

Mr Steven Maijoor  
Chairman  
ESMA  
103, rue de Grenelle  
75007 Paris  
FRANCE

Brussels, 18 February 2015

Dear Sir,

**Subject: Consultation Paper on Technical advice under the CSDR – Criteria to determine when a CSD becomes of substantial importance for the host country.**

The NBB proposes to revert to definition of freedom of services and to develop criteria/metrics to determine when only such activities (notary and/or central maintenance services; setting up of a branch) become of substantial importance for the host country.

Accordingly, the assessment of the “*substantial importance*” of a CSD in another Member State should not include the settlement services.

The NBB also recommends not to use the country of establishment of CSD’s participants as relevant criteria to determine the substantial importance of cross-border services as these participants are not always the effective and final beneficiaries of such services. Moreover this criteria would not fit with the T2S environment which aims to promote the development of the cross border settlement activity and would put in place overly burdensome cross border supervisory arrangements which may inhibit the development of the CSD’s cross-border activities, while opening the cross border market within the EU was one of the objectives of the CSDR.

Yours sincerely,



Luc COENE

your reference

our reference  
TP/PR/2015/L 98

your correspondent

Benoit Bourtembourg  
phone: + 32 2 221 27 07  
fax + 32 2 221 31 90  
benoit.bourtembourg@nbb.be

Prudential Supervision of Market  
Infrastructures and Oversight  
National Bank of Belgium Ltd  
boulevard de Berlaimont 14  
1000 Brussels  
BELGIUM

company's number:  
0203 201 340  
RLP Brussels  
www.nbb.be