

PUBLIC STATEMENT

ESMA updates on third-country CCP recognition decisions

The European Securities and Markets Authority (ESMA), the EU's securities markets regulator, has announced a series of updates in relation to the recognition of central counterparties established in third countries (TC-CCPs) under EMIR (Regulation (EU) 648/2012)¹.

The updates include the review of recognitions of TC-CCPs that were already previously recognised, the conclusion of revised Memoranda of Understanding (MoUs) with relevant third country authorities, as well as the first-time recognition of the National Securities Clearing Corporation (NSCC).

On 22 March 2022, ESMA completed the tiering and review of the recognition decisions of 25 TC-CCPs recognised by ESMA prior to September 2020, under Article 89(3c) of EMIR and in accordance with Article 25 of EMIR. For a number of TC-CCPs, ESMA is still waiting for some additional clarifications, including from the European Commission (EC) regarding relevant equivalence decisions, in order to finalize the review of recognition process.

ESMA also recognised for the first time NSCC, which is authorised and supervised by the US Securities and Exchange Commission (SEC), as a Tier 1 CCP under Article 25 of EMIR following the adoption by the EC of a Commission Implementing Decision (EU) 2021/85² on the equivalence to the requirements of EMIR of the United States regulatory framework for central counterparties that are authorised and supervised by the SEC in January 2021.

¹ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1–59).

² Commission Implementing Decision (EU) 2021/85 of 27 January 2021 on the equivalence to the requirements of Regulation (EU) No 648/2012 of the European Parliament and of the Council of the regulatory framework of the United States of America for central counterparties that are authorised and supervised by the U.S. Securities and Exchange Commission (Text with EEA relevance), (OJ L 29, 28.1.2021, p. 27–33)



As pre-requisite to the recognition process, ESMA has to conclude modified or new MoUs with the relevant third country authorities³, to reflect key amendments to EMIR introduced by Regulation (EU) No 2019/2099⁴.

The 16 signed MoUs enhance the supervisory cooperation arrangements between ESMA and the relevant third country authorities, whose legal and supervisory framework for CCPs have been deemed equivalent to EMIR by the European Commission. All MoUs between ESMA and third country authorities are published on the ESMA website.

The detailed list of recognised TC-CCPs is published on the ESMA website ([third-country CCPs recognised under emir.pdf \(europa.eu\)](#)).

³ Mexico, Canada (AMF/OSC), Canada (ASC), Australia, Singapore, New Zealand, Korea, Brazil, Switzerland, Japan (JFSA), Japan (MAFF/METI), Hong Kong, Dubai, UAE, US SEC, and supplemental arrangement to the CFTC 2016 MoU

⁴ Regulation (EU) 2019/2099 of the European Parliament and of the Council of 23 October 2019 amending Regulation (EU) No 648/2012 as regards the procedures and authorities involved for the authorisation of CCPs and requirements for the recognition of third-country CCPs, (OJ L 322, 12.12.2019, p. 1–44)

Notes for editors

- (i) Further details of the work of the [standing committees](#) can be found on ESMA's website.
- (ii) ESMA's mission is to enhance investor protection and promote stable and orderly financial markets.
- (iii) It achieves these objectives through four activities:
 - i. assessing risks to investors, markets and financial stability;
 - ii. completing a single rulebook for EU financial markets;
 - iii. promoting supervisory convergence; and
 - iv. directly supervising specific financial entities.
- (iv) ESMA achieves its mission within the European System of Financial Supervision (ESFS) through active cooperation with the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA), the European Systemic Risk Board, and with national authorities with competencies in securities markets (NCAs).

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