

**INSTRUCTIONS FOR THE QUARTERLY TREASURY INTERNATIONAL
CAPITAL (TIC)**

FORM D REPORT

**Report of Holdings of, and Transactions in,
Derivatives Contracts with Foreign Residents**

Part I: By Major Risk Category and Instrument Type
Part II: By Counterpart Country

MANDATORY REPORT
RESPONSE REQUIRED BY LAW
(22 U.S.C. 3101 et seq.)



DEPARTMENT OF THE TREASURY
FEDERAL RESERVE BANK OF NEW YORK
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
MARCH 2012

TABLE OF CONTENTS

	<u>Page</u>
I. General Instructions	1
A. Organization of this Instruction Book	1
B. Introduction	2
• Purpose of the TIC D Form	
• Authority	
• Penalties	
• Confidentiality	
• Reporting Burden	
• Relationship to Other Statistical Reports	
C. Who Must Report	5
• Reportable Entities	
• Consolidation	
• Exemption Level	
D. Accounting Issues	5
E. Submission of Reports	6
• Where to Report	
• Due Dates	
• Signature Requirements	
• Reporter ID Number	
• Record Keeping Requirement	
• Review of Data and Requests for Revised Data	
II. What to Report	8
A. General Description of What is to be Reported.....	8
B. Reportable Derivatives	8
C. Specific Exclusions	9
D. Reporting the Location of Foreign Counterparties	9
• Countries and Other Areas	
• Determining Residency	
III. Column Instructions (Part I and Part II)	11
A. Column 1 - Gross Positive Fair Value of Derivatives with Non-U.S. Residents at End of Reporting Quarter	11
B. Column 2 - Gross Negative Fair Value of Derivatives with Non-U.S. Residents at End of Reporting Quarter	11
C. Column 3 - U.S. Net Settlements During the Quarter with Non-U.S. residents	11
D. Items to Exclude from the Calculation of Net Settlements	12

IV.	Specific Instructions for Part I	14
A.	Row Definitions for Rows 1-7	14
B.	Memorandum Row Definitions	16
V.	Specific Instructions for Part II.....	18
VI.	Glossary.....	20
VII.	Appendices	23
A.	Geographical Classification List	23
B.	Foreign Official Institutions List	24
C.	Examples.....	25
D.	Flowcharts of what to report	28

Note: The vertical bars on the right side of a paragraph indicate that clarifications were made as of March 2012.

I. General Instructions

A. Organization of the Instruction Book

This instruction book covers the Treasury International Capital (TIC) Form “D” report. It is divided into the following sections:

1. Section I (General Instructions) – The general instructions describe the purpose of the TIC D Form and a variety of administrative matters, including the authority under which the data are collected and confidentiality conditions. The general instructions also describe general reporting matters such as the exemption level, who should report, and accounting issues. Finally, information on how to submit the report is provided.
2. Section II (What to Report) – In this section the types of reportable derivatives are described as well as the specific financial instruments and contracts that are excluded from the report. In addition, this section provides the definition of a foreign resident.
3. Sections III-V (Specific Instructions) – In these sections, the specific reporting requirements for the TIC D Form are given. The specific instructions describe the kinds of information that should be reported in each of the columns, rows, and memorandum rows of the form. To avoid excessive repetition, the instructions and definitions build upon the information in the general instructions, the glossary, and the appendices.
4. Section VI (Glossary) – The glossary presents definitions, discussions of accounting issues, and other topics that require more extensive treatment than is practical to include in the body of the instructions.
5. Section VII (Appendices) – The following appendices are provided:
 - A. Geographical Classification list – A list of the country and organizational codes for reporting on the form
 - B. Foreign Official Institutions list – A list of certain foreign institutions classified as “official” for reporting on the form
 - C. Examples for reporting derivatives
 - D. Flowcharts of what to report

The forms and instructions are available on the U.S. Treasury’s web site:
<http://www.treasury.gov/resource-center/data-chart-center/tic/Pages/forms.aspx>

B. Introduction

Purpose of the TIC D Form:

The purpose of the Treasury International Capital (TIC) D form is to gather timely and reliable information on the levels of, and changes in, U.S. international portfolio capital positions due to cross-border holdings of derivatives contracts and the net settlement payments that arise from these contracts. This information is needed for the preparation of the U. S. Balance of Payments Accounts, the U. S. International Investment Position, and the formulation of U. S. international financial and monetary policies. Aggregate data will be made available in the Treasury Bulletin and on the Bulletin's web site <http://fms.treas.gov/bulletin> .

Authority

This report is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 C.F.R. 128.1(a)).

This form has been reviewed and approved by OMB under the following OMB control number: 1505-0199

Penalties

Failure to report can result in a civil penalty of not less than \$2,500 and not more than \$25,000. Willful failure to report can result in criminal prosecution and upon conviction a fine of not more than \$10,000 and, if an individual, imprisonment of not more than one year, or both. Any officer, director, employee or agent who knowingly participates in such violation may, upon conviction, be punished by a like fine, imprisonment, or both (22 U.S.C. 3105 (a) and (b); 31 C.F.R. 128.4 (a) and (b)).

Confidentiality

Data reported on this form will be held in confidence by the Department of the Treasury, the Board of Governors of the Federal Reserve System, and the Federal Reserve Bank of New York acting as fiscal agent for the Department. The data reported by individual TIC D reporters will not be published or otherwise publicly disclosed; information may be given to other Federal agencies, insofar as authorized by applicable law (44 U.S.C. 3501 et seq.; 22 U.S.C. 3101 et seq.). Aggregate data derived from reports on this form may be published or otherwise disclosed only in a manner that does not specifically identify any individual TIC D reporter.

Reporting Burden

The Treasury Department has estimated the average burden associated with the collection of information for TIC D Form is 30 hours per TIC D reporter per filing. This estimate includes the time required to read the instructions, gather the necessary facts and fill out the forms. Comments concerning the accuracy of these burden estimates and suggestions for reducing reporting burden should be directed to the Office of International Affairs, U.S. Treasury Department, Washington, D.C. 20220, Attention: International Portfolio Investment Data Systems; or the Office of Management and

Budget, Paperwork Reduction Project, Washington, D.C. 20503. (Please reference the appropriate OMB control number listed above under Authority.)

Relationship to Other Statistical Reports

The TIC D Report is the only major statistical report that collects cross-border data on derivatives on the basis of residence. Several reports below cover derivatives but not on a residence basis: FR 2436, FR Y-9C, FFIEC 009, FR 3036, and TFC.

TIC Reports

- 1) The TIC B forms are filed by all U.S.-resident banks and other depository institutions, securities brokers and dealers, and Bank Holding Companies/Financial Holding Companies (BHCs/FHCs). (However, the positions of insurance underwriting subsidiaries of BHCs/FHCs are excluded from the TIC B forms and included in the TIC C forms.) On the TIC B forms these entities report their short-term securities and non-securities positions with foreign residents, including foreign affiliates. Also reported on the TIC B forms are certain positions of the customers of TIC B reporters; TIC C reporters who are customers of these institutions should not report these positions to avoid double counting.
- 2) The TIC C forms are filed by all U.S. entities other than depository institutions, Bank Holding Companies/Financial Holding Companies (BHCs/FHCs), and securities brokers and dealers. (As an exception, the positions of insurance underwriting subsidiaries of BHCs/FHCs are excluded from the TIC B reports and reported by the BHCs/FHCs for the underwriting subsidiaries on the TIC C reports.) On the TIC C forms, these entities report positions with unaffiliated foreign resident entities that are either short-term securities or non-securities. Also reported are positions of insurance underwriting subsidiaries of BHCs/FHCs and other financial intermediaries with foreign affiliates.
- 3) The TIC SLT form is filed by U.S. - resident custodians, issuers and end-investors. On the TIC SLT form, these entities report aggregate consolidated holdings of long-term U.S. securities for the accounts of foreign residents, foreign securities for the accounts of U.S. residents (their own or their customers) and all securities issuances by the U.S. -resident units of their entity to foreign residents that are not held by a U.S. resident custodian.
- 4) The TIC S form is filed by all U.S.-resident entities that purchase (or sell) long-term securities directly from (or to) foreign residents. This form is designed to obtain data on foreigners' purchases and sales of all long-term securities (including equities and shares of mutual funds).
- 5) To improve the accuracy of the TIC system and collect information on positions in securities, detailed security-by-security data are collected on a less frequent basis. Two data collection systems are used:
 - a) Foreign Holdings of U.S. Securities Including Selected Money Market Instruments (Form SHL) - Approximately every five years, all significant U.S.-resident custodians of short-term debt, long-term debt, and equity securities are required to provide detailed security-by-security information on foreign holdings of U.S. securities. Also required to report are significant U.S. issuers of bearer bonds and U.S. issuers of securities that are held by foreigners but not through U.S. custodians. In the years between these benchmark surveys, primarily the

- largest of these reporters are required to submit this security-by-security information annually (Form SHLA).
- b) U.S. Ownership of Foreign Securities, Including Selected Money Market Instruments (Form SHC) – Approximately every five years, all significant U.S.-resident custodians of foreign securities and U.S.-resident investors holding securities without using U.S.-resident custodians are required to report detailed security-by-security information on their holdings of foreign securities. In the years between these benchmark surveys, primarily the largest of these reporters are required to submit this security-by-security information annually (Form SHCA).

OTHER Reports

- 6) The Treasury Foreign Currency report (TFC) collects consolidated data on foreign exchange contracts (including spot, forward, and futures contracts) and positions by major U.S. resident participants in foreign exchange markets.
- 7) Direct Investment – Data on cross-border Direct Investment are collected by the Bureau of Economic Analysis, U.S. Department of Commerce. The data collections are designed to obtain comprehensive data on transactions and positions between affiliated U.S. and foreign companies ("multinational companies") and on the overall operations of multinational companies. To be affiliated, a U.S. company must own or control 10 percent or more of the voting securities of an incorporated foreign business (or an equivalent interest in an unincorporated foreign business), or a foreign company must own or control 10 percent or more of the voting securities of an incorporated U.S. business (or an equivalent interest in an unincorporated U.S. business).
- 8) The FR 2436 report is filed by major U.S.-resident dealers in the global over-the-counter financial derivatives market. On the FR 2436, entities report on a consolidated basis all positions in over-the-counter (OTC) financial derivatives markets by major risk category, type of instrument, and currency.
- 9) The FR Y-9C report is filed by all U.S. bank holding companies. These entities file a consolidated statement of condition and income, including the notional and fair value of derivatives with U.S. and non-U.S. residents.
- 10) The Country Exposure report (FFIEC 009) collects data on a consolidated basis on the distribution of the foreign claims, by country, held by U.S. banks and bank holding companies, including the outstanding claims on foreigners, by country, that represent the fair value of derivatives contracts.
- 11) The FR 3036 report collects data on the volume of transactions (turnover) with U.S. and foreign customers in the foreign exchange cash market, the foreign exchange derivatives market, and the interest rate derivatives markets by financial institutions that serve as intermediaries in the wholesale foreign exchange and derivatives markets. In addition, the report collects consolidated data on outstanding contracts in the derivatives markets for foreign exchange, interest rates, equities, and commodities by major U.S.-resident participants in the derivatives markets.

C. Who Must Report

Reportable Entities

All entities resident in the United States that have derivatives contracts that exceed the exemption level described below should complete all parts of the TIC D Form.

Consolidation

Reporters should consolidate only their U.S. resident subsidiaries on the same basis as annual reports submitted to the SEC or on the same basis as described in generally accepted accounting principles (GAAP). For tiered entities, only the top-tier company should file the TIC D Form. However, foreign banking organizations that establish more than one legal entity in the U.S. (e.g., a holding company and a branch) should report for each top tier U.S. entity.

Exemption Level

The TIC D form must be submitted if:

- 1) the total notional value of worldwide holdings of derivatives (including contracts with U.S. and foreign residents, measured on a consolidated-worldwide accounting basis) for the reporter's own account exceeds \$400 billion

or

- 2) the amount reported by a TIC D reporter for Grand Total Net Settlements (Part 1, Column 3, Row 7) exceeds \$400 million (either a positive or negative value).

Once either exemption level has been exceeded, the reporter should submit the TIC D form for that calendar quarter, for the remaining quarters in the same calendar year, and for each quarter of the following calendar year. In determining if U.S. branches and agencies of foreign banks exceed the exemption level for notional values of derivatives contracts (with U.S. and non-U.S. related and non-related parties), only contracts held on the books of U.S. offices should be included.

D. Accounting Issues

The holdings of derivatives as defined by FASB Statement Number 133, as amended, should be reported at fair value. Do not report notional amounts. The definition of fair value for this report is the same as U.S. GAAP. This is currently defined under FASB Statement No. 157, "Fair Value Measurements" (FAS 157). FAS 157 defines fair value and establishes a framework for measuring fair value. FAS 157 defines the fair value for an asset or liability as the price that would be received to sell the asset or paid to transfer the liability in an orderly transaction between market participants (not a forced liquidation or distressed sale) in the asset's or liability's principal (or most advantageous market at the measurement date). For further information, refer to FAS 157.

Do not combine, aggregate, or net the reported fair value of a contract with the fair value of other derivatives.

Positions reported should be the balances outstanding at the “close of business” as of the last day of the calendar quarter covered by the report. The time designated as the close of business should be reasonable and applied consistently.

Amounts should be reported in millions of U.S. dollars. Do not enter decimals. Different guidelines apply to the conversion of foreign-currency denominated gross fair values in columns 1 and 2 and foreign-currency denominated net settlements in column 3. For foreign-currency denominated gross fair values in columns 1 and 2, report the U.S. dollar equivalent of the foreign currency amounts converted using the closing dollar spot exchange rates on the as-of date of the report. For net settlements in column 3, convert payments to U.S. dollars using the closing dollar spot exchange rates on the day of each payment. If it is not possible to use the closing rates on the days of the payments, please contact an International Reports Department analyst at the Federal Reserve Bank of New York to discuss which rates you would use.

E. Submission of Reports

Where to Report

TIC D reports should be filed with the Federal Reserve Bank of New York. Paper reports should be mailed or faxed to: International Reports Division, Federal Reserve Bank of New York, 33 Liberty Street, Fourth Floor, New York, New York 10045. Fax: (212) 720-1964.

Data may be submitted electronically by Reporting Central. Reporting Central is fast, easy to use, and secure. Reports can be submitted quickly and easily either using online data entry or spreadsheet file transfer. (Spreadsheet file transfer allows reporters to use machine-generated data.) Reporting Central provides a confirmation of data receipt at the Federal Reserve Bank of New York and checks the validity of your submission. Reporting Central saves time and delivery costs, avoids possible mail delays, and eliminates paper and fax transmissions. For more information on Reporting Central, log on to <http://www.reportingandreserves.org/iesub.html> or call the Federal Reserve Bank of New York.

Data may also be reported on computer printouts in the same format as the printed reports. The Federal Reserve Bank of New York must approve proposed computer printouts in advance of the first submission.

Due Dates

Form D reports should be submitted not later than 50 calendar days following the as-of date, which is the last day of the calendar quarter being reported.

Signature Requirements

The cover page of the TIC D Form - (which can be printed from the TIC web site at <http://www.treasury.gov/resource-center/data-chart-center/tic/Pages/forms-d.aspx>) must be

signed by a duly authorized officer of the reporting institution. For electronic filers, the reporter should retain the signature page.

Reporter ID Number

The Federal Reserve System has assigned each reporting entity an "RSSD ID" number. To ensure proper processing, this ID must be entered in the space provided on the form. If you do not know your RSSD ID number, please call an International Reports Department analyst at the Federal Reserve Bank of New York

Record Keeping Requirement

Reports must be retained for 3 years from the date of submission.

Review of Data and Requests for Revised Data

Federal Reserve System staff review data submitted on the TIC D Form. During the course of their review and editing procedures, Reserve Bank staff may ask reporters to explain unusual changes or submit revisions, as necessary. Since these data are extremely time-sensitive, reporters should respond as quickly as possible to these requests

II. What to Report

A. General Description of What is to be Reported

The purpose of this data collection effort is to measure the fair value of cross-border holdings of derivatives contracts and the net settlement payments that arise from these contracts. Cross-border positions are:

1. Positions of the U.S.-resident parts of your organization with foreign residents and on foreign exchanges, plus when you serve as a broker, your U.S. customers' positions on foreign exchanges.
2. Positions of U.S. exchanges when you serve as a broker on behalf of foreign residents (including foreign resident parts of your organization). All positions and net settlements should be reported from the perspective of the U.S. exchange. Thus, positions of your foreign customers on U.S. exchanges should be reported from the perspective of the U.S. exchange and not your foreign customer.

Contracts are outstanding (i.e., open) until they have been terminated by acquisition or delivery of the underlying financial instruments or, for futures contracts, by offset, or, for standby contracts and other option arrangements, by expiring unexercised. ("Offset" is the purchase and sale of an equal number of futures contracts on the same underlying instrument for the same delivery month executed through the same broker or dealer and executed on the same exchange.)

B. Reportable Derivatives

Derivatives contracts are reportable only if the contracts meet the FASB Statement No. 133 (FAS 133) definition of a derivative contract. FAS 133 defines a derivative as a financial instrument or other contract having all three of the following characteristics:

1. It has one or more underlying (i.e., specified interest rate, security price, commodity price, foreign exchange rate, index of prices or rates, or other variable) and one or more notional amounts (i.e., number of currency units, shares, bushels, pounds, or other units specified in the contract) or payment provisions or both. These terms determine the amount of the settlement and in some cases, whether or not a settlement is required;
2. It requires no initial net investment or an initial net investment that is smaller than would be required for other types of contracts that would be expected to have similar response to changes in market factors; and
3. Its terms require or permit net settlement (see glossary), it can be readily settled net by a means outside the contract, or it provides for delivery of an asset that puts the recipient in a position not substantially different from net settlement. Reportable derivatives include, but are not limited to:
 1. Forward rate agreements
 2. Forward foreign exchange agreements
 3. Forward commodity contracts
 4. Interest rate futures

5. Equity index futures
6. Currency futures
7. Commodity futures
8. Securities futures
9. Written and purchased options
10. Interest rate swaps
11. Credit derivatives
12. Options and Warrants on securities that meet FAS 133 definition

C. Specific Exclusions

1. Spot foreign exchange contracts
2. Short sales of assets
3. “Regular-way” securities trades, which are trades that are completed within the time period generally established by regulations and conventions in the market place or by the exchange on which the trade is executed
4. Normal purchases and sales of an item other than a financial instrument or derivative instrument that will be delivered in quantities expected to be used or sold by the reporting entity over a reasonable period in the normal course of business.
5. Traditional life insurance and property and casualty contracts
6. Financial guarantees that do not meet the definition of a derivative as defined in FAS 133.
7. Do not report the value of commodities, securities, or other non-cash assets received or delivered to settle derivatives contracts of any type. Long-term securities received or delivered to settle derivatives contracts should be reported as purchases or sales by foreigners, as appropriate, on the monthly TIC Form S.

D. Reporting the Location of Foreign Counterparties

Countries and Other Areas

Positions with foreigners should be reported for the country or geographical area in which the direct counterparty resides. Do not report positions based on the currency of denomination of the instrument, the country of the parent institution of the counterparty (i.e., nationality), the country of issuance of the instrument, or the country of a guarantor (i.e., ultimate risk). Please note – branches of U.S. residents located outside the U.S. are foreign residents. U.S.-resident branches of foreign banks are U.S. residents.

Determining Residency

1. Determining the residence of counterparties

Counterparty residence is determined by the country of legal residence (e.g., the country of incorporation, or, for a branch, of license). For example:

- a. International and Regional Organizations (see Appendix I) are residents of the International and Regional Organizations areas, not the countries in which they are located.

Exception

Positions and transactions with the Bank for International Settlements (BIS), the European Central Bank (ECB), the Eastern Caribbean Central Bank (ECCB), the Bank of Central African States (BEAC), and the Central Bank of West African States (BCEAO), should each be reported opposite their name in the list of Foreign Economies and Organizations.

- b. Partnerships, trusts, and funds are residents of the country in which they are legally organized. (For example, pension funds of International and Regional Organizations are residents of the country of residence of the pension fund.)
- c. Banks, BHCs, FBOs, securities brokers and dealers, corporations and subsidiaries of corporations are residents of the country in which they are incorporated (not the country of the head office or primary operations).
- d. Bank branches are residents of the country in which they are licensed (not the country of the head office).
- e. Offices of foreign official institutions and embassies are residents of their parent country.
- f. Individuals are residents of the country in which they are domiciled.
- g. Entities or individuals that file an IRS Form W-8, indicating that they are foreign residents, are treated as such. Please note that there may be exceptions (such as Puerto Rico). However, if an IRS form is not available, the mailing address can be used to determine residency.

III. Column Instructions (Part I and Part II)

A. Column 1 - Gross Positive Fair Value of Derivatives with Foreign Residents at End of Reporting Quarter

Report the aggregate fair value of all outstanding derivatives contracts between U.S. residents and foreign-resident counterparties with a positive fair value. See Section I.E. Accounting Issues for information on fair values.

B. Column 2 - Gross Negative Fair Value of Derivatives with Foreign Residents at end of Reporting Quarter

Report the gross negative fair value of all outstanding derivatives contracts between U.S. residents and foreign-resident counterparties with a negative fair value. Amounts should be reported as an absolute number; no negative entries should be made. See Section I.E. Accounting Issues for information on fair values.

C. Column 3 - U.S. Net Settlements during the Quarter with Foreign Residents

Report all cash receipts and payments made during the quarter for the acquisition, sale, or final closeout of derivatives, including all settlement payments under the terms of derivatives contracts. Net Settlements refer to the netting of individual contract flows and not to the netting of like contracts (e.g., FIN 39 netting).

In calculating Net Settlements, U.S. receipts of cash from foreign persons should be treated as a positive amount (+), and U.S. payments of cash to foreign persons should be treated as a negative amount (-). A net settlement cash receipt or payment occurs only when cash is received/paid for the purchase or sale of a derivative or a settlement payment (such as the periodic settlement under a swap agreement or the daily settlement of an exchange-traded contract) is received or paid.

Listed below are instructions for the reporting of net settlements by contract type.

Forwards:

Report cash received or paid upon maturity or settlement of forward agreements (including foreign exchange contracts). Do not report the amount received or paid upon settlement of a forward with a security or other non-cash asset.

Futures:

Report the cumulative periodic (usually daily) payments or receipts from an exchange as a result of the change in value of the futures contracts. Also include the final cash settlement of futures contracts.

Options:

Report premiums paid or received on options. For exercised options where settlement is only in cash, report the net payment of cash upon exercise. (See **Items to exclude from the calculation of Net Settlements** below, for a discussion of options where, upon exercise, ownership of a security, commodity, or other non-cash assets is transferred.)

Swaps:

Report the net amount of cash received or paid upon maturity or termination of a swap and any periodic net cash settlement payments under the terms of a swap.

Credit Derivatives:

Report all payments, including any periodic payment(s) made or received by the reporting entity after a credit event (such as a lower credit rating, a default, or change in another measure of creditworthiness).

D. Items to Exclude from the Calculation of Net Settlements:

Changes in value with no payments: Do not report changes in the value of derivatives due to changes in interest rates or market prices. The change in value should be excluded from the calculation of Net Settlements, because no cash was received or paid.

Commissions and Fees: Explicit commissions and fees should be excluded from the report, unless the amount is immaterial. (Commissions and fees are regarded as transactions in financial services rather than as transactions in derivatives.)

Collateral: Receipts and payments of margin or collateral (whether or not in the form of cash) should be excluded from Net Settlements and not reported on this form. If you cannot exclude these from your report, please contact the Federal Reserve Bank of New York.

Physical Delivery of the Underlying: Do not report the value of commodities, securities, or other non-cash assets received or delivered to settle derivatives contracts of any type. Long-term securities received or delivered to settle derivatives contracts should be reported as purchases or sales by foreigners, as appropriate, on the monthly TIC Form S.

Forwards:

Do not report the amount received or paid upon settlement of a forward involving securities or other non-cash assets.

Futures:

Do not report the value of futures that proceed to final delivery of the underlying asset, except in the case where the final delivery involves only the receipt, payment, or exchange of cash (i.e., no commodity or security exchanged).

Options:

Do not report the exercise of an option where securities, commodities, and assets other than cash are purchased or sold. The purchase or sale of a security or commodity whether or not under the terms of an option contract is treated as the purchase or sale of that security or commodity, and not as a transaction in a derivative. (The purchase/sale by foreign residents of a long-term security under the terms of an option should be reported on monthly TIC Form S.)

Swaps:

Do not report transactions in swaps **if** the ownership of a security, commodity, or other noncash item changes hands. However, include any premiums actually paid or received on swaps contracts (e.g., Credit Default Swaps).

IV. Specific Instructions for Part I

A. Row Definitions for Rows 1-7

Reportable derivatives (see Section II. "What to Report" for further information) with foreign resident counterparties should be reported by instrument and predominant risk type as determined by the reporting institution (using the guidelines below):

Over-the-counter Contracts

Report all derivatives contracts in rows 1, 2 and 3 that are not traded on organized exchanges.

Single-currency Interest Rate Contracts (Row 1)

Report Net Settlements in Column 3 for all derivatives contracts with foreign-resident counterparties whose predominant risk is from cash flows that are determined by referencing interest rates, but do not involve the exchange of currencies, (e.g., cross-currency swaps and currency options) commodity, credit, or equity risk. Single-currency interest rate contracts include single currency interest rate swaps, basis swaps, and forward rate agreements.

Contracts whose predominant risk characteristic is foreign currency risk are to be reported in Row 2 as foreign exchange contracts. Contracts whose predominant risk characteristic is commodity, equity, or credit risk are to be reported in Row 3 as other contracts.

a) Forwards (Row 1.a)

Report contracts with foreign-resident counterparties that represent agreements for delayed delivery of financial instruments in which the buyer agrees to purchase and the seller agrees to deliver, at a specified future date, a specified instrument at a specified price or yield.

b) Swaps (Row 1.b)

Report contracts with foreign-resident counterparties in which two parties agree to exchange payment streams based on a specified notional amount for a specified period. Forward starting swap contracts should be reported as swaps.

c) Options (Row 1.c)

Report contracts with foreign-resident counterparties that convey either a right or an obligation, to buy or sell a financial instrument at a specified price by a specified future date.

Foreign Exchange Contracts (Row 2)

Report Net Settlements in Column 3 for all derivatives contracts with foreign-resident counterparties whose predominant risk is from the purchase and sale of two or more currencies in the forward market by type of instrument. Foreign exchange contracts include cross-currency interest rate swaps where there is an exchange of principal and forward foreign exchange contracts (usually settling three or more business days from trade date). Exclude spot contracts. However, the amount reported in the Net Settlements column should be the aggregate amount of the actual cash settlements under the terms of the contracts. In the case where reporters reclassify a foreign exchange

forward or another derivative contract as a spot contract, the report should include net settlement that occurs for internal purposes, plus net settlement of the spot contract.

Exclude contracts whose predominant risk is interest rate risk, which are to be reported in Row 1, as single currency interest rate contracts, or whose predominant risk is commodity, equity, or credit risk, which are to be reported in Row 3 as other contracts.

a) Forwards and Foreign Exchange Swaps (Row 2.a)

Report contracts with foreign-resident counterparties that represent agreements for the delayed delivery of currency, which the buyer agrees to purchase and the seller agrees to deliver, at a specified future date. Include spot/forward and forward/forward foreign exchange swaps.

b) Currency Swaps (Row 2.b)

Report cross currency interest rate contracts with foreign-resident counterparties in which two parties agree to exchange currencies based on a specified notional amount for a specified period. Forward starting swap contracts should be reported as swaps.

c) Options (Row 2.c)

Report contracts with foreign-resident counterparties that convey either a right or an obligation, to buy or sell a currency at a specified price by a specified future date.

Other Contracts (Row 3)

Report Net Settlements in Column 3 for all derivatives contracts with foreign-resident counterparties other than single currency interest rate contracts (reported in Row 1), foreign exchange contracts (reported in Row 2), and exchange-traded contracts (reported in Rows 4-6).

a) Equity Contracts (Row 3.a)

Report contracts with foreign-resident counterparties that have a return, or portion of their return, linked to the price of a particular equity or to an index of equity prices, such as the Standard and Poor's 500.

b) Credit Derivative Contracts (Row 3.b)

Report all credit derivative contracts with foreign-resident counterparties. Credit derivatives are arrangements that allow one party (the "beneficiary") to transfer the credit risk of a "reference asset" or "reference entity" to another party (the "guarantor"). Credit derivatives include credit default swaps, total return swaps and credit options.

c) Other Contracts

Report all commodity and other contracts with foreign-resident counterparties. Commodity contracts are contracts that have a return, or portion of their return, linked to the price of, or to an index of, precious metals, petroleum, lumber, agricultural products, etc. Commodity and other contracts also include any other contracts that are not reportable as interest rate, foreign exchange, equity, or credit derivative contracts.

Own Derivatives Contracts on Foreign Exchanges (Row 4)

Report the fair values and net settlements of all derivatives contracts, including options, that the reporting entity conducted with exchanges located outside the U.S. for its own

account. Include all exchanges (e.g., security and electronic exchanges) where derivatives are traded.

U.S. Customers' Derivatives Contracts on Foreign Exchanges (Row 5)

Report the fair values and net settlements of all derivatives contracts, including options, of the reporter's U.S. resident customers (that is, contracts where the reporter is acting as broker for a U.S. resident) on exchanges located outside the United States. Include all exchanges (e.g., security and electronic exchanges) where derivatives are traded.

Foreign Counterparty Derivatives Contracts on U.S. Exchanges (Row 6)

Report the fair values and net settlements of all derivatives contracts, including options, of the reporting entity's non-U.S.-resident customers (that is, contracts where the reporter is acting as broker for a non-U.S.-resident) on all exchanges (e.g., security and electronic exchanges) located in the U.S.. (Include in this row all contracts traded on U.S. exchanges on behalf of the reporter's foreign affiliates, subsidiaries and branches.)

All foreign counterparty contracts should be reported from the perspective of the U.S. exchange. For example, a payment by the foreign customer to the exchange would be recorded as a receipt (+).

Grand Total (Row 7)

The amounts in Row 7 should be the sums of the amounts in rows 1 - 6

B. Memorandum Row Definitions

Contracts with Own Foreign Offices (Row M.1)

Report the fair value of all derivatives contracts included in the Grand Total (Row 7) that are with the reporter's own foreign offices (e.g., branches and subsidiaries), including any foreign parent and any non-U.S. branch. Depository institutions and bank holding companies owned by foreign banks should exclude contracts with affiliated banks and non-banking offices of the reporter's parent, even though these contracts are reported in rows 1-3. No net settlement data should be reported in this row.

Contracts with Foreign Official Institutions (Row M.2)

Report the fair value of all derivatives contracts and net settlements included in the Grand Total (Row 7) that are with Foreign Official Institutions. Foreign Official Institutions are:

- a. Treasuries, including ministries of finance, or corresponding departments of national governments; central banks, including all departments thereof; stabilization funds, including official exchange control offices or other government exchange authorities; and diplomatic and consular establishments and other departments and agencies of national governments.
- b. International and regional organizations.

- c. Banks, corporations, or other agencies (including development banks and other institutions that are majority-owned by central governments) that are fiscal agents of national governments and perform activities similar to those of a treasury, central bank, stabilization fund, or exchange control authority.

Note: The list of foreign institutions shown in Appendix B (Foreign Official Institutions List) includes the major Foreign Official Institutions which have come to the attention of the Federal Reserve Bank of New York (FRBNY) and the Department of the Treasury; it does not purport to be exhaustive. Whenever a question arises as to whether or not an institution should be classified as “official,” please contact the FRBNY.

V. Specific Instructions for Part II

The gross fair values and net settlement payments on derivatives in the Grand Total Row (Row 7) of Part I should be allocated to each row of Part II, based on the residence of the direct counterparty. (For column instructions please refer to Section III of these instructions).

Positions of foreign-resident customers on U.S. exchanges should be reported opposite the country or geographical area in which the foreign counterparty resides. Do not report positions based on the currency of denomination of the contract, the country of the parent institution of the counterparty, or the country of a guarantor (i.e., ultimate risk). In the case of U.S. residents' futures contracts on foreign exchanges, report the country of the exchange as the country of the foreign counterparty.

Examples

1. A respondent has a derivative contract denominated in yen with a British company in Italy. The transaction should be reported opposite the location in which the direct counterparty resides (Italy), not the nationality of the counterparty (United Kingdom).
2. A respondent has a derivative contract with a Cayman Island branch of a U.S. bank. The transaction should be reported opposite the location in which the direct counterparty resides (Cayman Islands), not the location of that bank's head office (United States).
3. A respondent executes a futures contract for a U.S. customer on a futures exchange located in the U.K. The fair (market) value and net settlement of the contract should be reported opposite the location of the exchange (U.K.).

Exceptions

1. Positions with branches or agencies of Foreign Official Institutions should be reported opposite the country that owns the Foreign Official Institution. (A list of Foreign Official Institutions is located in Appendix B.)
2. Positions with international and multi-national regional organizations, whether located in the United States or elsewhere, should be reported opposite the classification "International", if worldwide, or opposite the classifications "European," "Latin American," "Asian," "African," or "Middle Eastern" regional organizations, as appropriate. (A list of international and regional organizations is located at the end of Appendix A.)

Examples of some of the international and multi-national regional organizations, which are located in the United States, are:

<u>Organization</u>	<u>Reporting Classification</u>
The World Bank (consists of IBRD and IDA below)	International
International Bank for Reconstruction and Development (IBRD)	International
International Development Association (IDA)	International
International Finance Corporation (IFC)	International
International Monetary Fund (IMF)	International
Inter-American Development Bank (IAD)	Latin America
Organization of Central American States (OCAS)	Latin America
United Nations	International
World Health Organization	International

VI. Glossary

Commodity-linked derivatives - Commodity contracts are contracts that have a return, or portion of their return, linked to the price of, or to an index of, precious metals, petroleum, lumber, agricultural products, etc..

Credit derivatives – Contracts in which the payout is linked primarily to some measure of the creditworthiness of one or more credits. Credit derivatives are arrangements that allow one party (the “beneficiary”) to transfer the credit risk of a “reference asset” or “reference entity” to another party (the “guarantor”). Credit derivatives include credit default swaps, total return swaps and credit options.

Derivative contract – See Section II.B. Reportable Derivatives (page 8). |

Equity-linked derivatives – Equity contracts are contracts that have a return, or portion of their return, linked to the price of a particular equity or to an index of equity prices, such as the Standard and Poor’s 500.

Foreign Official Institutions (FOI) – FOI are:

- a. Treasuries, including ministries of finance, or corresponding departments of national governments; central banks, including all departments thereof; stabilization funds, including official exchange control offices or other government exchange authorities; and diplomatic and consular establishments and other departments and agencies of national governments.
- b. Banks, corporations, or other agencies (including development banks and other institutions that are majority-owned by central governments) that are fiscal agents of national governments and perform activities similar to those of a treasury, central bank, stabilization fund, or exchange control authority.

Foreign resident (Foreign, Foreigner) – Any individual, corporation, or other entity legally established outside of the United States, regardless of the actual center of economic activity of the entity. Thus, a corporation incorporated outside of the United States is a foreign resident even if it has no physical presence outside the United States. Foreigners/foreign residents include: |

1. Individuals, including citizens of the United States, residing outside the United States. (This includes individuals that have filed an IRS Form W-8, indicating that the individual is a nonresident alien. However, if an IRS Form is not available, the mailing address can be used to determine residency.)
2. Any corporation or other entity legally established outside of the United States, including branches, subsidiaries and other affiliates of U.S. entities located abroad.
3. Foreign governments and any subdivision, agency or instrumentality thereof, including all foreign official nonbanking institutions, even if located in the United States (e.g., an embassy, consulate, or other diplomatic establishment of a foreign country).

4. Official international or regional organizations or subordinate or affiliated agencies thereof, created by treaty or convention between sovereign states, even if located in the United States, including the International Bank for Reconstruction and Development (IBRD or World Bank), the International Monetary Fund (IMF), and the United Nations (UN). (See Appendix D for a list of international and regional organizations.)

Forwards - Contracts that represent agreements for delayed delivery of financial instruments or commodities in which the buyer agrees to purchase and the seller agrees to deliver, at a specified future date, a specified commodity or instrument at a specified price or yield.

Futures - Contracts that represent agreements for delayed delivery of financial instruments in which the buyer agrees to purchase and the seller agrees to deliver, at a specified future date, a specified instrument at a specified price or yield. Futures contracts are standardized and are traded on organized exchanges.

Options - Contracts that convey either a right or an obligation to buy or sell a financial instrument at a specified price by a specified future date. Options may trade on an organized exchange or in OTC markets.

Bought Options

The buyer of an option contract has, for compensation (such as a fee or premium), acquired the right (or option) to sell to, or purchase from, another party some financial instrument at a stated price on a specified future date.

Written Options

The seller of the contract has, for such compensation, become obligated to purchase or sell the financial instrument at the option of the buyer of the contract. A put option contract obligates the seller of the contract to purchase some financial instrument at the option of the buyer of the contract. A call option contract obligates the seller of the contract to sell some financial instrument at the option of the buyer of the contract.

Net Settlements – Net settlements include all cash receipts and payments for the purchase, sale, or final closeout of derivatives, as well as all payments according to the terms of derivative contracts such as periodic payments under the terms of a swap agreement or daily payments for an exchange-traded contract. Do not report as settlements the value of commodities, securities, or other non-cash assets received or delivered to settle derivatives contracts of any type. Long-term securities received or delivered to settle derivatives contracts should be reported as purchases or sales by foreigners, as appropriate, on the monthly TIC Form S.

Swaps - Contracts in which two parties agree to exchange payment streams based on a specified notional amount for a specified period. Forward starting swap contracts should be reported as swaps.

United States – The fifty (50) states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the following: American Samoa, Baker Island, Guam, Howland Island, Jarvis Island,

Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, the U.S. Virgin Islands, and Wake Islands.

U.S. resident – Any individual, corporation, or other entity incorporated or otherwise legally established in the United States, including branches, subsidiaries, and affiliates of foreign entities located in the United States. The residency of an entity is determined by where a corporation or subsidiary is incorporated and where a branch is licensed, not by the physical office of the counterparty. Furthermore, U.S. Military Facilities, which are offices of United States banks located in foreign countries that provide financial services to persons in the United States Armed Forces stationed abroad, should be classified as U.S. banking offices for purposes of the TIC reports.

DEPARTMENT OF THE TREASURY

APPENDIX A

Geographical Classification

**TO BE USED FOR PURPOSES OF REPORTING ON
TREASURY INTERNATIONAL CAPITAL FORMS**

*The list can be found on the Treasury's website,
right below these instructions, at:*

<http://www.treasury.gov/resource-center/data-chart-center/tic/Documents/fctry-june2006.pdf>

APPENDIX B

List of Foreign Official Institutions

**TO BE USED FOR PURPOSES OF REPORTING ON
TREASURY INTERNATIONAL CAPITAL FORMS**

*The list can be found on the Treasury's website,
right below these instructions, at:*

<http://www.treasury.gov/resource-center/data-chart-center/tic/Pages/foihome.aspx>

Appendix C

EXAMPLES of Reporting Derivatives

Exchange-Traded Futures and Options

Example 1

A U.S. Futures Commission Merchant holds in U.S. customer accounts a total of 100 commodity futures contracts on foreign futures exchanges that are marked-to-market and cash settled daily. The sum of all daily cash settlements with the exchange during the current reporting period amounted to net U.S. receipts (i.e., a net U.S. gain on these accounts) of \$50 million. The \$50 million in cash settlements should be reported as positive value in U.S. Net Settlements.

Example 2

During the current reporting period, a U.S. resident purchases equity call options on a foreign exchange for a \$5 million premium. The options appreciate in value to \$12 million and are then exercised for the underlying equities during the current reporting period.

There should be no entry in any of the fair value columns because the options were closed out before the end of the current period. The cash premium payment should be reported as a negative \$5 million in U.S. Net Settlements, because it was a U.S. payment to foreigners. The increase in value of the options to \$12 million is not reported in U.S. Net Settlements because there was no settlement payment.

Forwards

Example 3

During the reporting period, a U.S. resident enters into a forward rate agreement (FRA) with a foreign resident. The reference interest rate is the current market rate, and there is no cash receipt or payment during the reporting period. The FRA is still open at the end of the reporting period and has a positive fair value of \$10 million.

The fair value of \$10 million at the end of the reporting period should be reported in the Gross Positive Fair Value column. No entry should appear in the U.S. Net Settlements column because no cash was paid or received.

Example 4

The value of a foreign exchange (FX) forward contract initiated in a prior reporting period shifts from a positive \$5 million to a negative \$5 million in the current reporting period and remains open. There is no cash settlement in the current period.

There should be \$5 million reported in the Gross Negative Fair Value column at the end of the current reporting period. No entry should appear in the U.S. Net Settlements column, because no transaction has occurred.

Example 5

Two commodity forward contracts (one on copper and one on oil) entered into by the U.S. reporter in an earlier reporting period are settled during the current reporting period.

The copper contract had a U.S. negative market value of \$15 million at the end of the preceding reporting period, and had a U.S. negative market value of \$20 million when it was cash settled. The fair value of the contract is not reported since it has been settled. The \$20 million payment should be reported as a negative value in U.S. Net Settlements, because it represents a cash payment to extinguish the forward contract

The oil contract had a U.S. positive market value of \$20 million at the end of the preceding reporting period, and the same value at the time it was settled via physical delivery of oil in lieu of cash. There should be no entry in the fair value columns, because the forward was closed during the current period. There should be no entry in U.S. Net Settlements, because a commodity and not cash was exchanged.

OTC Options

Example 6

During the current period, a U.S. resident purchases an OTC interest rate option from a foreign resident for a premium of \$10 million. The fair value of the option increases to \$15 million and remains open.

The Gross Positive Fair Value column at the end of current reporting period should be \$15 million. The premium payment should be recorded in U.S. Net Settlements as a negative \$10 million.

Example 7

A U.S. resident owns OTC FX call options (to purchase British pounds) with a market value of \$5 million at the end of the previous period. The value of the options declined to zero and they expired during the current period.

There should be no entry in the fair value columns at the end of the current reporting period, because the options expired before the end of the current period. The FX call options should result in no entry in U.S. Net Settlements, because there was no cash settlement.

The U.S. resident also had previously written OTC FX put options with a foreign resident. The options had negative fair value of \$10 million at the end of the previous period. The put options declined in value to a negative fair value of \$15 million during the current period and were exercised by the foreign counterparty, who delivered Euros.

There should be no entry in the fair value columns at the end of the current period, because the options were exercised in the current period. The cash payment on exercise of the options during the current period should be reported as a negative \$15 million in U.S. Net Settlements, because the amount that the U.S. put option writer paid to the foreign counterparty for the Euros was \$15 million more than the current market value of the Euros received.

OTC Swaps

Example 8

A U.S. resident enters into an interest rate swap contract with a foreign resident. During the current period, the U.S. resident pays a net settlement amount of \$20 million. At the end of the current period, the swap has a gross positive fair value of \$20 million.

The Gross Positive Fair Value column at the end of the current period should be \$20 million. U.S. Net Settlements should show a negative \$20 million.

Example 9

During the current period, a U.S. resident entered into an FX swap stipulating that in two months he would provide a foreign resident with 10 billion yen in return for \$100 million at the forward exchange rate of \$1/100 yen. At maturity, the exchange rate was 110 yen per dollar.

There should be no entry in the fair value column at the end of the reporting period, because the swap contract expired. U.S. Net Settlements in the current period should show a positive \$9.1 million, representing the difference between the value of the 10 billion yen paid by the U.S. resident at the current exchange rates (equivalent to \$90.9 million) and the \$100 million received by the U.S. resident upon maturity of the swap.

Credit Derivatives

Example 10

During the prior period, a U.S. resident entered into a 2-year credit default swap contract with a \$100 million notional amount with foreign resident, to assume the risk of default on an outstanding loan held by the foreign resident in return for a quarterly fee of 50 basis points (\$500,000).

During the first period, the value of the swap decreased to a loss of \$6 million and the foreign resident paid the U.S. resident \$500,000. For that period there should be an entry of \$6 million in negative Fair Value column. In the Net Settlement column there should be an entry of \$500,000 to reflect the receipt by the U.S. resident of the quarterly payment.

During the second period, the loan went into default, no quarterly fee was received, and the U.S. resident compensated the foreign resident for the decline in the market value of the loan, or \$20 million (assuming an \$80 million recovery value). With this settlement payment, the swap contract terminated.

There should be no entry in the fair value columns for the end of the second period, because the swap terminated before the end of the period. The \$20 million cash payment should be recorded in U.S. Net Settlements as a negative amount.

Appendix D

