THIS IS A DRAFT APPLICATION FORM FOR INFORMATION PURPOSES ONLY. THIS FORM CANNOT CURRENTLY BE SUBMITTED TO THE FCA

EMIR: FCA DRAFT APPLICATION FOR AN INTRAGROUP EXEMPTION FROM MARGIN

Purpose of this form:

This form should be submitted by a counterparty applying to the Financial Conduct Authority (FCA) as relevant competent authority, to make use of the exemptions for intragroup transactions as defined in Article 11(6) to 11(10) of EMIR. Parts of the form are based on legal text in the draft Regulatory Technical Standards on risk mitigation techniques for OTC derivative contracts that are not cleared by a CCP under Article 11 of EMIR (the Draft Margin RTS) which are still subject to finalisation. As such, it remains subject to change pending finalisation of the Draft Margin RTS.

In accordance with EMIR Article 11(5), if both counterparties to intragroup transactions are established in the same member state, no formal application is necessary. However, counterparties should be able to demonstrate that there are no current or foreseen practical or legal impediment to the prompt transfer of own funds or repayment of liabilities between them.

In accordance with EMIR Article 11(10), a non-financial counterparty established in the UK does not need to submit an application to the FCA for intragroup transactions entered into with a financial counterparty established in another member state.

Important information you should read before completing this form:

1. This form must be submitted by a person of appropriate seniority within the applying counterparty, for example an executive director, company secretary, or head compliance officer. That person should have verified that all of the information in the form is accurate.

2. It is important that the information provided in this form is accurate and complete. If information is provided that is false or misleading, then the person submitting this form may be in breach of legislative requirements and subject to enforcement action.

3. For the purposes of complying with the relevant Data Protection legislation, any personal information in this form will be used by us to discharge our statutory functions under EMIR and other relevant legislation. It may also be disclosed to third parties for those purposes.

Section A: Applicant Counterparty Details

Full name of the counterparty making the notification or application
A1

Registered address
A2

Postcode
A3

FCA firm reference number (if applicable)
A4

Legal entity identifier
A5

Please select who you are regulated by
A6
Dual-regulated by the PRA and FCA
Regulated by the FCA only
Neither regulated by the FCA nor PRA

PRA supervisor name
A7

PRA supervisor contact details
A8

FCA supervisor name (or contact centre contact, if applicable)
A9

FCA supervisor contact details
A10

Type of exemption
A11
A. An exemption for an intragroup transaction referred to in Article 3(2)(a), (b) or (c) that is entered into by counterparties which are established in different member states, in accordance with Article 11(6)
B. An exemption for an intragroup transaction referred to in Article 3(1) that is entered into by non-financial counterparties which are established in different member states, in accordance with Article 11(7)
C. An exemption for an intragroup transaction referred to in Article 3(2)(a) to (d) that is entered into by a counterparty which is established in the UK and a counterparty which is established in a third-country jurisdiction, in accordance with Article 11(8)
D. An exemption for an intragroup transaction referred to in Article 3(1) that is entered into by a non-financial counterparty which is established in the UK and a counterparty which is established in a third-country jurisdiction, in accordance with Article 11(9)
E. An exemption for an intragroup transaction referred to in Article 3(1) that is entered into by a financial counterparty which is establsihed in the UK and a non-financial counterparty which is established in another member state, in accordance with Article 11(10)
F. A derogation for an intragroup transaction pursuant to Article 39(8) of the Draft Margin RTS

A12 Applicant is: (please select)
A Financial Counterparty
A Non-Financial Counterparty

Please state from the options below your group's aggregate average notional amount of non-centrally cleared derivatives
A13
A. Above EUR 3.0 trillion
B. Above EUR 2.25 trillion
C. Above EUR 1.5 trillion
D. Above EUR 0.75 trillion
E. Above EUR 8 billion

A14 Please describe the corporate relationship from the point of view of the applicant.
Please note supporting doucmention to evidence the corporate relationship between counterparties will need to be provided (See Section G)
Applicant is: (please select)
Parent
Subsidiary
Affiliate

Section B: Intragroup Counterparty Details

Full name of the intragroup counterparty
B1

Legal entity identifier
B2

Registered address
B3

Country of establishment

B4

National competent authority responsible for supervision of counterparty

B5

B6 Is the counterparty prudentially regulated by the NCA listed in B5 above?

Select
Yes
No

Name and contact details of relevant supervisor or person reviewing counterparty's application (if available)

B7

Section C: Intragroup Relationship

Please specify the category of intragroup transaction as defined by Article 3

C1

A. An exemption for an intragroup transaction referred to in Article 3(1) of EMIR
B. An exemption for an intragroup transaction referred to in Article 3(2)(a) of EMIR
C. An exemption for an intragroup transaction referred to in Article 3(2)(b) of EMIR
D. An exemption for an intragroup transaction referred to in Article 3(2)(c) of EMIR
E. An exemption for an intragroup transaction referred to in Article 3(2)(d) of EMIR

Name of the National Competent Authority to which the intragroup counterparty has submitted, or intends to submit, an application

C1

C2 Are the applicant counterparty and intragroup counterparty included in the same consolidated accounts in accordance with Article 3(3)(a)

Select
Yes
No

If yes to C2, please describe how the applicant counterparty and the intragroup counterparty are included in the same consolidated accounts in accordance with Article 3(3)(a).

C3

C4 Are the applicant counterparty and intragroup counterparty subject to consolidated supervision in accordance with Article 3(3)(b)

Select
Yes
No

If yes to C4, please provide the following information about the competent authority exercising consolidated supervision

Name of competent authority

C5

Country

C6

Local firm registration number (if applicable)

C7

Section D: Transaction Details

The questions in this section refer to OTC derivative contracts between the counterparties for which the exemption is requested.
For each question, please tick all relevant options as applicable

D1 **Asset class(es) of OTC derivative contracts**

Commodities	
Currency	
Interest rate	
Credit	
Equity	
Other please specify:	

D2 **Type of OTC derivative contract**

Commodities		
	Swap	
	Option	
	Forward	
Currency		
	Swap	
	Option	
	Forward	
Interest rate		
	Swap	
	Option	
	Forward	
Credit derivatives		
	Swap	
	Option	
	Forward	
Equity		
	Swap	
	Option	
	Forward	
Other: please specify		

D3 **Type of underlying**

Commodities		
	Energy	
	Precious metals	
	Base metals	
	Agricultural	
	Softs	
	Alternative energy	
	Other please specify:	
Currency		
	USD	
	GBP	
	EUR	
	CHF	
	JPY	
	Other please specify:	
Interest rate		
	Government Bond	
	LIBOR	
	OIS	

	Central Bank Policy Rate	
	EURIBOR	
	Sonia	
	Other please specify:	
Credit derivatives		
	Single-entity CDS	
	Basket or Index CDS	
	Other please specify:	
Equity		
	Single	
	Index	
	Other please specify:	
Other: please specify		

D4 Notional and settlement currencies

Commodities		
	Notional Currency	
	Settlement Currency	
Currency		
	Notional Currency	
	Settlement Currency	
Interest rate		
	Notional Currency	
	Settlement Currency	
Credit derivatives		
	Notional Currency	
	Settlement Currency	
Equity		
	Notional Currency	
	Settlement Currency	
Other: please specify		

D5 Please list the maximum tenor of the OTC derivatives contracts (in years) between the counterparties for which the exemption is requested

Commodities	
Currency	
Interest rate	
Credit	
Equity	
Other please specify:	

D6 Settlement Type

Commodities		
	Cash	
	Physical	
	Both	
Currency		
	Cash	
	Physical	
	Both	
Interest rate		
	Cash	
	Physical	
	Both	
Credit derivatives		
	Cash	
	Physical	
	Both	
Equity		
	Cash	
	Physical	
	Both	
Other: please specify		

Annual use of derivatives between the applying counterparties

D7 **Size** - Provide the anticipated average size of OTC derivative transactions per year between the applying counterparties (provide the average notional amount of OTC transactions in **million euros per transaction)**.

Commodities	
Currency	
Interest rate	
Credit	
Equity	
Other please specify:	

D8 **Volume -** Provide the anticipated volume of OTC derivative transactions per year between the applying counterparties (provide the total gross notional in**million euros for all transactions)**.

Commodities	
Currency	
Interest rate	
Credit	
Equity	
Other please specify:	

D9 **Frequency** - Provide anticipated number of OTC derivative transactions between applying counterparties per year .

Commodities	
Currency	
Interest rate	
Credit	
Equity	
Other please specify:	

Section E: Risk management

Centralised risk management

E1 Please indicate whether the applicant counterparty and the intragroup counterparty are subject to appropriate centralised evaluation, measurement and control procedures with respect to risk within the meaning of Article 3(1), 3(2)(a) or 3(2)(d) of EMIR

Select

Yes
No

Please provide a summary description below of the centralised risk evaluation, measurement and control procedures that are in place for the applicant counterparty and the intragroup counterparty

E2	

Risk management robustness

E3 Please indicate whether the applicant counterparty and the intragroup counterparty have risk management procedures that are adequately sound, robust and consistent with the level of complexity of the OTC derivative transactions for which you are applying for an exemption in accordance with paragraph (a) of Article 11(6) to (10) of EMIR

Select
Yes
No

Please provide a summary description of your risk management procedures and how they are adequately sound, robust and consistent with the level of complexity of the OTC derivative transactions for which you are applying for an exemption

E4

E5 Please indicate whether the risk management procedures ensure the regular monitoring of the exposures and the timely settlement of the obligations relating to the intragroup OTC derivative contracts for which you are applying for an exemption in accordance with Article 36 of the Draft Margin RTS

Select
Yes
No

Please provide a summary description below of how your risk management procedures ensure the regular monitoring of the exposures and the timely settlement of the obligations relating to the OTC derivative contracts for which you are applying for an exemption

E5

Section F: Prompt transfer of own funds

F1 Please indicate whether there are any current or foreseen restrictions of a legal nature to the prompt transfer of own funds or repayment of liabilities between the counterparties in accordance with Article 37 of the Draft Margin RTS

Select
Yes
No

Please describe the measures you have taken to assess whether there are any such restrictions

F2

F3 Please indicate whether there are any current restrictions of a practical nature to the prompt transfer of own funds or repayment of liabilities between the countrparties in accordance with Article 38 of the Draft Margin RTS

Select
Yes
No

Please describe the measures you have taken to assess whether there are any such restrictions

F4

Section G: Evidence Documents

When emailing us the completed form, please also attach the following documents to support your application. Please use the following naming convention "**SENDER_FileType_Recipient_Sequence Number_Year**". (For example: "Name of Firm_CODE A_FCA_2_2016" for the second attachment relating to Documented Risk Management Procedures)

Code 1: Documentation to evidence the corporate relationship between counterparties (Evidencing your answer to question A14 above)

G1

Code A: Documented Risk Management Procedures

G2

Code B: Historical Transaction Data

G3

Code C: Relevant Contracts Between Parties

G4

Section H - Declaration

This form must be submitted by a person of appropriate seniority within the notifying or applying counterparty, for example an executive director, company secretary, or head of compliance. This person of appropriate seniority must be the same person identified in section A of this form.

By submitting this notification form I confirm that:

H1 The information in this application is accurate and complete to the best of my knowledge and belief and that I have taken all reasonable steps to ensure that this is the case.

Select
Yes
No

H2 I confirm that I have also attached the required supporting documentation to this application

Select
Yes
No

H3 I am aware that if I knowingly or recklessly provide information that is false and misleading in a material particular in this form I will contravene a legislative requirement and may be the subject of enforcement action.

Select
Yes
No

H4 The scope of the application (and therefore, the details provided regarding the transactions for which the applicant seeks exemption) is the same in this application as the scope and transaction detail desribed in the application submitted to the other competent authority.

Select
Yes
No

H5 I will notify the FCA immediately of any change in circumstance that could affect the fulfillment of the conditions of Article 3, points (6) to (10) of Article 11 of EMIR and Articles 35 to 39 of the Draft Margin RTS, as applicable, in accordance with Article 35(9) of the Draft Margin RTS

Select
Yes
No

H6 **Please confirm you have read and understood this declaration.**

Select
Yes
No

By submitting this form to us, you consent that any information you provide to us may be disclosed to ESMA and other relevant authorities with functions under EMIR, for purposes of us or such other relevant authorities discharging statutory functions under EMIR and other relevant legislation specified in EMIR.

Name of signatory

H7

Position of signatory

H8

E-mail

H9

Telephone number

H10