

Book III - Service providers

Title II - Other service providers

Chapter II - Depositaries of UCITS

Section 2 - Organisational structures and resources of the depositary

Sub-section 3 - Relations between the depositary and other service providers

General regulation of the AMF

Article 323-13 into force since 17 April 2016

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Article 323-13

If the depositary does not effect the clearing of financial contracts, it shall sign a written agreement with the institution that provides this service.

This agreement shall specify the obligations of the depositary and the clearing institution, as well as the procedures for transmitting information so as to enable the depositary to register the positions in the financial instruments and the cash positions concerned in a position-keeping book.

This agreement shall stipulate:

- 1 • The list of financial instruments and markets, including, where appropriate, over-the-counter transactions, in which the clearing institution operates;
- 2 • The list of data about the positions recorded on the accounts that the UCITS holds with the clearing institution. The latter institution shall send the list to the depositary;

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- 3 • Where appropriate, the transfer of full ownership of the cash and financial instruments to the keeper of the clearing account.

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