

Barriers to reporting information into TRs or TR-like entities

- Where barriers to full reporting of trade information (including counterparty information) exist within a jurisdiction's legal and regulatory framework, such barriers should be removed by June 2018 at the latest, with respect to reporting pursuant to domestic and foreign requirements.
- Where there is a requirement in a jurisdiction's legal and regulatory framework that a trade participant must obtain a counterparty's consent to report trade data, by June 2018 at the latest all jurisdictions should permit transaction counterparties to provide standing consent to the reporting of such data to any domestic or foreign TR.
- Masking of newly reported transactions should be discontinued by end-2018 once barriers to reporting are removed, since masking prevents comprehensive reporting.

By June 2016 jurisdictions should report what actions are planned to address these barriers to reporting trade information.

MAS' Response:

Banks can report counterparty information for the purpose of trade reporting to domestic or foreign TRs as long as client consent is obtained. Client consent can be in the form of a standing consent.

To facilitate the reporting of counterparty information, MAS has proposed¹ legislative amendments to the Securities and Futures Act ("SFA") that will remove the need for client consent to be obtained, for the purposes of complying with domestic and foreign reporting obligations. The amendments are targeted to be tabled in Parliament in 2H 2016, and to take effect in 2017.

MAS has allowed for deferred reporting of counterparty information under the Securities and Futures (Reporting of Derivatives Contracts) Regulation ["SF(RDC)R"]. Regulation 11 of the SF(RDC)R provides relief to a specified person from reporting counterparty information if –

- a) he is prohibited from doing so under the laws of a list of prescribed jurisdictions specified in the Fifth Schedule to the SF(RDC)R, or by any requirements imposed on him by any authority of any jurisdiction specified in the Fifth Schedule; or
- b) where the laws or the requirements imposed on him by any authority of any jurisdiction allow him to report the counterparty information only with the consent of the counterparty to the specified derivatives contract, and he was unable to obtain such consent after having made reasonable efforts to do so.

The deferred reporting arrangement expires on 30 June 2017.

¹ Consultation Paper on Proposed Amendments to the SFA, Feb 2015, <http://www.mas.gov.sg/news-and-publications/consultation-paper/2015/consultation-paper-on-proposed-amendments-to-the-sfa.aspx>

Authorities' access to TR-held data

- By June 2018 at the latest all jurisdictions should have a legal framework in place to permit access to data held in a domestic TR by domestic authorities and by foreign authorities, on the basis of these authorities' mandates and in accordance with the domestic regulatory regime.³

- The legal framework should include eliminating the conditions that, in practice, prevent this access.⁴

- In general, consistent with the recommendations of the CPMI–IOSCO 2013 report on authorities' access to TR-held data, it is preferable that access to relevant data held in TRs be direct rather than indirect access, to enable authorities to have continuous and un-intermediated access to relevant TR-held data.⁵

- All relevant authorities should coordinate in establishing cooperative arrangements that facilitate authorities' access to TR-held data (whether it be through direct or indirect access).⁴

- Authorities and TRs should work together, as appropriate, to facilitate the creation of appropriate operational frameworks that facilitate access to TR-held data, whether direct or indirect.

By June 2016 jurisdictions should report what actions are planned to permit and facilitate authorities' access to data held in a domestic TR.

MAS' Response:

NA. Singapore allows access without material conditions.