

FSCA COMMUNICATION 7 OF 2021 (FM)

Determination of the form and manner in which an application for a Central Counterparty licence must be submitted

1. PURPOSE

The purpose of this Communication is to inform stakeholders that the Financial Sector Conduct Authority (FSCA) has determined the form and manner in which conduct related information for purposes of an application for a Central Counterparty (CCP) licence must be submitted to the FSCA.

2. BACKGROUND

- 2.1 On 31 March 2021, the FSCA and the Prudential Authority (collectively referred to as Authorities) published Joint Standard 1 of 2021 - Requirements relating to Central Counterparty Licence Applications (Joint Standard).
- 2.2 The main objective of the Joint Standard is to prescribe the requirements that an applicant applying for a CCP licence in terms of section 47(3) the Financial Markets Act, 2012 (Act No. 19 of 2012) and Regulations thereunder need to comply with in order to be licensed, and the information that must be contained in such an application.
- 2.3 In terms of subparagraph 2.2 of the Joint Standard, the Authorities may by notice on the website of the FSCA or the PA, determine the form and manner in which such a license application and the information in support thereof (as set out in Annexures 1 to 3 of Form CCP1 of the Joint Standard), must be submitted.

3. DETERMINATION OF THE FORM AND MANNER IN WHICH CONDUCT RELATED INFORMATION FOR PURPOSES OF A CCP LICENCE APPLICATION MUST BE SUBMITTED TO THE FSCA

- 3.1 The FSCA, in terms of subparagraph 2.2 of the Joint Standard, determined, through the publication of **FSCA FM NOTICE 1 OF 2021** (the Notice), the form and manner in which a CCP licence application must be submitted to the FSCA.
- 3.2 The Notice contains instructions on how a CCP licence application must be submitted to the FSCA. Included in the Notice are the following documents:
 - **Annexure A – Application index:** The Application Index attached to the Notice sets out the specific information that must be submitted to the FSCA as part of a CCP licence application.

- **Form CCP 1** – This form is referenced in the Application Index, forms part of the Joint Standard and must be signed by the Chief Executive Officer of the CCP Applicant.
- **Form CCP 2** - This forms part of the Application Index and requests specific information relating to the CCP Applicant.
- **Form CCP 3** - This also forms part of the Application Index and requests specific information relating to the members of the controlling body and senior managers of the CCP Applicant.

3.3 It must be noted that the Notice only determines the form and manner of the information that must be submitted to the FSCA as part of a CCP licence application. **The Notice does not attempt to determine the form and manner in which a CCP licence application must be submitted to the Prudential Authority.**

4. CONTACT

For further information regarding this Communication please contact the Market Infrastructures and OTC Department of the FSCA by emailing info.ccpapplications@fsca.co.za



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