

(FISMA)

From: [REDACTED] (MARKT)
Sent: 22 May 2014 13:59
To: MARKT LIST G3
Cc: PEARSON Patrick (MARKT); [REDACTED] (MARKT); [REDACTED] (MARKT)
Subject: Meeting with BP on 21/05/14

Philip Tod, [REDACTED] and [REDACTED] met BP representatives ([REDACTED] and [REDACTED]) on 21/05/14 concerning EMIR, MiFID II, MAR and Benchmarks.

On EMIR, they asked for clarification on:

- the rules for non-financial counterparts, definition of OTC derivatives (cross-reference to MiFID) and the equivalence decision for 3rd country trading venues. We indicated that the development of these decisions was under way
- the periods for implementation for the clearing obligation to non financials: we indicated that the possible ways to give effect to the commitment of the Commission to give 3 years to non financials to implement the clearing obligation were being considered and that possible solutions would be included in ESMA's consultation paper on the RTS on the clearing obligation.

On MiFID:

- They would like more clarity of the definitions of physically settled contract, ancillary activity and OTF
- Some markets that they consider physical could be under the scope (intended to be physical and underpinned by physical but cash settled)

On MAR:

- Discussion about what is disclosable information (for BP it is a spectrum and they always consider what is the benefit of disclosing it and whether it would distort the market)

On benchmarks, BP is concerned as a contributor to and user of price assessments by PRAs. It is concerned about:

- the potential impact of the code of conduct requirement on contributors' willingness to participate in the setting process
- the impact of the proposal on the use of benchmarks from third country jurisdictions
- the requirement for the use of transaction data as in their view, an element of subjectivity is necessary for some benchmarks
- The EU proposal potentially going beyond the IOSCO Principles and a one size fits all approach