

## WFC Single Disclosure Report 2023

## AGC answers

Date submitted
19/10/2023 02:32:46
AGC: 0a Please indicate the full name of the responding institution:
Krajowy Depozyt Papierów Wartościowych S.A.
AGC: 0c Registered address:
ul. Książęca 4 00-498 Warsaw
AGC: 0d Country of registered address:
Poland
AGC: 1 Rule 17f-7, by reference to Rule 17f-4, requires that, for a CSD to be eligible to hold securities of U.S. registered investment companies (such depositories hereinafter referred to as "Eligible Securities Depositories"), the CSD must be a "system for the central handling of securities where all securities of any particular class or series of any issuer deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entry without physical delivery of the securities."  Are all securities of a particular class or series of any issuer that are deposited in your institution treated as fungible, and can they be transferred or pledged by bookkeeping entry without physical delivery of the securities?
<input checked="" type="radio"/> Yes <input type="radio"/> No
AGC: 1a Please explain
AGC: 2 Rule 17f-7 also requires that an Eligible Securities CSD "acts as or operates a system for the central handling of securities or equivalent book-entries in the country where it is incorporated," or "acts as or operates a transnational system for the central handling of securities or equivalent book-entries." Does your institution:
<input checked="" type="checkbox"/> Act as or operate a system for the central handling of securities or equivalent book-entries in the country where it is incorporated? <input type="checkbox"/> Act as or operate a transnational system for the central handling of securities or equivalent book-entries? <input type="checkbox"/> Act in another capacity with respect to the handling of securities or equivalent book-entries? <input type="checkbox"/> Not applicable <input type="checkbox"/> OTHER:
AGC: 2a. Please explain:

AGC: 2b.

Please specify the types of securities for which you act as or operate a system for the central handling of securities or equivalent book-entries:

publicly traded equities: domestic and foreign shares, allotment certificates, investment certificates, rights to shares, subscription rights, option warrants, exchange trade funds (ETFs); debt instruments: T-bonds, international financial institution bonds, central bank bonds, municipal bonds, domestic and foreign corporate bonds, convertible bonds, bonds with priorities rights, mortgage bonds, structured certificates, certificates of deposit, non-public bonds and shares, mortgage bonds and investment certificates.

AGC: 3

What type of legal entity is the institution?

- Public Company
- Stock Exchange (or part thereof)
- Central Bank (or part thereof)
- Private Company
- OTHER: joint stock company

AGC: 4

Is the institution operated as a "for profit" or a "not for profit" organization?"

- For profit
- Not for profit

AGC: 5

Please provide the names of the owners and their ownership interest percentages.

State Treasury 33%, Warsaw Stock Exchange 33%, National Bank of Poland (Central Bank) 33%

AGC: 6a

What is the date of establishment of the CSD?

Please enter the answer in DD/MM/YYYY format.

If you are filling the survey for more than one organization, please enter the name of each organization in different lines and in front of each one the corresponding date.

07/11/1994

AGC: 6b

What is the date that the CSD's operations began?

Please enter the answer in DD/MM/YYYY format.

If you are filling the survey for more than one organization, please enter the name of each organization in different lines and in front of each one the corresponding date.

11/04/1991

AGC: 7

Under what regulation or statute is the CSD established and governed?

Act on Trading in Financial Instruments, Act on Capital Market Supervision, Statute of the KDPW, Code of Commercial Companies, CSDR

AGC: 7a

Is the regulation or statute electronically available?

 Yes No

AGC: 7b

If regulation or statute is electronically available, please supply web address(es) here or upload document(s).

The Act on Capital Market Supervision dated July 29th 2005 and the Act on Trading in Financial Instruments dated July 29th 2005 with further amendments (Polish versions only) are available here: <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20220000861/U/D20220861Lj.pdf> , [Nadzór nad rynkiem kapitałowym - Dz.U.2022.837.tj - OpenLEX](#) . The Statute of KDPW (English version) is available on the KDPW website: [https://www.kdpw.pl/uploads/user\\_files/dokumenty/statut\\_kdpw\\_en.pdf](https://www.kdpw.pl/uploads/user_files/dokumenty/statut_kdpw_en.pdf) The Code of Commercial Companies (Polish version only) is available on the Parliament website: <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20000941037/U/D20001037Lj.pdf> .

Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (CSDR) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0909>

AGC: 7c

filecount - Please supply document(s) here:

AGC: 7d

What are the roles and responsibilities of the CSD's board of directors (or equivalent), and are they clearly specified? Please provide details of the structure and composition of your Board together with their industry experience and responsibilities in governing the CSD. What are the qualifications to become a board member?

Polish legal system (Code of Commercial Companies and Law on the Management of State Property) provides general requirements concerning members of corporate governing bodies. According to the Code, KDPW as a joint-stock company has a dual governance structure (so-called two-tier board system), with a supervisory and a management board. Qualification requirements concerning specific educational background and professional experience in relation to the members of governing bodies of companies belonging to the State Treasury are set out in Art. 22 of the Law on the Management of State Property. They have to hold a master's degree, have at least 5 years work experience, including 3 years on senior position or leading a proprietary business, they may not be employed by any political party or any Member of Parliament nor remain in any conflict of interest with the Company. Any additional qualification requirements to appoint a Supervisory Board member are set by the shareholders, and for Management Board members – by the Supervisory Board. Moreover, at least 2 members of the Supervisory Board have to qualify as independent members. CSDR requires, that the management body is composed of suitable members of sufficiently good repute with an appropriate mix of skills, experience and knowledge of the entity and of the market.

The Supervisory Board may comprise six to nine (currently 6) members, including a Chairperson and a Vicechairperson. There are 3 Committees within the Supervisory Board: Audit Committee, Risk Committee and Remuneration Committee.

The Supervisory Board of KDPW continuously supervises the activities of the Company and its activities include: review of financial statements and Management Board reports, approval of the KDPW Rules, rules of operation of the Investor Compensation Scheme, rules of the Trade Repository, appointment and dismissal of members of the KDPW Management Board and decision on their remuneration levels, appointment of a certified auditor, approval of long-term and annual corporate business and financial plans presented by the Management Board and consent for the establishment of commercial law companies.

The Management Board of KDPW may comprise two to four (currently 4) members, including a President and Vice Presidents.

The Management Board of KDPW oversees the affairs of the Company, manages its assets and represents the Company externally. In particular, the Management Board of KDPW prepares a draft of the KDPW Rules, the Rules of the Supervisory Board of KDPW, the Rules of the Court of Arbitration, as well as prepares drafts and adopts regulations governing the detailed operations of KDPW.

AGC: 7e

What are the election procedures?

The Supervisory Board represents shareholders. Members are appointed and dismissed by the Shareholders' General Meeting. The Members of the Supervisory Board elect a Chairperson and a Vicechairperson and may elect a Secretary in a secret ballot. The General Meeting is valid and may adopt resolutions if at least half of the shares are represented.

AGC: 7f

What is the maximum length of time a board member can serve?

The term of a board member is set out in the Statute of KDPW. It amounts to 4 years constituting a joint term of office of the Board members. The rule applies both to the Supervisory Board and the Management Board of KDPW. The mandates of all Board members expire on the day of the Annual Meeting of Shareholders which approves the financial statements for the previous full financial year. Under Polish law there is no limit as to the number of terms of office, however, there is a limitation as to the duration of such a term, which in joint stock companies is up to 5 years.

AGC: 7g

How are the voting powers distributed amongst the board members (i.e. does each board member have one vote or do certain members have additional voting power)?

Each Board member has one vote. The Supervisory board: Resolutions are adopted on the basis of an absolute majority of votes of the members present at the session, with the exception of resolutions concerning the appointment or dismissal of a member of the Management Board, which shall be passed with a ¾ majority of the votes cast. The Management board: Resolutions are adopted by ordinary majority of votes. In the case of a tie, the President of the Board has the casting vote.

AGC: 7h

What are the procedures established to review the performance of the board as a whole and the performance of the individual board members? Who is responsible for regulating the board members?

The Supervisory Board of KDPW S.A. supervises the activities of the Company by reviewing financial statements and reports of the KDPW Management Board as well as its recommendations on the division of profits or covering of losses, appointing and dismissing the Members of the Management Board and setting their salary levels and approving multi-annual and annual business and financial plans of the Company presented by the Management Board.

The number of Board members, the duration of the term of office (in accordance with the statutory norm), any additional rights for the President of the Board associated with supervising the work of the Board, as well as the manner of voting, the validity of Board meetings, extension or, as the case may be, limitation of competences of the Board in accordance with the Code of Commercial Companies are set out in the Statute of KDPW, i.e. by shareholders acting as the General Meeting.

AGC: 8

Rule 17f-7 requires that an Eligible Securities Depository regulated by a foreign financial regulatory authority as defined under section 2(a)(50) of the Act, with section 2(a)(50) establishing that a 'foreign financial regulatory authority' means any (A) foreign securities authority, (B) other governmental body or foreign equivalent of a self-regulatory organization empowered by a foreign government to administer or enforce its laws relating to the regulation of fiduciaries, trusts, commercial lending, insurance, trading in contracts of sale of a commodity for future delivery, or other instruments traded on or subject to the rules of a contract market, board of trade or foreign equivalent, or other financial activities, or (C) membership organization a function of which is to regulate the participation of its members in activities listed above." Who regulates the activities of the CSD?

- A membership organization which regulates the participation of its members in securities matters or other financial activities.
- A governmental body or regulatory organization empowered to administer or enforce laws related to securities matters.
- A governmental body or self-regulatory organization empowered to administer or enforce laws related to other financial activities.
- OTHER:

AGC: 8a.

Please explain:

AGC: 9

Please provide the name of regulatory authority(ies) identified in question 8:

The Polish Financial Supervision Authority (PFSA) - regulates KDPW as a CSD European Securities and Markets Authority; (ESMA) – regulates KDPW in its Trade Repository and ARM functions; Regulatory Oversight Committee (ROC) – regulates KDPW\_LEI service.

AGC: 10

Rule 17f-7 requires that an Eligible Securities Depository is subject to periodic examination by regulatory authorities or independent accountants. Is the CSD subject to periodic examination by:

- Regulatory authorities?
- Independent accountants?
- OTHER:

AGC: 10a

Please explain:

AGC: 11

Name of Authority #1 (please answer 11a):

Polish Financial Supervision Authority (PFSA)

AGC: 11a.

What enforcement actions are available to regulatory authority #1 for breach of applicable statute or regulatory requirements?

- Fines
- Restrictions on CSD activities.
- Suspension of CSD activities.
- Termination of CSD activities.
- OTHER: see 738

AGC: 11b.  
Please explain:

An authorized representative of PFSA has the right to review KDPW's books, documents and other carriers of information; to participate in the meetings of the Supervisory board and in the general meetings of shareholders of KDPW. Upon a written request of PFSA, the KDPW Management board shall be obliged to convene an extraordinary general meeting of shareholders or to put any matters specified by PFSA on the agenda of the general meetings. In case the Management Board refuses the request, PFSA may appeal to a court to convene an extraordinary general meeting. PFSA may order the supervisory board to adopt a resolution concerning a particular matter. PFSA may appeal to a court against any resolution of the general meeting of shareholders or supervisory board, within 30 days of the date of receiving notice of the resolution, if it violates the provisions of law, the provisions of the Statute of KDPW, the rules or principles of safety of trading, or if the resolution has been adopted contrary to the provisions of law, provisions of the Statute or the Rules of KDPW. According to CSDR Art. 22 The competent authority shall, at least on an annual basis, review the arrangements, strategies, processes and mechanisms implemented by a CSD with respect to compliance with this Regulation and evaluate the risks to which the CSD is, or might be, exposed or which it creates for the smooth functioning of securities markets; require the CSD to submit to the competent authority an adequate recovery plan to ensure continuity of its critical operations; ensure that an adequate resolution plan is established and maintained for each CSD so as to ensure continuity of at least its core functions, having regard to the size, systemic importance, nature, scale and complexity of the activities of the CSD concerned and any relevant resolution plan established in accordance with Directive 2014/59/EU; establish the frequency and depth of the review and evaluation referred to in paragraph 1 having regard to the size, systemic importance, nature, scale and complexity of the activities of the CSD concerned and subject the CSD to on-line inspections. The review and evaluation shall be updated at least on an annual basis.

AGC: 11c.  
What enforcement actions are available to regulatory authority #2 for breach of applicable statute or regulatory requirements?

- Suspension of CSD activities.
- Restrictions on CSD activities.
- Termination of CSD activities.
- Fines
- OTHER: Restriction, suspension or termination of some specific services performed by KDPW (TR, ARM, LEI).

AGC: 11d.  
Please explain:

In the scope of supervision over KDPW\_TR EMIR and KDPW\_TR SFTR ESMA has the power to impose the following supervisory measures: require the trade repository to bring the infringement to an end, issue public notices, impose fines or periodic penalty payments upon trade repositories and persons involved in trade repositories and as a last resort, withdraw the registration of the trade repository. Procedural rules for taking supervisory measures and imposing fines on trade repositories are described in article 64-73 of EMIR (Regulation No 648/2012 of 4 July 2012 on OTC Derivatives, central counterparties and trade repositories).

In the scope of supervision over KDPW\_ARM ESMA has the power to impose the following supervisory measures: adopt a decision requiring the person to bring the infringement to an end, adopt a decision imposing fines or periodic penalty payments, issue public notices and withdraw the authorisation.

Procedural rules for ESMA powers and competences are described in articles 27e and 38a-38o of MiFIR (Regulation No 600/2014 of 15 May 2014 on markets in financial instruments and amending Regulation No 648/2012).

The LEI ROC's specific possible enforcement actions: - Requiring audits of the system (including appointment of external auditors) for financial controls, business practices, data quality standards or other matters necessary to ensure the public interest. - Approval of policies for the recognition and termination of local registration agencies and LOUs.

AGC: 12  
Has there been any use of such enforcement actions in the last three years?

- No
- Yes
- OTHER:

AGC: 12a.  
If yes, please explain:

AGC: 13  
Capital. Are annual financial statements publicly disclosed?

- Yes
- No

AGC: 13a.

If yes, the AGC requests a copy of the institution's annual report. Is the annual report available electronically?

 Yes No

AGC: 13b.

filecount - If yes, please upload the document(s) here or insert web link(s) in question 13d:

AGC: 13c.

filecount - If more than one document for 13b, please upload the additional document here:

AGC: 13d.

Please insert web link(s) for 13b here:

<https://www.kdpw.pl/uploads/raport2022.pdf>

AGC: 13e.

If no, and annual report and/or financial statements are not disclosed, please state your share capital, reserves, and retained earnings (or equivalents as determined under local accounting standards). Share Capital (then please answer 13f):

AGC: 13f.

Reserves (then please answer 13g):

AGC: 13g.

Retained Earnings:

AGC: 14

Internal Audit. Is an internal audit undertaken in your CSD?

 Yes No

AGC: 14a.

If yes, what areas does the audit cover (financials, operations, etc.) and which department in your CSD handles it?

The audit covers operations, compliance and partly financial areas. It is handled by the Internal Audit Department.

AGC: 14b.

Please list the date of your last internal audit and the period that the audit covered:

End date: 31/08/2023  
Start date: 01/08/2023  
Audit date: 12/10/2023

AGC: 14c.

How frequently does the internal audit occur?

- Two or more times a year
- Annually
- Less than annually

AGC: 14d.

If less than annually, please explain:

AGC: 14e.

Are the results of the internal audit publicly available?

- Yes
- No

AGC: 14f.

Please select the statement that most accurately characterizes the results of the last internal audit:

- No material exceptions found.
- Minor exceptions found.
- Material exceptions found.

AGC: 14g.

If minor or material exceptions were found, what actions were taken? Please describe:

AGC: 15

Is a financial audit performed by an Audit Firm, Regulatory Authority, or other external party?

- Yes
- No

AGC: 15a.

If yes, please state the name(s) of the entity(ies) who perform the financial audit.

BDO spółka z ograniczoną odpowiedzialnością sp.k. (2022). Tax audits are performed by ISP Modzelewski i Wspólnicy sp. z o.o.

AGC: 15b.

Please list the date of your last financial audit performed by an Audit Firm, Regulatory Authority, or other external party:

28/02/2023

AGC: 15c.

Please list the period that the audit covered:

Start date: 01/01/2022  
End date: 31/12/2022

AGC: 15d.  
How frequently does the financial audit occur?

- Two or more times a year
- Annually
- Less than annually

AGC: 15e.  
If less than annually, please explain:

AGC: 15f  
Are the results of the financial audit publicly available?

- Yes
- No

AGC: 15g.  
Please select the statement that most accurately characterizes the results of the last financial audit:

- No material exceptions found.
- Minor exceptions found.
- Material exceptions found.

AGC: 15h.  
If minor or material exceptions were found, what actions were taken? Please describe:

AGC: 16  
Is an operational audit performed by an Audit Firm, Regulatory Authority, or other external party?

- Yes
- No

AGC: 16a.  
If yes, please state the name(s) of the entity(ies) who perform the operational audit.

Operational audit is performed by the Polish Financial Supervision Authority. Processes related to the IT systems operations (change and access management, handling of incidents) are currently included in the annual audit performed by the financial auditor.

AGC: 16b.  
Please list the date of your last operational audit performed by an Audit Firm, Regulatory Authority, or other external party:

27/06/2023

AGC: 16c.  
Please list the period that the audit covered:

Start date: 02/05/2022  
End date: 01/05/2023



AGC: 16d.  
How frequently does the operational audit occur?

- Two or more times a year
- Annually
- Less than annually

AGC: 16e.  
If less than annually, please explain:

AGC: 16f  
Are the results of the operational audit publicly available?

- Yes
- No

AGC: 16g.  
Please select the statement that most accurately characterizes the results of the last operational audit:

- No material exceptions found.
- Minor exceptions found.
- Material exceptions found.

AGC: 16h.  
If minor or material exceptions were found, what actions were taken? Please describe:

AGC: 17, 17q  
PARTICIPANTS AND PARTICIPATION. The purpose of this section is to understand issues relating to participation in the CSD, including eligibility requirements, conditions of participation, and supervision of participants. What types of entities are eligible to become participants and how many of each type are there currently?

- Foreign Institutions
- Brokers
- Individuals
- Not applicable
- Banks
- OTHER: Depositors (financial institutions), Clearing houses (KDPW\_CCP), Central securities depositories (KELER, Clearstream Banking Luxembourg), Ministry of Finance; Bank Guarantee Fund, Central Bank (National Bank of Poland)

AGC: 17a.  
How many Bank participants are there currently? (then please answer 17b)

12

AGC: 17b, 17d  
Please select the features included in the eligibility requirements for Banks.

- Regulatory Oversight
- Market Experience
- Financial Thresholds
- OTHER: see 597 (17d)

AGC: 17c.  
Where can a description of the specific eligibility requirements for Bank participants be found?

Act on Trading in Financial Instruments, KDPW Rules

AGC: 17d.  
Please explain:

Material and technical requirements

AGC: 17e.  
How many Broker participants are there currently? (then please answer 17f)

30

AGC: 17f, 17h  
Please select the features included in the eligibility requirements for Brokers.

- Financial Thresholds
- Market Experience
- Regulatory Oversight
- OTHER: Material and technical requirements

AGC: 17g.  
Where can a description of the specific eligibility requirements for Broker participants be found?

Act on Trading in Financial Instruments, KDPW Rules

AGC: 17i.  
How many Individual participants are there currently? (then please answer 17j)

AGC: 17j.  
Please select the features included in the eligibility requirements for Individual participants.

- Market Experience
- Regulatory Oversight
- Financial Thresholds
- OTHER:

AGC: 17k.  
Where can a description of the specific eligibility requirements for Individual participants be found?

AGC: 17m.  
How many Foreign Institution participants are there currently?

2

AGC: 17n, 17p.  
Please select the features included in the eligibility requirements for Foreign Institution participants.

Financial Thresholds

Regulatory Oversight

Market Experience

OTHER: Material and technical requirements

AGC: 17o.  
Where can a description of the specific eligibility requirements for Foreign Institution participants be found?

Act on Trading in Financial Instruments, KDPW Rules

AGC: 17q.  
If you have selected "Other entities" above, please explain:

Brokerage offices and banks, as well as other entities: clearing houses (KDPW\_CCP), central securities depositories; Bank Guarantee Fund, Central Bank (National Bank of Poland) may participate in the KDPW system as depositors - participants who entrust KDPW with the management of securities accounts for their own securities.

AGC: 17r.  
Indicate how many "Other entities" are currently participants?

37

AGC: 17s, 17u  
Please select the features included in the eligibility requirements for the participants referred to above as "Other entities".

Financial Thresholds

Regulatory Oversight

Market Experience

OTHER: Material and technical requirements.

AGC: 17t.  
Where can a description of the specific eligibility requirements for participants described above as "Other entities" be found?

KDPW Rules

AGC: 18  
Are participants required to contribute capital to the CSD that would result in ownership of the CSD?

Yes

No

Not applicable

AGC: 18a.  
If yes, what fixed amount is required or what formula is used to determine the appropriate contribution level?

AGC: 19  
Are prospective participants subject to an initial review and approval process regarding compliance with eligibility requirements?

- Yes
- No
- Not applicable

AGC: 20  
What governs the relationship between the CSD and the participants?

- Rules of the CSD
- Relevant law and regulation
- Not applicable
- By-laws of the CSD
- Standard participation contract
- Established terms and conditions of participation
- OTHER:

AGC: 20a  
Please explain:

AGC: 21  
Rule 17f-7 requires that an Eligible Securities Depository holds assets for the custodian that participates in the system on behalf of the Fund under safekeeping conditions no less favorable than the conditions that apply to other participants. Please confirm that assets of foreign investors held by custodians as participants in the CSD are held under safekeeping conditions no less favorable than the conditions that apply to other participants.

- Yes
- No
- Not applicable

AGC: 21a.  
If no, other or not applicable, please explain:

AGC: 21b, 21c.  
Please confirm the basis for the arrangements you have in place to ensure that the assets you hold for custodians receive the same level of safekeeping protection as the assets held for other categories of participants.

- Standard participation contract
- Rules of the CSD
- Relevant Law and Regulation
- By-laws of the CSD
- Established terms and conditions of participation
- OTHER:

AGC: 21d

For each item in Question 21b that you checked, please briefly supply references or citations to the law(s), regulation(s), or CSD rule(s), participation condition(s), or participant contract provision (s), as applicable.

Relevant Law and Regulation: There are equal conditions for holding foreign investor assets by custodians in the depository system. The Act of 29th July 2005 on Trading in Financial Instruments defines the system for registration of dematerialised securities comprising securities accounts, depository accounts and omnibus accounts kept by entities authorised to do so under this Act and maintained by KDPW (article 3, point 21). KDPW is in charge of registering securities on: 1) depository accounts; 2) securities accounts; 3) omnibus accounts. Balances on accounts managed by participants should correspond with the balances on the relevant depository accounts managed by KDPW (article 57). Omnibus accounts are dedicated only for foreign entities (article 8a). However, depository and omnibus accounts operate on the same principles, i.e. they are co-mingling securities belonging to clients of KDPW participants. In this way, the assets of foreign investors are not differentiated from those of other types of investors, but treated equally. Established terms and conditions of participation: Participants managing securities accounts and omnibus accounts in their systems are obliged to conform to the rules of managing the securities register (article 20, 24, 33, 33a of the KDPW Rules). The rules are similar for custodians and other participants who hold foreign or domestic investor assets. Rules of the depository: The accounting scheme for recording and transfer of securities is determined by the KDPW rules (article 34-36 of the KDPW Rules) and there is no discriminatory treatment of foreign investor assets. The registration is carried out as expressions of quantity, according to the following principles: double-entry bookkeeping, separate registration of securities, classification by types of participant status (separation of the clients' assets from participants' securities), simultaneous registration (registration on accounts managed by a participant should reflect the balances on accounts managed in KDPW), completeness, integrity and transparency. The best accounting practices are applied and end-to-end audit trails are kept.

AGC: 22

How does the CSD notify participants of material changes to the conditions of participation?

- Not applicable
- By e-mail
- By telephone
- By public announcement
- By press release
- OTHER: see 615

AGC: 22a.

Please explain:

Electronic information system: ESDI/WEB (Electronic System for Distribution of Information)

AGC: 23

Who enforces compliance with the CSD's conditions of participation?

- The exchange
- Not applicable
- The CSD's regulator
- The CSD
- OTHER:

AGC: 23a

Please explain:

AGC: 24

What enforcement actions are available to the enforcement authority?

- Termination of participation
- Fines
- Not applicable
- Restrictions on participation
- Suspension of participation
- OTHER: see 632 (24a)

AGC: 24a  
Please explain:

The CSD may caution a participant.

AGC: 25  
Has there been any such enforcement actions in the last three years?

- Yes  
 No

AGC: 25a.  
If yes, please explain, including information relative to any suspensions of CSD participants:

In 2021 a deadline was set for one participant to remove the condition resulting from the violation of the rules of participation, otherwise a penalty fee would be imposed on this participant.

AGC: 26  
CSD FUNCTIONALITY AND SERVICES, USE OF AGENTS. Certain functionalities and services reduce risk to an investor if provided in an efficient manner. The purpose of this section is to identify those functionalities that may potentially be offered by depositories and clearing systems around the world, and ascertain whether they are offered by your institution. For which of the following security types do you serve as a CSD or clearing system?

- Corporate money market  
 Not applicable  
 Corporate bonds  
 Equities  
 Government securities  
 OTHER: see p. 272

AGC: 26a.  
Please name the other security types:

Debt financial instruments: mortgage bonds, municipal bonds, convertible bonds, central bank bonds, financial institution bonds, non-public bonds, mortgage bonds and investment certificates, bonds with priorities rights, structured certificates. Equity financial instruments: preferred shares, investment certificates, exchange-traded funds (ETFs). Other securities: allotment certificates, subscription rights, option warrants, subscription warrants.

AGC: 27a. (i)  
Please list the instrument types for which it is not compulsory by law to: (i) settle in your CSD

The use of a depository in the Polish market is compulsory for settlement of transactions concluded on regulated and alternative markets. The instrument types for which it is not compulsory by law to settle are: non-publicly traded shares, non-publicly traded debt instruments issued before 1 July 2019, Treasury bonds (for trades outside the regulated market between clients of the same KDPW participant) and Treasury bills. T-Bills are settled in the Securities Register (operated by the National Bank of Poland).

AGC: 27a. (ii)  
(ii) safekeep in your CSD:

Non-publicly traded shares and non-publicly traded debt instruments issued before 1 July 2019 may be safekept in registers outside KDPW. T-Bills are safekept in the Securities Register operated by the National Bank of Poland.

AGC: 27b. (i)  
Please list the instrument types for which it is not compulsory by market practice to: (i) settle in your CSD

Non-publicly traded shares, non-publicly traded debt instruments issued before 1 July 2019, Treasury bills; T-Bills are by law settled with the Securities Register (operated by the National Bank of Poland).

AGC: 27b. (ii)  
(ii) safekeep in your CSD:

Non-publicly traded shares and non-publicly traded debt instruments issued before 1 July 2019 may be safekept in registers outside KDPW. T-Bills are by law safekept in the Securities Register operated by the National Bank of Poland.

AGC: 27, 27c  
Is the use of the CSD in your market compulsory by law or compulsory by market practice for the settlement or safekeeping of all instrument types in your market (e.g. equities, government securities, corporate bonds, money market instruments, warrants, derivatives etc).

- Yes by market practice for safekeeping, but not for all instrument types
- Neither
- Yes by law for safekeeping, but not for all instrument type
- Yes by market practice for settlement, but not for all instrument types
- Yes by law for settlement, but not for all instrument types
- Yes by market practice for safekeeping of all instrument types
- Yes by market practice for settlement of all instrument types
- Yes by law for settlement of all instrument types
- Yes by law for safekeeping of all instrument types
- OTHER:

AGC: 28 28a  
Settlement and Safekeeping Percentages 28a Please list by instrument type the percentage of the total market in your jurisdiction (either volume or value) settled within your institution, exclusive of your links with third parties.

100 % - for securities which are obligatorily registered in KDPW.

AGC: 28b.  
Please list by instrument type the percentage of the total market in your jurisdiction (either volume or value) held in safekeeping within your institution.

100 % - for securities which are obligatorily registered in KDPW.

AGC: 29, 29i  
Are there any activities performed by a third party on behalf of the CSD for the CSD participants (e.g., vaulting of physical securities, registration, entitlement processing, etc.)?

- Yes
- No
- Not applicable
- OTHER:

AGC: 29a.  
If third parties are employed, please indicate which services they supply:

AGC: 29b.  
If third parties are employed, does the CSD assume liability for losses incurred by participants as a result of the actions/inactions of the third parties?

- Yes
- No

AGC: 29c, 29e.  
 If you acknowledge responsibility, please indicate whether your responsibility is assumed

- if the loss was caused by the willful default or other willful conduct on the part of the agent
- if such loss was caused by the agent's action or inaction and such action or inaction was deemed to be gross negligence on the part of the agent
- if such loss was caused by the agent's action or inaction and such action or inaction was deemed to be negligence on the part of the agent
- regardless of whether such loss was caused by any action or inaction of the agent
- OTHER:

AGC: 29f.  
 Please specify limit:

AGC: 29g.  
 Please specify limit:

AGC: 29d, 29h.  
 If you acknowledge responsibility for agents, your responsibility is assumed for losses

- without limit
- which are not consequential losses
- subject to a monetary limit not based on insurance limits
- subject to a monetary limit based on insurance limits
- OTHER:

AGC: 30, 30m  
 Has any participant suffered any losses in the past three years due to the CSD's performance?

- Yes
- No
- Not applicable

AGC: 30a, 30j  
 If yes, please select all of the following in which loss has occurred. You will be prompted to enter the number of instances and total loss in USD thereafter.

- System Outage
- Corporate Action
- Settlement Process - Securities
- Settlement Process - Cash
- OTHER:

AGC: 30b.  
 Corporate Action. Please specify number of instances:

AGC: 30c.  
 Corporate Action. Please specify total loss in USD:



AGC: 30d.  
Settlement Process - Securities. Please specify number of instances:

AGC: 30e.  
Settlement Process - Securities. Please specify total loss in USD:

AGC: 30f.  
Settlement Process - Cash. Please specify number of instances:

AGC: 30g.  
Settlement Process - Cash. Please specify total loss in USD:

AGC: 30h.  
System Outage. Please specify number of instances:

AGC: 30i.  
System Outage. Please specify total loss in USD:

AGC: 30k.  
For Other, please specify number of instances:

AGC: 30l.  
For Other, please specify total loss in USD:

AGC: 31  
Who accepts cash deposits (or makes payment credit accommodations) for CSD transactions?

- Not applicable
- Banks appointed by CSD
- Central Bank
- Neither or others (e.g. credit lines used)
- CSD
- OTHER: For EUR - banks appointed by KDPW participants.

AGC: 31a  
Please indicate the name of the banks appointed by the CSD

Banks which are KDPW participants: CREDIT AGRICOLE BANK POLSKA, DNB BANK POLSKA S.A., TOYOTA BANK POLSKA SA, PKO BP S.A., ALIOR BANK SA, BANK BGŻ BNP Paribas S.A., mBANK HIPOTECZNY S.A., HAITONG, PEKAO BANK HIPOTECZNY S.A., BANK SPÓŁDZIELCZY W BRODNICY, BANK SPÓŁDZIELCZY RZEMIOSŁA W KRAKOWIE, BANK MILLENNIUM S.A., BANK HANDLOWY W WARSZAWIE S.A., BANK GOSPODARSTWA KRAJOWEGO, ING BANK ŚLĄSKI S.A., VELOBANK S.A., BANK POLSKIEJ SPÓŁDZIELCZOŚCI S.A., BANK OCHRONY ŚRODOWISKA S.A., BNP PARIBAS BANK POLSKA S.A., SGB -BANK S.A., SOCIETE GENERALE S.A. ODDZIAŁ W POLSCE, BANK PEKAO S.A., DEUTSCHE BANK POLSKA S.A., NEST BANK, m BANK SA, BANK POCZTOWY S.A., PLUS BANK S.A., SANTANDER CONSUMER BANK S.A., SANTANDER BANK POLSKA S.A., HSBC BANK POLSKA S.A., KRAJOWA SPÓŁDZIELCZA KASA OSZCZĘDNOŚCIOWO-KREDYTOWA

AGC: 32

Who processes cash clearing (or draws on credit lines, if applicable) for CSD transactions?

- Central Bank
- Neither or others (e.g. credit lines used)
- Not applicable
- CSD
- Banks appointed by the CSD
- OTHER:

AGC: 32a

Please name banks appointed by the CSD

AGC: 33a

Please name banks appointed by the CSD

Banks which are KDPW participants: CREDIT AGRICOLE BANK POLSKA, DNB BANK POLSKA S.A., TOYOTA BANK POLSKA SA, PKO BP S.A., ALIOR BANK SA, BANK BGŻ BNP Paribas S.A., mBANK HIPOTECZNY S.A., HAITONG, PEKAO BANK HIPOTECZNY S.A., BANK SPÓŁDZIELCZY W BRODNICY, BANK SPÓŁDZIELCZY RZEMIOSŁA W KRAKOWIE, BANK MILLENNIUM S.A., BANK HANDLOWY W WARSZAWIE S.A., BANK GOSPODARSTWA KRAJOWEGO, ING BANK ŚLĄSKI S.A., VELOBANK S.A., BANK POLSKIEJ SPÓŁDZIELCZOŚCI S.A., BANK OCHRONY ŚRODOWISKA S.A., BNP PARIBAS BANK POLSKA S.A., SGB -BANK S.A., SOCIETE GENERALE S.A. ODDZIAŁ W POLSCE, BANK PEKAO S.A., DEUTSCHE BANK POLSKA S.A., NEST BANK, m BANK SA, BANK POCZTOWY S.A., PLUS BANK S.A., SANTANDER CONSUMER BANK S.A., SANTANDER BANK POLSKA S.A., HSBC BANK POLSKA S.A., KRAJOWA SPÓŁDZIELCZA KASA OSZCZĘDNOŚCIOWO-KREDYTOWA

AGC: 33, 33b

Who controls the movement of cash for cash deposits (or draws on credit lines, if applicable)?

- Not applicable
- Neither or others (e.g. credit lines used)
- Banks appointed by CSD
- Central Bank
- CSD
- OTHER:

AGC: 34

Who controls the movement of cash for cash clearing (or for draws on credit lines, if applicable)?

- CSD
- Central Bank
- Banks appointed by CSD
- Neither or others (e.g. credit lines used)
- Not applicable
- OTHER:

AGC: 34a

Please name banks appointed by CSD

Banks which are KDPW participants: CREDIT AGRICOLE BANK POLSKA, DNB BANK POLSKA S.A., TOYOTA BANK POLSKA SA, PKO BP S.A., ALIOR BANK SA, BANK BGŻ BNP Paribas S.A., mBANK HIPOTECZNY S.A., HAITONG, PEKAO BANK HIPOTECZNY S.A., BANK SPÓŁDZIELCZY W BRODNICY, BANK SPÓŁDZIELCZY RZEMIOSŁA W KRAKOWIE, BANK MILLENNIUM S.A., BANK HANDLOWY W WARSZAWIE S.A., BANK GOSPODARSTWA KRAJOWEGO, ING BANK ŚLĄSKI S.A., VELOBANK S.A., BANK POLSKIEJ SPÓŁDZIELCZOŚCI S.A., BANK OCHRONY ŚRODOWISKA S.A., BNP PARIBAS BANK POLSKA S.A., SGB -BANK S.A., SOCIETE GENERALE S.A. ODDZIAŁ W POLSCE, BANK PEKAO S.A., DEUTSCHE BANK POLSKA S.A., NEST BANK, m BANK SA, BANK POCZTOWY S.A., PLUS BANK S.A., SANTANDER CONSUMER BANK S.A., SANTANDER BANK POLSKA S.A., HSBC BANK POLSKA S.A., KRAJOWA SPÓŁDZIELCZA KASA OSZCZĘDNOŚCIOWO-KREDYTOWA

AGC: 35

Please indicate services you provide.

- Information on distribution of new issues (IPO, Privatization).
- Same day turnaround settlements.
- Own list or: AGC: Information in advance on corporate (annual or special) meetings in order that owners can vote.
- Not applicable
- Tax assistance where foreign holders may be entitled to tax relief at source or through a claim.
- In order to avoid fails, an automatic securities lending facility - if requested - is provided for.
- Collateral handling in support of activities including securities lending, overdraft coverage, cash management, repurchase agreements, etc.
- OTHER: Statutory services: (1) settlement of transactions conducted on the regulated and non-regulated markets; (2) automated pre-matching service for OTC settlement instructions; (3) hold-release mechanism which allows management of instructions sent for settlement; (4) Corporate Action processing: organising and co-ordinating the performance of issuers' obligations for securities owners, supporting information on both optional and mandatory events, providing an auto-compensation service for losing cash benefits from securities for non-defaulting party with a cum dividend entitlement benefit, acting as an intermediary in processing GMs (providing a list of shareholders authorised to attend the GM with an interface (web application) for issuer to pass on information related to the GMs, providing e-Voting service); Other services: (5) partial settlement functionality (obligatory for guaranteed trades, voluntary for OTC transactions); allows to optimise the volume of settled transactions outside of the organised markets, part of each DVP batch settlement, (6) negotiated securities lending & borrowing service organized in cooperation with KDPW\_CCP: voluntary service, intermediation in SLB agreements conclusion, fixed- or open-term securities loans available, settlement of loan for both opening and closing (return/recall) phase on a DvP basis with CCP guarantees for the closing phase, initial cash collateral transfer to the lender, daily mark-to-market of the initial cash collateral, managing loan throughout the loan's lifecycle, including returns, recalls, remuneration for the lent securities as well as provided cash collateral, market claims compensation in case of CAs on lent securities, (7) tri-party repo agent service: voluntary service, accepting repo instructions, selecting collateral for repo transactions, updating collateral, i.e., calculating and initiating collateral transfers, reporting collateral requirements to repo counterparties, processing the closing of repo transactions at the set date taking into account the repo rate, processing corporate actions for securities posted as collateral: modifications to the collateral register, processing compensation in respect of cash payments attached to securities posted as collateral. (8) trade repository service for reporting derivatives trades under the provisions of EMIR and securities financing transactions under the provisions of SFTR, (9) numbering agency service (ISIN, CFI, FISN and LEI), (10) asset management, (11) Authorised Reporting Mechanism (ARM) services; Complementary services: (12) organising and managing the Pension Guarantee Fund, (13) processing of transfer payments between opened pension funds, (14) managing the mandatory Investor Compensation Scheme in order to pool resources for the payment of compensation to investors who have lost their assets (cash and financial instruments) following the insolvency of their securities account provider, (15) collection of data and making publicly available information on outstanding non-redeemed bonds, mortgage bonds and investment certificates issued by each issuer domiciled in the Republic of Poland.

AGC: 35a

Automatic securities lending facility is provided for:

- Other financial institutions
- Banks
- Brokers
- OTHER: The service is provided for banks and brokers who are direct participants of KDPW, acting on their own account or on the account of another person, however, the securities borrower may only be a direct participant with the status of clearing member in the transaction clearing system operated by KDPW\_CCP or with the status of a representative (settlement agent) for KDPW\_CCP clearing members.

AGC: 35c

Summary narrative for PFMI Principle 5. Please provide a summary narrative disclosure with sufficient detail and context, as well as any other appropriate supplementary information, to enable readers to understand the CSD's approach to or method for observing the principle. Please use the following questions as guidance for the points of focus and level of detail it is expected to convey in the disclosure. Cross references to publicly available documents should be included, where relevant, to supplement the discussion.)

KDPW holds collateral for automatic securities loans (cash, Treasury bonds traded on the regulated market in the territory of the Republic of Poland, shares included in the WIG20 index) in co-ordination with KDPW\_CCP. For tri-party repo transactions, KDPW keeps a register of collateral transferred between the parties (Treasury bonds traded on the regulated market in the territory of the Republic of Poland and cash – the last to be allowed only for marking to market the value of repo transactions).

AGC: 35c

If collateral handling, please provide details

KDPW holds collateral for: - automatic securities loans (cash, Treasury bonds traded on the regulated market in Poland, shares participating in the WIG20 index) in co-ordination with KDPW\_CCP, - tri-party repo transactions (Treasury bonds traded on the regulated market in Poland and cash – last to be allowed only for marking to market the value of the repo transaction), - KDPW\_CCP holds on depository accounts in KDPW the collateral for initial margins and clearing funds of its participants resulting from trades executed on regulated and alternative markets, - a negotiated securities lending & borrowing service for which initial margin and guarantee fund are kept for KDPW\_CCP, - participants keep securities to use them as collateral (transfer to the Central Bank for the time of the credit) to pledge intra-day technical credit granted by the National Central Bank, - securities are also blocked on depository accounts under pledge: (1) for the collateralisation of refundable financial aid granted by the Bank Guarantee Fund, (2) for the collateralisation of refinancing Lombard credit granted by the National Bank of Poland; (3) in favour of the Council of Europe Development Bank, European Investment Bank.

AGC: 35d

Other, please explain:

AGC: 36

What procedures are in place for the processing of corporate action entitlements?

- Credited to the securities account on the day indicated below regardless of whether actually collected by the CSD on the scheduled date.
- Not applicable
- Corporate action entitlements are handled by an entity separate from the CSD.
- Credited to the securities account upon actual receipt by the CSD.
- OTHER:

AGC: 36a

Credited to the securities account:

- On pay date +1.
- On pay date.
- On pay date +2.
- OTHER:

AGC: 36c

Name of entity:

AGC: 37a

Credited to the cash account:

- On pay date +1.
- On pay date.
- On pay date +2.
- OTHER:

AGC: 37c

Name of entity:

AGC: 37, 37d.

What procedures are in place for the processing of interest and dividends?

- Income and dividend collection is handled by an entity separate from the CSD.
- Not applicable
- Credited to the cash account on the day indicated below regardless of whether actually collected by the CSD on the scheduled date.
- Credited to the cash account upon actual receipt by the CSD.
- OTHER:

AGC: 38

Please list all depositories or settlement systems to which you have an electronic link.

OeKB (Austria), KELER (Hungary), Clearstream Banking Luxembourg, Euroclear Bank, Nasdaq CSD (Estonia, Lithuania), KDD (Slovenia), CDAD (Bulgaria), National Bank of Poland

AGC: 39

Are procedures and controls (firewalls) in place to avoid systemic collapse or contamination if one of the linked entities should experience business interruptions for whatever reason?

- No
- Yes
- Not applicable

AGC: 39a

Please explain

The links are provided via the SWIFT messaging system and there is no direct linkage between KDPW and the other entity's systems. The SWIFT infrastructure used by KDPW is secured in accordance with SWIFT recommendations.

AGC: 40

Has a business interruption recovery plan been developed in the event the linkages should become inoperable for any reason?

- Yes
- No
- Not applicable
- Other

Recovery plan does not refer directly to operational links, but some of its provisions may have a material impact on the operation of links, both inbound and outbound, as they may relate potentially to foreign CSDs as KDPW participants or counterparties. Stress test scenarios include insolvency of a key participant or counterparty (or a group of such entities), which may result in disruption in payment of their liabilities, both – related to their participation in the settlement system and other liabilities, which would cause the increase of the sum of unpaid liabilities to the level significant for the stability of the financial system. The plan lists operational incidents located outside KDPW (in particular – critical breakdowns or accidents) as events which may have a negative impact on activities of KDPW participants and their clients (incl. due to operational links). The plan enumerates also the consequences of material financial sanctions, which may be imposed on KDPW, including due to the infringement of the CSDR regulations, i.a. related to the operation of links.

AGC: 40a.

If no or other, please explain

AGC: 41

Are participants permitted to maintain more than one account at the CSD?

- Yes
- No
- Not applicable

AGC: 41a, 41c

If yes, please indicate number:

- An unlimited number of accounts
- More than one account
- OTHER:

AGC: 41b

If more than one account what is the maximum?

AGC: 42

Are participants required/permited to segregate assets held for their own benefit from those they hold for their clients?

- Yes
- No
- Not applicable
- OTHER:

AGC: 42a

If yes, is segregation required or simply permitted?

- Required
- Permitted

AGC: 42b, 42c

How does segregation occur?

- By sub-accounts within a single participant account.
- By separately designated participant accounts.
- By separately designated beneficial owner accounts.
- OTHER:

AGC: 43, 43b

Does the CSD permit its participants to open accounts in the participant's own nominee name(s)?

- Yes
- No
- Not applicable
- Other: Polish Securities Law allows for opening omnibus accounts, operated by KDPW participants or by KDPW, for their foreign clients. They are opened in the name of the participant's clients, not in the participant's own nominee name.

AGC: 43a

If yes, do laws exist, which define as well as protect the rights of beneficial owners with respect to securities registered in nominee name?

- Yes
- No

AGC: 44a

In the event a participant's single or main account is blocked for any reason (e.g., insolvency, penalties, violations, liens), would securities held in any account or accounts on behalf of the participant's clients be accessible: By the participant's clients?

- Yes
- No
- Not applicable

AGC: 44b

If yes, please describe briefly how clients of participants would access their securities and whether there would be any delay in their ability to do so:

Any securities charges (i.e.: liens) made on accounts managed by KDPW may only affect those accounts where the participant's own securities are registered. As a result of this a charge cannot limit access by a client of that participant to securities registered on the securities account managed by that participant. In the same way, the insolvency of a participant does not in itself lead to restriction of access by a client, since the client's securities do not make up the property of the participant, nor do they form that participant's assets. Only where the participation status of a given participant is suspended can their clients have difficulties in accessing securities they own which are registered on the client's securities accounts managed by that participant, since during the suspension period, all accounts managed for that participant in KDPW are suspended as well (this is the fundamental nature of participation). In such case (suspension of participant) the Polish Financial Supervision Authority may take a decision to transfer securities from accounts managed by this participant to another participant (who gave its consent to this action), where they are immediately accessible to the clients. The same situation may arise in the event of cancellation of participation.

AGC: 44d.

By the intervening authorities controlling insolvency or other proceedings?

- Yes
- No
- Not applicable

AGC: 44e.

If yes, please describe briefly under what conditions access would be granted to the intervening authorities:

AGC: 44h

If yes, please describe briefly under what conditions access would be granted to the participant's creditors:

AGC: 44g, 44i

By the participant's creditors?

- Yes
- No
- Not applicable

AGC: 44j.

By the CSD's creditors?

- Yes
- No
- Not applicable

AGC: 44k.

If yes, please describe briefly under what conditions access would be granted to the CSD's creditors:

AGC: 45

In what form does the CSD maintain records identifying the assets of each participant?

- Computer tape
- Computer file
- Hard copy
- Microfiche
- OTHER:

AGC: 45b

In which format is the source data maintained?

Internal IBM System i format.

AGC: 46

Rule 17f-7 requires that an Eligible Securities Depository provides periodic reports to its participants with respect to its safekeeping of assets, including notices of transfers to or from any participant's account. Does the CSD make available periodic safekeeping reports to participants, including notices of transfers to or from the participant's account?

 Yes No

AGC: 46a.

If no or other, please explain

AGC: 46b, 46c.

If yes, please indicate the scheduled frequency:

 Annually Quarterly Monthly Weekly Daily Upon request OTHER:

AGC: 47, 47a

What is your document and record retention policy for documents and records described above in this section?

 6 months or less 1 year 3 years 5 years 7 years Other: 10 years

AGC: 48

The Committee on Payment and Settlement Systems of the Bank for International Settlements (BIS) has identified three common structural approaches or models for linking delivery and payment in a securities settlement system. Please indicate which model your procedures most closely resemble.

 Not applicable Model3 Model2 Model1 OTHER:



AGC: 48a

Please briefly describe your settlement process, including how do your settlement procedures vary from the model chosen above?

Model 1 (gross settlement of both securities and cash) is applicable to the settlement of transactions in RTGS. Model 2 (gross settlement of securities with net settlement of cash via central bank) is applicable to the settlement in the batch system. Model 3 (net settlement of both securities and cash) is implemented in the process of clearing in KDPW\_CCP. The securities netting process is performed following novation in KDPW\_CCP. At the end of the trade day (T), settlement instructions are sent to KDPW for T+2 settlement. Securities netting is an optional service. There are two options of securities netting functionality, full netting or directional netting (for each clearing account the securities settlement method may be chosen separately). The full netting method means there is one net settlement instruction for each clearing position, in directional netting two net settlement instructions are generated, respectively, for the buy and the sell clearing positions.

AGC: 49

Are the cash and security movements simultaneous?

- Yes
- No
- Not applicable

AGC: 49a

If cash and security movements are not simultaneous, please indicate the duration of the timing gap

- 1 hour
- 2 hours
- 3 hours
- 4 hours
- 5 hours
- Overnight
- 2 days

AGC: 50, 50a

How are CSD eligible securities held by the CSD?

- In dematerialized form
- In certificated form
- OTHER:

AGC: 51

If CSD eligible securities are certificated, can CSD eligible securities be held outside of the CSD?

- All eligible securities must be held in the CSD
- Securities may move freely into and out of the CSD
- Once entered into the CSD, eligible securities must remain in the CSD
- Certain designated securities may be held outside the CSD
- Not applicable

AGC: 51a

If certain designated securities are held outside the CSD, please indicate under which conditions these securities would be held outside the CSD:

AGC: 51b

If CSD eligible securities are required to be centrally immobilized at the CSD, where and with whom are the certificates safekept? (then please answer 51c)

AGC: 51c

Are these certificates:

- Bearer
- Registered
- OTHER:

AGC: 51d

If registered, how are the CSD eligible securities registered?

- In the name of the CSD
- In the name of the depositing participant or its nominee
- In the name of a separate nominee of the CSD
- OTHER:

AGC: 51f

If in the name of a separate nominee, please identify by name the nominee used:

AGC: 51h

If CSD eligible securities may be held either in or out of the CSD, are these certificates:

- Bearer
- Registered

AGC: 51i

What are the control features for receipt of certificates to the CSD (e.g., authentication procedures, re-registration)? Please describe:

AGC: 52

If securities are dematerialized: May dematerialized security positions be re-certificated and held outside the CSD?

- Yes
- No
- Not applicable
- Other: Dematerialized security positions may not be re-certificated, but they may be moved to another CSD and some shares which are not publicly traded may be held in registers maintained by investment companies.

AGC: 52a, 52k

Are the securities held:

- Through book-entry at the CSD
- Through book-entry at a registrar or issuer
- OTHER:

AGC: 52b  
Please identify which types of entities may act as registrars:

- Issuers
- Separate companies that perform registrar functions
- CSD
- OTHER:

AGC: 52d  
If the securities held by the CSD are recorded by book entry at the registrar, are the securities registered only to the CSD, with the CSD providing the function of recording ownership on a centralized basis for the market?

- Yes
- No

AGC: 52e  
If yes, how are securities held at the registrar for the account of the CSD?

- In the name of the CSD
- In the name of a separate nominee of the CSD

AGC: 52f  
Please describe:

AGC: 52g  
If the securities held with the CSD are recorded by book-entry at the registrar but are not registered exclusively to the CSD, may they be registered to:

- The beneficial owner
- A nominee

AGC: 52h  
Please describe:

AGC: 52i  
If the securities held with the CSD are recorded by book-entry at the registrar, what are the control features at the registrar for transfer of registrar positions to and from the CSD (e.g., authentication procedures, reconciliation, confirmation of position at registrar)? Please describe:

Not applicable.

AGC: 53  
Does the CSD maintain records that identify the assets of each participant and segregate the system's own assets from the assets of participants?

- No
- Yes
- Not applicable
- OTHER:

AGC: 53a

If answer to question 'G23Q031' is other or not applicable, please explain

AGC: 54

Does the law protect participant assets from claims and liabilities of the CSD?

- Yes
- No
- Not applicable

AGC: 55

Can the CSD assess a lien on participant accounts? (A lien would entitle the CSD to take and hold or sell the securities of the participant in payment of a debt.)

- Yes
- No
- Not applicable

AGC: 55a

If yes, for what reasons are liens or similar claims imposed?

- To secure payment for purchased securities
- Collateralization of overdrafts
- Fees and expenses
- OTHER: see 293

AGC: 55b

Please describe:

The securities on the participant's proprietary account, which are marked as available for collateral purposes, may be used to further collateralize an automatic securities loan taken out by the participant if that participant (acting as a borrower) fails to provide sufficient collateral for the loan in the first place.

AGC: 55c

Please indicate the limits of this lien as indicated below:

- The lien is limited to securities in the participant's proprietary account
- The lien is limited to securities in the course of purchase and sale transactio
- The lien may extend to settled client positions

AGC: 55d

Please explain:

AGC: 55e

If a lien is placed on a participant's account which has been designated for its clients, will the CSD select certain securities to be subject to the lien?

- Yes
- No

AGC: 55f

If yes, please indicate whether:

- The lien is placed on the most liquid securities in the account
- The lien is placed on the securities with the greatest value in the account

AGC: 55g

Please explain:

AGC: 55h

If no, please indicate whether the entire account will be subject to the lien.

- Yes
- No

AGC: 55j

For accounts designated as client accounts, do procedures exist to restrict the placement of liens only to obligations arising from safe custody and administration of those accounts?

- Yes
- No

AGC: 55k

If yes, are the restrictions accomplished by:

- Contract between the CSD and the participant

AGC: 55l

Please explain:

AGC: 56, 56e

Transfer of Legal Ownership. Does the CSD have legal authority to transfer title to securities?

- Yes
- No
- Not applicable

AGC: 56a

When does title or entitlement to CSD securities pass between participants?

- At the end of the business day on which the transfer occurs
- When corresponding money or other consideration is transferred
- When the transaction is processed on an intra-day basis
- Other: See p. 305.

AGC: 56b

Please describe:

The title to depository securities passes in the moment of booking these securities on securities accounts (i.e. end-investor accounts) kept by KDPW participants. Entries in these accounts arising from transactions shall be made on the basis of documents proving settlement of these transactions in KDPW.

AGC: 56c

Where does title or entitlement to CSD securities pass between participants?

- On the CSD books
- On the registrars books

AGC: 56d

Please describe:

AGC: 57, 57a

How are eligible securities lodged in the CSD system?

- A registered certificate in the name of the CSD is delivered to the CSD.
- A participant delivers the security with a valid transfer deed or stock power or other transfer document to the CSD which then effects registration.
- A registrar re-registers the security in the name of the CSD.
- Not applicable
- OTHER: Securities are lodged into the depository system on the basis of a securities registration agreement concluded with KDPW by the issuer (for public securities) or the issue agent (for debt securities). The issuer authorises a direct participant of KDPW (registration agent for public securities, issue agent for debt securities) to act in its name in the registration process. The global amount of securities of a given ISIN is registered in KDPW on a registration account called an "issue account" and on participants' accounts managed by KDPW. On the basis of records made by KDPW, participants register securities on securities accounts and omnibus accounts in their own securities registration systems.

AGC: 58, 58a

When are securities lodged into the CSD reflected in a participant's CSD account?

- Securities are re-registered prior to being reflected in the participant CSD account.
- Not applicable
- Securities are reflected in the participant's CSD account immediately upon delivery to the CSD.
- OTHER: The KDPW decision on registration of securities indicates the date of the registration. For some securities the registration is performed on condition, that some kind of event takes place. In such case the registration is done no later than 3 days after the confirmation of the fact, that such condition was fulfilled. For non-public securities the registration is performed not earlier than the next day after delivery of the registration application to KDPW by the issue agent.

AGC: 59a

Please specify

AGC: 59, 59b

How long does it usually take to lodge securities with the CSD?

- 1 to 2 days
- 3 days to 1 week
- 2 to 4 weeks
- More than 4 weeks
- Not applicable

AGC: 60  
During the process of lodging securities into the CSD, can the securities be traded?

- Yes
- No
- Not applicable

AGC: 60a  
During the process of lodging securities into the CSD, can the securities be settled?

- Yes
- No
- Not applicable

AGC: 60b  
During the process of lodging securities into the CSD, can the securities have ownership transferred?

- Yes
- No
- Not applicable

AGC: 60c  
If they cannot be traded, or if you answered other, please explain

AGC: 60d  
If they cannot be settled, or if you answered other, please explain

Settlement is possible only after the securities are registered on the investors' securities accounts.

AGC: 60e  
If ownership cannot be transferred, or if you answered other, please explain

Transfer is possible only after the securities are registered on the participants' and investors' securities accounts.

AGC: 61a  
If no: Securities are unavailable for

- 1 to 2 days
- 3 days to 1 week
- 2 to 4 weeks
- More than 4 weeks
- Not applicable

AGC: 61b  
If more than 4 weeks, please specify

AGC: 61c  
If not applicable, please explain

AGC: 61, 61d  
Are securities immediately available for delivery upon transfer to the CSD?

- Yes
- No
- Not applicable

AGC: 62  
Please describe briefly the arrangements / procedures / facilities you maintain to ensure that eligible securities held at the CSD are handled at least as efficiently as compared to securities held outside the CSD, particularly in relation to income, corporate actions and proxy services.

The efficiency of handling securities by KDPW comes from standardisation of procedures and systems of registration, safekeeping and corporate actions processing, including central distribution of information on corporate actions and registration on securities accounts, managed in accordance with stringent standards of the central depository system.

AGC: 63, 63a  
What transfer process steps are involved when eligible securities are withdrawn from the CSD for safekeeping?

- Securities are re-registered into the name of the beneficial owner or a nominee.
- Securities are re-certificated and re-registered into the name of the beneficia
- Securities are re-certificated and delivered as bearer instruments.
- Securities are transferred as is any physical delivery in the market.
- Not applicable
- Other: Withdrawal of securities from safekeeping takes place upon the issuer's request.

AGC: 64a  
If more than 4 weeks, please specify

AGC: 64, 64b  
How long does it usually take to remove securities from the CSD?

- 1 to 2 days
- 3 days to 1 week
- 2 to 4 weeks
- More than 4 weeks
- Not applicable
- Other: 2 days to 2 weeks, depending on the reason for removal of securities from the CSD.



AGC: 65a  
While the securities are being removed from the CSD, can they be traded? (Choose one)

No  
 Not applicable  
 Yes

AGC: 65b  
If they cannot be traded please explain

AGC: 65c  
While the securities are being removed from the CSD, can they be settled? (Choose one)

No  
 Not applicable  
 Yes

AGC: 65d  
If they cannot be settled, please explain

AGC: 65e  
While the securities are being removed from the CSD, can they have ownership transferred? (Choose one)

No  
 Not applicable  
 Yes

AGC: 65f  
If ownership cannot be transferred, please explain

AGC: 66, 66a, 66d  
Does the CSD accept liability (independent of any insurance coverage) for the following: Reconciliation errors with the registrar and/or the issuer that result in direct damages or losses to participants?

No  
 Not applicable  
 Yes

AGC: 66b 66c  
If yes, please check all of the following that apply:

Financial limits are imposed on the amount of liability assumed by the CSD  
 The CSD assumes liability for indirect or consequential losses  
 The CSD assumes liability for direct losses  
 OTHER:

AGC: 66e, 66g, 66h

Theft of securities (either physical certificate or electronically from accounts at the CSD) from the CSD that results in direct damages or losses to participants?

- No
- Yes
- Not applicable

AGC: 66f

If yes, please check all of the following that apply:

- Financial limits are imposed on the amount of liability assumed by the CSD
- The CSD assumes liability for direct losses
- The CSD assumes liability for indirect or consequential losses
- OTHER:

AGC: 66i, 66l

Failure of the CSD's systems that result in direct damages or losses to participants because they cannot use either securities or funds?

- No
- Yes
- Not applicable

AGC: 66j, 66k

If yes, please check all of the following that apply:

- Financial limits are imposed on the amount of liability assumed by the CSD
- The CSD assumes liability for indirect or consequential losses
- The CSD assumes liability for direct losses
- OTHER:

AGC: 66m, 66p.

Any direct damages or losses to participants caused by the CSD due to its errors, omissions or fraud?

- Yes
- No
- Not applicable
- OTHER:

AGC: 66n.

If yes, please check all of the following that apply:

- Financial limits are imposed on the amount of liability assumed by the CSD
- The CSD assumes liability for direct losses
- The CSD assumes liability for indirect or consequential losses
- OTHER:

AGC: 66q.

Does the CSD accept liability (independent of any insurance coverage) for the following: Any direct damages or losses to participants caused by the CSD in its capacity as a central counterparty?

- Yes
- No
- Not applicable

AGC: 66r.

If yes, please check all of the following that apply:

- Financial limits are imposed on the amount of liability assumed by the CSD
- The CSD assumes liability for direct losses
- The CSD assumes liability for indirect or consequential losses
- OTHER:

AGC: 66u.

Does the CSD guaranty settlement?

- No
- Yes
- Not applicable
- Other: There is no settlement guarantee provided by the CSD. Clearing guarantee is accomplished by KDPW\_CCP (wholly owned by KDPW, EMIR compliant), which clears transactions executed in cash and derivatives markets, on- and off-exchange markets.

AGC: 66v.

Please explain how this is accomplished. What are the procedures and safeguards that permit the CSD to guaranty settlement?

AGC: 66x.

Any direct damages or losses to participants caused by the CSD as a result of force majeure events, acts of God, or political events, etc.?

- Yes
- No
- Not applicable

AGC: 66y.

If yes, please check all of the following that apply:

- The CSD assumes liability for indirect or consequential losses
- The CSD assumes liability for direct losses
- Financial limits are imposed on the amount of liability assumed by the CSD
- OTHER:

AGC: 66+

In all cases where the CSD assumes responsibility for direct or indirect or consequential losses, is the CSD's liability limited by a standard of care determination?

- Yes
- No
- Not applicable

AGC: 66\*

Please define the standard of care applied:

A greater degree of effort is expected from KDPW, measured by recognising the professional nature of the depository functions carried out by KDPW.

AGC: 67a, 67b.

Do the CSD's written contracts, rules, or established practices and procedures provide protection against risk of loss of participant assets by the CSD in the form of indemnification?

- Not applicable
- Yes
- No
- OTHER:

AGC: 67b.

Please explain (then please answer 67c):

AGC: 67c.

Please provide details of the relevant sections of the contracts, rules or practices where this information is found

not applicable

AGC: 67d.  
Insurance

- Yes
- No
- Not applicable
- OTHER:

AGC: 67e.

Please explain (then please answer 67f):

KDPW holds an insurance agreement to cover specific fraud relating to KDPW-owned financial instruments, financial instruments registered on KDPW accounts and KDPW managed accounts, or where KDPW holds powers of attorney. The policy further covers risks involving malfunctions of IT systems, computer crime and professional liability of financial institutions (interest or damages for failure to perform its functions, or for negligent performance).

AGC: 67f.

Please provide details of the relevant sections of the contracts, rules or practices where this information is found

KDPW Rules, Art. 13 <https://www.kdpw.pl/uploads/attachments/kdpw-rules-31-05-2023.pdf>

AGC: 67g.  
Acknowledgement of liability for losses caused by CSD's own actions.

- Yes
- No
- Not applicable

AGC: 67h.  
Please explain (then please answer 67i):

see 375 (67e)

AGC: 67i.  
Please provide details of the relevant sections of the contracts, rules or practices where this information is found.

KDPW Rules Art. 13 <https://www.kdpw.pl/uploads/attachments/kdpw-rules-31-05-2023.pdf>

AGC: 67j.  
Other

- Yes
- No

AGC: 67k.  
Please explain (then please answer 67l):

KDPW has a dedicated Corporate Security Department, which prepares policy, methodologies, procedures and tools to manage any kind of operational and legal risks, inter alia, resulting in a loss of assets registered in the KDPW depository system. However, rights to securities arise as a result of entries on securities accounts, which are in effect carried out by the participants themselves. The aggregated amounts of assets kept on securities accounts with participants are equal to the balances on depository accounts in KDPW. The reconciliation process at the end of each day allows to identify any discrepancies between KDPW's depository accounts and participants' aggregated accounts and take any action to resolve them. Moreover, operational risk management and monitoring systems have strict procedures to deal with any kind of incidents that can occur in the KDPW processes and address ways how to cope with them. In case of direct material loss of a participant due to KDPW's own fault, the insurance policy might be activated to cover the loss. In addition, the assets of investors kept on securities accounts with participants are safeguarded using a compensation scheme, which is administered by KDPW and used to pay compensation to clients in the event of the bankruptcy of a participant or fraudulent dealings by participants.

AGC: 67l.  
Please provide details of the relevant sections of the contracts, rules or practices where this information is found.

Compensation Scheme Regulation, art. 132-146 of the Trading in Financial Instruments Act, Rules of Operation of the Compensation Scheme in KDPW  
<https://www.kdpw.pl/uploads/attachments/rulescompensationscheme01-07-2022.pdf>

AGC: 68  
Is the CSD immune from legal action in its own jurisdiction?

- Yes
- No
- Other: According to Art. 6 p. 4 of the Bankruptcy and Restitution Law a legal entity which has been established on the basis of provisions of an Act of Parliament cannot be declared bankrupt. KDPW is currently such a legal entity.

AGC: 69

Security Control. How do participants receive information (view actual settlement of trades, movement of securities on their accounts, etc.) and see the status of their accounts?

- Not applicable
- By receipt of physical account holding statements
- By direct electronic link
- OTHER:

AGC: 69a.

Please explain:

AGC: 70

Do participants have access to affect their holdings, including confirming and affirming trades, movement of securities on their accounts, etc.?

- Yes
- No
- Not applicable

AGC: 70a.

How is access given to participants?

- By direct electronic link
- OTHER:

AGC: 70b.

Please select type of electronic link:

- Secured, leased, dedicated telephone line
- Dial-up modem
- Internet
- Fax

AGC: 70c.

Please explain:

Participants can use the message communication system: ESDI/WEB (Electronic System of the Information Distribution) or ESDK (Electronic System of the Messages Distribution) or SWIFT.

AGC: 71 71a.

Regarding data security: Are passwords used by participants to access their accounts?

- Yes
- No
- Not applicable
- Other: Participants have access to the Electronic System for Distribution of Information (ESDI/WEB) or the Electronic System for Message Distribution (ESDK). Data security is based mainly on individual cryptographic keys. ESDI/WEB: when a participant enters directly (<https://esdi.kdpw.pl>), he has to select the appropriate certificate. ESDK as a system to system communication solution doesn't provide any user interface. Security such as authentication and data encryption is based on specific MQ digital certificate. Our online system available from the internet is accessible using login/password and is protected by advanced threat analysis system delivered by our service providers.

AGC: 71c.  
Does each user have a unique user ID?

- Yes
- No
- Not applicable

AGC: 71e.  
Are passwords regularly changed?

- Yes
- No
- Not applicable
- Other: Individual cryptographic keys are changed every 2 years.

AGC: 71f.  
How often?

AGC: 71h.  
Is there a user lock-out after a pre-set number of unsuccessful User ID attempts?

- Yes
- No
- Not applicable
- Other: Systems using certificate do not lockout. Our online system available on the internet uses sophisticated strategy to lock accounts. The accounts are locked based on the IP of the request and the passwords entered. The duration of the lockout also increases based on the likelihood that it is an attack.

AGC: 71i.  
How many?

AGC: 72  
Does the CSD communicate with other market entities such as stock exchanges, payment systems, clearing houses, etc., by secured linkages?

- Yes
- No
- Not applicable

AGC: 72a  
Please explain:

Secured linkages are provided to: Warsaw Stock Exchange, National Bank of Poland, Polish Financial Supervision Authority, BondSpot S.A.

AGC: 73 73a  
How does the CSD communicate with Stock Exchanges?

- Dial-up modem
- other
- Paper
- Fax
- Not applicable
- Secured, leased, dedicated telephone line
- Internet
- OTHER:

AGC: 73b  
How does the CSD communicate with Payment Systems?

- Dial-up modem
- Secured, leased, dedicated telephone line
- Internet
- Fax
- Paper
- other
- Not applicable
- OTHER: The central bank payment system - SWIFT, the commercial bank system (for currencies other than PLN and EUR) - internet.

AGC: 73c  
How does the CSD communicate with Clearing Houses?

- Dial-up modem
- Secured, leased, dedicated telephone line
- Internet
- Fax
- Paper
- other
- Not applicable
- OTHER: The KDPW\_CCP system is operated by KDPW.

AGC: 73d  
How does the CSD communicate with Registrars?

- Dial-up modem
- Secured, leased, dedicated telephone line
- Internet
- Fax
- Paper
- other
- Not applicable
- OTHER:



AGC: 74

How is access to the physical building controlled?

- By guards
- By alarm system
- personal ID card
- By electronic keys
- OTHER:

AGC: 74a.

Please explain:

AGC: 75

What are the vault security procedures for the safekeeping of physical paper?

- Fire alarms
- Intrusion alarms
- Vault counts
- Visitor logs
- Dual access control
- Electronic keys or combinations
- Not applicable, no vault is maintained
- Guards
- OTHER:

AGC: 75a.

Please indicate frequency of vault counts:

AGC: 75b

Please explain:

AGC: 76, 76d

Participant Default Protections Resulting from a Participant Failure. If a participant defaults, how is the loss covered? (Choose all that apply?)

- CSD insurance covers the loss
- The CSD guaranty fund covers the loss
- Loss is shared among participants
- Not applicable
- OTHER: KDPW\_CCP, a subsidiary of KDPW, operates a guaranty system covering the losses of clearing members, represented by settlement agents in KDPW. KDPW\_CCP uses a range of mechanisms, which reduce the risk of counterparty default on a systemic basis. The sequence of using the resources of the clearing guarantee system is as follows: 1) the defaulting clearing member's credits; 2) the defaulting clearing member's margins (initial deposit, initial margin); 3) clearing/guarantee fund – the defaulting clearing member's contribution; 4) KDPW\_CCP dedicated capital in the amount corresponding to at least 25% of the capital requirements; 5) basic contributions of KDPW\_CCP's non-defaulting members to the guarantee fund; 6) KDPW\_CCP own capital up to the level of 110% of the required capital; 7) additional contributions of KDPW\_CCP's non-defaulting members to the clearing/guarantee fund capped at the level of the 50% of contributions' value resulting from the most recent update; 8) the remaining own funds of KDPW\_CCP.

AGC: 76a

Please explain the process:

AGC: 76b  
Please explain the process of how the loss is shared:

- Equally, among participants
- Pro-rata based on participant's volume
- Limited to participants with transactions with failing counterparty

AGC: 76d  
Please explain:

Loss-sharing is used in further stages of the KDPW\_CCP's default waterfall procedures, when basic contributions to the settlement guarantee fund of KDPW\_CCP's non-defaulting members are used, and further, when additional contributions of KDPW\_CCP's non-defaulting members capped at the level of the 50% of original payments as per the latest calculation are demanded.

AGC: 77  
During the past three years, has there been a situation where a participant defaulted which resulted in a significant loss?

- Yes
- No
- Not applicable

AGC: 77a  
How was the situation resolved? Or if you answered "Other," then please explain:

AGC: 78  
Does the CSD have a guaranty fund independent of stock exchange or other market guarantees?

- Yes
- No
- Not applicable

AGC: 78a.  
If yes, please respond to the following questions: What is the size of the fund?

AGC: 78b.  
How is the size of the fund determined?

- By participant volume
- By asset value
- A fixed amount

AGC: 78d.  
How is the fund financed?

- Contributions from owner
- Contributions from participants
- Funding from retained earnings

AGC: 78e.  
If so, what is the amount or percentage per owner?

AGC: 78f.  
If so, what is the amount or percentage per participant?

AGC: 78h.  
Who is covered by the fund?

- Direct CSD participants only
- The beneficial owner also
- OTHER:

AGC: 78j.  
When is the guaranty fund used?

- When a broker defaults
- When a direct participant defaults
- OTHER:

AGC: 79  
Does the CSD have forms of oversight management for assessing and monitoring of the following?

- Collateral requirements for participants
- Blocking of securities movement before receipt of payment
- Other loss or default protections the CSD maintains
- Settlement controls that minimize or eliminate the risk of default by a participant
- Participant financial strength
- Blocking payment until securities are moved
- Not applicable
- Debit caps for participants
- Participant volumes
- Participant eligibility requirements
- OTHER:

AGC: 79a  
Please explain other loss or default protections:

AGC: 79a  
Please explain other loss or default protections:

KDPW\_CCP operates a clearing fund to protect from a clearing member default.

AGC: 79b  
Please explain the requirements:

AGC: 79c  
Please explain how these debit caps work:

AGC: 79d.  
What type or types of settlement controls

- Blocking or freezing of securities positions
- Controlling DVP settlement
- Simultaneous DVP
- OTHER: see 626, 627 (79g, 79h)

AGC: 79e.  
Please explain:

AGC: 79f.  
Please explain:

AGC: 79g.  
Please explain:

Simultaneous DVP - settlement of securities is effected after the confirmation of cash settlement in the central bank.

AGC: 79h  
Please identify and explain:

Additional settlement controls: (1) automated reconciliation process between KDPW and participants: securities transfers are reconciled with direct participants immediately upon receipt of settlement confirmation from KDPW, total issue balances are checked against holdings on participants accounts at KDPW on a daily basis. Any unreconciled item must be posted on a special account and it is reported to KDPW on a daily basis. Each participant is obliged to take necessary steps to resolve the issue immediately. (2) In case of differences between KDPW and participant's records, a written explanation is required. KDPW may perform inspections at participants' premises and can impose particular obligations or sanctions on its participants.

AGC: 79i  
Please explain briefly how these work:

AGC: 80  
Does the stock exchange have default protections that extend to the CSD, such as the following?

- Margin requirements for stock exchange members
- Guaranty fund for stock exchange members
- Financial requirements for stock exchange membership
- No
- Not applicable
- OTHER: see 424 (80a)

AGC: 80a  
Please explain:

KDPW\_CCP maintains a guarantee system for stock exchange and the alternative trading platforms transactions (excluding block trade transactions) and also for OTC derivatives market transactions.

AGC: 81  
BUSINESS RECOVERY PLAN. This section is intended to identify key aspects of the CSD's Business Recovery Plan (BRP), including testing requirements and past results, expected recovery time periods, and the independent review and validation (if any) of the BRP. Do you have a formal business recovery plan?

- Yes
- No

AGC: 81b.  
Please identify both the frequency and the last date of testing for the following third party: CSD participants/members

at least once a year; the last date of testing: 14.10.2023

AGC: 81c.  
Please identify both the frequency and the last date of testing for the following third party: Stock exchange

at least once a year; the last date of testing: 14.10.2023

AGC: 81d.  
Please identify both the frequency and the last date of testing for the following third party: Central bank

at least once a year; the last date of testing: 14.10.2023

AGC: 81e.  
Please identify both the frequency and the last date of testing for the following third party: Local brokers

at least once a year; the last date of testing: 14.10.2023

AGC: 81f.  
Please identify both the frequency and the last date of testing for the following third party: Any other third party

AGC: 81a, 81h.  
Does your Business Recovery Plan include:

- Back-up of all computer files
- Back-up files stored and locked
- Off-site operations facility
- Off-site data storage
- OTHER: On-line data replication

AGC: 82  
How quickly can the main system be reactivated in the event of an outage?

- 1 - 4 hours
- 4 - 8 hours
- 8 - 24 hours
- Longer than 24 hours
- Not applicable

AGC: 83  
If a back-up system exists, how quickly can the back-up system be activated in the event of the main system failing?

- 1 - 4 hours
- 4 - 8 hours
- 8 - 24 hours
- Longer than 24 hours
- Not applicable

AGC: 84  
Will the CSD publicly announce any system interruption?

- Yes
- No
- Not applicable

AGC: 84a.  
To whom will the CSD disclose any system interruptions?

- To all direct participants
- To the CSD regulators
- To direct and indirect participants
- To the public via the internet
- In the press
- OTHER:

AGC: 84b.  
If so, please list webpage address:

AGC: 84c.  
If so, please list all publications:

AGC: 84d.  
Please explain:

AGC: 84e.  
How will the CSD disclose any system interruptions?

- Public announcement
- By e-mail
- By telephone
- Press release
- OTHER: Electronic System for Distribution of Information (ESDI/WEB)

AGC: 84f.  
Please explain:

Electronic System for Distribution of Information (ESDI/WEB)

AGC: 85  
In the past three years, has it been necessary to activate the recovery plan in a live situation?

- Yes
- No
- Not applicable

AGC: 85a.  
If yes, how much time was needed to implement the recovery plan?

- Less than 1 hour
- 1 - 2 hours
- 2 - 4 hours
- Longer than 4 hours

AGC: 85b.  
How much time was needed to recover and restore business to normal operations?

- 1 - 4 hours
- 4 - 8 hours
- 8 - 24 hours
- Longer than 24 hours

AGC: 85c, 85d.  
 What was the impact to the market?

- As a result of the system failure, all fines and penalties for late settlements were waived
- All cash settlements took place more than one business day late
- All securities settlements took place more than one business day late
- All cash settlements took place one business day late with value one day late
- All securities settlements took place one business day late with value one day late
- All cash settlements took place one business day late with good value
- All securities settlements took place one business day late with good value
- Even though there was a system failure, all fines and penalties for late settlements were still assessed
- All cash settlements took place as scheduled on the same day with good value
- All securities settlements took place as scheduled on the same day with good value
- OTHER:

AGC: 86  
 Has there been any material loss by the CSD during the past three years?

- Yes
- No
- Not applicable

AGC: 86a.  
 If there has been a loss, please describe the cause, the final impact and the action taken to prevent a recurrence:

AGC: 87  
 Has the CSD been subject to any litigation involving a participant during the past three years?

- Yes
- No
- Not applicable

AGC: 87a.  
 Please explain the circumstances and resolution:

AGC: 88, 88a  
 Has the CSD realized revenues sufficient to cover expenses during the past three years?

- Yes for all three years
- Yes for two of the last three years
- Yes for one of the last three years
- None of the last three years
- Not applicable



AGC: 89, 89b  
Does the CSD maintain a reserve for operating losses?

- Yes
- No
- Not applicable

AGC: 89a.  
Please describe and indicate reserve (for operating losses) amount:

AGC: 90  
Has the regulatory body with oversight responsibility for the CSD issued public notice that the CSD is not in current compliance with any capital, solvency, insurance or similar financial strength requirements imposed by such regulatory body?

- Yes
- No
- Not applicable

AGC: 90a.  
Please describe:

AGC: 90b.  
In the case of such a notice having been issued, has such notice been withdrawn, or, has the remedy of such noncompliance been publicly announced by the CSD?

- Yes
- No

AGC: 90c.  
If yes, please describe:

AGC: 90d.  
If no, why not?

AGC: 91  
Does the CSD have insurance to cover losses in the event of Default on settlement commitments by the CSD or a participant?

- Yes
- No
- Not applicable

AGC: 91a  
What is the amount of the coverage?

AGC: 91b

What is the amount of the deductible?

AGC: 92

Does the CSD have Fidelity insurance (that is, insurance to cover loss of securities or money resulting, for example, from acts such as forgery, theft, fraud and/or employee dishonesty)?

- Yes
- No
- Not applicable

AGC: 92a.

What is the amount of the coverage?

100 mn PLN (23 mn USD – USD/PLN 4,36 at the end of September 2023)

AGC: 92b.

What is the amount of the deductible?

1 000 000 PLN (229 357 USD – USD/PLN 4,36 at the end of September 2023)

AGC: 93

Does the CSD have insurance for Operational Errors?

- Yes
- No
- Not applicable

AGC: 93a.

What is the amount of the coverage?

100 mn PLN (23 mn USD – USD/PLN 4,36 at the end of September 2023)

AGC: 93b.

What is the amount of the deductible?

1 000 000 PLN (229 357 USD – USD/PLN 4,36 at the end of September 2023)

AGC: 94

Does the CSD have Errors and Omissions insurance?

- Yes
- No
- Not applicable

AGC: 94a.

What is the amount of the coverage?

100 mn PLN (23 mn USD – USD/PLN 4,36 at the end of September 2023)

AGC: 94b.  
What is the amount of the deductible?

1 000 000 PLN (229 357 USD – USD/PLN 4,36 at the end of September 2023)

AGC: 95  
Does the CSD have insurance for the Premises?

Yes

No

Not applicable

Other: KDPW has insurance for the disaster recovery site. As regards the main premises, KDPW, as one of the co-owners of the building, has its share equal to 21,138760% in the insurance for the building.

AGC: 95a.  
What is the amount of the coverage?

AGC: 95b.  
What is the amount of the deductible?

AGC: 96a.  
If so, what is it for?

There is insurance for fire and other events, such as break-ins and theft, robbery and destruction, for all risks relating to fittings and portable equipment (laptop computers, mobile phones), property insurance in transit in Polish territory, civil liability as a result of managing offices, car insurance.

AGC: 96b.  
What is the amount of the coverage?

Full property insurance - reproduction value.

AGC: 96c.  
What is the amount of the deductible?

AGC: 96, 96d  
Does the CSD have any other insurance?

Yes

No

Not applicable

AGC: 97  
Who is the insurance carrier? If more than one insurance carrier, please list each carrier here and provide your responses to questions 97a and 97b in corresponding order.

Colonnade Insurance SA - operational risk insurance, PZU S.A. - property insurance agreements, Allianz - car insurance.

AGC: 97a.  
Who is the insurance carrier's parent company, if applicable? (If inapplicable, simply type n/a.)

Colonnade Insurance SA - member of Fairfax Financial Holdings Limited

AGC: 97b.  
What is the term of the policy?

1 year

AGC: 97c, 97d  
Who does the insurance cover?

CSD

Direct CSD participants

Final investors

Not applicable

OTHER: KDPW\_CCP (KDPW's subsidiary)

AGC: 98  
If you feel that you would like to provide additional details on any of the given answers, feel free to provide any additional comments here (maximum of 5,000 characters) or prepare an additional document identifying the question(s) you are commenting on and upload the document under 98a:

AGC: 98a.  
filecount - Upload document here:

AGC: 99  
The WFC, the AGC, CPMI and IOSCO encourage respondents to make their disclosure reports publicly available. Do you agree to make your response publicly available?

Yes, my full response will be publicly available. I agree that my response can be published on the website of the WFC and on the website of the regional CSD association(s) which my CSD is a member of.

Yes, my response will be public, but only for my answers to AGC questions.

Yes, my response will be public, but only for my answers to PFMI questions.

No, I do not wish my response to be publicly available.

AGC: 99a  
How will you be making your answers publicly available?

Upon request

Website

OTHER:

AGC: 99b  
This disclosure can also be found at the following web address(es):

<https://www.kdpw.pl/en/publications.html>

AGC: 99c  
First and Last Name of the contact person:

Anna Zielińska

AGC: 99d  
How do you prefer to be contacted?

- mail/air courier  
 Fax  
 Telephone  
 e-mail

AGC: 99e  
Telephone number (please include the international country code):

+48 22 5379582

AGC: 99f  
Fax number

AGC: 99g  
What is the preferred street address for mailing requests?

ul. Książęca 4  
00-498 Warsaw

AGC: 99h  
Email address of the contact person:

anna.zielinska@kdpw.pl

AGC: 100  
AGC members from time to time receive requests from their direct investor-clients for an informational copy of a CSD's completed questionnaire. Such requests typically lead to interactions between personnel at the CSD in question and member personnel or client personnel, or both. Those interactions take time and impose costs on both members and depositories. Do you approve of AGC members delivering a copy of your completed questionnaire to the member's direct client in response to the client's request?

- Yes  
 No

AGC: 101  
Does your organization have a documented cyber security policy in place?

- Yes  
 No

Cyber security policy is an integral part of the information security policy which is based on ISO 27001 standard.

AGC: 102  
Please confirm that your staff receive relevant training about this policy.

- Yes  
 No

AGC: 103  
Please provide an overview of your policy for continuity of business in the event of a large data breach or cyber attack against your organization.

The policy for continuity of business has been prepared in the event of major failures of IT systems which in particular may include large data breaches or serious cyber attacks. The measures to ensure the recovery of business processes in such scenarios are all operational resources of BCP system, i.e. backup systems and backup copies of data, dedicated emergency response and disaster recovery teams, and all recovery procedures (notification of counterparties, activation of backup systems, etc.).

AGC: 104  
In the last 12 months have there been any changes to the policy?

- Yes
- No

AGC: 105  
Please advise how often you review the policy.

- Annually
- Semi-annually
- Other

AGC: 106  
filecount - Please provide (as an attachment) a diagram showing where your cyber security function resides and who it reports to.

Cyber security .docx (12KB)		
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AGC: 107  
How does your organization identify which business functions carry a cyber risk

Cyber risks are one of the key elements of the operational risk assessment and management framework.

AGC: 108  
Do you conduct ongoing testing and monitoring processes to ensure that all internal and external connectivity and system configurations are not at risk of cybersecurity breaches?

- Yes
- No

AGC: 109  
What technological controls and protections are in place for your systems and networks?

Proper network configuration and segmentation, firewalls, IDS/IPS, anti-malware systems, web proxy, e-mail proxy, solutions for change tracking and reporting, etc.

AGC: 110  
Does your organization use multi-factor authentication

- Yes
- No

AGC: 111  
Where your organization has outsourced activities or functions to a third-party provider, is your cyber risk exposure documented?

- Yes
- No

AGC: 112  
What measures does your organization have to ensure early detection of a cyber attack?

Current monitoring and response mechanism in case of incidents, penetration tests and vulnerability scans performed regularly, information sharing arrangements with other entities and cooperation with computer security incident response teams.

AGC: 113  
What is the agreed resumption time for critical operations following a cyber attack?

According to the law, the recovery-time objective for each critical operation shall not be longer than two hours.

AGC: 114  
How would you advise clients of a successful cyber attack against your organization?

The procedure for notifying counterparties is an integral part of the BCP system.

AGC: 115  
In the last 12 months has your organization been subject to a cyber attack that impacted the service you provide to us? If yes, please provide details.

- Yes
- No

AGC: 116  
Are the following elements of your cybersecurity framework tested pre and post deployment of changes?

- Vulnerability assessment
- Scenario based penetration tests
- Testing of incident response process and technical/business/operations (e.g. table-top exercise)
- OTHER:

AGC: 117  
For cloud technology and associated cyber security risks, do you have procedures and controls in place to protect our information from mishandling or theft?  
  
In the comments section could you please explain how these procedures and controls tie back to your record retention policy?

- Yes
  - No
- The procedures and controls to protect information from mishandling or theft are included in the general information security policy.

AGC: 118  
Does your organization conduct dark web searches for signs of a breach (internet protocol or customer/client personally identified information for sale)?

Yes  
 No

AGC: 119  
Is your organization aware of SWIFT's Customer Security Program (CSP)?

Yes  
 No

AGC: 120  
Does your organization ensure compliance with SWIFT's CSP controls?

Yes  
 No

AGC: 121  
Does your organization respond to requests for your institution's attestations?

Yes  
 No

AGC: 122  
Does your organization request the attestation details of your counterparties and incorporate the responses into ongoing relationship and risk management programs?

Yes  
 No