PICTET

MIFIR
Frequently Asked Questions

June 2017

1. What is MiFIR?

European regulation No. 600/2014 on markets in financial instruments (hereafter "MiFIR") introduces a set of new rules and requirements aimed at improving the efficiency, resilience and transparency of financial markets.

MiFIR (Art. 26) requires that information on all transactions executed on a trading platform, or considered as such, is reported to the National Competent Authority (hereafter "NCA") no later than the closing of the following working day (hereafter "Reporting Obligation"). The transaction details to be reported include identifying client data and, where the investment decision is made under a power of representation (e.g. a power of attorney or through an independent portfolio manager) identifying decision-maker data also have to be reported.

2. To whom does MiFIR apply?

MiFIR applies directly to Pictet & Cie (Europe) SA (hereinafter referred to as "the Bank") and, indirectly, to all individuals and legal entities who are clients of the Bank and are in custody with and/or serviced by the Bank, irrespective of their country of residence or nationality.

3. MiFIR Transaction Reporting Obligation

3.1 The Reporting Obligation – What is MiFIR transaction "reporting"?

Reporting means the daily process by which data relating to executed transactions are submitted to the NCA, which is a national public authority designated by each member state.

The aim of reporting is to enable the NCA to detect and investigate potential cases of market abuse, to monitor the fair and orderly functioning of markets, as well as the activities of investment firms.

3.2 What is a transaction?

For the purposes of the Reporting Obligation, the acquisition or disposal of a financial instrument constitutes a transaction.

An acquisition includes:
- The purchase of a financial instrument
- Entering into a derivative contract in a financial instrument

or
- An increase in the notional amount for a derivative contract that is a financial instrument.

A disposal includes:
- The sale of a financial instrument
- The closing of a derivative contract in a financial instrument

or
- A decrease in the notional amount for a derivative contract that is a financial instrument.

A transaction also includes a simultaneous acquisition and disposal of a financial instrument where there is no change in the ownership of that financial instrument.

3.3 What is not considered a transaction under the Reporting Obligation?

A subscription to or redemption from a fund is not considered a transaction under the Reporting Obligation. For a list of all exceptions to the transaction Reporting Obligation, please refer to the ESMA website https://www.esma.europa.eu/ [1].

3.4 What is considered an execution?

Where an investment firm performs any of the following services or activities that result in a transaction, it will be deemed to have executed that transaction:
- Reception and transmission of orders in relation to one or more financial instruments
- Execution of orders on behalf of clients
- Dealing on one's own account
- Making an investment decision in accordance with a discretionary mandate given by a client
- Transfer of financial instruments to or from accounts.

3.5 Which financial instruments are subject to the reporting obligation?

i) The scope covers:

- Financial instruments that are traded on a trading venue (i.e. listed instruments)
- Financial instruments where the underlying is a financial instrument traded on a trading venue (i.e. listed underlying instruments)
- Financial instruments where the underlying is an index or basket composed of financial instruments traded on a trading venue (i.e. the index or basket is composed of listed instruments).

The obligation applies even if those transactions were not carried out on a trading venue.

ii) List of financial instruments that fall within the scope of MiFID II:

1. Transferable securities
2. Money-market instruments
3. Units in collective investment undertakings
4. Options, futures, swaps, forward rate agreements and any other derivative contracts relating to securities, currencies, interest rates or yields, emission allowances or other derivative instruments, financial indices or financial measures that may be settled physically or in cash
5. Options, futures, swaps, forwards and any other derivative contracts relating to commodities that must be settled in cash or may be settled in cash at the option of one of the parties other than by reason of default or another termination event
6. Options, futures, swaps, and any other derivative contract relating to commodities that can be physically settled provided that they are traded on a regulated market, an MTF or an OTF, except for wholesale energy products traded on an OTF that must be physically settled
7. Options, futures, swaps, forwards and any other derivative contracts relating to commodities that can be physically settled and are not otherwise mentioned in point 6 of this Section and are not for commercial purposes, but that have the characteristics of other derivative financial instruments
8. Derivative instruments for the transfer of credit risk
9. Financial contracts for differences
10. Options, futures, swaps, forward rate agreements and any other derivative contracts relating to climatic variables, freight rates or inflation rates or other official economic statistics that must be settled in cash or may be settled in cash at the option of one of the parties other than by reason of default or other termination event, as well as any other derivative contracts relating to assets, rights, obligations, indices and measures not otherwise mentioned in this

Section that have the characteristics of other derivative financial instruments, in respect of whether, inter alia, they are traded on a regulated market, OTF or an MTF

11. Emission allowances consisting of any units.

3.6 When will transactions be reported?

MiFIR will enter into force on 3 January 2018 with immediate application of the transaction Reporting Obligation.

3.7 Which identifying client data must the Bank report under the MiFIR transaction Reporting Obligation?

MiFIR provides that the reports submitted to the NCA should identify the client for whom the order is transmitted, whether it is an individual or legal entity. The Bank will report a National Identification Number (hereinafter referred to as "**NIN**") (e.g. passport number or a Tax Identification Number (hereinafter referred to as "**TIN**") depending on the country of nationality) for all individuals. For legal entities, the Bank will use validated, issued and duly renewed legal entity identifiers (hereinafter referred to as "**LEI**").

Furthermore, where the investment decision is made under a power of representation, the Bank will also report the designation and details of the decision-maker for the client, and thus requires the same information as for the account holder.

4. I am an individual. Which NIN should I submit to the Bank?

Please refer to Annex 1 for more information on which NIN should be submitted and where it can be found. For some countries, more than one option is available; please submit at least one NIN.

5. I have more than one nationality. Which NIN should I submit to the Bank?

Where an individual is a national of more than one European Economic Area (hereinafter referred to as "**EEA**") country, the NIN to be submitted is the one assigned to the first country of nationality ranked according to the alphabetical country code list enclosed in Annex 1. For example, a person who is an Austrian (AT) and Italian (IT) national will have to submit the Austrian NIN.

Where an individual has an EEA and a non-EEA nationality, the NIN of the EEA nationality must be submitted.

6. What is a TIN? Do all individuals need to provide a TIN??

The TIN is used by most EU countries to identify resident taxpayers; information on its issuance, structure, use and validity can be found on http://www.ec.europa.eu [2] or http://www.oecd.org [3]. Depending on the client's nationality, the Bank will need to report a TIN to fulfil the Reporting Obligation. Please refer to Annex I to determine whether your country of nationality requires you to submit a TIN.

7. **According to my nationality I should provide a TIN. However, I do not reside in my country of origin. Do I need to obtain a TIN?**	At this time, no further legal dispositions have been published allowing non-residents to provide an alternative NIN to the TIN where it is requested under MiFIR. In such cases, the Bank will be obliged, as of 3 January 2018, to report a TIN for all individuals concerned, irrespective of their country of residence.

In such cases, you should refer to the authorities of your country of origin to obtain such TIN. A local embassy or consulate might be able to assist you in this process. |
| 8. **I am a legal entity. How do I obtain an LEI?** | If your entity does not possess an LEI code, you may apply for one via a Local Operating Unit (LOU). The LOU must not necessarily be located in the country where your entity is domiciled, but it must be accredited and qualified to validate LEI registrations within the jurisdiction. A list of authorised LOU can be found here, under "LEI Issuing Organisations": https://www.gleif.org/en/about-lei/how-to-get-an-lei-find-lei-issuing-organizations.

By way of an example, the Pictet Group has registered with www.gmeiutility.com. |
| 9. **Will the Bank share client personal data with any third parties?** | No. The Bank may outsource some reporting operations to a third party, but no client personal data will be shared with any third parties other than the NCA, to whom the Bank must report. All client data will be handled within the Pictet Group and on its systems, as governed by the general T&Cs of the Bank. |
| 10. **Consequences of not providing a NIN or LEI on time** | The Bank must obtain NINs or LEIs from its clients before providing services that would trigger reporting obligations in respect of transactions carried out for those clients and use this information in its transaction reports.

Consequently, not providing a NIN or LEI to the Bank within the stipulated timeframe will mean that transactions in all financial instruments (*please refer to point 3.5*) will no longer be allowed. This, in turn, may result in financial consequences.

In other words, no NIN or LEI means no trade. |
| 11. **Consequences of not providing an accurate NIN or LEI** | Unfortunately, not providing an accurate NIN or LEI to the Bank within the stipulated timeframe will result in the same outcome as not providing any at all, i.e. transactions in all financial instruments in scope (please refer to point 3.5) will no longer be allowed. This, in turn, may result in financial consequences. |

Please refer to Annex 1 to ensure that the NIN submitted corresponds to the length and format determined by your country of nationality. The European Commission's TIN online check module may be used to verify the TIN structure at ec.europa.eu [4].

12. Where to find additional information

The MiFIR section on ESMA's website https://www.esma.europa.eu/ [5] may be consulted on a regular basis as an additional source of information. The MiFIR regulation was adopted by the European Parliament on 15 May 2014 and will enter into force in all European member states on 3 January 2018.

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1) https://www.esma.europa.eu/sites/default/files/library/2016-1452_guidelines_mifid_ii_transaction_reporting.pdf
2) https://ec.europa.eu/taxation_customs/tin/tinByCountry.html
3) http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/
4) https://ec.europa.eu/taxation_customs/tin/?locale=en
5) https://www.esma.europa.eu/sites/default/files/library/esma70-1861941480-56_qas_mifir_data_reporting_0.pdf

ANNEX 1

1. I AM A NATIONAL FROM:		2. WHICH NATIONAL IDENTIFICATION SHOULD I SUBMIT TO THE BANK?	3. WHERE CAN I FIND THE NATIONAL IDENTIFICATION THAT I NEED TO SUBMIT TO THE BANK?	4. HOW CAN I CHECK THE ACCURACY OF THE NATIONAL IDENTIFICATION THAT I NEED TO SUBMIT TO THE BANK?
AT	Austria	Name, Surname and Date of Birth		
BE	Belgium	Belgian National Number (Numéro de registre national - Rijksregisternummer) (Numéro de registre national – Rijksregisternummer)	National ID	11 numerical digits where the first 6 are the date of birth (YYMMDD), the next 3 are an ordering number (uneven for men, even for women) and the last 2 a check digit.
		Name, Surname and Date of Birth		
BG	Bulgaria	Bulgarian Personal Number	Passport, National ID, Driving Licence	It consists of 10 digits. The first 6 are the date of birth (YYMMDD). The next 3 digits have information about the area in Bulgaria and the order of birth, and the ninth digit is even for a boy and odd for a girl. Seventh and eighth are randomly generated according to the city. The tenth digit is a check digit.
		Name, Surname and Date of Birth		
CY	Cyprus	National Passport Number	The passport is issued by the Civil Registry Department of the Ministry of Interior.	The number for passports issued before 13/12/2010 consists of the character 'E' followed by 6 digits i.e E123456. Biometric passports issued after 13/12/2010 have a number that starts with the character 'K', followed by 8 digits. i.e K12345678
		Name, Surname and Date of Birth		
CZ	Czech Republic	National identification number (Rodné číslo)	It is assigned to a person shortly after birth by the birth registry and does not change throughout the life of a person. It is printed on a birth certificate (paper), national ID card (laminated or plastic card), drivers licence (laminated or plastic card), and possibly other documents.	It is a nine or ten-digit number in the format of YYXXDD/SSSC, where XX=MM (month of birth) for male, i.e. numbers 01-12, and XX=MM+50 (or exceptionally XX=MM+70) for female, i.e. numbers 51-62 (or 71-82). For example, a number 785723 representing the first six digits is assigned to a woman born on 23rd of July 1978. SSS is a serial number distinguishing persons born on the same date and C is a check digit. For people born before January 1st 1954 the number is without this check digit - YYXXDD/SSS (i.e. the nine-digit case). If the national identification number has ten digits, then the tenth (check) digit is the first nine digits modulo 11, unless this modulo is 10. In that case the tenth digit is 0. Therefore, the ten-digit number is usually divisible by 11.
		Passport Number	The passport is issued by the Ministry of the Interior of the Czech Republic.	It is usually an eight digit number, but it can be longer.
		Name, Surname and Date of Birth		
DE	Germany	Name, Surname and Date of Birth		

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DK	Denmark	Personal identity code 10 digits alphanumerical: DDMMYYXXXX	The CPR number is used for unique personal identification can be found in documents such as passports, health care cards and driver's licenses.	The Danish personal ID is called the CPR number. It is 10 digits and does only consist of numbers [0-9]. The first 6 numbers represent the date of birth in "DDMMYY" format.
		Name, Surname and Date of Birth		
EE	Estonia	Estonian Personal Identification Code (Isikukood)	Passport, National ID, Driving license	It consists of 11 digits, generally given without any whitespace or other de-limiters. The form is GYYMMDDSSSC, where G shows sex and century of birth (odd number male, even number fe-male, 1-2 19th century, 3-4 20th cen-tury, 5-6 21st century), SSS is a serial number separating persons born on the same date and C a checksum.
ES	Spain	Tax identification number (Código de identificación fiscal)	This code is in the National Iden-tification Card (DNI or carnet de identidad), but it can also be found in the driving license or the social security card.	Code composed by 9 characters: 8 numbers and a control letter. Letters I, Ñ, O, and U are not used. It looks like 99111222 M.
FI	Finland	Personal identity code	Passport, National ID	It consists of eleven characters of the form DDMMYYCZZZQ, where DDMMYY is the date of birth, C the century sign, ZZZ the individual number and Q the control character (checksum). The sign for the century is either + (1800–1899), - (1900–1999), or A (2000–2099). The individual number ZZZ is odd for males and even for females and for people born in Finland its range is 002-899 (larger numbers may be used in special cases). An example of a valid code is 311280-888Y.
		Name, Surname and Date of Birth		
FR	France	Name, Surname and Date of Birth		
GB	United Kingdom	UK National Insurance number	The NINO is an administrative number primarily for the use of HM Revenue and Customs (HMRC) or the Department for Work and Pensions (DWP). It can be on a plastic National Insurance card, paper card or letter from HRMC and may also be obtained from payslips, form P60, tax returns or letters from the DWP/HRMC.	Two prefix letters, followed by six digits with one suffix letter, which is always A, B, C, or D. It looks something like this: AB123456A. The characters D, F, I, Q, U and V are not used as either the first or second letter of the prefix. The letter O is not used as the second letter of the prefix. For administrative reasons HMRC and DWP have sometimes used reference numbers which look like NI-NOs but which do not use valid prefixes. The administrative prefixes used are: OO, CR, FY, MW, NC, PP, PZ, TN. These should not be used.
		Name, Surname and Date of Birth		
GR	Greece	10 Dematerialised Securities System (DSS) digit investor share	Investor share is the account of the investor in the DSS which is operated by the Central Securities Depository S.A.	It consists of 10 digits and it is linked with the personal details of the investor (name, identity number, passport num-ber, tax registration number).
		Name, Surname and Date of Birth		

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HR	Croatia	Personal Identification Number (OIB – Osobni identifikacijski broj)	Source is National Identity Card or Internet engines but it can also be found on other personal documents.	OIB consists of 11 digits. 10 digits are chosen randomly and do not contain information related to the holder of OIB. One digit is a control number. OIB is unique, unchangeable and unrepeat-able. It is a permanent identification code of every Croatian citizen and legal person with head office in the Republic of Croatia.
		Name, Surname and Date of Birth		
HU	Hungary	Name, Surname and Date of Birth		
IE	Ireland	Name, Surname and Date of Birth		
IS	Iceland	Personal Identity Code (Kennitala) (NEW)	Passport, National ID, Driving Licence	Ten-digit number, where the first six are the date of birth (DDMMYY).
IT	Italy	Fiscal code (Codice fiscale)	It can be printed on a paper card (old version) or on the National Health Service magnetic card (newer ones).	The code is unique, widespread and consistent over time and it is a com-bination of 16 letters and numbers (3 letters for the last name + 3 letters for the name + 5 letters/numbers for the date of birth (with different combina-tions to distinguish between men and women) + 4 letters/numbers for the place of birth + 1 check letter/number). Example: RSS MRO 62B25 E205 Y
LI	Liechtenstein	National Passport Number	Passport	The Code is a combination of 1 letter and 5 numbers. For example R00536
		National Identity Card Number	The number changes with each renewed ID-Card	The Code of the national ID-Card is a combination of 2 letters and 8 num-bers. For example ID022143586
		Name, Surname and Date of Birth		
LT	Lithuania	Personal code (Asmens kodas)	Passport, National ID, Driving license	It is 11 digits long. Format GYYMMDD-NNNC, where G is the gender (4 or 6 for women; 3 or 5 for men); YYMMDD is the date of birth; NNN - serial number; C - check digit.
		National Passport Number	Passport, National ID	Passport or Identity card number - 8 digit number
		Name, Surname and Date of Birth		
LU	Luxembourg	Name, Surname and Date of Birth		
LV	Latvia	Personal code (Personas kods)	Identification documents for Republic of Latvia - National ID and/or pass-port	11 numerical digits of the form DDM-MYY-CZZZZ where the first 6 are the date of birth (DDMMYY) and the C is century sign (where the digit "0" is the 19th century, the number "1" - the 20th century, "2" - 21th century).
		Name, Surname and Date of Birth		

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MT	Malta	National Identification Number	National ID	8 characters: 7 numerical digits and 1 alphabetic letter (M, G, A, P, L, H, B, Z) Each ID Card has a unique Identity Number, based on a combination of: (a) a sequential registration number in the relevant year; (b) the relevant year number (2 digits), where the year is the year of birth (for Malta-born persons) or year of registration (for non-Malta born persons), and (c) a letter designating the geographic origin of the person. The definition of the letters is given by the Public Registry Department on the registration of a birth A = applicable to Foreigners in possession of an eRes Card B = applicable to Maltese births registered in the 1800+ G= applicable to Gozitan births registered in the 1900+ H= applicable to Gozitan births registered in the 2000+ L= applicable to Maltese births registered in the 2000+ M= applicable to Maltese births registered in the 1900+ P= applicable to Maltese citizens who are unable to obtain their original birth certificate from their country of birth to be registered in Malta. Z= applicable to Gozitan births registered in the 1800+
		National Passport Number	Civil Registration Directorate	7 Numerical digits
NL	Netherlands	National Passport Number	Dutch National Passport	9 characters of which: Position 1 and 2: [A-Z] except for "O"; Position 3 - 8: [A-Z] [0-9] except for "O"; Position 9: [0-9].
		National identity card number	Dutch National ID	9 characters of which: Position 1 and 2: [A-Z] except for "O"; Position 3 - 8: [A-Z] [0-9] except for "O"; Position 9: [0-9]. The character "O" is not allowed while "0" is.
		Name, Surname and Date of Birth		
NO	Norway	11 digit personal id (Foedselsnummer)	Includes but not limited to: passport, national id card, driving license	The id is 11 digits long, where the first 6 represent birthdate in "ddmmyy" format.
		Name, Surname and Date of Birth		

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PL	Poland	National Identification Number (PESEL)	Birth Certificate, National ID, Driving License	11 NUMERIC. ID for natural persons is assigned to a person shortly after birth by the birth registry and does not change throughout the life of a person.
		Tax Number (Numer identyfikacji podatkowej)	Tax form PIT8 which is sent yearly by an IF on behalf of its client to the tax office.	10 NUMERIC. It is used by investment firms for the tax identification of a client.
PT	Portugal	Tax number (Número de Identificação Fiscal)		Code composed by one block of 9 digits (999999999). The first eight digits are sequential and the last one is used as a control: 1 to 3: Personal, 3 is not yet assigned; 45: Natural person. The initial digits "45" correspond to non-residents citizens that only get in Portuguese territory income subject to withholding at source; 5: legal person required to register in the National People Collective Registry; 6: The agencies of the Central Government, Regional or Local administration; 70, 74 and 75: Used to identify different types of Heritage Indivisible; 71: Collective non-residents subject to withholding at source definitively; 72: Investment Funds; 77: officious allocation of taxable NIF (entities that do not require NIF on the official bodies (RNPC); 78: officious assignment to non-residents covered by the proceeding VAT REFUND; 79: Exceptional rules - created in 98 exclusively to the Mundial Exposition (Expo 98); 8: "sole trader" (no longer used, is no longer valid); 90 and 91: Condos, Irregular Society and undivided inheritances; 98: Non-residents without permanent establishment; 99: Civil societies without legal personality.
		National Passport Number	Portuguese National Passport	The passport of uniform and optical model consists of a notebook with 32 pages numbered, identified by one letter and six digits: Position 1: letter [A-Z] and Position 2 - 6: digits [0-9]
		Name, Surname and Date of Birth		

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RO	Romania	National Identification Number (Cod Numeric Personal)	The CNP is unique for each person, It is assigned at birth and never changes except in cases of erroneous attribution, sex change or change of status from legal resident to citizen, and it's written on Birth Certificate, Identity Card and Driving License.	Romanian Personal Numerical Code (Cod Numeric Personal, CNP) consist of 13 digits and is created by using the citizen's gender and century of birth (1/3/5/7 for male, 2/4/6/8 for female and 9 for foreign citizen), date of birth (six digits, YYMMDD), the country zone (two digits, from 01 to 52, or 99), followed by a serial number (3 digits), and finally a checksum digit. The first digit encodes the gender of person as follows: 1 Male born between 1900 and 1999 2 Female born between 1900 and 1999 3 Male born between 1800 and 1899 4 Female born between 1800 and 1899 5 Male born after 2000 6 Female born after 2000 7 Male resident 8 Female resident 9 Foreign citizen The country zone is a code of Romanian county in alphabetical order. For Bucharest the code is 4 followed by the sector number. To calculate the checksum digit, every digit from CNP is multiplied with the corresponding digit in number 279146358279; the sum of all these multiplications is then divided by 11. If the remainder is 10 then the checksum digit is 1, otherwise it's the remainder itself.
		National Passport Number	Romanian National Passport	Romanian Passport Number consist of 8 digits of which: Position 1 and 2: [A-Z] and Position 3 - 8: [0-9]
		Name, Surname and Date of Birth		
SE	Sweden	Personal identity number	Personal code number is used for unique personal identification and are written on or into various personal documents such as passports, health care cards, driver's licenses, and is held by authority registration at Swedish tax agency.	Personal code number: 12 digits numerical in the format CCYYMMDDZZZQ CCYYMMDD is the date of birth, ZZZ the individual serial number, and Q is the control character (calculated with Luhn-algoritm). The individual number ZZZ is odd for males and even for females. CC is century, YY year, MM month and DD day.
		Name, Surname and Date of Birth		

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SI	Slovenia	Personal Identification Number (EMŠO: Enotna Matična Številka Občana)	Slovenian Personal Identity Card Slovenian National Passport	It consists of 13 digits. The first 7 numbers represent the date of birth of the person - DDMMYYY. Digit 8 and 9 represent the number of a register where EMŠO was assigned: • 10-19 – Bosnia and Hercegovina (if signed in before 18 February 1999) • 20-29 – Montenegro (if signed in before 18 February 1999) • 30-39 – Croatia (if signed in before 18 February 1999) • 40-49 – Macedonia (if signed in before 18 February 1999) • 50-59 – Slovenia (if signed in before 18 February 1999, if later number 50 is used) • 60-69 – (not in use) • 70-79 – Serbia (if signed in before 18 February 1999) • 80-89 – Autonomous Province of Vojvodina (if signed in before 18 February 1999) • 90-99 – Kosovo (if signed in before 18 February 1999)). Digit 10, 11 and 12 are a combination of gender and serial number for persons, born on the same day (000-499 for male and 500-999 for female). Number 13 is a control number and is calculated by a special procedure, defined in Article 4 of the Regulation on the way of assigning the personal identification number (Nos. no. 8/99).
		Name, Surname and Date of Birth		
SK	Slovakia	Personal number (Rodné číslo)	It is printed on a birth certificate (paper), national ID card (laminated or plastic card), drivers licence (laminated or plastic card), and possibly other documents.	The Personal Number consists of ten digits in the form YYMMDDCCCX. The first part is created from the date of birth (differently for male and female): YY - the last 2 digits of the year of birth; MM - month of birth for male (01-12), month of birth plus 50 for female (51-62); DD - day of birth; CCC- number distinguishing persons born on the same date; X - check digit. The Person Number must be divisible by 11.
		National Passport Number	Citizens can have two passports and this code can only be found on the first one.	It is issued in the format XXNNNNNNN. It is a 9-digit unique code where XX are block letters and NNNNNNN are numbers. It has a validity of 10 years.
		Name, Surname and Date of Birth		

Source: ESMA