



**LIETUVOS RESPUBLIKOS FINANSŲ MINISTERIJA
MINISTRY OF FINANCE OF THE REPUBLIC OF LITHUANIA**

European Commission
Secretariat-General
B-1049 Brussels
Belgium

18 July 2013
Our Ref.: (7.62-02)-6K-1206313

European Securities and Markets Authority
CS 60747
103 Rue de Grenelle
75345 Paris Cedex 07
France

RE: IMPLEMENTATION OF THE PROVISIONS OF REGULATION No 648/2012/EU

Dear Sir or Madam,

The Ministry of Finance would like to inform the European Commission and the European Securities and Markets Authority (ESMA) about the implementation of the provisions of Articles 12 and 22 of the Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories.

Please be informed that the provisions of Article 173⁵ of the Code of Administrative Transgressions of Law of the Republic of Lithuania (Official Gazette, 1985, No 1-1; 2011, No 163-7758) and the provisions of Article 93 of the Republic of Lithuania Law on Markets in Financial Instruments (Official Gazette, 2007, No 17-627; 2011, No 145-6818, 2013, No 62-3054) correspond to the provisions of Article 12 of Regulation (EU) No 648/2012 regarding the establishment of the rules on penalties and administrative measures applicable to infringements of this Regulation.

As regards the implementation of Articles 10 and 22 of Regulation (EU) No 648/2012, please be informed that the provisions of Article 70 of the Republic of Lithuania Law on Markets in Financial Instruments correspond to the provisions of Article 22 of Regulation (EU) No 648/2012 regarding the requirement for member states to designate the competent authority responsible for carrying out the duties resulting from this Regulation for the authorisation and supervision of CCPs established in its territory. Please also be informed that the Bank of Lithuania is a competent authority designated for the purpose of the aforementioned Regulation, which, following subparagraph 6 of paragraph 1 of Article 8 of the Republic of Lithuania Law on the Bank of Lithuania (Official Gazette, 1994, No 99-1957, 2011, No 145-6812), carries out supervision of the financial market.

Hereby we provide you with the wording of the relevant provisions of the legal acts of the Republic of Lithuania corresponding to those of Regulation (EU) No 648/2012:

Code of Administrative Transgressions of Law of the Republic of Lithuania:
“Article 173⁵. Violation of Legal Acts Regulating Markets in Financial Instruments

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Violation of legal acts regulating the markets in financial instruments or the activities of financial brokerage firms, intermediaries of public trading or associations thereof, operators of the regulated market, the Central Securities Depository of Lithuania or its participants, except for the transgressions of law referred to in paragraph 4 and 5 of this Article, is subject to a penalty ranging from LTL 1,000 to LTL 10,000.

The transgressions of law referred to in paragraph 1 of this Article made by person, which has been already imposed an administrative penalty for infringements laid down in paragraph 1 of this Article, are subject to a penalty ranging from LTL 5,000 to LTL 15,000”.

The Republic of Lithuania Law on Markets in Financial Instruments:

“Article 93. Pecuniary Penalties

The Supervisory Institution shall have the right to impose pecuniary penalties:

12) on the legal persons failing to comply with the requirements set forth in Articles 4, 5, 7-11 of Regulation (EC) No 648/2012 – in the amount of up to LTL 200,000.

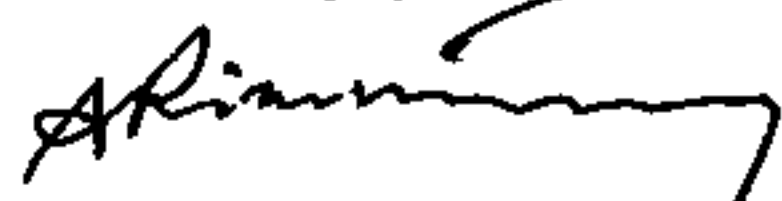
Article 70. Tasks and Functions of the Supervisory Institution

2. In implementing the tasks specified in paragraph 1 of this Article, the supervisory institution shall perform the following functions:

5) the functions assigned to the competent authority under Regulations (EC) No 1060/2009 and (EU) No 648/2012”.

Looking forward to further fruitful co-operation.

Faithfully yours,



Algimantas Rimkūnas
Vice-Minister