

Chapter 15A

Application and notifications under EMIR

15A.1 Application and notifications under EMIR

- 15A.1.1** **G** Where a *person* intends to rely on article 4(2), 4a(2), 10(2) or 89(2) of *EMIR* for an exemption from the clearing obligation set out in article 4(1) or 10(1) of *EMIR*, the *person* should make their application or notification to the *FCA* in such manner, and by providing such information, as the *FCA* directs or requires.
- 15A.1.2** **G** Where a *person* notifies the *FCA* in respect of the obligation set out in *EMIR* in:

 - (1) point (a) of the second subparagraph of article 4a(1);
 - (2) the fourth subparagraph of article 9(1); or
 - (3) point (a) of the second subparagraph of article 10(1),

the notification should be made in such manner, and by providing such information, as the *FCA* directs or requires.
- 15A.1.3** **G** Where a *person* intends to rely on article 11(8) or (9) for an exemption from the obligation to implement risk management procedures set out in article 11(3) of *EMIR*, the *person* should make their application or notification to the *FCA* in accordance with *EMIR requirements*, including (where relevant) those set out in the *EMIR technical standards on OTC derivatives* and Part 5 (Transitional Provisions: Intragroup Transactions) of the *Trade Repositories (EU Exit) Regulations*.
- 15A.1.3A** **G** Where a *person* is required to make a notification to the *FCA* in accordance with article 12(4) or article 15(2) of the *EMIR technical standards on OTC derivatives*, that notification should be made in accordance with the *EMIR requirements* set out in the *EMIR technical standards on OTC derivatives*.
- 15A.1.4** **G** The *FCA* may require any information referred to in **■ SUP 15A.1.1 G** to **■ SUP 15A.1.3A G** to be provided in such form, or to be verified in such a way, as the *FCA* may reasonably direct.

- 15A.1.5 **G** At any time after receiving an application or notification for exemption from, or a notification in respect of, *EMIR requirements*, the *FCA* may require the *person* concerned to provide it with such further information as it reasonably considers necessary to enable it to determine the application or consider the notification.