

**DEMONSTRATION OF REQUIREMENTS****in connection with request for access of participant / central depository / other market infrastructure**

REQUIREMENTS			Type of requesting person <sup>1</sup>		
			Part.	CSD	OMI
PARTICIPATION CRITERIA					
LEGAL PARTICIPATION CRITERIA					
<b>1.1 The existence of legal status for granting access Art. 6, sec. 6.4 letter a), b) and h), part II. of the Rules of Operation</b>	Entity performing its activity on the basis of licence	The relevant authorisation and declaration that the requesting entity meets requirements, fulfilment of which was required for granting the authorisation			
	Other entity performing its activity directly under the rule of law	The document or information supporting the legal status of requesting entity	yes	yes	yes <sup>2</sup>
	Foreign entity acting through a branch	The authorisation to open the branch and perform the respective activities, and declaration that the requesting entity is compliant with requirements for granting the authorisation			
<b>1.2 Authorisation to access the individual types of services</b>	Entity performing activity on the basis of authorisation	The relevant authorisation (e.g. authorisation to provide the relevant investment services) and declaration that the requesting entity meets	yes	yes	yes

<sup>1</sup> Part. – entity requesting Participant access pursuant to Article 33 of CSDR; CSD – entity requesting access of the central securities depository pursuant to article 52 of CSDR; OMI –entity requesting access of Other Market Infrastructure pursuant to 53 of CSDR

<sup>2</sup> To the extent of Article 6, section 6.4, paragraph a) and h) of Part II of the Rules of Operation

Annex 1 to the Executory Decree No. 3 of the Rules of Operation of Centrálny depozitár cenných papierov SR, a.s.

<b>Art. 6, sec. 6.4 letter c) and h), Part II. of the Rules of Operation</b>		conditions, fulfilment of which was required for granting the authorisation			
	Other entity performing its activity directly under the rule of law	The identification of respective legal regulation / other document proving the authorisation to perform the activity			
<b>1.3 Identification of the supervisory body in case of requesting entity not established in the EU Art. 6, sec. 6.4 letter d), part II. of the Rules of Operation</b>	<ul style="list-style-type: none"> <li>■ The complete identification data of the supervisory body</li> <li>■ Possibly the link to web page of the supervisory body</li> <li>■ The identification of the legal regulation pursuant to which the requesting entity is regulated and is subject to supervision, possibly including its planned changes</li> </ul>		yes	yes	yes
<b>1.4 International and European sanctions (the requesting entity is not subject to sanctions) Art.6 sec.6.4 letter e), Part II. of the Rules of Operation</b>	<ul style="list-style-type: none"> <li>■ The declaration by the entity that it is not the entity or it has no registered seat in the territory of the state to which the international or European sanctions apply, and it has no registered seat in the territory of the country that is included to the list of high-risk or non-collaborating jurisdictions according to FATF</li> </ul>		yes	yes	yes
<b>1.5 Information confidentiality and data protection Art. 6, sec. 6.4 letter f), Part II. of the Rules of Operation</b>	<ul style="list-style-type: none"> <li>■ The description of measures implemented to secure the information confidentiality and data protection, primarily measures implemented to protect the personal data in connection to the rules stipulated by the regulatory requirements and the Rules of Operation of CDCP</li> <li>■ The declaration by the entity that its administers, applies and maintains the adequate systems and procedures for protection of security, integrity and confidentiality of information, whereas the character of information is taken in account; and declaration of the entity that it shall ensure the personal data protection in compliance with the relevant generally binding legal regulation and protection of protected data according to the Act No. 566/2001 Coll. on Securities and Investment services in later wording (the declaration is included in the application for access form).</li> </ul>		yes	yes	yes

<p><b>1.6 AML</b></p> <p><b>Art. 6, sec. 6.4 letter g), Part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ description of ownership and governance structure of the requesting entity, identification of the ultimate beneficial owners and information whether the beneficial owner is politically exposed person or person who is subject to the international sanctions; it is not necessary to submit previously stated information if CDCP has right to apply simplified customer due diligence to the requesting entity, in case of low risk of money laundering and terrorism financing pursuant to legal regulations of the Slovak Republic</li> <li>■ the declaration by the requesting entity on implemented program focused on protection against money laundering and terrorist financing</li> </ul>	<p>yes</p>	<p>yes</p>	<p>yes</p>
<p><b>1.7 Additional legal requirements for granting the access</b></p> <p><b>Art. 7, sec. 7.6 letter d), e) and p), Part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ the extract from Commercial Registry or similar registry not older than 3 months or other documents that provide the proof of existence and the method of representation of the applicant pursuant to the applicable regulation, and the authority of the applicant to act in case the applicant is not entered in the commercial registry or official registry; in case that the applicant is interested in performing the activities of participant via a branch, it shall submit named documents related to the branch.</li> <li>■ the information about remedial actions or sanctions, imposed on applicant by the respective supervisory body, respectively by other relevant entity in the last three years prior to submitting the request, or declaration that neither remedial actions nor sanctions have been imposed on the applicant, which could affect the execution of services of participant/central depository/other market infrastructure in connection with granted access.</li> <li>■ the declaration by the statutory body of applicant that data stated in the application for access and its annexes are complete, true and correct.</li> </ul>	<p>yes</p>	<p>yes</p>	<p>yes</p>
<p><b>OPERATIONAL PARTICIPATION CRITERIA (enclosures to the application pursuant to the Rules of Operation)</b></p>				
<p><b>2.1 Sufficient operational capacity</b></p> <p><b>Art. 6, sec. 6.5, letter a), Part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ the organisational structure of the entity that allows performance of all activities necessary for due execution of participant's obligations</li> </ul>	<p>yes</p>	<p>yes</p>	<p>yes</p>

	<ul style="list-style-type: none"> <li>■ the notification of at least two persons responsible for execution of participant's activities and the declaration of their capability to perform the activities of participant based on their expert knowledge, etc.</li> <li>■ the declaration by the entity/applicant that sufficient operational conditions for due execution of activities and provision of services were created</li> </ul>			
<p><b>2.2 Functional operational risk management system</b></p> <p><b>Art.6 sec. 6.5 letter b), Part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ the declaration by the entity on creation of functional operational risk management system and on its compliance with requirements in the risk management area resulting from the applicable regulations, the Rules of Operation of CDCP and the relevant implementing regulations</li> <li>■ the information on person responsible for operational risks management system and declaration of adequate qualification of that person in the field of operational risk management</li> <li>■ the demonstration of implementation of operational risk management system by means of submitting the relevant policy or other internal regulation, or by submitting the description of operational risks management system of the applicant</li> <li>■ notification whether the operational risks management system has been audited by the internal audit; in case it has been audited, the year of its latest audit should be provided</li> </ul>	yes	yes	yes
<p><b>2.3 Risk management of the applicant which has access through the authorised participant</b></p> <p><b>Art.6 sec. 6.5 letter c), part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ the declaration by the applicant on its systematic identification, monitoring and adequate management of additional operational risks to which it is exposed due to utilisation of services provided to the applicant by authorised participant</li> <li>■ the declaration by the applicant that operational risks to which it is exposed due to utilisation of services provided to the applicant by authorised participant do not exceed valid limits for risk exposure</li> </ul>	yes	yes	no
<p><b>2.4 Management of conflict of interest</b></p>	<ul style="list-style-type: none"> <li>■ the declaration by the entity on implementation of procedures for identification, assessment and resolving the conflict of interest that could potentially cause damage to or improper preferential treatment of clients</li> </ul>	yes	yes	no

<b>Art. 6, sec. 6.5 letter d), Part II. of the Rules of Operation</b>				
<b>2.5 Maintaining the business continuity</b>  <b>Art.6 sec. 6.5 letter e), Part II. of the Rules of Operation</b>	<ul style="list-style-type: none"> <li>■ the declaration provided by the entity on approval and application of the business continuity policy, including provision of the exact title of the document or alternatively submitting the document</li> <li>■ submitting the list of emergency scenarios which are covered by the valid business continuity plans and disaster recovery plans</li> <li>■ notification whether the operational risks management system has been audited by the internal audit; in case it has been audited, the year of its latest audit should be provided</li> </ul>	yes	yes	yes <sup>3</sup>
<b>2.6 BIC</b> <b>Art.6 sec. 6.5, letter f), Part II. of the Rules of Operation</b>	<ul style="list-style-type: none"> <li>■ provision of the BIC code by which the entity shall be identified in the information system IS CDCP/T2S</li> </ul>	yes	yes	yes
<b>2.7 LEI</b> <b>Art.6 sec. 6.5, letter g), or Art.30 sec 30.7, letter a), Part II. of the Rules of Operation</b>	<ul style="list-style-type: none"> <li>■ provision of the LEI code of entity</li> </ul>	yes	yes	yes <sup>4</sup>
<b>2.8 DCA</b> <b>Art.6 sec.6.5, letter j), Part II of the Rules of Operation</b>	<ul style="list-style-type: none"> <li>■ provision of the DCA (dedicated cash account) open for the purpose of settling the cash leg of transactions and provision of BIC11 code of the payment bank to which the DCA account has been open</li> <li>■ the participant that is not a bank shall provide the number of the dedicated cash account that shall be used for settlement of instructions and BIC11 of the payment bank to which the DCA has been open</li> </ul>	yes	yes	no

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<sup>3</sup> not applicable to trading venue

<sup>4</sup> not applicable to trading venue

<p><b>2.9 MIC</b>  <b>Art. 30 sec. 30.7, letter b), Part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ the MIC code of the trading venue shall be provided</li> </ul>	no	no	yes <sup>5</sup>
<p><b>2.10 The appropriate IT tools and communication with CDCP, participation in IT systems testing</b>  <b>Art. 6 sec. 6.5 letter h) Part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ the demonstration of existence of appropriate IT by the entity by submitting the certificate issued by CDCP on completing the certification testing, provided that it has already been completed by the applicant</li> <li>■ participation in an ad-hoc testing shall be demonstrated by submitting the test report, provided that it was performed by the applicant in the given period</li> </ul>	yes	yes	yes
<p><b>2.11 Information safety</b>  <b>Art. 6 sec. 6.5 letter i), Part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ the declaration by the entity on sufficient arrangements of information security, primarily the application of best practice, processes and methods related to data protection against their loss, unauthorised leak and unauthorised access</li> </ul>	yes	yes	yes
<p><b>2.12 Meeting the additional operational requirements for granting the access</b>  <b>Art. 7 sec.7.6 letter k) and Art. 7 sec.7.6 letter l), Part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ the description of outsourcing activities of the entity, detailing which activities of the entity related to accessed services shall be provided by external entity and identification of the respective external entity</li> <li>■ identification of the entity/participant through which the applicant shall perform the activities of participant and provide the types of services to which it was granted the access (identification of authorised participant) and identification of the type of services that the applicant is interested to provide via the authorised participant, including the demonstration of meeting the participation criteria that shall be fulfilled by means of authorised participant; mentioned criteria shall be demonstrated by the applicant in cooperation with authorised participant.</li> </ul>	yes	yes	yes
<p><b>FINANCIAL PARTICIPATION CRITERIA (enclosures to the application pursuant to the Rules of Operation)</b></p>				

<sup>5</sup> not applicable to trading venue

<p><b>3.1 Sufficient financial resources for meeting contractual obligations</b></p> <p><b>Art. 6 sec. 6.6 letter a), Part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ submitting the original or copy of financial statements of the entity for the previous three years or stating the link to published financial statements</li> <li>■ if financial statements are not available due to the (recent) date of establishment of the applicant, submitting the proof that demonstrates sufficient financial resources for the period of 6 months from granting the access and submitting the statements on financial situation of the applicant</li> <li>■ or provision of information on insurance policy or other guarantees securing the performance of activities of participant, if contractually agreed by the applicant</li> <li>■ the declaration by entity on sufficient financial resources for meeting the contractual obligations towards CDCP and payment of fees according to the Scale of Fees (declaration included in the Application for access form)</li> </ul>	<p>yes</p>	<p>yes</p>	<p>yes</p>
<p><b>3.2 Sufficient financial resources for performing the participant activities</b></p> <p><b>Art.6 sec. 6.6 letter b), Part II. of the Rules of Operation</b></p>	<ul style="list-style-type: none"> <li>■ the declaration by the entity on sufficient financial resources for performing the activities of participant (meeting the requirements on capital - adequacy)</li> </ul>	<p>yes</p>	<p>yes</p>	<p>yes</p>