

**Submission Date**

29/01/2013

# ESMA\_QA\_1941

Status: Answer Published

## **Additional Information**

---

### **Level 1 Regulation**

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

### **Topic**

Uncovered short sales

## **Subject Matter**

Record keeping of the relevant evidence on a durable medium

## **Question**

How long should the durable medium under Article 5, 6 and 7 of the ITS (Commission Implementing Regulation EU No 827/2012) be stored as evidence of the existence of the agreement to borrow or other enforceable claim?

## ESMA Answer

---

29-01-2013

Original language

[ESMA70-145-408 SSR Q&A, Q&A 10.4]

Although Articles 5, 6 and 7 of the ITS do not specify the length of time for retaining the relevant evidence, ESMA recommends that the durable medium used should allow the evidence to be kept unaltered, accessible and retrievable for 5 years.