



FRANDT Questionnaire

This questionnaire has been prepared to comply with Commission Delegated Regulation (EU) 2021/1456 of 2 June 2021 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council, by specifying the conditions under which the commercial terms for clearing services for OTC derivatives are to be considered to be fair, reasonable, non-discriminatory and transparent (**FRANDT**)¹. This questionnaire is to be completed by or on behalf of each client/Beneficial Owner.

Please note that completion of this questionnaire is optional. BofA may use your responses to this questionnaire to determine commercial terms in their capacity as a clearing service provider in accordance with the FRANDT requirement.

1. Company Information

Full Legal Name of client : _____

Full Legal Name of Agent (if applicable): _____

Legal Entity Identifier (LEI) of client: _____

Country of incorporation: _____

For EU/UK clients: What is your EMIR counterparty classification?

- ☐ Financial Counterparty
☐ Non-financial counterparty

For EU/UK clients: Are you subject to the clearing obligation in accordance with Articles 4a or 10 of Regulation (EU) No. 648/2012? Please specify any exemptions which apply to the client (if any)

- ☐ Yes
☐ No

Sector of activity: _____

2. On-boarding Documentation

For the full list of documentation that you would need to complete to on-board BofA as a clearing service provider, please refer to the below link.

<https://business.bofa.com/en-us/content/futures-options-otc-clearing.html>²

¹ Article 4(3a) of Regulation (EU) 2019/834 of 20 May, 2019 (EMIR Refit) amending Regulation (EU) No 648/2012 (EMIR). The UK has legislated for the FRANDT Requirement in Section 40 of the Financial Services Act 2021.

² This link provides access to useful information , including onboarding timeframes, documentation requirements and disclosures of the BofA clearing firms pursuant to Article 38(1) and 39(7) or Regulation 648/2012 ("**EMIR**")



3. OTC derivatives contracts

- (i) What OTC derivatives contracts will be cleared? Please also provide the currencies
- ☐ IRS
☐ CDS
☐ FX
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- (ii) Do the contracts you intend to clear include contracts which are potentially subject to the UK/ EU EMIR clearing obligation?³
- ☐ Yes
☐ No
☐ Uncertain

4. Other documents

- (i) Please provide volume and size estimations for the scope of any OTC derivative contracts to be cleared (a template can be provided upon request).
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- (ii) Have you completed the General Clearing Member ("GCM") due diligence questionnaire? If not, please request from BofA onboarding representative.⁴
- ☐ Yes
☐ No
- (iii) Will you be posting securities to cover your initial margin obligations? If so, please indicate what securities you intend to post.
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- (iv) Do you have any specific IT requirements? If yes, can you provide additional details on these requirements?
- ☐ Yes
☐ No
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- (v) Please detail any other information that is relevant to your required clearing services.
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³ Information about contracts subject to the EU and UK clearing obligation can be found here: https://www.esma.europa.eu/sites/default/files/library/public_register_for_the_clearing_obligation_under_emir.pdf
<https://www.bankofengland.co.uk/-/media/boe/files/eu-withdrawal/clearing-obligation-public-register.pdf?la=en&hash=0AD1A4BCDD2EE2927694E79853B4263C2D9F1A33>

⁴ The GCM due diligence questionnaire is required to be completed at onboarding and on an annual basis thereafter, to enable BofA to comply with the requirements of Article 25 of Delegated Regulation (EU) 2017/589