Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (Text with EEA relevance)

TITLE I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1Subject matter and scopeArticle 2Definitions

TITLE II

SECURITIES SETTLEMENT

CHAPTER I

Book-entry form

Article 3Book-entry formArticle 4Enforcement

CHAPTER II

Settlement periods

Article 5 Intended settlement date

CHAPTER III

Settlement discipline

- Article 6 Measures to prevent settlement fails
- Article 7 Measures to address settlement fails
- Article 8 Enforcement

CHAPTER IV

Internalised settlement

Article 9 Settlement internalisers

TITLE III

CENTRAL SECURITIES DEPOSITORIES

CHAPTER I

Authorisation and supervision of CSDs

Section 1

Authorities responsible for authorisation and supervision of CSDs

- Article 10 Competent authority
- Article 11 Designation of the competent authority
- Article 12 Relevant authorities
- Article 13 Exchange of information
- Article 14 Cooperation between authorities
- Article 15 Emergency situations

Section 2

Conditions and procedures for authorisation of CSDs

- Article 16 Authorisation of a CSD
- Article 17 Procedure for granting authorisation
- Article 18 Effects of the authorisation
- Article 19 Extension and outsourcing of activities and services
- Article 20 Withdrawal of authorisation
- Article 21 CSD register

Section 3

Supervision of CSDs

Article 22 Review and evaluation

Section 4

Provision of services in another member state

- Article 23 Freedom to provide services in another Member State
- Article 24 Cooperation between authorities of the home Member State and of the host Member State and peer review

Section 5

Relations with third countries

Article 25 Third countries

is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

CHAPTER II

Requirements for CSDs

Section 1

Organisational requirements

| 1 1 0 1 | C 1 | • • |
|------------|------------|-------------|
| Article 26 | General | provisions |
| | General | p10,1010110 |

- Article 27 Senior management, management body and shareholders
- Article 28 User committee
- Article 29 Record keeping
- Article 30 Outsourcing
- Article 31 Services provided by parties other than CSDs

Section 2

Conduct of business rules

| 1 1 20 | A 1 | • • |
|------------|------------|------------|
| Article 32 | General | provisions |

- Article 33 Requirements for participation
- Article 34 Transparency
- Article 35 Communication procedures with participants and other market infrastructures

Section 3

Requirements for CSD services

| Article 36 | General provisions |
|------------|---|
| Article 37 | Integrity of the issue |
| Article 38 | Protection of securities of participants and those of their clients |
| Article 39 | Settlement finality |
| Article 40 | Cash settlement |
| Article 41 | Participant default rules and procedures |

Section 4

Prudential requirements

| Article 42 | General requirements |
|------------|-----------------------|
| Article 43 | Legal risks |
| Article 44 | General business risk |
| Article 45 | Operational risks |
| | _ ^ |

- Article 46 Investment policy
- Article 47 Capital requirements

Section 5

Requirements for CSD links

Article 48 CSD links

CHAPTER III

Access to CSDs

Section 1

Access of issuers to CSDs or third-country CSDs

Article 49 Freedom to issue in a CSD or third-country CSD

Section 2

Access between CSDs and between CSDs and third-country CSDs

- Article 50 Standard link access
- Article 51 Customised link access
- Article 52 Procedure for CSD links

Section 3

Access between a CSD or third-country CSD and another market infrastructure

Article 53 Access between a CSD or third-country CSD and another market infrastructure

TITLE IV

PROVISION OF BANKING-TYPE ANCILLARY SERVICES FOR CSD PARTICIPANTS

- Article 54 Authorisation and designation to provide banking-type ancillary services
 Article 55 Procedure for granting and refusing authorisation to provide banking-type ancillary services
 Article 56 Extension of the banking-type ancillary services
 Article 57 Withdrawal of authorisation
- Article 58 CSD register
- Article 59 Prudential requirements applicable to credit institutions or CSDs authorised to provide banking-type ancillary services
- Article 60 Supervision of designated credit institutions and CSDs authorised to provide banking-type ancillary services

TITLE V

SANCTIONS

- Article 61 Administrative sanctions and other measures
- Article 62 Publication of decisions
- Article 63 Sanctions for infringements
- Article 64 Effective application of sanctions
- Article 65 Reporting of infringements
- Article 66 Right of appeal

that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

TITLE VI

REGULATIONS, TRANSITIONAL AND FINAL PROVISIONS

- Article 67 Regulations
- Article 68 Committee procedure
- Article 69 Transitional provisions
- Article 70 Amendments to Directive 98/26/EC
- Article 71 Amendments to Directive 2014/65/EU
- Article 72 Amendment to Regulation (EU) No 236/2012
- Article 73 Application of the UK law on markets in financial instruments
- and Regulation (EU) No 600/2014
- Article 74 Reports
- Article 75 Review
- Article 76 Entry into force and application Signature

ANNEX

LIST OF SERVICES

SECTION A

Core services of central securities depositories

- 1. Initial recording of securities in a book-entry system ('notary service');...
- 2. Providing and maintaining securities accounts at the top tier level...
- 3. Operating a securities settlement system ('settlement service').

SECTION B

Non-banking-type ancillary services of CSDs that do not entail credit...

SECTION C

Banking-type ancillary services

Changes to legislation: Regulation (EU) No 909/2014 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (**1**) OJ C 310, 13.10.2012, p. 12.
- (2) OJ C 299, 4.10.2012, p. 76.
- (3) Position of the European Parliament of 15 April 2014 (not yet published in the Official Journal) and decision of the Council of 23 July 2014.
- (4) Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45).
- (5) 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).
- (6) Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).
- (7) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).
- (8) Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).
- (9) Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements (OJ L 168, 27.6.2002, p. 43).
- (10) 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 (OJ L 201, 27.7.2012, p. 1).
- (11) Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).
- (12) Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).
- (**13**) [2004] ECR I-4829.
- (14) Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).
- (15) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).
- (16) Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).
- (17) Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).
- (18) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).
- (19) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

- (20) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).
- (21) Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120).
- (22) Regulation (EU) No 236/2012 of the European Parliament and of the Council of 14 March 2012 on short selling and certain aspects of credit default swaps (OJ L 86, 24.3.2012, p. 1).

Changes to legislation:

Regulation (EU) No 909/2014 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- Regulation revoked by 2023 c. 29 Sch. 1 Pt. 1