**AMENDMENTS TO
MULTILATERAL INSTRUMENT 96-101
*TRADE REPOSITORIES AND DERIVATIVES DATA REPORTING***

1.   Multilateral Instrument 96-101 Trade Repositories and Derivatives Data Reporting is amended by this Instrument.

***2.   The title is amended by replacing** "*Trade Repositories and Derivatives Data Reporting*" **with** "Derivatives: Trade Reporting".*

3.   Subsection 1(1) is amended

    (a)   by adding the following definitions:

    "collateral and margin data" means data relating to collateral or margin posted or collected as of the date of reporting, in respect of the data elements listed in Appendix A under the headings "Data Elements Related to Collateral and Margin" and "Data Elements Related to Actions and Events";*,*

    "commodity derivative" means a derivative for which the only underlying interest is a commodity other than currency;*,*

    "Derivatives Service Bureau" means the subsidiary of the Association of National Numbering Agencies incorporated as The Derivatives Service Bureau (DSB) Limited and designated by the Financial Stability Board as both the service provider for the unique product identifier system for derivatives and the operator of the unique product identifier reference data library, or, except in British Columbia, any successor thereto;*,*

    "facility for trading derivatives" means any of the following:

      (a)   a marketplace as defined in National Instrument 21-101 *Marketplace Operation*;

      (b)   a swap execution facility as defined in the Commodity Exchange Act, 7 U.S.C. §1a(50) (United States of America), as amended from time to time;

      (c)   a security-based swap execution facility as defined in the 1934 Act;

      (d)   a multilateral trading facility as defined in Directive 2014/65/EU Article 4(1)(22) of the European Parliament, as amended from time to time;

(e)   an organized trading facility as defined in Directive 2014/65/EU Article 4(1)(23) of the European Parliament, as amended from time to time;

(f)   a person or company that performs a similar function to a person or company described in any of paragraphs (a) to (e), including, for greater certainty, a person or company in a foreign jurisdiction;**,**

"notional amount threshold derivatives dealer" means a derivatives dealer to which subsection 44(1) or 44(2) of National Instrument 93-101 *Derivatives: Business Conduct* applies;**,**

"position level data" means the lifecycle event data, valuation data and collateral and margin data, each reported on an aggregated basis;**,**

"qualified reporting counterparty" means a reporting counterparty that is any of the following:

(a)   a derivatives dealer;

(b)   a reporting clearing agency;

(c)   an affiliated entity of a person or company referred to in paragraph (a) or (b);**,**

"UTI" means unique transaction identifier;**,**

"validation procedure" means a written rule, policy or procedure reasonably designed to ensure that the derivatives data reported under this Instrument satisfies the data elements listed in Appendix A;**,**

*(b)   by replacing the definition of "*creation data*" with*

"creation data" means data in respect of the data elements listed in Appendix A, other than under the headings "Data Elements Related to Collateral and Margin" and "Data Elements Related to Valuation";**,**

*(c)   by replacing the definition of "*derivatives dealer*" with*

"derivatives dealer" means either of the following:

(a)   a person or company engaging in or holding themself out as engaging in the business of trading in derivatives as principal or agent;

(b)   any other person or company required to be registered as a derivatives dealer under securities legislation;**,**

(d)   *in the definition of "*interim period*" by replacing "*section 1.1*" with "*subsection 1.1(1)*",*

(e)   *in the definition of "*Global LEI System*" by adding "*System*" after "*Identifier*",*

(f)   *in the definition of "*life-cycle event*" by removing the hyphen in "*life-cycle*",*

(g)   *by replacing the definition of "*life-cycle event data*" with*

"lifecycle event data" means changes to creation data resulting from a lifecycle event and data in respect of the data elements listed in Appendix A under the heading "Data Elements Related to Actions and Events";**,**

(h)   *in the definition of "*local counterparty*" by replacing "*the*" before "*transaction*" with "*a*", and in section (c) by adding a comma after "*paragraph (a) applies*", and*

(i)   *by replacing the definition of "*valuation data*" with*

"valuation data" means data in respect of the data elements listed in Appendix A under the headings "Data Elements Related to Valuation" and "Data Elements Related to Actions and Events".**.**

4.   *Paragraph 1(5)(a) is amended by deleting "*British Columbia*".*

5.   *Section 1 is amended*

(a)   *by repealing and replacing paragraphs (3)(c) and (3)(d) with the following:*

(c)   all of the following apply:

(i)   the second party is a limited partnership;

(ii)   the first party is a general partner of the limited partnership referred to in subparagraph (i);

(iii)   the first party has the power to direct the management and policies of the second party by virtue of being a general partner of the second party;

(d)   all of the following apply:

(i)   the second party is a trust;

(ii)   the first party is a trustee of the trust referred to in subparagraph (i);

       (iii)   the first party has the power to direct the management and policies of the second party by virtue of being a trustee of the second party**., and**

(b)   *by adding the following subsections:*

(6)   Despite subsections (2) and (3), an investment fund is not an affiliated entity of another person or company for the purposes of this Instrument.

(7)   For the purpose of subsection (6), "investment fund" has the meaning ascribed to it in National Instrument 81-106 *Investment Fund Continuous Disclosure*.**.**

6.   *Subsection 3(3) is repealed and replaced with the following:*

(3)   For a change to a matter set out in Form 96-101F1 other than a change referred to in subsection (1) or (2), a recognized trade repository must file an amendment to the information provided in Form 96-101F1 at least annually.**.**

7.   *Subsection 7(1) is amended*

(a)   *by deleting* "that are not contrary to the public interest*" **after** "*policies and procedures*",*

(b)   *by repealing and replacing paragraph (b) with the following paragraph:*

      (b)   its rules, policies, procedures and contracts are consistent with applicable laws, and that any material risk arising from a conflict between the laws of the local jurisdiction and the laws of another jurisdiction of Canada or a foreign jurisdiction that apply to a contract with its users is reasonably mitigated,,

(c)   *in paragraph (c), by adding* "recognized*" **before** "*trade repository*", and*

(d)   *in paragraph (d), by replacing* "an*" **before** "*agreement that it enters into*" **with** "*any*", by replacing* "who possesses*" **before** "*intellectual property*" **with** "*possession of*" **and by adding a comma after** "*intellectual property rights*".*

8.   *Section 8 is amended by adding the following subsection:*

(0.1)   A recognized trade repository must establish

      (a)   an organizational structure identifying responsibilities and direct lines of accountability, including, for greater certainty, roles and responsibilities in relation to the identification, measurement, monitoring and management of material risks;

(b)   a risk management framework that includes the tolerance levels for the identified risks of the recognized trade repository;

(c)   a process for making decisions, including, for greater certainty, making decisions relating to crises and emergencies;

(d)   rules of accountability in respect of decisions relating to risk.*.*

9.   *Subsection 8(1) is amended*

(a)   *by deleting* "set out a clear organizational structure with direct lines of responsibility and*" before "*are reasonably designed*", and*

(b)   *by adding the following paragraph:* "(b.1) ensure that participants can efficiently access its derivatives data reporting services;*".*

10.   *Section 9 is amended by adding the following subsection:*

(4)   A recognized trade repository must establish, implement and maintain policies and procedures to review on a regular basis the overall performance of the board of directors and the performance of each board member.*.*

11.   *Section 12 is repealed and replaced with the following:*

12.   A recognized trade repository

(a)   must not impose any fees or other material charges on its participants that are unfairly allocated among those participants,

(b)   must, at all times, disclose on its website fees and other material charges imposed by it on its participants for each service it offers with respect to the collection and maintenance of derivatives data, and

(c)   must review the fees and other material charges on a regular basis at least once every 2 calendar years.*.*

12.   *Section 14 is replaced with the following:*

Receiving derivatives data

14.   A recognized trade repository must not refuse to receive derivatives data from a participant for all derivatives of an asset class set out in the recognition order for the trade repository and in respect of all data elements listed in Appendix A.*.*

13.   *Section 15 is amended in the heading by deleting* "policies,*" after "*communication*".*

14. **Section 18 is amended**

 (a)   *in subsection (1) by replacing* "accurately, completely" *with* "without error or omission"*, and*

 (b)   *in subsection (2) by deleting* "relating to a derivative required to be reported under this Instrument" *after* "derivatives data"*.*

15. **Section 21 is amended**

 (a)   *in the heading, by replacing* "risk requirements" *with* "risks"*, and*

 (b)   *in paragraph (3)(c), by adding* "as soon as practicable" *after* "provide"*, by adding* "written" *before* "post-incident report"*, and replacing* "as soon as practicable" *after* "root-cause analysis" *with* "and any remedial action that the recognized trade repository has taken or intends to take"*.*

16. **The Instrument is amended by adding the following sections:**

Transactions executed anonymously on a facility for trading derivatives

22.1.   A recognized trade repository must not disclose the identity or legal entity identifier of a counterparty to another counterparty in respect of a transaction involving a local counterparty that

 (a)   is executed anonymously on a facility for trading derivatives, and

 (b)   results in a derivative that is cleared through a reporting clearing agency.

Validation of data

22.2. (1) A recognized trade repository must establish, implement and maintain a validation procedure.

(2)   A recognized trade repository must, as soon as technologically practicable after receiving the derivatives data, notify a reporting counterparty, including, for greater certainty, an agent acting on its behalf, whether the derivatives data satisfies its validation procedure.

(3)   A recognized trade repository must accept derivatives data that satisfies its validation procedure.

(4)   A recognized trade repository must create and maintain records of all the derivatives data reported that fails to satisfy its validation procedure.

(5)   A recognized trade repository must, for all derivatives required to be reported under the Instrument, including, for greater certainty, derivatives that have expired or terminated, accept a correction from a participant to an error or omission in derivatives data that the participant reported if the corrected derivatives data satisfies the validation procedure.**.**

17.   ***The Instrument is amended by repealing and replacing section 23 with the following:***

Verification of data

23. (1) For the purposes of this section

    (a)   "verification participant" means a participant that is, or is acting on behalf of, a reporting counterparty to a derivative, and that is subject to verification requirements;

    (b)   "verification requirements" means the requirements set out under paragraphs 26.1(b) or 26.1(c).

(2)   A recognized trade repository must establish, implement and maintain written rules, policies and procedures under which a verification participant is allowed and enabled to carry out its verification requirements.**.**

18.   ***Subsection 25(1) is amended in paragraph (c), by adding*** "before or*" **before** "*at the time of the transaction,***".**

19.   ***Section 26 is amended***

    (a)   ***in subsection (1), by replacing*** "to*" **before** "a derivative*" **with** "in respect of*"**,**

    (b)   ***in paragraphs (3) (b) (i), (ii) and (iii), by replacing*** "*Trade Repositories and Derivatives Data Reporting*" **with** "*Derivatives: Trade Reporting*"**,**

    (c)   ***by repealing subsections (5), (6) and (7),***

    (d)   ***by repealing and replacing subsection (8) with the following:***

    (8)   If a local counterparty, other than a reporting clearing agency, to a derivative that is required to be reported under this Instrument, and that is cleared through a reporting clearing agency, has specified a recognized trade repository to which derivatives data in relation to the derivative is to be reported, the reporting clearing agency

        (a)   must report the derivatives data to the specified recognized trade repository, and

      (b)   must not report derivatives data to another trade repository without the consent of the local counterparty.**, *and***

(e)   by adding the following subsection:

(9)   A reporting counterparty must ensure that all reported derivatives data relating to a derivative satisfies the validation procedure of the recognized trade repository to which the derivative is reported.**.**

20.   The Instrument is amended by adding the following sections:

Verification of data

26.1. A reporting counterparty must

      (a)   ensure that reported derivatives data does not contain an error or omission,

      (b)   verify, in the case of a reporting counterparty that is a notional amount threshold derivatives dealer, that the reported derivatives data does not contain an error or omission, at least once every calendar quarter, provided that there are at least two calendar months between verifications, and

      (c)   verify, in the case of a reporting counterparty that is a reporting clearing agency or a derivatives dealer that is not a notional amount threshold derivatives dealer, that the reported derivatives data does not contain an error or omission, at least every 30 days.

Derivatives reported in error

26.2. A reporting counterparty that reports a derivative in error must report the error to the recognized trade repository or, if the derivatives data was reported under subsection 26(2), to the regulator or securities regulatory authority, as soon as practicable after discovery of the error and, in any event, no later than the end of the business day following the day of discovery of the error.

Notification of errors and omissions with respect to derivatives data

26.3. (1) A local counterparty, other than the reporting counterparty, must notify the reporting counterparty of an error or omission with respect to derivatives data relating to a derivative to which it is a counterparty as soon as practicable after discovery of the error or omission and, in any event, no later than the end of the business day following the day of discovery of the error or omission.

(2)   A reporting counterparty must notify the regulator or securities regulatory authority of a significant error or omission with respect to derivatives data as soon as practicable after discovery of the error or omission.**.**

Transferring a derivative to a different recognized trade repository

26.4.(1) A reporting counterparty must not change the recognized trade repository to which derivatives data relating to a derivative is reported, unless the reporting counterparty complies with subsections (2) and (3).

(2) At least 5 business days before a change referred to in subsection (1) is made by a reporting counterparty, the reporting counterparty must provide notice of the change to the following:

   (a) the other counterparty to the derivative;

   (b) the recognized trade repository to which the derivatives data is reported before the change;

   (c) the recognized trade repository to which the derivatives data is reported after the change.

(3) The reporting counterparty must include in the notice referred to in subsection (2) the UTI of the derivative and the date on which the reporting counterparty will begin reporting the derivatives data to the recognized trade repository referred to in paragraph (2)(c).

(4) After providing the notice referred to in subsection (2), the reporting counterparty must report the change of recognized trade repository as if it were a lifecycle event under section 32, to the recognized trade repository referred to in paragraph (2)(b) and the recognized trade repository referred to in paragraph (2)(c) on the same day, and must use the same UTI to identify the derivative in the report to each recognized trade repository.

(5) After changing the recognized trade repository, the reporting counterparty must report all derivatives data relating to the derivative to the trade repository referred to in paragraph (2)(c) unless the reporting counterparty subsequently changes the recognized trade repository under this section.**.**

21. *Subsection 27(2) is amended by deleting the hyphen in* "life-cycle" *and replacing* "unique transaction identifier" *with* "UTI"*.*

22. *Section 28 is amended*

   (a) *by repealing and replacing subsection (1) with the following:*

      (1) In all recordkeeping and reporting that is required under this Instrument, a recognized trade repository and a reporting counterparty must identify each counterparty to a derivative by means of a single legal entity identifier that

is a unique identification code assigned to the counterparty in accordance with the standards set by the Global LEI System.**,**

(b)   ***in subsection (3), by replacing "****If****" with "****Despite subsection (1), if****", adding "****and the recognized trade repository****" before "****must identify****" and adding "****unique****" after "****single****", and***

(c)   ***by repealing subsection (4).***

23.   ***Section 29 is repealed and replaced with the following:***

Unique transaction identifiers

29. (1)   In all recordkeeping and reporting that is required under this Instrument, a recognized trade repository and a reporting counterparty must identify each derivative, and each position under section 33.1, by means of a single UTI.

(2)   For each derivative that is required to be reported under this Instrument, the following person or company must assign a single UTI to the derivative:

   (a)   if the derivative is also required to be reported under the securities legislation of a jurisdiction of Canada, other than the local jurisdiction, or under the laws of a foreign jurisdiction under which a derivative must be reported before being reported under this Instrument, the person or company required to assign the UTI under the securities legislation of that jurisdiction, or under the laws of that foreign jurisdiction;

   (b)   if paragraph (a) does not apply to the derivative and the derivative is cleared through a reporting clearing agency, the reporting clearing agency;

   (c)   if paragraphs (a) and (b) do not apply to the derivative and the transaction relating to the derivative is executed on a facility for trading derivatives that has assigned a UTI to the derivative, the facility for trading derivatives;

   (d)   if paragraphs (a) to (c) do not apply to the derivative, the reporting counterparty, or, if there are two reporting counterparties, the reporting counterparty with the first legal entity identifier determined by sorting the legal entity identifiers alphanumerically with the characters of the legal entity identifiers reversed.

(3)   Despite paragraph (2)(d), if paragraphs (2)(a) to (c) do not apply to the derivative and the counterparties to the derivative have agreed in writing that one of them will be the person or company responsible for assigning the UTI to the derivative, the counterparty that is responsible for the assignment under that agreement must assign the UTI.

(4) Despite subsection (2), a person or company that is required to assign a UTI under subsection (2) may request that a recognized trade repository assign the UTI if the person or company is either of the following:

    (a)   a notional amount threshold derivatives dealer;

    (b)   not a reporting clearing agency, facility for trading derivatives, or derivatives dealer.

(5) If a person or company makes a request under subsection (4), the recognized trade repository must assign a UTI as soon as technologically practicable following receipt of the request.

(6) The person or company referred to in subsection (2) must assign a UTI as soon as practicable after execution of the transaction relating to the derivative, and in any event not later than the time that the derivative is required to be reported to a recognized trade repository under this Instrument.

(7) If a facility for trading derivatives is required to assign a UTI under subsection (2), the facility for trading derivatives must provide the UTI as soon as technologically practicable to the following:

    (a)   each counterparty to the derivative;

    (b)   if the derivative is submitted for clearing, the reporting clearing agency to which the derivative is submitted for clearing.

(8) Subject to subsection (4), if one of the counterparties to an uncleared derivative is required to assign a UTI under subsections (2) or (3), the counterparty must provide the UTI as soon as practicable to the following:

    (a)   the other counterparty to the derivative;

    (b)   if the derivative is submitted for clearing, the reporting clearing agency to which the derivative is submitted for clearing.

(9) If a recognized trade repository assigns a UTI under subsection (4), it must provide the UTI as soon as technologically practicable to the following:

    (a)   each counterparty to the derivative;

    (b)   if the derivative is submitted for clearing, the reporting clearing agency to which the derivative is submitted for clearing..

24.   *Section 30 is amended by*

(a)   *repealing and replacing subsections (1) and (2) with the following:*

30. (1) In this section, "unique product identifier" means a code that uniquely identifies a type of derivative and is assigned by the Derivatives Service Bureau.

(2)   In all recordkeeping and reporting that is required under this Instrument, a recognized trade repository and a reporting counterparty must identify each type of derivative by means of a single unique product identifier.*, and*

(b)   *repealing subsections (3) and (4).*

25.   *Section 31 is amended*

(a)   *in subsection (1), by adding "*qualified*" before "*reporting counterparty*",*

(b)   *in subsection (2), by adding "*qualified*" before "*reporting counterparty*", and*

(c)   *by adding the following subsection:*

(3)   A reporting counterparty that is not a qualified reporting counterparty in respect of a derivative must report creation data no later than the end of the second business day following the execution date of the transaction.*.*

26.   *Section 32 is amended*

(a)   *in the heading, by replacing "*Life-cycle*" with "*Lifecycle*",*

(b)   *in subsection (1), by replacing "*life-cycle*" with "*lifecycle*" wherever it occurs, and adding "*qualified*" before "*reporting counterparty*",*

(c)   *in subsection (2), by replacing "*life-cycle*" with "*lifecycle*" wherever it occurs, adding "*qualified*" before "*reporting counterparty*", and adding "*all*" before "*lifecycle data no later than*", and*

(d)   *by adding the following subsections:*

(3)   A reporting counterparty that is not a qualified reporting counterparty in respect of a derivative must report all lifecycle event data no later than the end of the second business day following the day on which the lifecycle event occurs.

(4)   Despite subsections (1) to (3), the reporting clearing agency through which a derivative is cleared must report the termination of the original derivative

to the recognized trade repository to which the derivatives data in respect of that original derivative was reported by the end of the business day following the day on which the original derivative is terminated.**.**

27.   *Section 33 is repealed and replaced with the following:*

Valuation data and collateral and margin data

33. (1) With respect to a derivative that is required to be reported under this Instrument, a reporting counterparty that is a derivatives dealer or a reporting clearing agency must report to a recognized trade repository each business day

   (a)   valuation data, and

   (b)   collateral and margin data.

   (2)   If position level data in respect of derivatives has been reported under section 33.1, the reporting counterparty must calculate and report on the net amount of all purchases and sales reported as position level data for the derivatives.**.**

28.   *The Instrument is amended by adding the following section:*

Position level data

33.1.(1)   For the purpose of section 32, a reporting counterparty may report lifecycle event data as position level data if each derivative, for which the lifecycle event data is aggregated,

   (a)   is in a class of derivatives in which each derivative is fungible with all other derivatives in the class, and

   (b)   has no fixed expiration date or is a commodity derivative.

   (2)   For the purpose of subsection 33(1), a reporting counterparty that is a derivatives dealer or a reporting clearing agency may report valuation data and collateral and margin data as position level data if each derivative, for which the valuation data and collateral and margin data is aggregated,

   (a)   is in a class of derivatives in which each derivative is fungible with all other derivatives in the class, and

   (b)   has no fixed expiration date or is a commodity derivative.**.**

29.   *Section 35 is amended by replacing "*34*" with "*33*".*

30. *The Instrument is amended by adding the following section:*

Facility for trading derivatives

36.1.(1) In this section, "anonymous derivative" means a derivative for which the transaction is executed anonymously on a facility for trading derivatives and that, at the time the transaction is executed, is intended to be cleared.

(2) Section 25 does not apply with respect to an anonymous derivative.

(3) Despite subsection (2), with respect to an anonymous derivative:

(a) a reference to "reporting counterparty" in the following provisions must be read as a reference to "facility for trading derivatives": subsections 22.2(2), 26(1), 26(2), 26(4), 26(9), paragraph 26.1(a), section 26.2, subsections 26.3(1), 26.3(2) and 26.4(1), section 27, subsections 28(1), 28(3), 29(1), 30(2), and 31(1), sections 35 and 36, subsection 37(3), and sections 41 and 42;

(b) a reference to "qualified reporting counterparty" in section 31 must be read as a reference to "facility for trading derivatives".

(4) Despite subsection (2), with respect to an anonymous derivative, a facility for trading derivatives

(a) may report the legal entity identifier of an agent of a counterparty in respect of Data Element Number 1 "Counterparty 1 (reporting counterparty)" and Data Element Number 2 "Counterparty 2" (non-reporting counterparty) identified in Appendix A if a transaction relating to the derivative is executed before the derivative is allocated among the counterparties on whose behalf the agent is acting;

(b) is not required to report the following data elements identified in Appendix A:

(i) Data Element Number 20 "Inter-affiliate indicator";

(ii) Data Element Number 24 "Master agreement type";

(iii) Data Element Number 25 "Master agreement version";

(iv) Data Element Number 77 "Clearing exceptions and exemptions - Counterparty 1";

(v) Data Element Number 78 "Clearing exceptions and exemptions - Counterparty 2";

(vi)   Data Element Number 96 "Level";

(vii)   Data Element Number 121 "Crypto asset underlying indicator".

(5)   Despite subsection (2), with respect to an anonymous derivative, if a facility for trading derivatives makes diligent efforts on a reasonably frequent basis to determine whether a participant of the facility, or its customer, is a local counterparty under paragraph (c) of the definition of "local counterparty" in any jurisdiction of Canada, but the facility has not yet made that determination, the participant, or its customer, is not a local counterparty under that paragraph for the purpose of reporting by the facility under this Instrument until the earlier of

(a)   the date the facility determines that the participant, or its customer, is a local counterparty under that paragraph, and

(b)   July 31, 2029.*.*

31.   Section 38 is amended

*(a)   in the heading, by replacing "*counterparties*" with "*participants*",*

(b)   by repealing and replacing subsections (1) and (2) with the following:

(1)   Subject to section 22.1, a recognized trade repository must provide a participant that is, or is acting on behalf of, a counterparty to a derivative with timely access to all derivatives data relating to the derivative that is submitted to the recognized trade repository.

(2)   A recognized trade repository must have appropriate authorization procedures in place to enable access under subsection (1) by a participant that is a non-reporting counterparty or acting on behalf of a non-reporting counterparty.*, and*

*(c)   in subsection (3), by replacing "*Each*" with "*Subject to section 22.1, each*" before "*counterparty to a derivative*".*

32.   Section 39 is amended

(a)   by repealing and replacing subsection (1) with the following:

(1)   A recognized trade repository must, on a reasonably frequent basis, create aggregate data on open positions, volume and number, relating to the derivatives reported to it under this Instrument.*,*

(b)   *in subsection (2), by replacing "*made available*" with "*referred to*" after "*The data*", deleting "*geographic location of reference entity or asset,*" after "*denomination*", and replacing "*maturity*" with "*expiration*" after "*contract type,*",*

(c)   *by repealing and replacing subsection (3) with the following:*

    (3)   For each derivative reported under this Instrument, a recognized trade repository must make transaction level reports available to the public in accordance with the requirements of Appendix C, for at least one year after each report is first made available.*, and*

(d)   *in subsection (5), by adding "*and reports*" after "*data*" and adding "*and, in the case of the transaction level reports in subsection (3), for at least one year after each report is first made available*" after "*at no cost*".*

33.   *Section 40 is repealed and replaced with the following:*

Commodity derivative

40. (1) Despite Part 3, and subject to subsection 25(4) and subsection (2) of this section, a local counterparty is not required to report derivatives data relating to a commodity derivative, if

    (a)   the local counterparty is not a qualified reporting counterparty, and

    (b)   the aggregate month-end gross notional amount under all outstanding commodity derivatives of the local counterparty and of each affiliated entity of the local counterparty that is a local counterparty in a jurisdiction of Canada, other than under paragraph (b) of the definition of "local counterparty", excluding derivatives with an affiliated entity, did not, in any calendar month in the preceding 12 calendar months, exceed $250 000 000.

(2)   If a local counterparty ceases to satisfy a criterion under paragraph (1)(a) or (b), the local counterparty must, 180 days after the date that the criterion ceased to be satisfied, begin to report derivatives data unless, during that 180-day period, the local counterparty again satisfies the criterion.*.*

34.   *Section 41 is amended by adding "*reporting*" before "*counterparty*".*

35.   *Section 41.1 is repealed and replaced with the following:*

Derivative between affiliated entities

41.1.   Despite Part 3, a reporting counterparty is not required to report derivatives data relating to a derivative if, at the time the transaction is executed,

> (a) the counterparties to the derivative are affiliated entities, and

> (b) neither counterparty is a qualified reporting counterparty.**.**

36. Section 42 is amended

> **(a) by renumbering it as subsection 42(1) and adding "**reporting**" after "**Despite Part 3, a**", and**

> **(b) by adding the following subsection:**

>> **(2)** Subsection (1) does not apply if the derivative involves a counterparty that is an individual who is a resident of the local jurisdiction.**.**

37. Section 42.1 is repealed.

38. Appendix A is replaced with the following:

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APPENDIX A
to
MULTILATERAL INSTRUMENT 96-101
DERIVATIVES: TRADE REPORTING

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Minimum Data Elements Required to be Reported to a Recognized Trade Repository

Under Part 3 of this Instrument, the reporting counterparty is required to provide a response for each data element unless the element is not applicable to the derivative.

Appendix A contains each data element, its description, and whether the element must be made available to the public under each of Part 4 and Appendix C of the Instrument.

For the purpose of this Appendix A, "trading facility" must be read as a reference to "facility for trading derivatives" and "derivatives data reporting rules of any jurisdiction of Canada" means Manitoba Securities Commission Rule 91-507 *Derivatives: Trade Reporting*, Ontario Securities Commission Rule 91-507 *Derivatives: Trade Reporting*, Regulation 91-507 *respecting Trade Repositories and Derivatives Data Reporting* (Québec) or Multilateral Instrument 96-101 *Derivatives: Trade Reporting*.

> *The CSA Derivatives Data Technical Manual, which is Appendix A of the Companion Policy, provides detailed technical specifications in connection with the data elements that are required to be reported under this Instrument. This text box does not form part of this Instrument and has no official status.*

Data Element Number	Data Element Name	Data Element Description	Made Available to the Public
Data Elements Related to Counterparties			
1	Counterparty 1 (reporting counterparty)	Identifier of the reporting counterparty.	N
2	Counterparty 2 (non-reporting counterparty)	Identifier of the non-reporting counterparty.	N
3	Counterparty 2 identifier source	Type of Counterparty 2 identifier.	N
4	Buyer identifier	Identifier of the counterparty that is the buyer.	N
5	Seller identifier	Identifier of the counterparty that is the seller.	N
6	Payer identifier	Identifier of the counterparty of the payer leg.	N
7	Receiver identifier	Identifier of the counterparty of the receiver leg.	N
8	Broker identifier	Identifier of a broker that acts as an intermediary for Counterparty 1 without becoming a counterparty.	N
9	Country and Province or Territory of Individual (non-reporting counterparty)	If an individual is a non-reporting counterparty, the individual's country of residence and, if the individual's residence is in Canada, the province or territory.	N
10	Jurisdiction of Counterparty 1	Each jurisdiction in which Counterparty 1 is: • a local counterparty under paragraph (a) or (c) of the definition of local counterparty in the derivatives data reporting rules of any jurisdiction of Canada, • a local counterparty under paragraph (b) of the definition of local counterparty in the derivatives data reporting rules of any jurisdiction of Canada, if the non-reporting counterparty is an individual who is a resident of the jurisdiction, and/or • a local counterparty under paragraph (b) of	N

		the definition of local counterparty in Regulation 91-507 *respecting Trade Repositories and Derivatives Data Reporting* (Québec) and is a qualified person under section 82 of the *Derivatives Act* (Québec).	
11	Jurisdiction of Counterparty 2	Each jurisdiction in which Counterparty 2 is: • a local counterparty under paragraph (a) or (c) of the definition of local counterparty in the derivatives data reporting rules of any jurisdiction of Canada, and/or • a local counterparty under paragraph (b) of the definition of local counterparty in Regulation 91-507 *respecting Trade Repositories and Derivatives Data Reporting* (Québec) and is a qualified person under section 82 of the *Derivatives Act* (Québec).	N
Data Elements Related to Derivatives			
12	Effective date	Unadjusted date at which obligations under the derivative come into effect, as provided in the confirmation.	Y
13	Expiration date	Unadjusted date at which obligations under the derivative cease to be effective, as provided in the confirmation.	Y
14	Execution timestamp	Date and time of execution of a transaction.	Y
15	Reporting timestamp	Date and time of submission of the report to the trade repository.	N
16	Unique transaction identifier (UTI)	Unique identifier that identifies a derivative or position throughout its lifecycle.	N
17	Prior UTI (for one-to-one and one-to-many relations between transactions)	UTI assigned to a derivative before the occurrence of a lifecycle event that resulted in the current derivative.	N

18	Subsequent position UTI	UTI of the position in which a derivative is included.	N
19	Prior USI (for one-to-one and one-to-many relations between transactions)	Unique swap identifier (USI) assigned to a derivative before the occurrence of a lifecycle event that resulted in the current derivative.	N
20	Inter-affiliate indicator	Indicator of whether the derivative is between two affiliated entities.	N
21	Submitter identifier	Identifier of the entity submitting derivatives data to the trade repository.	N
22	Platform identifier	Identifier of the trading facility on which the transaction was executed.	Y
23	Platform anonymous execution indicator	Indicator of whether the transaction was executed anonymously on a trading facility.	N
24	Master agreement type	Type of master agreement.	N
25	Master agreement version	Year of the master agreement version.	N
Data Elements Related to Notional Amounts and Quantities			
26	Notional amount	Notional amount for each leg of a derivative: • if the derivative is negotiated in a monetary amount, the amount specified in the derivative. • if the derivative is negotiated in a non-monetary amount, convert to a monetary amount. See Appendix 3.1 of the CSA Derivatives Data Technical Manual for converting a notional amount negotiated in a non-monetary amount. This text box does not form part of this Instrument and has no official status.	Y
27	Notional currency	For each leg of a derivative, the currency of the notional amount.	Y
28	Call amount	Monetary amount that a person or company has the right to buy under an option.	N

29	Call currency	Currency of the call amount of an option.	N
30	Put amount	Monetary amount that a person or company has the right to sell under an option.	N
31	Put currency	Currency of the put amount of an option.	N
32	Notional quantity	For each leg of a derivative negotiated in a non-monetary amount, the fixed notional quantity for each schedule period.	N
33	Quantity frequency	Period for which the quantity is quoted.	N
34	Quantity frequency multiplier	Number of periods of the quantity frequency.	N
35	Quantity unit of measure	For each leg of a derivative, the unit of measure of the total notional quantity and notional quantity.	N
36	Total notional quantity	For each leg of a derivative, the aggregate notional quantity of the underlying interest for the term of the derivative.	N
37	Notional quantity schedule – Unadjusted date on which the associated notional quantity becomes effective	For each notional quantity set out in a schedule, the date (unadjusted for business day convention) on which the notional quantity becomes effective.	N
38	Notional quantity schedule – Unadjusted end date of the notional quantity	For each notional quantity set out in a schedule, the end date (unadjusted for business day convention) of the notional quantity.	N
39	Notional quantity schedule – notional quantity in effect on associated effective date	Each notional quantity, as set out in a schedule, in effect from the date referred to in Data Element Number 37 to the date referred to in Data Element Number 38.	N
40	Notional amount schedule – notional amount in effect on associated effective date	Each notional amount, as set out in a schedule, in effect from the date referred to in Data Element Number 41 to the date referred to in Data Element Number 42.	N
41	Notional amount schedule – unadjusted effective date	For each notional amount set out in a schedule, the date (unadjusted for business day convention) on	N

	of the notional amount	which the notional amount becomes effective.	
42	Notional amount schedule - unadjusted end date of the notional amount	For each notional amount set out in a schedule, the end date (unadjusted for business day convention) of the notional amount.	N
Data Elements Related to Prices			
43	Exchange rate	Exchange rate between 2 different currencies specified in the derivative.	N
44	Exchange rate basis	Currency pair and order in which the exchange rate is denominated.	N
45	Fixed rate	For each leg of a derivative with periodic payments, the annual rate of the fixed leg.	Y
46	Price	Price specified in the derivative.	Y
47	Price currency	Currency in which the price is denominated.	Y
48	Price notation	Manner in which the price is expressed.	Y
49	Price unit of measure	Unit of measure in which the price is expressed.	N
50	Price schedule - unadjusted effective date of the price	For each price set out in a schedule, the date (unadjusted for business day convention) on which the price becomes effective.	N
51	Price schedule - unadjusted end date of the price	For each price set out in a schedule, the end date (unadjusted for business day convention) of the price.	N
52	Price schedule - price	Each price, as set out in a schedule, in effect from the date referred to in Data Element Number 50 to the date referred to in Data Element Number 51.	N
53	Spread	For each leg of a derivative, the specified spread on the reference price.	Y
54	Spread currency	For each leg of a derivative, the currency in which a spread is denominated.	Y

55	Spread notation	For each leg of a derivative, the manner in which a spread is expressed.	Y
56	Strike price	For a derivative that is an option, the price at which the owner of the option can buy or sell the underlying interest of the option.	Y
57	Strike price currency/currency pair	Currency, or the currency pair and order, in which the strike price is denominated.	N
58	Strike price notation	Manner in which the strike price is expressed.	Y
59	Unadjusted effective date of the price	Effective date (unadjusted for business day convention) of the price.	N
60	Unadjusted end date of the price	End date (unadjusted for business day convention) of the price.	N
61	Price in effect between the unadjusted effective and end dates	Price in effect from the date referred to in Data Element Number 59 to the date referred to in Data Element Number 60.	N
62	Effective date of the strike price	Effective date (unadjusted for business day convention) of the strike price.	N
63	End date of the strike price	End date (unadjusted for business day convention) of the strike price.	N
64	Strike price in effect on associated effective date	Strike price in effect from the date referred to in Data Element Number 62 to the date referred to in Data Element Number 63.	N
65	Strike price schedule – Unadjusted effective date of the strike price	For each strike price set out in a schedule, the date (unadjusted for business day convention) on which the strike price becomes effective.	N
66	Strike price schedule – Unadjusted end date of the strike price	For each strike price set out in a schedule, the end date (unadjusted for business day convention) of the strike price.	N
67	Strike price schedule - strike price	Each strike price, as set out in a schedule, in effect from the date referred to in Data Element Number 65 to the date referred to in Data Element Number 66.	N

68	Non-standardized term indicator	Indicator of whether a derivative has one or more additional provisions that materially affect the price of the derivative and that have not been disclosed to the public.	Y
69	Day count convention	For each leg of a derivative, the day count convention used to determine how interest payments are calculated.	Y
70	Floating rate reset frequency period	For each floating leg of a derivative, the period of the frequency of resets.	Y
71	Floating rate reset frequency period multiplier	For each floating leg of a derivative, the number by which the floating rate reset frequency period is multiplied to determine the frequency of periodic payment dates in respect of a reset.	Y
Data Elements Related to Clearing			
72	Cleared	Indicator of whether a derivative has been cleared, or is intended to be cleared, by a clearing agency.	Y
73	Central counterparty identifier	Identifier of the clearing agency that cleared the derivative.	N
74	Clearing account origin	Indicator of whether the clearing member acts as principal or agent.	N
75	Clearing member identifier	Identifier of the clearing member through which a derivative is cleared by a clearing agency.	N
76	Clearing receipt timestamp	Date and time, expressed using Coordinated Universal Time, that the original derivative was recorded as being received by the clearing agency for clearing.	N
77	Clearing exceptions and exemptions - Counterparty 1	Type of exemption from or exception to a mandatory clearing requirement applicable to Counterparty 1.	N
78	Clearing exceptions and exemptions – Counterparty 2	Type of exemption from or exception to a mandatory clearing requirement applicable to Counterparty 2.	N

	Data Elements Related to Collateral and Margin		
79	Collateralisation category	Indicator of whether there is an agreement in respect of collateral between the counterparties and the nature of the collateralisation.	N
80	Portfolio containing non-reportable component indicator	If collateral is reported on a portfolio basis, indicator of whether the portfolio includes derivatives exempted or excepted from reporting.	N
81	Initial margin posted by the reporting counterparty (pre-haircut)	Monetary value of the initial margin posted by the reporting counterparty before a haircut is applied.	N
82	Initial margin posted by the reporting counterparty (post-haircut)	Monetary value of the initial margin posted by the reporting counterparty after a haircut is applied.	N
83	Currency of initial margin posted	Currency in which the initial margin posted is denominated.	N
84	Initial margin collected by the reporting counterparty (pre-haircut)	Monetary value of the initial margin collected by the reporting counterparty before a haircut is applied.	N
85	Initial margin collected by the reporting counterparty (post-haircut)	Monetary value of the initial margin collected by the reporting counterparty after a haircut is applied.	N
86	Currency of initial margin collected	Currency in which the initial margin collected is denominated.	N
87	Variation margin posted by the reporting counterparty (pre-haircut)	Monetary value of the variation margin posted by the reporting counterparty before a haircut is applied.	N
88	Variation margin posted by the reporting counterparty (post-haircut)	Monetary value of the variation margin posted by the reporting counterparty after a haircut is applied.	N
89	Currency of variation margin posted	Currency in which the variation margin posted is denominated.	N
90	Variation margin collected by the reporting counterparty (pre-haircut)	Monetary value of the variation margin collected by the reporting counterparty before a haircut is applied.	N

91	Variation margin collected by the reporting counterparty (post-haircut)	Monetary value of the variation margin collected by the reporting counterparty after a haircut is applied.	N
92	Currency of variation margin collected	Currency in which the variation margin collected is denominated.	N
93	Variation margin collateral portfolio code	If collateral is reported on a portfolio basis, a unique code assigned by the reporting counterparty that identifies the variation margin related to the open transactions that are included in the portfolio.	N
94	Initial margin collateral portfolio code	If collateral is reported on a portfolio basis, a unique code assigned by the reporting counterparty that identifies the initial margin related to the open transactions that are included in the portfolio.	N
Data Elements Related to Actions and Events			
95	Event timestamp	Date and time of occurrence of an event relating to a derivative.	Y
96	Level	Indicator of whether the report is in respect of a derivative or a position.	N
97	Event identifier	Unique identifier that links derivatives relating to an event.	N
98	Action type	Indicator of the type of action or reporting relating to the derivative or position.	Y
99	Event type	Indicator of the type of lifecycle event or reason for the action referred to in Data Element Number 98.	Y
100	Amendment indicator	Indicator of whether an amendment to the derivative relates to an event.	Y
Data Elements Related to Valuation			
101	Valuation amount	Value of the derivative.	N
102	Valuation currency	Currency in which the valuation amount is denominated.	N

103	Valuation method	Source and method used to value the derivative.	N
104	Valuation timestamp	Date and time that the value of the derivative referred to in Data Element Number 101 was determined.	N
105	Next floating reference reset date	Next date on which the floating reference will reset.	N
106	Last floating reference value	Value of the floating reference on the date referred to in Data Element Number 107.	N
107	Last floating reference reset date	Most recent date of the floating reference reset.	N
108	Delta	Ratio of the change in the price of the derivative to the change in the price of the underlying interest of the derivative.	N
Data Elements Related to Packages			
109	Package indicator	Indicator of whether the derivative is a component of a package if: (a) 2 or more derivatives that are reported separately by the reporting counterparty are entered into under a single agreement, or (b) 2 or more reports relate to the same derivative and the derivative cannot be reported using a single report as a result of the reporting requirements of one or more jurisdictions of Canada or one or more foreign jurisdictions.	Y
110	Package identifier	Identifier of the package referred to in Data Element Number 109.	N
111	Package transaction price	Price of the package referred to in Data Element Number 109.	N
112	Package transaction price currency	Currency in which the package transaction price is denominated.	N
113	Package transaction spread	Price of the package referred to in Data Element Number 109, expressed as a spread.	N

114	Package transaction spread currency	Currency in which the package transaction spread is denominated.	N
115	Package transaction spread notation	Manner in which the package transaction spread is expressed.	N
116	Package transaction price notation	Manner in which the package transaction price is expressed.	N
Data Elements Related to Product			
117	Unique product identifier	Identifier of a unique code assigned by the Derivatives Service Bureau for a type of derivative.	Y
118	CDS index attachment point	Point at which the level of losses in the underlying portfolio of a credit default swap reduces the notional of a tranche.	N
119	CDS index detachment point	Point beyond which losses in the underlying portfolio of a credit default swap no longer reduce the notional of a tranche.	N
120	Index factor	Factor of the index version, or the percentage, used to determine the notional amount of a credit default swap.	Y
121	Crypto asset underlying indicator	Indicator of whether the underlying interest of the derivative is a crypto asset.	N
122	Custom basket code	Unique identifier for a custom basket of reference assets.	N
123	Custom basket indicator	Indicator of whether the derivative has a custom basket as its underlying interest.	Y
124	Basket constituent identifier	Identifier of a reference asset in the custom basket.	N
125	Basket constituent identifier source	Source of the basket constituent identifier referred to in Data Element Number 124.	N
126	Basket constituent number of units	Number of units of each reference asset in the custom basket.	N

127	Basket constituent unit of measure	Unit of measure in which the number of units referred to in Data Element Number 126 is expressed.	N
128	Underlier ID (Other)	Identifier of each underlying interest of the derivative.	N
129	Underlier ID (Other) source	Source of the Underlier ID (Other) referred to in Data Element Number128.	N
130	Underlying asset trading platform identifier	Identifier of the platform on which the underlying interest referred to in Data Element Number 128 is traded.	N
131	Underlying asset price source	Source of the price used to determine the value or level of the underlying interest referred to in Data Element Number 128.	N
132	Embedded option type	Type of optional provision in a derivative.	Y
Data Elements Related to Payments and Settlement			
133	Final contractual settlement date	Date in the agreement by which all obligations under the derivative are to be satisfied.	N
134	Settlement location	Place of settlement of the derivative.	N
135	Settlement currency	For each leg of the derivative, the currency in which the cash settlement is denominated.	Y
136	Other payment amount	Amount of each payment under the derivative except an option premium amount under Data Element Number 144.	Y
137	Other payment currency	Currency in which the other payment amount referred to in Data Element Number 136 is denominated.	Y
138	Other payment date	Date on which the other payment amount referred to in Data Element Number 136 is to be paid.	N
139	Other payment payer	Identifier of the payer of the other payment amount referred to in Data Element Number 136.	N

140	Other payment receiver	Identifier of the receiver of the other payment amount referred to in Data Element Number 136.	N
141	Other payment type	Reason for the payment referred to in Data Element Number 136.	Y
142	Payment frequency period	For each leg of a derivative, the unit of time of the frequency of payments.	Y
143	Payment frequency period multiplier	For each leg of a derivative, the number by which the payment frequency period is multiplied to determine the frequency of periodic payment dates.	Y
144	Option premium amount	Premium paid by a buyer of an option or swaption.	Y
145	Option premium currency	Currency in which the premium referred to in Data Element Number 144 is denominated.	Y
146	Option premium payment date	Date on which the premium referred to in Data Element Number 144 is paid.	N
147	First exercise date	First date on which an option can be exercised.	Y
148	Fixing date	For each leg of a derivative, the date on which the reference rate is determined.	N

39. *Appendix B is replaced with the following:*

APPENDIX B

to

MULTILATERAL INSTRUMENT 96-101
DERIVATIVES: TRADE REPORTING
Equivalent Trade Reporting Laws of Foreign Jurisdictions Subject to Deemed Compliance Under Subparagraph 26(3)(b)(v) of the Instrument

The regulators and securities regulatory authorities have determined that the laws and regulations opposite the following jurisdictions are trade reporting laws for the purposes of subparagraph 26(3)(b)(v).

Jurisdiction	Law, Regulation and/or Instrument
European Union	Regulation (EU) 648/2012 of the European Parliament and Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories
	Commission Delegated Regulation (EU) 2017/979 of 2 March 2017 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to the list of exempted entities
	Commission Delegated Regulation (EU) 2019/460 of 30 January 2019 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to the list of exempted entities
	Regulation (EU) 2019/834 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 648/2012 as regards the clearing obligation, the suspension of the clearing obligation, the reporting requirements, the risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty, the registration and supervision of trade repositories and the requirements for trade repositories
	Commission Delegated Regulation (EU) No 148/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories
	Commission Delegated Regulation (EU) 2017/104 of 19 October 2016 amending Delegated Regulation (EU) No 148/2013 supplementing Regulation (EU) No 648/2012 of the

Jurisdiction	Law, Regulation and/or Instrument
	European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories
	Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data
	Commission Delegated Regulation (EU) 2017/1800 of 29 June 2017 amending Delegated Regulation (EU) No 151/2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council
	Commission Delegated Regulation (EU) 2019/361 of 13 December 2018 amending Delegated Regulation (EU) No 151/2013 with regard to access to the data held in trade repositories
	Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories
	Commission Implementing Regulation (EU) 2017/105 of 19 October 2016 amending Implementing Regulation (EU) No 1247/2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories
	Commission Implementing Regulation (EU) 2019/363 of 13 December 2018 laying down implementing technical standards with regard to the format and frequency of reports on the details of securities financing transactions (SFTs) to trade repositories in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) No 1247/2012

Jurisdiction	Law, Regulation and/or Instrument
	with regard to the use of reporting codes in the reporting of derivative contracts
United Kingdom of Great Britain and Northern Ireland	The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2019
	The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) (No. 2) Regulations 2019
	The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2020
	The Trade Repositories (Amendment and Transitional Provision) (EU Exit) Regulations 2018
	The Technical Standards (European Market Infrastructure Regulation) (EU Exit) (No 1) Instrument 2019
	The Technical Standards (European Market Infrastructure Regulation) (EU Exit) (No 2) Instrument 2019
	The Technical Standards (European Market Infrastructure Regulation) (EU Exit) (No 3) Instrument 2019
	The Technical Standards (European Market Infrastructure Regulation) (EU Exit) (No 4) Instrument 2019
	The Technical Standards (Miscellaneous Amendments) (EU Exit) Instrument 2020
United States of America	CFTC Real-Time Public Reporting of Swap Transaction Data, 17 C.F.R. Part 43
	CFTC Swap Data Recordkeeping and Reporting Requirements, 17 C.F.R. Part 45
	CFTC Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps, 17 C.F.R. Part 46

40. *Appendix C is amended*

    (a) *in the title, by replacing* **"TRADE REPOSITORIES AND DERIVATIVES DATA REPORTING" with "DERIVATIVES: TRADE REPORTING".**

    (b) *by deleting* **"Instructions:***",*

    (c) *by repealing and replacing section 1 with the following:*

        1.   Subject to items 2 through 6, a recognized trade repository must make available to the public, at no cost, for each data element set out in Appendix A opposite a "Y" in the "Made Available to the Public" column of that appendix, the data elements contained in Table 1 for a derivative in any of the asset classes and underlying asset identifiers listed in Table 2 for all of the following:

        (a)   each derivative reported to the recognized trade repository under this Instrument;

        (b)   each lifecycle event that changes the pricing of an existing derivative reported to the recognized trade repository under this Instrument;

        (c)   each cancellation of a reported transaction or a correction of data relating to a transaction that was previously made available to the public, in each case resulting in a derivative referred to in paragraph (a) or a lifecycle event referred to in paragraph (b).**,**

    (d) *by repealing and replacing Table 1 with the following:*

Table 1

#	Data Element Name	Data Element Description	Data Element Format	Data Element Allowable Values
D1	Dissemination identifier	Unique and random identifier assigned by a recognized trade repository for each data message made available to the public.	Varchar(52)	Up to 52 alphanumeric characters
D2	Original dissemination identifier	For the following action types reported to the recognized trade repository under Data Element Number	Varchar(52)	Up to 52 alphanumeric characters

		98 of Appendix A, the Dissemination identifier assigned under Data Element Number D1: (a) Correct; (b) Terminate; (c) Error; (d) Revive; (e) Modify, if the Amendment indicator in Data Element Number 100 of Appendix A is reported to the recognized trade repository as True.		
D3	Dissemination timestamp	Date and time, to the nearest second, that a recognized trade repository makes data available to the public.	YYYY-MM-DDThh:mm:ssZ, based on Coordinated Universal Time	Any valid date/time based on ISO 8601 Date and time format.
D4	Unique product identifier short name	A humanly readable description made available by the Derivatives Service Bureau corresponding to the unique product identifier.	A list of allowable values and their format will be published by the Derivatives Service Bureau.	

       (e)   *in section 4, by replacing* "maturity date less execution time stamp date*" with* "expiration date less effective date*",*

       (f)   *in section 6, by replacing* "the*" before* "recognized trade repository*" with* "a*", and* replacing* "transaction*" before the period with* "derivative*",*

       (g)   *in Table 4, by replacing the heading in column 2* "Maturity Date less Effective Date*" with* "Expiration Date less Effective Date*",*

       (h)   *in section 7, by replacing* "contained in Table 1*" with* "referred to in item 1*", and* replacing* "in the execution timestamp field*" with* "for Data Element Number 14 of Appendix A*", and*

       (i)   *by adding the following section:*

8. If it is not technologically practicable to make the required information available to the public 48 hours after the time reported for Data Element Number 14 of Appendix A for the derivative due to periods of downtime required for operational maintenance, system upgrades, system repairs, disaster recovery exercises or any other exercises related to operating the recognized trade repository in accordance with this Instrument and its recognition order, the recognized trade repository must make the information available to the public as soon as technologically practicable following the conclusion of the period of downtime.*.*

41. *Form 96-101F1 Application for Recognition – Trade Repository Information Statement is amended in Exhibit E – Operations of the Trade Repository, section (7), by replacing* *"*accurately, complete*" with "*without error or omission*".*

42. *Form 96-101F2 Trade Repository Submission to Jurisdiction and Appointment of Agent for Service of Process is amended in the section below the heading "Agent – Consent to Act as Agent for Service"*

(a) *by replacing "*Signature of the Trade Repository*" with "*Signature of the Agent*", and*

(b) *by replacing "*Print name and title of signing officer of the Trade Repository*" with* *"*Print name of person signing and, if Agent is not an individual, the title of the person*".*

43. This Instrument comes into force on July 25, 2025.