

Ownership and Control Reporting

ICE Endex
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Revision History

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1 OWNERSHIP AND CONTROL REPORTING

1.1 Background

In the United States of America, the Commodity Futures Trading Commission (“CFTC”) published new rules on 18 November 2013 relating to ownership and control requirements for futures and swap markets (“the OCR Final Rule”). The OCR Final Rule sets out requirements for the identification of certain types of accounts to the CFTC and the manner in which these account identifications should be made.

With the introduction of the OCR Final Rule, a number of US-based exchanges, including ICE Futures US, a CFTC-registered Designated Contract Market (“DCM”), introduced rules requiring market participants and reporting firms to identify certain accounts. ICE Futures Europe adopted OCR in September 2016 for consistency across exchanges, and ICE Endex introduces OCR in October 2017.

In an effort to further its market monitoring program ICE Endex (or “the Exchange”) has decided to introduce additional ownership and control requirements (“OCR Requirements”) for ICE Endex Reportable Contracts. The extension of OCR Requirements to the Exchange will help to improve the Exchange’s risk based monitoring and surveillance capabilities. Identification of this ownership and control information (“OCR Information”) will assist with identifying relationships between trading accounts, Reportable Position Accounts, and market activity. The additional requirement for identification of Volume Threshold Accounts will provide the Exchange with additional information regarding market participants who may not have been identified through the Exchange’s position-based reporting program.

By introducing the additional OCR Requirements in the same manner and format as both the ICE Futures Europe and ICE Futures US, the Exchange also intends to ensure that reporting firms have a standardized method of identifying account owners and controllers. This standardization is intended to reduce the burden placed on the resources of market participants and reporting firms across the various ICE exchanges.

This document is not intended to constitute legal advice, nor advice on requirements with respect to any reporting obligations due to a third party such as the CFTC. For reporting obligations due to third parties, the Exchange requests that market participants and reporting firms consult with the relevant authorities concerned.

Note: although IFEU and ICE Endex adopt OCR in the same technical format as the CFTC for consistency and convenience, there is no legal link for these exchanges to CFTC and no data will be sent to CFTC.

2 SCOPE

The Exchange is requiring OCR Information with respect to positions and trading accounts held in contracts subject to the Exchange's Reportable Thresholds. Specifically, the Exchange will require OCR Information for the following types of account;

- Accounts holding reportable positions as at the close of business each day, these accounts being "Reportable Position Accounts" (equivalent to a CFTC Special Account); and
- All trade accounts that meet or exceed a minimum specified trading volume as specified by the Exchange for the same product code in a single trading day ("Volume Threshold Account"). Only Clearing Members are required to submit this information.

Details of what information is required are set out under Section 3 of this document.

The minimum volume required for a trade account to become an identifiable Volume Threshold Account ("Minimum Volume Threshold") will be determined by the Exchange from time-to-time and may be subject to updates. The Minimum Volume Thresholds will be published with the [Exchange's Reportable Thresholds](#). If the Minimum Volume Threshold for a trading account is met in a single market, with the same product identifier, in one or all contract months and strips, in a single trading day then that account must be identified to the Exchange in the required manner and format.

2.1 Who has to report?

- Reportable Position Accounts (equivalent to a CFTC Special Account)

Each Member or Person that owns, controls, or carries for another Person an account with reportable positions in any Exchange Contract, as specified by the Exchange has to identify that account in a manner as specified by the Exchange (see below). These reporting entities will include Exchange and Clearing Members, other brokers and trading participants with either House or Customer end-of-day positions in reportable Exchange Contracts. Clients of these reporting firms should ensure that they provide appropriate information in a timely manner as to ensure that the reporting firm is in compliance with the Exchange Regulation. Omnibus Accounts should also be identified to the Exchange. As an example, if Clearing Member A (Carrying Clearing Member) holds a customer omnibus account on behalf of Broker B (originating Member) which has two or more customers with Reportable Positions Accounts, then Clearing Member A should identify the omnibus account to the Exchange and Broker B should identify the individual Reportable Position Accounts for each of their customers to the Exchange. These accounts should be identified in the same manner and format as a CFTC Form 102A.

- Volume Threshold Accounts

Clearing Members should identify Volume Threshold Accounts in the same manner and format as a CFTC Form 102B. Clients of Clearing Members should ensure that they provide appropriate identifying information to their Clearing Member in a timely manner.

2.2 When does this OCR information have to be reported?

At the time of publication of this guidance, the CFTC has published No-Action Letters No.16-323 and 16-334. Firms subject to US regulatory obligations should be mindful of their reporting obligations under the relevant CFTC No-Action Letters and should endeavor to keep abreast of any additional publications.

For consistency with ICE Futures US and ICE Futures Europe and to provide flexibility for Reporting Firms, the Exchange will also consider any current and future no-action reliefs applied by the CFTC in relation to any OCR data fields and specific requirements to be applicable to its own OCR requirements.

The Exchange intends to formally accept OCR Information for its Reportable Contracts starting from 30 October 2017, by such time all reporting firms shall be submitting the required OCR Information to the Exchange.

3 IDENTIFYING INFORMATION REQUIRED

3.1 Reportable position account identification

The Exchange will require the information below for identification of a Reportable Position Account. The manner and format in which the identifying information should be submitted is the same as a CFTC Form 102A. Any no-action relief granted by the CFTC for a specific submission deadline or field shall be deemed equally permissible by the Exchange.

Information to be identified for a Reportable Position Account:

1. Indication of whether the account being identified is a new submission; a resubmission or a modification of a previously identified account;
2. Indication of whether the special account is being reported based on ownership of a reportable position, control of a reportable position, both ownership and control of a reportable position, or is an omnibus account;
3. The reporting number for the Reportable Position Account;
4. Indication of whether the account is House or Client Account;
5. Where the account is an Omnibus Account, indication of whether it is House or Client;
6. Contact Information for the Reportable Position Account Owner, including name, contact address, National Futures Association (NFA) ID (if available) and/or Legal Entity Identifier (LEI available);
7. Contact Information for the Reportable Position Account Controller, including name, contact address, NFA ID (if available) and/or LEI (if available);
8. Identification of the omnibus account originator, including contact details, NFA ID (if available) and/or LEI (if available);
9. Identification of Trading Accounts, including short codes associated with account (if available - if not, use trade account number) and related reporting market;
10. Identification of an ownership and control of the trade accounts identified in point 9, including confirmation whether such trade account is an omnibus account, or used to execute trades on behalf of an omnibus account.
 - a. Where the trade account is an omnibus account, identification of the account as either a house or customer omnibus account. If a customer omnibus account, the contact details of the omnibus account originator, including NFA ID (if available) and/or LEI (if available);
 - b. Where the account is not an omnibus account, identification where that account belongs to a natural person or legal entity including contact details, NFA ID (if available) and/or LEI (where appropriate and if available);
 - c. Identification of the Controller of the trade account, including contact details, NFA ID (if available) and/or LEI (if available) ;
11. For non-clearing reporting firms, the name, contact address and NFA ID (if available) of the relevant Clearing Member.

The Exchange will accept blank fields in any data submission where providing the information is not appropriate or relevant for the particular field, however the Exchange still retains the ability to compel the position holder to provide all information as required. The Exchange would require that the submitted data meets the minimum validations as set out by the schema as published by the CFTC¹ (see below).

¹ CFTC Schema can be found at:
<http://www.cftc.gov/Forms/OCR/index.htm>

3.2 Volume threshold account identification

The Exchange will require the information below for identification of a Volume Threshold Account. The manner and format in which the identifying information should be submitted is the same as a CFTC Form 102B. Any no-action relief granted by the CFTC for a specific submission deadline or field shall be deemed equally permissible by the Exchange.

Information to be identified for Volume Threshold Accounts:

1. Indication of whether the Volume Threshold Account being identified is a new submission; or a resubmission; or modification of a previously identified account;
2. Account number for the Trading account, any related short code and the relevant reporting market using the Market Identifier Code ("MIC");
3. If the Trade Account is associated with a Reportable Position Account being reported by the same Clearing Member, the account number of that relevant Reportable Position Account;
4. Identification of whether the Volume Threshold Account is an omnibus account, or used to execute trades on behalf of an omnibus account. Where the Volume Threshold account is an Omnibus account, clarification of whether that account is a House or Customer account and the details of the Omnibus Account Originator (that is; details of the Exchange or Clearing Member; trading participant or broker who carries the Omnibus Account), including contract details, NFA ID (if available), LEI (if available);
5. Where a Volume Threshold Account is not an Omnibus account, identification of the account owner, including whether that owner is a natural person or a legal entity (with LEI if available), the name, contact address, NFA ID (if available) and LEI (if available);
6. Where a Volume Threshold Account is not identified as an omnibus account, each Volume Threshold Account controller should be identified, including name, address (NFA ID if available). As per the US, the Account Controller should be a Natural Person.

3.2 Reportable Position Account and Trade Account owner, controller, natural persons

In April 2016, the CFTC Division of Market Oversight published a guidance document² (dated 08 April 2016) regarding the terms “Owner” and “Controller” in the US Ownership and Control Reporting (OCR) Final Rule (the “CFTC Guidance”). For the purposes of consistency, the Exchange would expect to receive information based on a similar approach. This would include details for direct owners of any Position Reporting Accounts and Position Reporting Account Controllers. The Exchange will also accept the legal name of a joint account as a trade account owner. Where a trade account owner is a legal entity with no employees, the reporting party may provide the identification of a natural person contact of an entity connected with the administration of the trade account owner.

Determination and identification of the Trade Account Controller should be consistent with the US definition which states that a Trade Account Controller is a natural person who by power of attorney or otherwise actually directs the trading of the special account. Where a natural person makes decisions to place, cancel or modify orders for a trading account, they would be considered to be “actually directing” the account. Please note that this is a repeating field on the forms so multiple entries may be reported in instances where a controller may also be deemed as having indirect control of the trading decisions. For example, where Person A gives specific trading instructions to Person B, and Person B subsequently implements those instructions; in this scenario both Persons A and B should be reported as Trade Account Controller.

Identification of account controllers for Automated Trading Systems (ATS) should also be consistent with the CFTC Guidance in that if control over an ATS is divided among different individuals over the course of a trading day, all the individuals would be considered controllers of the trading account, assuming they met the “controller” definition as outlined above.

Identification of a Volume Threshold Account Controller should be in accordance with the US definition which states that a Volume Threshold Account Controller is a natural person who by power of attorney or otherwise actually directs the trading of a volume threshold account. To “actually direct” the trading has the same significance for volume threshold accounts as for trade accounts (as set out above). A volume threshold account may also have more than one controller.

A submission update will not be required if a previously identified controller replaces another previously identified controller.

The Exchange will expect controller reporting to be reflective and in line with historical controller identification as previously applied to position reporting.

² CFTC Division of Market Oversight Guidance Regarding the Terms “Owner” and “Controller” in the Ownership and Control Reporting (OCR) Final Rule 08 April 2016 (the “CFTCGuidance”); <http://www.cftc.gov/idc/groups/public/@newsroom/documents/file/ocrguidance040816.pdf>

4 SUBMISSION OF THE REQUIRED OCR INFORMATION

The OCR Information set out previously is to be supplied to the Exchange using the relevant forms (Form 102A and Form 102B), and submitted by reporting firms on the following basis;

4.1 Reportable Position Account Identifications

1. At a minimum, information regarding the names and addresses of the owner(s) and controller(s), account number and account type for each Reportable Position Account shall be submitted to the Exchange by the close of business on the Business Day following the date on which the Reportable Position Account reached or exceeded the applicable reportable level. All additional information shall be submitted no later than the close of business on the third Business Day following the date on which the account reached or exceeded the applicable reportable level.
2. OCR Information should be submitted to the Exchange within three trading days of any material change becoming effective that causes previously submitted OCR Information to be inaccurate. The Exchange would consider a 'material change' to include any change of the following types of information: account name, address, account owners or account controllers or controlled accounts. Notwithstanding the above, Exchange Compliance may also request an update for any account as it deems necessary.
3. Active Reportable Position Accounts, for which OCR Information has previously been submitted, will be subject to an annual refresh update from the first date of that account having become reportable.
4. For those accounts whose identification information was previously submitted to the Exchange in hard format (such as PDF), identification and submission in the electronic manner as prescribed by the Exchange for OCR Information should take place at the earlier of, any update to any required OCR Information or the annual refresh update.
5. The Exchange should be notified by email (compliance-endex@theice.com) where an account is deemed closed.
6. Notwithstanding the above, Exchange Compliance may at its discretion request OCR information or updated OCR Information as necessary.

The Exchange recognizes that in some instances there may be differences between the Exchange's large trader reporting levels and the CFTC's large trader reporting thresholds for linked contracts. For products where the Exchange's large trader reportable thresholds are lower than the CFTC levels, reporting firms will be required to submit Reportable Position Account identifying information to the Exchange earlier than the CFTC would require. For products where the Exchange's large trader reportable levels are higher than the CFTC levels, the Exchange will accept over-reporting of accounts and will not reject files on the basis that the position reported is below the Exchange's reporting level.

4.2 Volume Threshold accounts

1. A Clearing Member which holds or carries for itself, an affiliate, or any Customer a reportable Volume Threshold Account, must submit to the Exchange either by electronic submission via secure FTP or by manual entry through the Exchange OCR Portal, information identifying the ownership and control of the Volume Threshold Account using an equivalent CFTC Form 102B - Identification of a Volume Threshold Account, after an account meets or exceeds the reportable volume trading level as stipulated by the Exchange.
2. Volume Threshold Account identifying information should be provided within three business days of the first date of the account becoming identifiable. Material information such as associated Reportable Position Account Number, Trading Account Data for the Volume Threshold Account, Volume Threshold Account Owner(s), and NFA ID (if available), should be submitted within one business day of the first date the account becomes reportable.
3. Volume Threshold Accounts are subject to an annual refresh update from the first date of that account becoming identifiable;
4. Where there has been a material change that causes OCR Information previously submitted for Volume Threshold Accounts to be inaccurate, Clearing Firms should provide updated identifying information within three business days of the relevant changes becoming effective. Material changes include account name, address, owners, controllers or controlled accounts.
5. Notwithstanding the above, Exchange Compliance may at its discretion request OCR Information or updated OCR Information as necessary.
6. The Exchange should be notified by email (compliance-endex@theice.com) where an account is deemed closed.

4.3 Voluntary submission of additional OCR information to the exchange

Prior to the 30 October 2017 implementation date, the Exchange will accept OCR Information submitted on a voluntary basis from reporting firms using the automated CFTC Forms 102A - Identification of Special Accounts for Position Accounts, and 102B - Identification of Volume Threshold Accounts where submission is made via SFTP or manually via the Exchange's OCR portal (see Section 5 below for details).

Reporting firms do not need to resubmit a 102A for Reportable Position Accounts that have already been identified to the Exchange, unless there is a material change to the information previously provided or for the annual refresh update, in which case a new or updated 102A must be filed with the required information.

5 Technical requirements

5.1 XML schema and rule validation

For consistency across exchanges and to ease the burden on members, OCR Information must be submitted in the same manner and format as prescribed by the CFTC. The CFTC has produced XML Schema Definitions (XSDs) designed for creating a valid XML file and a spreadsheet with rule validations. The spreadsheet should be reviewed in conjunction with the Technical Guidance document also produced by the CFTC. This information can be found on the CFTC website at: <http://www.cftc.gov/Forms/OCR/index.htm>

The CFTC spreadsheet details description of each rule and the associated attribute(s) in the XSD.

5.2 File Transfer

Submission of OCR Information is the same for all ICE markets, including ICE Futures Europe. Reporting firms can submit OCR Information via;

Secure File Transfer Protocol (SFTP) submission in XML format via the ICE Managed File Transfer (“MFT”) service

Production-level file submissions must be made to the Production MFT folder and processed on the Production OCR environment.

Reporting firms that currently submit large trader position files to the Production MFT server already have the access required to submit production OCR files. The specific directory for OCR submissions is: /LGTR/OCR.

Below is the suggested naming convention for OCR files submitted to Production MFT:

OCRFORM_[FORMNUMBER]_[IDENTIFIER]_[YYYYMMDD]_[SOURCE]_[TRACKING].format

OR

The ICE OCR Portal on the ICE website (www.theice.com).

The ICE OCR portal is available for the manual submission of Production Forms 102A and 102B.

Depending on the method of submission (some firms may want to choose both options), the reporting firm should undertake the following actions;

FOR SFTP SUBMISSION

- i. Complete the form in Appendix [A];
- ii. Return the complete MFT Request form to ICE Futures Endex via Compliance-OCRReporting@theice.com
- iii. The completed form should be accompanied with a Source IP Address and a Public Key in accordance with the instructions on the form.

FOR SUBMISSION VIA THE ICE OCR PORTAL

- i. Complete the form in Appendix [B];
- ii. Return the ICE OCR Portal Request Form to ICE Futures Endex via Compliance-OCRReporting@theice.com.

Once access is granted, the Production OCR Portal is accessible by going to <https://www.theice.com>, selecting the "Login" link, and selecting "OCR" from the drop-down. The UAT OCR Portal is accessible in the same fashion at <https://uat1.theice.com>.

When submitting Forms 102A & 102B, a reporting firm should use the unique 3 character identifier provided to it by CFTC for reporting purposes.

5.3 Submission of test files

To submit test data, a reporting firm should in the first instance contact Compliance-OCRReporting@theice.com to advise of this intention.

Reporting firms that are not ready to submit production level OCR Information may continue to submit test files to the Exchange through the UAT (User Acceptance Testing) MFT environment. The Exchange will continue to provide automated validation feedback messages regarding potential errors via email.

Below is the suggested naming convention for OCR test files submitted through the UAT MFT:

OCRFORM_[FORMNUMBER]_[IDENTIFIER]_[YYYYMMDD]_[SOURCE]_[TRACKING]_TEST
.format

Any reporting firm that does not currently have access to either the Production or UAT MFT server, and needs access for OCR reporting or testing purposes, should send an email to Compliance-OCRReporting@theice.com to request access.

Reporting firms interested in testing manual submissions or updates via the OCR Portal can make those test submissions through the UAT OCR Portal.

6 Appendix A, ACCESS FORMS

Please find the OCR portal access request form [here](#)
Please find the MFT access request form [here](#)