EMIR REFIT Reporting FAQs

What is mandatory reporting?

EMIR Refit introduces a new reporting requirement for Financial Counterparties (FC), like SCB that conclude OTC derivative contracts with EEA Non-Financial Counterparties below the clearing threshold (NFC-).

Under EMIR Refit, the FC shall be solely responsible, and legally liable, for reporting on behalf of both counterparties and for ensuring the correctness of the details reported.

As an EEA based FC, SCB’s mandatory reporting obligation comes into effect from 18 June 2020.

What information does SCB use to report your trades?

SCB will report your trades and populate the relevant fields in the following manner:

- **Reporting Counterparty ID; Legal Entity Identifier (LEI)** 20 alphanumerical character code: naming you as a counterparty to the reportable transaction. SCB has captured your LEI, however please note you are required to ensure your LEI is maintained annually in order to not let it lapse. A lapsed LEI will prevent SCB from reporting. Please refer to the GLEIF Link below or contact your Local Operating Unit (LOU) for further information about the LEI renewal process.

- **Corporate Sector**: Nature of the reporting counterparty’s company activities.

- If the Reporting Counterparty is a Non-Financial Counterparty, this field shall contain all necessary codes from the Taxonomy for Non-Financial Counterparties (see below table) which apply to that counterparty. Where more than one activity is reported, the codes shall be populated in order of the relative importance of the corresponding activities. SCB will populate primary and where applicable, secondary and tertiary Corporate Sector values for you based on our knowledge of your business from our ongoing relationship with you. This includes information obtained from you during our client onboarding and maintenance due diligence activities. Please contact us if you wish to review the Corporate Sector values with us.

### Taxonomy for Non-Financial Counterparties

The following categories correspond to the main sections of Statistical Classification of economics activities in the European Community (NACE) as defined in Regulation (EC) No 1893/2006 of the European Parliament and of the Council:

1. Agriculture, forestry and fishing
2. Mining and quarrying
3. Manufacturing
4. Electricity, gas, steam and air conditioning supply
5. Water supply, sewerage, waste management and remediation activities
6. Construction
7. Wholesale and retail trade, repair of motor vehicles and motorcycles
8. Transportation and storage
9. Accommodation and food service activities
10 = Information and communication  
11 = Financial and insurance activities  
12 = Real estate activities  
13 = Professional, scientific and technical activities  
14 = Administrative and support service activities  
15 = Public administration and defence; compulsory social security  
16 = Education  
17 = Human health and social work activities  
18 = Arts, entertainment and recreation  
19 = Other service activities  
20 = Activities of households as employers; undifferentiated goods – and services – producing activities of households for own use  
21 = Activities of extraterritorial organisations and bodies

Where more than one activity is reported, list the codes in order of the relative importance of the corresponding activities, separating them with "-".

- Nature of Counterparty: Indicate if the reporting counterparty is a CCP, a financial, non-financial counterparty or other type of counterparty. This will be populated based on information maintained at SCB.

- Beneficiary ID: Legal Entity Identifier (LEI) 20 alphanumerical character code or up to 50 alphanumerical character client code in the case where the client is not eligible for a Legal Entity Identifier. This field relates to the party subject to the rights and obligations arising from the contract. Where the transaction is executed via a structure, such as a trust or fund, representing several beneficiaries, the beneficiary should be identified as that structure. Where the beneficiary of the contract is not a counterparty to this contract, the reporting counterparty must identify this beneficiary by a unique code. In all instances, SCB will deem you to be the beneficiary.

- Trading Capacity: Identifies whether the reporting counterparty has concluded the contract as principal on own account (on own behalf or behalf of a client) or as agent for the account of and on behalf of a client. In all instances, SCB will treat you to be acting in a “Principal” capacity.

- Directly linked commercial or treasury financing: Information on whether the contract is objectively measurable as directly linked to the reporting counterparty’s commercial or treasury financing activity, as referred to in Art. 10(3) of Regulation (EU) No 648/2012. In all instances, SCB will populate this as ‘Yes’.

- Broker ID: If a broker acts as intermediary for the reporting counterparty without becoming a counterparty themselves, the reporting counterparty shall identify this broker by a unique code. This will be determined by SCB by reference to any data it holds on the involvement of a broker. If no broker was involved in the conclusion of the contract, this will remain blank.

References to “you” or “your” relate to the NFC- Reporting Counterparty.

External References

- The Regulatory Technical Standards (RTS):  
- The Implementing Technical standards (ITS):

- Regulation (EU) 2019/834 amending Regulation (EU) 648/2012:
- GLEIF Renewal of Lapsed LEIs: