



To:

Clients receiving clearing services from BofA Securities Europe SA

Date:

10 February 2026

FIA Template EMIR Article 7a (3) Written Statement

Version 1 – CSP to clients

February 2026

Throughout this document references to "we", "our" and "us" are references to the clearing member or the client providing clearing services ("clearing service provider"). References to "you" and "your" are references to the client receiving such services.

This is addressed to you by **BofA Securities Europe SA, LEI -549300FH0WJAPEHTIQ77** in relation to the derivatives clearing services which we provide to you and which relate to the obligations set out in EMIR¹ Article 7a(1) ('Active Account Requirement'), to which you have told us that you are subject.

Pursuant to the EMIR Active Account Requirement RTS² Article 2(1)(e), you have told us that you are required to provide your competent authority with a written statement confirming that we, in our capacity as your clearing service provider, have the operational capacity to clear in the account which we hold on your behalf at an authorised CCP for these purposes up to either

- (i) three times the gross notional value cleared in that account by you for the previous 12 months in the derivative contracts referred to in Article 7a(6) of EMIR; or
- (ii) the total gross notional value cleared at any CCP by you for the previous 12 months in the derivative contracts referred to in Article 7a(6) of EMIR,

in each case, within a 1-month period.

We hereby confirm that we, as your clearing services provider, are in a position to satisfy the operational capacity conditions under (i) set out above, as established by tests that we carried out as of 15th December 2025 in respect of OTC interest rate

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R0648-20250117>

² Commission Delegated Regulation (EU) 2026/305 of 29 October 2025 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards specifying the operational conditions, the representativeness obligation and the reporting requirements related to the active account requirement. [Delegated regulation - EU - 2026/305 - EN - EUR-Lex](#)



derivatives and as of 18th December 2025 in respect of short term interest rate futures (STIRs).

This statement

- (a) is given to satisfy the regulatory requirements specified, without reference to the financial resources which would be required to enable you to clear such additional positions;
- (b) relates to operational capacity only and has been prepared solely for purposes of the confirmation you have requested to comply with your obligations under Article 2(1)(e) of the EMIR Active Account Requirement RTS. It does not amend the limits or any other commercial terms that have been separately provided to you, and
- (c) assumes that any third parties, including any trade affirmation service providers, have the capacity to accept and confirm the relevant trades and that the authorised CCP at which the relevant account is set up is in a position to accept such positions for clearing.

We confirm that you may share this written statement with your competent authority for the purposes of demonstrating your compliance with Article 2(1)(e) of the EMIR Active Account Requirement RTS.

BofA Securities Europe SA:

Disclaimer: FIA has published this EMIR Article 7a(3) Written Statement Template for use by member and non-member firms in their capacity as clearing service providers or counterparties subject to the Active Account Requirement in EMIR Article 7a, to assist them with compliance with EMIR Article 7a(3) and the associated RTS Article 2(1)(e). Market participants are free to use the EMIR Article 7a(3) Written Statement in whatever form they wish, provided that, to the extent any amendments are made, users must highlight (as set out below) that FIA has not reviewed, and is not responsible for, the amendments made to the EMIR Article 7a(3) Written Statement.

Any firm using this EMIR Article 7a(3) Written Statement should carefully consider the full scope of legal, regulatory and commercial requirements that may apply to its particular circumstances and consult with legal counsel and any other advisors or consultants as appropriate before using this document. While care has been taken to assure that the content is accurate as of the date of publication, this EMIR Article 7a(3) Written Statement is not intended to constitute legal, regulatory or other advice and should not be taken or construed as such. FIA specifically disclaims any legal responsibility for any errors or omissions and disclaim any liability for losses or damages incurred through the use of this document. FIA may from time to time publish amended versions of this EMIR Article 7a(3) Written Statement but undertakes no obligations to update this document following the date of publication.

Copyright © 2026 by Futures Industry Association, Inc. FIA has not reviewed or endorsed any modifications that may have been made to this document.



The EMIR Article 7a(3) Written Statement is protected by copyright. Subject to the inclusion of the copyright notice below, FIA hereby grants to users of this document a non-exclusive and worldwide licence, for the term of the copyright, to use, adapt and modify the EMIR Article 7a(3) Written Statement in connection with the user's business needs. All other uses are specifically prohibited, including, but not limited to, the sale of the EMIR Article 7a(3) Written Statement. This licence is strictly subject to the FIA members retaining the following copyright notice on each page of any document containing any part of the EMIR Article 7a(3) Written Statement language:

'Copyright © 2026 by Futures Industry Association, Inc. FIA has not reviewed or endorsed any modifications that may have been made to this document.'