

ANNEX III – Reporting of REMIT derivatives contracts under **REMIT** and EMIR

This Annex aims at clarifying further the reporting path of the REMIT derivatives reported under **REMIT** and EMIR.

Following additional input received by the industry, the Agency has updated this guidance

In order for a transaction/order in a derivative contract to be executed/placed on an organised market place, a chain of entities is involved. In order to clarify further which entity (entities) in the chain is (are) considered to be “market participant(s)” under REMIT and therefore have to register with the national regulatory authority and on which party (parties) lie(s) the reporting obligation, what transactions have to be reported, what data have to be reported and who will do the actual reporting the, Agency has developed additional guidance.

Wholesale Energy Markets: physical vs financial markets [NEW]

Under REMIT, a market participant is any person who enters into transactions in one or more wholesale energy markets, where wholesale energy markets means any market within the Union on which wholesale energy products are traded. Wholesale energy products are contracts for the supply and transportation of gas and electricity in the EU and derivatives related to them irrespective of where and how they are traded.

In the Agency’s view a *wholesale energy market* is a market where the energy “commodity” or the “derivative” related to the commodity is physically traded (i.e. it physically changes hands/ownership) and not necessarily the venue where the transaction is agreed. Therefore it is important to clarify that:

- a. For contracts for the delivery (and transportation) of gas or electricity in the EU (including futures for the physical delivery) the *wholesale energy market* is the place where the energy commodity changes ownership (it is traded) e.g. a defined gas hub/electricity network where the gas or electricity changes hands;
- b. The energy exchanges, broker platforms and any other facilities where the commodity is negotiated (traded) are organised market places in REMIT terms. These venues are used to arrange/negotiate the transactions (the contracts) and they are not *wholesale energy markets*; and
- c. For financial derivatives contracts related to the EU gas and electricity, the venue i.e. the organised market place that host that contract, with its clearing house and clearing members, is the *wholesale energy market*. In this case the *wholesale energy market* is the place where the derivative contract changes ownership (it is traded) e.g. a specific venue with its own rules and arrangements (including clearing house and clearing members).

The Agency believes that any person entering into transaction in the EU gas or electricity physical markets, irrespective of where the transaction is agreed, that person is a REMIT market participant.

For derivative related to the EU gas or electricity that are only for financial settlement, only persons entering into transaction in the EU gas or electricity derivatives traded on EU Venues are REMIT market participants.

For example, a client of an exchange member that places orders to trade on the order book of the venue to trade EU gas or electricity derivatives for financial settlement or it is equivalent (e.g. trading

on futures for the physical delivery without having arrangements to take or make the delivery of the commodity) should not be considered a market participant unless the client of the exchange member has an account with the venue and it is accessing it through direct market access provided by the exchange member.

However, if that person also enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets, e.g. enters on a physical trade (or derivative) for the delivery (or transportation) of gas or electricity in the EU, that person is a market participant and has to report all the transactions on wholesale energy products including those trades that are only for financial settlement.

Market participants should bear in mind that the meaning of entering into transaction in EMIR is different than the meaning of entering into transaction in REMIT, where the latter refers to entering into transaction in “wholesale energy markets” and not to be counterparty to a contract, as CCPs or clearing members do.

Exchange Traded Derivatives (ETDs) [amended]

ETDs traded on Regulated Markets (RMs) supervised by European financial regulators are subject to financial regulations. They are currently considered financial instruments to be reported under EMIR and under MiFID II/MiFIR from 2016.

As far as the Agency is aware, there are two categories of derivatives falling under the scope of REMIT and that have to be reported under EMIR/MiFIR:

- a. Exchange traded derivatives (ETDs) traded at Regulated Markets supervised by European financial regulators;
- b. Derivatives traded outside Regulated Markets supervised by European financial regulators e.g. traded on MTFs, OTF and bilaterally.

The Agency expects that market participants may enter into transaction:

- a. acting on their own account and on their own behalf (pure principal transaction – i.e. on the decision of the firm);
- b. acting on their own account and on behalf of a client – i.e. on the order of other market participant; and/or
- c. acting for the account of and on behalf of a market participant (pure agency transaction).

The Agency understands that ETDs transactions involve several parties (please also see exhibits at the end of this Annex). Based on the input provided by the industry, the Agency understands that the following parties may be involved in a regular trade cycle for concluding a derivative transaction:

- Exchange (Venue);
- Clearing House (CH);
- Exchange Members (EMs):
 - Executing Brokers (EBs) which have some discretion on the placing of orders to trade on the exchange; or

- Firms providing Direct Market Access (“DMA”) to their clients.
- Client (A) of the Executing Broker or of the firm that provide DMA, who is trading in its own discretion on behalf of itself or its clients;
- Investment Manager (IM) which has investment discretion and is solely trading as agent on the account of clients through the Executing Broker;
- Client (1) of the Investment Manager (IM) who is the beneficiary of the transaction executed by the (IM);
- Clearing Broker (CB) of the Executing Broker (a clearing member of the Clearing House who is temporary clearing trades that an Executing Brokers executes on Exchange); and
- Clearing Broker (CB) of the Client (a clearing member of the Clearing House providing clearing services to end-clients).

The Agency also understands that the above scenario (and the involved market players) may be even more complex than the one presented above.

A. The reporting of wholesales energy derivatives transactions from the Executing Brokers' prospective

The Agency understands that clearing brokers (CBs) and central counterparties (CCPs) are not considered "market participants" under REMIT as they do not enter into transactions in the REMIT sense. The Agency believes that this is in line with the meaning of entering into transaction according to Article 5 of MiFID I where the meaning of entering into transaction does not include actions related to option exercise, settlement or clearing. For further information on life cycle events, please refer to 3.2.10 of the manual.

As far as the Agency understands, executing brokers may act as Principal before giving up the transaction for clearing and this seems to be the case for most of the transactions executed at Regulated Markets. As a consequence, executing brokers are considered as having entered orders to trade and having entered into transactions and, thus, they are REMIT market participants.

However, from the investment firm prospective, there are several possible scenarios, including:

- a. the investment firm is itself a counterparty trading on its own account on its own behalf;
- b. the investment firm is itself a counterparty trading on its own account on its own behalf and it is also clearing member;
- c. the investment firm is itself a counterparty trading on its own account on behalf of a client;
- d. investment firm is itself counterparty trading on its own account on behalf of a client and it is also clearing member;
- e. the investment firm is not itself a counterparty and is trading on the account of and on behalf of a client (*agency transactions*); and
- f. the investment firm is not itself a counterparty and is trading on the account of and on behalf of a client (*agency transactions*), but it is also clearing member.

A graphical representation of the above scenarios can be found in exhibits 1.1 to 1.6 at the end of this Annex. A few scenarios to represent what the Agency expects to receive from Trade Repositories receiving transactions under EMIR are represented in case 1 and case 2 below.

For all transactions executed at organised market places, including Regulated Markets where ETDs are traded, a market participant cannot report directly to the Agency, but must report their transactions through the Organised Market Place (OMP) or a third party service provider.

For illustration purposes, the Agency's understanding of the two most frequent trading scenarios on ETDs is as follows:

Case 1: Investment Firm (ABC) acts as executing broker on behalf of its Client (123) and gives up a trade for clearing to Investment Firm (XYZ) as clearing broker. The Agency understands that:

Under EMIR:

- a. Firm ABC, acting as executing broker, does not have to report the transaction if the trade is given up to Firm XYZ within T+1 (and there has not been any change to the economic terms of the original trade);
- b. Firm XYZ, acting as clearing broker, has to report the cleared transaction which includes the Client 123 identifier as counterparty to the contract and the Firm ABC identifier as executing broker; and
- c. Client 123, as the originator of the order to trade and counterparty to the contract, has to report the cleared transaction which includes Firm XYZ identifier as counterparty to the contract and Firm ABC identifier as executing broker

The above representation is available in the ESMA's Q&A on EMIR available on ESMA's website at <http://www.esma.europa.eu/content/EMIR-QA>. Please see Scenario 2 taken from the ESMA's Q&A and Exhibit (III.1) below for the Agency's understanding of the EMIR/REMIT overlap.

Under REMIT:

- Firm ABC has to submit the order details only. This reporting must be done by delegation to the OMP or third party service provider. Firm ABC does not have to submit any trade report.

Under this scenario, ACER will have access to:

- a. Order(s) details reported by Firm ABC, the executing broker, under REMIT;
- b. Contract details reported by Firm XYZ, the clearing broker, under EMIR; and
- c. Contract details reported by Client 123, under EMIR.

Case 2: In the case where Firm ABC acts as both executing broker and clearing broker for a trade executed at the organised market place:

Under EMIR:

- Firm ABC, acting as executing broker, does not have to report the contract because, under EMIR where an entity is fulfilling more than one of these roles (for example, where the investment firm is also the clearing member), then it does not have to report separately for each role and should submit one report identifying all the applicable roles in the relevant fields; and
- Firm ABC, acting as clearing broker, has to report the cleared transaction which includes the Client 123 identifier as counterparty to the contract and Firm ABC identifier as executing broker.

Please see ESMA's Q&A on EMIR available on ESMA's website at <http://www.esma.europa.eu/content/EMIR-QA> and exhibit (III.2) below for the Agency's understanding of the EMIR/REMIT overlapping.

Under REMIT:

- Firm ABC, acting as executing broker, does have to report for its role and must report order details via delegation to an OMP or third party service provider. Firm ABC does not have to report data related to the contract.
- Firm ABC, acting as clearing broker, does not have to report in its role because, in that capacity, it is not considered to have entered into a transaction;

Under this scenario, ACER will have access to:

- Order(s) details reported by Firm ABC as executing broker under REMIT;
- Transaction details reported by Firm ABC as clearing broker under EMIR; and
- Transaction details reported by Client 123, under EMIR.

Market participants that have to comply with EMIR should focus on EMIR requirements rather than on the REMIT ones. Parties involved in the execution of an ETD contract will have to report their transactions under EMIR. If they do so, they are complying with REMIT too. However, the obligation to report orders to trade to the Agency is still with the market participants.

There is no need for separate guidance on reporting of ETDs contracts and their life cycle events (such as exercise of an option or those actions that are not visible to the market) even though they are reportable under EMIR.

Market participants should report transactions under REMIT only if those transactions are not reported under EMIR. In fact, it is worth nothing that there may be some ETDs traded on EU venues by non-EU counterparties that are not reported under EMIR (e.g. U.S. counterparties reporting under the Dodd Frank Act).

The Agency understands that these trades have to be reported under REMIT and, if not reported under EMIR, have to be reported through the Exchanges or third parties with Table 1 of the Implementing Acts and according to this manual.

B. The reporting of wholesales energy derivatives transactions from the venues' prospective

From the venues' prospective, the Agency considers a few scenarios which are also represented in exhibits (2.1) to (2.6) at the end of this Annex.

In order to represent the possible scenarios (from the venues' prospective), there are a few points that it is worth clarifying and that are applicable to the cases illustrated below:

About Client (A):

- a. Client (A) has been set-up in the Venue's system as a "Company" and uses the trading systems of an (EM) to trade on the Central Limit Order Book (CLOB). In this particular case, the Agency believes that Client (A) is the market participant and has the obligation to report its transaction; and
- b. Client (A) has NOT been set-up in the Venue's system as a "Company" and uses the trading systems of an (EM) to trade on the Central Limit Order Book (CLOB). Client (A) cannot be

identified by the exchange and, in this particular case, the Agency believes that Client (A) is NOT a REMIT Market Participant unless enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets (e.g. any other wholesale energy market). In this case the (EM) is the Market Participant and (EM) shall report the transactions.

About the reporting of Field (1) ID of the market participant or counterparty, and Field (10) Trading capacity of the market participant or counterparty in field (1):

- a. If Client (A) has been set-up in the Venue's system (see point [a] above) , Field (1) should report the Client (A)'s ID and Field (8) should report "P" for Principal; and
- b. If Client (A) has NOT been set-up in the Venue's system (see point [b] above), Field (1) should report the (EM)'s ID and Field (8) should report "P" for Principal or "A" for Agent if the Exchange knows this is an Agent transaction.

About the reporting of Field (3), ID of the trader and / or of the market participant or counterparty as identified by the organised market place. This field should identify the user responsible for entering into the transaction that is reported:

- a. If Client (A) has been set-up in the Venue's system, client (A) is responsible for the trading responsible for entering into the transaction, and Field (3) should report Client (A) trader's ID. This is most likely an electronic ID which identifies Client (A)'s account or a technical representation of that account. If populated from the perspective of the organised market place, this field shall represent how the market place identifies that ID.
- b. If Client (A) has NOT been set-up in the Venue's system, and Client (A) trader's ID may not be available to the Venue. However, since Client (A) is responsible for taking decisions or actions in executing or amending the transaction, where an identifier of the person or the group of persons responsible for taking decisions on behalf of Client (A) is available, this should be reported in Field (3): ID of the trader and/or of the market participant or counterparty as identified by the organised market place.

The Agency understands that there should be an ID (in some format) in the Venue's system that differentiates the orders to trade submitted by one (EM)'s Client from another (EM)'s Client, e.g. Client (A) and Client (B).

This is most likely an electronic ID which identifies Client (A)'s account or a technical representation of that account. If populated from the perspective of the organised market place, this field shall represent how the market place identifies that ID.

If such ID is not available, the Venue may report the Trader ID (or an account number) of the Exchange Member that provides DMA to Client (A).

For the purpose of REMIT reporting, the exchange will be able to report information about the orders to trade placed by the market participants (or information about the trades if not reported under EMIR) as follows:

Case (1) and (2): the Clearing Member (CB) and the Exchange Member (EM) are the same firm which also provides DMA to their clients.

Case 1: Client (A) holds a clearing account with Clearing Member (CM) which also provides (A) with DMA to the Exchange. Client (A) uses the trading systems of its Clearer (CM/EM) and is trading on a

proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) **has been set-up in the Venue's system** as a "Company" and it is a REMIT Market Participant.

| Order report details | | |
|----------------------|---|---------------------------------------|
| Field | Description | Examples |
| 1 | ID of the market participant or counterparty | Client(A)'s ACER code (or other code) |
| 2 | Type of code used in field 1 | ACE (or other type) |
| 3 | ID of the trader and / or of the market participant | Client (A)'s Trader ID |
| 8 | Beneficiary ID | |
| 9 | Type of code used in field 8 | |
| 10 | Trading capacity of the market participant or counterparty in field 1 | P (Principal) |

Case 2: Client (A) holds a clearing account with Clearing Member (CM) which also provides (A) with DMA to the Exchange. Client (A) uses the trading systems of its Clearer (CM/EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) **has NOT been set-up in the Venue's system** as a "Company" and it is NOT a REMIT Market Participant unless enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets (e.g. somewhere else).

| Order report details | | |
|----------------------|---|--|
| Field | Description | Examples |
| 1 | ID of the market participant or counterparty | DMA's ACER code (or other code) |
| 2 | Type of code used in field 1 | ACE (or other type) |
| 3 | ID of the trader and / or of the market participant or counterparty as identified by the organised market place | DMA's Trader ID (or Client (A)'s Trader ID if available) |
| 8 | Beneficiary ID | |
| 9 | Type of code used in field 8 | |
| 10 | Trading capacity of the market participant or counterparty in field 1 | P (Principal) |

Case (3) and (4): the Clearing Member (CB) and the Exchange Member (EM) are not the same firm. DMA is provided by the Exchange Member.

Case 3: Client (A) holds an account with the Exchange Member (EM) which provides (A) with DMA to the Exchange. Client (A) uses the trading systems of (EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) **has been set-up in the Venue's system** as a "Company" and it is a REMIT Market Participant.

| Order report details | | |
|----------------------|---|---------------------------------------|
| Field | Description | Examples |
| 1 | ID of the market participant or counterparty | Client(A)'s ACER code (or other code) |
| 2 | Type of code used in field 1 | ACE (or other type) |
| 3 | ID of the trader and / or of the market participant or counterparty as identified by the organised market place | Client (A)'s Trader ID |
| 8 | Beneficiary ID | |

| | | |
|----|---|---------------|
| 9 | Type of code used in field 8 | |
| 10 | Trading capacity of the market participant or counterparty in field 1 | P (Principal) |

Case 4: Client (A) holds an account with the Exchange Member (EM) which provides (A) with DMA to the Exchange. Client (A) uses the trading systems of (EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) has NOT been set-up in the Venue's system as a "Company". Client (A) **has NOT been set-up in the Venue's system** as a "Company" and it is NOT a REMIT Market Participant unless enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets.

| Order report details | | |
|----------------------|---|--|
| Field | Description | Examples |
| 1 | ID of the market participant or counterparty | DMA's ACER code (or other code) |
| 2 | Type of code used in field 1 | ACE (or other type) |
| 3 | ID of the trader and / or of the market participant or counterparty as identified by the organised market place | DMA's Trader ID (or Client (A)'s Trader ID if available) |
| 8 | Beneficiary ID | |
| 9 | Type of code used in field 8 | |
| 10 | Trading capacity of the market participant or counterparty in field 1 | P (Principal) |

Case (5) and (6): the Clearing Member (CB) and the Exchange Member (EM) are not the same firm. DMA to the exchange is provide by the Exchange Member (EM) which only acts as Agent.

Case 5: Client (A) holds an account with the Exchange Member (EM) which provides (A) with DMA to the Exchange. Client (A) also holds an account with the Clearing Member (CM). Client (A) uses the trading systems of (EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) **has been set-up in the Venue's system** as a "Company" and it is a REMIT Market Participant.

| Order report details | | |
|----------------------|---|---------------------------------------|
| Field | Description | Examples |
| 1 | ID of the market participant or counterparty | Client(A)'s ACER code (or other code) |
| 2 | Type of code used in field 1 | ACE (or other type) |
| 3 | ID of the trader and / or of the market participant or counterparty as identified by the organised market place | Client (A)'s Trader ID |
| 8 | Beneficiary ID | |
| 9 | Type of code used in field 8 | |
| 10 | Trading capacity of the market participant or counterparty in field 1 | P (Principal) |

Case 6: Client (A) holds an account with the Exchange Member (EM) which provides (A) with DMA to the Exchange. Client (A) also holds an account with the Clearing Member (CM). Client (A) uses the trading systems of (EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) **has NOT been set-up in the Venue's system** as a "Company" and it is NOT a REMIT Market Participant unless enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets.

| Order report details | | |
|----------------------|---|--|
| Field | Description | Examples |
| 1 | ID of the market participant or counterparty | DMA's ACER code (or other code) |
| 2 | Type of code used in field 1 | ACE (or other type) |
| 3 | ID of the trader and / or of the market participant or counterparty as identified by the organised market place | DMA's Trader ID (or Client (A)'s Trader ID if available) |
| 8 | Beneficiary ID | |
| 9 | Type of code used in field 8 | |
| 10 | Trading capacity of the market participant or counterparty in field 1 | P (Principal) or A (Agent) |

C. The reporting of wholesales energy derivatives transactions from the Investment Manager and their Client's prospective **[NEW]**

From the Investment Manager and their Client's prospective, the Agency considers a few scenarios which are also represented in exhibits (3.1) to (3.4) and the end of this Annex.

Case 1: The Investment Manager (IM) has investment discretion with respect to the account of Client (1) and is solely trading as **agent** on the account of and in the name of its Client (1). Client (1) holds a clearing account with Clearing Member (CM). The Executing Broker (EB) and Clearing Member (CM) are the same legal entity. The Executing Broker gives up the trade to the Clearing Member. All parties involved are FCs/NFCs for purposes of EMIR.

The Agency believes that the Executing Broker (EB) is considered to be a "Market Participant" under REMIT. The Investment Manager (IM) is considered a market participants if this holds an account with the Venue and Client (1) is not considered to be Market Participant unless Client (1) enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets.

Case 2: The Investment Manager (IM) has investment discretion with respect to the account of Client (1) and is solely trading as **agent** on the account of and in the name of its Client (1). Client (1) holds a clearing account with Clearing Member (CM). The Executing Broker (EB) and Clearing Member (CM) are **not the same** legal entity. The Executing Broker gives up the trade to Clearing Member (CM). All parties involved are FCs/NFCs for purposes of EMIR.

Same as for Case 1 above, The Agency believes that the Executing Broker (EB) is considered to be a "Market Participant" under REMIT. The Investment Manager (IM) is considered a market participants if this holds an account with the Venue and Client (1) is not considered to be Market Participant unless Client (1) enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets.

Case 3: The Investment Manager has investment discretion with respect to the accounts of Client (1) and Client (2), and is solely trading as **agent** for the account of and in the name of its clients. Client (1) holds a clearing account with Clearing Member (CM1) and Client (2) holds a clearing account with Clearing Member (CM2).

After executing the trade, the Executing Broker (EB) gives up part of the trade to Clearing Member (CM1) and the other part to Clearing Member (CM2). Each Clearing Member will establish a back-to-back trade vis-à-vis the initial trade with Client (1) and Client (2) respectively. All parties involved are FCs/NFCs for purposes of EMIR with the exception of Client B.

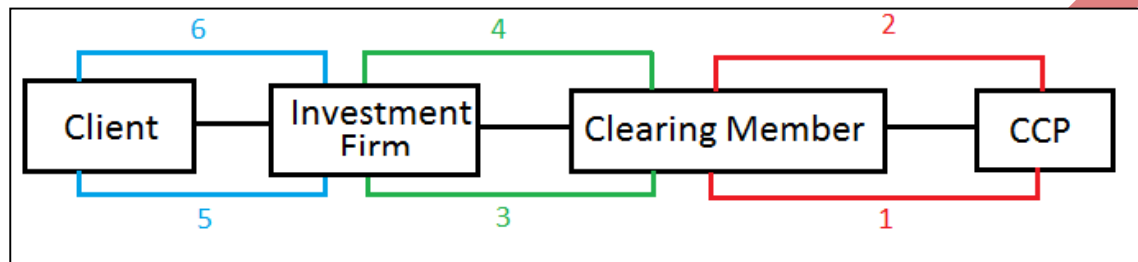
Same as for Case 1 above, the (EB) is considered to be a “Market Participant” under REMIT. The Investment Manager (IM) is considered a market participants if this holds an account with the Venue and Client (1) and Client (2) are not considered to be Market Participant unless Client (1) or (2) enter into transactions, including the placing of orders to trade, in one or more wholesale energy markets. If they are market participants, then they have to report the back to back transaction with the (CB).

Case 4: The Investment Manager has investment discretion with respect to the account of Client (1) and is solely trading as **agent** on the account of and in the name of its client. Client (1) is not an FC/NFC for EMIR purposes and holds a clearing account with a Clearing Broker who is also not an FC/NFC for EMIR purposes. The Executing Broker will give-up the trade to Clearing Member X (who is an FC/NFC for EMIR purposes). Clearing Member X establishes a trade between itself and the Clearing Broker who is clearing the trade vis-à-vis Client A.

Market participants shall make sure that supply contracts and derivatives reportable solely under REMIT (e.g. energy derivatives not traded on Regulated Markets or MTFs) are reported to the Agency and not to EMIR Trade Repositories.

For example, if a market participant reports all its transactions to a Trade Repository, including spot and physical forward transactions not captured by EMIR, the market participant is not complying with REMIT unless the Trade Repository is a Registered Reporting Mechanism under REMIT and the market participant has given precise instructions to the Trade Repository to report its transaction to the Agency.

Scenario 1: the investment firm is itself a counterparty trading on its own account (either on its own behalf or on behalf of a client), the following reports should be submitted:



| Report | Who has the reporting obligation ¹² ? | Trade ID ¹³ | Transaction reference number ¹³ | Counterparty ID (2) | ID of the other counterparty (3) | Broker ID (8) | Clearing member ID (10) | Beneficiary ID (11) | Trading capacity (12) ¹⁴ | Counterparty side (13) | Venue of execution | CCP |
|--------|--|------------------------|--|---------------------|----------------------------------|-----------------|-------------------------|---------------------|-------------------------------------|------------------------|--------------------|-----|
| 1 | Clearing member | UTIo01 | TRN1 | Clearing member | CCP | | Clearing Member | Clearing member | 'P' | 'B' | MIC | CCP |
| 2 | CCP | UTIo01 | TRN1 | CCP | Clearing member | | Clearing member | CCP | 'P' | 'S' | MIC | CCP |
| 3 | Investment firm | UTIo02 | TRN1 | Investment firm | Clearing member | Investment firm | Clearing member | Investment firm | 'P' | 'B' | MIC | CCP |
| 4 | Clearing member | UTIo02 | TRN1 | Clearing member | Investment firm | Investment firm | Clearing member | Clearing member | 'P' | 'S' | MIC | CCP |
| 5 | Client | UTIo03 | TRN1 | Client | Investment firm | Investment firm | Clearing member | Client | 'P' | 'B' | MIC | CCP |
| 6 | Investment firm | UTIo03 | TRN1 | Investment firm | Client | Investment firm | Clearing member | Investment firm | 'P' | 'S' | MIC | CCP |

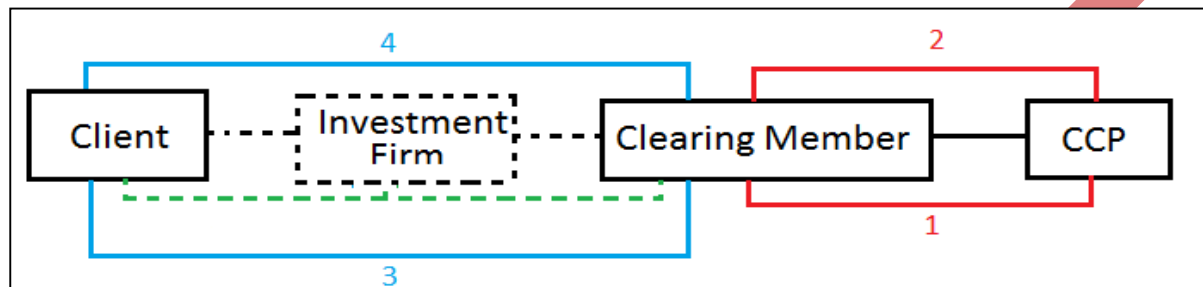
¹² This column was inserted to clarify reporting obligations; it is not part of the reportable fields under Article 1(1) of Commission Delegated regulation (EU) No 148/2013.

¹³ See ETD reporting question 5.

¹⁴ This field refers to the trading capacity of the counterparty with the reporting obligation.

Source ESMA's website available at <http://www.esma.europa.eu/content/EMIR-QA>

Scenario 2: the investment firm is not itself a counterparty and is trading on the account of and on behalf of a client, the following reports should be submitted:



| Report | Who has the reporting obligation? ¹⁵ | UTI | Transaction reference number | Counterparty ID (2) | ID of the other counterparty (3) | Broker ID (8) | Clearing member ID (10) | Beneficiary ID (11) | Trading capacity (12) ¹⁶ | Counterparty side (13) | Venue of execution | CCP ID |
|--------|---|--------|------------------------------|---------------------|----------------------------------|-----------------|-------------------------|---------------------|-------------------------------------|------------------------|--------------------|--------|
| 1 | Clearing member | UTIo01 | TRN1 | Clearing member | CCP | | Clearing member | Clearing member | 'P' | 'B' | MIC | CCP |
| 2 | CCP | UTIo01 | TRN1 | CCP | Clearing member | | Clearing member | CCP | 'P' | 'S' | MIC | CCP |
| 3 | Client | UTIo02 | TRN1 | Client | Clearing member | Investment firm | Clearing member | Client | 'P' | 'B' | MIC | CCP |
| 4 | Clearing member | UTIo02 | TRN1 | Clearing member | Client | Investment firm | Clearing member | Clearing member | 'P' | 'S' | MIC | CCP |

¹⁵ This column was inserted to clarify reporting obligations; it is not part of the reportable fields under Article 1(1) of Commission Delegated regulation (EU) No 148/2013.

¹⁶ These fields refer to the trading capacity of the counterparty with the reporting obligation.

Source ESMA's website available at <http://www.esma.europa.eu/content/EMIR-QA>

Exhibit (A): Exchange traded derivatives

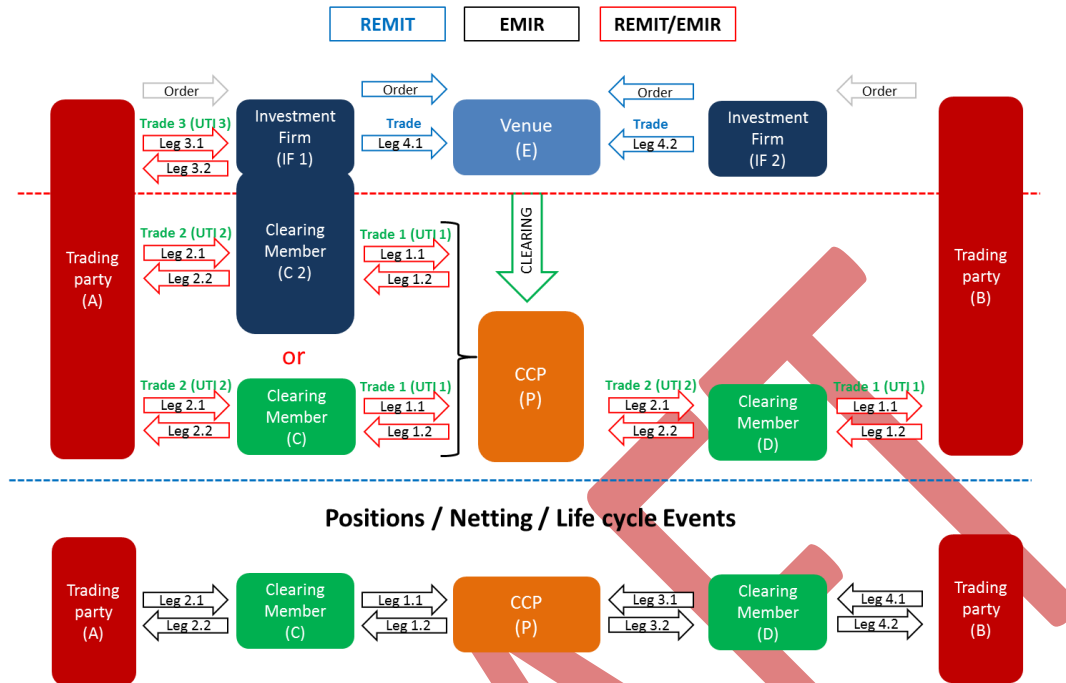


Exhibit (B): Exchange traded derivatives, simplified view

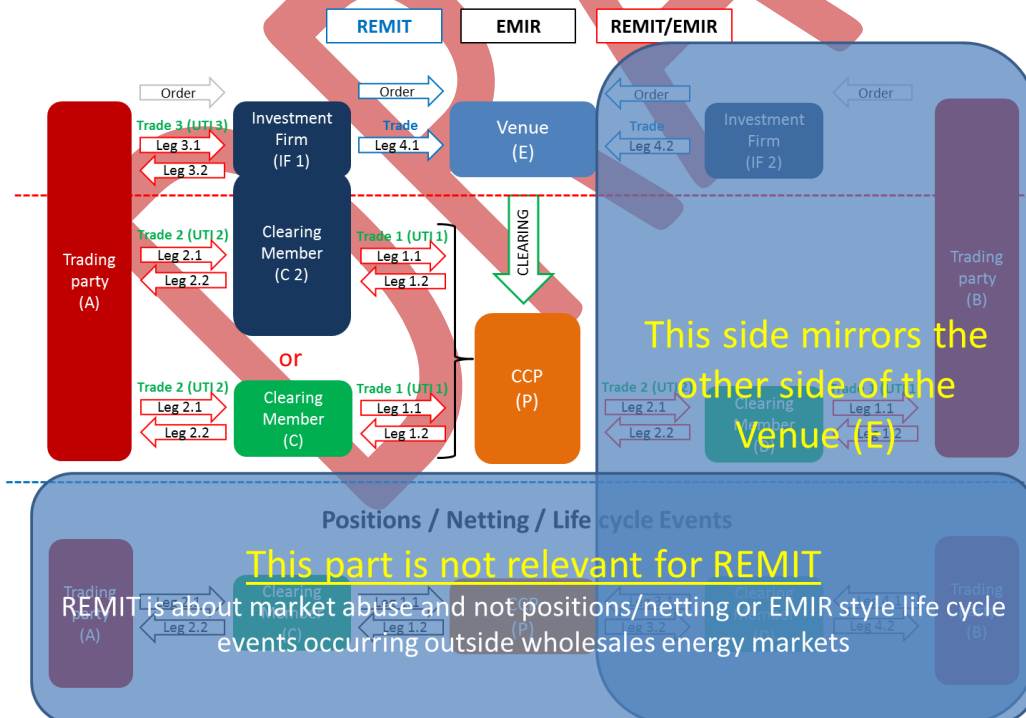


Exhibit (1.1): the investment firm is itself counterparty trading on its own account on its own behalf.

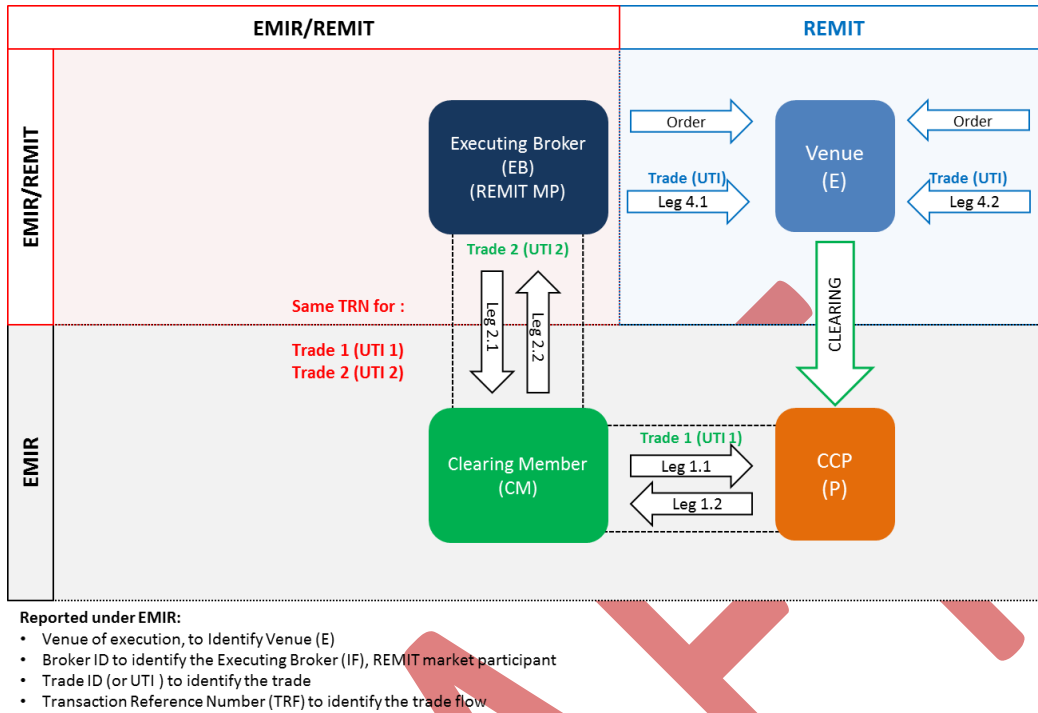


Exhibit (1.2): the investment firm is itself counterparty trading on its own account on its own behalf and it is also clearing member.

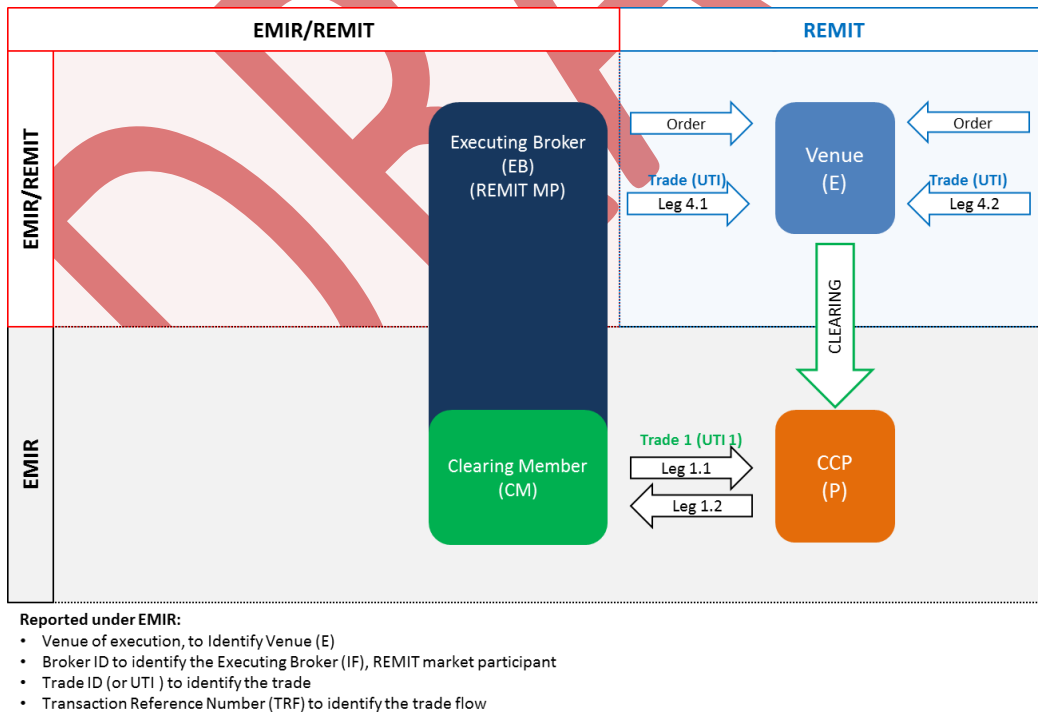


Exhibit (1.3): the investment firm is itself counterparty trading on its own account on behalf of a client.

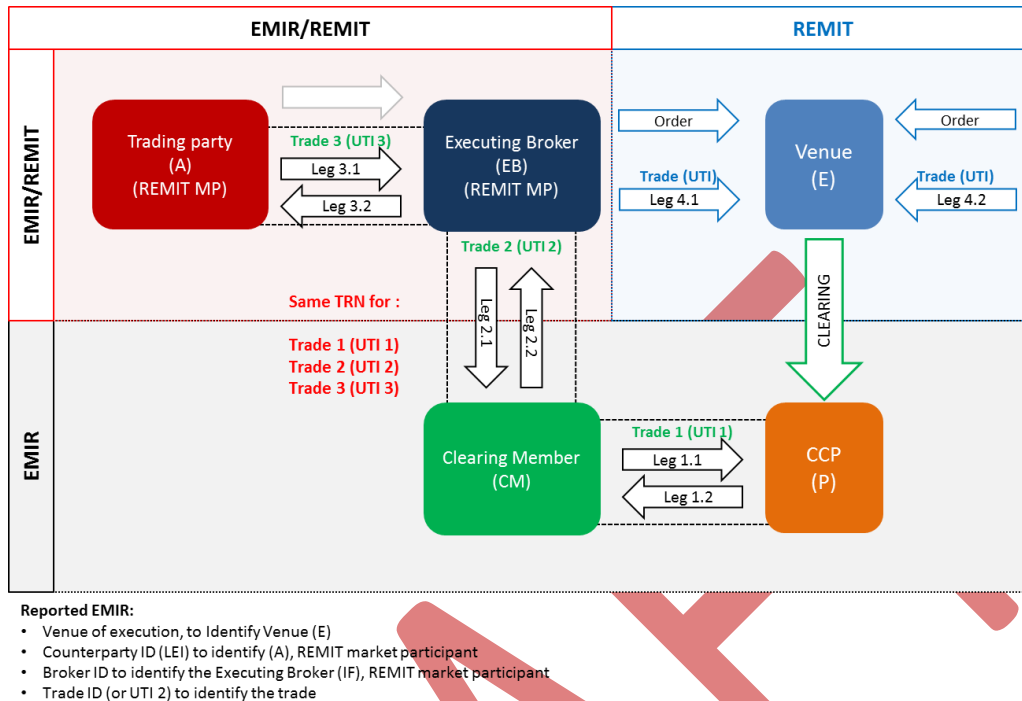


Exhibit (1.4): investment firm is itself counterparty trading on its own account on behalf of a client and it is also clearing member

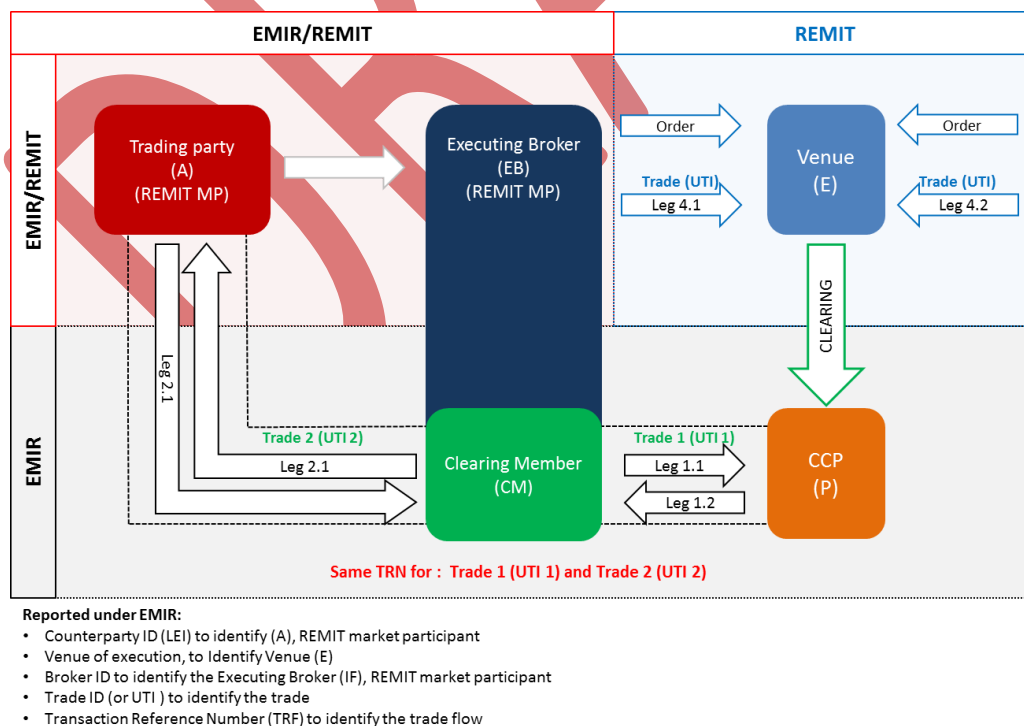


Exhibit (1.5): the investment firm is not itself counterparty and is trading on the account of and on behalf of a client (agency transactions). This case also applies when the investment firm gives up the trade for clearing to the clearing broker.

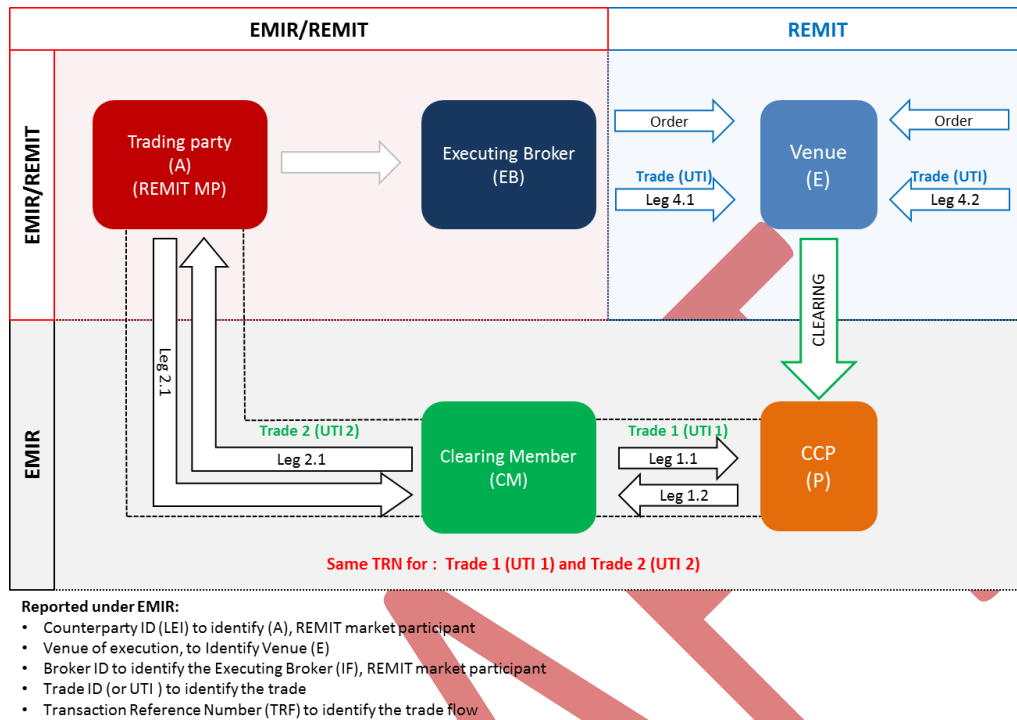


Exhibit (1.6): the investment firm is not itself a counterparty and is trading on the account of and on behalf of a client (agency transactions and trades given up for clearing), but it is also clearing member.

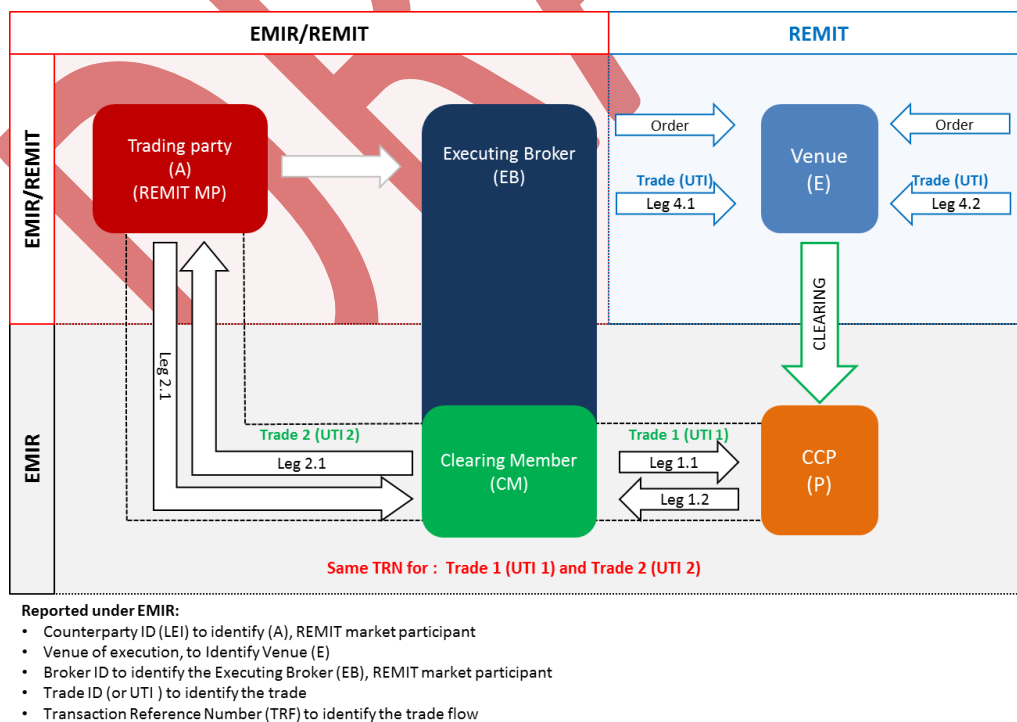


Exhibit (2.1): Client (A) holds a clearing account with Clearing Member (CM) which also provides (A) with DMA to the Exchange. Client (A) uses the trading systems of its Clearer (CM/EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) has been set-up in the Venue's system as a "Company" and it is a REMIT Market Participant.

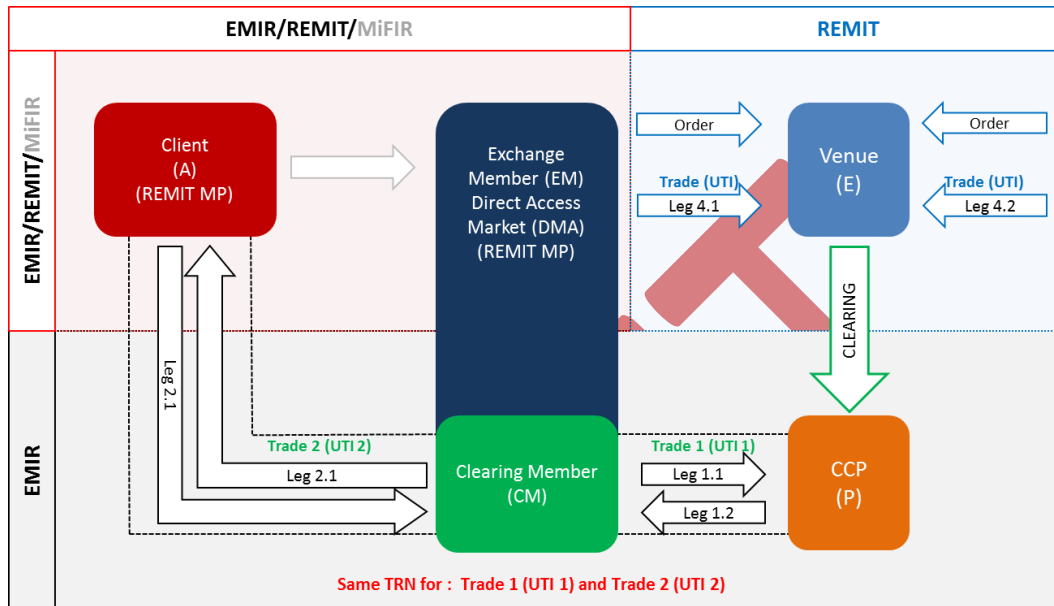


Exhibit (2.2): Client (A) holds a clearing account with Clearing Member (CM) which also provide (A) with DMA to the Exchange. Client (A) uses the trading systems of its Clearer (CM/EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) has NOT been set-up in the Venue's system as a "Company" and it is NOT a REMIT Market Participant unless enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets.

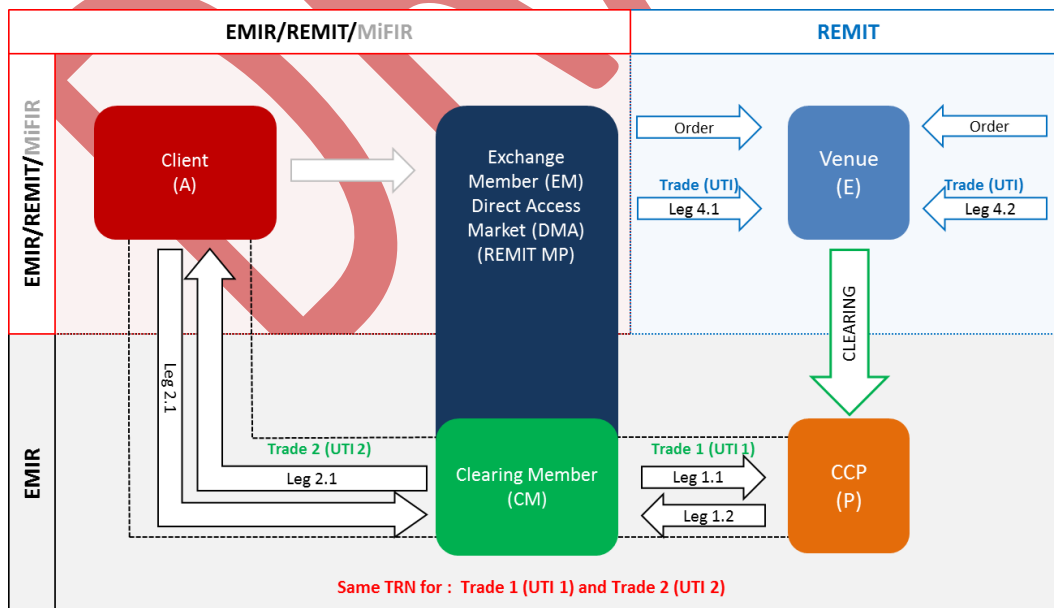


Exhibit (2.3): Client (A) holds an account with the Exchange Member (EM) which provides (A) with DMA to the Exchange. Client (A) uses the trading systems of (EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) has been set-up in the Venue's system as a "Company" and it is a REMIT Market Participant.

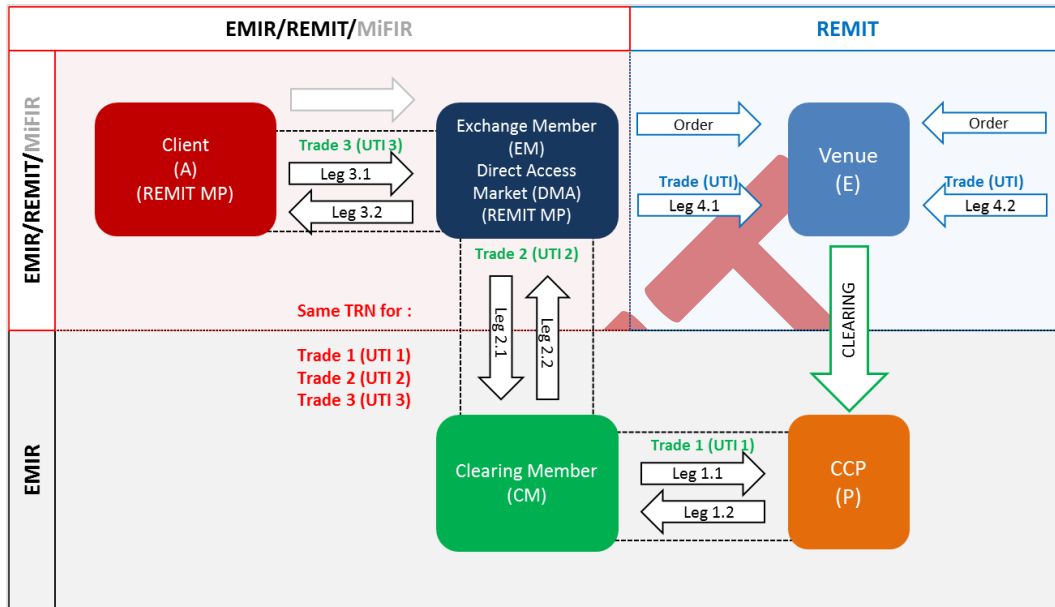


Exhibit (2.4): Client (A) holds a clearing account with Clearing Member (CM) which also provide (A) with DMA to the Exchange. Client (A) uses the trading systems of its Clearer (CM/EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) has NOT been set-up in the Venue's system as a "Company" and it is NOT a REMIT Market Participant unless enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets.

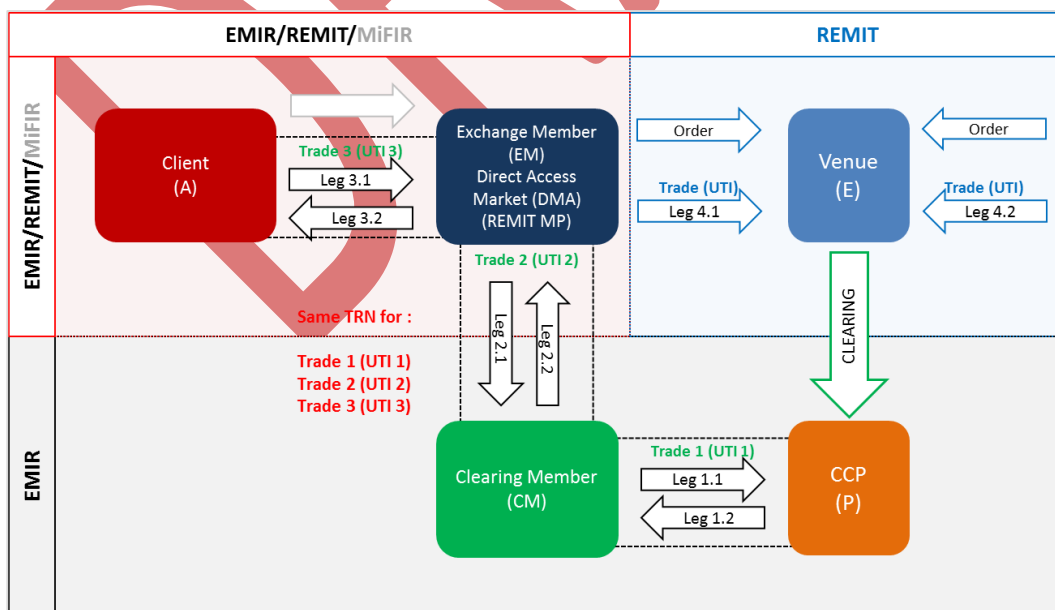


Exhibit (2.5): Client (A) holds an account with the Exchange Member (EM) which provides (A) with DMA to the Exchange. Client (A) also holds an account with the Clearing Member (CM). Client (A) uses the trading systems of (EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) has been set-up in the Venue's system as a "Company" and it is a REMIT Market Participant.

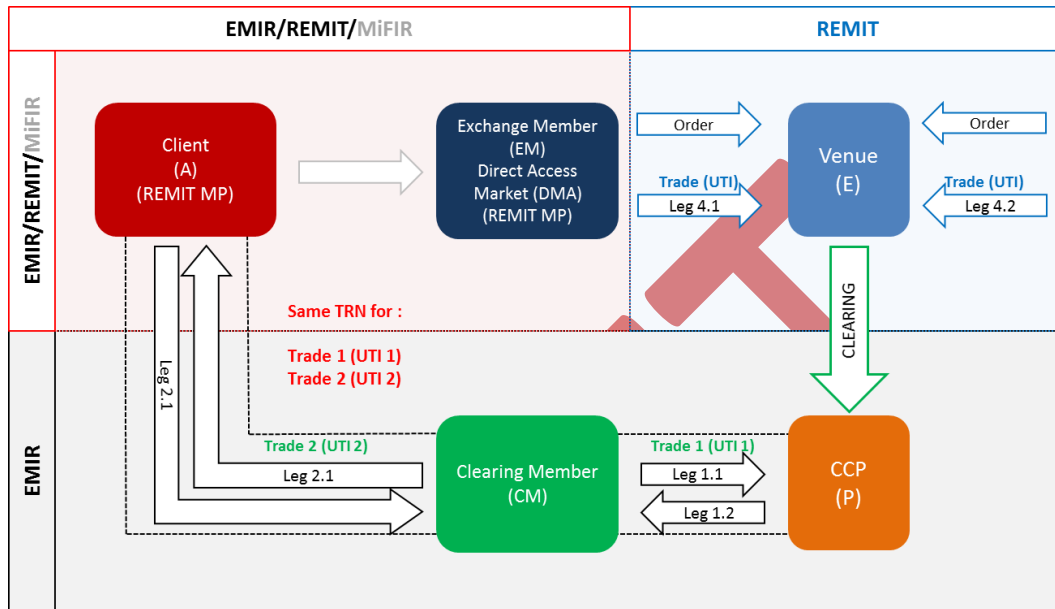


Exhibit (2.6): Client (A) holds an account with the Exchange Member (EM) which provides (A) with DMA to the Exchange. Client (A) also holds an account with the Clearing Member (CM). Client (A) uses the trading systems of (EM) and is trading on a proprietary basis (with no clients). Client (A) is trading on the Central Limit Order Book (CLOB) of the Venue. Client (A) has NOT been set-up in the Venue's system as a "Company" and it is NOT a REMIT Market Participant unless enters into transactions, including the placing of orders to trade, in one or more wholesale energy markets.

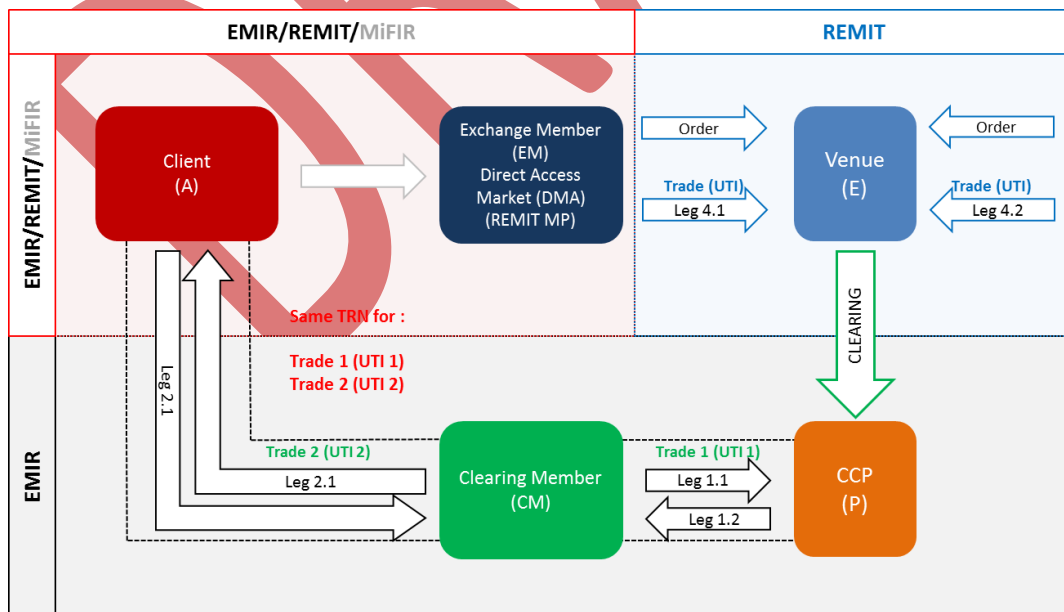


Exhibit (3.1): The Investment Manager (IM) has investment discretion with respect to the account of Client (A) and is solely trading as agent on the account of and in the name of its Client (1). Client A holds a clearing account with Clearing Member (CM). The Executing Broker (EB) and Clearing Member (CM) are the same legal entity. Executing Broker gives up the trade to Clearing Member (CM). All parties involved are FCs/NFCs for purposes of EMIR.

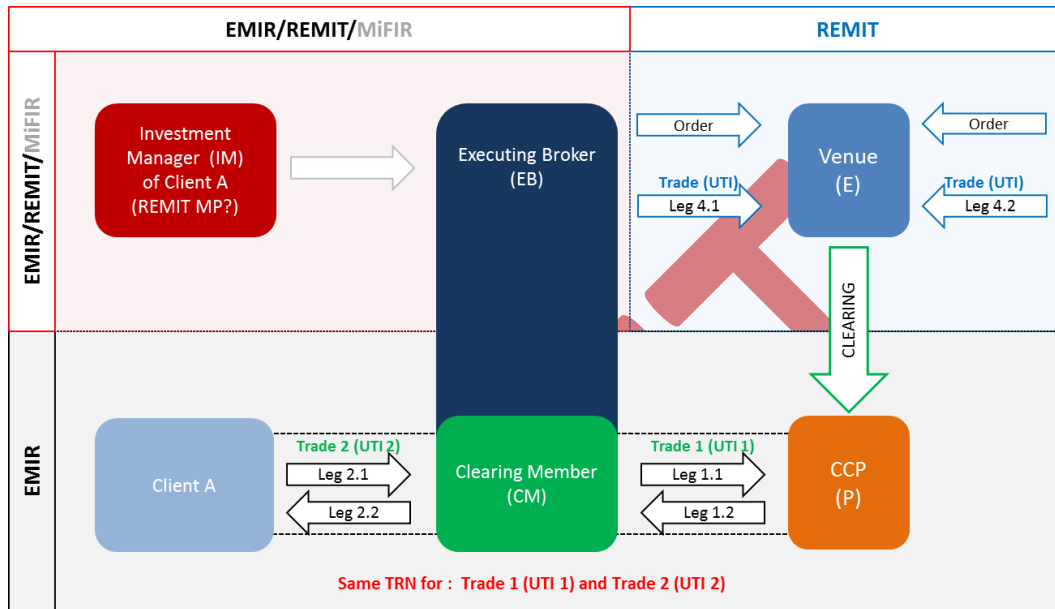


Exhibit (3.2): The Investment Manager (IM) has investment discretion with respect to the account of Client (1) and is solely trading as agent on the account of and in the name of its Client (1). Client A holds a clearing account with Clearing Member (CM). The Executing Broker (EB) and Clearing Member (CM) are not the same legal entity. Executing Broker gives up the trade to Clearing Member (CM). All parties involved are FCs/NFCs for purposes of EMIR.

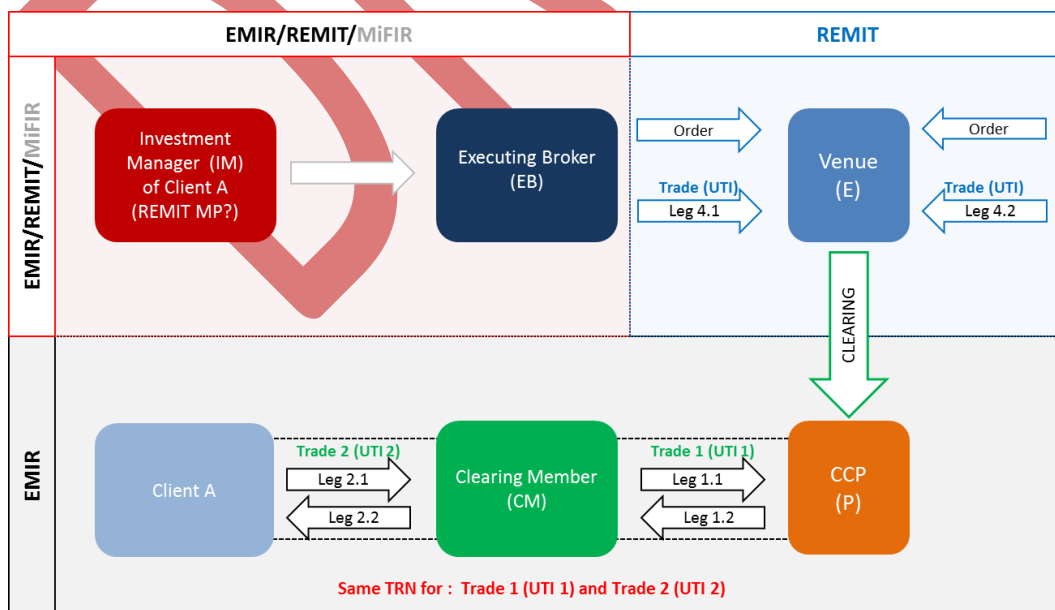


Exhibit (3.3): The Investment Manager has investment discretion with respect to the accounts of Client A and Client B, and is solely trading as **agent** for the account of and in the name of its clients. Client A holds a clearing account with Clearing Member (CM1) and Client B holds a clearing account with Clearing Member (CM2). After executing the trade, the Executing Broker (EB) gives up part of the trade to Clearing Member (CM1) and the other part to Clearing Member (CM2). Each Clearing Member will establish a back-to-back trade vis-à-vis the initial trade with Client (1) and Client (2) respectively. **All parties involved are FCs/NFCs for purposes of EMIR with the exception of Client (2).**

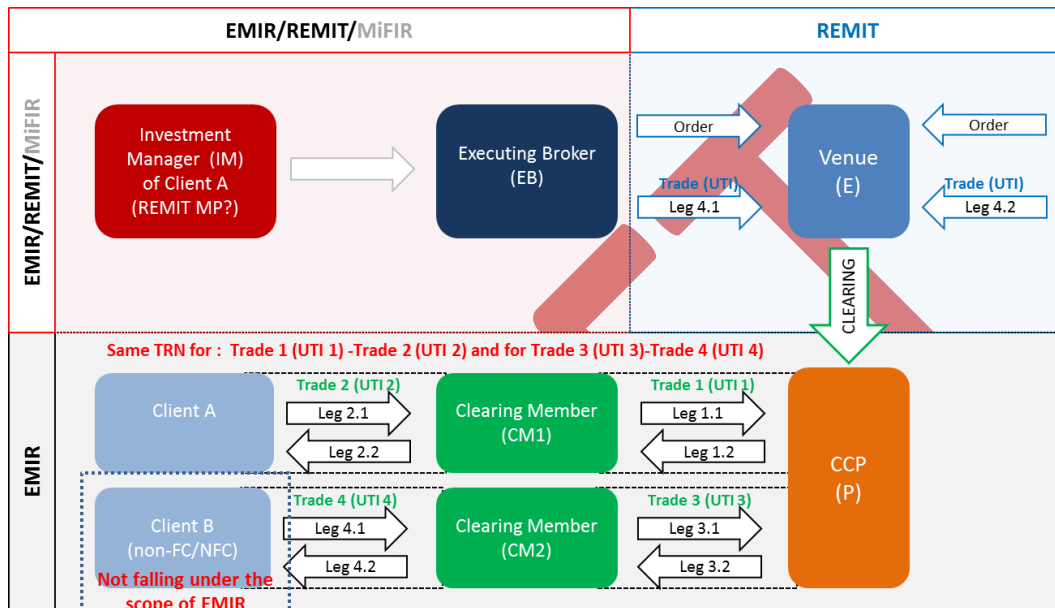


Exhibit (3.4): The Investment Manager (IM) has investment discretion with respect to the account of Client (1) and is solely trading as **agent** on the account of and in the name of its Client (1). Client A holds a clearing account with Clearing Member (CM). The Executing Broker (EB) and Clearing Member (CM) are **not the same** legal entity. Executing Broker gives up the trade to Clearing Member (CM). **All parties involved are FCs/NFCs for purposes of EMIR.**

