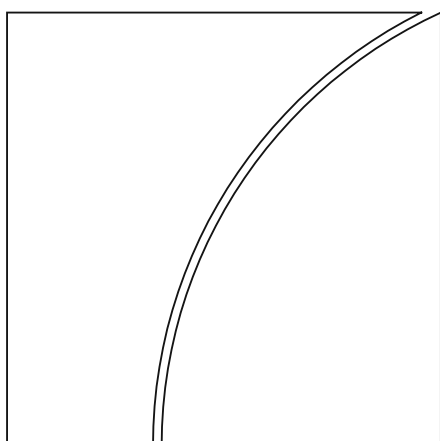


Committee on Payments
and Market Infrastructures

Board of the International
Organization of Securities
Commissions



Implementation
monitoring of PFMI:
Third update to
Level 1 assessment
report

June 2016



BANK FOR INTERNATIONAL SETTLEMENTS



OICU-IOSCO

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Introduction

In April 2012, the Committee on Payments and Market Infrastructures (CPMI) and the International Organization of Securities Commissions (IOSCO) issued the *Principles for financial market infrastructures* (PFMI). In line with the G20's expectations, CPMI and IOSCO members have undertaken to incorporate the 24 principles (the Principles) and the five responsibilities (the Responsibilities) included in the PFMI in their legal and regulatory frameworks. Implementing the PFMI is a comprehensive and large-scale undertaking that spans several different types of FMI and, typically, multiple regulators within a single jurisdiction.

The CPMI and IOSCO are monitoring the implementation of the PFMI, including both the Principles and the Responsibilities. To that end, the CPMI-IOSCO Steering Group¹ has established a standing working-level group (the Implementation Monitoring Standing Group (IMSG)) to design, organise and carry out the implementation monitoring assessments.

The implementation monitoring involves three phases: (1) Level 1 to assess whether jurisdictions have completed the process of adopting the legislation, regulations and other policies that will enable them to implement the Principles and Responsibilities; (2) Level 2 to assess whether the content of legislation, regulations and policies is complete and consistent with the Principles and the Responsibilities; and (3) Level 3 to assess whether there is consistency in the outcomes of the implementation of the Principles and Responsibilities.

The initial Level 1 assessments (covering 27 jurisdictions) were conducted in mid-2013,² and the first and second updates (covering 28 jurisdictions³) were conducted respectively in 2014 and 2015.⁴

The current report is the third update to the Level 1 assessments, and reflects the status of jurisdictions' legal, regulatory or policy frameworks as at 8 January 2016.

This update focuses exclusively on those jurisdictions for which the implementation measures were not yet in force for at least one FMI type at the time of the last update, ie where the rating was "1", "2", "3" or "NA" on the second Level 1 update.⁵ Those jurisdictions that had already reached the highest rating – ie "4" – for all FMI types in the previous update were not surveyed for this update.

The remainder of this report outlines the key observations and next steps in the implementation monitoring of the PFMI. A tabular summary of survey results, showing the ratings, is included in Annex A. In addition, Annex B contains more details of each surveyed jurisdiction's self-assessments, links to public documents implementing the PFMI, and, where relevant and available, information on forthcoming initiatives.⁶ The ratings in the self-assessments represent each jurisdiction's own assessment of the status of its progress in adopting the legislation and other policies relevant to its implementation of the PFMI for each FMI type. These self-assessments have been reviewed by the IMSG.

¹ The Steering Group is composed of a subset of the members of the CPMI and the IOSCO Board, and is responsible for providing operational guidance on behalf of the parent committees on joint CPMI-IOSCO work.

² CPSS-IOSCO, *Implementation monitoring of PFMI – Level 1 assessment report*, August 2013, www.bis.org/publ/cpss111.htm.

³ Indonesia was added to the initial 27 jurisdictions.

⁴ CPSS-IOSCO, *Implementation monitoring of PFMI – First update to Level 1 assessment report*, May 2014, www.bis.org/cpmi/publ/d117.htm; CPMI-IOSCO, *Implementation monitoring of PFMI – Second update to Level 1 assessment report*, June 2015, www.bis.org/cpmi/publ/d129.htm.

⁵ Ratings range from "1", which indicates that draft implementation measures have not yet been published, to "4", which indicates that final implementation measures are in force. Ratings also include a Not Applicable category (see Annex C). For jurisdictions assigned only ratings "4" or "NA" in the second update, the IMSG checked that the "NA" ratings assigned were still valid.

⁶ Annex B of this report provides details only for jurisdictions that were rated less than "4" for at least one FMI type in the second update and only for those FMI types that were rated "1", "2", "3" or "NA" in that report. For other jurisdictions and FMI types, the detailed information is provided in Annex B of the Second update to Level 1 assessment report.

Key observations

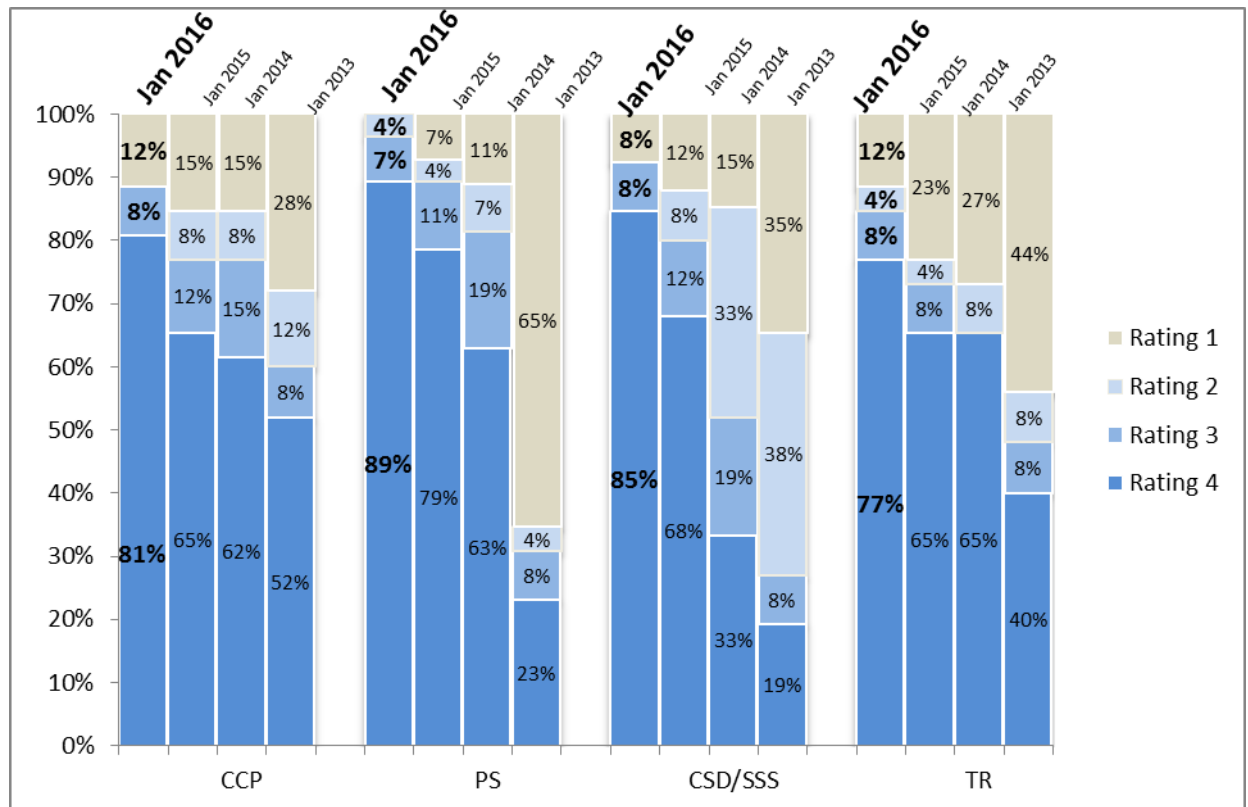
Overall, the third update to the Level 1 assessments shows that participating jurisdictions have continued to make progress since the previous update in completing the process of adopting legislation, regulations and/or policies that will enable them to implement the PFMI. See Annex A for a summary of ratings across jurisdictions.

The previous updates to the Level 1 assessment report revealed that additional measures were needed primarily with respect to implementation of the Principles. By contrast, many jurisdictions had already achieved the highest rating for the Responsibilities.⁷

Consistent with this, there were few changes in ratings for the Responsibilities, with just four jurisdictions upgraded to rating "4" from their previous rating for the Responsibilities for trade repositories (TRs).

With respect to the Principles, however, the updated assessment reveals a number of changes in jurisdictions' ratings. Overall, 19 of the 28 jurisdictions have now achieved the highest rating, "4", for all FMI types. In the initial Level 1 exercise, implementation of the Principles for PSs and CSDs/SSS was the least advanced. These are now the FMI types for which implementation measures are the most advanced. The improvement observed in the previous update in implementation of the Principles for CSDs/SSS has continued, with 21 jurisdictions now achieving a rating of "4"; and, all but three jurisdictions now attaining the highest rating for PSs, and no jurisdictions remaining at a rating of "1". The implementation status for CCPs and TRs is similar. In each case, around three quarters of the jurisdictions have achieved a rating of "4". Furthermore, while in previous updates around a quarter of jurisdictions remained at the lowest rating, "1", for TRs, this proportion has dropped to 12%. Indeed, across FMI types, a number of jurisdictions that previously had a rating of "1" have now advanced to a rating of either "2" or "3". Figure 1 illustrates the progress made in respect of the Principles according to the type of FMI, as compared with the previous Level 1 assessments.

⁷ This was further confirmed in the CPMI-IOSCO report *Assessment and review of application of Responsibilities by authorities*, November 2015, www.bis.org/cpmi/publ/d139.htm.



See Annex C for the ratings scale.




Next steps



The next update of the Level 1 assessments will be conducted in 2017.

⁸ For each FMI type, the percentages have been calculated excluding "NA" ratings (ie Saudi Arabia for CCPs, Indonesia for TRs) and jurisdictions with a split rating (ie the United States for CCPs, CSDs/SSS and TRs, Indonesia and Turkey for CSDs/SSS).

Annex A: Summary table of ratings

| Jurisdiction | Principles | | | | Responsibilities | | | |
|--|-------------------|---------------------|-------------|------|------------------|-------|-------------|-------|
| | CCPs | PSs | CSDs & SSSs | TRs | CCPs | PSs | CSDs & SSSs | TRs |
| Argentina | 3 | 3 | 3 | 3 | 4 | 4 | 4 | 4 |
| Australia | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| Belgium | 4,EU ⁹ | 4,EUR ¹⁰ | 4 | 4,EU | NA | 4,EUR | 4 | NA/EU |
| Brazil | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| Canada | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| Chile | 1 | 2 | 1 | 1 | 4 | 4 | 4 | 1 |
| China | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| European Union (EU) / Eurosystem (EUR) ¹¹ | 4 | 4 | 4 | 4 | NA | 4 | NA | 4 |
| France | 4,EU | 4,EUR | 4,EUR | 4,EU | 4 | 4,EUR | 4 | NA/EU |
| Germany | 4,EU | 4,EUR | 4,EUR | 4,EU | 4 | 4,EUR | 4 | NA/EU |
| Hong Kong SAR | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| India | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| Indonesia | 1 | 4 | 4/1 | NA | 4 | 4 | 4 | NA |
| Italy | 4,EU | 4,EUR | 4 | 4,EU | 4 | 4,EUR | 4 | NA/EU |
| Japan | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| Korea | 4 | 4 | 4 | 1 | 4 | 4 | 4 | 1 |
| Mexico | 3 | 3 | 3 | 3 | 4 | 4 | 4 | 4 |
| Netherlands | 4,EU | 4,EUR | 4,EUR | 4,EU | 4 | 4,EUR | 4 | NA/EU |
| Russia | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| Saudi Arabia | NA | 4 | 1 | 4 | NA | 4 | 4 | 4 |
| Singapore | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| South Africa | 4 | 4 | 4 | 2 | 4 | 4 | 4 | 2 |
| Spain | 4,EU | 4,EUR | 4,EUR | 4,EU | 4 | 4,EUR | 4 | NA/EU |
| Sweden | 4,EU | 4 | 4 | 4,EU | 4 | 4 | 4 | NA/EU |
| Switzerland | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| Turkey | 1 | 4 | 1/4 | 1 | 4 | 4 | 4 | 4 |
| United Kingdom | 4,EU | 4 | 4 | 4,EU | 4 | 4 | 4 | NA/EU |
| United States | 2/4 | 4 | 2/4 | 1/3 | 4 | 4 | 4 | 4 |

 means a rating of 4
 means a rating lower than 4
 means NA

 indicates the jurisdictions that were surveyed in this update
 indicates the ratings that were modified in this update

⁹ Rating is the same as for the EU.

¹⁰ Rating is the same as for the Eurosystem.

¹¹ Eurosystem refers to the member states of the European Union whose currency is the euro. EU rating is given to CCPs and TRs, while EUR rating is given to PSs and CSDs/SSSs.

Annex B: Summary jurisdiction tables

Argentina

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|-----------|---------------------------------|---------------------|----------|--|---|
| Argentina | Principles | CCPs | 3 | Comision Nacional de Valores (CNV) published Rules 2013 on 31 July 2013: Title VI, Chapters I, II, III, IV and V Title XVII, Chapter IV, section 1 Interpretative criterions 48, 52, 59 and 60. CNV's Rules 2013 are still in process of implementation. | CNV – Rules2013: http://www.cnv.gob.ar/LeyesReg/marco_regulatorio3.asp?Lang=0&item=3 |
| | | PSs | 3 | Banco Central de la República Argentina (BCRA) issued <i>Comunicación "A" 5775</i> and <i>Comunicación "B" 11056</i> on 10 July 2015. <i>Comunicación "A" 5775</i> establishes the obligation to comply with the Principles, requiring observance within the next six months. | BCRA - <i>Comunicación "A" 5775</i> : http://www.bcra.gob.ar/Pdfs/comytexord/A5775.pdf BCRA - <i>Comunicación "B" 11056</i> : http://www.bcra.gob.ar/Pdfs/comytexord/B11056.pdf . |
| | | CSDs and SSSs | 3 (CNV) | CNV published Rules 2013 on 31 July 2013: Title VIII Chapter I and II Title XVII, Chapter IV, section 1 Interpretative criterions 48, 52, 59 and 60. CNV Rules 2013 are still in the process of implementation. | CNV – Rules 2013 [see above for link] |
| | | | 3 (BCRA) | BCRA issued <i>Comunicación "A" 5775</i> and <i>Comunicación "B" 11056</i> on 10 July 2015. <i>Comunicación "A" 5775</i> establishes the obligation to comply with the Principles, requiring observance within the next six months. | BCRA - <i>Comunicación "A" 5775</i> and <i>Comunicación "B" 11056</i> [see above for link] |

| | | | | |
|--|-----|---|--|---|
| | TRs | 3 | <p>At present, there are no TRs in Argentina. Nevertheless, there are TR-like entities, as defined by the FSB.</p> <p>CNV published Rules 2013 on 31 July 2013. CNV Rules 2013 are still in the process of implementation.</p> <p>CNV and SAGYP issued rules requiring all participants to register contracts and OTC derivatives on many commodities, in a centralized system developed by Futures Exchanges and Product Associations. The system was launched in December 2014 in www.siogranos.com.ar</p> | <p>CNV – Rules2013 [see above for link]</p> <p>CNV-SAGYP’s JOINT REGULATIONS CNV N° 628 and SAGYP N° 208/14 http://infoleg.mecon.gov.ar/infolegInternet/verNorma.do?sesionid=68BD049A795D86DCAB32F25B41BB9FFC?id=232154</p> <p>CNV-SAGYP’s JOINT REGULATIONS CNV N° 630 and SAGYP N° 299/14 http://www.infoleg.gob.ar/infolegInternet/verNorma.do?id=233911</p> |
| <p>Comments: The date by which CCPs and CSDs/SSSs were required to observe the Principles was 10 January 2016. This was after the effective date of the Level 1 exercise, but as at the publication date of this report, the Principles are now in force.</p> | | | | |

Canada

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|--------|---------------------------------|-------------|--------|--|--|
| Canada | Principles | CCPs | 4 | <p>Bank of Canada (BOC) published final change guidance on 6 December 2012. The measure came into force on the same date except for a small number of aspects of the Principles that FMIs are required to observe by 31 December 2016. See below comment box for details.</p> <p>Ontario Securities Commission (OSC) published final terms and conditions (T&Cs) for the FMIs that it currently recognizes (CDS and CDCC), which require observance of the PFMI as soon as possible. Such T&Cs were published respectively on 4 July 2012 and 17 April 2014. Autorité des marchés financiers (AMF) published similar measures on 2 May 2012 (CDCC) and 4 July 2012 (CDS). British Columbia Securities Commission (BCSC) published similar measures on 11 July 2012 (CDS and CDCC). Measures came into force on the same dates.</p> <p>On 3 December 2015, the Canadian securities regulatory authorities (called collectively "Canadian Securities Administrators" or "CSA") published National Instrument 24-102 <i>Clearing Agency Requirements</i> ("NI24-102") in final form which adopts the Principles in all Canadian jurisdictions as on-going requirements for recognized clearing agencies that operate as a CCP, CSD or SSS. The NI 24-102 will come into force on 17 February 2016, once all necessary governmental or ministerial approvals are obtained.</p> <p>The Companion Policy to NI24-102 ("CP24-102") provides guidance on the requirements of NI24-102, and includes supplementary guidance jointly developed by the BOC and CSA on certain aspects of the Principles with relevance to the Canadian markets, for application to recognized domestic clearing agencies that are also overseen by the BOC.</p> <p>NI24-102 and related CP24-102 replace proposed local CSA rules</p> | <p>BOC – Guideline Related to Bank of Canada Oversight Activities under the Payment Clearing and Settlement Act http://www.bankofcanada.ca/financial-system/payments/guideline-related-oversight-activities/ BOC – The Bank of Canada’s risk-management standards for designated FMIs http://www.bankofcanada.ca/core-functions/financial-system/bank-canada-risk-management-standards-designated-fmis/ OSC – Terms and conditions on recognition of CDS http://www.osc.gov.on.ca/en/SecuritiesLaw_ord_20130104_224_cds.htm OSC – Terms and conditions on recognition of CDCC http://www.osc.gov.on.ca/en/SecuritiesLaw_ord_20140417_224_canadian-derivatives-clearing.htm AMF – Terms and conditions on recognition of CDS, s.170 QSA http://www.lautorite.qc.ca/files/pdf/bourses-oar-chambres/decision_2012-pdg-0142.pdf AMF – Terms and condition on recognition of CDCC, s.15 QDA http://www.lautorite.qc.ca/files/pdf/bourses-oar-chambres/decision_2012-pdg-0078.pdf BCSC – Terms and Conditions on recognition of CDS https://www.bsc.bc.ca/Securities_Law/Policies/PolicyBCN/PDF/CDS_Clearing_and_Depository_Services_Inc_Recognition_Order_July_11_2012_V2/ BCSC – Terms and Conditions on recognition of CDCC https://www.bsc.bc.ca/Securities_Law/Policies/PolicyBCN/PDF/CDCC_Recognition_Order_July_11_2012_V2/ CSA –Notice of Approval for Final NI24-102 and related CP24-</p> |

| | | | | |
|---|---------------|---|---|--|
| | | | <p>24-503 and related policies of the same name, published in December 2013.</p> <p>The BOC and CSA authorities continue to work closely together to ensure that the PFMI are appropriately implemented in Canada. See below comment box for details.</p> <p>Responsible authorities' competences fully overlap.</p> | <p>102: https://www.osc.gov.on.ca/en/SecuritiesLaw_ni_20151203_24-102_rfc-proposed-clearing-agency.htm#3848s5c</p> |
| | PSs | 4 | <p>BOC published final changed guidance on 6 December 2012. The measure came into force on the same date except for a small number of aspects of the Principles that FMIs are required to observe by 31 December 2016. See below comment box for details.</p> | <p>BOC – Guideline Related to Bank of Canada Oversight Activities under the Payment Clearing and Settlement Act [see above for link]</p> |
| | CSDs and SSSs | 4 | <p>BOC published final changed guidance on 6 December 2012. The measure came into force on the same date except for a small number of aspects of the Principles that FMIs are required to observe by 31 December 2016. See below comment box for details.</p> <p>OSC published final terms and conditions (T&Cs) on 4 July 2012 for the FMI that it currently recognizes (CDS). AMF published final T&Cs on 4 July 2012 for CDS. BCSC also published similar T&Cs on 11 July 2012 for CDS. The measures came into force on the same dates.</p> <p>As described above with respect to CCPs, the Principles, which are incorporated as ongoing requirements in NI24-102 will become effective on 17 February 2016.</p> <p>Responsible authorities' competences fully overlap.</p> | <p>BOC – Guideline Related to Bank of Canada Oversight Activities under the Payment Clearing and Settlement Act [see above for link]</p> <p>OSC – Terms and conditions on recognition of CDS [see above for link]</p> <p>AMF – Terms and conditions on recognition of CDS, s.170 QSA [see above for link]</p> <p>BCSC – Terms and Conditions on recognition of CDS [see above for link]</p> <p>CSA –Notice of Approval for Final NI24-102 and related CP24-102: https://www.osc.gov.on.ca/en/SecuritiesLaw_ni_20151203_24-102_rfc-proposed-clearing-agency.htm#3848s5c</p> |
| <p>Comments:</p> <ul style="list-style-type: none"> – This template focuses primarily on how BOC, AMF and OSC (i.e., the Canadian authorities that participate on the CPMI-IOSCO Steering Group (SG)) have adopted legislation and/or other measures that will enable them to fully implement the PFMI. We note that all other CSA securities regulatory authorities have similarly adopted the NI24-102. BCSC is also included in this template, as a recognizing regulator of CDS and CDCC. – In Canada, the legislative framework for the recognition, regulation, supervision and oversight of a CCP, CSD or SSS is contained in provincial and territorial securities or derivatives laws administered by the Canadian securities authorities (CSA). The CSA is a body comprised of the 10 provincial and 3 territorial securities regulatory authorities in Canada. The CSA is primarily responsible for developing a harmonized approach to securities regulation across the country. CSA members oversee CCPs, CSDs and SSSs in a | | | | |

coordinated manner under the Memorandum of Understanding Respecting the Oversight of Clearing Agencies, Trade Repositories and Matching Service Utilities published final on December 3rd, 2015: <http://www.lautorite.qc.ca/files/pdf/reglementation/valeurs-mobilieres/0-ententes-vm/2015dec03-mou-acvm-chambre-compensation-en.pdf>.

- A federal law, specifically the Payment Clearing and Settlement Act (PCSA), enables the BoC to designate and oversee “payment clearing and settlement systems”, which include CCPs, SSSs, CSDs and PSs, that may be operated in such manner as to pose systemic risk to Canadian financial system. This template focuses on the adoption of the Principles by the BoC for PSs as the CSA regulatory authorities do not regulate PSs. For CCPs, SSSs, and CSDs, this template focuses on the adoption of the Principles for only those FMIIs that have been both (i) designated by BOC as systemically important under the PCSA and (ii) recognized as clearing agencies/houses by the OSC, AMF and BCSC.
- With respect to CCPs, CSDs and SSSs, the Principles have been adopted and are currently in force in Canada through relevant recognition orders by AMF, BCSC and OSC. The now final NI24-102, which will become effective on 17 February 2016, formalizes the adoption of the Principles uniformly across Canada for all FMIIs operating a CCPs, CSDs or SSSs. Systemically important FMIIs (CCPs, PSs, CSDs and SSSs) designated by the Bank of Canada were already expected to observe the Principles in their day-to-day activities since 6 December 2012. Because FMIIs require some changes to fully observe the Principles, Canadian authorities have articulated an appropriate timeline for FMIIs to observe certain Principles or aspects thereof (i.e. Principle 14, key consideration 4 of Principle 3, key consideration 3 of Principle 15 with respect to recovery and orderly wind-down plans, and Principle 19). Transitional effective dates have been published by all CSA securities regulatory authorities as part of the final NI24-102. The aspects of the Principles which do not come into force on 17 February 2016 will become effective on 31 December 2016.
- Authorities continue to work with the FMIIs to close gaps in their adherence to the Principles. As a first step, in 2012 the owners and operators of Canada’s systemically important FMIIs initiated detailed self-assessments against the Principles to identify their current gaps in observance. Each FMI developed an initial plan to address its gaps in 2013, and have continued to implement and improve these plans in 2014-2015. Canadian authorities are reviewing the self-assessments and plans on an ongoing basis to ensure gaps have been identified and are addressed within appropriate timeframes.

Chile

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|---|---------------------------------|---------------|--------|--|--|
| Chile | Principles | CCPs | 1 | Measures are needed but so far no draft has been made public. Nevertheless, significant progress has been made to implement many of the Principles. See below comment box for details. Chilean Securities and Insurance Supervisor (Superintendencia de Valores y Seguros, SVS) and Central Bank of Chile (Banco Central de Chile, BCCH) approved changes to the CCP rule book for stocks on 2 January 2013 and for derivatives on 4 December 2013. | CCLV Rulebook http://www.cclv.cl/Documents/Normativa/2013/20131205%20Normas de Funcionamiento%20APROBADAS%20EXTERNAS.pdf |
| | | PSs | 2 | BCCH published a policy statement in March 2013. Additionally, significant progress has been made to implement many of the Principles. See below comment box for details. However, additional measures are required to fully implement the Principles. | BCCH – “Gestión de Sistemas de Pagos de Alto Valor 2012” http://www.bcentral.cl/publicaciones/politicas/pdf/Gestion_pagos_alto_valor_2012.pdf |
| | | CSDs and SSSs | 1 | Measures are needed but so far no draft has been made public. Nevertheless, significant progress has been made to implement many of the Principles. See below comment box for details. | |
| | | TRs | 1 | Chilean Financial Stability Board (which includes the SVS, BCCH and the Ministry of Finance) has started deliberations on draft regulations. | |
| | Responsibilities | TRs | 1 | Chilean Financial Stability Board (which includes the SVS, BCCH and the Ministry of Finance) has started deliberations on draft regulations. | |
| Comments: – As for PSs, BCCH has specific regulations that assure fulfilment with the principles 1, 2, 3, 4, 5, 7, 8, 9, 12, 15, 16, 17, 18, 19, 21, 22 and 23. – The Central Bank of Chile and the Ministry of Finance coordinated a Review of Standards and Codes (ROSC) in order to evaluate the compliance of all the infrastructures of the Chilean financial market with PFMI. The assessment was made by the World Bank and International Monetary Fund according to the CPMI-IOSCO document “Principles for financial market infrastructures: Disclosure framework and Assessment methodology” (December 2012). | | | | | |

China

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|-------|---------------------------------|---------------|--------|--|--|
| China | Principles | CCPs | 4 | <p>People's Bank of China (PBC) published a notice on 22 August 2013.¹²</p> <p>China Securities Regulatory Committee (CSRC) published a notice on 8 May 2013.</p> <p>PBC & CSRC subsequently jointly published a notice on self-assessments on 6 December 2013.¹³ At the end of 2015, the measure implementing the PFMI was in force.</p> <p>PBC published a notice on building the mechanism of central clearing on 20 February 2014.</p> | <p>PBC – Notice on the Implementation of Principles of Financial Market Infrastructure (Notice No.187) http://www.pbc.gov.cn/zhengwugongkai/127924/128038/128109/971172/index.html</p> <p>PBC and CSRC – Joint notice on assessing Financial Market Infrastructures (Notice No.239) http://www.pbc.gov.cn/zhengwugongkai/127924/128038/128109/971172/index.html</p> <p>PBC <Notice on building the mechanism of central clearing for OTC derivatives and on launching central clearing services for RMB Interest Rate Swap>(Notice No. [2014] 29) http://www.pbc.gov.cn/zhengwugongkai/127924/128038/128109/986978/index.html</p> |
| | | PSs | 4 | Please see above. | See above for links. |
| | | CSDs and SSSs | 4 | <p>Please see above.</p> <p>PBC also published a regulation on security registration and settlement on March 2009.</p> | <p>See above for links.</p> <p>Announcement No.1 2009 http://www.gov.cn/gongbao/content/2009/content_1456084.html</p> |

¹² The issuance date of the notice was 22 August 2013, while the publication date (on PBC website) was 3 September 2013.

¹³ The issuance date of the notice was 6 December 2013, while the publication date (on PBC website) was 20 January 2014.

| | | | | | |
|--|------------------|-----|---|---|--|
| | | TRs | 4 | <p>Please see above.</p> <p>BPBC also published a series announcement to facilitate transactions depository before and after PFMI published.</p> <p>PBC published an announcement to require China Foreign Exchange Trading System (CFETS) to take the responsibility of TR in 2015.</p> <p>There is no existing TR, but developing a TR is under consideration. There are TR-like entities, as defined by the FSB¹⁴. CFETS works as a TR-like entity.</p> | <p>See above for links.</p> <p>PBC-Announcement No.1 2009 http://www.pbc.gov.cn/jinrongshichangsi/147160/147171/147358/147400/2812355/index.html</p> |
| | Responsibilities | TRs | 4 | <p>There is no existing TR, but developing a TR is under consideration. There are TR-like entities, as defined by the FSB¹⁵. CFETS works as a TR-like entity.</p> <p>PBC and CSRC have the legal capacity to implement the responsibilities on TR-like entities.</p> | <p>PBC - Law of the People's Republic of China on the People's Bank of China, Art.4, 27, 32 http://www.pbc.gov.cn/publish/english/964/1954/19541/19541.html</p> <p>CSRC - Law of the People's Republic of China on Securities, Art. 1, 178, 179 http://www.csrfc.gov.cn/pub/csrfc_en/laws/rfdm/statelaws/201205/t20120525_210597.htm</p> |

¹⁴ FSB-OTC Derivatives Market Reforms: Tenth Progress Report on Implementation.

¹⁵ FSB-OTC Derivatives Market Reforms: Tenth Progress Report on Implementation.

Indonesia

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|-----------|---------------------------------|---------------------|--------|--|---|
| Indonesia | Principles | CCPs | 1 | Measures to implement PFMI for CCP are currently in process by Otoritas Jasa Keuangan (OJK). Additionally, significant progress has been made to implement many of the Principles. See below comment box for details. | Press statement on FMI enhancements: http://www.idx.co.id/Home/NewsAnnouncement/PressRelease/ReadPressRelease/tabid/366/ItemID/ef1cacce-3395-4166-a696-a8a279315363/language/en-US/Default.aspx |
| | | PSs | 4 | Bank Indonesia (BI) Regulation No.17/18/PBI/2005 Concerning 'Bank Indonesia Operated Systems for Management of Transactions, Administration of Securities, and Real-Time Fund Settlements' was published on 12 th November 2015 and came into force on the 16 th of November 2015. See below comment box for details. | Bank Indonesia Regulation No.17/18/PBI/2005: http://www.bi.go.id/id/peraturan/sistem-pembayaran/Pages/pbi_171815.aspx |
| | | CSDs and SSSs | 4/1 | For CSD/SSS operated by Bank Indonesia, Bank Indonesia Regulation No.17/18/PBI/2005 Concerning 'Bank Indonesia Operated Systems for Management of Transactions, Administration of Securities, and Real-Time Fund Settlements' was published on 12 th November 2015 and came into force on the 16 th of November 2015. For CSD/SSS under OJK's authority, measures to implement PFMI is currently in process by OJK. See below comment box for details. | Bank Indonesia Regulation No.17/18/PBI/2005 [see above for link] Press statement on FMI enhancements [see above for link] |
| | | TRs | NA | Please see note #2 in the comment box. | |
| | Responsibilities | TRs | NA | Please see note #2 in the comment box. | |

Comments:

1. BI's regulation No.17/18/PBI/2005 on PS and CSD/SSS is currently only available in Bahasa, but later this year it will be made available in English and will also be published on BI's website.
2. Reporting systems for trading in financial markets including for derivatives, commodities, equities, debt instruments are available and have been operating well. These systems are managed by public authorities (BI and OJK, respectively for banking institutions and for entities operating in the capital markets). BI and OJK maintain the integrity of the reporting systems and review the systems periodically. Contributing banks and some financial institutions have access to general reports in the reporting platforms.
3. Most of the principles contained in the PFMI have been reflected in the regulations made by OJK and SRO (Self-Regulatory Organization), particularly regulations related to clearing and settlement of securities transactions. To further implement the PFMI, OJK is currently in progress to develop a measure in order to adopt the PFMI. In addition, OJK continues to evaluate and improve business processes related to CCPs and CSDs through capital market infrastructure development projects. For the period 2014–2015, the development of infrastructure projects were focused on the development of a new settlement system (C-BEST Next G) and enhancement of clearing system (e-Clears), working towards fund settlement via the central bank, introduction of general clearing membership, enhancement of the guarantee mechanism and pre-emptive action policy, as well as the implementation of an institutional delivery mechanism. In mid July 2015, settlement via central bank money was implemented for custodian banks, while for broker dealers similar arrangements are currently under development. As of 1 January 2016, OJK Regulation No. 27 on a new guarantee mechanism and pre-emptive action has been in effect.

Korea

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|-------|---------------------------------|-------------|--------|---|--|
| Korea | Principles | CCPs | 4 | <p>Financial Services Commission (FSC) published Standards for Financial Market Infrastructure Business, which is in line with the PFMI, on 20 March 2015. The standards came into force from the date of the announcement.</p> <p>FSC published final changed binding legislation and its enforcement decree on 5 May 2013. The measures came into force on 6 July 2013.</p> <p>FSC published final binding regulation on 5 May 2013. The measure came into force on 6 July 2013.</p> <p>FSC published a press release on 19 June 2012.</p> <p>Additionally, progress has been made to ensure FMIs compliance with the Principles. See below comment box for details.</p> <p>Bank of Korea (BOK) published final changed binding regulation on 27 December 2012. The measure came into force on the same date.</p> | <p>FSC- Business Guideline for Financial Market Infrastructures http://www.fsc.go.kr/downManager?bbsid=BBS0048&no=95545</p> <p>FSC – Financial Investment Services and Capital Markets Act (FISCMA) http://www.fsc.go.kr/downManager?bbsid=BBS0087&no=106389</p> <p>FSC – Enforcement Decree of the FISCMA http://www.fsc.go.kr/downManager?bbsid=BBS0087&no=106392</p> <p>FSC – Regulations on Financial Investment Business (RFIB) http://english.fss.or.kr/fss/en/laws/securities/view.jsp?bbsid=1289368624482&category=null&idx=1389851495851&num=35&color=violet</p> <p>FSC – FSC Plan in Line with PFMI http://www.fsc.go.kr/downManager?bbsid=BBS0048&no=83738</p> <p>BOK – FMI regulation http://www.bok.or.kr/down.search?file_path=/attach/LawsAndRegulations/ROMPSS.pdf&file_name=ROMPSS.pdf</p> |

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| | CSDs and SSSs | 4 | <p>FSC published Standards for Financial Market Infrastructure Business, which is in line with the PFMI, on 20 March 2015. The standards came into force from the date of announcement.</p> <p>FSC published final changed binding legislation and its enforcement decree on 5 May 2013. The measures came into force on 6 July 2013.</p> <p>FSC published a press release on 19 June 2012.</p> <p>Additionally, progress has been made to ensure FMIs' compliance with the Principles. See below comment box for details.</p> <p>BOK published final changed binding regulation on 27 December 2012. The measure came into force on the same date.</p> | See CCPs. |
| | TRs | 1 | <p>FSC designated KRX as TR on 17 August 2015.</p> <p>FSC published final changed binding legislation and its enforcement decree on 5 May 2013. The measure came into force on 6 July 2013.</p> <p>FSC published a press release on 19 June 2012.</p> <p>Additionally, progress has been made to ensure the relevant authorities' legal capacities to implement the Principles. See below comment box for details.</p> | <p>FSC – KRX Designated as Trade Repository http://fsc.go.kr/downloadManager?bbsid=BBS0048&no=98548</p> <p>Financial Investment Services and Capital Markets Act (FISCMA) [see above for link] Enforcement Decree of the FISCMA [see above for link]</p> <p>FSC – FSC Plan in Line with PFMI [see above for link]</p> |
| Responsibilities | TRs | 1 | <p>The FSC, in consultation with BOK and the Financial Supervisory Service (FSS), is in the process of establishing a regulatory regime for implementation of the Principles and the Responsibilities.</p> <p>Additionally, progress has been made to ensure the relevant authorities' legal capacities to implement the Responsibilities. See below comment box for details.</p> | |

Comments:

For CCPs and CSDs/SSSs: The revised Financial Investment Services and Capital Markets Act and its Enforcement Decree reflect provisions corresponding to most of the Principles. The FSC recently completed the process of reflecting some of the technical substance of the Principles into FMI's regulations.

On the 20th March 2015 the FSC released the Business Guideline for Financial Market Infrastructures, which provides specific standards that financial market infrastructures should comply with in conducting business pursuant to the Financial Investment Services and Capital Markets Act and its subordinate regulations. The Guideline has reorganized the 24 key principles of the PFMI into 14 principles in accordance with domestic circumstances, and provides detailed standards for their implementation.

The Guideline was implemented as of the date of release and FMI's observance of the standards is being monitored. The Guideline is posted on the FSC website.

http://www.fsc.go.kr/eng/new_press/releases.jsp?menu=01&bbsid=BBS0048&selYear=2015#30716

Thus, Korean authorities use the PFMI as their oversight and supervisory framework for CCPs and CSDs/SSSs.

For TRs: In accordance with each authority's legal capacity, the FSC, in consultation with BOK and FSS, is in the process of establishing a regulatory regime for implementation of the Principles and the Responsibilities.

Mexico

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|--------|---------------------------------|-------------|--------|---|--|
| Mexico | Principles | CCPs | 3 | <p>National Banking and Securities Commission (CNBV) published new policy statement on 25 October 2013.</p> <p>Bank of Mexico (BDM) published new policy statement on 1 January 2014.</p> <p>BDM and CNBV have determined and published in their policy statements that CCPs for derivatives and CCPs for equities have to observe the Principles. Mexican Financial Authorities (MFA) are already using their supervisory and oversight powers to compel a CCP to make necessary changes to observe the Principles. According to legislation and regulation, MFA have powers to request CCPs adjustments to their internal rules for the implementation of the Principles. Local CCPs have defined working plans to address specific issues jointly identified with MFA to fully observe the Principles. Taking into account CCPs' working plans, dates to fully observe the Principles are as follows: CCPs for derivatives 2 January 2017 and CCPs for equities 1 July 2017.</p> <p>BDM, Ministry of Finance and Public Credit (SHCP), CNBV, hereinafter the Mexican Financial Authorities (MFAs), published final amendments on secondary regulation on 15 May 2014 which came into force on 13 August 2014.</p> <p>See below comment box for other details in PFMI's implementation.</p> | <p>CNBV new policy statement: http://www.cnbv.gob.mx/SECTORES-SUPERVISADOS/BURSÁTIL/Descripción/Paginas/default.aspx</p> <p>BDM new policy statement: http://www.banxico.org.mx/sistemas-de-pago/informacion-general/banco-mexicos-payment-systems.html</p> <p>Final regulation in consultation period: http://www.banxico.org.mx/sistema-financiero/disposiciones/reglas-del-mercado-contratos-.html</p> |

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| | | PSs | 3 | <p>BDM published new policy statement on 1 January 2014.</p> <p>BDM has determined and published in its policy statements that PSs have to observe the Principles. Date to fully observe the Principles is 1 July 2016. Implementation of the Principles in the PS of BDM is part of the objectives of the central bank. The disclosure framework for Banco de México's PS, which is currently the only PS systemically important in México, was published in March 2016.</p> | <p>BDM new policy statement: http://www.banxico.org.mx/sistemas-de-pago/informacion-general/banco-mexicos-payment-systems.html</p> <p>The disclosure framework for Banco de México's PS: http://www.banxico.org.mx/sistemas-de-pago/material-educativo/intermedio/evaluaciones-conforme-a-las-mejores-practicas-inte/conforme-a-las-mejores-practicas-internacionales/%7BDE853D65-8859-1D34-76EE-0ECF98065A59%7D.pdf</p> |
| | | CSDs and SSSs | 3 | <p>CNBV published new policy statement on 25 October 2013. BDM published new policy statement on 1 January 2014.</p> <p>BDM and CNBV have determined and published in their policy statements that CSDs/SSSs have to observe the Principles. MFA are already using their supervisory and oversight powers to compel a CSD/SSS to make necessary changes to observe the Principles. According to legislation and regulation, MFA have powers to request CSD/SSS adjustments to its internal rules for the implementation of the Principles. Local CSD/SSS has defined working plans to address specific issues jointly identified with MFA to fully observe the Principles. Taking into account CDS/SSS working plan, dates to fully observe the Principles is 2 January 2017. MFA may also impose to CSDs/SSSs disciplinary actions, which could include fines, for failure to comply with the Principles.</p> | <p>CNBV new policy statement: http://www.cnbv.gob.mx/SECTORES-SUPERVISADOS/BURSÁTIL/Descripción/Paginas/default.aspx</p> <p>BDM new policy statement: http://www.banxico.org.mx/sistemas-de-pago/informacion-general/banco-mexicos-payment-systems.html</p> |
| | | TRs | 3 | <p>The MFAs published final amendments to secondary regulation on 15 May 2014 that came into force on 15 February 2015.</p> <p>BDM has determined and published in its policy statements that TRs have to observe the Principles. Date to fully observe the Principles is 1 July 2017. Implementation of the Principles in the TR of BDM is part of the objectives of the central bank.</p> | <p>Final regulation: http://www.banxico.org.mx/sistema-financiero/disposiciones/reglas-del-mercado-contratos-.html</p> <p>http://www.banxico.org.mx/sistemas-de-pago/informacion-general/banco-mexicos-payment-systems.html</p> |
| | Responsibilities | TRs | 4 | <p>The MFAs published final amendments on secondary regulation on 15 May 2014 that came into force on 15 February 2015.</p> | <p>Final regulation: http://www.banxico.org.mx/sistema-financiero/disposiciones/reglas-del-mercado-contratos-.html</p> |

Comments:

- The secondary regulation published by the MFA are in force and aimed at strengthening the legal framework of the derivatives market.
- As for CCPs, Banco de México and CNBV have requested CCPs to clearly provide in their internal rules the point at which the settlement is final. In addition, MFA are still analysing amendments to the secondary regulation to strengthen settlement finally, and would promote legislative amendments to robust its legal basis,
- (MFA) state that their existing laws and regulations allow for complete implementation of the PFMI. MFA have communicated to FMI's operators that their infrastructures should comply with PFMI. Furthermore, BDM and CNBV have published their new policy statements, requiring PFMI' compliance on specific timeframe.
- MFA are legally empowered to request amendments to FMI's internal rules to ensure they adopt the Principles. This is expected to be carried out in due time for Level 3 assessments. However, MFAs have started to request specific amendments to certain FMI's internal rules in preparation for that level and they have been working with CSD/SSS and CCPs' operators in a work plan to adopt PFMI.
- In the case of TRs, the regulatory framework in Mexico has provisions regarding trade reporting of derivatives. In particular, Banco de México's Rules for Derivatives Transactions require financial institutions to report all their derivatives transactions to the central bank, for which Banco de México provides a TR service and has exclusive responsibility.

Russia

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|--------|---------------------------------|-------------|--------|---|--|
| Russia | Principles | CCPs | 4 | <p>Changed final Law was published on 29 December 2015. The measure came into force on 29 December 2015. See below note 2 in comment box.</p> <p>Final regulation published on 28 September 2012. The measure came into force on 9 October 2012.</p> <p>Final regulation published on 27 July 2012. The measure came into force on 7 August 2012.</p> <p>Final regulation published on 5 December 2012. The measure came into force on 16 December 2012.</p> <p>Changed final regulation published on 3 July 2013. The measure came into force on 14 July 2013.</p> <p>Final regulation published on 14 October 2013. The measure came into force on 25 October 2013.</p> | <p>President of the Russian Federation – The Federal Law of 7 February, 2011 No. 7-FZ on Clearing, Clearing Activities and Central Counterparty (the previous name - Clearing and Clearing Activities) http://www.rg.ru/2011/02/11/kliring-dok.html (initial version) http://publication.pravo.gov.ru/Document/View/0001201507010036 http://publication.pravo.gov.ru/Document/View/0001201512290084 (latest amendments)</p> <p>Federal Financial Market Service (FFMS) – Act of 15 March, 2012 No. 12-12/pz-n, Approval of the Regulation Specifying the Procedure for Opening and Closing Trading and Clearing Securities Accounts as well as for Making Operations on the Above Accounts http://www.rg.ru/2012/09/28/polojenie-dok.html</p> <p>FFMS – Act of 5 June, 2012 No. 12-35/pz-n, Approval of Conditions for Accrediting a Credit Institution that is not a Clearing House for the Performance of Central Counterparty Functions http://www.rg.ru/2012/07/27/akkreditacia-dok.html</p> <p>FFMS – Act of 4 October, 2012 No. 12-84/pz-n “On Approval of the qualifying requirements and professional experience requirements of the persons listed in part 2 article 6 Federal Law No. 7-FZ of February 7, 2011, “On Clearing and Clearing Activities”, part 2 article 6 Federal Law No. 325-FZ of November 21, 2011 “On the organized tenders” http://www.rg.ru/2012/12/05/trebovania-dok.html</p> |

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| | | | <p>Changed regulation published on 12 October 2015. The measures came into force on 1 November 2015. See below note 3 in comment box.</p> <p>Final regulation published on 25 June 2014. The measure came into force on 11 August, 2014. See below note 3 in comment box for details.</p> <p>Final regulation published on 22 January 2015. The measure came into force on 1 April 2015.</p> <p>Final regulation published on 15 July, 2015. The measure came into force on 26 July, 2015.</p> <p>Final regulation published on 14 May, 2015. The measure came into force on 25 May, 2015.</p> <p>Changed regulation published on 31 December, 2015. The measure came into force on 11 January, 2016.</p> | <p>FFMS – Act of 11 October, 2012 No. 12-87/pz-n “On Approval of the Regulation on Clearing Activities Requirements” http://www.rg.ru/2012/12/26/fsfr1-dok.html (initial version) http://www.rg.ru/2013/07/03/kliring-dok.html (latest amendments)</p> <p>FFMS – Act of 13 August, 2013 No. 13-72/pz-n “On Approval of the Requirements for Clearing House Internal Control Arrangement, and for the Document establishing Clearing House Internal Control Procedure” http://www.rg.ru/2013/10/14/kliring-site-dok.html</p> <p>Bank of Russia (BOR) – Assessing the Management Quality of a Credit Institution Performing Central Counterparty Function (Ordinance of 3 December, 2012 No. 2919-U) http://www.cbr.ru/publ/vestnik/ves121228077.pdf (initial version) http://cbr.ru/publ/Vestnik/ves151012086.pdf (latest amendments)</p> <p>BOR – Recognition of Financial Market Infrastructures as systemically important (Ordinance of 25 June 2014 No. 3341-U) http://cbr.ru/publ/Vestnik/ves140731070.pdf</p> <p>BOR – On form, terms and order of report preparation and providing by clearing companies and central counterparties to the Central Bank of the Russian Federation (Ordinance of 30 November, 2014 No. 3459-U) http://www.cbr.ru/sbrfr/files/legislation/3459-u.pdf</p> <p>BOR – On order of registration by the Bank of Russia of documents provided by trade organiser, clearing entity and amendments to these documents (Ordinance of 24 May, 2015 No. 3645-U) http://cbr.ru/publ/Vestnik/ves150715059.pdf</p> |
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| | | | <p>Policy statement published and came into force on 16 January 2013. This policy statement addresses a portion of principle 3. See below note 2 in comment box for details.</p> <p>Policy statement published and came into force on 16 April 2014. See below note 4 in comment box.</p> <p>Policy statement published and came in to force on 30 July 2015. See below note 5 in comment box.</p> | <p>BOR – On requirements aimed at reducing risks stemming from clearing activities, and requirements for document (documents) determining measures aimed at reducing credit, operational and other risks, including those posed by other activities different from clearing (if performed) (Regulation of 12 March, 2015 No. 463-P) http://cbr.ru/publ/Vestnik/ves150514042.pdf</p> <p>BOR – On requirements for risk management system and capital of a credit institution and a banking group (in conjunction with requirements for arrangement of procedures for management of certain risks) (Ordinance of 15 April, 2015 No. 3624-U) http://cbr.ru/publ/Vestnik/ves150615051.pdf (initial version) http://cbr.ru/publ/?prtid=vestnik&PageYear=2015 (No. 122 (1718) of 31 December, 2015) (latest amendments)</p> <p>BOR (policy statement) – Methodological Recommendations for Developing Financial Recovery Plans by Credit Institutions(Letter of 29 December, 2012 No. 193-T) http://www.cbr.ru/publ/vestnik/ves130116001.pdf</p> <p>BOR (policy statement) – On compliance with recommendations of the Bank of Russia (Letter of 14 April, 2014 No. 59-T) http://www.cbr.ru/publ/Vestnik/ves140416037.pdf</p> <p>BOR (policy statement) – Methodological Recommendations for systemically important FMI business continuity (Letter of 27 June, 2015 No. 20-MR) http://www.cbr.ru/publ/Vestnik/ves150730064.pdf</p> |
| | CSDs and SSSs | 4 | <p>Changed final Law was published on 29 June, 2015. The measure came into force on 29 December, 2015. See below note 4 in comment box.</p> | <p>President of the Russian Federation – The Federal Law of 7 December, 2011 No 414-FZ “On the Central Securities Depository” http://pravo.gov.ru/proxy/ips/?searchres=&bpas=cd00000&a3=&a3type=1&a3value=&a6=&a6type=1&a6value=&a15=&a15type=1&a15value=&a7type=1&a7from=&a7to=&a7date=&a8=414-</p> |

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| | | | | <p>Final regulation published on 1 June 2012. The measure came into force on 12 June 2012.</p> <p>Final regulation published on 16 September 2011. The measure came into force on 27 September 2011.</p> <p>Final regulation published on 13 June 2012. The measure came into force on 24 June 2012.</p> <p>Final regulation published on 23 May 2012. The measure came into force on 3 June 2012.</p> <p>Final regulation published on 16 May 2012. The measure came into force on 27 May 2012.</p> <p>Final regulation published on 1 June 2012. The measure came into force on 12 June 2012.</p> | <p>%D4%C7&a8type=2&a1=&a0=&a16=&a16type=1&a16value=&a17=&a17type=1&a17value=&a4=&a4type=1&a4value=&textpres=&sort=7&x=44&y=11 (initial version)</p> <p>http://publication.pravo.gov.ru/Document/View/0001201507010036 (latest amendments)</p> <p>MF – The Order of 13 April, 2012 No. 46n “On approval of the procedure of assigning as a central depository” http://www.rg.ru/2012/06/01/depositar-dok.html</p> <p>FFMS – Act of 28 July, 2011 No. 11-35/pz-n “On Approval of a List of organizations with which Russian Securities Depositories can Open Accounts for Registering Rights to Foreign Securities in Order to Issue Russian Depository Receipts” http://www.rg.ru/2011/09/16/fsfr-dok.html</p> <p>FFMS – Act of 15 March, 2012 No. 12-13/pz-n “On Approval of Additional Requirements for the Procedure of Forming a Committee of Central Securities Depository Service Users and Requirements for the Regulation on the Committee of Central Securities Depository Service Users” http://www.rg.ru/2012/06/13/depozitarij-dok.html</p> <p>FFMS – Act of 20 March, 2012 No. 12-14/pz-n “On Qualifying a Requirement for the Members of a Collegiate Executive Body and for a Person Performing Functions of a (Temporary) Sole Executive Body of a Central Securities Depository” http://www.rg.ru/2012/05/23/depozitarij-dok.html</p> <p>FFMS – Act of 29 March, 2012No 12-15/pz-n “On Approval of Requirements for the Code of Professional Conduct of the Central Securities Depository” http://www.rg.ru/2012/05/16/depozit-dok.html</p> <p>FFMS – Act of 10 April, 2012 No. 12-25/pz-n “On Approval of</p> |
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| | | | <p>Final regulation published on 31 August 2012. The measure came into force on 11 September 2012.</p> | <p>Requirements for Central Securities Depository Prices on Securities Transactions, for which a Customer Account of a Central Securities Depository Nominal Holder is Opened, or for which it Acts as an Entity Responsible for the Custody of Securities” http://www.rg.ru/2012/06/01/depozitarii-dok.html</p> |
| | | | <p>Final regulation published on 3 December 2012. The measure came into force on 14 December 2012.</p> | <p>FFMS – Act of 3 July, 2012 No. 12-53/pz-n “On Approval of Requirements for Certain Internal Documents of the Central Securities Depository (together with the Requirements for the Conditions of Performing Central Securities Depository Activities, Requirements for Electronic Communication Rules of the Central Securities Depository, Requirements to the Procedure for Conducting Operations and Document Workflow in the Course of Carrying out Depository Activities and the Requirements for the Rules for Protection of Central Securities Depository Information)” http://www.rg.ru/2012/08/31/trebovaniya-dok.html</p> |
| | | | <p>Changed final regulation was published on 15 March 2013. The measure came into force on 26 March 2013.</p> | <p>FFMS – Act of 3 July, 2012 No. 12-54/pz-n “On Other Documents to be Provided to the FFMS for Assignment of a Central Securities Depository Status” http://pravo.gov.ru/proxy/ips/?searchres=&bpas=cd00000&a3=&a3type=1&a3value=&a6=&a6type=1&a6value=&a15=&a15type=1&a15value=&a7type=1&a7from=&a7to=&a7date=&a8=12-54%2F%EF%E7-%ED&a8type=2&a1=&a0=&a16=&a16type=1&a16value=&a17=&a17type=1&a17value=&a4=&a4type=1&a4value=&textpres=&sort=7&x=43&y=14</p> |
| | | | <p>Final regulation published on 22 October 2012. The measure came into force on 2 November 2012.</p> | <p>FFMS – Act of 27 July, 2012 No. 12-65/pz-n “On Approval of a List of Foreign Organizations for which the Central Securities Depository Opens Depo Accounts of a Foreign Nominal Holder” http://www.rg.ru/2012/10/03/perechen-dok.html (initial version) http://www.rg.ru/2013/03/15/perechen-dok.html (latest amendments)</p> |
| | | | <p>Final regulation published on 22 October 2012. The measure came into force on 2 November 2012.</p> | <p>FFMS – Act of 23 August, 2012 No 12-75/pz-n “On Approval of Rules for Disclosure of Information by the Central Securities</p> |

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| | | | <p>Changed regulation published on 12 September 2014 and 22 December 2014. The measures came into force on 23 September and 22 December 2014, respectively.</p> <p>Final regulation published on 25 June 2014. The measure came into force on 11 August 2014. See below note 3 in comment box for details.</p> <p>Final regulation published on 12 March, 2015. The measure came into force on 23 March, 2015.</p> <p>Changed regulation published on 31 December, 2015. The measure came into force on 11 January, 2016.</p> <p>Policy statement published and came into force on 16 January 2013. This policy statement addresses a portion of Principle 3. See below note 2 in comment box for details.</p> <p>Policy statement published and came into force on 16 April 2014. See below note 4 in comment box.</p> <p>Policy statement published and came into force on 30 July 2015. See below note 5 in comment box.</p> | <p>Depository, of Requirements to the Central Securities Depository Internal Document that Sets Disclosure Rules and of the Procedure for Notifying the Federal Executive Body Responsible for Financial Markets by the Central Securities Depository” http://www.rg.ru/2012/10/26/depozitarij-dok.html</p> <p>FFMS – Act of 20 September, 2012 No 12-80/pz-n “On Approval of Administrative Regulations for Assignment of a Central Securities Depository Status by the Federal Financial Markets Service” http://www.rg.ru/2012/10/24/fsfr-dok.html</p> <p>FFMS – Act of 2 October, 2012 No 12-82/pz-n “On Approval of Requirements for Central Securities Depository Activities as Related to Risk Management and Internal Controls, and to Certain Internal Central Securities Depository Documents” http://www.rg.ru/2012/10/26/depozitarij-2-dok.html</p> <p>BOR – Requirements for Credit Institutions and Foreign Banks with which the Central Securities Depository Has a Right to Place Funds (Ordinance of 9 June, 2012 No 2830-U) http://www.cbr.ru/publ/vestnik/ves120628034.pdf (initial version) http://cbr.ru/publ/Vestnik/ves140912082.pdf http://www.cbr.ru/publ/Vestnik/ves141222112.pdf (latest amendments)</p> <p>BOR – Recognition of Financial Market Infrastructures as systemically important (Ordinance of 25 June 2014 No. 3341-U) http://cbr.ru/publ/Vestnik/ves140731070.pdf</p> <p>BOR – On order and terms of approval by the Bank of Russia amendments to internal documents of a central depository (Ordinance of 8 February, 2015 No. 3562-U) http://www.cbr.ru/publ/Vestnik/ves150312021.pdf</p> <p>BOR – On requirements for risk management system and capital of a credit institution and a banking group (in conjunction with requirements for arrangement of procedures for management of certain risks) (Ordinance of 15 April, 2015 No. 3624-U) http://cbr.ru/publ/Vestnik/ves150615051.pdf</p> |
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| | | | | <p>(initial version) http://cbr.ru/publ/?prtid=vestnik&PageYear=2015 (No. 122 (1718) of 31 December, 2015) (latest amendments)</p> <p>BOR (policy statement) – Methodological Recommendations for Developing Financial Recovery Plans by Credit Institutions (Letter of 29 December, 2012 No. 193-T) [see above for link]</p> <p>BOR (policy statement) – On compliance with recommendations of the Bank of Russia (Letter of 14 April, 2014 No. 59-T) http://www.cbr.ru/publ/Vestnik/ves140416037.pdf</p> <p>BOR (policy statement) – Methodological Recommendations for systemically important FMI business continuity (Letter of 27 July, 2015 No. 20-MR) http://www.cbr.ru/publ/Vestnik/ves150730064.pdf</p> |
| | TRs | 4 | <p>Changed final Law published on 21 July 2014. The measure came into force on 1 October 2014. This Law addresses a portion of Principle 1. See below note 9 in comment box for details.</p> <p>Changed final regulation published on 30 April 2014. The measure came into force on 15 June 2014. This regulation addresses Principle 1 and Principle 24. See below note 10 in comment box for details.</p> <p>Final regulation published on 25 June 2014. The measure came into force on 11 August, 2014. See below note 3 in comment box for</p> | <p>President of the Russian Federation – The Federal Law of 22 April, 1996 No. 39-FZ “On Securities Market” http://pravo.gov.ru/proxy/ips/?docbody=&nd=102040905&intel_search=%EE+%F0%FB%ED%EA%E5+%F6%E5%ED%ED%FB%F5+%E1%F3%EC%E0%E3</p> <p>BOR – Ordinance of the Bank of Russia of 30 April 2014 No. 3253-U “On the procedure for keeping a register of agreements concluded on terms of a master agreement (integrated agreement), terms for provision of information necessary for keeping of the register and provision of the register of agreements concluded on terms of a master agreement (integrated agreement) to the Central Bank of the Russian Federation (the Bank of Russia)” http://www.cbr.ru/sbrfr/contributors/repositories/3253-U.pdf (initial version) http://www.cbr.ru/sbrfr/contributors/repositories/3382-u.pdf (latest amendments)</p> <p>BOR – Recognition of Financial Market Infrastructures as systemically important (Ordinance of 25 June 2014 No. 3341-U)</p> |

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| | | | <p>details.</p> <p>Final act published on 10 April 2014. This act addresses Principle 2.</p> <p>The amendment to the Federal Law On Securities Market made by the Federal Law of 30.12.2015 No. 430-FZ (the final law) has fully implemented the institute of a repository on the territory of the Russian Federation, which based on the Principles and fully corresponds with it. See below note _10_ in comment box for details.</p> <p>Changed final regulation published on 30 April 2014. The measures came into force after 10 days from the official publication of the amending regulation in the Bulletin of the Bank of Russia.</p> <p>Policy statement published and came into force on 30 July 2015. See below note 5 in comment box.</p> | <p>http://cbr.ru/publ/Vestnik/ves140731070.pdf</p> <p>BOR – Letter of 10 April 2014 No. 06-52/2463 “On Corporate Governance Code” http://www.cbr.ru/sbrfr/files/legislation/letters/2014/Inf_apr_1014.pdf</p> <p>President of the Russian Federation – The Federal Law of 30 December 2015 No 430-FZ “On Amendments to the Federal Law “On Securities Market” and separate legislative acts of the Russian Federation” http://pravo.gov.ru/proxy/ips/?docbody=&nd=102385368&intelsearch=430-%D4%C7</p> <p>BOR - Ordinance of the Bank of Russia of 16 February 2015 No. 3567-U “On amendments to the Bank of Russian Ordinance of 30 April 2014 No. 3253-U “On the procedure for keeping a register of agreements concluded on terms of a master agreement (integrated agreement), terms for provision of information necessary for keeping of the register and provision of the register of agreements concluded on terms of a master agreement (integrated agreement) to the Central Bank of the Russian Federation (the Bank of Russia)”. http://www.cbr.ru/finmarkets/files/legislation/3776-U.pdf</p> <p>BOR - Ordinance of the Bank of Russia of 7 September 2015 No. 3776-U “On amendments to the Bank of Russian Ordinance of 30 April 2014 No. 3253-U “On the procedure for keeping a register of agreements concluded on terms of a master agreement (integrated agreement), terms for provision of information necessary for keeping of the register and provision of the register of agreements concluded on terms of a master agreement (integrated agreement) to the Central Bank of the Russian Federation (the Bank of Russia)”. http://www.cbr.ru/finmarkets/files/legislation/3776-U.pdf</p> <p>BOR (policy statement) – Methodological Recommendations for systemically important FMI business continuity (Letter of 27 July,</p> |
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2015 No. 20-MR)
<http://www.cbr.ru/publ/Vestnik/ves150730064.pdf>

Comments:

1. For CCPs, CSDs/SSSs and TRs: With respect to implementation of the PFMI, all existing measures promulgated by the FFMS prior to transfer of functions to the BOR are legally valid until corresponding regulatory measures of BOR replaces them, which is in accordance with point 1 article 49 of the Federal Law No. 251-FZ of 23 July 2013 "On Amendments to Certain Legislative Acts of the Russian Federation in connection with the transfer to the Central Bank of the Russian Federation the authority to regulate, control and supervise the financial markets". Therefore, legitimacy and effectiveness of BOR's regulation and oversight are guaranteed by the Law during the period.
2. For CCPs: The changed Law (Federal Law of 29 June 2015 No 210-FZ) fully implements Principle 14: Segregation and Portability of PFMI allowing (1) a CCP to transfer positions and collateral of a clearing participant to another clearing participant, determining cases and conditions for initiation of a portability procedure, (2) a CCP clearing participant's clients to require separate accounting of their positions.
 The changed Law (Federal Law of 29 December 2015 No 403-FZ) requires all CCPs to become credit institutions holding a banking license with a limited list of operations, set by the Bank of Russia. Also the Law sets mandatory banking ratios for CCPs and requirements for a risk management system; requires CCPs to develop methodologies for risks stress-testing, risk models evaluation, skin-in-the-game calculation, and default waterfall establishment for markets it serves in case of participants' default; sets requirements for CCP operational continuity, prohibits voluntary liquidation and reorganization of a CCP, and requires CCPs to perform operational audit.
3. For CCPs: The changed regulation (Ordinance of 1 September, 2015 No 3762-U) obliges a CCP to establish a default waterfall for markets it serves, to hold enough capital for winding down or restructuring CCP's activities and covering losses resulting from business risk.
4. For CSDs: The changed Law (Federal Law of 23.12.2014 No 432-FZ) obliges all credit institutions, including a CSD which is required to be a credit institution, to develop and submit a recovery plan to the Bank of Russia.
5. For CCPs, CSDs and TRs: The policy statement (Letter of 27 July, 2015 No. 20-MR) came into force on 30 July, 2015. The policy statement contains recommendations on maintaining business continuity of systemically important CCPs, CSDs and TRs, focusing on factors helping to encounter non-typical hazardous situations, software stress-testing and hardware-software protection, contents and terms of business continuity plan, and secondary site testing.
6. For CCPs and CSDs: The policy statement (Letter of 14 April, 2014 No 59-T) came into force on 14 April 2014 in advance of its publication based on BOR's relevant regulatory procedure. In this policy statement the BOR set the date 1 July 2014, as of which CCPs and CSDs are expected to observe the PFMI.
7. For TRs: The final Law (Federal Law of 22 April, 1996 No 39-FZ) came into force on 1 October 2014. This Law established the legislative basis of the activity of TRs.
8. The final regulation (Ordinance of 30 April, 2014 No 3253-U) came into force on 15 June 2014. The amendments changing the types of contracts information which must be provided to the TR, list of legal persons obliged to provide information to the TR and deadlines for provision of information to the TR were introduced by new regulation (Direction of 17 September, 2014 No. 3382-U) and came into force on 1 October 2014. The latest amendments will come into force on 1 July 2015. This regulation replaces previous regulation (the FFMS Act of 28 December, 2011 No 11-68/pz-n) and policy statement (BOR Letter of 30 October 2013 No 50-13-SSh-01/6636).
9. Letter of 10 April 2014 No. 06-52/2463 brought into force the new Corporate Governance Code recommended for application by businesses in the Russian Federation and establishes general principles to apply corporate governance in respect of the company organization including but not limited to recommendations on transparency of the activity of the company, its information exchange policy and disclosure of information.
10. For TRs: The final Law (Federal Law of 30 December 2015 No 430-FZ) came into force on 30 December 2015.

Saudi Arabia

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|--------------|---|---------------------|--------|--|-----------------------|
| Saudi Arabia | Principles | CCPs | NA | No regulatory measures underway nor an existing CCP. | |
| | | CSDs and SSSs | 1 | Measures are needed, but so far no draft has been made public. Additionally, significant progress has been made to ensure FMI compliance with the Principles. See below comment box for details. | |
| | Responsibilities | CCPs | NA | No regulatory measures underway nor an existing CCP. | |
| | Comments: – As for CCPs, Capital Market Authority (CMA) and Saudi Arabian Monetary Agency have finalised a study aimed at identifying relevant requirements to set-up a CCP. However, no formal decision has been made by the Authorities as to whether to establish a CCP and the relevant regulatory framework. – As for CSDs/SSSs, CMA has undertaken high level review of Tadawul's assessments of its own compliance with the applicable Principles of the PFMI. | | | | |

South Africa

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|--------------|---------------------------------|-------------|--------|---|-----------------------|
| South Africa | Principles | TRs | 2 | The regulatory framework was published for public comment from 5 June 2015 to 14 July 2015. The Financial Services Board, National Treasury and the South African Reserve Bank are in a process of public consultations with stakeholders and reviewing the comments received. However, there is no existing TR as of 8 January 2016. | |
| | Responsibilities | TRs | 2 | The regulatory framework was published for public comment from 5 June 2015 to 14 July 2015. The Financial Services Board, National Treasury and the South African Reserve Bank are in a process of public consultations with stakeholders and reviewing the comments received. However, there is no existing TR as of 8 January 2016. | |

Switzerland

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|--|---------------------------------|-------------|--------|--|---|
| Switzerland | Principles | TRs | 4 | <p>Final regulation, Financial Market Infrastructure Act, FMIA, was published on 19 June 2015 and the final Ordinance Financial Market Infrastructure Ordinance, FMIO was published on 25 November 2015.</p> <p>Both measures came into force on 1 January 2016.</p> <p>There is no existing TR as of 8 January 2016</p> | <p>Press release: https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-59647.html (available in English).</p> <p>FMIA: Federal Act on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading (Financial Market Infrastructure Act, FMIA) of 19 June 2015</p> <p>FMIA: https://www.admin.ch/opc/en/classified-compilation/20141779/201601010000/958.1.pdf</p> <p>FMIO: Ordinance on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading (Financial Market Infrastructure Ordinance, FMIO) of 25 November 2015</p> <p>FMIO: https://www.admin.ch/opc/en/classified-compilation/20152105/201601010000/958.11.pdf</p> |
| | Responsibilities | TRs | 4 | <p>Final regulation, Financial Market Infrastructure Act, FMIA, was published on 19 June 2015 and the final Ordinance Financial Market Infrastructure Ordinance, FMIO was published on 25 November 2015.</p> <p>Both measures came into force on 1 January 2016. FINMA has the legal capacity to implement the Responsibilities.</p> <p>There is no existing TR as of 8 January 2016</p> | <p>Press release: https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-59647.html (available in English).</p> <p>FMIA: Federal Act on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading (Financial Market Infrastructure Act, FMIA) of 19 June 2015</p> <p>FMIA: https://www.admin.ch/opc/en/classified-compilation/20141779/201601010000/958.1.pdf</p> <p>FMIO: Ordinance on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading (Financial Market Infrastructure Ordinance, FMIO) of 25 November 2015</p> <p>FMIO: https://www.admin.ch/opc/en/classified-compilation/20152105/201601010000/958.11.pdf</p> |
| <p>Comments: SIX Group, the Swiss infrastructure provider intends to establish a FINMA registered trade repository domiciled in Switzerland (http://www.six-securities-services.com/en/home/trade-repository/project.html).</p> | | | | | |

Turkey

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|--------|---------------------------------|---------------------|--------|---|--|
| Turkey | Principles | CCPs | 1 | Capital Markets Board (CMB) drafting new policy statement. | |
| | | CSDs and SSSs | 4 | Central Bank of the Republic of Turkey (CBRT) published policy statement on 1 October 2014. The measure came into force on the same date. | CBRT – “Objectives and Policies Regarding Payment and Securities Settlement Systems” http://www.tcmb.gov.tr/wps/wcm/connect/TCMB+EN/TCMB+EN/Main+Menu/PAYMENT+SYSTEMS/Objectives+and+Policies |
| | | | | CBRT published a summary of PFMI in the Financial Stability Report, in May 2012 | CBRT – Financial Stability Report (May 2012), Title V.9 http://www.tcmb.gov.tr/wps/wcm/connect/904227ea-7b43-410f-bcc5-9332f1577aab/fulltext14.pdf?MOD=AJPERES&CACHEID=904227ea-7b43-410f-bcc5-9332f1577aab |
| | | | 1 | CMB drafting new policy statement | |
| | | TRs | 1 | CMB drafting new policy statement. | |

United States

| | Principles/ Responsibilities | FMI Type | Rating | Status description / Next steps | Links to the measures |
|---------------|---------------------------------|-------------|--------|---|--|
| United States | Principles | CCPs | 2/4 | <p>4</p> <p>Commodity Futures Trading Commission (CFTC) published final regulation on 2 December 2013. The measure came into force on 31 December 2013.</p> <p>Securities and Exchange Commission (SEC) published final regulation on 22 October 2012 for some elements of the PFMI. The measure came into force on 2 January 2013.</p> <p>SEC also published final regulation on 19 November 2014 for some elements of the PFMI. The measure came into force on 3 February 2015 and required compliance for elements relating to the PFMI by 3 November 2015.</p> <p>Federal Reserve Board (FRB) published final regulation on 28 October 2014. The measure came into force on 31 December 2014. A transition period for a narrow sub-set of principles ended on 31 December 2015.</p> | <p>CFTC (Final Regulations) – Derivatives Clearing Organization General Provisions and Core Principles Final Rule (Part 39, Subparts A and B), 76 FR 69334 (8 November 2011) http://www.gpo.gov/fdsys/pkg/FR-2011-11-08/pdf/2011-27536.pdf</p> <p>Enhanced Risk Management Standards for Systemically Important Derivatives Clearing Organizations (Part 39, Subpart C), 78 FR 49663, (15 August 2013) http://www.gpo.gov/fdsys/pkg/FR-2013-08-15/pdf/2013-19791.pdf; and</p> <p>Derivatives Clearing Organizations and International Standards (Part 39, Subpart C), 78 FR 72476, (2 December 2013) http://www.gpo.gov/fdsys/pkg/FR-2013-12-02/pdf/2013-27849.pdf</p> <p>SEC (final regulation) – Final Rule: Clearing Agency Standards, Exchange Act Release No. 34-68080 (22 October 2012), 77 Federal Register 66219 (2 November 2012) (in particular Rule 17Ad-22) http://www.gpo.gov/fdsys/pkg/FR-2012-11-02/pdf/2012-26407.pdf</p> <p>SEC (final regulation) – Final Rule: Regulation Systems Compliance and Integrity; Exchange Act Release No. 34-73639 (19 November 2014), 79 Federal Register 72251 (5 December 2014) (in particular Rules 1001-1004) http://www.gpo.gov/fdsys/pkg/FR-2014-12-05/pdf/2014-27767.pdf</p> <p>FRB (final regulation) –Regulation HH, Financial Market Utilities, FRB Press Release (28 October 2014) http://www.federalreserve.gov/newsevents/press/other/20141028a.htm 79 Federal Register 65543, (5 November 2014)</p> |

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| | | | <p>FRB published final policy statement on 28 October 2014. The measure came into force on 31 December 2014. A transition period for a narrow sub-set of principles ended on 31 December 2015.</p> <p>2</p> <p>SEC published draft regulation consistent with some elements of the PFMI on 3 March 2011 and 12 March 2014.</p> | <p>http://www.gpo.gov/fdsys/pkg/FR-2014-11-05/pdf/2014-26090.pdf</p> <p>FRB (final policy statement) –Policy Statement: Policy on Payment System Risk, FRB Press Release (28 October 2014) http://www.federalreserve.gov/newsevents/press/other/20141028a.htm</p> <p>79 FR 67326, (13 November 2014) http://www.gpo.gov/fdsys/pkg/FR-2014-11-13/pdf/2014-26791.pdf</p> <p>SEC (draft regulation) – Proposed Rule: Clearing Agency Standards for Operation and Governance, Exchange Act Release No. 34-64017 (3 March 2011), 76 Federal Register 14471 (16 March 2011) (in particular proposed Rules 17Ad-25, 17Ad-26, and 3Cj-1) http://www.gpo.gov/fdsys/pkg/FR-2011-03-16/pdf/2011-5182.pdf</p> <p>SEC (draft regulation) – Proposed Rule: Standards for Covered Clearing Agencies; Exchange Act Release No. 34-71699 (12 March 2014) , 79 FR 16865 (26 March 2014), corrected at 79 FR 29507 (22 May 2014) (in particular proposed Rules 17Ad-22(e)(1) through (23)) http://www.gpo.gov/fdsys/pkg/FR-2014-05-22/pdf/R1-2014-05806.pdf</p> |
| | CSDs and SSSs | 2/4 | <p>4</p> <p>FRB published final regulation and final policy statement on 28 October 2014. The measure came into force on 31 December 2014. A transition period for a narrow sub-set of principles ended on 31 December 2015.</p> <p>SEC published final regulation on 19 November 2014 consistent with some elements of the PFMI. The measure came into force on</p> | <p>FRB (final regulation) – Regulation HH, Financial Market Utilities, FRB Press Release (28 October 2014) http://www.federalreserve.gov/newsevents/press/other/20141028a.htm, 79 Federal Register 65543, (5 November 2014) http://www.gpo.gov/fdsys/pkg/FR-2014-11-05/pdf/2014-26090.pdf</p> <p>FRB (final policy statement) Policy Statement: Policy on Payment System Risk, FRB Press Release (28 October 2014) http://www.federalreserve.gov/newsevents/press/other/20141028a.htm, 79 Federal Register 67326, (13 November 2014) http://www.gpo.gov/fdsys/pkg/FR-2014-11-13/pdf/2014-26791.pdf</p> <p>SEC (final regulation) – Final Rule: Regulation Systems Compliance and Integrity; Exchange Act Release No. 34-73639 (19 November</p> |

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|--|-----|-----|---|--|
| | | | <p>3 February 2015 and required compliance for elements relating to the PFMI by 3 November 2015.</p> <p>2 SEC published draft regulation on 12 March 2014.</p> | <p>2014), 79 Federal Register 72251 (5 December 2014) (in particular Rules 1001-1004) http://www.gpo.gov/fdsys/pkg/FR-2014-12-05/pdf/2014-27767.pdf</p> <p>SEC (draft regulation) – Proposed Rule: Standards for Covered Clearing Agencies; Exchange Act Release No. 34-71699 (12 March 12, 2014), 79 FR 16865 (26 March 2014), corrected at 79 FR 29507 (22 May 2014) (in particular proposed Rules 17Ad-22(e)(1) through (23)) http://www.gpo.gov/fdsys/pkg/FR-2014-05-22/pdf/R1-2014-05806.pdf</p> |
| | TRs | 1/3 | <p>CFTC and SEC drafting changed regulations.</p> <p>CFTC published final regulation on 1 September 2011 for some elements of the PFMI. The measure came into force in phases on the following dates: 12 October 2012, 10 January 2013, and 10 April 2013.</p> <p>SEC published final regulation on 11 February 2015 consistent with some elements of the PFMI. The measure came into force on 18 May 2015 and requires compliance by 18 March 2016.</p> <p>Additional measures necessary for both authorities.</p> | <p>CFTC (final regulation) – Swap Data Repositories: Registration Standards, Duties and Core Principles, (Part 49), 76 FR 54538 (1 September 2011) http://www.gpo.gov/fdsys/pkg/FR-2011-09-01/pdf/2011-20817.pdf</p> <p>SEC (final regulation) – Security-Based Swap Data Repository Registration, Duties, and Core Principles, Exchange Act Release No. 34-74246 (11 February 2015), 80 FR 14437 (19 March 2015) https://www.gpo.gov/fdsys/pkg/FR-2015-03-19/pdf/2015-03127.pdf</p> |
| <p>Comments:</p> <p>For CCPs, CSDs, and TRs: The US self-assessment reflects a split rating on the basis that certain elements of the PFMI are at different points of adoption and that this is clear and transparent in public documents. The US included in the split ratings a</p> <ul style="list-style-type: none"> – “4” on the basis that certain elements have been adopted (in final form) in regulations, are in force, and that this is clear and transparent in public documents; – “3” on the basis that certain elements have been adopted (in final form) in regulations, are subject to a compliance period, and that this is clear and transparent in public documents; and – “2” on the basis that certain elements have been drafted and are in the public domain. <p>The CFTC has completed all measures necessary to incorporate fully the PFMI into its regulatory framework for CCPs by publishing final regulation on 2 December 2013 which addressed gaps between the two measures.</p> <p>The SEC has adopted some measures with regard to clearing agencies and security-based swap data repositories and proposed additional measures with regard to clearing agencies.</p> <p>The Federal Reserve Board has completed all measures necessary to fully incorporate the PFMI into its regulatory framework for CCPs, PSs, and CSDs and SSSs.</p> | | | | |

Annex C: Ratings scale

Rating “1”: Draft implementation measures not published: This status corresponds to cases where some measure is needed but so far no draft has been made public to detail the planned content of the measure. This status includes cases where a jurisdiction has communicated high-level information about its implementation plans but such high-level information is not sufficient to achieve the necessary effect.

Rating “2”: Draft implementation measures published: This status corresponds to cases where the draft implementation measures are already publicly available – for example, for public consultation or legislative deliberations.

Rating “3”: Final implementation measures published: This status corresponds to cases where the required implementation measures have been finalised and approved/adopted so that the relevant authorities have the necessary powers (a) to require relevant FMIs to observe the Principles (when implementation of the Principles is being addressed) or (b) to observe the Responsibilities (when implementation of the Responsibilities is being addressed). However, the FMIs are not yet required to observe the Principles or the authorities are not yet required to observe the Responsibilities.

Rating “4”: Final implementation measures in force: This status corresponds to cases where, in addition to the required implementation measures having been finalised and approved/adopted, FMIs are expected to observe the Principles or authorities to observe the Responsibilities (depending on whether implementation of the Principles or Responsibilities is being addressed). Where that is broadly the case but a further transitional period has been granted for FMIs in respect of full observance with a small number of aspects of the Principles that introduce significantly higher requirements than previously applied (because it is recognised that full observance of those aspects may take some time to achieve, eg for some aspects of operational risk), status 4 may also be granted provided that, in its response, the jurisdiction qualifies the status by clearly stating the relevant aspects and when the transitional period ends. In the description of status rating that is published (see below), any such transitional arrangements are likely to be noted.

Rating “NA”: No implementation measures needed (ie not applicable): This status corresponds to cases where no relevant FMI exists that are within the scope of the PFMI. A rating of “NA” will be indicated only if no relevant regulatory measures are being taken and no such FMI is expected to develop within the jurisdiction.

Additional guidance to achieve a rating of “3” - The required measures to implement the PFMI are finalised and published, BUT:

- PFMI are not yet in effect;¹⁶ OR
- there is a transition period until the Principles are in effect but the transition period is not specified; OR
- the transition period is specified but applies to all Principles, not just a narrow subset.

Additional guidance to achieve a rating of “4” - The required measures to implement the PFMI are finalised and published; AND

- PFMI are in effect as of 8 January 2016; AND
- if there is a transition period until the Principles are in effect, it is clearly articulated and only for a narrow subset of Principles; AND
- links to public documents are provided for the final report.

¹⁶ “In effect” means that authorities are able to take actions to compel FMIs’ observance. This does not necessarily mean that the relevant FMIs are in observance of all applicable Principles.

Annex D: Members of the CPMI-IOSCO implementation monitoring standing group (IMSG)

IMSG co-chairs

| | |
|--|-----------------|
| Reserve Bank of Australia | Mark Manning |
| Bundesanstalt für Finanzdienstleistungsaufsicht (Bafin), Germany | Thomas Eufinger |

Members

| | |
|--|---|
| Bank of Canada | Sophie Lefebvre |
| European Central Bank | Tom Kokkola |
| Bank of France | Maud Abdeli |
| Bundesanstalt für Finanzdienstleistungsaufsicht (Bafin), Germany | Edip Acat |
| Hong Kong Monetary Authority | Stephen Pang |
| Securities and Exchange Board of India | Sanjay C Puro |
| Bank of Japan | Tomohiro Usui |
| Financial Services Agency, Japan | Kazunari Mochizuki |
| Bank of Korea | Young-Seok Kim |
| Central Bank of the Russian Federation | Mikhail Myznikov |
| Monetary Authority of Singapore | Ken Nagatsuka, Tze Hon Lau |
| Sveriges Riksbank, Sweden | Johanna Stenkula von Rosen |
| Capital Markets Board of Turkey | Nalan Sahin Urkan |
| Bank of England | Andrew Powell |
| Board of Governors of the Federal Reserve System | Emily Caron |
| Commodity Futures Trading Commission, US | Robert Wasserman |
| Securities and Exchange Commission, US | Stephanie Kim Park |
| IOSCO assessment committee | Steven Bardy |
| IOSCO Secretariat | Manabu Kishimoto Tajinder Singh |
| CPMI Secretariat | Philippe Troussard Umar Faruqi Ayse Sungur Santhosh Ubarle |