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EUROSYSTEM

ADVISORY GROUP ON MARKET INFRASTRUCTURES  
FOR SECURITIES AND COLLATERAL (AMI-SeCo)

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## Impact analysis report

### Non-compliance with T2S harmonisation standards

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## 1. Introduction

This report provides an assessment of the impact resulting from the fact that so far compliance with agreed TARGET2-Securities (T2S) harmonisation standards has not been achieved for all standards and/or in all T2S markets. The impact assessment thus complements the 12<sup>th</sup> report on securities settlement and collateral management harmonisation progress in T2S markets.<sup>1</sup> The report is provided by the Advisory Group on Market Infrastructures for Securities and Collateral (AMI-SeCo) and focusses on the non-compliance with the core T2S securities settlement harmonisation standards (former Priority 1 T2S harmonisation standards).

The impact analysis is carried out as part of the monitoring exercise, whenever the respective T2S National Stakeholder Group (NSG) reported to the AMI-SeCo that the respective T2S market has not fully complied with one or several T2S harmonisation standards up until mid-November 2021. In line with the agreement by the former Market Infrastructure T2S Board (now MIB) in 2013, this report contains also the advice given by the AMI-SeCo (former T2S Advisory Group (AG)) to the MIB on the course of action to be taken as regards each case of non-compliance.

The report is structured as follows. Section 2 describes the methodology according to which the assessment was done. Section 3 provides an overview table on the overall impact per T2S market, whereas Section 4 provides a detailed description of the non-compliance cases, the respective impact and plans including estimated timelines for achieving compliance for each non-compliant T2S market. Section 5 describes the current status of compliance and an overview of its impact for the Finnish market (Euroclear Finland) preparing to migrate to T2S in 2023. Section 6 concludes the report with the AMI-SeCo's proposals to the Market Infrastructure Board (MIB) for further action, which have been agreed by the AMI-SeCo in January 2022 and have been endorsed by the MIB in February 2022.

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<sup>1</sup> For more information and the published report, see [AMI-SeCo](#).

## 2. Methodology for assessment of non-compliant markets

For assessing as to whether the expected impact in terms of expected severity, volumes/frequency and risk is high, medium or low, the below methodology was used.

	Impact category		
	<b>Severity</b> (is a qualitative assessment of the impact on the T2S community, i.e. the level of adaptation needed by users and investor CSDs to manage non-standard settlement)	<b>Expected volume/frequency</b> (is a quantitative assessment of the number of settlement instructions that will require non-standard processing in T2S)	<b>Expected risk of not achieving full compliance</b> (is an assessment of whether a plan for full compliance exists and how far the implementation date of that plan is from publication date of this report)
<b>High impact</b>	Complex adaptation required from users/investor CSDs to adapt to non-standard processing. It may involve setting up of restriction rules by Investor CSDs, onerous manual processing or require IT development to implement deviating processing for the respective market.	In absolute terms, the estimate is that more than 10,000 instructions per year in T2S will be affected.	No commitment/concrete plan by a market to reach full compliance with a T2S standard by a certain date.
<b>Medium impact</b>	Significant adaptation is required from users/investor CSDs to adapt to non-standard processing. This may require IT development to implement deviating processing for the respective market or involve regular use of manual processing.	In absolute terms, the estimate is that 1,000 – 10,000 instructions per year in T2S will be affected.	There is a commitment/concrete plan of a market to achieve full compliance with a T2S standard, but the implementation date is more than 12 months after publication of the report.
<b>Low impact</b>	Small or no IT adaptations required from users/investor CSDs to adapt to non-standard processing. Some manual processing may be required or processing in T2S could be delayed.	In absolute terms, the estimate is that less than 1,000 instructions per year in T2S will be affected.	There is a commitment of a market to achieve full compliance with a T2S standard no later than 12 months after publication of the report.

### 3. Summary of results

The non-compliant cases from this impact analysis are summarised in the table below:

T2S markets	Non-compliance with T2S harmonisation standard			
	#2 on Matching Fields	#5 on Schedule for Settlement day and T2S Calendar	#6 on Corporate Actions	#14 on Restriction of Omnibus Accounts
AT			Medium	
BE – Euroclear			Low	
CH			Low	
DE			Low	
ES	Low			
FR				Medium
HU		Medium	Medium	
LU			Low	

The number of T2S markets assessed in the twelfth Harmonisation Progress report remained stable at 20 markets with the number of central securities depositories (CSDs) using T2S decreasing to 21, as two T2S CSDs (SK – NCDPC and FR-ID2S) ceased operations during the review period. Progress towards reaching full compliance with all standards has been observed in several markets. Two markets (France – Euroclear France, and the Netherlands) have reached full compliance on Standard 6 since last year. Another market (Hungary) has reached full compliance on Standard 2 during this period. Furthermore, due to changes in Standard 4, one market (Italy) is no longer considered non-compliant with this standard. There has been a downgrading of the overall impact assessment for one market (Spain) from a high overall impact to a low overall impact assessment based on discussions held between AMI-SeCo members.

### 4. Impact assessment of non-compliance per T2S Market

#### 4.1 Austria

Austrian market impact (Migration wave 4: 6 February 2017)

AT non-compliance: T2S corporate actions standards	
Overall impact	<b>MEDIUM</b>
Severity (qualitative)	<i>MEDIUM</i>
Expected volume/frequency (quantitative)	<i>LOW</i>
Risk of not achieving full compliance	<i>HIGH</i>

The Austrian market does not comply fully with the three T2S CA standards:

- Market Claims Standards 6 and 7: to mitigate the risk of tax fraud, the Austrian market is not considering the “opt-out”, “ex” and “cum” flags when generating market claims in T2S;

- Market Claims Standard 23 – the Austrian CSD does not provide to its participants a “user friendly facility” in order for them to control the interdependence of the settlement of the market claim with the settlement of the underlying transaction<sup>2</sup>.

The AMI-SeCo continues to assess the non-compliance with the above standards as having a ‘medium’ severity impact (qualitative) on the rest of the T2S Community. This is based on the assessment that in some scenarios the non-compliance would result in the need for Austrian CSD participants, as well as participants in CSDs having a link with the Austrian CSD, to manually and bilaterally generate market claims. In other scenarios, the same counterparties may need to reverse the wrongly generated market claims by the Austrian CSD. In addition, the same actors may need to wait for the settlement of market claims generated by the Austrian CSD with “on hold” status on securities accounts on which the optional facility to control settlement of market claims has been activated by the Austrian CSD participants. Similarly, there is an impact on investor CSDs, whose market claim instructions cannot match in T2S with those generated by the Austrian CSD in the scenarios when the latter does not generate market claims in accordance with the T2S CA Standards.

Only a few settlement instructions were expected to be affected per year. The reasons for this are that i) the Austrian banks agreed not to actively use the cum/ex and opt/out flags; thus few cases are expected where these flags will be used in the settlement instructions and ii) the harmonisation of the sequence of key dates used for corporate actions processing within T+2 will result in much lower volumes of market claims. The actual number of settlement instructions concerned for the period from 16 August 2020 to 15 August 2021 is estimated to be below 1000 settlement instructions per year:

- Standards 6 and 7 (instructions with cum/ex/opt-out indicator): 21
- Standard 23 (claims flagged with automatic party hold at account level): 338

As this estimation is below 1,000 settlement instructions per year, the AMI-SeCo assessed it as having a low quantitative impact on the rest of the T2S community. However, the affected volumes may increase in the future, depending on the number or relevant CSD link arrangements to be established.

The Austrian MIG (Corporate Actions National Implementation Group, CANIG) discussed the issue again at the end of 2020. The involved market participants concluded that they do not want to alter the status quo for the time being as the risk of an improper use of the cum/ex indicators, which could lead to unforeseen tax fraud cases, is too high. Until a final plan has been determined by the Austrian market for achieving full compliance, there continues to be a high risk for not implementing a compliance resolution in the foreseeable future.

Given the above, AMI-SeCo assesses the overall impact as medium.

## 4.2 Belgium

### 4.2.1 Euroclear Belgium

BE market (EoC) impact (migration wave 3: 12 September 2016)

<b>BE market (EoC) non-compliance: T2S corporate actions standards</b>	
<b>Overall impact</b>	<b>LOW</b>
<i>Severity (qualitative)</i>	<i>LOW</i>
<i>Expected volume/frequency (quantitative)</i>	<i>LOW</i>
<i>Risk of not achieving full compliance</i>	<i>LOW</i>

<sup>2</sup> Instead, OeKB provides its participants with an optional facility allowing them to indicate that all market claims, generated by the CSD on certain securities accounts, should be with ‘on hold’ status. This mechanism is against T2S CA standard 23 as also explained in the related Frequently Asked Questions documentation published by the T2S community.

The Belgian market (EoC) reported being fully compliant with all T2S CA Standards as a result of the migration of Euroclear Belgium to its new CA processing platform in March 2021.

Although Euroclear Belgium is technically capable to process capital increase events in a fully compliant way, the Belgian market is not processing them in accordance with the standard. It was therefore agreed to downgrade the compliance status of Buyer Protection Standard 9 (on buyer protection deadlines) and the CAJWG CA Standards 12,13 and 14 related to the key dates for mandatory reorganisations with options.

Capital increase events are only occurring once or twice a year. There was only one capital increase event in 2021 (against 2 in 2020). Even though such capital events are rare, the Belgian market continues its efforts to achieve full compliance. An awareness campaign was launched in January 2021 via the Belgian Market Implementation Group (BE-MIG) to inform front offices and issuers about the applicable standards and to encourage them to adjust. In addition, the Belgian market is preparing a proposal for the CAJWG to shorten the minimum length of the election period to 6 business day for such events. The review of the CAJWG standards is planned for 2022.

Given the low severity and volumes affected as well as the continuing efforts for full compliance, the AMI-SeCo assesses the overall impact as low.

### 4.3 Switzerland

SIX SIS (CH) market impact (migration wave 1 June 2015)

<b>CH non-compliance: T2S corporate actions standards</b>	
<b>Overall impact</b>	<b>LOW</b>
<i>Severity (qualitative)</i>	<i>LOW</i>
<i>Expected volume/frequency (quantitative)</i>	<i>LOW</i>
<i>Risk of not achieving full compliance</i>	<i>HIGH</i>

The Swiss market complies with all T2S CA standards, except with the T2S CA Transformation Standard 2, for which no implementation date has been defined:

- The Aim of T2S CA Transformation Standard 2 is that CSD participants should have the possibility to send settlement instructions to the T2S System during the 20-day period following the maturity date of a security (“old” ISIN). During this 20-day period instructions sent by CSD participants will be validated and allowed to match but not to settle. Transformation detection process should be performed at least once per day. Only transformed settlement instructions will be sent to T2S for settlement. After the end of this 20-day period all instructions from CSD participants, irrespective of their matching status, will be cancelled by T2S.
- The Current Swiss Market Practice (incl. Liechtenstein) is that settlement instructions can be sent for matching until EOD on Record Date. At the EOD on Record Date all pending settlement instructions that are matched will be transformed automatically. Unmatched transactions will be cancelled by SIX SIS and will not be transformed. After Record Date all incoming instructions from CSD participants will be rejected by SIX SIS. The static data of the ISIN are inactivated after the record date/maturity date on the SIX SIS legacy system (SECOM). Consequently, Swiss Market Practice will overrule any incoming instruction of “old ISINs” in Euro centrally held by SIX SIS and accordingly, instructions in “old ISINs” will no longer be matched on T2S.

Since the implementation of the relevant change on T2S (June 2018), SIX SIS has not experienced any such affected instructions. Therefore, in view of the very limited number of affected transactions (if any), the effect of non-compliant practice with the Transformation Standard 2 is estimated to be low (zero) for the near future.

At least for the time being, SIX SIS has decided not to replicate the specific T2S functionality of the 20-day Transformation Period following the maturity date of a security. SIX SIS arrived at this conclusion (i) after assessing the number of impacted transactions which turned out to be zero; (ii) as current Swiss (incl. Liechtenstein) market practice for CHF currency transactions in its legacy system will remain

unchanged and (iii) against the background of a disproportionate financial impact on SIX SIS. The latter is mainly caused by the home market settlement system (SECOM) running in parallel to the T2S system and the fact that SIX SIS has to cover additional market practices that are different to those of T2S. A change of practice to reach compliance with the Transformation Standard 2 is considered to be a major technical change in the SIX Settlement System (SECOM) which the Swiss NSG assesses as disproportional in terms of cost versus current number of affected transactions.

The implementation gap could have the following consequences:

- SIX ICP-participants, SIX DCP-participants and participants in investor CSDs linked to SIX SIS are not able to instruct after record date/maturity date in the “old ISINs” in a fully automated way according to the T2S Standard.
- The affected actors will have to support manual processing for managing transformations (mostly actors over SIX SIS for ISINs centrally held at EU CSDs, or for ISINs centrally held by SIX SIS also those actors of other CSDs on T2S are affected):
  - As indicated above, after Record Date unmatched instructions are rejected by SIX SIS;
  - Upon request by the actors, SIX SIS will re-open the ISIN on a case-by-case basis that allows participants to re-instruct for matching;
  - After matching under the “old ISIN” the transformation will proceed normally, and the transformed settlement instruction will be sent to T2S.

In terms of the scope of the implementation gap the main relevant events affecting transformation are: Repurchase Offer, Conversion, Mandatory Exchange, Early Redemption, Merger, Partial Redemption with Reduction of Nominal, Spin-Off, Split and Reverse Split.

The Swiss market achieved full compliance with all T2S CASG Standards soon after its migration in the first wave in June 2015. Subsequent to the T2S Release in June 2018, this Transformation Standard 2 is the only one SIX SIS is not compliant with. As long as above-mentioned circumstances remain unchanged, Transformation Standard 2 is not scheduled to be replicated by SIX SIS in its legacy system, i.e. no plans are in place to implement the standard. Due to the current integration of the Bolsas y Mercados Españoles (BME) into the SIX Group, the situation regarding compliance with this specific standard needs to be analysed in the overall context in more detail and it needs to be clarified how full compliance can best be achieved.

Given the above, the AMI-SeCo assesses the overall impact as low.

## 4.4 Germany

German market Impact (Migration wave 4: 6 February 2017)

<b>DE non-compliance: T2S corporate actions standards</b>	
<b>Overall impact</b>	<b>LOW</b>
<i>Severity (qualitative)</i>	<i>LOW</i>
<i>Expected volume/frequency (quantitative)</i>	<i>HIGH</i>
<i>Risk of not achieving full compliance</i>	<i>HIGH</i>

In its aim to fully comply first with the standards where non-compliance is assessed as having a high impact on the rest of the community, the German market has developed a special functional model also approved in advance by the T2S CASG as being standard compliant. With the installation of Clearstream’s June 2020 release, the aforementioned functionality has been successfully implemented. Consequently, the German market now fully complies with the former high-impact market claim standards 9, 10, 14 and 15 as all cash entitlements deriving from market claims on DE ISINs are settled via T2S in line with the standards. Together with the major milestone achieved on 1 January 2017 (introducing the “record date”) the German market has therewith overcome most of the important non-compliance issues. However, the following compliance gaps still remain:

- Market Claims Standard 8, 19, 20, 21, 22, 25: Market claims are detected on the basis of pending, matched trades on record date; Market and Reverse Claims are generated at CBF on

the basis of settled transactions. Claims on open instructions caused several problems (late trades, Rec-Date) when this processing was standard in the German market. CAJWG and CASG Standards apply on 'irrevocable transactions' which would not be fulfilled by 'matched transactions' solely as stated in the definition/example of irrevocableness. There the underlying OTC transaction could be set 'on hold' (without settlement) in T2S while the Market Claim settles. Based on this fact the German MPC does not treat a matched underlying transaction as irrevocable. The German market would like to highlight the current discussion regarding the status of irrevocability. Market participants request support to cancel Market Claims when the underlying transaction matched but did not settle on Payment Date (or ISD) as was the case in T2S for a handful of transactions in non-German securities. An open question remains regarding the transfer of ownership and tax liability. The 'Zuflussprinzip' from tax point of view is not in time with the processing of Market Claims when the underlying transaction is matched. Non-compliance with these standards has a low impact on the T2S Community from a qualitative perspective.

- Market Claims Standard 7: There are some conflicts by implementing the 'CUM' flag with the German laws e.g., in respect of 'manufactured dividends' when non-entitled transactions can be flagged as 'entitled' and tax vouchers will be created accordingly. From a qualitative perspective, non-compliance with this standard has a low impact on the T2S Community.
- Buyer Protection Standard 10: the German market is not yet fully compliant with this standard. A target implementation date was set for the end of 2021 by the CSD, however, the market participants wanted to take this back for discussion. The German market would like to use the data provider Wertpapier-Mitteilungen as central source for providing and publishing Buyer Protection key data, like the Buyer Protection Deadline. With the participation of CBF on T2S Buyer Protection Deadline information shall be incorporated in SWIFT MT56X. This development is on the agenda for 2022. Filling depends on when the central data vendor will provide this information.

According to the volumes data provided by the German NSG, for the period from October 2020 to September 2021, the number of settlement instructions in which the cum flag was used (related to the non-compliance with Market Claims Standard 7) amounted to 34 (among them 12 related to DE ISINs and 22 related to European and non-European ISINs). In the same period, Clearstream generated a total of 72,573 market claims for DE ISINs. Considering the non-compliance with Market Claims Standard 25, a probable volume of over 10 000 transactions is in principle in line with the methodology assessed as having a high quantitative impact to the rest of the T2S community.

Implementation of some of the Market Claims Standards with high impact on the T2S Community (payment on T2S DCA accounts) has been completed. With this the German market has overcome some important non-compliance issues and, in this regard, no longer presents any severe impact on the rest of the community. Based on the information provided by the German NSG, the AMI-SeCo has concluded that the German market's non-compliance continues to have a low impact overall.

## 4.5 Spain

Spanish market impact (final migration wave: 18 September 2017)

<b>ES non-compliance: T2S standard on matching fields</b>	
<b>Overall impact</b>	<b>LOW</b>
<i>Severity (qualitative)</i>	<i>LOW</i>
<i>Expected volume/frequency (quantitative)</i>	<i>LOW</i>
<i>Risk of not achieving full compliance</i>	<i>HIGH</i>

The Spanish market does not comply fully with the T2S standard 2 on matching fields.

The non-compliance stems from the fact that for intra-CSD settlements on equities there is a requirement in place in the Spanish market by which the T2S optional matching field "Client of the CSD participant" is filled in with the end-investor information which is not necessarily the client of the CSD participant in case the custody chain is longer than the usual CSD-custodian-end-investor. Therefore this can result in special cases a non-compliant use of this optional matching field.



The requirement forces participants in the Spanish market which are active also in other T2S markets to support a deviating non-harmonised process for instructing and reconciling intra-CSD settlements on equities in the Spanish market. However, the Spanish market follows this practice only for intra-CSD on equities and not for cross-CSD instructions or for fixed-income securities, for which the practice is not in conflict with the T2S Standard. Therefore, the qualitative impact on the T2S Community is expected to be low.

The potential volumes involved are difficult to estimate. Based on the above those intra-CSD volumes on equities are affected where the client of the CSD participant is not the end-investor. According to the ECB Statistical Data Warehouse, Iberclear had 7.5 million intra-CSD equity transactions in 2018.

The Spanish NSG takes the view that the current market practice in the Spanish market goes beyond the matching standards, as it encourages to inform about the client of the CSD participant, although this is an optional matching field, and it does not have a negative impact. General agreement in the Spanish NSG has been reached to consider that the current practice is not an issue and that no adaptation planning is required. Consequently, there is no formal plan by the Spanish market to fully comply with the T2S Standard as it is and thus the risk of not achieving full compliance (as per the agreed methodology) is high. However, based on discussions at the T2S community level, overall, the AMI-SeCo assesses the impact of non-compliance as low.

## 4.6 France

### 4.6.1 Euroclear France

FR market impact – Restrictions on Omnibus Accounts (migration wave 3:12 September 2016)

FR non-compliance: T2S standard on restrictions on omnibus accounts	
<b>Overall impact</b>	<b>MEDIUM</b>
<i>Severity (qualitative)</i>	<i>HIGH</i>
<i>Expected volume/frequency (quantitative)</i>	<i>LOW</i>
<i>Risk of not achieving full compliance</i>	<i>HIGH</i>

There is a legal requirement in France to segregate holdings in dedicated accounts based on the legal holding form of the security (i.e. in bearer or in registered form).<sup>3</sup> The requirement also applies on omnibus accounts of Investor CSDs; i.e. two distinct omnibus accounts are required for the servicing of registered and bearer holdings. As a result, the French market is not compliant with the T2S standard on Restrictions on Omnibus accounts” due to the obligation for Investor CSDs and their participants to replicate the account segregation requirement in their books down the holding chain; i.e. requirement to open two mirror accounts, one for bearer and one for registered positions mapped to the two omnibus accounts in Euroclear France. This mandatory replication down the holding chain presents high impact challenges to the T2S community, hampering the T2S key objective of facilitating efficient harmonised cross-border settlement.

Volumetric measurements showed that there were around 232 affected cross-border transactions on French securities held in registered form in 2021. Furthermore, the opening of additional accounts for the servicing of French registered securities was, in many cases, imposed on Investor CSDs and their participants in order to comply with their respective client service level agreements (e.g. settlement services should be made available on all French securities independently of the legal form of the security). According to estimates, around 500 participants in Investor CSDs, which hold French securities, may be affected. This would translate into the need for these Investor CSDs to open 500 additional securities accounts for their clients in T2S.

Euroclear France and the French market have analysed in detail the root-causes of this non-compliance case and the possible options to remediate it. In a letter addressed in September 2021 to the MIB Chairman by the French NSG Chairman, on behalf of the French NSG, the French market reiterated its commitment to resolve this situation in order to reach full compliance with T2S harmonisation standards.

<sup>3</sup> The two forms of the security are represented by a single ISIN.

However, the current non-compliance situation results from barriers that the French market actors are unable to remove by their sole action. Aligning French market practices on omnibus accounts with those of the other national markets would require an overhaul of the French securities law, with possible impacts on several legal texts (all those dealing with securities' ownership, which in France can take different forms for the same ISIN as explained). These legal adjustments would in turn require major adaptations for the entire French post-trade ecosystem (the issuing landscape as well as the internal processes and account structures along the holding and custody chain). It is the view of the French market that these impacts and costs should also be taken into account when considering possible remedial actions, as well as the low number of transactions involved. Finally, and most importantly, the decision to envisage a legal overhaul to align the French market practices with those of the other national markets participating in T2S should take into account the ongoing efforts, at European level, to harmonise the treatment of registered securities. The European Commission has recently identified such harmonisation efforts as a priority (as highlighted during the June 2021 AMI-SeCo meeting). In line with such priority, the French market decided to set up a dedicated task force (under the aegis of the French Association of Post-Trade professionals – AFTI) to explore different scenarios that could be envisaged to comply with T2S standard 14. The task force aims at finding a solution (i) without significant impact throughout the entire holding chain and (ii) that would avoid T2S CSDs opening two accounts for the management of French registered securities. It will hold its first workshop on 30 November; the frequency and duration of the work will be agreed on during the first meeting.

Given the above, while taking note of the French market commitment to resolve this situation resulting from barriers it cannot remove by its sole action, the AMI-SeCo assesses the overall impact as medium. However, this assessment could change provided that the cross-CSD volumes of registered securities increase significantly in the future.

## 4.7 Hungary

The Hungarian CSD (KELER) needed to re-plan its T2S Harmonisation Compliance plans in order to comply with the new set of market standards and legal requirements. The following plans have been approved by the Hungarian NSG in its meeting held in September 2019 with an original project deadline of March 2021. However, market participants requested an 8-month extension to the timeline and therefore KELER rescheduled its project in September 2020.

The current focus is on the system renewal project (KELER Service Development Program, ksdp). The key aims of the Program are settlement related T2S harmonisation and CSDR compliance and the specification of the Program runs parallel with the Program's system developments. The specification was finalised in Q4 2020 and the interface specification was also published for the participants of KELER. Market tests have been started and are planned to start in Q2 2021 and will run until the go-live in early December 2021. As a result of the system renewal, KELER shall comply with T2S matching standards and introduce A2A interaction with T2S platform.

KELER is not compliant with the harmonised T2S operating hours as it opens the settlement day / daytime settlement period from 07:00 instead of 04:45.

Due to the SRD requirements, in September 2020 partial compliance with CA Market Standards has been reached in connection with Golden Operational Record for listed equities. For other securities, compliance is planned to be reached by 2022 November. This date might be reviewed by the HU-NSG as a result of the postponement of the deadline for complying with AMI-SeCo CA standards.

In line with the decision of the HU-NSG, further Corporate Action related developments are to be performed in two phases. The first phase is planned to be carried out by November 2022 in order to comply with AMI-SeCo Corporate Action Harmonisation Standards for mandatory events. This development phase includes full compliance with T2S Corporate Action Standards and with CA Market Standards for Golden Operational Record, and compliance with CA Market Standards for non-elective events. Milestones for this development phase:

- Amendments in law (until 31/12/2022)
- Amendments in KELER's regulations (01/01/2023-31/03/2023)
- Operational model and processes finalization (01/01/2023-31/03/2023)
- KELER development, testing (01/09/2022-31/03/2023)

- Market testing (01/04/2023-30/10/2023)
- Introduction of MC for equities (until 31/11/2023)

KELER plans to implement the processing of elective corporate actions by end-2024. Therefore, the Hungarian market is expected to fully comply with CA Market Standards and AMI-SeCo CA Harmonisation Standards by that time.

Currently KELER does not have any cross-CSD link or DCP participant. Further, currently KELER settles in T2S only against payment instructions in euro, therefore non-compliance is relevant only for this subset of transactions.

#### 4.7.1 Schedule for Settlement day and T2S Calendar

Hungarian market impact (migration wave 4: 6 February 2017)

<b>HU non-compliance: T2S standard on schedule for the settlement day</b>	
<b>Overall impact</b>	<b>MEDIUM</b>
<i>Severity (qualitative)</i>	<i>MEDIUM</i>
<i>Expected volume/frequency (quantitative)</i>	<i>LOW</i>
<i>Risk of not achieving full compliance</i>	<i>HIGH</i>

As for securing compliance with the T2S calendar standard the Hungarian market has confirmed its compliance by fully adopting the T2S calendar as of 2021. In particular, as of Q4 2021 KELER will accomplish the following:

- KELER will reach compliance with the T2S calendar by introducing a separate calendar for all T2S transactions
- KELER will provide operating hours for T2S transactions on Hungarian bank holidays and national holidays
- KELER will harmonise its operating hours within a business day with those of T2S, meaning that unified cut-off times will be introduced for settlement transactions in T2S and KELER
- KELER will submit eligible value-dated transactions into T2S night-time settlement, however, these transactions will be booked in KELER's system only when the next daytime settlement period starts at 4:45 am.

However, based on the above the Hungarian market does not fully comply with the T2S schedule for settlement day and will continue to open the settlement day / daytime settlement period from 07:00 instead of 04:45.

The number of settlement instructions impacted is estimated to be low as KELER settles only EUR DVP transactions of securities with HU ISIN in T2S. KELER further highlights that these transactions cannot be settled when T2 is closed. The volume of impacted transactions is estimated to be similar to the expected impact of non-compliance with the T2S standard on matching fields, for which the number of impacted EUR DVP transactions for the period from 16 August 2020 to 15 August 2021 was 78.

Given that KELER's commitment to fully comply with the schedule of the settlement day standard is not clear at this stage the risk of achieving full compliance is assessed as high.

Given the medium severity, low volume and no plan for implementation in the near future the AMI-SeCo assesses the overall impact as medium.

#### 4.7.2 T2S Corporate Actions standards

Hungarian market impact (migration wave 4: 6 February 2017)

<b>HU non-compliance: T2S corporate actions standards</b>	
<b>Overall impact</b>	<b>MEDIUM</b>
<i>Severity (qualitative)</i>	<i>MEDIUM</i>

<i>Expected volume/frequency (quantitative)</i>	<i>LOW</i>
<i>Risk of not achieving full compliance</i>	<i>MEDIUM</i>

The Hungarian market does not comply fully with the T2S CA standards. The non-compliance refers to market claims on transactions in equities, which are not detected and generated by the Hungarian CSD (KELER). Furthermore, the Hungarian market has decided to opt-out, by default, from the generation of market claims and transformation until the introduction of the new system, which would allow A2A interaction with T2S.

Manual intervention is required by CSD participants to detect and generate market claims bilaterally where relevant. During the transitory period, the counterparties have to inform KELER for each transaction for which they would like CAs on flow to be generated. Due to the fact that KELER's only investor CSD link has been terminated in 2019 the qualitative impact on the T2S Community is estimated to be medium.

The number of settlement instructions impacted, i.e. the expected volume of non-generated market claims, is estimated to be very low. This is due to the fact that in practice almost all market claims that would need to be generated involve cash entitlements in the domestic currency (HUF), i.e. they have to be generated outside T2S. As a result, only transactions involving securities entitlements or cash entitlements in EUR are affected. The following estimates have been provided by the Hungarian market on the affected volumes:

- For HU-ISINs the estimated number of settlement instructions impacted by market claim and transformations – for FOP and HUF DVP pending transactions on RD is estimated to be around 400-600 per year for equities (mostly dividend payment in HUF) and 100-200 per year for bonds (mostly interest payments in HUF)
- The opt-out field will be populated by the counterparties, and not with a default opt-out indicator, as of the introduction of KELER's new A2A system. The introduction of their new A2A system is scheduled for 6 December 2021 and the full compliance with the T2S CA Standards has now been rescheduled by end 2023.

Given the above, the AMI-SeCo assesses the overall impact of non-compliance as medium.

## 4.8 Luxembourg

Luxembourgish (LuxCSD) market impact (Migration wave 4: 6 February 2017)

<b>LU non-compliance: T2S corporate actions standards</b>	
<b>Overall impact</b>	<b>LOW</b>
<i>Severity (qualitative)</i>	<i>LOW</i>
<i>Expected volume/frequency (quantitative)</i>	<i>MEDIUM</i>
<i>Risk of not achieving full compliance</i>	<i>LOW</i>

The Luxembourgish market is not compliant with Buyer Protection Standard no 10 of the T2S corporate action standards.

The lack of full compliance stems from the fact that the key Buyer Protection dates are not yet notified although the CSD is technically ready to transmit this information in the CA notifications. Buyer Protection deadlines cannot be complied with if the CSD does not notify Buyer Protection dates. In order to facilitate a bilateral Buyer Protection process between counterparties, LuxCSD has published in October 2019 a final version of Buyer Protection invocation template agreed by CAJWG and T2S CASG as well as all the requirements of the market and T2S Buyer Protection standards, including the agreed timeline.<sup>4</sup> LuxCSD sends MT564/568 Corporate Action notification messages to buyers in relation to their pending receipt positions and includes the buyer protection deadlines whenever it is communicated by the market.

<sup>4</sup> For more details please refer to the LuxCSD website: <https://www.luxcsd.com/luxcsd-en/products-and-services/assetservices/119023-1642862>

Generally, the non-compliance with these standards by T2S markets could hamper the efficient management of corporate actions on flows, especially in the context of cross-CSD settlement. In the case of the Luxembourgish market, the qualitative impact of non-compliance is estimated as low.

LuxCSD's proposal to calculate such dates as per standards and notify the participants accordingly was presented to the LuxCSD User Committee and approved. This notification will be developed and implemented.

The expected volume of transactions affected by the non-compliance is medium.

Based on the above, the overall impact of the non-compliance is assessed as low.

## 5. Migrating T2S Market

Markets that are in the process of migrating to T2S are not deemed non-compliant until it becomes certain that they will not comply with any of the T2S standards by their date of migration. However, it is considered useful to note the areas where potential non-compliance may arise based on the information and plans communicated by such markets.

### 5.1 Finland

Euroclear Finland has commenced the process for the migration of the Finnish market to T2S and has had its target date for full migration confirmed as September 2023 by the MIB.

The Euroclear Finland settlement model, as direct holding market, has not given rise to any blocking issues to migrate to T2S with its full set of securities accounts. However, the substantial increase of securities accounts will require an update of Service Level Agreement provisions and possibly create some constraints on the operating model for Euroclear Finland. The potential impact and technical adjustments needed to ensure a smooth migration is being analysed by Euroclear Finland, the ECB and the 4CB as operators of T2S. As part of this analysis detailed user testing, migration testing and volume testing will be conducted at different stages<sup>5</sup>.

Below you can find a brief overview of the Standards where further work will be necessary before the Finnish market reaches full compliance. However, as technical details and functionality are still to be determined following the analysis by Euroclear Finland, the ECB and the 4CB, a detailed impact analysis will not take place until all details for the migration have been finalised.

#### 5.1.1 T2S Corporate Action Standards

Functionalities for Market Claims are in place in Euroclear Finland but not supported for dividend payments since dividends are not paid in CeBM. Implementing CeBM payments for dividends requires major technical process changes and will happen after the migration to T2S. Among the Transformations Standards only Transformations Standard 2 (rule of 20 detection days) remains to be implemented, intended to be implemented when Euroclear Finland joins T2S. The implementation of Buyer Protection Standards is pending on the update of Market Practice and further approval of Market Participants. The manual Buyer Protection will be implemented before Euroclear Finland joins T2S.

The non-compliance with the above T2S Corporate Actions standards is not expected to constitute in itself an obstacle to migrate to T2S, but it will trigger a deeper impact analysis to be conducted by the AMI-SeCo.

#### 5.1.2 Restrictions on omnibus accounts

According to applicable EU and Finnish national level legislation, participants are required to offer both segregated and nominee accounts for their clients. Finnish investors are obliged to maintain their Finnish

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<sup>5</sup> User Testing aims at ensuring that Euroclear Finland's internal systems and the Finnish Community are adapted to interact with T2S in an efficient manner. Migration Testing aims at validating the sequence of activities, the data quality and time estimates. Volume testing aims at ensuring that T2S processing and Euroclear Finland processing will run smoothly after the go-live.

securities' holdings in a segregated account.<sup>6</sup> In compliance with the legal requirements, participants in the Finnish CSD need to be able to operate both account types, in addition to being obliged to comply with other relevant rules in the finance sector, including but not limited to tax laws, companies legislation, settlement finality and proprietary laws. The participation requirement is same and equal to all participants regardless of their nationality. Full compliance requires legislative and regulatory changes, currently not foreseen before the Euroclear Finland migration to T2S. Nevertheless, from the perspective of the objectives and spirit of the respective T2S standard 14 (restrictions on omnibus accounts), for foreign custodians serving non-Finnish customers' holding of securities issued in Euroclear Finland and for foreign investor CSDs having a link to Euroclear Finland the issue is alleviated by the fact that in these cases the use of omnibus accounts (and nominee registration) is allowed. All securities accounts (incl. the owner accounts) will be T2S eligible and thus, the requirements set forth in the Finnish legislation will not impact Finnish market's migration to T2S or production usage of T2S at operational level.

## 6. AMI-SeCo proposals to MIB

It is recalled that, at the time when the T2S Board (now MIB) endorsed the T2S harmonisation standards compliance framework back in 2013, the T2S stakeholders considered *"the standards as mandatory, since they have taken a commitment to comply with the standards vis a vis the rest of the T2S community. Any situation of non-compliance with harmonisation standards should thus be exceptional and motivated by a barrier that the various actors in a specific T2S market are not able to remove"*. With this agreed principle in mind, the AMI-SeCo would like to stress the importance of efforts made towards achieving full compliance, in order to enable markets to reap fully the benefits from cross CSD processes in T2S.

To this end, and in line with the agreed potential measures to be taken<sup>7</sup>, *in parallel to endorsing the twelfth T2S harmonisation progress report (2021), the AMI-SeCo proposes to the MIB, the below course of action for each respective non-complying T2S market.*

Based on the AMI-SeCo advice, the Market Infrastructure Board took the following decisions:

**The Market Infrastructure Board will continue to monitor, with the help of the AMI-SeCo and the ECB team, the implementation plans of all markets covered in the impact analysis report. The ECB team will report on the monitoring results and any other relevant developments to the MIB during its meetings.**

### Austria

#### **T2S Corporate Actions Standards**

Given the medium severity of non-compliance, low volumes and lack of an implementation plan for full compliance, the MIB:

- confirmed the medium overall impact on the rest of the T2S Community;
- based on feedback received from the Austrian market, took note of the ongoing discussion and analysis in the market. Furthermore, the MIB maintained its position of encouraging the Austrian market to develop a plan for full compliance with the remaining T2S CA Standards.

<sup>6</sup> For more details see Finnish Act on the book-entry system and settlement operations (348/2017) and Finnish Act on Book-Entry Accounts (827/1991).

<sup>7</sup> As agreed by the MIB, this could entail ex ante measures, such as raising awareness of the impact analysis results to the non-compliant market, escalating bilaterally with the relevant actors in the non-compliant market or escalating the matter to the Governing Council of the ECB, and ex post measures, such as postponing the deadline for compliance of the T2S market in question, if there is satisfactory evidence that the T2S harmonisation standard(s) will be met or considering measures of limiting the asymmetry of non-compliance with the complying T2S markets.

### **Belgium - Euroclear Belgium**

#### **T2S Corporate Actions Standards**

Given the low severity of non-compliance, low volumes and on-going plans for full compliance, the MIB:

- confirmed the low overall impact on the rest of the T2S Community;
- took note of the Belgian market's (Euroclear Belgium) efforts to secure full compliance with the T2S Standards on corporate actions.

### **Switzerland**

#### **T2S Corporate Actions Standards**

Given the low severity of non-compliance, low volumes and lack of an implementation plan for full compliance, the MIB:

- confirmed the low overall impact on the rest of the T2S Community;
- based on feedback received from the Swiss market, took note of the ongoing discussion and analysis in the market. Furthermore, the MIB maintained its position of encouraging the Swiss market to develop a plan for full compliance with the remaining T2S CA Standards.

### **Germany**

#### **T2S Corporate Actions Standards**

Given the low severity of non-compliance, high volumes and existing implementation plan to improve compliance, the MIB:

- confirmed the low overall impact on the rest of the T2S Community;
- took note of the German market's plans for achieving full compliance with some of the standards where compliance gaps remain. Based on feedback received from the German market, the MIB highlighted the importance of ensuring full compliance with all remaining T2S CA Standards and encouraged the German market to develop an all-encompassing plan to achieve this.

### **Spain**

#### **T2S Matching fields**

Based on further discussions and analyses in the Harmonisation Steering Group and the AMI-SeCo, given the low severity, low volumes and lack of prospects of achieving full compliance, the MIB:

- agreed on the low potential overall impact on the rest of the T2S Community;

### **France – Euroclear France**

#### **T2S Standard on Restrictions on Omnibus Accounts**

Taking note of the feedback received from the FR NSG and given the high severity of non-compliance, low volumes and lack of an implementation plan for full compliance, the MIB:

- confirmed the medium overall impact on the rest of the T2S Community;

### **Hungary**

#### **T2S standard on schedule for settlement day and T2S calendar**

Given the high severity, low volume and lack of an implementation plan to achieve full compliance, the MIB:

- confirmed the medium overall impact on the rest of the T2S Community;
- took note of the Hungarian market's compliance with the T2S calendar and the remaining compliance gap on the T2S schedule of the settlement day. Furthermore, the MIB maintained its position of encouraging the Hungarian market to develop a plan to ensure full compliance with the T2S schedule of the settlement day.

#### **T2S corporate actions standards**

Given the medium severity of non-compliance, low volume and existing implementation plan to achieve full compliance with all T2S corporate action standards, the MIB:

- confirmed the medium overall impact on the rest of the T2S Community;
- took note of the Hungarian market's plan for full compliance with the remaining T2S CA Standards.

### **Luxembourg**

#### **T2S corporate actions standards**

Given the low severity of non-compliance, medium volume and existing implementation plan to achieve full compliance with all T2S corporate action standards, the MIB:

- confirmed the low overall impact on the rest of the T2S Community;
- took note of the Luxembourgish market's plan for full compliance with the remaining T2S CA Standards.