

PUBLIC STATEMENT

Update on the UK's withdrawal from the European Union - preparations for a possible no-deal Brexit scenario on 31 October 2019

On 29 March 2017, the United Kingdom of Great Britain and Northern Ireland (UK) invoked Article 50 of the Treaty on European Union (TEU) which triggered the process for its withdrawal from the European Union (EU), or Brexit. The invocation procedure provides that after a negotiation period of up to two years, the TEU cease to apply to the Member State which invoked Article 50.

ESMA initiated a systematic analysis of the potential impact of a no-deal Brexit for EU securities markets and for ESMA as an organisation, when it was preparing for a potential no deal scenario on 29 March 2019 and 12 April 2019, and communicated to the market on its contingency planning.

On 10 April 2019, the European Council (Council) agreed a further extension to Brexit until 31 October 2019 to allow for the ratification of the Withdrawal Agreement by both Parties. If the Withdrawal Agreement fails to be ratified and no further extension is agreed by the Council, the UK will leave the EU on 31 October 23:00 (UK time).

The reference date for Brexit in all of ESMA's previously published measures and actions, including public statements, issued regarding the possibility of a no-deal Brexit scenario, should now be read as 31 October 2019. The full list of statements and measures issued previously is available on ESMA's website and also included in the annex to this statement.

Some of the measures announced need updating in case of a no-deal Brexit on 31 October 2019, so ESMA is issuing today updated measures in the following areas:

- [Use of UK data](#) in ESMA databases and performance of MiFID II calculations updating the communication issued on 5 February 2019¹

¹ [Public Statement - Use of UK data in ESMA databases and performance of MiFID II calculations in case of a no-deal Brexit](#)

- [Impact](#) of no-deal Brexit on MiFID II/MiFIR and the Benchmark Regulation (BMR) – C(6) carve-out, ESMA opinions on third-country trading venues for the purpose of post-trade transparency and position limits, post-trade transparency for OTC transactions, BMR ESMA register of administrators and 3rd country benchmarks calculations updating the communication issued on 7 March 2019²
- [Operational plans](#) related to ESMA databases and IT systems updating the communication issued on 19 March 2019³

Next steps

There is still a high level of uncertainty as to the final timing and conditions of Brexit, and should these change, ESMA will adjust the approach for its IT applications and databases and will inform the public of the adjusted approach as soon as possible.

² [Public Statement – Impact of Brexit on MiFID II/MiFIR and the Benchmark Regulation \(BMR\) – C\(6\) carve-out, trading obligation for derivatives, ESMA opinions on third-country trading venues for the purpose of post-trade transparency and position limits, post-trade transparency and position limits, post-trade transparency for OTC transactions, BMR ESMA register of administrators and 3rd country benchmarks provisions under a no deal Brexit](#)

³ [Public Statement – ESMA's Data Operational Plan under a no-deal Brexit Scenario on 29 March](#)

Annex – All Brexit related communications by ESMA up to 6 October 2019

Date	Reference	Title	Type
29/05/2019	ESMA70-154-1204	Revised Public Statement Trading Obligation Shares	Statement
29/05/2019	ESMA71-99-1168	ESMA adjusts application of the trading obligation for shares in a no-deal Brexit	Press Release
11/04/2019	ESMA31-67-127	Question and answers on Transparency Directive (TD)	Q&A
11/04/2019	ESMA31-62-780	Q&A on Prospectus Related Topics	Q&A
05/04/2019	ESMA71-99-1142	ESMA updates its recognition of UK CCPs and CSD	Press Release
28/03/2019	ESMA90-1-83	Brexit Update March 2019	Statement
19/03/2019	ESMA65-8-6254	Public statement on Brexit Data Operational Plan	Statement
19/03/2019	ESMA70-155-7329	Public Statement Trading Obligation Shares	Statement
15/03/2019	ESMA33-5-735	ESMA statement on the endorsement of UK credit ratings in case of a no-deal Brexit	Statement
07/03/2019	ESMA70-155-7253	Public Statement MiFIDII BMR provisions under a no deal Brexit	Statement
06/02/2019	ESMA35-43-1493	MiFID II Supervisory briefing on the supervision of non-EU branches of EU firms providing investment services and activities	Supervisory briefing
05/02/2019	ESMA 70-155-7026	Use of UK data in ESMA databases in case of a no-deal Brexit	Statement
01/02/2019	ESMA70-151-1997	ESMA statement on issues affecting reporting, recordkeeping, reconciliation, data access, portability and aggregation of derivatives under Article 9 EMIR in the case of UK withdrawal from the EU without a transitional agreement	Statement
19/12/2018	ESMA70-151-2032	ESMA statement recognition of UK CCPs and CSD in no deal Brexit	Statement
19/12/2018	ESMA35-43-1328	Brexit Statement- information to clients	Statement

Date	Reference	Title	Type
29/11/2018	N/A	ESAs propose to amend bilateral margin requirements to assist Brexit preparations for OTC derivative contracts	Website
23/11/2018	ESMA70-151-1948	Managing risks of a no-deal Brexit in the area of central clearing	Statement
09/11/2018	ESMA80-187-149	Public statement- Contingency plans of Credit Rating Agencies and Trade Repositories in the context of the United Kingdom withdrawing from the European Union	Statement
08/11/2018	ESMA71-99-1055	ESMA proposes a regulatory change to support the Brexit preparations of counterparties to uncleared OTC derivatives	Press release
12/07/2018	ESMA42-110-998	Timely submission of requests for authorisation in the context of the United Kingdom withdrawing from the European Union	Statement
13/07/2017	ESMA70-154-270	Opinion to support supervisory convergence in the area of secondary markets in the context of the United Kingdom withdrawing from the European Union	Opinion
13/07/2017	ESMA35-43-762	Opinion to support supervisory convergence in the area of investment firms in the context of the United Kingdom withdrawing from the European Union	Opinion
13/07/2017	ESMA35-45-344	Opinion to support supervisory convergence in the area of investment management in the context of the United Kingdom withdrawing from the European Union	Opinion
31/05/2017	ESMA42-110-433	General Principles to support supervisory convergence in the context of the UK withdrawing from the EU	Opinion