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.

As pre-requisite to the recognition process, ESMA has to conclude modified or new MoUs with the relevant third country authorities⁵, 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).  

---

⁵ 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

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).

Further information:

Sarah Edwards
Communications Officer
Tel: +33 (0)1 58 36 64 23
Email: press@esma.europa.eu