

Joint Communication 2 of 2026

Joint Discussion Document: Proposed eligibility criteria for the mandatory central clearing of over-the-counter derivative transactions – for public consultation

1. The purpose of this communication is to inform stakeholders that today the Financial Sector Conduct Authority (FSCA) and the Prudential Authority (PA), hereinafter referred to as the Authorities, published for public comment on their respective websites a Joint Discussion Document on the proposed eligibility criteria for the mandatory central clearing of over-the-counter (OTC) derivative transactions (Joint Discussion Document).
2. The objective of the Joint Discussion Document is to communicate proposals by the Authorities in relation to the following matters:
 - (a) the eligibility criteria to be applied by the Authorities in determining which OTC derivative transactions must be subject to mandatory central clearing; and
 - (b) the proposed OTC derivative transactions identified as potentially suitable for mandatory central clearing based on the current data and information available to the Authorities.
3. Upon conclusion of this consultation process, a determination of the Authorities' proposals on the eligibility criteria for the mandatory central clearing of OTC derivatives will be effected by way of a Joint Notice to be issued by the FSCA with the concurrence of the PA in terms of regulation 4(1) of the Financial Markets Act Regulations.¹
4. Furthermore, and as communicated in the Joint Discussion Document, the Authorities will prescribe, by a Joint Standard, the manner in which OTC derivative transactions will be cleared through a licensed central counterparty (CCP) or a licensed external CCP.
5. Following the evaluation of all relevant industry consultations and the consequential policy processes by the Authorities, mandatory clearing is expected to take effect once the Joint Standard is in effect and a licensed CCP or clearing house is operational.

¹ Published under Government Notice R98 in *Government Gazette No. 41433* of 9 February 2018 (FMA Regulations).

6. All interested parties are hereby invited to submit comments on the proposals, as set out in the Joint Discussion Document, by using the feedback template published alongside the Joint Discussion Document marked as Annexure A.
7. The Authorities expect all OTC derivative providers (ODPs)² to complete the questionnaire attached to the Joint Discussion Document marked as Annexure B.
8. Comments must be submitted to the Authorities via email at queries.otc@fsca.co.za and PA-Standards@resbank.co.za by no later than **5 June 2026**.
9. Any enquiries related to this Joint Communication or the Joint Discussion Document may be submitted to the aforementioned email addresses.



Unathi Kamlana
Commissioner
Financial Sector Conduct Authority

Date: 31/03/2026



Fundi Tshazibana
Chief Executive Officer
Prudential Authority

Date: 31/03/26

² As defined in the FMA Regulations.