

Circular 23/116 Annual MiFID Investment Firm and LEI Status On-line Attestation

Category Regulations

Attachment MiFID Investment Firm, LEI and RIM IIA Attestation - Set-Up Steps

MiFIR requires that, where a transaction is executed on ICE Futures Europe ("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 authority. Accordingly, to discharge this obligation, the Exchange must have accurate information on the reporting obligations of all of its Members. The purpose of this Circular is to inform Members that the Exchange requires its Members to:

- reattest to the Exchange their MiFID Investment Firm Status under Transaction Reporting provisions of MiFIR;
- confirm that their Legal Entity Identifier ("LEI") is correct, and;
- for certain Members, attest the location of the RIM to confirm that their trading branch locations are being correctly identified by their Responsible Individual Mnemonics ("RIMs").

In preparation for this reattestation, the Exchange reset the Member Company Attestation in the ICE Identifier Admin ("IIA") application on 10 July 2023 to enable Members to perform their attestation.

This IIA application 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 under the relevant regime.

The Companies tab in the IIA application is where Members must perform the attestation.

The attestation portal became available to all Members on **Monday 10 July 2023** and the Exchange requires Members to complete their attestations by **Friday 29 September 2023**.

Why do Members have to do this?

The LEI and MiFID Investment Firm Status attestation is a requirement first introduced by the Exchange in 2020. Members should note that this requirement also covers entities that are Members of the Exchange's affiliated trading venue, ICE Endex BV.

Members should note that any entity 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 make this designation and Members who are EU but non-UK 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.

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

View All Notices / Contact Us / Media Inquiries

Most Members will already have an individual with the necessary attestation access. Where this is not the case the Members should contact the ICE User Administration team at the Exchange to agree the individual who will be granted this new attestation access at the following email address: iceuseradministration@ice.com.

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 organisation and customers are advised of the content of this Circular.

Signed:



Laurence Walton
Head of Regulation and Compliance

For more information, please contact:

Greg Stevens / +44 (0)20 7050 1048 / greg.stevens@ice.com | MarketRegulation-Europe-MiFIDReporting@ice.com

View All Notices / Contact Us / Media Inquiries