Commission Implementing Decision (EU) 2020/2127 of 16 December 2020 amending Commission Implementing Decision (EU) 2019/541 on the equivalence of the legal and supervisory framework applicable to approved exchanges and recognised market operators in Singapore in accordance with Regulation (EU) No 600/2014 of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/2127

of 16 December 2020

amending Commission Implementing Decision (EU) 2019/541 on the equivalence of the legal and supervisory framework applicable to approved exchanges and recognised market operators in Singapore in accordance with Regulation (EU) No 600/2014 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012[(1)], and in particular Article 28(4) thereof,

Whereas:

(1) Article 28(1) of Regulation (EU) No 600/2014 identifies the trading venues on which financial counterparties, as defined in Article 2(8) of Regulation (EU) No 648/2012 of the European Parliament and of the Council[(2)], and non-financial counterparties that meet the conditions in Article 10(1)(b) of Regulation (EU) No 648/2012, can conclude transactions in derivatives pertaining to a class of derivatives that has been declared subject to the trading obligation. The trading venues on which such transactions may be concluded is limited to regulated markets, multilateral trading facilities (MTFs), organised trading facilities (OTFs), and third-country trading venues recognised by the Commission as being subject to equivalent legal requirements and effective supervision in that third country. The relevant third country is also required to provide for an effective equivalent system for the recognition of trading venues authorised under Directive 2014/65/EU of the European Parliament and of the Council[(3)].

(2) In accordance with Article 28(4) of Regulation (EU) No 600/2014, the Commission has, with Implementing Decision (EU) 2019/541[(4)], determined that the legal and supervisory framework applicable to approved exchanges (AEs) and recognised market operators (RMOs) established in Singapore and authorised by the Monetary Authority of Singapore (MAS) ensures that they comply with legally binding requirements which are equivalent to the requirements for Union trading venues set out in Directive 2014/65/EU, Regulation (EU) No 596/2014 of the European Parliament and of the Council[(5)]

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/2127. (See end of Document for details)*

and Regulation (EU) No 600/2014, and which are subject to effective supervision and enforcement in Singapore.

(3) The list of AEs and RMOs set out in the Annex of Implementing Decision (EU) 2019/541 may be updated to extend, where appropriate, the scope of the equivalence decision as laid down under Article 28(4) of Regulation (EU) No 600/2014 to additional AEs and RMOs in Singapore, or to remove AEs and RMOs from the list. The Commission may undertake a specific review at any time where relevant developments make it necessary for the Commission to re-assess the determination made by that Decision. Based on the findings arising from a regular or specific review, the Commission may decide to amend, or repeal that Decision at any time, in particular where developments affect the conditions on the basis of which that Decision is adopted.

(4) Since the adoption of Implementing Decision (EU) 2019/541, a number of additional RMOs established in Singapore obtained authorisation from MAS to trade in derivatives pertaining to a class of derivatives that has been declared subject to the trading obligation. In light of the information received from MAS, those additional RMOs comply with the legally binding requirements that Implementing Decision (EU) 2019/541 determined as equivalent to the requirements for Union trading venues set out in Directive 2014/65/EU. The Commission therefore considers it appropriate to update the list of AEs and RMOs set out in Implementing Decision (EU) 2019/541, which should be amended in order to include additional RMOs established in Singapore and authorised by MAS.

(5) The measures provided for in this Decision are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2019/541 is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 16 December 2020.

For the Commission

The President

Ursula VON DER LEYEN