
STATUTORY INSTRUMENTS

2013 No. 504

**The Financial Services and Markets Act 2000 (Over
the Counter Derivatives, Central Counterparties
and Trade Repositories) Regulations 2013**

PART 8

Consequential amendments

Amendments to the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001

35.—(1) The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001(1) are amended as follows.

(2) In regulation 2(2)—

(a) in the appropriate place insert—

“EMIR information” means confidential information received by one of the regulators in the course of discharging its functions as a competent authority under the EMIR regulation;

“the EMIR regulation” means Regulation (EU) 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories;”;

(b) in the definition of “EEA competent authority”, after “single market directives” insert “or the EMIR regulation”;

(c) in paragraph (b) of the definition of “overseas regulatory authority” for “or overseas clearing house” substitute “, overseas clearing house, EEA central counterparty (within the meaning of section 285(1)(c) of the Act) or third country central counterparty (within the meaning of section 285(1)(d) of the Act)”;

(d) in the definition of “single market restrictions”—

(i) at the end of paragraph (j) omit “and”;

(ii) at the end of paragraph (k) insert—

“; and

(l) article 83 of the EMIR regulation;”.

(3) In regulation 8(3)—

(a) at the end of paragraph (a) omit “and”;

(1) [S.I. 2001/2188](#).

(2) The definition of “EEA competent authority” was amended by [S.I. 2003/2066](#) and [2006/3413](#), and the definition of “single market restrictions” was inserted by [S.I. 2012/916](#).

(3) Regulation 8 was substituted by [S.I. 2006/3413](#) and amended by [S.I. 2012/916](#).

Status: Point in time view as at 26/08/2013.

Changes to legislation: There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013, Section 35. (See end of Document for details)

- (b) at the end of paragraph (b) insert—
- “; and
- (c) EMIR information, where that information has been received from the competent authority of an EEA State other than the United Kingdom under the EMIR regulation.”.
- (4) In regulation 9(4)—
- (a) in paragraph (1), after “(3C)” insert “, (3E)”;
- (b) after paragraph (3D) insert—
- “(3E) Paragraph (1) does not permit disclosure of EMIR information to a person specified in the first column of Schedule 1 in contravention of Article 83 of the EMIR regulation.”.
- (5) In regulation 11(5), after paragraph (e) insert—
- “(f) EMIR information, where that information has been received from the competent authority of an EEA State other than the United Kingdom under the EMIR regulation, unless that authority has given its express consent for disclosure that is covered by this Part.”.
- (6) In Part 4 of Schedule 1—
- (a) in the first column, in the entry beginning “A recognised clearing house” after “other than an overseas clearing house” insert “, an EEA central counterparty (within the meaning of section 285(1)(c) of the Act) or a third country central counterparty (within the meaning of section 285(1)(d) of the Act)”;
- (b) in the table, at the end, insert—

“An EEA central counterparty (within the meaning of section 285(1)(c) of the Act)	Its functions in relation to defaults or potential defaults by market participants”.
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- (7) In Schedule 2, in the first column, in the entry beginning “A recognised clearing house” after “other than an overseas clearing house” insert “, an EEA central counterparty (within the meaning of section 285(1)(c) of the Act) or a third country central counterparty (within the meaning of section 285(1)(d) of the Act)”.

Commencement Information

- II** Reg. 35 in force at 1.4.2013 in accordance with reg. 1(2)

(4) Regulation 9(1) was amended by [S.I. 2006/3413](#), [2010/2628](#) and [2011/1613](#). Regulation 9(3D) was inserted by [S.I. 2011/1613](#).

(5) Regulation 11 was amended by [S.I. 2003/2066](#), [2006/3413](#), [2011/1613](#) and [2012/916](#).

Status:

Point in time view as at 26/08/2013.

Changes to legislation:

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013, Section 35.