****

**Application for registration for Trade Repositories providing services under the UK European Market Infrastructure Regulation (UK EMIR)**  
**Trade Repository form**

**Full legal entity name of applicant firm**

|  |
| --- |
|  |

**Important information you should read before completing this form**

You must consider the following points when completing this form:

* When answering the questions throughout this form please ensure you comply with article 1(4) of Regulation (EU) 150/2013 and indicate where the applicant firm considers the requirement of this Regulation is not applicable.
* When providing policies and procedures please ensure you comply with article 2 of Regulation (EU) 150/2013.
* The notes that accompany this form will help you complete the questions. They also explain why we require the requested information. Please see <https://www.fca.org.uk/publication/forms/trade-repositories-registration-notes.docx>

Please keep a copy of your completed forms and any supporting documents you include in your application pack for future reference.

The FCA processes personal data in line with the requirements of The General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018. For further information about the way we use the personal data collected in this form, please read our privacy notice available on our website: [www.fca.org.uk/privacy](http://www.fca.org.uk/privacy).

**It is important that you provide accurate and complete information.  Knowingly or recklessly giving the FCA information which is false or misleading in a material particular may be a criminal offence (sections 398 of the Financial Services and Markets Act 2000).  If necessary, please take appropriate professional advice before supplying information to us.**

**Terms in this application pack**

In this application pack we use the following terms:

* 'you' refers to the person(s) signing the form on behalf of the applicant firm
* 'the applicant firm' refers to the firm applying for registration
* ‘we’, ‘us’, ‘our’ or ‘FCA’ refers to the Financial Conduct Authority
* ‘FSMA’ refers to the Financial Services and Markets Act 2000

****

**Filling in the form**

**1** If you are using your computer to complete the pack:

* use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question
* save all the parts of the pack you have completed and attach to your application

**2** If you think a question is not relevant to you, you must write 'not applicable' and explain why.

**3** If you leave a question blank or do not attach the required supporting information we may have to treat the application as incomplete. This will increase the time taken to assess your application.

**4** If there is not enough space on the forms you may use separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.

**5** If you are relying on other documents to answer any questions in this form, please include a link/reference to the relevant information and indicate clearly in which specific section of the documentation the answer can be found. If this is not provided we will consider your application incomplete.

**6** Email the application consisting of:

* the Application for registration
* any supporting documents to us at: [Tr-registration@fca.org.uk](mailto:Tr-registration@fca.org.uk)

**7** Ensure you give each supporting document a unique reference number. These should all be listed in Section 12.

8 An application fee will be payable before your firm can be registered.

**9** At the point of registration we expect the applicant firm to be ready, willing and organised to start business.

**Contents**

1 General information 3

2 Ownership structure 7

3 Organisational chart 10

4 Staffing and remuneration 14

5 Financial resources for the performance of the trade repository 17

6 Conflicts of interest 19

7 Resources and procedures 21

8 Access rules 23

9 Operational reliability 26

10 Record keeping 28

11 Data availability 29

12 Supporting documents 31

13 Fees and levies 32

14 Application fee 33

15 Declaration and signatures 34

|  |  |
| --- | --- |
| 1 | General information  Use this section to provide the information required under Article 1, in addition to related information that we need for domestic purposes.  Please refer to that article when completing this section and satisfy yourself that you have provided all the information specified. |

**1.1 Does the applicant firm intend to use any trading names in addition to the legal entity name given on the front of this form?**

No

Yes⏵Give details below

|  |
| --- |
|  |

**1.2 You must provide an overview of the activities the applicant firm intends to carry out which require it to be registered as a trade repository**

|  |
| --- |
|  |

**1.3 Legal address within the UK**

|  |  |
| --- | --- |
| Registered office address |  |
|  |
|  |
| Postcode |  |

|  |  |
| --- | --- |
| Phone number (including STD code) |  |

|  |  |
| --- | --- |
| Email address |  |

**1.4 Does the applicant firm have a website address?**

No

Yes, live⏵Give address below

Yes, being developed⏵Give address (if known) and launch date below

|  |
| --- |
|  |

**1.5 You must attach an excerpt from the relevant commercial or court register, or other forms of certified evidence of the place of incorporation and scope of business activity of the applicant firm, valid at the application date.**

Attached

**1.6 You must provide information on the classes of derivatives for which the applicant firm wishes to be registered.**

|  |
| --- |
|  |

**1.7 You must attach the articles of incorporation and, where relevant statutory documentation stating that the applicant firm is to conduct trade repository services.**

Attached

**1.8 You must attach the minutes from the meeting where the board approved the application.**

Attached

Contact for this application

**1.9 Contact details of the person we will get in touch with about this application**

This must be someone who works for the applicant firm, and not a professional adviser.

|  |  |
| --- | --- |
| Title |  |

|  |  |
| --- | --- |
| First name(s) |  |

|  |  |
| --- | --- |
| Surname |  |

|  |  |
| --- | --- |
| Job title |  |

|  |  |
| --- | --- |
| Business address |  |
|  |
|  |
|  |
| Postcode |  |

|  |  |
| --- | --- |
| Phone number (including STD code) |  |

|  |  |
| --- | --- |
| Mobile number (optional) |  |

|  |  |
| --- | --- |
| Email address |  |

**1.10 Contact details of the person(s) responsible for compliance, or any other staff involved in compliance assessments for the applicant firm.**

|  |  |
| --- | --- |
| Title |  |

|  |  |
| --- | --- |
| First names |  |

|  |  |
| --- | --- |
| Surname |  |

|  |  |
| --- | --- |
| Job title |  |

|  |  |
| --- | --- |
| Business address |  |
|  |
|  |
|  |
| Postcode |  |

|  |  |
| --- | --- |
| Phone number (including STD code) |  |

|  |  |
| --- | --- |
| Mobile number (optional) |  |

|  |  |
| --- | --- |
| Email address |  |

**1.11 You must provide the programme of operations, including indications of the location of the main business activities.**

|  |
| --- |
|  |

**1.12 Does the applicant firm have any subsidiaries?**

No

Yes ⏵ Please identify these subsidiaries below and include, where relevant, the group structure

|  |
| --- |
|  |

**1.13 Does the applicant firm intend to provide any service other than the trade repository function**

No

Yes ⏵ Give details below

|  |
| --- |
|  |

**1.14 Is the applicant firm party to any pending judicial, administrative arbitration or any other litigation proceedings? Particularly, in regard to tax and insolvency matters and where significant financial or reputational costs may be incurred, or any non-pending proceedings, that may still have any material impact on trade repository costs.**

No

Yes ⏵Give details below

|  |
| --- |
|  |

**1.15 Please confirm that the applicant firm has documents available if requested to comply with the requirements set out in Articles 56 and 58 of Regulation**

Yes

Financial year end

**1.16 Date of the applicant firm's financial year end (dd/mm)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | / |  |  |

|  |  |
| --- | --- |
| 2 | Ownership structure  Use this section to provide the information required under Articles 3 and 4.  Please refer to these articles when completing this section and satisfy yourself that you have provided all the information specified. |

Owner(s) and parent undertaking of a trade repository

**2.1 Give details below of each person or entity who directly or indirectly holds 5% or more of the applicant firm’s capital or of voting rights, or whose holding makes it possible to exercise a significant influence over the management of the applicant firm.**

|  |  |  |  |
| --- | --- | --- | --- |
| Owner | Percentage of capital | Nature of the holding (direct or indirect) | Percentage of voting rights |
|  |  | Direct  Indirect |  |
|  |  | Direct  Indirect |  |
|  |  | Direct  Indirect |  |
|  |  | Direct  Indirect |  |
|  |  | Direct  Indirect |  |
|  |  | Direct  Indirect |  |

**2.2 Give details below of any undertakings in which a person referred to in Question 2.1 holds 5% or more of the capital or voting rights, or over whose management that person exercises a significant influence.**

|  |  |
| --- | --- |
| Owner | Companies in which the owner has an interest according to article 4(1) |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

**2.3 Does the applicant firm have a parent undertaking?**

No⏵Continue to Question 2.5

Yes ⏵Give details below of the legal address of the parent undertaking

|  |  |
| --- | --- |
| Registered office address |  |
|  |
|  |
| Postcode |  |

|  |  |
| --- | --- |
| Phone number (including STD code) |  |

|  |  |
| --- | --- |
| Email address |  |

**2.4 Is the parent undertaking authorised or registered and subject to supervision?**

No

Yes ⏵Give details below

Reference number

|  |
| --- |
|  |

Name of supervisory authority

|  |
| --- |
|  |

Ownership chart

**2.5 You must attach a chart showing the ownership links between:**

* **the parent undertaking**
* **subsidiaries**
* **any other associated entities or branches**

The ownership chart must include full names, legal status and legal address of each parent, subsidiary, entity or branch.

Attached

|  |  |
| --- | --- |
| 3 | Organisational chart  Use this section to provide the information required under Articles 5,6,7,8  and 9.  Please refer to these articles when completing this section and satisfy yourself that you have provided all the information specified. |

Organisational chart

**3.1 You must attach an organisational chart detailing the organisational structure of the applicant firm, including that of any ancillary services.**

The organisational chart must include information about the identity of the person responsible for each significant role, including senior management and persons who direct the activities of any branches.

Attached

Corporate governance

**3.2 You must attach the applicant firm’s internal corporate governance policies and procedures and terms of reference which govern its senior management, including the board, its non-executive members and, where established, committees.**

Attached

**3.3 You must confirm that the procedures attached above include a description of the selection process, appointment, performance evaluations and removal of senior management and members of the board.**

Yes

**3.4 Does the applicant firm adhere to a recognised corporate governance code of conduct?**

No

Yes ⏵ Give details below of the code and provide an explanation for any situations where the applicant firm deviates from the code.

|  |
| --- |
|  |

Internal controls

**3.5 You must provide an overview of the internal controls of the applicant firm, including its compliance function, review function, risk assessment, internal control mechanisms and arrangements of its internal audit function.**

The overview must include information on the following matters:

* the applicant firm’s internal control policies and respective procedures related to their consistent and effective implementation
* any policies, procedures and manuals regarding the monitoring and evaluation of the adequacy and effectiveness of the applicant firm’s systems
* any policies, procedures and manuals regarding the control and safeguard for the applicant firm’s information processing systems
* the identity of the internal bodies in charge of the evaluation of the relevant internal control findings

|  |
| --- |
|  |

**3.6 You must provide the following in respect of the applicant firm’s internal audit activities.**

In doing so you must provide:

* the composition of any Internal Audit Committee, its competencies and responsibilities
* its internal audit function charter, methodologies, standards and procedures
* how its internal audit charter, methodology and procedures are developed and applied taking into account the nature and extent of the applicant’s activities, complexities and risks

|  |
| --- |
|  |

**3.7 You must attach a work plan for 3 years following the date of the applicant firm’s application addressing the nature and extent of the applicant firm's activities, complexities and risks.**

Attached

Regulatory compliance

**3.8 You must provide a description of the roles of the persons responsible for compliance and of any other staff involved in the compliance assessments including how the independence of the compliance function from the rest of the business will be ensured.**

|  |
| --- |
|  |

**3.9 You must attach the internal policies and procedures designed to ensure that the applicant firm, including its managers and employees, comply with all the provisions of Regulation (EU) No 648/2012.**

This should include a description of the role of the board and senior management.

Attached

**3.10 You must attach, if available, the most recent internal report prepared by the persons responsible for compliance or any other staff involved in compliance assessments with the applicant firm.**

Attached

Not available

Senior management and members of the board – information to be provided on an individual basis

**3.11 You must attach a copy of the curriculum vitae of each member of the senior management and each member of the board. You must include detailed information on the knowledge and experience in IT management, operations and development.**

Attached

**3.12 You must give details below regarding any criminal convictions related to the provision of financial or data services or related to acts of fraud or embezzlement in the UK.**

If available you should attach an official certificate.

Attached

|  |
| --- |
|  |

**3.13 You must provide a self-declaration of good repute for the provision of a financial or data service, where each member of the senior management and the board states whether they:**

* have been convicted of any criminal offence related to the provision of financial or data services or related to acts of fraud or embezzlement
* have been subject to an adverse decision in any proceedings of a disciplinary nature brought by a regulatory authority or government bodies or agencies or are the subject of any such proceedings which are not concluded
* have been subject to an adverse judicial finding in civil proceedings before a court in connection to the provision of financial or data services, or for impropriety or fraud in the management of a business
* have been part of the board or senior management of an undertaking whose registration or authorisation was withdrawn by a regulatory body
* have been refused the right to carry on activities which require registration or authorisation by a regulatory body
* have been part of the board or senior management of an undertaking which has gone into insolvency or liquidation while this person was connected to the undertaking or within a year of the person ceasing to be connected to the undertaking
* have been part of the board or senior management of an undertaking which was subject to an adverse decision or penalty by a regulatory body
* have been otherwise, fined, suspended, disqualified, or been subject to any other sanction in relation to fraud, embezzlement or in connection with the provision of financial or data services, by a government, regulatory or professional body
* have been disqualified from acting as a director, disqualified from acting in any managerial capacity, dismissed from employment or other appointment in an undertaking because of misconduct or malpractice

Attached

**3.14 You must provide a declaration of any potential conflicts of interests that the senior management and the members of the board may have in performing their duties and how these conflicts are managed.**

|  |
| --- |
|  |

|  |  |
| --- | --- |
| 4 | Staffing and remuneration  Use this section to provide the information required under Article 10.  Please refer to that article when completing this section and satisfy yourself that you have provided all the information specified. |

Staffing policies and procedures

**4.1 You must attach a copy of the remuneration policy for the senior management, board members and the staff employed in the risk and control function of the applicant firm.**

Attached

**4.2 You must provide a description of the measures put in place by the applicant to mitigate the risk of over-reliance on any individual employees.**

|  |
| --- |
|  |

Fitness and properness

**4.3 You must provide the following details about the staff employed.**

If you need more space please copy this page and attach the additional sheets.

|  |  |  |
| --- | --- | --- |
| **Name** | **Role** | **Qualifications** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**4.4 You must provide a description of the information technology staff employed for providing the trade repository services, together with the role and qualifications of each individual.**

The description must include written evidence of the academic diploma and experience in information technology of at least one senior staff member responsible for IT matters.

|  |
| --- |
|  |

**4.5 You must provide a description of the roles and qualifications of each individual who is responsible for internal audit, internal controls, compliance and risk assessment.**

|  |
| --- |
|  |

**4.6 You must identify the dedicated staff members and those members of staff that are operating under an outsourcing arrangement.**

|  |
| --- |
|  |

**4.7 You must provide details of the training on the applicant firm’s policies and procedures as well as the trade repository business, including any examination or other type of formal assessment required for staff regarding the conduct of trade repository activities.**

|  |
| --- |
|  |

|  |  |
| --- | --- |
| 5 | Financial resources for the performance of the trade repository  Use this section to provide the information required under Article 12.  Please refer to that article when completing this section and satisfy yourself that you have provided all the information specified. |

Financial reports and business plans

**5.1 Please provide the following financial and business information about the applicant firm:**

* **A complete set of financial statements**

Attached

* **The audit report on the annual and consolidated financial statements where relevant**

Attached

* **If the applicant firm is audited, the name and national registration number of the external auditor**

No

Yes⏵Give details below

Name of external auditor

|  |
| --- |
|  |

National registration number of the external auditor

|  |
| --- |
|  |

**5.2 If you do not have the historical financial information requested in 5.1 please provide the following documents**

* **a pro-forma statement demonstrating proper resources and expected business status in 6 months after registration is granted**

Attached

* **an interim financial report where the financial statements are no yet available for the requested period of time**

Attached

* **a statement of financial position, such as a balance sheet, income statement, changed in equity and of cash flows and notes comprising a summary of accounting policies and other explanatory notes**

Attached

**5.3 You must attach a financial business plan contemplating different business scenarios for the trade repository services, over a minimum 3 years reference period and including the following information:**

* the expected level of reporting activity in number of transactions
* the relevant fixed and variable costs identified with to the provision of repository services under Regulation (EU) 648/2012
* positive and negative variations of at least 20% from the base scenario identified

Attached

**5.4 You must attach the audited annual financial statements of any parent undertaking for the 3 financial years preceding the date of the application.**

Attached

**5.5 You must provide an indication below of future plans for the establishment of subsidiaries and their location.**

|  |
| --- |
|  |

**5.6 You must provide a description of the business activities which the applicant firm plans to carry out, specifying the activities of any subsidiaries or branches.**

|  |
| --- |
|  |

|  |  |
| --- | --- |
| 6 | Conflicts of interest  Use this section to provide the information required under Articles 13, 14 and 15.  Please refer to these articles when completing this section and satisfy yourself that you have provided all the information specified. |

Management of conflicts of interest

**6.1 You must attach a copy of the policies and procedures for the identification, management and disclosure of conflicts of interest.**

Attached

**6.2 You must provide a description of the process used to ensure that the relevant persons are aware of the policies and procedures mentioned in Question 6.1.**

|  |
| --- |
|  |

**6.3 You must provide a description of any other measures and controls put in place to ensure the requirements referred to in Questions 6.1 and 6.2 on conflicts of interest management are met.**

|  |
| --- |
|  |

Confidentiality

**6.4 You must attach a copy of the internal policies and mechanisms preventing any use of information stored in the prospective trade repository:**

* **for illegitimate purposes**
* **for disclosure of confidential information**
* **not permitted for commercial use**

Attached

**6.5** **You must attach internal policies and mechanisms on staff permissions for using passwords to access the data, specifying the staff purpose, the scope of data being viewed and any restrictions on the use of data, as well as detailed information on any mechanisms and controls in place to effectively manage potential cyber-risks and to protect the data maintained from cyber-attacks.**

Attached

**6.6 You must provide a description on the processes to keep a log identifying each staff member accessing the data, the time of access, the nature of data accessed and the purpose.**

|  |
| --- |
|  |

Inventory and mitigation of conflicts of interest

**6.7 You must attach an up-to-date inventory of the existing material conflicts of interest for any ancillary or other related services provided by the applicant firm and a description of how these are being managed.**

Where the applicant firm is part of a group, the inventory shall include any material conflicts of interest arising from other undertakings within the group and how these conflicts are managed.

Attached

|  |
| --- |
|  |

|  |  |
| --- | --- |
| 7 | Resources and procedures  Use this section to provide the information required under Articles 16 and 17.  Please refer to these articles when completing this section and satisfy yourself that you have provided all the information specified. |

Information Technology resources and outsourcing

**7.1** **You must provide a detailed description of the information technology system** **including the relevant business requirements, functional and technical specifications, system architectural and technical design, data model and data flows, and operations and administrative procedures and manuals.**

|  |
| --- |
|  |

**7.2** **You must provide a description of the user facilities developed by the applicant firm in order to provide services to the relevant users, including a copy of any user manual and internal procedures.**

|  |
| --- |
|  |

**7.3 You must attach the investment and renewal policies on information technology resources of the applicant firm.**

Attached

**7.4 You must provide a description of the outsourcing arrangements entered into by the applicant firm, together with:**

* detailed definitions of the services to be provided, including measurable scope of those services, the granularity of the activities as well as condition under which those activities are rendered, and their timelines
* service level agreements with clear roles responsibilities, metrics and targets for every key requirement of the trade repository that is outsourced, the methods employed to monitor the service level of the outsourced functions and the measures or actions to be taken in the event of not meeting service level targets
* a copy of the contracts governing such arrangements

Copy of the contracts attached

|  |
| --- |
|  |

Ancillary services

**7.5** **Does the applicant firm, an undertaking within its group, or an undertaking with which the applicant firm has an agreement relating to trading or post-trading service offers or plans to offer any ancillary services?**

No⏵Continue to Section 8

Yes

**7.6** **You must provide details of the ancillary services being performed and a description of any agreement that the trade repository may have with companies offering trading, post-trading, or other related services. You must also attach copies of such agreements.**

Attached

|  |
| --- |
|  |

**7.7** **You must provide details of the procedures and policies that will ensure the necessary degree of operational separation in terms of resources, systems and procedures, between the applicant’s trade repository services under EMIR and other business lines. This includes business lines that comprise the provision of services under UK or third country legislation irrespective of whether that separate business line is run by a trade repository a company belonging to its holding company, or any other company within which it has an agreement in the context of the trading or post-trading chain or business line.**

|  |
| --- |
|  |

|  |  |
| --- | --- |
| 8 | Access rules  Use this section to provide the information required under Articles 18, 19 and 20 of the Regulation.  Please refer to these articles when completing this section and satisfy yourself that you have provided all the information specified. |

The information referred to in Questions 8.1, 8.2 and 8.3 below shall be specified for the following types of users:

(a) internal users;

(b) reporting counterparties;

(c) report submitting entities;

(d) entities responsible for reporting;

(e) non-reporting counterparties;

(f) non-reporting third parties;

(g) entities listed in Article 81(3) of Regulation (EU) No 648/2012;

(h) other types of users, where applicable.

Transparency of access rules

**8.1** **You must attach the policies and procedures pursuant to which the different types of users report and access data in a trade repository, including any process that the relevant users may need to access, consult or modify the information maintained by the trade repository.**

Attached

**8.2** **You must attach a copy of the terms and conditions which determine the rights and obligations of the different types of users in relation to the information maintained by the trade repository.**

Attached

**8.3 You must provide a description of the different categories of access available to users.**

|  |
| --- |
|  |

**8.4 You must attach the policies and procedures pursuant to which other services providers may have non-discriminatory access to information maintained by the trade repository where the relevant counterparties have given their written, voluntary and revocable consent.**

Attached

**8.5 You must provide a description of the channels and mechanisms used to publicly disclose information on the access to the trade repository**

|  |
| --- |
|  |

Verification of completeness and correctness of data

**8.6 You must attach the procedures used by the applicant firm to verify:**

1. the authentication of the identity of the users accessing the trade repository
2. the completeness and correctness of derivatives reported to the trade repository
3. the authorisation and IT permission of the entity reporting on behalf of the reporting counterparty
4. the logical sequence of the details of the reported derivatives is maintained at all times
5. the completeness and correctness of the details of the reported derivatives
6. the reconciliation of data between trade repositories where counterparties report to different trade repositories.
7. the provision of feedback to the counterparties to the derivatives or the third parties reporting on their behalf, on verifications performed under points (a-e) and the outcomes of the reconciliation process point (f).

Attached

Pricing policy transparency

**8.7 You must provide a description of the applicant firm’s pricing policy, including any existing discounts and rebates and conditions to benefit from such reductions.**

|  |
| --- |
|  |

**8.8 You must provide a description of the applicant firm’s fee structure for providing any trade repository and ancillary services. This should include the estimated cost of the trade repository services and ancillary services, along with the details of the methods used to account the separate cost that the applicant firm may incur when providing trade repository services and ancillary services.**

|  |
| --- |
|  |

**8.9 You must provide a description of the methods used to make the information publicly available to all types of users, including a copy of the fee structure in which trade repository services and ancillary services are unbundled.**

|  |
| --- |
|  |

|  |  |
| --- | --- |
| 9 | Operational reliability  Use this section to provide the information required under Article 21.  Please refer to that article when completing this section and satisfy yourself that you have provided all the information specified. |

Operational risk

**9.1 You must provide a detailed description of the resources available and procedures designed to identify and mitigate operational risk and any other material risk to which the applicant firm is exposed to. You must also attach a copy of any relevant policies, methodologies, internal procedures and manuals.**

Policies, methodologies, internal procedures and manuals attached

|  |
| --- |
|  |

**9.2 You must provide a description of the liquid net assets funded by equity to cover potential general business losses in order to continue providing services as a going concern. Please also provide an assessment of the sufficiency of its financial resources to cover the operational costs of a wind-down or reorganisation of critical operations and services over at least a 6-month period.**

|  |
| --- |
|  |

**9.3 You must attach the applicant firm’s business continuity plan and the policy for updating the plan.**

The plan and policy should include:

1. all business processes, escalation procedures and related systems which are critical to ensuring the services of the trade repository applicant, including any relevant outsourced service and including the trade repository strategy, policy and objectives for the continuity of these processes
2. the arrangements in place with other financial market infrastructure providers including other trade repositories
3. the arrangements to ensure a minimum service level of the critical functions and the expected timing of the completion of the full recovery of those processes
4. the maximum acceptable recovery time for business processes and systems, having in mind the deadline for reporting to trade repositories as provided for in Article 9 of Regulation (EU) No 648/2012 and the volume of data that the trade repository needs to process within that daily period
5. the procedures to deal with incident logging and reviews
6. testing programme and results of any tests
7. the number of alternative technical and operational sites available, their location, the resources when compared with the main site and the business continuity procedures in place in the event that alternate sites need to be used
8. information on access to a secondary business site to allow staff to ensure continuity of the service if a main office location is not available
9. plans, procedures and arrangements for handling emergencies and ensuring personnel safety
10. plans, procedures and arrangements for the management of crises, including the coordination of the overall business continuity action and its timely and effective activation within a given recovery time objective
11. plans, procedures and arrangements to recover the applicant’s system, application and infrastructure components within the prescribed recovery time objective

Attached

**9.4 You must provide a description of the arrangements for ensuring the applicant firm’s trade repository activities in case of disruption and the involvement of trade repository users and other third parties in them.**

|  |
| --- |
|  |

**9.5 You must attach the procedures to ensure the orderly substitution of the original trade repository where requested by a reporting counterparty, or where requested by a third-party reporting on behalf of non-reporting counterparties, or whereby such substitution is the result of a withdrawal of registration, and shall include the procedures for the transfer of data and the redirection of reporting flows to another trade repository.**

Attached

|  |  |
| --- | --- |
| 10 | Record keeping  Use this section to provide the information required under Article 22.  Please refer to that article when completing this section and satisfy yourself that you have provided all the information specified. |

Record keeping policy

**10.1 You must provide information below about the receipt and administration of data, including any policies and procedures used by the applicant firm to ensure:**

* **a timely and accurate registration of the information reported**
* **a record-keeping of all reported information relating to the conclusion, modification or termination of a derivative contract in a reporting log**
* **that the data is maintained both online and offline**
* **that the data is adequately copied for business continuity purposes**

|  |
| --- |
|  |

**10.2 You must provide a description of the record keeping systems, policies and procedures that are used to ensure that the data reported is modified appropriately and that positions are calculated correctly in accordance with relevant legislative or regulatory requirements.**

|  |
| --- |
|  |

|  |  |
| --- | --- |
| 11 | Data availability  Use this section to provide the information required under Article 23 and 23a.  Please refer to these articles when completing this section and satisfy yourself that you have provided all the information specified. |

Data availability mechanisms

**11.1 You must provide a description of the resources, methods and channels that the applicant firm will use to give access to the information in accordance with Article 81(1), (3) and (5) of EMIR .****You may refer to your answers in Questions 11.2 and 11.3.**

|  |
| --- |
|  |

**11.2 You must provide a procedure to calculate the aggregate positions in accordance with Commission Delegated Regulation (EU) No 151/2013 and a description of the resources, methods and channels that the applicant firm will employ to facilitate access to the data contained therein to the public in line with Article 81(1) of EMIR and a description of the frequency of updates, along with a copy of the specific manuals and internal policies.**

|  |
| --- |
|  |

**11.3 You must provide a description of the resources, methods and facilities that the applicant firm will use to facilitate access to its information to the relevant authorities in line with Article 81(3) of Regulation (EU) No 648/2012. Please also provide a description of the frequency of update and the controls and verifications that the applicant firm may establish for the access filtering process, along with a copy of the specific manuals and internal procedures.**

|  |
| --- |
|  |

**11.4 You must provide a procedure and a description of the resources, methods and channels that the applicant firm will use to facilitate the timely structured and comprehensive collection of data from counterparties, the access to its information to counterparties to derivatives in accordance with Article 80(5) of Regulation (EU) No 648/2012, along with a copy of the specific manuals and internal policies.**

Attached

|  |
| --- |
|  |

Direct and immediate access to data by authorities

**11.5 You must provide information on the terms and condition under which the authorities referred to in Article 81(3) of Regulation (EU) No 648/2012 are given direct and immediate access to the details of derivatives maintained at the trade repository in accordance with Delegated Regulation (EU) No 151/2013 including:**

* the procedure under which the authorities are given direct and immediate access to the details of derivatives contracts maintained at the trade repository in accordance with Delegated Regulation (EU) No 151/2013 and
* the procedure to ensure the integrity of the data accessed by those authorities.

Attached

|  |  |
| --- | --- |
| 12 | Supporting Documents |

Please provide details of the supporting documentation attached to this application in the table below.

If any of the supporting documents requested in this form do not apply to the trade repository application you must give details in this table and provide an explanation.

If you need more space please copy this page and attach it to your application.

|  |  |  |  |
| --- | --- | --- | --- |
| **Question number** | **Trade repository reference number** | **Title of the document** | **Chapter or section or page of the document where the information is provided or reason why the information is not provided.** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

|  |  |
| --- | --- |
| 13 | Fees and levies  This section is included to provide the applicant information on periodic fees and levies payable to the FCA. |

FCA fees

**13.1 Fee block J.2 – Trade Repositories**

**How much applicable turnover for UK business does the applicant firm estimate for the first year of authorisation in relation to the trade repository activity?**

|  |  |
| --- | --- |
| Amount | £ |
| Confirm amount in words |  |

Declaration of on-going FCA fees liability

**13.2 You must confirm that the applicant firm understands that it is liable and remains liable to pay fees until such time as the FCA cancels its permission. This is irrespective of whether it is trading, or even if it has notified us of intention to cease trading or submitted an application to cancel.**

Yes

|  |  |
| --- | --- |
| 14 | Application fee |

You will need to pay an application fee to finalise this application.

### Payment method

Payment is by cheque. The application fee is not refundable.

### How to pay

1 Make the cheque payable to the Financial Conduct Authority. We cannot accept post-dated cheques.

2 Write the name of the applicant on the back of the cheque.

3 Write 'Application for registration as a Trade Repository for UK EMIR’ on the back of the cheque.

4 Send the cheque to us at Financial Conduct Authority, 12 Endeavour Square, London, E20 1JN

5 Alternatively, you can make this payment by card over the phone to our Payments Helpline: 020 7066 6014. The line is open 10am-4pm Monday-Friday. You will need to quote your unique Case Reference Number whilst making your payment.

### Application fee

**14.1 You must confirm you have enclosed the fee for your application.**

**Category 5**

Please refer to FEES 3 Annex 13R and FEES 3 Annex 1A for the details of the amount chargeable for each category - <https://www.handbook.fca.org.uk/handbook/FEES/3/Annex13R.html> and

<https://www.handbook.fca.org.uk/handbook/FEES/3/Annex1A.html>

|  |  |
| --- | --- |
| 15 | Declaration and signatures |

Declaration

Knowingly or recklessly, giving the FCA information that is false or misleading in a material particular may be a criminal offence (see sections 398 of the Financial Services and Markets Act 2000). Even if you believe or know that information has been provided to the FCA before (whether as part of another application or otherwise) or is in the public domain, you must nonetheless disclose it clearly and fully in this form and as part of this application – you should not assume that the FCA will itself identify such information during the assessment of this application.

There will be a delay in processing the application if information is inaccurate or incomplete, and if the information is inaccurate, that may call into question whether the applicant firm meets the requirements of Part 3, Chapter 2 of The Trade Repositories (Amendment and Transitional Provision) (EU Exit) Regulations 2018. You must notify the FCA immediately if there is a change to the information in this form and/or if inaccurate information has been provided (insofar as the FCA is reasonably likely to consider the information material).

I/We confirm that the information provided in this application is accurate and complete to the best of my/our knowledge and that I/we have read the notes to this Form. I/We will notify the FCA immediately if there is a material change to the information provided.

I/We authorise the FCA to make such enquiries and seek such further information as it thinks necessary to identify and verify information that it considers relevant to the assessment of this application.

These checks may include credit reference checks or information pertaining to fitness and propriety. I/We are aware that the results of these enquiries may be disclosed to the firm/employer/applicant.

I/We confirm that I am/We are authorised to sign this form on behalf of the applicant firm.

I am/We are aware that, while advice may be sought from a third party (eg legal advice), responsibility for the accuracy of information, as well as the disclosure of relevant information, on the form is ultimately the responsibility of those who sign the application.

**With this application, you must provide a letter signed by a member of the board of the trade repository and of the senior management, attesting that the submitted information is accurate and complete to the best of their knowledge, as of the date of that submission.**

**You must also provide where relevant, the relevant corporate legal documentation certifying the accuracy of the data.**

**15.1 You must confirm you have attached this letter to application.**

Attached

**Name of signatory**

|  |
| --- |
|  |

**Signature**

|  |
| --- |
|  |

**Date (dd/mm/yyyy)**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | / |  |  | / |  |  |  |  |