
ICE Trade Vault Non-Legal Entity Identifier Counterparty Setup Notification

US SDR Reporting

Section § 45.6 of the Dodd Frank rules adopted by the Commodity Futures Trading Commission (“CFTC”) provides that each counterparty to any swap subject to the jurisdiction of the Commission must be identified in all recordkeeping and all swap data reporting by means of a single legal entity identifier (LEI’s). CFTC had imposed a deadline of April 10, 2013, for **ALL** swap market participants to obtain an identifier. This means that all swap counterparties, even those that are not SDs or MSPs, and even those not required to report swap data, must obtain a LEI before April 10, 2013.

Based on the compliance dates listed below, if a swap counterparty that is subject to Commission’s jurisdiction, does not include a legal entity identifier in all its records and all the swap data reported, then the swap counterparty is not in compliance with the CFTC requirements.

Background:

LEI’s are required for all swap market participants. Part 45 of the Commission’s regulations establishes recordkeeping and data reporting requirements for swaps subject to the Commission’s jurisdiction. Section 45.6, Legal entity identifiers, provides that each counterparty to any swap subject to the jurisdiction of the Commission must be identified in all recordkeeping and all swap data reporting by means of a single legal entity identifier (“LEI”) issued pursuant to CFTC rules. As noted in Part 45, LEIs are essential data aggregation tools for the Commission and other financial regulators charged with fulfilling the systemic risk mitigation, market transparency, and market abuse prevention purposes of the Dodd-Frank Act.

Deadline for obtaining LEI’s:

Pursuant to Part 45, and taking into account no-action relief granted by DMO in Commission Letters Nos. 12-32 and 12-41, the compliance dates on which registered entities and swap counterparties must commence full compliance with the requirement to obtain and use a LEI, as well as with all other provisions of CFTC’s swap data recordkeeping and reporting rules, are as follows:

- December 31, 2012 – Deadline for swap dealers (“SDs”), swap data repositories (“SDRs”), designated contract markets (“DCMs”), and derivatives clearing organizations (“DCOs”) to obtain and use LEI’s in all recordkeeping and swap data reporting with regard to credit swaps and interest rate swaps.
- February 28, 2013 – Deadline for SDs, SDRs, DCMs, and DCOs to obtain and use LEI’s in all recordkeeping and swap data reporting with regard to equity swaps, foreign exchange swaps, and other commodity swaps, and for major swap participants (“MSPs”) to do the same with respect to all swaps.
- April 10, 2013 – Deadline for all **non-SD/MSP** swap counterparties to obtain and use LEI’s in all recordkeeping and swap data reporting with respect to all swaps.
 - {To ensure compliance, DMO and ODT had issued a technical advisory, suggesting swap dealers and other reporting counterparties to (1) contact each of their counterparties to determine if they have the required LEI, (2) obtain the counterparty’s LEI for reporting purposes, and (3) remind the counterparty of its obligation to obtain an LEI prior to April 10, 2013, if the counterparty does not have an LEI}
 - Technical Advisory
http://www.cftc.gov/ucm/groups/public/@newsroom/documents/file/dmo_odtadvisory.pdf
- **Exception:** Individuals do not need to obtain an LEI

Canada TR Reporting

Section § 27 of the Ontario Securities Commission Trade Reporting Rules.

A reporting counterparty must include the following in every report required by **Part 3 – “Data Reporting”** of the Ontario Securities Commission Trade Reporting Rules:

- (a) the legal entity identifier of each counterparty to the transaction as set out in section 28;
- (b) the unique transaction identifier for the transaction as set out in section 29;
- (c) the unique product identifier for the transaction as set out in section 30.

Section § 28 of the Ontario Securities Commission Trade Reporting Rules.

(1) A designated trade repository must identify each counterparty to a transaction that is required to be reported under this Rule in all recordkeeping and all reporting required under this Rule by means of a single legal entity identifier.

(2) Each of the following rules apply to legal entity identifiers

- (a) a legal entity identifier must be a unique identification code assigned to a counterparty in accordance with the standards set by the Global Legal Entity Identifier System, and
- (b) a local counterparty must comply with all applicable requirements imposed by the Global Legal Entity Identifier System.

(3) Despite subsection (2), if the Global Legal Entity Identifier System is unavailable to a counterparty to a transaction at the time when a report under this Rule is required to be made, all of the following rules apply

- (a) each counterparty to the transaction must obtain a substitute legal entity identifier which complies with the standards established **March 8, 2013** by the Legal Entity Identifier Regulatory Oversight Committee for pre-legal entity identifiers,
- (b) a local counterparty must use the substitute legal entity identifier until a legal entity identifier is assigned to the counterparty in accordance with the standards set by the Global Legal Entity Identifier System as required under paragraph (2)(a)
- (c) after the holder of a substitute legal entity identifier is assigned a legal entity identifier in accordance with the standards set by the Global Legal Entity Identifier System as required under paragraph (2)(a), the local counterparty must ensure that it is identified only by the assigned legal entity identifier in all derivatives data reported pursuant to this Rule in respect of transactions to which it is a counterparty

Background:

The LEI is a 20-character code used to identify entities that enter into financial transactions. It is an initiative endorsed by the Group of Twenty Finance Ministers and Central Bank Governors (G20) and administered by the Global LEI System as a public good.

All counterparties to OTC derivative transactions defined under [OSC Rule 91-507 Trade Repositories and Derivatives Data Reporting \(the TR Rule\)](#) must have an LEI. In addition, **reporting agents, brokers acting as intermediaries, clearing members, electronic trading venues and clearing houses connected to a trade reported under the TR Rule must have an LEI. Operational divisions and branches are not eligible to receive an LEI and must therefore use the LEI of their immediate parent to comply with the TR Rule. Natural persons are not eligible to receive an LEI.**

LEIs can only be obtained from a Local Operating Unit (LOU) endorsed by the Global LEI System's Regulatory Oversight Committee (ROC). The list of ROC-endorsed LOUs and their contact information is available at http://www.leiroc.org/publications/gls/lou_20131003_2.pdf

Please complete sections below

Below please indicate the reason why the Non-LEI Counterparty does not have a LEI:

- Non-LEI Counterparty is only executing physical commodity transactions;
- Non-LEI Counterparty is an individual and not a company;
- Non-LEI has not yet obtained a valid LEI.

The Requesting Participant agrees to immediately notify ICE Trade Vault should the Non-LEI Counterparty obtain a valid LEI and once the Requesting Participant is aware.

Legal Entity Name of Non-LEI Counterparty Setup Request

Date of Non-LEI Counterparty Setup Request

Participant Legal Entity Requesting Set Up of Non-LEI Company

Signature of Requesting Participant

Name of Requesting Participant Signatory