collateral were issued by</li> </ul>		

or offered on behalf of an entity established within a Member State whose currency is the euro;

- where the securities lent or borrowed or provided as collateral are sovereign debt of a Member State whose currency is the euro;
- where the currency lent or borrowed or provided as collateral is the euro.

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:

- 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;
- where the securities lent or borrowed or provided as collateral are sovereign debt of the Member State of that ESCB member;
- where the currency lent or borrowed or provided as collateral is the currency issued by that ESCB member.

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.

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.

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.

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 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.

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 Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids (OJ L 142, 30.4.2004, p. 12). 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:

- 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;
- the company has its registered office or head office in 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;
- the company is an offeror as defined in Article 2(1)(c) of Directive 2004/25/EC for the companies referred to in points (a) or (b) and the consideration it

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

Article 3

DOCUMENT SECTION

offers includes securities.

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.

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.

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 counterparty that falls under the responsibilities and mandates of that authority;
- 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.

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.

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 counterparty that falls under the responsibilities and mandates of that authority;
- 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.

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.

A trade repository shall:

- designate a person or persons responsible for liaising with the entities listed in Article 12(2) of Regulation (EU) 2015/2365;
- publish on its website the instructions that the entities listed in Article 12(2) of Regulation (EU) 2015/2365 are to follow to access details of SFTs;
- provide the entities listed in Article 12(2) of Regulation (EU) 2015/2365 with a form as referred to in paragraph 2;
- set up the access to details of SFTs by the entities listed in Article 12(2) of Regulation (EU) 2015/2365 only based on information contained in the form provided;
- set up the technical arrangements necessary for the entities listed in Article 12(2) of Regulation (EU) 2015/2365 to access SFT details in accordance with Article 5.

A trade repository shall provide the entities listed in Article 12(2) of Regulation (EU) 2015/2365 with direct and immediate access to details of SFTs within thirty calendar days after that entity submitted a request for setting up such access;

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:

- the name of the entity;
- the contact person at the entity;
- the entity's legal responsibilities and mandates;
- a list of authorised users of the requested details of SFTs;
- credentials for a secure SSH FTP connection;
- any other technical information relevant to the entity's access to details of SFTs.

whether the entity is competent for counterparties in

Setting up of the access to details of SFTs

Article 4

its Member State, the euro area or the Union;

- 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;
- the types of SFT that are supervised by the entity;
- all Member States where the issuer of securities that were borrowed or lent or provided as collateral is supervised by the entity, if any;
- all Member States where the commodities that were borrowed or lent or provided as collateral are supervised by the entity, if any;
- the trading venues that are supervised by the entity, if any;
- the CCPs that are supervised or overseen by the entity, if any;
- the currency that is issued by the entity, if any;
- the benchmarks used in the Union, the administrator of which the entity is competent for, if any.

A trade repository shall establish and maintain the necessary technical arrangements to enable the entities listed in Article 12(2) of Regulation (EU) 2015/2365 to connect with the trade repository using a secure machine-to-machine interface.

For the purpose of the first subparagraph, a trade repository shall use the SSH File Transfer Protocol and standardised XML messages developed in accordance with the ISO 20022 methodology to communicate through that interface.

A trade repository shall establish and maintain the necessary technical arrangements to enable the entities listed in Article 12(2) of Regulation (EU) 2015/2365 to establish predefined periodic requests to access, in accordance with Articles 1, 2 and 3, details of SFTs, that are necessary for those entities to fulfil their responsibilities and mandates.

Upon request, a trade repository shall provide the entities listed in Article 12(2) of Regulation (EU) 2015/2365 with access to any SFT falling under their responsibilities and mandates in accordance with Article 3, based on any combination of the following fields as referred to in Annex I to Implementing Regulation (EU) 2019/363:

- reporting timestamp;
- reporting counterparty;
- other counterparty;
- branch of the reporting counterparty;
- branch of the other counterparty;
- sector of the reporting counterparty;
- nature of the reporting counterparty;
- broker;
- report submitting entity;
- beneficiary;
- type of SFT;
- type of collateral component;
- trading venue;
- execution timestamp;
- maturity date;
- termination date;
- CCP;
- action type.

A trade repository shall establish and maintain the technical capability to provide direct and immediate access to the details of SFTs that are necessary for the entities listed in Article 12(2) of Regulation (EU) 2015/2365 to fulfil their mandates and responsibilities. The access to those details of SFTs shall be provided in accordance with the following deadlines:

- where access is requested to details of outstanding SFTs, or of SFTs which have either matured or for which reports with action types Error, Termination/Early termination, or Position component as referred to in Field 98 of Table 2 of Annex I to Implementing Regulation (EU) 2019/363 were made not more than one year before the date on which the request was submitted: no later than 12:00 Universal Coordinated Time on the first calendar day following the day on which the request to access is submitted.
- where access is requested to SFT details which have either matured or for which reports with action types Error, Termination/Early termination, or Position component as referred to in Field 98 of Table 2 of Annex I to Implementing Regulation (EU) 2019/363 were made more than one year before the date on which the request was submitted: no later than three working days

Operational arrangements for access to details of SFTs

Article 5

after the request to access has been submitted.</li> <li>where access is requested to SFT details falling under both points (a) and (b): no later than three working days after the request to access is submitted.</li> </ol> </li> <li>A trade repository shall confirm receipt and verify the correctness and completeness of any request to access to details of SFTs submitted by the entities listed in Article 12(2) of Regulation (EU) 2015/2365 and shall notify those entities of the result of that verification no later than sixty minutes after the submission of the request.</li> <li>A trade repository shall use electronic signature and data encryption protocols to ensure the confidentiality, integrity and protection of the data made available to the entities listed in Article 12(2) of Regulation (EU) 2015/2365.</li> </ol>		
<div class="crrArticle">This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</div>	Entry into force	Article 6