
Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 1060/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

ANNEX I

INDEPENDENCE AND AVOIDANCE OF CONFLICTS OF INTEREST

Section A

Organisational requirements

1. The credit rating agency shall have an administrative or supervisory board. Its senior management shall ensure that:
 - (a) credit rating activities are independent, including from all political and economic influences or constraints;
 - (b) conflicts of interest are properly identified, managed and disclosed;
 - (c) the credit rating agency complies with the remaining requirements of this Regulation.
2. A credit rating agency shall be organised in a way that ensures that its business interest does not impair the independence or accuracy of the credit rating activities.

The senior management of a credit rating agency shall be of good repute and sufficiently skilled and experienced, and shall ensure the sound and prudent management of the credit rating agency.

At least one third, but no less than two, of the members of the administrative or supervisory board of a credit rating agency shall be independent members who are not involved in credit rating activities.

The compensation of the independent members of the administrative or supervisory board shall not be linked to the business performance of the credit rating agency and shall be arranged so as to ensure the independence of their judgement. The term of office of the independent members of the administrative or supervisory board shall be for a pre-agreed fixed period not exceeding five years and shall not be renewable. The dismissal of independent members of the administrative or supervisory board shall take place only in case of misconduct or professional underperformance.

The majority of members of the administrative or supervisory board, including its independent members, shall have sufficient expertise in financial services. Provided that the credit rating agency issues credit ratings of ^{F1}securitisation instruments, at least one independent member and one other member of the board shall have in-depth knowledge and experience at a senior level of the markets in securitisation instruments].

Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations \(EC\) No 1060/2009 and \(EU\) No 648/2012.](#)

In addition to the overall responsibility of the board, the independent members of the administrative or supervisory board shall have the specific task of monitoring:

- (a) the development of the credit rating policy and of the methodologies used by the credit rating agency in its credit rating activities;

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- (b) the effectiveness of the internal quality control system of the credit rating agency in relation to credit rating activities;
- (c) the effectiveness of measures and procedures instituted to ensure that any conflicts of interest are identified, eliminated or managed and disclosed; and
- (d) the compliance and governance processes, including the efficiency of the review function referred to in point 9 of this Section.

[^{F2}Opinions of the independent members of administrative or supervisory board issued on the matters referred to in points (a) to (d) shall be presented to the board periodically and shall be made available to ESMA on request.]

Textual Amendments

F2 Substituted by [Regulation \(EU\) No 513/2011 of the European Parliament and of the Council of 11 May 2011 amending Regulation \(EC\) No 1060/2009 on credit rating agencies \(Text with EEA relevance\).](#)

- 3. A credit rating agency shall establish adequate policies and procedures to ensure compliance with its obligations under this Regulation.
- 4. A credit rating agency shall have sound administrative and accounting procedures, internal control mechanisms, effective procedures for risk assessment, and effective control and safeguard arrangements for information processing systems.

Those internal control mechanisms shall be designed to secure compliance with decisions and procedures at all levels of the credit rating agency.

A credit rating agency shall implement and maintain decision-making procedures and organisational structures which clearly and in a documented manner specify reporting lines and allocate functions and responsibilities.

- 5. A credit rating agency shall establish and maintain a permanent and effective compliance function department (compliance function) which operates independently. The compliance function shall monitor and report on compliance of the credit rating agency and its employees with the credit rating agency's obligations under this Regulation. The compliance function shall:
 - (a) monitor and, on a regular basis, assess the adequacy and effectiveness of the measures and procedures put in place in accordance with point 3, and the actions taken to address any deficiencies in the credit rating agency's compliance with its obligations;
 - (b) advise and assist the managers, rating analysts, employees as well as any other natural person whose services are placed at the disposal or under the control of the credit rating agency or any person directly or indirectly linked to it by control who is responsible for carrying out credit rating activities, to comply with the credit rating agency's obligations under this Regulation.
- 6. In order to enable the compliance function to discharge its responsibilities properly and independently, a credit rating agency shall ensure that the following conditions are satisfied:
 - (a) the compliance function has the necessary authority, resources, expertise and access to all relevant information;

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- (b) a compliance officer is appointed and is responsible for the compliance function and for any reporting with regard to compliance required by point 3;
- (c) the managers, rating analysts, employees and any other natural person whose services are placed at the disposal or under the control of the credit rating agency or any person directly or indirectly linked to it by control who is involved in the compliance function is not involved in the performance of credit rating activities they monitor;
- (d) the compensation of the compliance officer is not linked to the business performance of the credit rating agency and is arranged so as to ensure the independence of his or her judgement.

The compliance officer shall ensure that any conflicts of interest relating to the persons placed at the disposal of the compliance function are properly identified and eliminated.

The compliance officer shall report regularly on the carrying out of his or her duties to senior management and the independent members of the administrative or supervisory board.

- 7. A credit rating agency shall establish appropriate and effective organisational and administrative arrangements to prevent, identify, eliminate or manage and disclose any conflicts of interest referred to in point 1 of Section B. It shall arrange for records to be kept of all significant threats to the independence of the credit rating activities, including those to the rules on rating analysts referred to in Section C, as well as the safeguards applied to mitigate those threats.
- 8. A credit rating agency shall employ appropriate systems, resources and procedures to ensure continuity and regularity in the performance of its credit rating activities.
- 9. A credit rating agency shall establish a review function responsible for periodically reviewing its methodologies, models and key rating assumptions, such as mathematical or correlation assumptions, and any significant changes or modifications thereto as well as the appropriateness of those methodologies, models and key rating assumptions where they are used or intended to be used for the assessment of new financial instruments.

That review function shall be independent of the business lines which are responsible for credit rating activities and report to the members of the administrative or supervisory board referred to in point 2 of this Section.

- 10. A credit rating agency shall monitor and evaluate the adequacy and effectiveness of its systems, internal control mechanisms and arrangements established in accordance with this Regulation and take appropriate measures to address any deficiencies.

Section B

Operational requirements

- [^{F3}1. A credit rating agency shall identify, eliminate, or manage and disclose, clearly and prominently, any actual or potential conflicts of interest that may influence the analyses and judgments of its rating analysts, employees, or any other natural person whose services are placed at the disposal or under the control of the credit rating agency and who are directly involved in credit rating activities and persons approving credit ratings and rating outlooks.]

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Textual Amendments

F3 Substituted by [Regulation \(EU\) No 462/2013 of the European Parliament and of the Council of 21 May 2013 amending Regulation \(EC\) No 1060/2009 on credit rating agencies \(Text with EEA relevance\).](#)

2. A credit rating agency shall disclose to the public the names of the rated entities or related third parties from which it receives more than 5 % of its annual revenue.
- [^{F3}3. A credit rating agency shall not issue a credit rating or a rating outlook in any of the following circumstances, or shall, in the case of an existing credit rating or rating outlook, immediately disclose where the credit rating or rating outlook is potentially affected by the following:]
 - (a) the credit rating agency or persons referred to in point 1, directly or indirectly owns financial instruments of the rated entity or a related third party or has any other direct or indirect ownership interest in that entity or party, other than holdings in diversified collective investment schemes, including managed funds such as pension funds or life insurance;
 - (aa) [^{F4}a shareholder or member of a credit rating agency holding 10 % or more of either the capital or the voting rights of that credit rating agency or being otherwise in a position to exercise significant influence on the business activities of the credit rating agency, holds 10 % or more of either the capital or the voting rights of the rated entity or of a related third party, or of any other ownership interest in that rated entity or third party, excluding holdings in diversified collective investment schemes and managed funds such as pension funds or life insurance, which do not put him in a position to exercise significant influence on the business activities of the scheme;]
 - (b) the credit rating is issued with respect to the rated entity or a related third party directly or indirectly linked to the credit rating agency by control;
 - (ba) [^{F4}the credit rating is issued with respect to a rated entity or a related third party which holds 10 % or more of either the capital or the voting rights of that credit rating agency;]
 - (c) a person referred to in point 1 is a member of the administrative or supervisory board of the rated entity or a related third party; or
 - (ca) [^{F4}a shareholder or member of a credit rating agency holding 10 % or more of either the capital or the voting rights of that credit rating agency or being otherwise in a position to exercise significant influence on the business activities of the credit rating agency, is a member of the administrative or supervisory board of the rated entity or a related third party;]
 - (d) a rating analyst who participated in determining a credit rating, or a person who approved a credit rating, has had a relationship with the rated entity or a related third party which may cause a conflict of interests.

Textual Amendments

F4 Inserted by [Regulation \(EU\) No 462/2013 of the European Parliament and of the Council of 21 May 2013 amending Regulation \(EC\) No 1060/2009 on credit rating agencies \(Text with EEA relevance\).](#)

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[^{F3}A credit rating agency shall also immediately assess whether there are grounds for re-rating or withdrawing the existing credit rating or rating outlook.]

[^{F4}3a. A credit rating agency shall disclose where an existing credit rating or rating outlook is potentially affected by either of the following:

- (a) a shareholder or member of a credit rating agency holding 5 % or more of either the capital or the voting rights of that credit rating agency or being otherwise in a position to exercise significant influence on the business activities of the credit rating agency, holds 5 % or more of either the capital or the voting rights of the rated entity or of a related third party, or of any other ownership interest in that rated entity or third party. This excludes holdings in diversified collective investment schemes and managed funds such as pension funds or life insurance, which do not put him in a position to exercise significant influence on the business activities of the scheme;
- (b) a shareholder or member of a credit rating agency holding 5 % or more of either the capital or the voting rights of that credit rating agency or being otherwise in a position to exercise significant influence on the business activities of the credit rating agency, is a member of the administrative or supervisory board of the rated entity or a related third party.

3b. Provided that the information is known or should be known by the credit rating agency, the obligations in point 3(aa), (ba) and (ca) and point 3a shall also relate to:

- (a) indirect shareholders covered by Article 10 of Directive 2004/109/EC; and
- (b) companies that control or exercise a dominant influence, directly or indirectly, on the credit rating agency, and which are covered by Article 10 of Directive 2004/109/EC.

3c. A credit rating agency shall ensure that fees charged to its clients for the provision of credit rating and ancillary services are not discriminatory and are based on actual costs. Fees charged for credit rating services shall not depend on the level of the credit rating issued by the credit rating agency or on any other result or outcome of the work performed.]

[^{F3}4. Neither a credit rating agency nor any person holding, directly or indirectly, at least 5 % of either the capital or voting rights of the credit rating agency or being otherwise in a position to exercise significant influence on the business activities of the credit rating agency shall provide consultancy or advisory services to the rated entity or a related third party regarding the corporate or legal structure, assets, liabilities or activities of that rated entity or related third party.]

A credit rating agency may provide services other than issue of credit ratings (ancillary services). Ancillary services are not part of credit rating activities; they comprise market forecasts, estimates of economic trends, pricing analysis and other general data analysis as well as related distribution services.

A credit rating agency shall ensure that the provision of ancillary services does not present conflicts of interest with its credit rating activities and shall disclose in the final ratings reports any ancillary services provided for the rated entity or any related third party.

- 5. A credit rating agency shall ensure that rating analysts or persons who approve ratings do not make proposals or recommendations, either formally or informally, regarding the design of [^{F1}securitisation instruments] on which the credit rating agency is expected to issue a credit rating.

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6. A credit rating agency shall design its reporting and communication channels so as to ensure the independence of the persons referred to in point 1 from the other activities of the credit rating agency carried out on a commercial basis.
7. A credit rating agency shall arrange for adequate records and, where appropriate, audit trails of its credit rating activities to be kept. Those records shall include:
 - (a) [^{F3}for each credit rating and rating outlook decision, the identity of the rating analysts participating in the determination of the credit rating or rating outlook, the identity of the persons who have approved the credit rating or rating outlook, information as to whether the credit rating was solicited or unsolicited, and the date on which the credit rating action was taken;]
 - (b) the account records relating to fees received from any rated entity or related third party or any user of ratings;
 - (c) the account records for each subscriber to the credit ratings or related services;
 - (d) [^{F3}the records documenting the established procedures and rating methodologies used by the credit rating agency to determine credit ratings and rating outlooks;]
 - (e) [^{F3}the internal records and files, including non-public information and work papers, used to form the basis of any credit rating and rating outlook decision taken;]
 - (f) credit analysis reports, credit assessment reports and private credit rating reports and internal records, including non-public information and work papers, used to form the basis of the opinions expressed in such reports;
 - (g) records of the procedures and measures implemented by the credit rating agency to comply with this Regulation; and
 - (h) copies of internal and external communications, including electronic communications, received and sent by the credit rating agency and its employees, that relate to credit rating activities.
- [^{F2}8. Records and audit trails referred to in point 7 shall be kept at the premises of the registered credit rating agency for at least five years and be made available upon request to ESMA.]

Where the registration of a credit rating agency is withdrawn, the records shall be kept for an additional term of at least three years.

9. Records which set out the respective rights and obligations of the credit rating agency and the rated entity or its related third parties under an agreement to provide credit rating services shall be retained for at least the duration of the relationship with that rated entity or its related third parties.

Section C

Rules on rating analysts and other persons directly involved in credit rating activities

1. Rating analysts, employees of the credit rating agency as well as any other natural person whose services are placed at the disposal or under the control of the credit rating agency and who is directly involved in credit rating activities, and persons closely associated with them within the meaning of Article 1(2) of Directive 2004/72/EC⁽¹⁾,

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shall not buy or sell or engage in any transaction in any financial instrument issued, guaranteed, or otherwise supported by any rated entity within their area of primary analytical responsibility other than holdings in diversified collective investment schemes, including managed funds such as pension funds or life insurance.

[^{F3}2. No person referred to in point 1 shall participate in or otherwise influence the determination of a credit rating or rating outlook of any particular rated entity if that person:]

- (a) owns financial instruments of the rated entity, other than holdings in diversified collective investment schemes;
- (b) owns financial instruments of any entity related to a rated entity, the ownership of which may cause or may be generally perceived as causing a conflict of interest, other than holdings in diversified collective investment schemes;
- (c) has had a recent employment, business or other relationship with the rated entity that may cause or may be generally perceived as causing a conflict of interest.

3. Credit rating agencies shall ensure that persons referred to in point 1:

- (a) take all reasonable measures to protect property and records in possession of the credit rating agency from fraud, theft or misuse, taking into account the nature, scale and complexity of their business and the nature and range of their credit rating activities;
- (b) [^{F3}do not disclose any information about credit ratings, possible future credit ratings or rating outlooks of the credit rating agency, except to the rated entity or a related third party;]
- (c) do not share confidential information entrusted to the credit rating agency with rating analysts and employees of any person directly or indirectly linked to it by control, as well as with any other natural person whose services are placed at the disposal or under the control of any person directly or indirectly linked to it by control, [^{X1}and who is not directly involved in the credit rating activities; and]
- (d) do not use or share confidential information for the purpose of trading financial instruments, or for any other purpose except the conduct of the credit rating activities.

Editorial Information

X1 Substituted by [Corrigendum to Regulation \(EC\) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies \(Official Journal of the European Union L 302 of 17 November 2009\)](#).

- 4. Persons referred to in point 1 shall not solicit or accept money, gifts or favours from anyone with whom the credit rating agency does business.
- 5. If a person referred to in point 1 considers that any other such person has engaged in conduct that he or she considers to be illegal, he or she shall report such information immediately to the compliance officer without negative consequences to him or herself.
- 6. Where a rating analyst terminates his or her employment and joins a rated entity, which he or she has been involved in rating, or a financial firm, with which he or she has had dealings as part of his or her duties at the credit rating agency, the credit rating

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agency shall review the relevant work of the rating analyst over two years preceding his or her departure.

[^{F3}7. A person referred to in point 1 shall not take up a key management position with the rated entity or a related third party within six months of the issuing of a credit rating or rating outlook.]

[^{F3}8. For the purposes of Article 7(4):

- (a) credit rating agencies shall ensure that the lead rating analysts shall not be involved in credit rating activities related to the same rated entity or a related third party for a period exceeding four years;
- (b) credit rating agencies other than those appointed by an issuer or a related third party and all credit rating agencies issuing sovereign ratings shall ensure that:
 - (i) the rating analysts shall not be involved in credit rating activities related to the same rated entity or a related third party for a period exceeding five years;
 - (ii) the persons approving credit ratings shall not be involved in credit rating activities related to the same rated entity or a related third party for a period exceeding seven years.

The persons referred to in points (a) and (b) of the first subparagraph shall not be involved in credit rating activities related to the rated entity or a related third party referred to in those points within two years of end of the periods set out in those points.]

Section D

[^{F3}Rules on the presentation of credit ratings and rating outlooks]

I. General obligations

[^{F3}1. A credit rating agency shall ensure that any credit rating and rating outlook states clearly and prominently the name and job title of the lead rating analyst in a given credit rating activity and the name and position of the person primarily responsible for approving the credit rating or rating outlook.]

2. A credit rating agency shall ensure that at least:

- (a) [^{F3}all substantially material sources, including the rated entity or, where appropriate, a related third party, which were used to prepare the credit rating or rating outlook are indicated together with an indication as to whether the credit rating or rating outlook has been disclosed to that rated entity or related third party and amended following that disclosure before being issued;]
- (b) the principal methodology or version of methodology that was used in determining the rating is clearly indicated, with a reference to its comprehensive description; where the credit rating is based on more than one methodology, or where reference only to the principal methodology might cause investors to overlook other important aspects of the credit rating, including any significant adjustments and deviations, the credit rating agency shall explain this fact in the credit rating and indicate how the different methodologies or these other aspects are taken into account in the credit rating;
- (c) the meaning of each rating category, the definition of default or recovery and any appropriate risk warning, including a sensitivity analysis of the relevant key rating

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- assumptions, such as mathematical or correlation assumptions, accompanied by worst-case scenario credit ratings as well as best-case scenario credit ratings are explained;
- (d) [F³the date at which the credit rating was first released for distribution and when it was last updated including any rating outlooks is indicated clearly and prominently;
 - (e) information is given as to whether the credit rating concerns a newly issued financial instrument and whether the credit rating agency is rating the financial instrument for the first time; and
 - (f) in the case of a rating outlook, the time horizon is provided during which a change in the credit rating is expected.

When publishing credit ratings or rating outlooks, credit rating agencies shall include a reference to the historical default rates published by ESMA in a central repository in accordance with Article 11(2), together with an explanatory statement of the meaning of those default rates.]

- [F⁴2a. A credit rating agency shall accompany the disclosure of rating methodologies, models and key rating assumptions with guidance which explains assumptions, parameters, limits and uncertainties surrounding the models and rating methodologies used in credit ratings, including simulations of stress scenarios undertaken by the credit rating agency when establishing the credit ratings, credit rating information on cash-flow analysis it has performed or is relying upon and, where applicable, an indication of any expected change in the credit rating. Such guidance shall be clear and easily comprehensible.]
- [F³3. The credit rating agency shall inform the rated entity during working hours of the rated entity and at least a full working day before publication of the credit rating or the rating outlook. That information shall include the principal grounds on which the credit rating or rating outlook is based in order to give the rated entity an opportunity to draw attention of the credit rating agency to any factual errors.]
- [F³4. A credit rating agency shall state clearly and prominently when disclosing credit ratings or rating outlooks any attributes and limitations of the credit rating or rating outlook. In particular, a credit rating agency shall prominently state when disclosing any credit rating or rating outlook whether it considers satisfactory the quality of information available on the rated entity and to what extent it has verified information provided to it by the rated entity or a related third party. If a credit rating or a rating outlook involves a type of entity or financial instrument for which historical data is limited, the credit rating agency shall make clear, in a prominent place, such limitations.]

In a case where the lack of reliable data or the complexity of the structure of a new type of financial instrument or the quality of information available is not satisfactory or raises serious questions as to whether a credit rating agency can provide a credible credit rating, the credit rating agency shall refrain from issuing a credit rating or withdraw an existing rating.

- [F³5. When announcing a credit rating or a rating outlook, a credit rating agency shall explain in its press releases or reports the key elements underlying the credit rating or the rating outlook.]

Where the information laid down in points 1, 2 and 4 would be disproportionate in relation to the length of the report distributed, it shall suffice to make clear and prominent reference in the report itself to the place where such disclosures can be directly and easily accessed, including a direct web link to the disclosure on an appropriate website of the credit rating agency.

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[^{F4}6. A credit rating agency shall disclose on its website, and notify ESMA on an ongoing basis, information about all entities or debt instruments submitted to it for their initial review or for preliminary rating. Such disclosure shall be made whether or not issuers contract with the credit rating agency for a final rating.]

II. Additional obligations in relation to credit ratings of [^{F1}securitisation instruments]

1. Where a credit rating agency rates a [^{F1}securitisation instrument], it shall provide in the credit rating all information about loss and cash-flow analysis it has performed or is relying upon and an indication of any expected change in the credit rating.
2. A credit rating agency shall state what level of assessment it has performed concerning the due diligence processes carried out at the level of underlying financial instruments or other assets of [^{F1}securitisation instruments]. The credit rating agency shall disclose whether it has undertaken any assessment of such due diligence processes or whether it has relied on a third-party assessment, indicating how the outcome of such assessment impacts on the credit rating.

^{F5}3.

Textual Amendments

F5 Deleted by [Regulation \(EU\) No 462/2013 of the European Parliament and of the Council of 21 May 2013 amending Regulation \(EC\) No 1060/2009 on credit rating agencies \(Text with EEA relevance\).](#)

^{F5}4.

[^{F4}III. Additional obligations in relation to sovereign ratings

1. Where a credit rating agency issues a sovereign rating or a related rating outlook, it shall simultaneously provide a detailed research report explaining all the assumptions, parameters, limits and uncertainties and any other information taken into account in determining that sovereign rating or rating outlook. That report shall be publicly available, clear and easily comprehensible.
2. A publicly available research report accompanying a change compared to the previous sovereign rating or related rating outlook shall include at least the following:
 - (a) a detailed evaluation of the changes to the quantitative assumption justifying the reasons for the rating change and their relative weight. The detailed evaluation should include a description of the following: per capita income, GDP Growth, inflation, fiscal balance, external balance, external debt, an indicator for economic development, an indicator for default and any other relevant factor taken into account. This should be complemented with the relative weight of each factor;
 - (b) a detailed evaluation of the changes to the qualitative assumption justifying the reasons for the rating change and their relative weight;
 - (c) a detailed description of the risks, limits and uncertainties related to the rating change; and
 - (d) a summary of minutes of the meeting of the rating committee that decided on the rating change.

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3. Without prejudice to point 3 of Part I of Section D of Annex I, where a credit rating agency issues sovereign ratings or related rating outlooks, it shall publish them in accordance with Article 8a, after the close of business hours of regulated markets and at least one hour before their opening.
4. Without prejudice to point 5 of Part I of Section D of Annex I, in accordance with which, when announcing a credit rating, a credit rating agency is to explain in its press releases or reports the key elements underlying the credit rating and although national policies may serve as an element underlying a sovereign rating, policy recommendations, prescriptions or guidelines to rated entities, including States or regional or local authorities of States, shall not be part of sovereign ratings or rating outlooks.]

Section E

Disclosures

I. General disclosures

A credit rating agency shall generally disclose the fact that it is registered in accordance with this Regulation and the following information:

1. any actual and potential conflicts of interest referred to in point 1 of Section B;
2. a list of its ancillary services;
- [^{F3}3. the policy of the credit rating agency concerning the publication of credit ratings and other related communications including rating outlooks;]
4. the general nature of its compensation arrangements;
5. the methodologies, and descriptions of models and key rating assumptions such as mathematical or correlation assumptions used in its credit rating activities as well as their material changes;
6. any material modification to its systems, resources or procedures; and
7. where relevant, its code of conduct.

II. Periodic disclosures

A credit rating agency shall periodically disclose the following information:

1. every six months, data about the historical default rates of its rating categories, distinguishing between the main geographical areas of the issuers and whether the default rates of these categories have changed over time;
- [^{F2}2. annually, the following information:
 - (a) [^{F3}list of fees charged to each client for individual credit ratings and any ancillary services;
 - (aa) its pricing policy, including the fees structure and pricing criteria in relation to credit ratings for different asset classes;]
 - (b) a list of those clients of the credit rating agency whose contribution to the growth rate in the generation of revenue of the credit rating agency in the previous financial year

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exceeded the growth rate in the total revenues of the credit rating agency in that year by a factor of more than 1,5 times. Any such client shall be included on the list only where, in that year, it accounted for more than 0,25 % of the worldwide total revenues of the credit rating agency at global level; and

- (c) a list of credit ratings issued during the year, indicating the proportion of unsolicited credit ratings among them.]

For the purposes of this point, ‘client’ means an entity, its subsidiaries, and associated entities in which the entity has holdings of more than 20 %, as well as any other entities in respect of which it has negotiated the structuring of a debt issue on behalf of a client and where a fee was paid, directly or indirectly, to the credit rating agency for the rating of that debt issue.

III. Transparency report

A credit rating agency shall make available annually the following information:

1. detailed information on legal structure and ownership of the credit rating agency, including information on holdings within the meaning of Articles 9 and 10 of Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market⁽²⁾;
2. a description of the internal control mechanisms ensuring quality of its credit rating activities;
- [^{F3}3. statistics on the allocation of its staff to new credit ratings, credit rating reviews, methodology or model appraisal and senior management, and on the allocation of staff to rating activities with regard to the different asset classes (corporate — structured finance — sovereign);]
4. a description of its record-keeping policy;
5. the outcome of the annual internal review of its independent compliance function;
6. a description of its management and rating analyst rotation policy;
- [^{F3}7. financial information on the revenue of the credit rating agency, including total turnover, divided into fees from credit rating and ancillary services with a comprehensive description of each, including the revenues generated from ancillary services provided to clients of credit rating services and the allocation of fees to credit ratings of different asset classes. Information on total turnover shall also include a geographical allocation of that turnover to revenues generated in the Union and revenues worldwide;]
8. a governance statement within the meaning of Article 46a(1) of Council Directive 78/660/EEC of 25 July 1978 on the annual accounts of certain types of companies⁽³⁾. For the purposes of that statement, the information referred to in Article 46a(1)(d) of that Directive shall be provided by the credit rating agency irrespective of whether it is subject to Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids⁽⁴⁾.

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ANNEX II

INFORMATION TO BE PROVIDED IN THE APPLICATION FOR REGISTRATION

1. Full name of the credit rating agency, address of the registered office within the [F³Union]
2. Name and contact details of a contact person and of the compliance officer
3. Legal status
4. Class of credit ratings for which the credit rating agency is applying to be registered
5. Ownership structure
6. Organisational structure and corporate governance
7. Financial resources to perform credit rating activities
8. Staffing of credit rating agency and its expertise
9. Information regarding subsidiaries of credit rating agency
10. Description of the procedures and methodologies used to issue and review credit ratings
11. Policies and procedures to identify, manage and disclose any conflicts of interests
12. Information regarding rating analysts
13. Compensation and performance evaluation arrangements
14. Services other than credit rating activities, which the credit rating agency intends to provide
15. Programme of operations, including indications of where the main business activities are expected to be carried out, branches to be established, and setting out the type of business envisaged
16. Documents and detailed information related to the expected use of endorsement
17. Documents and detailed information related to the expected outsourcing arrangements including information on entities assuming outsourcing functions.

[F⁶ANNEX III

List of infringements referred to in Article 24(1) and Article 36a(1)

Textual Amendments

- F6** Inserted by [Regulation \(EU\) No 513/2011 of the European Parliament and of the Council of 11 May 2011 amending Regulation \(EC\) No 1060/2009 on credit rating agencies \(Text with EEA relevance\)](#).

I. Infringements related to conflicts of interest, organisational or operational requirements

1. The credit rating agency infringes Article 4(3) by endorsing a credit rating issued in a third country without complying with the conditions set out in that paragraph, unless

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- the reason for that infringement is outside the credit rating agency's knowledge or control.
2. The credit rating agency infringes the second subparagraph of Article 4(4) by using the endorsement of a credit rating issued in a third country with the intention of avoiding the requirements of this Regulation.
 3. The credit rating agency infringes Article 6(2), in conjunction with point 1 of Section A of Annex I, by not establishing an administrative or a supervisory board.
 4. The credit rating agency infringes Article 6(2), in conjunction with the first paragraph of point 2 of Section A of Annex I, by not ensuring that its business interest does not impair the independence or accuracy of the credit rating activities.
 5. The credit rating agency infringes Article 6(2), in conjunction with the second paragraph of point 2 of Section A of Annex I, by appointing senior management which are not of good repute, sufficiently skilled or experienced, or cannot ensure the sound and prudent management of the credit rating agency.
 6. The credit rating agency infringes Article 6(2), in conjunction with the third paragraph of point 2 of Section A of Annex I, by not appointing the required number of independent members of its administrative or supervisory board.
 7. The credit rating agency infringes Article 6(2), in conjunction with the fourth paragraph of point 2 of Section A of Annex I, by setting up a compensation system for the independent members of its administrative or supervisory board which is linked to the business performance of the credit rating agency or is not arranged to ensure the independence of their judgment; or by setting a term of office for the independent members of its administrative or supervisory board for a period exceeding five years or for a renewable term; or by dismissing an independent member of the administrative or supervisory board other than in the case of misconduct or professional underperformance.
 8. The credit rating agency infringes Article 6(2), in conjunction with the fifth paragraph of point 2 of Section A of Annex I, by appointing members of the administrative or supervisory board that do not have sufficient expertise in financial services; or, where the credit rating agency issues credit ratings of [F¹securitisation instruments, by not appointing at least one independent member and one other member of the board who has in-depth knowledge and experience at senior level of the markets in securitisation instruments].
 9. The credit rating agency infringes Article 6(2), in conjunction with the sixth paragraph of point 2 of Section A of Annex I, by not ensuring that the independent members of the administrative or supervisory board perform the tasks of monitoring any of the matters referred to in the sixth paragraph of that point.
 10. The credit rating agency infringes Article 6(2), in conjunction with the seventh paragraph of point 2 of Section A of Annex I, by not ensuring that the independent members of the administrative or supervisory board present their opinions on the matters referred to in the sixth paragraph of that point to the board periodically or make those opinions available to ESMA on request.
 11. The credit rating agency infringes Article 6(2), in conjunction with point 3 of Section A of Annex I, by not establishing adequate policies or procedures to ensure compliance with its obligations under this Regulation.

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12. The credit rating agency infringes Article 6(2), in conjunction with point 4 of Section A of Annex I, by not having sound administrative or accounting procedures, internal control mechanisms, effective procedures for risk assessment, or effective control or safeguard arrangements for information processing systems; or by not implementing or maintaining decision-making procedures or organisational structures as required by that point.
13. The credit rating agency infringes Article 6(2), in conjunction with point 5 of Section A of Annex I, by not establishing or maintaining a permanent and effective compliance function department (compliance function) which operates independently.
14. The credit rating agency infringes Article 6(2), in conjunction with the first paragraph of point 6 of Section A of Annex I, by not ensuring that the conditions enabling the compliance function to discharge its responsibilities properly or independently, as set out in the first paragraph of that point, are satisfied.
15. The credit rating agency infringes Article 6(2), in conjunction with point 7 of Section A of Annex I, by not establishing appropriate and effective organisational or administrative arrangements to prevent, identify, eliminate or manage and disclose any conflicts of interest referred to in point 1 of Section B of Annex I, or by not arranging for records to be kept of all significant threats to the independence of the credit rating activities, including those to the rules on rating analysts referred to in Section C of Annex I, as well as the safeguards applied to mitigate those threats.
16. The credit rating agency infringes Article 6(2), in conjunction with point 8 of Section A of Annex I, by not employing appropriate systems, resources or procedures to ensure continuity and regularity in the performance of its credit rating activities.
17. The credit rating agency infringes Article 6(2), in conjunction with point 9 of Section A of Annex I, by not establishing a review function that:
 - (a) is responsible for periodically reviewing its methodologies, models and key rating assumptions or any significant changes or modifications thereto, or the appropriateness of those methodologies, models or key rating assumptions where they are used or intended to be used for the assessment of new financial instruments;
 - (b) is independent of the business lines which are responsible for credit rating activities; or
 - (c) reports to the members of the administrative or supervisory board.
18. The credit rating agency infringes Article 6(2), in conjunction with point 10 of Section A of Annex I, by not monitoring or evaluating the adequacy and effectiveness of its systems, internal control mechanisms and arrangements established in accordance with this Regulation or by not taking appropriate measures to address any deficiencies.
19. ^[F3]The credit rating agency infringes Article 6(2), in conjunction with point 1 of Section B of Annex I, by not identifying, eliminating, or managing and disclosing, clearly or prominently, any actual or potential conflicts of interest that may influence the analyses or judgments of its rating analysts, employees, or any other natural person whose services are placed at the disposal or under the control of the credit rating agency and who are directly involved in credit rating activities or persons approving credit ratings and rating outlooks.

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20. The credit rating agency infringes Article 6(2), in conjunction with the first paragraph of point 3 of Section B of Annex I, by issuing a credit rating or rating outlook in any of the circumstances set out in the first paragraph of that point or, in the case of an existing credit rating or rating outlook, by not disclosing immediately that the credit rating or rating outlook is potentially affected by those circumstances.
- 20a. The credit rating agency infringes Article 6(2), in conjunction with point 3a of Section B of Annex I, by not disclosing that an existing credit rating or rating outlook is potentially affected by any of the circumstances set out in letters (a) and (b) of that point.
21. The credit rating agency infringes Article 6(2), in conjunction with the second paragraph of point 3 of Section B of Annex I, by not immediately assessing whether there are grounds for re-rating or withdrawing an existing credit rating or rating outlook.
22. The credit rating agency infringes Article 6(2), in conjunction with the first paragraph of point 4 of Section B of Annex I, by rating entities where the credit rating agency itself or any person holding, directly or indirectly, at least 5 % of either the capital or the voting rights of the credit rating agency, or being otherwise in a position to exercise significant influence on the business activities of the credit rating agency, provides consultancy or advisory services to that rated entity or a related third party regarding the corporate or legal structure, assets, liabilities or activities of that rated entity or related third party.]
- 22a. [F4The credit rating agency infringes Article 6a(1) when one of its shareholders or members holding at least 5 % of the capital or the voting rights in that credit rating agency or in a company which has the power to exercise control or a dominant influence over that credit rating agency, is in breach of one of the prohibitions set out in points (a) to (e) of that paragraph, with the exception of that set out in point (a) for holdings in diversified collective investment schemes, including managed funds such as pension funds or life insurance, provided that the holdings in such schemes do not put the shareholder or member of a credit rating agency in a position to exercise significant influence on the business activities of those schemes.]
23. The credit rating agency infringes Article 6(2), in conjunction with the first part of the third paragraph of point 4 of Section B of Annex I, by not ensuring that the provision of an ancillary service does not present a conflict of interest with its credit rating activity.
24. The credit rating agency infringes Article 6(2), in conjunction with point 5 of Section B of Annex I, by not ensuring that rating analysts or persons who approve ratings do not make proposals or recommendations regarding the design of [F1securitisation instruments] on which the credit rating agency is expected to issue a credit rating.
25. The credit rating agency infringes Article 6(2), in conjunction with point 6 of Section B of Annex I, by not designing its reporting or communication channels so as to ensure the independence of the persons referred to in point 1 of Section B from the other activities of the credit rating agency carried out on a commercial basis.
26. The credit rating agency infringes Article 6(2), in conjunction with the second paragraph of point 8 of Section B of Annex I, by not keeping the records for a term of at least three years once its registration is withdrawn.
- 26a. [F4The credit rating agency which entered into a contract for the issuing of credit ratings on re-securitisations infringes Article 6b(1) by issuing credit ratings on new re-

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- securitisations with underlying assets from the same originator for a period exceeding four years.
- 26b. The credit rating agency which entered into a contract for the issuing of credit ratings on re-securitisations infringes Article 6b(3) by entering into a new contract for the issuing of credit ratings on re-securitisations with underlying assets from the same originator for a period equal to the duration of the expired contract referred to in paragraphs 1 and 2 of Article 6b but not exceeding four years.]
27. The credit rating agency infringes Article 7(1) by not ensuring that rating analysts, its employees or any other natural person whose services are placed at its disposal or under its control and who are directly involved in credit rating activities have appropriate knowledge and experience for the duties assigned.
28. The credit rating agency infringes Article 7(2) by not ensuring that a person referred to in Article 7(1) does not initiate or participate in negotiations regarding fees or payments with any rated entity, related third party or any person directly or indirectly linked to the rated entity by control.
29. The credit rating agency infringes Article 7(3), in conjunction with point 3(a) of Section C of Annex I, by not ensuring that a person referred to in point 1 of that Section takes all reasonable measures to protect property or records in possession of the credit rating agency from fraud, theft or misuse, taking into account the nature, scale and complexity of its business and the nature and range of its credit rating activities.
30. The credit rating agency infringes Article 7(3), in conjunction with point 5 of Section C of Annex I, by imposing negative consequences on a person referred to in point 1 of that Section where that person reports information to the compliance officer to the effect that another person as referred to in point 1 of that Section has engaged in conduct that he or she considers to be illegal.
31. The credit rating agency infringes Article 7(3), in conjunction with point 6 of Section C of Annex I, by not reviewing the relevant work of a rating analyst over two years preceding his or her departure, where the rating analyst terminates his or her employment and joins a rated entity which he or she has been involved in rating or a financial firm, with which he or she has had dealings as part of his or her duties at the credit rating agency.
32. The credit rating agency infringes Article 7(3), in conjunction with point 1 of Section C of Annex I, by not ensuring that a person referred to in that point does not buy, sell or engage in a transaction in any financial instrument referred to in that point.
33. [F³The credit rating agency infringes Article 7(3), in conjunction with point 2 of Section C of Annex I, by not ensuring that a person referred to in point 1 of that Section does not participate in or otherwise influence the determination of a credit rating or rating outlook as set out in point 2 of that Section.]
34. The credit rating agency infringes Article 7(3), in conjunction with points (b), (c) and (d) of point 3 of Section C of Annex I, by not ensuring that a person referred to in point 1 of that Section does not disclose or use or share information, as referred to in those points.
35. The credit rating agency infringes Article 7(3), in conjunction with point 4 of Section C of Annex I, by not ensuring that a person referred to in point 1 of that Section does not solicit or accept money, gifts or favours from anyone with whom the credit rating agency does business.

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36. [F³The credit rating agency infringes Article 7(3), in conjunction with point 7 of Section C of Annex I, by not ensuring that a person referred to in point 1 of that Section does not take up a key management position with the rated entity or a related third party within six months of the issuing of a credit rating or rating outlook.]
37. The credit rating agency infringes Article 7(4), in conjunction with point (a) of the first paragraph of point 8 of Section C of Annex I, by not ensuring that the lead rating analyst is not involved in credit rating activities related to the same rated entity or its related third parties for a period exceeding four years.
38. [F³The credit rating agency infringes Article 7(4), in conjunction with point (i) of point (b) of the first paragraph of point 8 Section C of Annex I, by not ensuring that, where it provides unsolicited credit ratings or sovereign ratings, a rating analyst is not involved in credit rating activities related to the same rated entity or a related third party for a period exceeding five years.
39. The credit rating agency infringes Article 7(4), in conjunction with point (ii) of point (b) of the first paragraph of point 8 of Section C of Annex I, by not ensuring that, where it provides unsolicited credit ratings or sovereign ratings, a person approving credit ratings is not involved in credit rating activities related to the same rated entity or a related third party for a period exceeding seven years.
40. The credit rating agency infringes Article 7(4), in conjunction with the second paragraph of point 8 of Section C of Annex I, by not ensuring that a person referred to in points (a) and (b) of the first paragraph of that point is not involved in credit rating activities related to the rated entity or a related third party referred to in those points within two years of the end of the periods set out in those points.]
41. The credit rating agency infringes Article 7(5) by introducing compensation or performance evaluation contingent on the amount of revenue that the credit rating agency derives from the rated entities or related third parties.
42. [F³The credit rating agency infringes Article 8(2) by not adopting, implementing or enforcing adequate measures to ensure that the credit ratings and rating outlooks it issues are based on a thorough analysis of all the information that is available to it and that is relevant to its analysis according to the applicable rating methodologies.]
- 42a. [F⁴The credit rating agency infringes Article 8(2) by using information falling outside the scope of Article 8(2).
- 42b. The credit rating agency infringes Article 8(2a) by issuing changes in credit ratings that do not comply with its published rating methodologies.]
43. The credit rating agency infringes Article 8(3) by not using rating methodologies that are rigorous, systematic, continuous and subject to validation based on historical experience, including back-testing.
44. The credit rating agency infringes the first subparagraph of Article 8(4) by refusing to issue a credit rating of an entity or a financial instrument because a portion of the entity or the financial instrument had been previously rated by another credit rating agency.
45. The credit rating agency infringes the second subparagraph of Article 8(4) by not recording all instances where in its credit rating process it departs from existing credit ratings prepared by another credit rating agency with respect to underlying assets or [F¹securitisation instruments] or by not providing a justification for the differing assessment.

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46. [F³The credit rating agency infringes the first sentence of the first subparagraph of Article 8(5) by not monitoring its credit ratings other than sovereign ratings or by not reviewing its credit ratings other than sovereign ratings or rating methodologies on an ongoing basis or at least annually.]
- 46a. [F⁴The credit rating agency infringes the second subparagraph of Article 8(5), in conjunction with the first sentence of the first subparagraph of Article 8(5), by not monitoring its sovereign ratings or by not reviewing its sovereign ratings on an ongoing basis or at least every six months.]
47. The credit rating agency infringes the second sentence of Article 8(5) by not establishing internal arrangements to monitor the impact of changes in macroeconomic or financial market conditions on credit ratings.
48. The credit rating agency infringes point (b) of Article 8(6), where methodologies, models or key rating assumptions used in credit rating activities are changed, by not reviewing the affected credit ratings in accordance with that point, or by not placing those ratings under observation in the meantime.
49. The credit rating agency infringes point (c) of Article 8(6) by not re-rating a credit rating that has been based on methodologies, models or key rating assumptions that are changed where the overall combined effect of those changes affects that credit rating.
- 49a. [F⁴The credit rating agency infringes point (c) of Article 8(6), in conjunction with point (c) of Article 8(7), by not re-rating a credit rating where errors in the rating methodologies or in their application affect that credit rating.]
50. The credit rating agency infringes Article 9 by undertaking the outsourcing of important operational functions in such a way as to impair materially the quality of the credit rating agency's internal control or the ability of ESMA to supervise the credit rating agency's compliance with obligations under this Regulation.
51. The credit rating agency infringes Article 10(2), in conjunction with the second paragraph of point 4 of Part I of Section D of Annex I, by issuing a credit rating or not withdrawing an existing rating in a case where the lack of reliable data or the complexity of the structure of a new type of financial instrument or the quality of information available is not satisfactory or raises serious questions as to whether the credit rating agency can provide a credible credit rating.
52. The credit rating agency infringes Article 10(6) by using the name of ESMA or any competent authority in such a way that would indicate or suggest endorsement or approval by ESMA or any competent authority of the credit ratings or any credit rating activities of the credit rating agency.
53. The credit rating agency infringes Article 13 by charging a fee for the information provided in accordance with Articles 8 to 12.
54. The credit rating agency, where it is a legal person established in the Union, infringes Article 14(1) by not applying for registration for the purposes of Article 2(1).
55. [F⁴The credit rating agency infringes Article 8a(3) by not publishing on its website, or by not submitting to ESMA on an annual basis, in accordance with point 3 of Part III of Section D of Annex I, a calendar at the end of December for the following 12 months, setting a maximum of three dates that fall on a Friday for the publication of unsolicited sovereign ratings and related rating outlooks and setting dates that fall on a Friday for the publication of solicited sovereign ratings and related rating outlooks.

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56. The credit rating agency infringes Article 8a(4) by deviating from the announced calendar where this is not necessary to fulfil its obligations under Article 8(2), Article 10(1) or Article 11(1) or by not providing a detailed explanation of the reasons for the deviation from the announced calendar.
 57. The credit rating agency infringes Article 10(2), in conjunction with point 3 of Part III of Section D of Annex I, by publishing a sovereign rating or a related rating outlook during business hours of regulated markets or less than one hour before their opening.
 58. The credit rating agency infringes Article 10(2), in conjunction with point 4 of Part III of Section D of Annex I, by including policy recommendations, prescriptions or guidelines to rated entities, including States or regional or local authorities of States, as part of a sovereign rating or a related rating outlook.
 59. The credit rating agency infringes Article 8a(2) by basing its public communications relating to changes in sovereign ratings, and which are not credit ratings, rating outlooks or accompanying press releases, as referred to in point 5 of Part I of Section D of Annex I, on information within the sphere of the rated entity, where such information has been disclosed without the consent of the rated entity, unless it is available from generally accessible sources or unless there are no legitimate reasons for the rated entity not to give its consent to the disclosure of the information.
 60. The credit rating agency infringes Article 8a(1) by not issuing individual publicly available country reports when announcing the revision of a given group of countries.
 61. The credit rating agency infringes point 1 of Part III of Section D of Annex I by issuing a sovereign rating or a related rating outlook without simultaneously providing a detailed research report explaining all the assumptions, parameters, limits and uncertainties and any other information taken into account in determining that sovereign rating or rating outlook or by not making that report publicly available, clear and easily comprehensible.
 62. The credit rating agency infringes point 2 of Part III of Section D of Annex I by not issuing a publicly available research report accompanying a change compared to the previous sovereign rating or related rating outlook or by not including in that report at least the information referred to in point 2(a) to (d) of Part III of Section D of Annex I.]
- II. *Infringements related to obstacles to the supervisory activities*
1. The credit rating agency infringes Article 6(2), in conjunction with point 7 of Section B of Annex I, by not arranging for records or audit trails of its credit rating activities as required by those provisions.
 2. The credit rating agency infringes Article 6(2), in conjunction with the first paragraph of point 8 of Section B of Annex I, by not keeping the records or audit trails referred to in point 7 of that Section at its premises for at least five years or by not making available those records or audit trails to ESMA upon request.
 3. The credit rating agency infringes Article 6(2), in conjunction with point 9 of Section B of Annex I, by not retaining records which set out the respective rights and obligations of the credit rating agency or the rated entity or its related third parties under an agreement to provide credit rating services for the duration of the relationship with that rated entity or its related third party.
 - 3a. ^[F4]The credit rating agency infringes the third subparagraph of Article 14(3) by not notifying ESMA of the intended material changes to the existing rating methodologies,

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- models or key rating assumptions or of the proposed new rating methodologies, models or key rating assumptions when it publishes the rating methodologies on its website in accordance with Article 8(5a).
- 3b. The credit rating agency infringes the first subparagraph of Article 8(5a) by not publishing on its website the proposed new rating methodologies or the proposed material changes to the rating methodologies that could have an impact on a credit rating together with an explanation of the reasons for and the implications of the changes.
- 3c. The credit rating agency infringes point (a) of Article 8(7) by not notifying ESMA of discovered errors in its rating methodologies or in their application or by not explaining their impact on its credit ratings, including the need to review its issued credit ratings.]
4. The credit rating agency infringes Article 11(2) by not making available the required information or by not providing that information in the required format as referred to in that paragraph.
- 4a. [F4The credit rating agency infringes Article 11a(1) by not making available the required information or by not providing that information in the required format as referred to in that paragraph.]
5. The credit rating agency infringes Article 11(3), in conjunction with point 2 of Part I of Section E of Annex I, by not providing to ESMA a list of its ancillary services.
6. The credit rating agency infringes the second subparagraph of Article 14(3) by not notifying ESMA of any material changes to the conditions for initial registration in accordance with that subparagraph.
7. [F3The credit rating agency infringes Article 23b(1) by failing to provide information in response to a decision requiring information pursuant to Article 23b(3), or by providing incorrect or misleading information in response to a simple request for information or a decision.]
8. [F3The credit rating agency infringes point (c) of Article 23c(1) by failing to provide an explanation, or by providing an incorrect or misleading explanation, on facts or documents related to the subject matter and purpose of an inspection.]
- III. *Infringements related to disclosure provisions*
1. The credit rating agency infringes Article 6(2), in conjunction with point 2 of Section B of Annex I, by not disclosing to the public the names of the rated entities or related third parties from which it receives more than 5 % of its annual revenue.
2. The credit rating agency infringes Article 6(2), in conjunction with the second part of the third paragraph of point 4 of Section B of Annex I, by not disclosing in the final rating report an ancillary service provided for the rated entity or any related third party.
3. The credit rating agency infringes Article 8(1) by not disclosing to the public the methodologies, models or key rating assumptions it uses in its credit rating activities as described in point 5 of Part I of Section E of Annex I.
4. The credit rating agency infringes point (a) of Article 8(6), where methodologies, models or key rating assumptions used in credit rating activities are changed, by not disclosing immediately, or by disclosing and not using the same means of

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communication as used for the distribution of the affected credit ratings, the likely scope of affected credit ratings.

- 4a. [F⁴The credit rating agency infringes point (aa) of Article 8(6), where it intends to use new rating methodologies, by not informing ESMA or by not publishing immediately on its website the results of the consultation and those new rating methodologies together with a detailed explanation thereof and their date of application.
- 4b. The credit rating agency infringes point (a) of Article 8(7) by not notifying affected rated entities of discovered errors in its rating methodologies or in their application, or by not explaining the impact on its credit ratings, including the need to review its issued credit ratings.
- 4c. The credit rating agency infringes point (b) of Article 8(7) by not publishing on its website discovered errors in its rating methodologies or in their application where such errors have an impact on the credit rating agency's credit ratings.]
5. The credit rating agency infringes Article 10(1) by not disclosing on a non-selective basis or in a timely manner a decision to discontinue a credit rating, including full reasons for the decision.
6. [F³The credit rating agency infringes Article 10(2), in conjunction with point 1 or 2, the first paragraph of point 4 or points 5 or 6, of Part I of Section D of Annex I, or Parts II or III of Section D of Annex I, by not providing the information as required by those provisions when presenting a credit rating or a rating outlook.
7. The credit rating agency infringes Article 10(2), in conjunction with point 3 of Part I of Section D of Annex I, by not informing the rated entity during working hours of the rated entity and at least a full working day before publication of the credit rating or the rating outlook.]
8. The credit rating agency infringes Article 10(3) by not ensuring that rating categories that are attributed to [F¹securitisation instruments] are clearly differentiated using an additional symbol which distinguishes them from rating categories used for any other entities, financial instruments or financial obligations.
9. The credit rating agency infringes Article 10(4) by not disclosing its policies or procedures regarding unsolicited credit ratings.
10. The credit rating agency infringes Article 10(5) by not providing the information as required by that paragraph when issuing an unsolicited credit rating or by not identifying an unsolicited credit rating as such.
11. The credit rating agency infringes Article 11(1) by not fully disclosing or immediately updating information relating to the matters set out in Part I of Section E of Annex I.

ANNEX IV

List of the coefficients linked to aggravating and mitigating factors for the application of Article 36a(3)

The following coefficients shall be applicable in a cumulative way to the basic amounts referred to in Article 36a(2) on the basis of each of the following aggravating and mitigating factors:

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I. *Adjustment coefficients linked to aggravating factors*

1. If the infringement has been committed repeatedly, for every time it has been repeated, an additional coefficient of 1,1 shall apply.
2. If the infringement has been committed for more than six months, a coefficient of 1,5 shall apply.
3. If the infringement has revealed systemic weaknesses in the organisation of the credit rating agency, in particular in its procedures, management systems or internal controls, a coefficient of 2,2 shall apply.
4. If the infringement has had a negative impact on the quality of the ratings rated by the credit rating agency concerned, a coefficient of 1,5 shall apply.
5. If the infringement has been committed intentionally, a coefficient of 2 shall apply.
6. If no remedial action has been taken since the breach has been identified, a coefficient of 1,7 shall apply.
7. If the credit rating agency's senior management has not cooperated with ESMA in carrying out its investigations, a coefficient of 1,5 shall apply.

II. *Adjustment coefficients linked to mitigating factors*

1. If the infringement relates to a breach listed in Section II or III of Annex III and has been committed for fewer than 10 working days, a coefficient of 0,9 shall apply.
2. If the credit rating agency's senior management can demonstrate that they have taken all the necessary measures to prevent the infringement, a coefficient of 0,7 shall apply.
3. If the credit rating agency has brought quickly, effectively and completely the infringement to ESMA's attention, a coefficient of 0,4 shall apply.
4. If the credit rating agency has voluntarily taken measures to ensure that similar infringement cannot be committed in the future, a coefficient of 0,6 shall apply.]

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- (1) Commission Directive 2004/72/EC of 29 April 2004 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards accepted market practices, the definition of inside information in relation to derivatives on commodities, the drawing up of lists of insiders, the notification of managers' transactions and the notification of suspicious transactions ([OJ L 162, 30.4.2004, p. 70](#)).
- (2) [OJ L 390, 31.12.2004, p. 38](#).
- (3) [OJ L 222, 14.8.1978, p. 11](#).
- (4) [OJ L 142, 30.4.2004, p. 12](#).

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- Title 4 heading substituted by [S.I. 2019/266 reg. 93](#)
- Regulation power to amend conferred by [2021 c. 22 s. 6](#)
- Regulation power to modify conferred by [2023 c. 29 s. 3Sch. 1 Pt. 1](#)
- Regulation revoked by [2023 c. 29 Sch. 1 Pt. 1](#)
- Annex 1 words substituted by [S.I. 2019/266 reg. 97\(a\)](#)
- Annex 3 heading substituted by [S.I. 2019/266 reg. 99\(a\)](#)
- Annex 2 point 1 words substituted by [S.I. 2019/266 reg. 98](#)
- Annex 4 omitted by [S.I. 2019/266 reg. 100](#)
- Art. 1 word omitted by [S.I. 2019/266 reg. 52\(a\)](#)
- Art. 1 word omitted by [S.I. 2019/266 reg. 52\(c\)](#)
- Art. 1 words substituted by [S.I. 2019/266 reg. 52\(b\)](#)
- Art. 1 words substituted by [S.I. 2019/266 reg. 52\(d\)](#)
- Art. 2(1) words substituted by [S.I. 2019/266 reg. 53\(a\)](#)
- Art. 2(4) words omitted by [S.I. 2019/266 reg. 53\(c\)\(ii\)](#)
- Art. 2(4) words substituted by [S.I. 2019/266 reg. 53\(c\)\(i\)](#)
- Art. 3(1) substituted by [S.I. 2019/266 reg. 54\(a\)](#)
- Art. 3(1) words inserted in earlier amending provision [S.I. 2009/266, reg. 54\(a\)](#) by [S.I. 2020/1055 reg. 11\(2\)](#)
- Art. 3(1) words substituted by [S.I. 2019/660 reg. 35](#)
- Art. 3(3) words omitted by [S.I. 2019/266 reg. 54\(c\)](#)
- Art. 4(1)-(4) words substituted by [S.I. 2019/266 reg. 55\(a\)](#)
- Art. 4(1) words substituted by [S.I. 2019/266 reg. 55\(b\)](#)
- Art. 4(6) substituted by [S.I. 2009/266, reg. 55\(e\)](#) (as substituted) by [S.I. 2020/1055 reg. 11\(3\)](#)
- Art. 4(6) words omitted by [S.I. 2019/266 reg. 55\(e\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 55(e) substituted (30.9.2020) by [S.I. 2020/1055, regs. 1\(2\), 11\(3\)](#))
- Art. 4(6) words substituted by [S.I. 2019/266 reg. 55\(e\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 55(e) substituted (30.9.2020) by [S.I. 2020/1055, regs. 1\(2\), 11\(3\)](#))
- Art. 5(1) words substituted by [S.I. 2019/266 reg. 56\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 56(a) substituted (30.9.2020) by [S.I. 2020/1055, regs. 1\(2\), 11\(4\)\(a\)](#))
- Art. 5(1) words substituted by [S.I. 2019/266, reg. 56\(a\)\(i\)](#) (as substituted) by [S.I. 2020/1055 reg. 11\(4\)\(a\)](#)
- Art. 5(2) words substituted by [S.I. 2019/266 reg. 56\(b\)](#)
- Art. 5(3) words substituted by [S.I. 2019/266 reg. 56\(c\)](#)
- Art. 5(4) words substituted by [S.I. 2019/266 reg. 56\(d\)\(ii\)\(aa\)](#)
- Art. 5(4) words substituted by [S.I. 2019/266 reg. 56\(d\)\(ii\)\(bb\)](#)
- Art. 5(6) words omitted by [S.I. 2019/266 reg. 56\(e\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 56(e)(i)(ii) substituted for reg. 56(e)(i)-(iii) immediately before IP completion day by [S.I. 2020/628, regs. 1\(3\), 9\(2\)](#))
- Art. 5(6) words substituted by [S.I. 2019/266 reg. 56\(e\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 56(e)(i)(ii) substituted for reg. 56(e)(i)-(iii) immediately before IP completion day by [S.I. 2020/628, regs. 1\(3\), 9\(2\)](#))
- Art. 5(6) words substituted by [S.I. 2019/266, reg. 56\(e\)\(i\)](#) (as substituted) by [S.I. 2020/628 reg. 9\(2\)](#)
- Art. 5(6) words substituted by [S.I. 2019/266, reg. 56\(e\)\(ii\)](#) (as substituted) by [S.I. 2020/628 reg. 9\(2\)](#)

- Art. 5(7) omitted by [S.I. 2019/266 reg. 56\(f\)](#) (This amendment not applied to legislation.gov.uk. Reg. 56(f) substituted (30.9.2020) by S.I. 2020/1055, regs. 1(2), 11(4)(b))
- Art. 5(7) words substituted by S.I. 2019/266, reg. 56(f)(i) (as substituted) by [S.I. 2020/1055 reg. 11\(4\)\(b\)](#)
- Art. 5(7) words substituted by S.I. 2019/266, reg. 56(f)(ii) (as substituted) by [S.I. 2020/1055 reg. 11\(4\)\(b\)](#)
- Art. 5(7) words substituted by S.I. 2019/266, reg. 56(f)(iii) (as substituted) by [S.I. 2020/1055 reg. 11\(4\)\(b\)](#)
- Art. 5(8) words omitted by [S.I. 2019/266 reg. 56\(g\)](#)
- Art. 5a(2) words substituted by [S.I. 2019/266 reg. 57](#)
- Art. 5b omitted by [S.I. 2019/266 reg. 58](#)
- Art. 5c substituted by [S.I. 2019/266 reg. 59](#)
- Art. 6(3) words substituted by [S.I. 2019/266 reg. 60](#)
- Art. 6b(6) omitted by [S.I. 2019/266 reg. 61](#)
- Art. 8a(1) word substituted by [S.I. 2019/266 reg. 63\(a\)](#)
- Art. 8a(3) words substituted by [S.I. 2019/266 reg. 63\(b\)](#)
- Art. 8b word substituted by [S.I. 2019/266 reg. 64\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 64 omitted immediately before IP completion day by virtue of S.I. 2019/710, regs. 1(2), 23)
- Art. 8b words substituted by [S.I. 2019/266 reg. 64\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 64 omitted immediately before IP completion day by virtue of S.I. 2019/710, regs. 1(2), 23)
- Art. 8b words substituted by [S.I. 2019/266 reg. 64\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 64 omitted immediately before IP completion day by virtue of S.I. 2019/710, regs. 1(2), 23)
- Art. 8b words substituted by [S.I. 2019/266 reg. 64\(d\)](#) (This amendment not applied to legislation.gov.uk. Reg. 64 omitted immediately before IP completion day by virtue of S.I. 2019/710, regs. 1(2), 23)
- Art. 8d words substituted by [S.I. 2019/266 reg. 65](#)
- Art. 9 words substituted by [S.I. 2019/266 reg. 66](#)
- Art. 10(2a) words substituted by [S.I. 2019/266 reg. 67\(a\)\(i\)](#)
- Art. 10(2a) words substituted by [S.I. 2019/266 reg. 67\(a\)\(ii\)](#)
- Art. 10(6) words substituted by [S.I. 2019/266 reg. 67\(b\)](#)
- Art. 11(2) words substituted by [S.I. 2019/266 reg. 68\(a\)](#)
- Art. 11(2) words substituted by [S.I. 2019/266 reg. 68\(b\)](#)
- Art. 11a heading words substituted by [S.I. 2019/266 reg. 69\(a\)](#)
- Art. 11a(1) words substituted by [S.I. 2019/266 reg. 69\(b\)](#)
- Art. 11a(2) words omitted by [S.I. 2019/266 reg. 69\(c\)\(ii\)](#)
- Art. 11a(2) words omitted by [S.I. 2019/266 reg. 69\(c\)\(iii\)](#)
- Art. 11a(2) words substituted by [S.I. 2019/266 reg. 69\(c\)\(i\)](#)
- Art. 14(1) words substituted by [S.I. 2019/266 reg. 70\(a\)](#)
- Art. 14(2) words omitted by [S.I. 2019/266 reg. 70\(b\)\(ii\)](#)
- Art. 14(2) words substituted by [S.I. 2019/266 reg. 70\(b\)\(i\)](#)
- Art. 14(3) words substituted by [S.I. 2019/266 reg. 70\(c\)\(i\)](#)
- Art. 14(3) words substituted by [S.I. 2019/266 reg. 70\(c\)\(ii\)](#)
- Art. 14(4) words substituted by [S.I. 2019/266 reg. 70\(d\)](#)
- Art. 14(5) words substituted by [S.I. 2019/266 reg. 70\(d\)](#)
- Art. 15(1) words substituted by [S.I. 2019/266 reg. 71\(a\)](#)
- Art. 15(2) words substituted by [S.I. 2019/266 reg. 71\(a\)](#)
- Art. 15(3) word substituted by [S.I. 2019/266 reg. 71\(b\)](#)
- Art. 15(3) words omitted by [S.I. 2019/266 reg. 71\(b\)](#)
- Art. 15(4) words substituted by [S.I. 2019/266 reg. 71\(c\)](#)
- Art. 16 heading words substituted by [S.I. 2019/266 reg. 72\(a\)](#)
- Art. 16(1) words substituted by [S.I. 2019/266 reg. 72\(b\)](#)
- Art. 16(2) words substituted by [S.I. 2019/266 reg. 72\(c\)](#)
- Art. 16(3)(4) words substituted by [S.I. 2019/266 reg. 72\(d\)](#)
- Art. 17 heading words substituted by [S.I. 2019/266 reg. 73\(a\)](#)

- Art. 17(1) words substituted by [S.I. 2019/266 reg. 73\(b\)](#)
- Art. 17(2) words substituted by [S.I. 2019/266 reg. 73\(b\)](#)
- Art. 17(3) words substituted by [S.I. 2019/266 reg. 73\(c\)](#)
- Art. 17(4) words substituted by [S.I. 2019/266 reg. 73\(c\)](#)
- Art. 18 substituted by [S.I. 2019/266 reg. 74](#)
- Art. 19 omitted by [S.I. 2019/266 reg. 76](#)
- Art. 20 substituted by [S.I. 2019/266 reg. 77](#)
- Art. 21 heading substituted by [S.I. 2019/266 reg. 79\(a\)](#)
- Art. 21(1) word substituted by [S.I. 2019/266 reg. 79\(b\)](#)
- Art. 21(2) omitted by [S.I. 2019/266 reg. 79\(c\)](#)
- Art. 21(3) omitted by [S.I. 2019/266 reg. 79\(d\)](#)
- Art. 21(4) words omitted by [S.I. 2019/266 reg. 79\(e\)\(iii\)](#)
- Art. 21(4) words substituted by [S.I. 2019/266 reg. 79\(e\)\(i\)](#)
- Art. 21(4a) words omitted by [S.I. 2019/266 reg. 79\(f\)\(iii\)](#)
- Art. 21(4a) words substituted by [S.I. 2019/266 reg. 79\(f\)\(i\)](#)
- Art. 21(4b) omitted by [S.I. 2019/266 reg. 79\(g\)](#)
- Art. 21(5) words substituted by [S.I. 2019/266 reg. 79\(h\)](#)
- Art. 21(6) words substituted by [S.I. 2019/266 reg. 79\(i\)\(i\)](#)
- Art. 21(6) words substituted by [S.I. 2019/266 reg. 79\(i\)\(ii\)](#)
- Art. 21(6) words substituted by [S.I. 2019/266 reg. 79\(i\)\(iii\)](#)
- Art. 21(7) omitted by [S.I. 2019/266 reg. 79\(j\)](#)
- Art. 22 omitted by [S.I. 2019/266 reg. 80](#)
- Art. 22a(1)(2) words substituted by [S.I. 2019/266 reg. 81](#)
- Art. 23 words substituted by [S.I. 2019/266 reg. 82](#)
- Art. 23a-23e omitted by [S.I. 2019/266 reg. 83](#)
- Art. 24 substituted by [S.I. 2019/266 reg. 84](#)
- Art. 25 omitted by [S.I. 2019/266 reg. 85](#)
- Art. 25a omitted by [S.I. 2019/266 reg. 85](#)
- Art. 2627 omitted by [S.I. 2019/266 reg. 87](#)
- Art. 3031 omitted by [S.I. 2019/266 reg. 88](#)
- Art. 32 omitted by [S.I. 2022/1080 reg. 5\(2\)](#)
- Art. 32(1) word substituted by [S.I. 2019/266 reg. 89\(a\)\(i\)](#)
- Art. 32(1) words omitted by [S.I. 2019/266 reg. 89\(a\)\(ii\)](#)
- Art. 32(1) words omitted by [S.I. 2019/266 reg. 89\(a\)\(iii\)](#)
- Art. 32(2) word substituted by [S.I. 2019/266 reg. 89\(b\)\(i\)](#)
- Art. 32(2) words omitted by [S.I. 2019/266 reg. 89\(b\)\(iv\)](#)
- Art. 32(2) words omitted by [S.I. 2019/266 reg. 89\(b\)\(v\)](#)
- Art. 32(2) words omitted by [S.I. 2019/266 reg. 89\(b\)\(vi\)](#)
- Art. 32(2) words substituted by [S.I. 2019/266 reg. 89\(b\)\(ii\)](#)
- Art. 32(2) words substituted by [S.I. 2019/266 reg. 89\(b\)\(iii\)](#)
- Art. 34 words substituted by [S.I. 2019/266 reg. 90\(a\)](#)
- Art. 34 words substituted by [S.I. 2019/266 reg. 90\(b\)](#)
- Art. 34 words substituted by [S.I. 2019/266 reg. 90\(c\)](#)
- Art. 34 words substituted by [S.I. 2022/1080 reg. 5\(3\)](#)
- Art. 35 words omitted by [S.I. 2019/266 reg. 91\(c\)](#)
- Art. 35 words substituted by [S.I. 2019/266 reg. 91\(a\)](#)
- Art. 35 words substituted by [S.I. 2019/266 reg. 91\(b\)](#)
- Art. 35a(2) words omitted by [S.I. 2019/266 reg. 92\(a\)](#)
- Art. 35a(4) words omitted by [S.I. 2019/266 reg. 92\(c\)\(ii\)](#)
- Art. 35a(4) words substituted by [S.I. 2019/266 reg. 92\(c\)\(i\)](#)
- Art. 35a(5) words substituted by [S.I. 2019/266 reg. 92\(d\)](#)
- Art. 35a(6) words substituted by [S.I. 2019/266 reg. 92\(e\)\(i\)](#)
- Art. 35a(6) words substituted by [S.I. 2019/266 reg. 92\(e\)\(ii\)](#)
- Art. 36-36e omitted by [S.I. 2019/266 reg. 94](#)
- Art. 37 words substituted by [S.I. 2019/266 reg. 95\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 95 substituted immediately before IP completion day by [S.I. 2020/628, regs. 1\(3\), 9\(3\)](#))

- Art. 37 words substituted by [S.I. 2019/266 reg. 95\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 95 substituted immediately before IP completion day by S.I. 2020/628, regs. 1(3), 9(3))
- Art. 37 words substituted by S.I. 2019/266, reg. 95 (as substituted) by [S.I. 2020/628 reg. 9\(3\)](#)
- Art. 38-41 omitted by [S.I. 2019/266 reg. 96](#) (This amendment not applied to legislation.gov.uk. Reg. 96 substituted immediately before IP completion day by S.I. 2020/628, regs. 1(3), 9(4))
- Art. 38 substituted by S.I. 2019/266, reg. 96(1) (as substituted) by [S.I. 2020/628 reg. 9\(4\)](#)
- Art. 38a-41 omitted by virtue of S.I. 2019/266, reg. 96(2) (as substituted) by [S.I. 2020/628 reg. 9\(4\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Ch. 2 heading words substituted by [S.I. 2019/266 reg. 78](#)
- Ch. 3 heading substituted by [S.I. 2019/266 reg. 86](#)
- Annex 1 s. Cpara. 1 words substituted by [S.I. 2019/266 reg. 97\(b\)](#)
- Annex 1 s. DPt. 3 para. 3 words substituted by [S.I. 2019/266 reg. 97\(c\)](#)
- Annex 1 s. EPt. 3 para. 1 words substituted by [S.I. 2019/266 reg. 97\(d\)](#)
- Annex 1 s. EPt. 3 para. 8 words substituted by [S.I. 2019/266 reg. 97\(e\)\(i\)](#)
- Annex 1 s. EPt. 3 para. 8 words substituted by [S.I. 2019/266 reg. 97\(e\)\(ii\)](#)
- Annex 3 Pt. 2 point 7 omitted by [S.I. 2019/266 reg. 99\(c\)\(ii\)](#)
- Annex 3 Pt. 2 point 8 omitted by [S.I. 2019/266 reg. 99\(c\)\(ii\)](#)
- Annex 3 Pt. 1 point 10 words substituted by [S.I. 2019/266 reg. 99\(b\)\(i\)](#)
- Annex 3 Pt. 1 point 50 words substituted by [S.I. 2019/266 reg. 99\(b\)\(ii\)](#)
- Annex 3 Pt. 1 point 52 words substituted by [S.I. 2019/266 reg. 99\(b\)\(iii\)](#)
- Annex 3 Pt. 1 point 55 words substituted by [S.I. 2019/266 reg. 99\(b\)\(iv\)](#)
- Annex 3 Pt. 2 point 2 words substituted by [S.I. 2019/266 reg. 99\(c\)\(i\)](#)
- Annex 3 Pt. 2 point 3a words substituted by [S.I. 2019/266 reg. 99\(c\)\(i\)](#)
- Annex 3 Pt. 2 point 3c words substituted by [S.I. 2019/266 reg. 99\(c\)\(i\)](#)
- Annex 3 Pt. 2 point 5 words substituted by [S.I. 2019/266 reg. 99\(c\)\(i\)](#)
- Annex 3 Pt. 2 point 6 words substituted by [S.I. 2019/266 reg. 99\(c\)\(i\)](#)
- Annex 3 Pt. 3 point 4a words substituted by [S.I. 2019/266 reg. 99\(d\)](#)
- Art. 2(2)(c) words substituted by [S.I. 2019/266 reg. 53\(b\)\(i\)](#)
- Art. 2(2)(d) words substituted by [S.I. 2019/266 reg. 53\(b\)\(ii\)](#)
- Art. 2(2)(d)(iv) words substituted by [S.I. 2019/266 reg. 53\(b\)\(iii\)](#)
- Art. 3(2)(a)(b) substituted by [S.I. 2019/266 reg. 54\(b\)](#)
- art. 4(1A)(1B) inserted by [S.I. 2019/266 reg. 55\(c\)](#)
- art. 4(1A)(1B) words substituted in earlier amending provision S.I. 2019/266, reg. 55(c) by [S.I. 2020/1301 reg. 3Sch. para. 16](#)
- Art. 4(3)(b) words substituted by [S.I. 2019/266 reg. 55\(d\)\(i\)](#)
- Art. 4(3)(c)(d) word substituted by [S.I. 2019/266 reg. 55\(d\)\(ii\)](#)
- Art. 4(3)(g) words substituted by [S.I. 2019/266 reg. 55\(d\)\(iii\)](#)
- Art. 4(3)(h) omitted by [S.I. 2019/266 reg. 55\(d\)\(iv\)](#)
- Art. 5(1)(b) substituted by S.I. 2019/266, reg. 56(a)(ii) (as substituted) by [S.I. 2020/1055 reg. 11\(4\)\(a\)](#)
- Art. 5(1)(b) words substituted by [S.I. 2019/266 reg. 56\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 56(a) substituted (30.9.2020) by S.I. 2020/1055, regs. 1(2), 11(4)(a))
- Art. 5(1)(c) omitted by [S.I. 2019/266 reg. 56\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 56(a) substituted (30.9.2020) by S.I. 2020/1055, regs. 1(2), 11(4)(a))
- Art. 5(1)(c) words inserted by S.I. 2019/266, reg. 56(a)(iii)(aa) (as substituted) by [S.I. 2020/1055 reg. 11\(4\)\(a\)](#)

- Art. 5(1)(c) words substituted by S.I. 2019/266, reg. 56(a)(iii)(bb) (as substituted) by [S.I. 2020/1055 reg. 11\(4\)\(a\)](#)
- Art. 5(1)(d) words substituted by [S.I. 2019/266 reg. 56\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Reg. 56(a) substituted (30.9.2020) by S.I. 2020/1055, regs. 1(2), 11(4)(a))
- Art. 5(1)(d) words substituted by S.I. 2019/266, reg. 56(a)(iv) (as substituted) by [S.I. 2020/1055 reg. 11\(4\)\(a\)](#)
- Art. 5(4)(b) words substituted by [S.I. 2019/266 reg. 56\(d\)\(i\)](#)
- Art. 5(6)(c) words substituted by [S.I. 2019/266 reg. 56\(e\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 56(e)(i)(ii) substituted for reg. 56(e)(i)-(iii) immediately before IP completion day by S.I. 2020/628, regs. 1(3), 9(2))
- Art. 8(6)(aa) words substituted by [S.I. 2019/266 reg. 62\(a\)](#)
- Art. 8(7)(a) words substituted by [S.I. 2019/266 reg. 62\(b\)](#)
- Art. 18A inserted by [S.I. 2019/266 reg. 75](#)
- Art. 21(4)(e) words substituted by [S.I. 2019/266 reg. 79\(e\)\(ii\)](#)
- Art. 21(4a)(a)(b) words substituted by [S.I. 2019/266 reg. 79\(f\)\(ii\)](#)
- Art. 35a(3)(b) words substituted by [S.I. 2019/266 reg. 92\(b\)](#)
- Art. 38(2)(a) word omitted in earlier amending provision S.I. 2019/266, reg. 96(1) by [S.I. 2020/1055 reg. 14\(a\)](#)
- Art. 38(2)(b) words substituted in earlier amending provision S.I. 2019/266, reg. 96(1) by [S.I. 2020/1055 reg. 14\(b\)](#)
- Art. 38(2)(c) inserted in earlier amending provision S.I. 2019/266, reg. 96(1) by [S.I. 2020/1055 reg. 14\(c\)](#)