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Additional Information

Level 1 Regulation
Short Selling Regulation (SSR) Regulation (EU) No 236/2012

Topic
Scope

Subject Matter
Application outside the EU and to non-EU persons

Question
Do the provisions of the Regulation also apply outside the EU and to non-EU natural or legal persons?

ESMA Answer

13-09-2012

Original language

[ESMA70-145-408 SSR Q&A, Q&A 4.1]

Article 1 of the Regulation defines the scope of the Regulation by listing the financial instrument to which the provisions of the Regulation apply. For financial instruments referred to in Article 1(a) of the Regulation, the only decisive criterion is the admission of the instrument in question to trading on a trading venue in the Union (except where the principal trading venue of that instrument is in a third country), including when they are traded outside a trading venue. For debt instruments referred to in Article 1(c) of the Regulation, the main defining element is that these financial instruments are issued by a Member State or the Union. The same applies to sovereign CDS as defined under Article 1(e) of the Regulation. Neither the domicile or establishment of the person entering into transaction on these financial instruments nor the place where these transactions take place, including in third countries, are of any relevance in this regard.