



BANK OF ENGLAND

Sir Jon Cunliffe
Deputy Governor Financial Stability

30 June 2016

Mr Mark Carney
Chairman
Financial Stability Board

Dear Mr Chairman

ADDRESSING LEGAL BARRIERS TO REPORTING OF, AND ACCESS TO, OTC DERIVATIVES TRANSACTION DATA UK RESPONSE

We are writing in response to your letter of 13 March 2016 (PLEN/2016/29) reminding all FSB member jurisdictions to report on their planned actions to address legal barriers in relation to trade reporting.

This UK response should be read in conjunction with the response from the European Commission as much of the relevant law in the UK stems from EMIR¹.

In summary, the UK does not believe that it has to take any action as there are no relevant legal barriers that exist in UK law.

Barriers to reporting information into TRs or TR-like entities

There are no barriers in UK law to reporting under EMIR. Indeed, Article 9 (4) of EMIR specifically ensures that this will be the case. In our understanding, masking is not permitted on an EMIR report.

In some circumstances, UK entities will also have reporting obligations under non-EU law, including to non-EU TRs where there are no equivalence agreements in place. There are no UK legal barriers as such to doing this. There are no requirements in UK law to mask any of the data. For such reporting, the reporting obligation could include information that would require the consent of counterparties or clients to be reported. There are no barriers in UK law to those counterparties or clients providing such consent on a standing basis.

Authorities' access to TR-held data

This is governed by EMIR in the UK.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Cunliffe'.

Sir Jon Cunliffe
Deputy Governor, Financial Stability

¹ Regulation (EU) No 648/2012 on OTC derivatives, central counterparties and trade repositories.