

- 1) Yes. The Securities Issues Department (hereinafter “the SID”) agrees with the opinion that especially investors are interested in the information about issuers when making decisions about the purchase/sale of investment securities. At the same time it believes that OAM can be established in a manner that enables it to satisfy also various specific needs of more sophisticated investors or other end users.
- 2) The SID agrees that, in accordance with the Transparency Directive, it is necessary for the regulated information, which is disseminated by the issuer or another person that applied for the admission of securities to trading on a regulated market without the consent of the issuer, to be available through OAM. The SID suggests that OAM contains also prospectuses or issue conditions (terms of issue) which would ensure greater scope of provided information. On the other hand, as far as the storage of other information in OAM is concerned, the SID thinks that the quality of the whole system might be deteriorated, especially with regard to the easy access of end users to required information (see para. 86 to 121). In particular, there might be duplications of some information which would negatively affect the ability of less sophisticated users to look up information in the system. However, this might be solved by links referring to places where the information can be found. The Methodology and Analysis Department (hereinafter “the MAD”) also agrees with the access to obligatorily stored data and the definition of minimum harmonized content, however, it suggests that the system under construction is perceived from a perspective that is broader than the one of Transparency Directive.
- 3) The SID agrees that, for the purposes of Transparency Directive, it is sufficient that the information included in OAM can be looked up, viewed, downloaded and printed. However, it draws the attention to the fact that it is necessary to put special emphasis on the choice of suitable search systems so that investors are able to orient themselves quickly and easily in the great amount of available information.
- 4) The SID fully agrees with CESR that the main aim of interconnection of individual OAMs is the creation of network of national databases for the purpose of access to regulated information on all issuers from any location.
- 5) The SID doesn’t think that it is necessary to propose ways of interconnection of individual national databases and creation of pan-European information database other than those proposed in the document.
- 6) In order for the pan-European network of OAMs and especially the principle of “one-stop-shop” to be purposeful, it is necessary that OAMs are accessible through internet, able to receive electronic filings and able to store all information in electronic format. Here it is necessary to point out that the SID welcomes CESR’s opinion that, when setting minimum requisites of individual OAMs, it is suitable to set higher and more general aims that are to be achieved rather than accurate and detailed rules. This will enable individual Member States to adjust their OAMs to concrete conditions and needs, especially with respect to costs related to their set-up and operation. The MAD also thinks that OAMs should be able to store regulated information at minimum harmonized level. This minimum content standard should be clearly defined. On the other hand, in the area of technical solution (and eventual content superstructures) it is clear that accurate rules are not suitable, even with regard to existing national databases in several Member States.

- 7) The whole mechanism should be designed in a way that doesn't overburden issuers (i.e. it should be able to receive different data formats) and doesn't increase their costs too much. Overburdening of issuers might lower their interest in raising funds on the capital market which would probably result in restricting their investment/business activities and smaller growth of the whole "European economy". At the same time, there should be certain prescribed templates for the purpose of situations requiring fast processing of certain data. They would be useful for example for the purposes of notifications of shares in voting rights and inside information, i.e. in cases when investors need to get hold of information as soon as possible. As the MAD mentioned in the introductory document, it is necessary to point out that the European Commission aims to harmonize the format of reporting for all supervised entities (probably including issuers), for detailed information please see the general note.
- 8) OAM should be able to identify the source of stored information, ensure that the stored information is complete and that it is not possible to further edit it (and if it is possible, then only exceptionally and in the form of a supplement outside the original document). It must also be technologically independent and have back-up facilities so that its operation can be restored as soon as possible if there is a system failure.
- 9) In the SID's opinion, the use of additional standards on security is not necessary.
- 10) If an electronic network of national OAMs is set up, requirements for information and its security other than those mentioned in the text will not need to be adopted, i.e. the information must be complete and timely, it must not be possible to change it during storage.
- 11) We agree with the minimum standards for information concerning the origin and especially the verification of the origin of information by the authorised personnel of OAM, providing the information that was sent with electronic signature, ensuring that the delivered information is complete and in the form in which it was sent.
- 12) Information should be time stamped when entering the system irrespective of whether its content has been checked or not. This will guarantee that the time of entry of all information is recorded. When entering the system, information should be standardized and, if possible, defined templates should be used.
- 13) We are not aware of any reason why additional specific measures and standards regarding time recording of information other than those defined in the point above should be used.
- 14) Information requirements for ensuring easy access of an investor to information should not be distinguished according to the type of regulated information, i.e. whether it is continuous disclosure duty, half-yearly report, annual report or inside information.
- 15) As Article 20 of the Transparency Directive stipulates that issuers are not obliged to send regulated information in English, it seems reasonable that at least the description of search process and basic information at individual OAM level are in the language of international finance.
- 16) We agree that individual OAMs should have the same technical parameters so that their mutual communication is easier. Easy accessibility for issuers to send regulated

information must also be ensured. Time between receipt and publication of regulated information should be as short as possible.

- 17) Regulated information should be provided to end users in the prescribed format regardless of the format in which this information enters the system. To be specific, OAM should be able to convert the incoming information into the stipulated format which would make possible viewing, downloading and printing.
- 18) The issue of funding and costs should be solved at individual national system level. Operators should decide whether the system will be funded by contributions of users or otherwise. The consultation document actually doesn't deal with the issue of costs related to the system of national databases. It says that it depends on the chosen model. However, the logic of the process of solution choice and the document should be totally reverse. It is possible to answer the given questions in a qualified manner only if all the key criteria of the model selection, to which the related costs belong, are clear. Only after that it is possible to assess whether the proposed standards of CESR will respect the principle of proportionality.
- 19) With respect to quality of provided services, models A and B seem to be the best. Upon introduction of the centralized system A, costs related to central search system would have to be shared which seems to be less favourable in comparison with the decentralized model B where every national OAM will bear only its costs related to the system functioning. However, it will not be possible to answer this question precisely until the costs of different alternatives are assessed (especially with respect to which authority will be the operator – the Czech Securities Commission/the Czech National Bank or the Ministry of Finance).
- 20) Yes, national authorities should carry on the direct supervision and be responsible for fulfilment of requirements by national OAMs. They should also be authorised to select the operator of OAM and perform periodic supervision over it.
- 21) If two states use one OAM, it should have its registered office within the territory of one state and the supervision over it should be carried on only by one designated authority.
- 22) Yes, national OAMs should be allowed to adapt system requirements if there are technological evolutions while retaining interoperability of national systems.
- 23) We agree that the coordination of further development of European information system is discussed and determined at the level of CESR.
- 24) The storage of information by the national competent authority for the purpose of carrying on supervision over the issuer should be up to this authority. On the other hand, if it is regulated information, it should be stored in the form that can be used by the supranational system of information disclosure and therefore it should adhere to the stipulated requirements. When setting up the national system in the Czech Republic it is necessary to take into consideration whether this system will be only for information about issuers or about all supervised persons. In case of the complex approach (for all supervised persons), the issue of relationship between OAM and the flow of regulated information from other supervised persons (certain regulated information cannot be disclosed) would have to be solved. For further information please see the general note.

- 25) Information should be stored only in electronic form. Any requests for and storage of information in physical (paper) form are redundant and would only result in additional costs.
- 26) As already mentioned in the previous answer, the SID prefers storage of regulated information in electronic form and thinks national authorities should be required to do so.
- 27) OAM must be able to verify the validity of stored information, confirm electronic receipt of documents or reject them with explanation of rejection. As issuers (those who will use the system for storage of regulated information) often use services of third persons, the mechanism must also be able to solve these situations.
- 28) According to the SID, the whole issue of minimum requirements for OAM system attributes was sufficiently dealt with in CESR reports.
- 29) We agree that all information which was sent should be verified as regards its correctness (technical correctness, not content correctness) and supplied with the date of arrival for better identification.
- 30) In accordance with the answer to question no. 7, it is necessary to ensure that the system doesn't bring additional excessive costs to issuers. With respect to the fulfilment of purpose of pan-European system of electronic filing and storage of information it is not necessary to use single forms which would be harmonized at EU level. The precondition of their full use is among others their preparation in one language (most probably in English) and in one currency (EUR) so that they are easy to analyze. However, this would undoubtedly increase the costs of certain issuers (e.g. those who still use their domestic currency) and could disturb all efforts supporting the raising of funds on the capital market. However, in cases where it is possible to use certain standardized forms (e.g. notification of shares in voting rights) it is good to support them as they can significantly contribute to mutual interconnection of individual national systems.
- 31) Here the SID's opinion is the same as for question no. 30.
- 32) Yes, we agree with the mentioned ways of alignment of sending information to competent authority with its storage. At the same time, our opinion tends towards the possibility where the competent authority also functions as OAM.
- 33) In our opinion, the proposed ways of alignment of sending information to competent authority with its storage are sufficient.
- 34) We think that the issue in question was sufficiently dealt with at CESR level.