

Circular 22/097 Annual MiFID Investment Firm and LEI Status On-line Attestation

Category
Regulations

Attachments
None

The purpose of this Circular is to inform Members that ICE Futures Europe (“the Exchange”) requires its Members to re-attest their MiFID Investment Firm Status, that their Legal Entity Identifier (“LEI”) is correct, and for certain Members that their trading branch locations are being correctly identified by their Responsible Individual Mnemonics (“RIM”). The Exchange will be resetting the Member Company Attestation in the ICE Identifier Admin (“IIA”) application on 01 July 2022 to enable Members to perform their attestation.

MiFIR requires that, where a transaction is executed on the Exchange by a Member that is not itself subject to the MiFIR Transaction Reporting provisions, the Exchange must report the details of the transaction to its regulatory authorities. Accordingly, to discharge this obligation, the Exchange must have accurate information on the reporting obligations of its Members under MiFIR.

Members will be able to attest to the Exchange in IIA their status as Investment Firms under Transaction Reporting provisions of MiFIR and confirm that their LEI is correct and to further attest the location of the RIM where the Exchange needs to identify the branch location from which the Member is trading. This facility in IIA serves both ICE Futures Europe and ICE Endex. Accordingly, a Member who is a MiFID Investment Firm under either the EU-MiFIR or the UK-MiFIR should attest themselves as a MiFID Investment Firm.

The Attestation portal will be made available to all Members on **Friday 01 July 2022** and the Exchange requires Members to complete their attestations by **Friday 30 September 2022**.

LEI and MiFID Investment Firm Status

The LEI and MiFID Investment Firm Status attestation is a requirement first introduced by the Exchange in 2020. Members should note that this requirement will also cover Member Companies that are Members of the Exchange’s affiliated venue, ICE Endex BV.

The Companies tab in the IIA application is where regulatory compliance officers can perform the attestation.

Members should note that any entity who is required to report transactions under EU-MiFIR or UK-MiFIR or by virtue of their authorisation by the FCA as a Third Country Firm under SUP 17.A.1.2 should attest themselves as a MiFID Investment Firm to the Exchange.

RIM Branch Location Attestation

Members who are non-UK EU MiFID Investment Firms may have authorisation from the FCA for their UK branches to transact business with UK customers. In such cases the Exchange is only required to report the transactions executed by their non-UK branches and so it is important that the location of the branches can be determined accurately. The Exchange uses the location of the RIM to achieve this and Members who are non-UK EU MiFID Investment Firms will be required to attest that each RIM location is accurate. The Branch Location logic also allows Third Country Firms with FCA authorisation to identify which of their branches have reporting obligations to the FCA and which do not.

Members who do not fall into these categories are not required to make any attestation of their RIMs.

Most Members will already have an individual with the necessary attestation access. Where this is not the case the Members should contact the Reporting Operations team at the Exchange to agree the individual who will be granted this new attestation access at the following email address:


Compliance-Europe-MiFIDReporting@TheIce.com.

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Given the significance of this information, the Exchange expects the attestations to be performed by staff with sufficient seniority and expertise in regulatory compliance.

Please ensure that the appropriate members of staff within your organization are advised of the content of this Circular.

Signed:

A handwritten signature in black ink, appearing to read 'Laurence Walton', with a horizontal line underneath.

Laurence Walton
Head of Regulation and Compliance

For more information, please contact:

Greg Stevens / +44 207 050 1048 / greg.stevens@ice.com | compliance-europe-mifidreporting@theice.com

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