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Status: Answer Published

Additional Information

Level 1 Regulation

Regulation 648/2012 - OTC derivatives, central counterparties and trade repositories (EMIR) - CCPs

Topic

EU-CCPs

Subject Matter

Active Account Requirement

Question

Should the group level treatment mentioned in Article 7a(2) of EMIR apply to the calculation of both conditions mentioned in Article 7a(1)?

ESMA Answer

Original language

The methodology to determine the fulfilment of the first condition of Article 7a(1) of EMIR, i.e. whether a counterparty is subject to the clearing obligation, is specified under Articles 4a and 10 of EMIR, respectively. There is therefore no need to perform a new calculation under Article 7a(2) of EMIR to establish whether that condition is met.

The group level calculation method set out in Article 7a(2) of EMIR shall apply to the second condition mentioned in Article 7a(1) of EMIR.

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