



European Securities and
Markets Authority

Amendment No. 3

Of the Delegation Agreement number [Reference]



ESMA65-12-1860



Amendment No. 3 of the Delegation Agreement No. [Reference]

Following the decision by the Delegated Project Board, this Amendment No. 3 (hereinafter referred to as “the Amendment”) amends the Delegation Agreement referred above (hereinafter referred to as “the Delegation Agreement”), as set out below:

The European Securities and Markets Authority, represented by Verena Ross;

(“ESMA”)

of the one part,

And

[Name of the NCA] with its Head office at **[address]**, represented by **[Name of representative]**;

(“NCA”)

of the other part,

have agreed as follows:

Article 1: Payments

Articles 18.1, 18.2 and 18.6 of the Delegation agreement are replaced as follows:

18.1 ESMA shall issue a debit note to the NCA for its financial contribution in respect of each calendar year. This shall be done only after the steps referred to in Article 18.2 have been taken.

18.2 The requested financial contribution shall be the estimated contribution set out in Annex [4.1] **[and/or]** [4.3] of the Delegation Agreement supplemented by the relevant decisions of the Delegated Projects Board.

Before issuing a debit note, ESMA shall communicate the requested contribution by sending a ‘transfer of funds request’ (Annex 9) to the NCA. The ‘transfer of funds request’ will correspond to the contribution set out in Annex [4.1] **[and/or]** [4.3] of the Delegation Agreement supplemented by the decisions of the Delegated Projects Board. The NCA shall have 30 calendar days from receipt to respond to the transfer of funds request. Should there be no response within 30 calendar days, the NCA shall be deemed to have consented to the amount of the financial contribution, and ESMA will issue a corresponding debit note.

18.6 The NCA may suspend the applicable time limit for payment at any time if there are doubts as to compliance with Article 17.1. The NCA shall revert to ESMA with a request explaining the reason and specifying the additional information required.

Article 2: Communication language and contacts

Article 22 is replaced in its entirety as follows:

22.1 All communications between the Parties in connection with the Agreement shall be in English. All IT materials referred to in Article 10.1 shall be in English.

22.2 All communications between the Parties in connection with the Agreement shall be transmitted by email. Any such communication using different email addresses than the ones designated below shall not be considered valid under the Agreement.

For communication of transfer of funds requests and debit notes, including attached reports:

For ESMA: invoices@esma.europa.eu

For the [Name of the NCA]: [\[complete email address/es\]](#)

For all other communication in connection with the Agreement:

For ESMA: it.pmo@esma.europa.eu

For the [Name of the NCA]: [\[complete email address/es\]](#)

Both parties will ensure that only authorised persons may have access to the designated email addresses and to the documents transmitted through them.

Article 3: Description of Tasks

Annex [1.1.A] [and/or] [1.1.B] of the Delegation Agreement is replaced by the document entitled “Annex [1.1.A] [and/or] [1.1.B] (Description of Tasks Instruments Reference Data Project)” attached to this Amendment.

Article 4: Presentation (Instrument Reference Data Project)

Annex 2.1 of the Delegation Agreement is replaced by the document entitled “Annex 2.1 (Presentation Instruments Reference Data Project)” attached to this Amendment.

Article 5: Financial contributions

Annex 4.1 of the Delegation Agreement is replaced by the document entitled “Annex 4.1. (Financial contributions Instruments Reference Data Project)” attached to this Amendment.

Annex 4.3 of the Delegation Agreement is replaced by the document entitled “Annex 4.3 (Financial contributions Access to Trade Repositories)” attached to this Amendment.



Article 6: Work Plan (Financial Instruments Reference Data System)

Annex 5.1 of the Delegation Agreement is replaced by the document entitled “Annex 5.1 (Work plan)” attached to this Amendment.

Article 7: Transfer of funds request

Annex 9 Transfer of funds request is added to the Delegation Agreement.

Article 8: Other provisions of the Delegation Agreement

All other provisions of the Delegation Agreement remain unchanged and shall continue to apply.

Article 9: Entry into force

The present Amendment shall form an integral part of the Delegation Agreement. It shall enter into force on the day when it has been signed by both Parties.

Article 10: Annexes

The following documents are annexed to this Amendment and form an integral part of it:

- Annex 1.1.A or 1.1.B (Description of Tasks FIRDS)
- Annex 2.1 (Project Presentation FIRDS)
- Annex 4.1 (Financial contributions FIRDS) [and/or]
- Annex 4.3 (Financial contributions TRACE)
- Annex 5.1 (Work plan FIRDS)
- Annex 9 (Transfer of funds request)

Done in two originals in the English language.

For the [Name of the NCA]

Name

Position

Signature

Date

For ESMA

Name

Position

Signature

Date

Verena ROSS

Executive Director