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Additional Information

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

Topic
Other SSR-related topics

Subject Matter
Net short positions - Net short positions arising from non-management activities and calculation at group level

Question
In a group constituted of several legal entities, including management entities, should the short positions of the management entities arising from their ‘non-management activities’ be aggregated with those of the legal entities not performing management activities as part of the ‘group position’ for reporting, or should they be reported separately?

ESMA Answer

10-10-2012

Original language

[ESMA70-145-408 SSR Q&A, Q&A 8.8]

According to Articles 12(5) and 12(6), a legal entity within a group that performs both management activities and non-management activities should calculate separately, and report where relevant, the net short position resulting from its management activities in a particular issuer from the net short position resulting from its non-management activities.

The latter should be calculated at the concerned legal entity level. It should be aggregated and netted at group level with the net short and long positions of the other legal entities of the group that do not perform management activities.