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Additional Information

Level 1 Regulation
Central Securities Depositories Regulation (CSDR) Regulation (EU) No 909/2014- PTR-CSDR

Topic
CSD questions - Authorisation of CSDs

Subject Matter
Authorisation and supervision of CSDs

Question
(a) When do the relevant deadlines pertaining to the review of a CSD's application for authorisation under CSDR (including six months for a final decision) begin? Can the clock be stopped on application deadlines when an NCA is waiting for further information from the CSD?

(b) Do the procedures referred to in Article 20(5) of CSDR include also the transfer of issuance accounts and records linked to the provision of the notary or central maintenance services referred to in points 1 and 2 of Section A of the Annex to CSDR?
(c) Should the CSD links a CSD has established or intends to establish at the time of its application for authorisation under Article 16 of CSDR be assessed for the purpose of granting authorisation to that applicant CSD?

ESMA Answer

23-03-2018

Original language

[ESMA70-156-4448 CSD - CSD Q&A1]

(a) Article 17(8) of CSDR provides that the NCA shall inform an applicant CSD of its decision to authorise it or not “within six months from the submission of a complete application”.

The relevant deadlines pertaining to the review of a CSD’s application for authorisation under CSDR (including six months for a final decision) do not begin until the CSD has submitted an application which the NCA deems complete, i.e. the ‘clock’ does not start until the application is considered to be complete. However, once the NCA has deemed an application complete, this constitutes confirmation that it has the information necessary to assess the CSD’s compliance.

(b) In order to ensure the continuity and integrity of securities issues in relation to which a CSD provides the notary or central maintenance services, as well as the possibility for transferable securities to be traded on trading venues and to be subject to financial collateral arrangements in accordance with Article 3(2) of CSDR, the procedures referred to in Article 20(5) of CSDR should also cover the transfer of any issuance accounts and records to another CSD, which is able to provide the notary or central maintenance services in relation to the respective securities.

(c) Yes. Where a CSD has established or intends to establish CSD links at the time of its application for authorisation pursuant to Article 16 of CSDR, Article 36 of the RTS on CSD Requirements requires the applicant CSD to include an assessment of its compliance with Article 48 of CSDR and Chapter XII of the RTS on CSD Requirements for all the CSD links. Where a CSD has established or intends to establish interoperable links at the time of its application for authorisation under Article 16 of CSDR, except for interoperable links referred to in Article 19(5) of CSDR, the additional procedural steps envisaged under paragraphs (3) and (4) of Article 19 of CSDR should be taken into account while complying with the general procedure pursuant to Article 17 of CSDR.