

DECREE

No. 235/2008 Coll.

of 23 July 2008

on information duties of the settlement system administrator and the central securities depository

Pursuant to Article 199 (2) of Act No. 256/2004 Coll., on capital market undertakings, as amended by Act No. 230/2008 Coll., (hereinafter the “Act”), to implement Article 87 and Article 108 (1), the Czech National Bank stipulates the following:

Article 1

Subject

This Decree stipulates the deadlines for sending information and underlying documents to the Czech National Bank as required for the performance of supervision, and details on their contents, form and manner of sending by the settlement system administrator and the central securities depository (hereinafter the “central depository”).

Article 2

Definitions

For the purposes of this Decree, the following definitions shall apply:

- a) statement means a structured dataset created by the settlement system administrator or the central depository;
- b) dataset means a set of data with predefined data structures that are described and accessible as a whole in the information system of the Czech National Bank;
- c) admission of a transaction for settlement means delivery of all instructions required for settlement of the transaction to the settlement system;
- d) contact person means the person or persons who submit statements to the Czech National Bank on behalf of the settlement system administrator or the central depository.

Article 3

Information Duties

(1) The settlement system administrator shall inform the Czech National Bank, in the form and manner set out in Article 4, on

- a) a transaction admitted for settlement, the manner and state of settlement, on changes in the transaction admitted for settlement and changes in the manner and state of settlement by sending statement MKT (ČNB) 80-97 “Information on Settlement of Transactions” drawn up according to dataset MOKAS80, within the scope and in the structure pursuant to paragraph 1 of the Annex to this Decree, at the latest by the end of the business day following after the day when the transaction was admitted for settlement or when the change occurred;
- b) parties to the settlement system by sending statement MKT (ČNB) 65-97 “Information on the Parties”, drawn up according to dataset MOKAS65, within the scope and in the structure pursuant to paragraph 2 of the Annex to this Decree, by the end of the business day when

1. one of the parties became or ceased to be a party to the settlement system; or
 2. he learnt of a change in the data provided on the party to the settlement system;
- c) investment instruments admitted for settlement by sending statement MKT (ČNB) 82-97 “Information on Instruments Admitted for Settlement” drawn up according to dataset MOKAS82, within the scope and in the structure pursuant to paragraph 3 of the Annex to this Decree, at the latest by the end of the business day preceding the day to which the data or change therein are related; each change requires a whole statement.

(2) The settlement system administrator and central depository shall inform the Czech National Bank, in the form and manner set out in Article 5, of their financial situation and performance in the past quarter as of the last day of the relevant calendar quarter, within the scope and in the structure pursuant to a legal regulation providing for bookkeeping, at the latest within 1 month of expiry of the relevant calendar quarter.

(3) The settlement system administrator shall inform the Czech National Bank, in the form and manner set out in Article 5, on

- a) operating days of the settlement system at the latest 2 business days before the first day of the period to which relates
 1. the calendar of operating days; or
 2. a change in the calendar of operating days;
- b) codes used by the settlement system administrator in statements pursuant to paragraph 1 above, at the latest 2 business days before the operating day to which the change in the data relates.

(4) The settlement system administrator and the central depository shall submit to the Czech National Bank, in the form and manner pursuant to Article 5

- a) the annual report and the consolidated annual report, within 6 months of the end of the accounting period; and
- b) details on persons who had a qualified interest in them at the time of holding the General Meeting,¹ within 1 month of the date of the general meeting; they shall specify the nature of the relationships to these persons.

(5) Where the settlement system administrator or central depository has a sole shareholder, it shall submit the details on the shareholder set out in paragraph 4 (b) within 1 month of the decision of the shareholder made within the competence of the general meeting.

(6) The settlement system administrator shall not submit information pursuant to paragraphs 2, 4 and 5 if it provides this information to the Czech National Bank pursuant to some other legal regulation² within a comparable scope.

Article 4

Sending Information by Means of an Automated Data Collection System

¹ Article 2 (1) (e) of Act No. 256/2004 Coll., on capital market undertakings, as amended.

² E.g., Decree No. 605/2006 Coll., on certain information duties of an investment firm, as amended.

(1) The settlement system administrator shall send statements to the Czech National Bank pursuant to Article 3 (1) in the form of electronic data reports through a data collection application of the Czech National Bank, which is available in a manner allowing for remote access.

(2) The data reports pursuant to paragraph 1 above, with specification of the statement data, shall be provided by the settlement system administrator

- a) with a guaranteed electronic signature of the contact person based on a qualified certificate;³
or
- b) electronic stamp based on a qualified system certificate.⁴

Article 5

Sending Information by Electronic Mail

(1) Information pursuant to Article 3 (2) to (5) shall be sent by the settlement system administrator and central depository to the Czech National Bank in the form of an electronic data report to the address of the electronic filing department with unambiguous specification of the information duty, or on a durable medium (CD, DVD). The data report must contain a guaranteed electronic signature of the contact person based on a qualified certificate.

(2) The settlement system administrator and central depository shall submit the annual report and consolidated annual report, which are filed pursuant to a legal regulation on bookkeeping⁵ in the collection of instruments of the Commercial Register through the Czech National Bank, to the Czech National Bank in electronic form stipulated by a legal regulation on digitalization of the Commercial Register⁶ in the manner pursuant to paragraph 1 above. If the size of the report does not allow for its sending by electronic mail, the settlement system administrator and the central depository shall send the annual report and consolidated annual report to the Czech National Bank on a durable medium (CD, DVD).

Article 6

Correction of Incorrect and Incomplete Statements

If the settlement system administrator and central depository ascertain that statement data submitted to the Czech National Bank are incorrect or incomplete, they shall proceed in the manner set out in Article 3 and shall notify the Czech National Bank without delay of the contents and reasons for corrections.

Article 7

Contact Persons

(1) The settlement system administrator and central depository shall communicate to the Czech National Bank

- a) the name and surname of the contact person;

³ Article 2 (l) of Act No. 227/2000 Coll., on electronic signature and on amendment to some other laws (Electronic Signature Act), as amended by Act No. 440/2004 Coll.

⁴ Article 2 (m) of Act No. 227/2000 Coll., as amended by Act No. 440/2004 Coll.

⁵ Article 21a (4) of Act No 563/1991 Coll., on accounting, as amended.

⁶ Article 2 of Decree of the Ministry of Justice No. 562/2006 Coll. stipulating the manner of transfer of instruments to electronic form, the manner of treatment of the transferred instruments and the obligatory electronic form of instruments (Decree on Digitalization of the Commercial Register).

- b) the address of the workplace, telephone and fax number and e-mail address of the contact person;
- c) data on the issued qualified certificate of the contact person or data on a qualified system certificate.

(2) The settlement system administrator and the central depository shall notify the Czech National Bank of every change in the data pursuant to paragraph 1 above.

Article 8 **Transitory Provisions**

1. The settlement system administrator shall fulfill the information duties pursuant to Article 3 (1) (a) hereof from July 1, 2009.

2. The settlement system administrator shall fulfill the information duties pursuant to Article 3 (1) (b) and (c) and Article 3 (3) for the first time by July 1, 2009.

Article 9 **Effect**

This Decree shall enter into effect on July 1, 2008.

The Governor:

doc. Ing. **Tůma**, CSc., *signed*

Contents of Information Sent by the Settlement System Administrator and Central Depository to the Czech National Bank

1. Statement MKT (ČNB) 80-97 “Information on Settlement of Transactions” with the code of assigned dataset MOKAS80 shall contain data included in the instructions for settlement and information on their processing in the settlement system. These data include, in particular, identification of the party to the settlement system performing settlement of the transaction; identification of the party to the transaction; date, time and place of performance of the transaction; buy/sell indicator; information on conclusion of the transaction on own account or on account of another person (status); identification of the investment instrument; unit price of the investment instrument in a currency or in per cent with specification of the price notation; quantity or nominal value of the investment instruments; identification of the counterparty to the transaction; identification of the party to the settlement system that settles the transaction for the counterparty; external number of the transaction assigned at the place of conclusion of transaction and the party issuing the external number of the transaction; identification of the client; settlement date; volume of the transaction; number of the instruction obtained from the log of the firm that concluded the transaction; type of the transaction; internal number of the transaction assigned in the settlement system; state of settlement of the transaction and type of the transaction’s non-standard situation; identification of the owner and number of the asset account used for settlement in the records of investment instruments and identification of the person keeping records of investment instruments; date and time of the last change in the instruction for settlement from the party to the settlement system; date and time of the last processing of the transaction in the settlement system.

2. Statement MKT (ČNB) 65-97 “Information on the Parties” with the code of assigned dataset MOKAS65 shall contain data on all parties to the settlement system, particularly the business name, identification of the party, address, contact details and contact persons of the party to the settlement system.

3. Statement MKT (ČNB) 82-97 “Information on Instruments Admitted for Settlement” with the code of assigned dataset MOKAS82 shall contain information concerning investment instruments admitted for settlement, including, in particular, the name and identification of the investment instrument; date from which the data on the investment instrument apply; date of the last change in the data; date of cessation of validity of the data; name and identification of the underlying instrument; type of the financial instrument; date of maturity of the investment instrument; sale price of the investment instrument; price multiplier; current nominal value of the investment instrument; currency of the nominal value of the investment instrument; date of admission for settlement; country of the final owner; country of the index; margin on the contract for futures; specification whether the interest rate of the investment instrument is fixed or floating; frequency of payment of interest on the investment instrument; standard for calculation of the aliquot interest revenue for the investment instrument; current interest rate of the bond or money market instrument expressed in per cent; date of the issue; number of investment instruments in the issue; date of the first day when the investor acquiring the bond is not entitled to payment of the set coupon; amount of the last dividend; date of the first day when the investor acquiring the investment instrument is not entitled to payment of dividend; specification of the category and group according to the codes of the settlement system administrator in case of division of investment instruments for the reason of settlement into several categories and groups; name and identification of the issuer; address and country of the registered office and sector of the issuer of the investment instrument.

