

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/1859****of 10 June 2022****amending the implementing technical standards laid down in Implementing Regulation (EU) No 1248/2012 as regards the format for applications for registration as trade repositories and for applications for extension of registration as trade repositories****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 <sup>(1)</sup> and in particular Article 56(4), fourth subparagraph, thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 1248/2012 <sup>(2)</sup> lays down a uniform format for applications for registration of trade repositories. The use of the uniform format provided in that Regulation has proved to be efficient for trade repositories to provide information to the European Securities and Markets Authority regarding the application for registration of a trade repository. As the information to be provided in the application for the extension of registration as trade repository is similar to the equivalent information to be provided when applying for a registration as trade repository, the same uniform format is suitable for both applications.
- (2) In accordance with Commission Delegated Regulation (EU) No 150/2013 <sup>(3)</sup>, where an applicant trade repository considers that a requirement of that Regulation is not applicable to it, it must clearly indicate that requirement in its application and provide an explanation why such requirement does not apply. Those requirements and explanations should be clearly identified in the application for registration or for extension of registration as trade repositories. References to the delegated act with regards to regulatory technical standards specifying the details of the application for registration of trade repositories in Implementing Regulation (EU) No 1248/2012 should therefore be replaced by references to Delegated Regulation (EU) No 150/2013.
- (3) Implementing Regulation (EU) No 1248/2012 should therefore be amended accordingly.
- (4) This Regulation is based on the draft implementing technical standards submitted to the Commission by the European Securities and Markets Authority. The European Securities and Markets Authority has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council <sup>(4)</sup>,

<sup>(1)</sup> OJ L 201, 27.7.2012, p. 1.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 1248/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of applications for registration of trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 30).

<sup>(3)</sup> Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository (OJ L 52, 23.2.2013, p. 25).

<sup>(4)</sup> Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

HAS ADOPTED THIS REGULATION:

*Article 1*

Implementing Regulation (EU) No 1248/2012 is amended as follows:

1. Article 1 is replaced by the following:

*'Article 1*

**Format of the application**

1. Applications for registration as a trade repository and applications for extension of registration as a trade repository shall be submitted in the format set out in the Annex.
2. The trade repository shall give a unique reference number to each document it submits and shall clearly identify which specific requirement laid down in Commission Delegated Regulation (EU) No 150/2013 (\*) the document refers to.
3. Where the trade repository does not submit information pertaining to a specific requirement laid down in Delegated Regulation (EU) No 150/2013, the application for registration as a trade repository or the application for extension of registration as a trade repository, as applicable, shall clearly indicate the reasons why such information is not submitted.
4. Applications for registration as a trade repository and applications for extension of registration as a trade repository shall be submitted in a durable medium as defined in Article 2, paragraph (1), point (m), of Directive 2009/65/EC of the European Parliament and of the Council (\*\*).

(\*) Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository (OJ L 52, 23.2.2013, p. 25).

(\*\*) Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32).;

- (2) The Annex is amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 June 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

## ANNEX

The Annex is amended as follows:

(1) the title is replaced by the following:

**‘FORMAT FOR APPLICATIONS FOR REGISTRATION AS A TRADE REPOSITORY AND FOR APPLICATIONS FOR EXTENSION OF REGISTRATION AS A TRADE REPOSITORY’;**

(2) in the second table, the heading is replaced by the following:

‘DOCUMENT REFERENCES’;

(3) in the second table, the heading of the first column is replaced by the following:

‘Article of Commission Delegated Regulation (EU) No 150/2013’.

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