

**BANK STANDARDS INSTRUMENT: THE TECHNICAL STANDARDS
(CLEARING OBLIGATION) (NO. 2) INSTRUMENT 2021**

Powers exercised

- A. The Bank makes this instrument in exercise of the power under section 138P (Technical standards) of the Act.
- B. For the purposes of section 138P of the Act, the power to make technical standards which the Bank relies on for the purposes of this instrument is conferred on the Bank by Article 5(2)(a) of Regulation (EU) No 648/2012.
- C. Pursuant to section 138P(2)(b) of the Act, the power to make technical standards includes the power to modify, amend or revoke any EU tertiary legislation made by an EU entity under the original EU power which forms part of retained EU law. Commission Delegated Regulation (EU) No 2015/2205 constitutes EU tertiary legislation (as defined in section 20 of the EUWA) for these purposes.
- D. The powers referred to above are specified for the purpose of section 138Q(2) (Standards instruments) of the Act.

Pre-conditions to making

- E. The Bank has consulted the PRA and the FCA on this instrument pursuant to section 138P(4) of the Act.
- F. In accordance with section 138J of the Act, read together with section 138S of the Act, the Bank published a draft of the proposed instrument and had regard to representations made.
- G. A draft of this instrument has been approved by the Treasury, as required by section 138R of the Act.

Interpretation

- H. In this instrument, any reference to any provision of direct EU legislation is a reference to it as it forms part of retained EU law.
- I. In this instrument:-
 - (a) “the Act” means the Financial Services and Markets Act 2000;
 - (b) “Bank” means the Bank of England;
 - (c) “EUWA” means the European Union (Withdrawal) Act 2018;
 - (d) “FCA” means the Financial Conduct Authority;
 - (e) “PRA” means the Prudential Regulation Authority; and
 - (f) “retained EU law” has the meaning given it in section 6 of the EUWA.

Modifications

J. The Bank makes the modifications in the Annex below to Commission Delegated Regulation (EU) 2015/2205.

Commencement

K. This instrument comes into force on the day after the day on which it is made, except for the modifications set out in Schedule A to the Annex, which come into force on 31 January 2022.

Citation

L. This instrument may be cited as the Technical Standards (Clearing Obligation) (No. 2) Instrument 2021.

By order of the Bank of England

25 November 2021

Annex

MODIFICATIONS TO COMMISSION DELEGATED REGULATION (EU) 2015/2205

1. In this Annex, new text is underlined and deleted text is struck through.
 2. Commission Delegated Regulation (EU) 2015/2205 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation, as modified by Technical Standards (European Market Infrastructure) (Amendment etc.) (EU Exit) (No.2) Instrument 2019 as amended by Technical Standards (European Market Infrastructure) (Amendment etc.) (EU Exit) (No.4) Instrument 2020, as it forms part of retained EU law, and as modified by Technical Standards (Clearing Obligation) Instrument 2021, is modified as set out in Schedule A.
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Schedule A

ANNEX

Interest rate OTC derivatives classes subject to the clearing obligation

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Table 4

Overnight index swaps classes

id	Type	Reference Index	Settlement Currency	Maturity	Settlement Currency Type	Optionality	Notional Type
...							
<u>A.4.5</u>	<u>OIS</u>	<u>TONA</u>	<u>JPY</u>	<u>7D-30Y</u>	<u>Single currency</u>	<u>No</u>	<u>Constant or Variable</u>