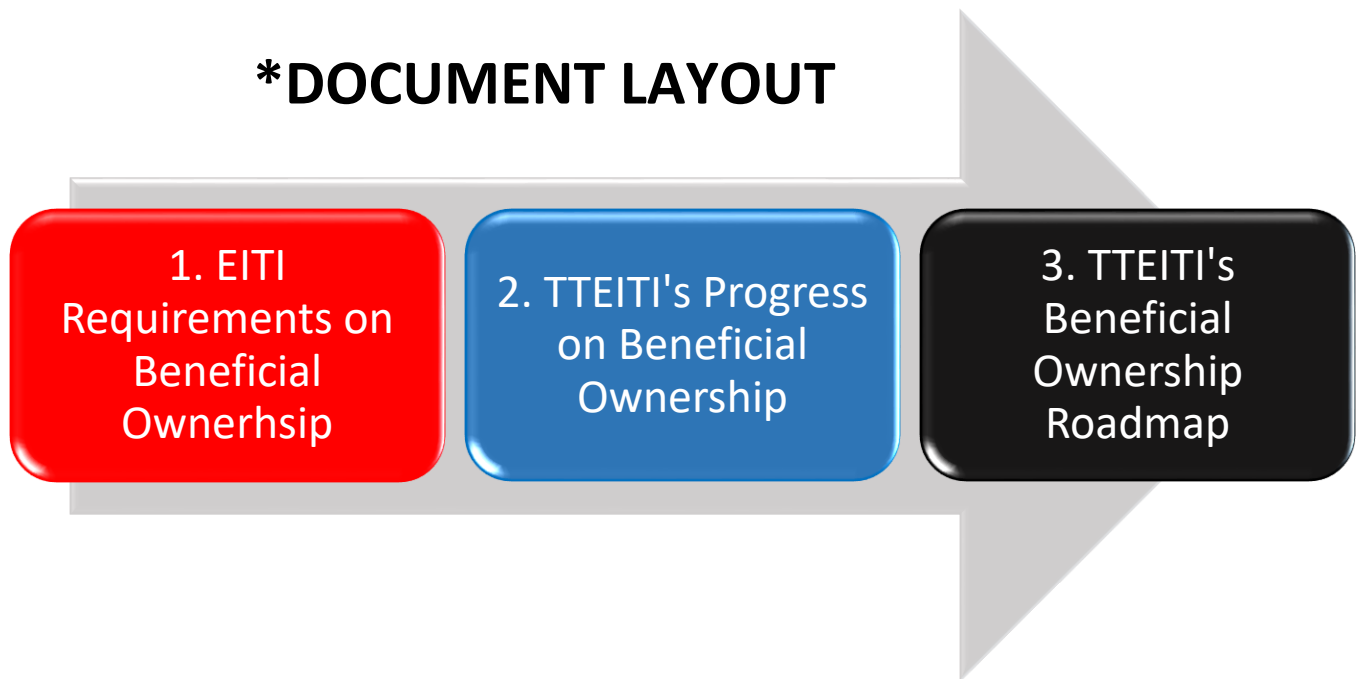




TTEITI's Beneficial Ownership Roadmap

Updated 5/8/2018, 7/4/2018, 12/10/2018

*DOCUMENT LAYOUT



1. Overview of EITI Requirements on Beneficial Ownership

Requirement 2.5 of the EITI Standard 2016 obligates all EITI implementing countries to publicly disclose those persons holding ownership rights in oil, gas and mining projects. Like all other implementing country agencies, the TTEITI is mandated to adhere to these requirements or risk suspension from the initiative. The five (5) main requirements of beneficial ownership (BO) disclosure as specified in the EITI Standard 2016 are to:

1. ***Adopt a definition of beneficial ownership and politically exposed persons (PEPs)*** – the TTEITI Steering Committee (SC) approved of these definitions for the oil and gas sectors.¹ However, Action 8 (A8.1) of the BO Roadmap (Table 2) includes an activity to modify the PEP definition based on the findings of a 2018 BO Gap Analysis/ Mainstreaming Study commissioned by the TTEITI SC.
2. ***Develop and publish a beneficial ownership work plan/roadmap*** – The TTEITI SC approved its BO Roadmap in November 2016 and subsequently updated it in March 2017. The Roadmap was further revised in May 2018, July 2018 and December 2018. The TTEITI SC has agreed to review, update and publish its Roadmap every 6 months.²
3. ***Publish a register of the beneficial owners of the companies operating in the extractive sector-*** In 2015, the TTEITI SC published BO templates of 23 reporting companies. However, the T&T EITI Independent Administrator noted several inconsistencies in the data provided on the templates and recommended ways to improve the type of data collected. This latest version of the BO Roadmap (12/14/2018) makes provisions for these recommendations. See Table 2 (A.1.1 -A.1.4).
4. ***Document the Government’s policy on beneficial ownership-*** The EITI Standard 2016 also requires that the TTEITI SC documents the Government’s policy on specific areas related to BO. There is no formal/written documentation of the Government’s policy on the areas required by the Standard 2016. Table 2 (A6.2) provides for this activity.
5. ***(SC to) agree on an approach to assure the accuracy of the BO information provided by companies-*** The approach adopted by the TTEITI SC is to require the Head of the company to attest to the accuracy of the information by affixing his/her signature on the completed BO template. The TTEITI Independent Administrator found that although the templates have been signed-off by company Heads, there were still inconsistencies in the submissions. The BO Roadmap provides for further verification of the data (see Table 2, A1.4). A BO Sensitization Campaign also includes an activity to build civil society’s capacity to monitor the data and spot inconsistencies (See Table 2, A3.2).

¹ See: <http://www.tteiti.org.tt/industry-overview/beneficial-ownership-declaration/>

² The BO Roadmap outlined in Table 2 below incorporates the feedback from the TTEITI Independent Administrator (IA) in the TTEITI Report 2016 and it adheres to the EITI’s Guidance Note 22.

2. The TTEITI SC's Progress on Beneficial Ownership

2.1 Actions undertaken during the last 6 months (i.e. July –December 2018)

The TTEITI SC commissioned independent consultants to a) develop an accurate BO Register for the extractive sector; b) to engage stakeholders and prepare a brief highlighting the actions required to mainstream the EITI-BO requirements into national systems. In December 2018, The TTEITI approved the completed study and BO register (See: <http://www.tteiti.org.tt/wp-content/uploads/TTEITI-Creation-of-a-Beneficial-Ownership-Register-Report.pdf>).

A project proposal was also submitted to the EU for grant funding to implement a national public sensitization campaign on BO disclosure in 2019. This project will seek to increase the public's and civil society's awareness of the benefits from the disclosure of BOs and PEPs and to increase Parliamentarians capacity and willingness to enact and implement BO Disclosure Laws. Increasing companies' willingness and ability to disclose their BOs is also key to this project (i.e. both extractive and non-extractive sector companies). Funding TBD in Jan 2019.

2.2 Changes to the BO Roadmap 12/5/2018.

This updated version of the BO Roadmap includes the following new activities that are based on the findings of the BO Mainstreaming /Gap Study:

1. An awareness raising campaign targeting extractive companies to gain buy-in on the BO reporting process and to ensure that BO templates are fully and accurately completed. (See Table 2, A7.1)
2. Full documentation all BO requirements in upcoming TTEITI Report 2017. (See Table 2, A11.1)
3. Updating the information on BO landing page of the TTEITI's official webpage to reflect work done. (See Table 2, A 9.1)
4. Revising the TTEITI SC's definition of PEP to explicitly state that there are no thresholds for determining who is a PEP. (See Table 2, 8.1)
5. Advocating for national BO Bill and for the development of national online BO database & verification system (See Table 2, 10.1)

In addition, to better align the TTEITI SC's work around BO, all related outreach activities were collapsed into the sensitization campaign (Jan 2019-December 2019). Thus, the scope of the campaign was expanded to include Parliamentary outreach.

Table 1: The TTEITI's Performance against the previous version of the BO Roadmap (i.e. 7/4/2018)

COMPLETED	IN PROGRESS	NO PROGRESS
Engaged Parliamentarians on BO and held awareness sessions held with Parliamentarians, Oil & Gas companies and the Joint Select Committee on Energy Affairs (2016)	TTEITI Secretariat to monitor the implementation of the Gov'ts plan to institute mandatory BO reporting in the Companies Registry. (Ongoing)	TTEITI Secretariat to document Government's policy on BO in TTEITI Report 2016.
Determined existing and proposed laws and policies related to BO in T&T based on national BO study (2018)	Memo sent to MEEI Permanent Secretary informing him of the approved BO definition & requesting that bidding companies submit BO information. (2015) (Outstanding: Follow up needed with Legal and PS)	TTEITI SC to confirm that the BO and PEP definitions apply to the mining sector.
TTEITI SC agreed on definitions of BO and PEPs for the oil and gas sectors. (2015)		
Government policy on BO documented in TTEITI Report 2016		
Independent Administrator verified BO templates received and provided assessment in T&T EITI Report 2016.		
Gap study on mainstreaming EITI BO requirements in national systems and development of accurate BO Register. (Dec 2018)		
Grant proposal submitted to EU for BO sensitization campaign (Nov 2018)		

TTEITI Beneficial Ownership Roadmap 2018 (updated 5/8/2018)

Resource Name Legend

AL- Arlene Lawrence
 BDO- BDO Trinity
 DG- Diandra Grandison
 GR- Gabrielle Rawlins
 NAH- Nazera Abdul-Haqq
 SL- Sherwin Long
 VH- Victor Hart

Total Estimated Cost of Implementation: TT\$ 190,000 (**Funding Sources: British High Commission, EU**)

(Table 2)

ISSUE FOR ACTION	ACTION	STATUS	TIMELINE	RESPONSIBILITY
<p>1. Beneficial Ownership Register.</p> <p><i>Supporting Notes:</i></p> <p>Requirement 2.5a of the EITI Standard 2016 requires countries to maintain a publicly available BO register of companies operating in the extractive sector.</p> <p>TTEITI developed BO template with the required fields (e.g. the name of the beneficial owner and politically exposed persons and their national identity number, date of birth, residential or service address and contact info.</p> <p>The Independent Administrator recommends in the T&T EITI Report 2016, ways to improve the type of information gathered from the register.</p>	<p>A1.1 Collect BO templates of all 43 reporting companies (FY 2016)</p> <p>A1.2 Review Trinidad Company Registry to determine what BO information is captured. https://rgd.legalaffairs.gov.tt/</p> <p>A1.3 Create universal excel sheet with existing BO data (alphabetical order) with links to individual forms:</p> <ul style="list-style-type: none"> - Add <i>company number from Business registry, MOF-IRD tax number (TIN) & TT company registration number.</i> - <i>For publicly listed companies include name of publicly listed company, Stock Exchange (SE) on which quotation appears & SE number.</i> 	<p>S1.1 – S1.4: TTEITI Secretariat received grant funding (GBP 10,000) from the British High Commission to develop the BO register. Project duration: Aug 2018- Dec 2018.</p> <p>The TTEITI IA will verify the database for accuracy (as part of EITI reporting period 2017).</p>	<p>T1.1 – Feb 2019</p> <p>(In-progress)</p>	<p>R1.1 NAH</p> <p>R1.2 NAH</p> <p>R1.3 NAH</p>

ISSUE FOR ACTION	ACTION	STATUS	TIMELINE	RESPONSIBILITY
	A1.4 Verify data for accuracy & upload database to website			R1.4 BDO, NAH, GR
<p>2. Support Government's efforts to institute national beneficial ownership disclosure.</p> <p><i>Supporting Notes:</i></p> <p>Prime Minister Keith Rowley made a commitment to National BO disclosure at the Anti-Corruption Summit in London 2016.</p> <p>Government also mentioned in the 2017 Budget Debate its plan for mandatory BO reporting through “<i>introducing a requirement under the companies’ law where beneficial ownership must be declared to the Companies Registry and your declaration of ownership must be prompt and up to date. And if you do not declare your ownership, it constitutes an offence under the Companies Act.</i>”</p>	<p>A2.1 Complete study on National Beneficial Ownership.</p> <p>A2.2 Complete summary paper</p> <p>A2.3 Complete legal brief for Attorney General and email</p> <p>A2.4 Share study and summary with Parliamentarians, Attorney General’s Office, Ministry of Finance, JSC Finance and Ministry of Legal Affairs, JSC on Energy Affairs, MEEI Legal Unit, Extractive companies (including mining).</p>	<p>S2.1 Study completed. See www.tteiti.org.tt/wp-content/uploads/Beneficial-Ownership-Report.pdf</p> <p>S2.2 No action (action will commence when activities A.1.1 -A.1.4 are complete and include the findings).</p> <p>S2.3 Brief will be sent along with summary paper as part of A3.2 sensitization campaign. Brief is complete.</p> <p>S2.4 Study shared with PM Rowley, Ministers (Allyson West, Stuart Young, and Franklin Khan), and Attorney General Al Rawi. Outstanding: send BO study and summary to Legal Affairs, JSC, Extractive companies (to be done as part of A3.2).</p>	<p>T2.1 Completed</p> <p>T2.2 August 2018</p> <p>T2.3 Jan 2019 – December 2019</p> <p>T2.4 Jan 2019 – December 2019</p>	<p>R2.2 GR-NAH</p> <p>R2.3 TG (Tira Greene), GR</p> <p>R2.4 GR</p>
<p>3. Encourage public & civil society awareness & debate on beneficial ownership disclosure practices in T&T.</p> <p><i>Supporting Notes:</i></p>	<p>A3.1 Share summary (paper) version with civil society and public (Constant Contact). Include MEEI staff & media.</p>	<p>S3.1 No action. This action will commence in Q2 2019 as part of the BO sensitization campaign</p>	<p>T3.1 August 2018 April – June 2019</p>	<p>R3.1 GR</p> <p>R3.2 GR, DG, NAH</p>

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Requirement 7.2 of the EITI Standard 2016 requires that EITI Reports contribute to public debate. BO disclosure is covered in the T&T EITI Reports.	<p>A3.2 Sensitization campaign: Civil Society Workshops (TT\$30,000), Energy Conference (TT\$60,000); Theatre Group BO Project (TT\$100,000), Parliamentary outreach</p> <p>A3.3 Create BO content from summary paper for Facebook and LinkedIn. Action to be undertaken as part of sensitization campaign.</p>	<p>S3.2 Proposal submitted to the EU for grant funding. Funding TBD in Q1 2019.</p> <p>S3.3 No action</p>	<p>T3.2 Jan 2019 – April December 2019</p> <p>T3.3 August –November 2018</p>	<p>R3.3 GR</p>
<p>4. Review MOU BO related provision.</p> <p><i>Supporting Notes:</i></p> <p>Clause 12 of MOU does not obligate companies to disclose BO information. It states “A Company holding subsurface use rights in extractive industries shall not be obliged to disclose any information pursuant to this Memorandum or otherwise unless it establishes, to its own satisfaction, that such disclosure will not contravene any of its own or its affiliates’ partners’, or contractors’ obligations to preserve confidentiality or similar obligations, imposed by any applicable subsurface use contract, production sharing agreement, license, law or otherwise.”</p>	<p>A4.1 Review Clause 12 of MOU to include requirement for timely disclosure of BO data as part of the EITI reporting process.</p>	<p>S4.1 Following Consultation with the MEEI’s Legal Unit, it was decided that there is no need to add a BO Clause to the MOU. The MOU speaks to adherence to the reporting requirements of the EITI Standard 2016, which is sufficient.</p>	<p>T4.1 August 2018 Complete</p>	<p>R4.1 NAH, SL, GR, AL</p>
<p>5. Mainstreaming BO disclosure.</p> <p><i>Supporting Notes:</i></p> <p>Mainstreaming BO disclosure is part of the TTEITI’s effort to ensure that the EITI principles/requirements are embedded in</p>	<p>A5.1 Explore with Ministry of Legal Affairs if BO information can be part of the registration process for companies in T&T (extractive sector and non-extractive). This action requires:</p> <p>a. An assessment of the overlap between the BO</p>	<p>S 5.1 Consultants completed gap analysis as part of A 2.1- A 2.4. Outstanding: engage further with Ministry and share findings of gap study.</p>	<p>T5.1 Jan-April 2019</p>	<p>R5.1 NAH, SL</p>

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<p>systems & institutions even in the absence of a TTEITI SC.</p> <p>Ideally, for the TTEITI mainstreaming BO means that 1) the TTEITI contributes to the debate on National BO disclosure and 2) the process for registering a company requires extractive (and possibly non-extractive companies) to publicly disclose BO information.</p>	<p>data provided in the Company Registry and the TTEITI BO templates.</p> <ul style="list-style-type: none"> b. A brief to be sent to Legal Affairs c. A face-to-face presentation d. Follow-up action 			
<p>6. Obtain Gov't position/policy on BO disclosure</p> <p><u>Supporting Notes:</u></p> <p>EITI Standard Requirement 2.5 requires that the EITI Report documents the government's policy and SC's discussion on BO disclosure.</p> <p>Government policy should speak to the oil, gas and mining sectors.</p>	<p>A6.1 TTEITI to write memo to PS requesting:</p> <ul style="list-style-type: none"> a) Gov'ts position on requiring signatories of future PSCs to disclose their beneficial owners (recommended IA). b) Position on requiring bidding companies to publicly disclose BO information. c) Information on any reforms planned or underway related to BO disclosure. d) Procedure for verifying BO data received from PSC & E&P signatories. e) Information on how the MEEI stores BO data and whether it can be made available to the public. f) Guidance on the applicability of the BO & PEP definitions for oil & gas entities to the mining sector. <p>A6.2 Include Government's position in T&T EITI Report 2017</p>	<p>S6.1 Memo sent & the MEEI's Legal Team responded.</p> <p>S6.2 Position was not included in EITI Report 2016 <i>Outstanding:</i> include position in TTEITI Report 2017</p> <p>S6.3 Section 2 of the Beneficial Ownership Study outlines a comprehensive review of the required amendments to local laws. It also highlights actual disclosure practices in T&T. See: www.tteiti.org.tt/wp-</p>	<p>T6.1 May 2018 Completed</p> <p>T6.2 December – Jan 2019</p> <p>T6.3 Completed</p>	<p>R6.1 NAH</p> <p>R6.2 NAH</p>

ISSUE FOR ACTION	ACTION	STATUS	TIMELINE	RESPONSIBILITY
	A6.3 Determine legal provisions and actual BO disclosure practices in T&T	content/uploads/Beneficial-Ownership-Report.pdf		
<p>7. Awareness Raising Campaign for Companies</p> <p><u><i>Supporting Notes:</i></u></p> <p>The findings of the BO Mainstreaming Gap analysis indicated that the main reason for the lack of compliance with the EITI Standard's BO requirements is the failure of most companies to disclose (fully or partially) their BOs. The Consultants recommended an awareness campaign to get more buy-in on the BO reporting process and to increase companies' capacity to complete the BO template accurately.</p>	<p>A 7.1 Energy Conference Workshop for Companies</p> <p>A 7.2 Short video on BO, its benefits and the instructions for reporting.</p> <p><u><i>Instructions to include:</i></u></p> <p>a) Companies involved in JVs must disclose their partners and their partners to disclose their BO's.</p> <p>b) Supporting documents to be submitted for verification of BO's (i.e. notarized/ auditor, ask Consultants)</p> <p>c) Information on BO's required and not just legal owners.</p> <p>d) After the Secretariat collates the spreadsheet), companies must confirm that the info submitted is accurate. Also, companies to have their Auditors/ Heads sign-off.</p> <p>e) Request companies to complete the outstanding information for the register (forms partially completed)</p> <p>*Add disclaimers</p> <p>i. Inform companies of the types of info that will be redacted from public register</p> <p>ii. Companies that fail to/partially report BO's will be prominently named in Report (as per EITI Requirement).</p>	<p>S7.1 Down payment for Conference workshop in progress.</p> <p>S7.2 No Progress</p>	<p>T7.1 Jan 2019</p> <p>T7.2 Feb-Mar 2019</p>	<p>DG</p> <p>NAH, GR</p>

ISSUE FOR ACTION	ACTION	STATUS	TIMELINE	RESPONSIBILITY
<p>8. Revise definition of politically exposed persons (PEPs)</p> <p><u><i>Supporting Notes:</i></u></p> <p>The Consultants of the Gap Study recommended that the TTEITI SC revises its definition of PEPs to explicitly state that there are no thresholds for reporting PEPs, unlike its BO definition that includes a 10% ownership threshold.</p>	<p>A8.1 Revise PEP definition</p>	<p>S8.1 No progress</p>	<p>T8.1 February 2019</p>	<p>SL</p>
<p>9. TTEITI online communication of BO</p> <p><u><i>Supporting Notes:</i></u></p> <p>The information contained on the TTEITI's official BO landing webpage does not provide sufficient info on BO nor is it an adequate representation on the SC's work on the issue.</p>	<p>A9.1 Update info on TTEITI BO landing page. This info should include the TTEITI SC's actual disclosure practice as it relates to BO. Also, when uploading the BO Register, provide contact info if public wants to alert on gaps in the data (<i>crowd source verification</i>).</p>	<p>S9.1 No progress</p>	<p>T9.1 April 2019</p>	<p>NAH, GR</p>
<p>10. TTEITI advocacy for National BO Bill and National BO database</p> <p><u><i>Supporting Notes:</i></u></p> <p>Achieving full compliance to the EITI Requirements for BO disclosure requires national law, given the voluntary nature of the EITI. This is a recommendation from the Consultants of the BO Gap Study.</p>	<p>A10.1 Advocate for a national BO Bill and for the development of national online BO database & verification system by:</p> <ul style="list-style-type: none"> a) Preparing a brief that documents the issues and share with Transparency Institute (NAH) b) Determine a way forward in collaboration with the Transparency Institute (VH,SL) c) <p><i>Target: Office of the Attorney General, Registrar General and Law Association.</i></p>	<p>S10.1 No progress</p>	<p>T10.1 March – June 2019</p>	<p>SL, VH, NAH</p>

ISSUE FOR ACTION	ACTION	STATUS	TIMELINE	RESPONSIBILITY
<p>11. Full documentation of EITI BO requirements in TTEITI Reports</p> <p><u><i>Supporting Notes:</i></u></p> <p>The TTEITI Reports do not contain all of the information required by the Standard 2016.</p>	<p>A11.1 TTEITI SC to fully document all BO requirements in upcoming TTEITI Report 2017. This includes:</p> <p>a) State country’s progress on national reform to introduce BO disclosure laws (SL, AL)</p> <p>b) Provide a list of companies that failed to submit completed reporting templates and those that submit partial returns (GR, NAH)</p> <p>c) Reference if there were any PEPs identified in Report (GR, NAH)</p> <p>d) Provide information on how to access the Integrity Commission’s Register (NAH)</p> <p>e) Document TTEITI’s actual disclosure practice regarding beneficial ownership. (SL, NAH)</p>	<p>S11.1 No progress</p>	<p>T7.1 April 2019</p>	<p>NAH, SL, GR AL</p>
<p>11. Evaluation of BO Roadmap Performance</p> <p><u><i>Supporting Notes:</i></u></p> <p>By January 1 2017, TTEITI SC should evaluate the implementation of its BO roadmap as part of the MSG’s Annual Activity Report.</p>	<p>A11.1 MSG to evaluate implementation of the roadmap as part of the MSGs Annual Activity Report 2017.</p>	<p>S11.1 Evaluation included in the Annual Progress Report 2017. Outstanding: to include in 2018 Report.</p>	<p>T11.1 Completed</p>	<p>NAH</p>

(END)