MANUAL
IGT-TOOL

NOTIFICATIONS/APPLICATIONS RELATED TO INTRAGROUP TRANSACTIONS ACCORDING TO ARTICLE 4(2), ARTICLE 9(1) AND ARTICLE 11(6) TO ARTICLE 11(10) EMIR

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INHALTSVERZEICHNIS

I. Introduction .................................................................................................................. 4

II. Access - IGT-Tool ........................................................................................................ 4
   A. Registration for an account ....................................................................................... 5
      1. Declaration ........................................................................................................... 5
      2. Login the Web-Application ............................................................................... 5

III. Exemption form clearing obligation ........................................................................ 14
   A. Recording of reference data of the legal entities of the group ............................... 14
      1. Recording of reference data via CSV-File ....................................................... 14
      3. Deletion of entities ............................................................................................ 16
   B. Creation of an application/notification .................................................................. 17
      1. Using the integrated generator to create pairs of counterparties ..................... 17
      2. Manually add pairs ............................................................................................ 23
      3. Revoke a company ............................................................................................. 25
      4. Delete the whole transmission ......................................................................... 25
   C. Attach the Risk Management document and send notification/application .......... 26
   D. Workflow between applicant and FMA ................................................................. 30

IV. Exemption from the obligation to exchange collateral ............................................. 32
   A. Creation of a transmission ..................................................................................... 32
      1. Upload CSV ....................................................................................................... 32
      2. Upload attachments .......................................................................................... 33
      3. Delete the whole transmission ......................................................................... 34
      4. Submit transmission to FMA ............................................................................ 34
   B. Workflow between applicant and FMA ................................................................. 35

V. Exemption from the obligation to report ................................................................... 37
   A. Creation of a transmission ..................................................................................... 37
      1. Upload CSV ....................................................................................................... 37
      2. Upload attachments .......................................................................................... 39
      3. Delete the whole transmission ......................................................................... 40
      4. Submit transmission to FMA ............................................................................ 40
   B. Workflow between applicant and FMA ................................................................. 40

VI. Miscellaneous .......................................................................................................... 42

VII. Annex ....................................................................................................................... 43
    A. Example of a Declaration .................................................................................... 43
B. Example of a CSV-File ..................................................................................................................44
C. How the Risk Management (RM) Template has to be filled-in ..............................................45
   i. Identification of the Group .....................................................................................................45
      a. National competent authority of the central institution .................................................45
      b. Competent authority of non-financial and third country intergroup counterparties not located in Austria .................................................................................................................................45
      c. Organizational Structure ..................................................................................................45
   ii. Centralized risk evaluation, measurement and control procedures for groups according to article 3 (2a) EMIR and 3 (d) EMIR .................................................................46
      a. Centralized Risk Management .......................................................................................46
      b. Additional Information on Centralised Risk Management .............................................46
      c. Information on consolidated supervision according to article 3 (2a) (iii) and article 3 (2d) EMIR in context with article 3 (3) EMIR .................................................................46
   iii. Information to be provided to FMA for groups according to article 3 (2b) EMIR and 3 (2c) EMIR .......................................................................................................................47
      a. Groups according to article 3 (2b) EMIR .....................................................................47
      b. Groups according to article 3 (2c) EMIR .....................................................................47
E. Field definition for CSV-File ....................................................................................................48
F. Intragroup Counterparty Competent Authority ........................................................................50
I. Introduction

The IGT-Tool ("IGT-Intra Group Transaction") has to be used by a group notifying or applying to the Austrian Financial Market Authority (FMA) to make use of the exemptions for intragroup transactions as defined in article 4(2) or 9(1) of EMIR.

A notification under article 4(2)(a) EMIR or application under article 4(2)(b) EMIR must be made not less than 30 calendar days before the use of the exemption.

In accordance with article 4(2)(a) or 9(1) EMIR if both counterparties to the intragroup transactions are located in an EU member state they must both make separate notifications to their relevant competent authorities.

Within 30 calendar days after receipt of that notification, the competent authorities may object to the use of this exemption if the transactions between the counterparties do not meet the conditions laid down in Article 3 EMIR, without prejudice to the right of the competent authorities to object after that period of 30 calendar days has expired where those conditions are no longer met.

In accordance with article 4 (2) (b) EMIR the counterparty established in Austria has to be authorised to benefit from the exemption by FMA within 30 calendar days after it has been notified by the counterparty established in Austria, provided that the conditions laid down in Article 3 EMIR are met. In this case the applying counterparty will receive an official note by FMA.

Pursuant to Art. 9(1) EMIR if the notified competent authority does not object to the application within three months, the exemption shall be considered to be effective.

Where both counterparties to the intragroup transaction are located in Austria, a single notification can be made to the relevant competent authority (FMA) on behalf of both counterparties. Further, if there are several counterparties of the group located in Austria, a single notification can be sent via the IGT-Web application provided several preconditions are given (see chapter II.A.1 Declaration).

You can register for an account, under the following link:


II. Access - IGT-Tool

It is important that the information provided in the IGT-Tool and all additional forms required are accurate and complete. If information provided is false or misleading then the person submitting this form may be in breach of legislative requirements and subject to enforcement action.
A. Registration for an account

Before registering for an account it is essential to fill-in and sign the declaration that is available on the website of FMA:

https://www.fma.gv.at/download.php?d=2767

sample form of the declaration can be found in Annex A

1. Declaration

As stated above it is essential that user of the IGT-Tool provide only information that is accurate and complete. By submitting the declaration to FMA the user states that all data and information submitted to FMA is correct. In addition the user confirms to have the consent from all other intragroup counterparties if the user submits notifications or applications to FMA that is being made on their behalf. Moreover the user has to confirm that FMA is notified immediately if there are significant changes to the information submitted to FMA via the IGT-Tool.

The declaration has to be sent to FMA via email:

IGT@fma.gv.at

2. Login the Web-Application

Before using the IGT-Tool users have to register for an account:

After accessing the application users have to select the “Register for an account” button on the start page.
The user has to complete the form. Fields marked with a * are mandatory.

Note: The format for the phone number is the following: The plus sign, followed by your country code, a space, your city code, a space your number including the extension; e.g. +43 1 249593199

It should be noted that in this template the data of the entity registering in the tool is requested, no matter if this entity is the central institution of the group or not.

Furthermore no group-emails are allowed.

When the template is completed select the “Register” button.
The IGT-Tool informs the user of a successful application of an account. The user will receive the 1st email:

**IGT - Account registration process!**

Dear Max Tester,

you have requested an account for accessing the FMA - EMIR IGT platform. To confirm your registration please follow this link:


This link is valid for 300 minutes.

Yours faithfully

Austrian Financial Market Authority (FMA)
Markets and Exchanges Supervision
1090 Vienna, Otto-Wagner-Platz 5
AUSTRIA
IGT@fma.gv.at

Select the Link in the email and the user get an overview of the account registration. *If it is not possible to select the link in the email, copy and paste it in the browser window, please copy the link and If the data is correct select the “Confirm” button.*
After confirming your data the IGT-Tool confirms the registration process and the user gets the 2nd email:

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The 2nd email informs the user of the successful registration request and provides the user the information to be sent to FMA:

- Copy of the user's passport or ID card
- A Signed declaration that can be found at FMA’s website
- Excerpt from the commercial register of the company for which the user is requesting an account

The information has to be sent to: IGT@fma.gv.at
FMA is then validating the information and confirms the requested account of the user. The user then receives the 3rd email:

**IGT - Registration process**

Dear Mr. Max Tester,

your requested account for accessing the FMA - EMIR IGT platform was confirmed by the FMA.

User-ID: igtmax@gmx.at  
Company-name: IGT Company  
Company-LEI: S299000L37E7HY16FR16

You can start using the system following the link https://webhost.fma.gv.at/IGT

Note: Before the first login, you have to set a password, by choosing the proper link within the platform's login screen.

Yours faithfully

Austrian Financial Market Authority (FMA)  
Markets and Exchanges Supervision  
1090 Vienna, Otto-Wagner-Platz 5  
AUSTRIA  
IGT@fma.gv.at

Select the link in the email to start working in the IGT-Tool *if it is not possible to select the link in the email, copy and paste it in the browser window.*
Before entering the IGT-Tool users have to set a password by selecting the button “Request password” on the left or by selecting the link “Request password” at the bottom.

The user has to fill in the email address under which an account for the IGT-Toll has been requested. Then select the “Request button” Then the user is informed that the password request has been successful. The user gets the 4th email.

Select the link in the email to create a password. [If it is not possible to select the link in the email, copy and paste it in the browser window]
The password policy is shown below:

- Must be at least 8 characters.
- Must contain at least one lower or upper case letter.
- Must contain at least one digit.

After setting and confirming the password, select the “Set password” button. Then the IGT-Tool confirms the successful password setting. To start working in the IGT-Tool select the “Return to the login” button.
The user can now enter the IGT-Tool by logging in with the email address ("Login name") and the password.

After the log-in process the user receives the 5th and final email containing a one time PIN Code to access the IGT-Tool.
Fill in the PIN Code provided in the email and select the “Confirm” button.

When successfully registered, user can start working in the tool. After the first log-in user will see the start page of the tool:

Please note that for each login a new PIN Code has to be requested from FMA. So if the user is logged out and wants to start working in the IGT-Tool again, the user has to login into the IGT-Tool. Then the user receives an email with the PIN Code to access the IGT-Tool.
III. Exemption form clearing obligation

A. Recording of reference data of the legal entities of the group

User have two options on uploading the institutions belonging to a group. It is possible to record each entity of the group manually or to upload all entities with a csv-File. The options can be found by selecting the menu “Reference data”. Then they have to select whether on “Add a new institution” or on “Upload vis csv-file”. In each case it should be noted that also the entity that is registered in the IGT-Tool has to be uploaded into the IGT reference data separately if it shall benefit from the exemption from clearing.

If there is already data in the IGT-Tool user can search and manage entities in the box. User can search entities by LEI or SWIFT or by name.

1. Recording of reference data via CSV-File

In this case please use the csv-file template provided by FMA on its website:


A sample csv-File can be found in Annex B
Attention should be paid to the following:

Each time a new csv-file is uploaded, the new csv-file transcribes the old one. It is not possible to send an amendment to the data with a csv-file that contains only the amendments. In this case user has to amend the existing csv-file and upload it again into the IGT-Tool. User can export the existing file from the IG-Tool. Then user may amend the existing file and re-upload it into the IGT-Tool.


In this case please fill in the required fields. Fields marked with a * are mandatory. Please note that it is possible to choose between a LEI or a SWIFT as identifier of a group entity, but the preferred identifier of FMA is the LEI. Finally select the “Save data” button.
3. Deletion of entities

Before creating pairs of counterparts by using the generator in the tool user should have a look on the summary of the group entities uploaded in the tool. User will get a summary of their group by selecting “reference data” followed by a click on “search institutions”. Only entities of the group that are relevant for the IGT notification or application are necessary. If the user wants to delete a company from the list select the “Delete company” button for the relevant entity.

The IGT-Tool needs a confirmation by the user before the chosen entity will be finally deleted. In this case select the “Delete” button.

Finally the IGT-Tool state that the entity was deleted successfully.
B. Creation of an application/notification

1. Using the integrated generator to create pairs of counterparties

To create pairs of counterparties that are allowed to make transactions in OTC derivatives within the group user have to go into the section “Exemptions from clearing” and have then to select “New transmission”.

User will then see the following menu:
User have then to state whether the company selected is the essential entity for IGT or another company within the group is the essential entity for IGT. If the latter is the case please select the relevant field in the menu. In this case it is mandatory to choose an entity of the IGT group members uploaded in the tool.

Attention should be paid to the following:

“Essential entity for IGT” is not the same as “central institution of the group”. The essential entity for IGT is the company acting as main entity within the IGT group. The central institution of the group is the parent undertaking according to article 2 Nr. 21 EMIR.

In this example IGT Company is registered within the IGT-Tool and is also the mother company of the group according to the definition of article 2 Nr. 21 EMIR. If the IGT-company is also responsible for the IGT group and acting as the main entity within the IGT group, then user have to select the first option (“The Company selected by the reporter is the essential entity for IGT”). If another entity within the IGT group (entity 1-5) is acting as the main entity within the IGT group then user have to select the second option (“Another company within the group is the essential entity for IGT”). IGT group in this context means all entities uploaded into the IGT-Tool that wants to benefit from an exemption from clearing.

In the next step user has to select the group definition according to article 3 EMIR. This means that user have to select whether the financial counterparty as the essential entity for IGT falls under the definition 3 (a), 3 (b) or 3 (c) EMIR.
In the final step user has to create the pairs of counterparties within the group by using the generator in the tool. There are the following possibilities:

a) All possible pairs

To generate each possible pairs within the IGT group user have to select the button “Generate Exemptions between all selected companies” and the click on “Select all entries”. It is not mandatory to select all companies within the IGT group but user may also select only some of the companies (a subgroup) in the list. Then the generator calculates all possible pairs of the chosen entities.
b) Essential entity for IGT with all other entities

If only the essential entity for IGT (in this case –HO – which is the company registered in the IGT-Tool) is allowed to make transactions in OTC derivatives with (all) other entities in the IGT group then the user has to select the relevant institutions but do not have to select the button “Generate Exemptions between all selected companies”

c) Another essential entity for IGT (not the registered one) with all other entities

If another institution is selected as the essential entity for IGT (in this case Entity 2; not HO which is the registered entity in the IGT-Tool -> User) and is allowed to make transactions in
OTC derivatives with (all) other entities in the IGT group then user have to select the relevant institutions but do not have to select the button “Generate Exemptions between all selected companies”

For all cases: If the user has selected the relevant options, please select afterwards the “Generate Exemptions” button. User then gets an overview of the IGT pairs within the IGT group.
In this example the essential entity for IGT is the company registered in the IGT-Tool (IGT Company). The user has decided that IGT Company is allowed to make transactions with all the entities uploaded into the IGT-Tool. The result is shown in the “Pre-View”. If the result is correct the user has to select the “Save” button. The IGT-Tool then informs the user that the data have been stored successfully.

To get an overview of the data stored or in order to make changes to the data user have to select the “Manage Transmissions” button

User then has to select the state of transmission they want to see. In this case user has to select “Stored, not yet sent” because this transmission has not been sent to FMA. Later under this section it is also possible to request an overview of transmissions already sent for approval, approved transmissions, rejected transmissions or deactivated transmissions. To get an overview of all transmissions please select “All states”
2. Manually add pairs

It is possible to manually add pairs of entities within the group. As stated above, in this case user have to go into the section “Exemptions from clearing” and have then to select “Manage Transmission”. User then has to select the state of transmission. It is possible to choose whether “all states” or “stored, not yet sent”. Finally select the “Search” button.

Then user gets an overview of their transmission. To add a pair manually, please select the button “edit”

User have then the choice between adding a pair of companies to the group manually, revoke a company from the group and change the group definition according to article 3 EMIR. In this case user has to select “add a company to the group and pair manually”.
In the final step, the user has to select the company to be added from the list of companies already uploaded into the tool. The user also has to select the company to pair with. Then select “Apply changes” If the new company should be paired with more than one other company within the IGT group, please repeat this process.

The tool then informs the user that the change has been successfully applied.

To have a final check if the change was correct, the user may select “Return to the Manage Transmission main page”. Then the user will come back to the overview of their transmission. By selecting “View details” user will get a summary of each pairs within the group.
3. **Revoke a company**

It is also possible to remove a company from the IGT group. The process is the same as to manually add pairs which is described in the chapter above. User has to go into the section “Exemptions from clearing” and have then to select “Manage Transmissions”. User then has to select the state of transmission. It is possible to choose whether “all states” or “stored, not yet sent”.

Then user get an overview of their transmission. To remove a company manually, please select the button “edit”.

User have then the choice between adding a company to the group manually, revoke a company from the group and change the group definition according to article 3 EMIR. In this case user has to select “Remove Company from the group”.

In the final step user have to select the company to be removed from the list of companies already uploaded into the tool. Then click on “Apply changes” If further companies should be removed from the group please repeat this process.

The tool then informs user that the change has been successfully.

To have a final check if the change was correct user may select “Return to the Manage Transmission main page”. Then user will come back to the overview of their transmission. By selecting “View details” user will get a summary of each pairs within the group.

4. **Delete the whole transmission**

In order to delete the whole transmission stored in the IGT-Tool user have to select the button “Exemptions from clearing” and then select “manage Transmission”. After selecting the state of transmission the IGT-Tool shows an overview of the transmission. In order to delete the transmission please select the “Delete” button. It should be noted that once the “Delete” button is pressed the transmission is deleted immediately.
C. Attach the Risk Management document and send notification/application

Groups that want to benefit from the exemption from clearing in accordance with article 4 (2) EMIR have to prove that the conditions laid down in article 3 EMIR are fulfilled. For this reason it is essential to describe the risk management processes within their group. This will be the basis for negotiations with other NCAs in case of cross border groups and for the FMA decision whether to object to a notification or grant an application. To ensure a harmonized approach in assessing the required information, FMA has set up a risk management template that should be completed by the user and uploaded into the tool. The template can be found on the FMA website:


A sample of the Risk Management Template is also attached in Annex B.

The risk management template contains the following:

a) A description of risk management policies, including the evaluation and measurement of the aggregated risk and control policies or procedures in reference to such risk. This should include the description how these policies or procedures are centralized on group level and how these policies or procedures would be limited or compromised in their efficiency by the clearing obligation.

   The focus should be to determine whether there are appropriate centralized policies and procedures on group level according to the aggregated risk stemming from OTC contracts. This means that policies as well as related tasks, competencies, controls and communication channels have to be clearly defined and coordinated within the group.

   Additionally, there should be a description of appropriate processes for monitoring and communicating risks within the group.

   Such description should entail relevant information to make a judgement whether there are procedures in place which can be seen as a centralized approach which could be affected by the clearing obligation.

b) A description how these policies and procedures are applied consistently on group level so that both affected entities have to comply with them and to which extend these policies and procedures are subject to internal or external audits.

   This should entail a description how internal and external audits ensure that these requirements are implemented throughout the group. If applicable, a reference to sectoral rules could be made. A description should be made how the processes and procedures safeguard that the processes or procedures are implemented.

c) A description of the way that key risk information is regularly reported to the central risk management function to enable an appropriate centralized evaluation, measurement and control of risks across the relevant group entities and to which extend appropriate reporting lines to senior management exist.
The contents of the risk management template include the requirements from article 3 EMIR and the specification of ESMA which is summarized in the ESMA Q&A OTC 6d:


It is sufficient to provide the information in the risk management template only once for the group. If there are different procedures for certain pairs within the group (e.g. different risk management procedures between the essential entity for IGT and NFCs within the group) please describe the information requested in the template additionally. This information has to be provided in section ii (b) of the risk management template.

Provide at least the following information for the IGT group:

1. describe the risk management policies and controls and how they are centrally defined and applied;
2. demonstrate that senior management is responsible for risk management and that risk measurement is regularly reviewed;
3. demonstrate that regular and transparent communication mechanisms are established within the organization, so that the management body, senior management, business lines, the risk management function and other control functions can all share information about risk measurement, analysis and monitoring;
4. demonstrate that internal procedures and information systems are consistent throughout the institution and reliable so that all sources of relevant risks can be identified, measured, and monitored on an aggregated basis and also, to the extent necessary, by entity, business line, and portfolio;
5. demonstrate that key risk information is regularly reported to the central risk management function to enable appropriate centralized evaluation, measurement and control risk across the relevant group entities.

When a notification under Article 4(2)(a) relates to intragroup transactions between counterparties established in different Member States, it is expected that similar information is sent to the respective competent authorities. Please note that the process of applying or notifying could be different in other member states. Nevertheless it is expected that the information provided to other NCAs should be the same as the information provided to FMA.

It should be noted that the information required in the risk management template is only relating to the IGT group. This means that the required conditions in article 3 EMIR is only necessary for the entities in the group which want to benefit from an exemption from clearing according to article 4 (2) EMIR.
The completed risk management template has to be uploaded into the IGT-tool. User has to select the section “Exemptions from clearing”. Finally user has to select the “Upload document” button.

The IGT-Tool now informs the user that the upload was successful. Please note that the risk management document will only be accepted by the IGT-Tool in a PDF-format. The maximum file size is 15 MB.
To have a final check user select the “back to the transmission overview” and have then the possibility to select the “View document” button after the upload is done. If the document uploaded is not correct or in case of amendments to the document user have to upload it again. In a final step user have to select the “send for approval” button to submit the notification/application to FMA.

The notification/application is now marked with a timestamp. From this date FMA has 30 days according to article 4 (2) EMIR to object to the notification or to grant applications with a 3rd country context. User have an overview on the dates by selecting the “Exemptions from clearing” section followed by selecting “Manage Transmission”. Then user has to select whether “All states” or “Sent for approval” and get a summary of their notification/application.
The following workflow (approval by FMA) between the user and FMA is described in section D below.

D. Workflow between applicant and FMA

When the notification/application has been sent to FMA for approval, FMA checks if the conditions laid down in article 3 EMIR are fulfilled. In case of cross border IGT groups FMA has in addition to come to a joint opinion with the relevant national competent authorities from other member states. If there are no objections against the exemption from clearing FMA will approve the transmission. In this case user receive an automatically information by email.

Dear Max Tester,

A Transmission was approved by the FMA.

Transmission Details:

The authorized (reporting) company: IGT Company [S2990000LJ7E7HY18FR16]
The head of the group: IGT Company [S2990000LJ7E7HY18FR16]
The transmission was approved by: roman.bitter@fma.gv.at

Yours faithfully

Austrian Financial Market Authority (FMA)
Markets and Exchanges Supervision
1090 Vienna, Otto-Wagner-Platz 5
AUSTRIA
IGT@fma.gv.at
Please note the following:

Anyway FMA will contact the user prior its decision in order resolve any misunderstandings, request additional information or to discuss the reasons of the proposed FMA decision.

In the IGT-Tool user will see the status of their transmissions when they select the menu “Exemptions from clearing” followed by the status “all states” or “Approved by FMA”. In case of IGT groups in Austria or in case of IGT groups with EU cross-border relevance the email notification by FMA and the status report in the IGT-Tool is sufficient to benefit from the exemption from clearing. In case of IGT groups with a 3rd country context FMA will submit additionally an official notification (“Bescheid”) that the IGT group is allowed to benefit from the exemption from clearing. In both cases the user will receive an official notification of charges in the amount of 2.000,- EUR according to “2. Abschnitt - Besondere Gebühren – Rechnungskreis 3 - III.G.8. of FMA Gebührenverordnung” (https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003389).

In case of a negative opinion by FMA (and the other relevant national competent authorities) or in case of a negative decision by FMA with regard to IGT groups with 3rd country context, user will receive an automatically information by email as well. A negative opinion will also be submitted to the user by an official notification ("Bescheid") of FMA. Also in this case the user will receive an official notification of charges in the amount of 2.000,- EUR according to “2. Abschnitt - Besondere Gebühren - Rechnungskreis 3 - III.G.8. of FMA Gebührenverordnung” (https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003389).
IV. Exemption from the obligation to exchange collateral

In contrast to the application for an exemption of the clearing obligation it is not necessary to upload reference data for an application for exemption of the obligation to exchange collateral.

A. Creation of a transmission

A Transmission can contain a number of applications and notifications of pairs of legal entities of the group.

To create a new transmission, a user has to get into the section ‘Exemptions from collateral exchange’ and then has to select ‘Add transmission (upload csv)’.

1. Upload CSV

User will see the following menu:

User have to browse for the csv-File containing the information for all pairs of entities of the group for which an exemption from the obligation for collateral exchange wants to be applied for. (A Template of the csv-file is available on the FMA-Website. A table with definitions for the necessary fields can be found in the Annex VII.E)
After the upload the content of the csv-file will be displayed within the tool. Possible failures during the upload would be displayed above.

If, during the check of the uploaded data, any failures are detected, this can be easily adjusted by re-upload the new correct csv-file.

The next step is to upload the relevant documents (attachments).

2. Upload attachments

For each uploaded document, the correct IGT evidence code has to be chosen. Templates for the different document categories can be found at the FMA website.

IGT Evidence Code:

- A* = Copies of documented risk management procedures
- B* = Historical transaction information
- C* = Copies of the relevant contracts between the parties
- D = Legal Opinion
- Y* = Corporate relationship evidence file
- Z = Other

* marks mandatory documents
3. Delete the whole transmission

If the user wants to delete a whole transmission, before it was sent to FMA, this can be done by click on the delete button in the section ‘View transmission’.

4. Submit transmission to FMA

As soon as all mandatory documents are attached to the transmission within the IGT-Tool it is possible to select the ‘Submit’-Button in the application in section ‘view transmissions’.

After submitting the transmission to FMA, no further adjustments in the transmission are possible.
**B. Workflow between applicant and FMA**

As long as the user gathers information within the IGT-Tool for a transmission, the state of the transmission will stay in ‘in preparation’. Following the submission to FMA several states are possible.

Possible states:

1. In preparation
2. Submitted
3. Data complete
4. Approved
5. Rejected

After submission of the transmission to FMA the state changes into ‘Submitted’

When the notification/application has been submitted to FMA, FMA checks the completeness of the transmission. The user will be informed via email when FMA sets the transmission in the state ‘Data complete’.

Within the IGT-Tool the user will see the status of their transmissions within the section ‘View transmissions’.

Following the completeness information, FMA will check the submitted information in detail to verify if all requirements, to grant a permission for an exemption from the obligation to exchange collateral, are fulfilled.

In case of cross border IGT groups FMA has in addition to come to a joint opinion with the relevant national competent authorities from other EU member states. If there are no
objections against the exemption from the obligation to exchange collateral, FMA will approve the transmission. In this case user receive an automatically information by email.

In case of IGT groups with EU cross-border relevance or IGT groups with a 3rd country context FMA will submit additionally an official notification (“Bescheid”) that the IGT group is allowed to benefit from the obligation to exchange collateral. In both cases the user will receive an official notification of charges in the amount of 2,000,– EUR according to “2. Abschnitt – Besondere Gebühren – Rechnungskreis 3 – III.G.1. of FMA Gebührenverordnung” (https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003389).

Anyway FMA will contact the user prior its decision in order resolve any misunderstandings, request additional information or to discuss the reasons of the proposed FMA decision.

Within the IGT-Tool the user will see the status of their transmissions within the section ‘View transmissions’. In case of a positive opinion the status will be ‘approved’.

In case of a negative opinion by FMA (and the other relevant national competent authorities) or in case of a negative decision by FMA with regard to IGT groups with 3rd country context, user will receive an automatically information by email as well. A negative opinion will also be submitted to the user by an official notification (“Bescheid”) of FMA. Also in this case the user will receive an official notification of charges in the amount of 2,000,– EUR according to “2. Abschnitt – Besondere Gebühren – Rechnungskreis 3 – III.G.1. of FMA Gebührenverordnung” (https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003389).

Within the IGT-Tool the user will see the status of their transmissions within the section ‘View transmissions’. In case of a negative opinion the status will be ‘rejected’.
V. Exemption from the obligation to report

In contrast to the application for an exemption of the clearing obligation it is not necessary to upload reference data for an application for exemption of the obligation to report intragroup transactions.

A. Creation of a transmission

A Transmission can contain a number of applications and notifications of pairs of legal entities of the group.

To create a new transmission, a user has to get into the section ‘Exemptions from reporting’ and then has to select ‘Add transmission (upload csv)’.

1. Upload CSV

User will see the following menu:
User have to browse for the csv-File containing the information for all pairs of entities of the group for which an exemption from the obligation for reporting wants to be applied for. (A Template of the csv-file is available on the FMA-Website).

After the upload the content of the csv-file will be displayed within the tool. Possible failures during the upload would be displayed above.

If, during the check of the uploaded data, any failures are detected, this can be easily adjusted by re-upload the new correct csv-file.
The next step is to upload the relevant documents (attachments).

2. Upload attachments

For each uploaded document, the correct IGT evidence code has to be chosen. A template for the general notification form (1A) can be found at the FMA website. For a more detailed description you are invited to provide relevant documentation and upload them as annex (e.g. document type (2A1) Annex centralized risk management procedures).

IGT Evidence Code:

- 1A* = General notification form
- 1C = Organisational chart
- 2A1 = Annex Centralized risk management procedures
- 2A2 = Annex Senior management
- 2A3 = Annex Transparenz communication mechanisms

* marks mandatory documents
Possible file types: PDF and PNG or JPEG for document type 1C. Maximum size per document is 30 MB.

3. **Delete the whole transmission**

If the user wants to delete a whole transmission, before it was sent to FMA, this can be done by click on the delete button in the section ‘View transmission’.

4. **Submit transmission to FMA**

As soon as all mandatory documents are attached to the transmission within the IGT-Tool it is possible to select the ‘Submit’-Button in the application in section ‘view transmissions’ and confirm the submission.

After submitting the transmission to FMA, no further adjustments in the transmission are possible.

**B. Workflow between applicant and FMA**

As long as the user gathers information within the IGT-Tool for a transmission, the state of the transmission will stay in ‘in preparation’. Following the submission to FMA several states are possible.

Possible states:

- In preparation
- Submitted
- Data complete
- Approved
- Rejected
After submission of the transmission to FMA the state changes into ‘Submitted’.

When the notification/application has been submitted to FMA, FMA checks the completeness of the transmission. The user will be informed via email when FMA sets the transmission in the state ‘Data complete’. Within the IGT-Tool the user will see the status of their transmissions within the section ‘View transmissions’.

Following the completeness information, FMA will check the submitted information in detail to verify if all requirements, to grant a permission for an exemption from the obligation to report intragroup transactions, are fulfilled.

In case the IGT exemption is allowed the FMA will issue an official notification (“Bescheid”) that the IGT group is allowed to benefit from exemption. The FMA highlights that pursuant to “2. Abschnitt - Besondere Gebühren – Rechnungskreis 3 - III.G.9. of FMA Gebührenverordnung” (https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummern=20033899&TabbedMenuSelection=BundesrechtTab) a fee of EUR 2.000,- is charged.

Anyway FMA will contact the user prior its decision in order resolve any misunderstandings or request additional information. Within the IGT-Tool the user will see the status of their transmissions within the section ‘View transmissions’. In case of a positive opinion the status will be ‘approved’.
In case of a negative opinion by FMA the user will receive an automatically information by email as well. A negative opinion will also be submitted to the user by an official notification ("Bescheid") of FMA. Also in this case the user will receive an official notification of charges in the amount of 2,000,- EUR according to “2. Abschnitt - Besondere Gebühren - Rechnungskreis 3 - III.G.9. of FMA Gebührenverordnung”. ([https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003389&TabbedMenuSelection=BundesrechtTab](https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003389&TabbedMenuSelection=BundesrechtTab))

Within the IGT-Tool the user will see the status of their transmissions within the section ‘View transmissions’. In case of a negative opinion the status will be ‘rejected’.

In this situation the user can submit a new application.

VI. Miscellaneous

If you have any questions or problems please contact [IGT@fma.gv.at](mailto:IGT@fma.gv.at).
## VII. Annex

### A. Example of a Declaration

<table>
<thead>
<tr>
<th>Name and LEI of the central institution of the group</th>
<th>Name and LEI of the company registered in the IGT tool</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO XY-Bank</td>
<td>XY-SPV</td>
</tr>
<tr>
<td>LEI 1</td>
<td>LEI 2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of applicant or notifying person within the EMIR IGT tool</th>
<th>Superior of applicant or notifying person within the EMIR IGT tool</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Musterfrau</td>
<td>Maria Baumann</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Position</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance Officer</td>
<td>Head of Legal &amp; Compliance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Email</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:Max.musterfrau@xy-spv.com">Max.musterfrau@xy-spv.com</a></td>
<td><a href="mailto:Maria.baumann@xy-spv.com">Maria.baumann@xy-spv.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>+43 555 99999</td>
<td>+43 555 99991</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date and Venue</th>
<th>Date and Venue</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.01.2016, Wien</td>
<td>22.01.2016, Wien</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature</th>
<th>Signature</th>
</tr>
</thead>
</table>


B. Example of a CSV-File

<table>
<thead>
<tr>
<th>Name</th>
<th>LEI/BIC</th>
<th>Identifier</th>
<th>NFC/FC</th>
<th>Sitzland</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO XY-Bank</td>
<td>LEI</td>
<td>EVOYOND2GGP3UHGGE885</td>
<td>FC</td>
<td>AT</td>
</tr>
<tr>
<td>XY-SPV</td>
<td>LEI</td>
<td>1234567891012340000000</td>
<td>FC</td>
<td>AT</td>
</tr>
<tr>
<td>XY-Sub-Bank 1</td>
<td>LEI</td>
<td>529900UNUKZ9HND3309</td>
<td>FC</td>
<td>IR</td>
</tr>
<tr>
<td>XY-Sub-Bank 2</td>
<td>LEI</td>
<td>529900N2ZB1B52JB2F83</td>
<td>FC</td>
<td>RU</td>
</tr>
</tbody>
</table>

The separator used is a semicolon!
C. **How the Risk Management (RM) Template has to be filled-in**

The structure of the information provided below is conform with the chapters within the RM template.

i. **Identification of the Group**

Please fill in the requested information. It should be noted that under “email/IGT User ID” the email address with which you are registered in the IGT tool is requested.

   a. **National competent authority of the central institution**
      
      Please provide the competent authority of the central institution of the group.

   b. **Competent authority of non-financial and third country intergroup counterparties not located in Austria**
      
      Please provide the competent authority(ies) of the NFCs that are not located in Austria but in other EU member states and of third country entities (FCs and NFCs) within your group. If there are no such entities in your group section b can be left out.

Section a) and b) are essential to know for FMA in order to coordinate the consultation process regarding notifications/applications with other NCAs.

c. **Organizational Structure**

1. **Organizational Chart**

   ![Organizational Chart](image)

   Please provide an organizational chart of your group. It is allowed to use own charts in this section. The chart should give an overview of the relationship between the entities. For FMA only the entities of the IGT group are relevant. For this reason it is sufficient to provide an organigram with the relevant IGT entities within the group.
2. Additional Information to the organizational structure

This section is optional in case user wants to add some information on the group relationship or add explanations regarding the organizational chart.

ii. Centralized risk evaluation, measurement and control procedures for groups according to article 3 (2a) EMIR and 3 (d) EMIR

Groups according to article 3 (2b) and article 3 (2c) EMIR do not have to provide the Information listed in Section II.

The Intragroup exemption as mentioned in Article 4(2a) EMIR refers to the “conditions laid down in Article 3 EMIR”. Article 3(2a) (iv) EMIR and Article 3(2d) EMIR states that: “both counterparties are subject to appropriate centralised risk evaluation, measurement and control procedures” Article 3 (2a) (iii) EMIR and article 3 (2d) EMIR states that: “both counterparties are included in the same consolidation on a full basis” In the sections below groups have to demonstrate that the requirements from EMIR to benefit from an exemption from clearing are fulfilled.

a. Centralized Risk Management
Section a contains 5 points relating to centralized risk management. The information requested contains information required in EMIR and summarises the needs for NCAs according to ESMA Q&A OTC 6 (d):


More information on the information requested is laid down in section D of the manual.

b. Additional Information on Centralised Risk Management
If the information provided under point a) is not applicable for the whole group and there are different procedures for certain entities within the group (e.g. different risk management procedures between the central institution and NFCs within the group), please define these procedures separately. Please provide the information under point A (question 1-5) for each pair of entities with different risk management procedures.

c. Information on consolidated supervision according to article 3 (2a) (iii) and article 3 (2d) EMIR in context with article 3 (3) EMIR
In this section user have to state that the conditions relating to consolidated supervision is fulfilled. It is sufficient whether that the group is included in a consolidation in accordance with international standards in accordance with article 3 (3a) EMIR or that the group is covered by the same consolidated supervision in accordance with article 3 (3b) EMIR. If the group is covered by a consolidated supervision user have to provide the NCA (and the country) performing the consolidated supervision.
iii. Information to be provided to FMA for groups according to article 3 (2b) EMIR and 3 (2c) EMIR

Groups according to article 3 (2b) and article 3 (2c) EMIR do not have to provide the Information listed in Section II, but they are required to provide the information requested in section iii.

Groups according to article 3 (2a) and article 3 (2d) EMIR do not have to provide the Information listed in Section iii.

a. Groups according to article 3 (2b) EMIR
Groups according to article 3 (2b) EMIR have to provide the date and file number of the actual approval that the members of the group are part of the same institutional protection scheme, referred to in Article 80(8) of Directive 2006/48/EC.

b. Groups according to article 3 (2c) EMIR
Groups according to article 3 (2c) EMIR have to provide the date and the file number of the actual approval that the credit institutions of the group are affiliated to the same central body as referred to in Article 3(1) of Directive 2006/48/EC.
### E. Field definition for CSV-File

<table>
<thead>
<tr>
<th>Field Definition</th>
<th>Description</th>
<th>Possible Values</th>
<th>Single [E] or Multiple [M] Choice</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Counterparty Identifier</td>
<td>Unique ID of the applicant counterparty</td>
<td></td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Applicant Counterparty ID Type</td>
<td>ID Type chosen for the identification of the applicant counterparty (LEI or BIC)</td>
<td>LEI, BIC</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Applicant Counterparty Name</td>
<td>Name of the Applicant Counterparty</td>
<td></td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Applicant Counterparty Status</td>
<td>Status of the Applicant Counterparty in the context of EMIR i.e. Financial Counterparty (FC) as defined in Article 2(8) of EMIR, Non-Financial Counterparty (NFC) as defined in Article 2(9) of EMIR</td>
<td>FC, NFC</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Applicant Counterparty Country</td>
<td>Country of establishment of the Applicant Counterparty</td>
<td>AT</td>
<td>E</td>
<td>ISO 3166-1 Country Code</td>
</tr>
<tr>
<td>Applicant Counterparty Competent Authority</td>
<td>Competent Authority of the Applicant Counterparty. For NFC, this authority is the one designated in accordance with Article 10(5) of EMIR.</td>
<td>FMA</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Intragroup Counterparty Identifier</td>
<td>Unique ID of the intragroup counterparty</td>
<td></td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Intragroup Counterparty ID Type</td>
<td>ID Type chosen for the identification of the intragroup counterparty (LEI or BIC)</td>
<td>LEI, BIC</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Intragroup Counterparty Name</td>
<td>Name of the Intragroup Counterparty</td>
<td></td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Intragroup Counterparty Status</td>
<td>Status of the Intragroup Counterparty in the context of EMIR i.e. Financial Counterparty (FC) as defined in Article 2(8) of EMIR or Non-Financial Counterparty (NFC) as defined in Article 2(9) of EMIR or an entity established in a Third country jurisdiction (non-EU) in respect of which the European Commission has adopted an implementing act as referred to in Article 13(2) of EMIR.</td>
<td>FC, NFC, TCE</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Intragroup Counterparty Competent Authority</td>
<td>Competent Authority of the Intragroup Counterparty. The Intragroup Counterparty Competent Authority is mandatory only if the status of the Intragroup Counterparty is FC or NFC and the Intragroup Counterparty Competent Authority field must not be reported if the Intragroup Counterparty Status is TCE.</td>
<td>FMA</td>
<td>E</td>
<td>Maximum of 10 alpha characters listed in Annex</td>
</tr>
<tr>
<td>Corporate relationship</td>
<td>Defines the Corporate relationship from the point of view of the Applicant Counterparty. If the Applicant Counterparty is the parent of the Intragroup Counterparty, then this field must take the value PARENT. If the Applicant Counterparty is an affiliate of the Intragroup Counterparty then this field must take the value AFFILIATE and if the Applicant Counterparty is a subsidiary of the Intragroup Counterparty then this field must take the value SUBSIDIARY.</td>
<td>PAR, AFF, SUB</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Category of IGT</td>
<td>Category of intragroup transaction exemption as specified in Article 3 of EMIR 1 = IGT Category described in Article 3.1 2 = IGT Category described in Article 3.2(a) 3 = IGT Category described in Article 3.2(b) 4 = IGT Category described in Article 3.2(c) 5 = IGT Category described in Article 3.2(d)</td>
<td>1, 2, 3, 4, 5</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Possible Values</td>
<td>Single [E] or Multiple [M] Choice</td>
<td>Additional information</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>------------------------------------------------------</td>
<td>------------------------------------</td>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td>IGT Asset Class</td>
<td>Derivative class: CO = Commodity CR = Credit CU = Currency EQ = Equity IR = Interest Rate OT = Other</td>
<td>E</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IGT Type</td>
<td>IGT Type: FS = Forward and Swaps OP = Option OT = Other</td>
<td>M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IGT Notional Currency</td>
<td>List of the IGT notional currencies</td>
<td>M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IGT Settlement Currency</td>
<td>List of the IGT settlement currencies</td>
<td>M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IGT Tenor</td>
<td>Defines the maximum tenor of the OTC derivative contracts concluded between the Applicant Counterparty and the Intragroup Counterparty for which the exemption is demanded 1: &lt; 1 Year 2: &lt; 2 Years 3: &lt; 3 Years, …</td>
<td>E</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IGT Settlement Type</td>
<td>Defines the settlement types of the OTC derivative contracts concluded between the Applicant Counterparty and the Intragroup Counterparty for which the exemption is demanded</td>
<td>E</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IGT Frequency</td>
<td>The anticipated frequency of OTC derivative transactions per year: number of OTC derivative transactions between the Applicant Counterparty and the Intragroup Counterparty, per year</td>
<td>E</td>
<td>Integer</td>
<td></td>
</tr>
<tr>
<td>IGT Volume</td>
<td>The anticipated volume of OTC derivative transactions per year: gross notional amount of OTC derivative transactions between the Applicant Counterparty and the Intragroup Counterparty, per year, in million Euros</td>
<td>E</td>
<td>Maximum of 3 digits and max of 3 decimals numbers separated by &quot;.&quot; separator</td>
<td></td>
</tr>
<tr>
<td>IGT Size</td>
<td>The anticipated size of OTC derivative transactions per year: average notional amount of OTC derivative transactions between the Applicant Counterparty and the Intragroup Counterparty, in million Euros</td>
<td>E</td>
<td>Maximum of 3 digits and max of 3 decimals numbers separated by &quot;.&quot; separator</td>
<td></td>
</tr>
<tr>
<td>Exemption from IM or both</td>
<td></td>
<td>E</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Multiple choice: Combination of single values via using the '@' (example 'FS@OP')
## F. Intrgroup Counterparty Competent Authority

<table>
<thead>
<tr>
<th>Field Name</th>
<th>Country</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austrian Financial Market Authority</td>
<td>AT</td>
<td>FMA</td>
</tr>
<tr>
<td>Autorité des Services et Marchés Financiers</td>
<td>BE</td>
<td>ACPR</td>
</tr>
<tr>
<td>National Bank of Belgium</td>
<td>BE</td>
<td>AMF</td>
</tr>
<tr>
<td>Financial Supervision Commission</td>
<td>BG</td>
<td>FSC</td>
</tr>
<tr>
<td>Cyprus Securities and Exchange Commission</td>
<td>CY</td>
<td>CYSEC</td>
</tr>
<tr>
<td>Czech National Bank</td>
<td>CZ</td>
<td>CNB</td>
</tr>
<tr>
<td>Federal Financial Supervisory Authority</td>
<td>DE</td>
<td>BAFIN</td>
</tr>
<tr>
<td>Finanstilsynet</td>
<td>DK</td>
<td>FTNET</td>
</tr>
<tr>
<td>Estonian Financial Supervision Authority</td>
<td>EE</td>
<td>EFSA</td>
</tr>
<tr>
<td>Comisión Nacional del Mercado de Valores</td>
<td>ES</td>
<td>CNMV</td>
</tr>
<tr>
<td>Finanssivalonta</td>
<td>FI</td>
<td>FIN-FSA</td>
</tr>
<tr>
<td>Autorité des marchés financiers</td>
<td>FR</td>
<td>AMF</td>
</tr>
<tr>
<td>Autorité de contrôle prudentiel</td>
<td>FR</td>
<td>ACPR</td>
</tr>
<tr>
<td>Financial Conduct Authority</td>
<td>GB</td>
<td>FCA</td>
</tr>
<tr>
<td>Hellenic Capital Market Commission</td>
<td>GR</td>
<td>HCMC</td>
</tr>
<tr>
<td>Croatian Financial Services Supervisory Agency</td>
<td>HR</td>
<td>HANFA</td>
</tr>
<tr>
<td>Hungarian Financial Supervisory Authority</td>
<td>HU</td>
<td>PSZAF</td>
</tr>
<tr>
<td>Central Bank of Ireland</td>
<td>IE</td>
<td>CBI</td>
</tr>
<tr>
<td>Commissione Nazionale per le Societa e la Borsa</td>
<td>IT</td>
<td>CONSOB</td>
</tr>
<tr>
<td>Banca d’Italia</td>
<td>IT</td>
<td>BCIT</td>
</tr>
<tr>
<td>Bank of Lithuania</td>
<td>LT</td>
<td>LSC</td>
</tr>
<tr>
<td>Commission de Surveillance du Secteur Financier</td>
<td>LU</td>
<td>CSSF</td>
</tr>
<tr>
<td>Financial &amp; Capital Market Commission</td>
<td>LV</td>
<td>FKTK</td>
</tr>
<tr>
<td>Malta Financial Services Authority</td>
<td>MT</td>
<td>MFSA</td>
</tr>
<tr>
<td>Netherlands Authority for the Financial Markets</td>
<td>NL</td>
<td>AFM</td>
</tr>
<tr>
<td>Nederlandse Bank</td>
<td>NL</td>
<td>DNB</td>
</tr>
<tr>
<td>Polish Financial Supervisory Commission</td>
<td>PL</td>
<td>PFSA</td>
</tr>
<tr>
<td>Comissão do Mercado de Valores Mobiliários</td>
<td>PT</td>
<td>CMVM</td>
</tr>
<tr>
<td>National Securities Commission</td>
<td>RO</td>
<td>CNVM</td>
</tr>
<tr>
<td>Finansinspektionen</td>
<td>SE</td>
<td>FINA</td>
</tr>
<tr>
<td>Securities Market Agency</td>
<td>SI</td>
<td>ATVP</td>
</tr>
<tr>
<td>National Bank of Slovakia</td>
<td>SK</td>
<td>NBS</td>
</tr>
</tbody>
</table>