



CNMV NOTICE ON THE GUIDELINES "CSD PARTICIPANTS DEFAULT RULES AND PROCEDURES" AND "ACCESS BY A CSD TO THE TRANSACTION FEEDS OF CCPs AND TRADING VENUES"

Madrid, 31 July 2017

On 28 August 2014, Regulation (EU) No 909/2014 of the European Parliament and of the Council, of 23 July 2014, on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (CSDR), was published in the Official Journal of the European Union, entering into force twenty days later.

Article 41 of CSDR regulates participants default rules and procedures and states that the European Securities and Markets Authority (ESMA) may issue guidelines to ensure consistent application of that article in accordance with section 4 thereof. In implementing this provision, ESMA has issued guidelines intended to ensure the common, uniform and consistent application of the provisions of the aforementioned article, providing guidance on measures which a central securities depository (CSD) must adopt and observe in the event of the default of any of their participants.

Furthermore, Article 53 regulates access between a CSD and other market infrastructure. In this regard, the guidelines issued by ESMA detail the risks that central counterparties (CCPs) and/or trading venues should consider when carrying out the comprehensive risk analysis on which a refusal of access could be based.

The guidelines on [CSD participants default rules and procedures](#) and [Access by a CSD to the transaction feeds of CCPs and trading venues](#) have been issued pursuant to Article 16 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council, of 24 November 2010, establishing ESMA, which provides that competent authorities and financial market participants shall make every effort to comply with these guidelines. In addition, the ESMA Regulation establishes the obligation on competent authorities to confirm whether they intend to comply with the guidelines issued by ESMA.

In this regard, you are informed that the Executive Committee of the Spanish National Securities Market Commission (known in Spanish as CNMV) agreed on 27 July 2017 to inform ESMA of CNMV's intention to comply with these guidelines. These guidelines will enter into force on 8 August 2017, and will be taken into consideration by CNMV in the exercise of its duty to supervise the securities markets.