21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Settlement Discipline		
Measures to prevent settlement fails (Article 6(4))	**Q1: Which elements would you propose ESMA to take into account / to form the technical standards on confirmation and allocation between investment firms and their professional clients?**	- AFTI reckons that in a pre-settlement moment, it is key to clearly identify which economic details will be mentioned in the ticket (price, quantity, isin,settlement date,direction etc). - Besides economic details ("what"), AFTI underlines the importance of defining "when" these details shall be sent. In our view, such confirmation /allocation details should be sent at Trade Date evening at the latest then matched at Trade Date +1 evening at the latest to allow a settlement on a T+2 basis. On top of that each of the player should keep an updated Standard Settlement Instructions (SSI) repository to confirm settlement transaction and allow STP process. However if needed SSI information could also be exchanged at the confirmation level. - Regarding UCITS, AFTI is in favor of mentioning the following specific confirmation details: name of the management company, client's name, order reception timing and account number of the final beneficiary, trade date (please refer to comments below), ISIN Code, instruction type code, quantity, NAV, value date, gross amount including entry &redemption fees. - For Funds with unknown NAV, the Trade Date is defined as the date on which quantity and amount is known, which is ultimately the date of the "NAV". Hence the Trade Date is the NAV date, even when it falls on Saturdays and Sundays. - For other funds, The Trade date can be: a) Either the Date of instruction receipt by the TA (for example, the day before the cut off time) b) Or it can be the date when the cut off times applies.
a. Automation i. No manual intervention	**Q2: In your opinion, are there any exceptions that should be allowed to the rule that no manual intervention occurs in the processing of settlement instructions? If so please highlight them together with an indication of the cost involved if these exceptions are not considered.**	- AFTI understands that this question refers to the CSD services that compel users to intervene manually. - In that respect, AFTI is in favor of flexibility to be offered for such operations upon users request even if some limits have definitely to be set so that process are as lean as possible. - Eventually, automation does not prevent from non STP intervention through practices such as pre-matching via phone call before the input of the instruction in the CSD systeme (not feasible anymore in the future T+2 environnment).

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
b. Communication procedures and standards - STP	**Q3: ESMA welcomes concrete proposals on how the relevant communication procedures and standards could be further defined to ensure STP.**	- The french market place calls for global Market Practises under the umbrella of ISO and involvement of the SMPG (Standard Market Practises Group). - At least, these Market Practices should be defined in cooperation with other European institutions (such as the European Commission) through a Regional Market Practice Group covering the European Zone. - A Regional Market Practices Group could be the instrumental body to favor European Standards.
c. Matching of settlement instructions		
Compulsory matching		
Continuous matching		
Standardised matching fields	**Q4: Do you share ESMA's view that matching should be compulsory and fields standardised as proposed? If not, please justify your answer and indicate any envisaged exception to this rule. Are there any additional fields that you would suggest ESMA to consider? How should clients' codes be considered?**	- First, AFTI wants to remind that the objective of the matching criteria shall be to limit the fails with 3 main principles to follow: 1/It is key that a transaction to be proposed to settlement is being matched (or adjusted) first. 2/Free of payment without matching should be allowed for portfolio transfers. 3/On top of that, there should be one single tolerance amount per currency, common to all CSDs. - Although AFTI agrees with ESMA's proposal, we require to be able to distinguish primary market trades from secondary market trades. - AFTI would like to highlight that the list of matching criteria shall not be considered as definitive. Indeed it could change overtime based on new regulations or new businesses. Therefore any modification to this list should be possible without the need to trigger a legislative action (eg without going through the European Commission) so the list shall not be published at EU Official Journal. - AFTI suggests that the T2S criteria are a good starting point even for non-T2S markets. - To conclude, there are also some specific national matching systems that have proven their efficiency such as SBI in France (affirmation and matching system). - Regarding funds settlement, AFTI highlights that some harmonization on the following 2 definitions is mandatory: 1. Trade Date (see details in Q1) 2. Number of decimals of quantities across Europe - 5 digits are necessary to allow settlement for Funds settled on the French primary markets

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Incentives for early input of settlement instructions	**Q5: Do you agree with the above proposals? What kind of disincentives (other than monetary incentives such as discounts on matching fees) might be envisaged and under which product scope?**	- AFTI suggests to keep and if possible to widen as much as possible T2S principals and tools even for non-T2S countries (lower fee for early sent transactions, sound allegement system, hold and release mechanism and bilateral cancellation for matched transactions). - AFTI reckons there is no need to set-up additional financial incentive mechanisms to penalise late matching. - In relation to the proposition written in paragraph 23 that settlement instructions not received by the end of ISD-2 should be subject to disincentives, we strongly disagree (timezone should be taken into consideration for example). To elaborate on this, we indeed consider that there are 3 steps involved in the process trade confirmation and matching: 1- 1st step is the affirmation of the terms of the trade between trading counterparties 2- 2nd step is establishing the chian of additional market participants to be involved in the settlement of the trade 3- 3rd step is the confirmation The completion of these 3 steps require time to be processed adequately
System functionalities	**Q6: In your opinion, should CSDs be obliged to offer at least 3 daily settlements/batches per day? Of which duration? Please elaborate providing relevant data to estimate the cost and benefit associated with the different options.**	- AFTI's benchmark is to follow T2S features with 2 night batchs that deal roughly with 80% of the settlement and then a real time processing settlement for the day. - And AFTI requires their expansion to the non-T2S markets
System functionalities	**Q7: In your view, should any of the above measures to facilitate settlement on ISD be mandatory? Please describe any other measure that would be appropriate to be mandated.**	-AFTI agrees that CSDs should offer on a mandatory basis a tool kit including technical netting, partials, autocollateral management and recycling of instructions. Then each participant may decide to use them or not.
Lending facilities	**Q8: Do you agree with this view? If not please elaborate on how such arrangements could be designed and include the relevant data to estimate the costs and benefits associated with such arrangements. Comments are also welcome on whether ESMA should provide for a framework on lending facilities where offered by CSDs.**	- AFTI concurs with the proposal : lending facilities should not be offered by the CSDs on a mandatory basis. It up to each CSD to decide wether or not they will offer such feature. - In any case, lending facilities should be proposed under an agency model.

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Details of the system monitoring settlement fails (Article 7(14)(a)	**Q9: Do you agree with the above monitoring system description? What further elements would you suggest? Please present the appropriate details, notably having in mind the current CSD datasets and possible impact on reporting costs.**	- AFTI agrees with the content proposed by the European Commission, however a daily reporting is too burdensome. - Therefore, AFTI recommend a monthly reporting frequency (end of month) and ad hoc reporting triggered by the CSDs or asked by the regulators if an anomaly is detected. - In our view, a template should be proposed, see example enclosed (ESES_stats_SMPG_1.pdf & ESES_stats_SMPG_2.pdf) - On top of that, it is essential that reporting to the regulators is harmonized across Europe (data, fields,
	Q10: What are your views on the information that participants should receive to monitor fails?	- AFTI highlights the need for having proactive (eg before the fails occurs) allegement process from CSDs. - Based on a properly received information, each participant would then be able to follow its activity and adequately track the fails.
	Q11: Do you believe the public information should be left to each CSD or local authority to define or disclosed in a standard European format provided by ESMA? How could that format look like?	- AFTI expects ESMA to provide an European template. - This is particularly important for multi countries players.
Reporting frequency	**Q12: What would the cost implication for CSDs to report fails to their competent authorities on a daily basis be?**	please refer to the Q9 answer
Details of operation of the appropriate buy-in mechanism: extension period (Article 7(14)(d)	Q13: CSDR provides that the extension period shall be based on asset type and liquidity. How would you propose those to be considered? Notably, what asset types should be taken into consideration?	- One pre-requisite is to have a buy in regime and associated penalties harmonised accross European markets. At least, the rules from the issuer CSD of the securities should prevail for multideposited securities - AFTI suggests that at least a distinction between govies and the rest of securities products should be made for the buy in (extension period). - AFTI is not in favor of an extention period being based on the liquidity (level 1) and recommends to make a difference between asset types : for instance govies (7 days) and the rest of securities (4 days) . For the govies we would also recommend that within this harmonised framework (i.e. buy in period), the buy in is triggered only upon request from the receiving party. - AFTI recommands to exclude the repos transactions from the buy in. - Primary markets transaction should be excluded from the buy in regime. In that respect, UCITS are out of the scope of the buy-in requirement even if ETFs, negociated on the secondary market , are in the scope.Therefore, we would like to draw the attention of the ESMA on the fact that an ETF buy in procedure may have an impact on the primary market: a buy in procedure on an ETF on the secondary market would implicate the destruction of shares on the primary market. In that respect, we would have to face a fail on the primary market. - As stated above, AFTI considers that UCITS redemptions and subscriptions are out of the scope of the buy-in requirement because they are primary markets transactions.

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Details of operation of the appropriate buy-in mechanism (Article 7(14)(c))	Q14: Do you see the need to specify other minimum requirements for the buy-in mechanism? With regard to the length of the buy-in mechanism, do you have specific suggestions as to the different timelines and in particular would you find a buy-in execution period of 4 business days acceptable for liquid products?	- AFTI finds very tricky to have a common assessment of a security liquidity among Europe. - Furthermore, the liquidity of a security must be considered globaly in Europe and not on a country per country basis. Therefore we recommend to exclude the liquidity criteria. - Above all AFTI highlights the need for a buy in duration harmonized across CSDs to prevent arbitrage cross countries on the same ISIN (see prerequisite above in Q13). - Buy in procedure follows several steps: 1- buy in extension period 2- buy in procedure activation 3- buy in execution period Each step needs to be harmonised accross countries and at least follows the rules defined by the issuer CSD.
	Q15: Under what circumstances can a buy-in be considered not possible? Would you consider beneficial if the technical standard envisaged a coordination of multiple buy-ins on the same financial instruments? How should this take place?	-AFTI reckons that the buy in should be irrevocable once triggered. - The accurate operational process has to be defined and communicated by the CSD and be harmonized between CSDs and et CCPs. - Unncessary buy-in shall be avoided hence the first buy-in shall be triggered by the CCP and its consequence/result shared along the market participants as dependency and then down the chain to trigger buy-in on the remaing part. There should be a coordination for the buy in: the activation period of the buy in triggered by the CCP should be shorter than the CSD one in order to integrate the result of CCPs buy in for the total position.
Details of operation of the appropriate buy-in mechanism: operation types and timeframes under which buy-in is deemed ineffective (Article 7(14)(e)	Q16: In which circumstances would you deem a buy-in to be ineffective?	- Whenever there is a linkage between two transactions (like T2S feature), when the first transaction did not settle on intended settlement date, AFTI suggests to replace the buy in process by a netting arrangement with the second transactions of the linkage.
Calculation of the cash compensation (Article 7(14)(f))	Q17: Do you agree on the proposed approach? How would you identify the reference price?	- AFTI reminds that cash compensation is always due whatever the market price is. - Cash compensation level should be harmonised in Europe (see CCPs' practices) - AFTI advice is that the market refers to the CCPs practices and to the ECB prices when they are available.
Conditions under which a participant is deemed to consistently and systematically fail to deliver the financial instruments (Article 7(14)(g))	**Q18: Would you agree with ESMA's approach? Would you indicate further or different conditions to be considered for the suspension of the failing participant?**	- AFTI reckons that penalizing the custodian rather than the ordering party will be inefficient. - Participants behaviour assessment should be done on a European basis and not on a country per country basis. - In that case, ESMA would be the body deciding of the european supension of a given participant.

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
	Q19: Please, indicate your views on the proposed quantitative thresholds (percentages / months).	- AFTI suggests that statistic criteria should be calculated on a European basis and must be proportionated to the participant activity and its business profile.
Necessary settlement information (Article 7(14)(h))	Q20: What is in your view the settlement information that CSDs need to provide to CCPs and trading venues for the execution of buy-ins? Do you agree with the approach out-lined above? If not, please explain what alternative solutions might be used to achieve the same results.	1/Three possible cases for the buy in are described in the discussion paper: - CCP triggering - Trading venue providing information - CSD providing information We consider that the two later cases have to be merged and we end up with only two possibilities: - Either the buy in is trigered by the CCP or it is triggered by the CSD. 2/There is no need to push for further segregations at CSD level because in any case the segregation is done within the participant books. Therefore the participant is able to cascade down the buy in to his final client. Omnibus accounts at CSD level are sufficient to protect clients assets and to monitor fails as long as local regulations allow for omnibus facilities.
Penalties for settlement fails (Article 7(13))	To be defined in an EC Delegated Act.No question	
The processes for collection and redistribution of the cash penalties and any other possible proceeds from such penalties (Article 7(14(b)))	depends on the Commission delegated act - ESMA will consult on those aspects at a later stage. No question	

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Internalised settlement (Article 9(2) and (3))	**Q21: Would you agree that the above mentioned requirements are appropriate?**	- AFTI agrees with the proposed information gathering rules on settlement internalisation. - For equal treatment reasons, AFTI reckons that this should also apply to CSDs when they settle on their systems transactions in securities for which they do not assume the notary function. - AFTI is in favor of the reporting of the "book to book" transaction at the participant level. Supposedly, a participant has thorough risk procedures and controls that ensure the quality and of their platforms and services. As a consequence, custodians suggest to communicate statistics on settlement on a quaterly basis but are not in favor of proving their efficiency for each transaction (for instance already covered through the banking regulation in France). - More generally, AFTI is convinced that a strong legal environment such as the French one covers perfectly any systematic risk
III.II CSD Authorisation		
Information to the CA for authorisation (Article 17(8))	Q22: Would you agree that the elements above and included in Annex I are appropriate? If not, please indicate the reasons or provide ESMA with further elements which you find could be included in the draft RTS, and any further details to justify their inclusion.	We agree with the approach. However, on the list in Annex I, we would like to make the following comments. (i) Chapter C3 on conflict of interests also addresses conflicts of interests with participants (point 1). We think that conflict of interest of a competitive nature should be included here. (ii) on E4 and E5, ESMA writes "help to ensure" and "help to reduce". This language is not strong enough. Pursuant to Level 1 legislation, the CSD must ensure the integrity of the issuance and protect clients' securities. (iii) C6 : the user committee is an independent body. It shouldn't report into the board.

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
CSD identification, policies and procedures, relevant agreements		
Information to the CA for authorisation - Standard forms, templates and procedures (Article 17(9))	Q23: Do you agree that the above mentioned approach is appropriate? If not, please indicate the reasons or provide ESMA with further elements which could be included in the draft ITS.	
Conditions for participations of CSDs in entities which not provide services listed in Sec-tions A and B of the CSDR Annex (Article 18)		
Distinction with Articles 46 and 47		
Guarantees		
Limit control		
Limit percentage of income from participations		
Limit participations to securities chain	Q24: Do you see other risks and corresponding mitigating measures? Do CSDs presently have participations in legal persons other than CCPs, TRs and trading venues that should be considered? Would banning CSDs from directly participating in CCPs be advisable, in your view?	We see a risk in providing that income from participants be limited to 20% of the CSD's income (p.33). This would de facto oblige CSDs to enter into alternative forms of business and in practice we don't see which ones.
Review and evaluation (Article 22(10) and (11))		
A report summarising material changes to the arrangements, strategies, processes and mechanisms		
The documentation modified either after the authorisation procedure foreseen under Article 17 CSDR or after the last review of the CSD		
Information defined to be delivered for each review		

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Other information	Q25: Do you consider the approach outlined above adequate, in particular as regards the scope and frequency of information provision and the prompt communication of material changes? If not, please indicate the reasons, an appropriate alternative and the associated costs.	
Information from third country CSDs to ESMA for recognition (Article 25)	Q26: Do you agree with this approach? Please elaborate on any alternative approach illustrating the cost and benefits of it.	We fully agree with this approach subject to the necessary changes in content requested from the third country CSD due to the fact that the central custody functions of a third country CSD doesn't need to be recognised by ESMA. Therefore, in Annex I the questions related to custody need not be asked to the thrid country CSD. This includes E1, 14, E5, E8, C7,
Monitoring tools for the risks of CSDs, responsibilities of key personnel, potential conflicts of interest and audit methods (Article 26)		
Risk monitoring and responsibilities of the key personnel		
a. Management body responsibilities		
b. Senior management responsibilities:		
c. Conflict of interests		
d. Regular and independent audits	Q27: Do the responsibilities and reporting lines of the different key personnel and the audit methods described above appropriately reflect sound and prudent management of the CSD? Do you think there should be further potential conflicts of interest specified? In which circumstances, if any, taking into account potential conflicts of interest between the members of the user committee and the CSD, it would be appropriate not to share the audit report or its findings with the user committee?	There should be one further conflict of interests specified, namely those of a competitive nature, including where a CSD provides settlement services related to securities for which it doesn't provide the notary function.

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Recordkeeping (Article 29(3) and (4))		
Data keeping and availability / other aspects	Q28: Do you agree with this minimum requirements approach? In case of disagreement, what kind of categories or what precise records listed in Annex III would you delete/add?	We agree with the approach, but not with the entirety of elements that is requested. Namely, the information on the participant's client shouldn't be compulsory but depend on that client's wish to open a segregated account at CSD level. Level 1 legislation leaves that alternative to the client. By imposing that the name of the client be communicated to the CSD upon flow record, the option no longer exists. Furthermore, the CSD shouldn't receive information on the cash leg of the transaction: either the CSD provides cash services and in that case the CSD knows the payment bank ; or the CSD doesn't provide cash services and this information is irrelevant.
	Q29: What are your views on modality for maintaining and making available such records? How does it impact the current costs of record keeping, in particular with reference to the use of the LEI?	No comment
Risks which may justify a refusal of access to participants and procedure in case of refusal (Article 33(5) and (6))		
Reasons which may justify a refusal by a CSD of access to participants		
a. Legal risks		
b. Financial risks		
c. Operational risks	Q30: Do you agree that the CSD risk analysis performed in order to justify a refusal should include at least the assessment of legal, financial and operational risks? Do you see any other areas of risk that should be required? If so, please provide examples.	We agree. However, in par. 37, point B on Financial Risk, the participant must be in a position to fulfill its obligations also to the central bank or commercial bank where the cash leg of the transaction settles - not only towards the CSD.
Elements of the procedure where a CSD refuses to provide access to a participant	Q31: Do you agree that the fixed time frames as outlined above are sufficient and justified? If not, which time frames would you prefer? Please provide reasons to support your answer.	

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Integrity of the issue (Article 37)		
Internal Reconciliation		
The specific case of corporate actions	Q32: In your opinion, do the benefits of an extra reconciliation measure consisting in com-paring the previous end of day balance with all settlements made during the day and the current end-of-day balance, outweigh the costs? Have you measured such costs? If so, please describe.	Continuing reconciliation of securities positions is part of the main functions of CSDs and custodians alike. If a CSD can't afford to do this, it shouldn't be doing this business at all. We would like to comment on par. 144: the consequence hereof would be that due to a malfunctioning within the CSDs systems, a security would be suspended from settlement. This would only increase the disorder.
	Q33: Do you identify other reconciliation measures that a CSD should take to ensure the integrity of an issue (including as regards corporate actions) and that should be considered? If so, please specify which and add cost/benefit considerations.	French Place is very surprised about ESMA's cost-benefit analysis on such an important topic as integrity of the issuance. This is a main aspect of the CSD business in its function of financing the real economy, so precisely here, we think that a CSD must have all necesary financial and human ressources necessary to perfectly fufill these functions.
External reconciliation Article 34(2)		
a. Registrars maintain the legal records of title of physical securities, while the record of legal ownership for the dematerialised securities is maintained by the CSD		
b. Transfer agents		
c. Common depositories		
Prohibition of overdrafts, debit balances and securities creation Article 37(3)	Q34: Do you agree with the approach outlined in these two sections? In your opinion, does the use of the double-entry accounting principle give a sufficiently robust basis for avoiding securities overdrafts, debit balances and securities creation, or should the standard also specify other measures?	Double-entry accounting principles are a good basis but they are insufficient to fully ascertain the integrity of the issuance. Namely because accounting principles are batched over night only and not intraday. Therefore, continuous reconsiliation of the double accounts intraday is necessary on a continuing basis as well as reconciliation with participants accounts.
Operational risks (Article 45)	Q35: Is the above definition sufficient or should the standard contain a further specification of operational risk?	We agree with the definition of operational risk proposed.
Operational risk management framework		

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
a. Risk management system and framework		
b. Risk management function and resources		
c. Integration of risk management system and reporting		
d. Documentation of and compliance with the risk management system		
e. Audit and Testing	52	
	Q36: The above proposed risk management framework for operational risk considers the existing CSDs tools and the latest regulatory views. What additional requirements or details do you propose a risk management system for operational risk to include and why? As always do include cost considerations.	We do not foresee any additional requirement for the time being for the CSD to monitor their operational risk
Identification and mitigation of operational risk		
a. Identification		
b. Mitigation	Q37: In your opinion, does the above proposal give a sufficiently robust basis for risk identification and risk mitigation, or should the standard also specify other measures? Which and with what associated costs?	We agree with this proposal
Information technology tools	Q38: What are your views on the possible requirements for IT systems described above and the potential costs involved for implementing such requirements?	Agree with the proposal
Business continuity policy	Q39: What elements should be taken into account when considering the adequacy of resources, capabilities, functionalities and staffing arrangements of the secondary processing site and a geographic risk profile distinct from that of the primary site?	We consider that an adequate secondary site should be sufficiently far from the primary site to avoid being dependent upon the same providers for essential features such as electricity, water, …In addition the secondary site should be sufficiently staffed to allow a recovery of business from the primary site on a quasi real time basis for the most critical operations
a. Interdependencies		

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
b. Participants		
c. Utility providers and critical service providers		
d. Links to other FMIs	Q40: In your opinion, will these requirements for CSDs be a good basis for identifying, monitoring and managing the risks that key participants, utility providers and other FMIs pose to the operations of the CSDs? Would you consider other requirements? Which and why?	Agree with the proposal
Investment policy (Article 46)		
Highly liquid		
Appropriate timeframe for access to assets		
Concentration limits	Q41: Do you agree with the approach outlined above? In particular, do you agree with the approach of not distinguishing between CSDs that do not provide banking services and CSDs that do so?	Agree with the proposal
	Q42: Should ESMA consider other elements to define highly liquid financial instruments, 'prompt access' and concentration limits? If so, which, and why?	As explained in the previous answers, we do not see elements that would define the liquidity of an instrument. Therefore in our view this question is not applicable.
CSD links (Article 48)		
Protection of the linked CSDs and their participants in different types of link arrangements		
Legal risks		
Operational risks		
Financial risks		
Standard and customised links		

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Interoperable links	Q43: Do you agree that links should be conditioned on the elements mentioned above? Would there be any additional risks that you find should be considered, or a different consideration of the different link types and risks? Please elaborate and present cost and benefit elements supporting your position.	We strongly disagree that standard and customised links should be treated equally. A standardised link should be treated as any participation request to a CSD ; while a customised risk actually deteriorates a CSD's risk profile due to diverging operating conditions applying to various participants (contradictory to par. 189). The additionnal requirements should apply to customised links in addition to the "normal" participation requirements. Furthermore, in relation to par. 190, please note that the Settlement Finality Directive doesn't leave a choice of law to CSDs so that the requirement under the 4th point of par. 190 is impossible. Our final comment is that the entirety of the CPSS-IOSCO risk identification standards should apply here, including custody risk and also in the case of customised links, the additional litigation risk and project management.
Monitoring and managing additional risks arising from indirect links and the use of intermediaries	Q44: Do you find the procedures mentioned above adequate to monitor and manage the additional risk arising from the use of intermediaries?	Agree with the proposal
Reconciliation methods		
Identification, investigation and rectification of discrepancies	Q45: Do you agree with the elements of the reconciliation method mentioned above? What would the costs be in the particular case of interoperable CSDs?	Agree with the proposal
DVP settlement	Q46: Do you agree that DvP settlement through CSD links is practical and feasible in each of the cases mentioned above? If not explain why and what cases you would envisage.	Agree with the proposal
Reasons which may justify a refusal of access to issuers and the procedure in case of refusal (Article 49(5) and (6))		
Reasons which may justify a refusal by a CSD of access to issuers		
Legal risks		
Financial risks		

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Operational risks	Q47: Do you agree that the risk analysis performed by the CSD in order to justify a refusal to offer its services to an issuer should at least include legal, financial and operational risks? Do you see any other areas of risk that should be considered? If so, please give examples.	Agree with the proposal
Elements of the procedure where a CSD refuses to provide services to an issuer	Q48: Do you agree that the time frames as outlined in the procedure above are sufficient and justifiable? If not, which time frames would you prefer? Please provide reasons to support your answer.	Agree with the proposal but it is important toprecisely define the timeframe for a CSD to refuse an issuer.
CSD links: procedure in case of refusal of access (Article 52(3) and (4))		
Elements of the procedure where a CSD refuses to provide services to a requesting CSD	Q49: Do you agree that the time frames as outlined in the procedure above are sufficient and justifiable? If not, which time frames would you prefer? Please provide reasons to support your answer.	Agree with the proposal but it is important toprecisely define the timeframe for a CSD to refuse an issuer.
	Q50: Do you believe that the procedure outlined above will work in respect of the many links that will have to be established with respect to TARGET2-Securities?	Agree with the proposal
Reasons which may justify a refusal of access to other market infrastructures and the procedure in case of refusal (Article 53(4) and (5))		
Reasons which may justify a refusal by a CSD of access to other market infrastructures		
Legal risks		
Financial risks		

21/05/14		
Article / Paragraph No.	**Discussion Paper - Draft Technical Standards for the Regulation on improving securities settlement in the European Union and on central securities depositories (CSD)**	**Proposed answers**
Operational risks	Q51: Do you agree that the risk analysis performed by the receiving party in order to justify a refusal should include at least legal, financial and operational risks? Do you see any other areas of risk that should be considered? If so, please give examples?	Agree with the proposal
Elements of the procedure where a party refuses to provide access to another party	Q52: Do you agree that the time frames as outlined in the procedure above are sufficient and justifiable? If not, which time frames would you prefer? Please provide reasons to support your answer.	Agree with the proposal but it is important toprecisely define the timeframe for a CSD to refuse an issuer.
Procedure for granting and refuse authorisation to provide banking type of ancillary services (Article 55(7) and (8))	**Q53: Do you agree with these views? If not, please explain and provide an alternative.**	Agree with the proposal
	Q54: What particular types of evidence are most adequate for the purpose of demonstrating that there are no adverse interconnections and risks stemming from combining together the two activities of securities settlement and cash leg settlement in one entity, or from the designation of a banking entity to conduct cash leg settlement?	No other elements than the ones described in this discussion paper.