



REPUBLIC OF GHANA

MINISTRY OF FINANCE

Technical Roundtable
On the
Development of the 2017/18 GHEITI
Data Reporting Templates, Beneficial
Ownership and Mainstreaming

Date: Wednesday, 31st July, 2020

Venue: Ministry of Finance- 3rd Floor Conference Room



1.0 Introduction

The Ghana EITI Multi-Stakeholder Group (MSG) as part of the preparation for the production of 2017/18 GHEITI reports for mining and oil/gas sectors, invited relevant stakeholders and reporting entities to a technical round table to develop appropriate reporting templates for the collection of the data. The event which took place on 31st July, 2019 at the Ministry of Finance was also meant to follow-up with various reporting institutions on their progress with respect to the implementation of Ghana's mainstreaming action plan and to discuss GHEITI's inputs with the Registrar-General's Department (RGD) for the finalisation of the Beneficial Ownership (BO) data collection templates.

1.1 Objectives

The objectives of the technical roundtable were as follows:

- Finalisation of Beneficial Ownership Data Collection Templates;
- Development of the 2017/18 GHEITI Data Reporting Templates; and
- Follow-up on Ghana's progress on mainstreaming EITI data by the various agencies.

1.2 Opening remarks

The GHEITI coordinator delivered the opening remarks on behalf of the Chair. He welcomed members and thanked them for honouring the invitation and encouraged all to participate fully in the discussions. He also on behalf of GHEITI, expressed appreciation to Ms. Lysbeth Osae of RGD for coming to brief the MSG on the draft BO templates for members' inputs.

2.0 Presentation on draft Beneficial Ownership (BO) template

There was a presentation on the draft Beneficial Ownership template by Ms. Lysbeth Osae from Registrar General's Department (RGD). She indicated in the presentation that the revised draft template factored in earlier suggestions/comments by the MSG, STAAC and other stakeholders. After her presentation, members around the table asked questions and made inputs into the template.

The MSG commended the RGD for good work and also for incorporating some of the earlier suggestions made by the members into the revised draft template. They reiterated the need for RGD to consider the earlier comments/suggestions if not already captured on the template and the new ones with a view to enriching the template:

1. Some of us are not sure what is already being asked from companies as part of their registration. Some of the fields we have listed in some sections may be repetitive. The forms found online refer to the 1963 Companies Act, while we are aware that a new Companies Act is almost ready to be passed by Parliament in 2019.
2. The form doesn't ask for legal owners. The EITI Standard (2.5g) requires countries to address the disclosure of legal owners and their share of ownership. This would therefore need to be added.
3. The form currently doesn't allow yet to declare state-owned entities or interests held, directly or indirectly by the government in the declaring entity. We ask for some minimal information in our current beneficial ownership template. In line with that, we would recommend reflecting that in the form as well.

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4. What is meant by “substantial”, in terms of definition and what threshold is involved?
Response: The word 'substantial' is relative to the sector. For instance, in Ghana the stakeholders' discussion we had on BO thresholds tentatively agreed that it should be 1 percent for the extractive sector and may be more in other sectors. When it's firmed up, it will be included in the regulations that will be prepared for the new companies Act.

5. The following may assist in defining who a beneficial owner is:
 - (a) *who directly or indirectly ultimately owns or exercises **substantial** control over a person or company;*
 - (b) *who has a substantial economic interest in or receives **substantial** economic benefits from a company*
whether acting alone or together with other persons
 - (c) *on whose behalf a transaction is conducted or*
 - (d) *who exercises ultimate effective control over a legal person or legal arrangement*

6. What do you do if there are more than 2 beneficial owners?

Response: Where there are 2 or even 3 Beneficial owners, information must be provided on all the 2 or 3. In cases, they are publicly listed companies with many shareholders or owners, they must provide the link including the indexation.
Indeed, the EITI does not require disclosures where the company in question is listed. It, however, requires the disclosure of the name and address of the Stock on which the company is listed. We therefore need to create space to capture the web addresses.

7. It is suggested that beyond the Legal Name of the company, the Form should also capture the Trading Name, especially as the Trading Name is sometimes different from the Legal Name. For instance, Public Agenda is registered as P.A. Communications but trades as Public Agenda.

8. The framing of PEP question appears to cover only current PEPs. It is suggested that it is re-framed to include past PEPs to make the follow-up question on when the PEP left office, relevant.

3.0 Presentation/Discussion of draft reporting templates for 2017/18 reports & establishment team to finalize the templates

- The Secretariat facilitated discussions on the draft data collection templates.
- Members made inputs into the templates and so each of the agencies went through portions of the templates relating to them and made the necessary corrections and changes.
- The draft final template was put together at the session by the MSG. A small team was put together to finalize the templates and submit them to the MSG for consideration and approval, subject to further discussion with the firm (IA and his team) that will be selected to undertake production of the reports.

4.0 Updates on Mainstreaming

Following the Ghana mainstreaming action plan that was jointly developed by the MSG and the International Secretariat at stakeholders' workshop during the latter's mission to Ghana in March,

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2019, the MSG as part of its follow-up tasked the various agencies to provide an implementation update on the status of the systematic disclosure process.

The following institutions present at the meeting provided updates on their mainstreaming progress:

- Petroleum Commission
 - Efforts underway to ensure website contains information on number of companies that submitted bids; and
 - Information on direct form of negotiations, technical and financial criteria as well as process for transferring licenses as at the time, was held at the Ministry of Energy. The Petroleum Commission was yet to receive update from the Ministry in order to update the petroleum register on same.
- Minerals Commission
 - Indicated that the website is undergoing some revisions, which is expected to capture the identified gaps in the mainstreaming action plan;
 - The ongoing review of the Minerals and Mining Act, 2006 (Act 703) will provide the legal basis for disclosing information such as production, revenue and contract on the website; and
 - The information disclosure on licence allocations have already been captured as part of the online repository developed by the Commission.
- GNPC
 - To finalise its disclosure policy covering requirements 2.6, 4.2, 4.5 and 6.2.

5.0 Conclusions and Next Steps

- The RGD to incorporate the changes into the template to be later shared with the MSG. However, it was stated that the RGD should expect further comments/suggestions since the BO template will be shared with the International Secretariat in due course for their comments.
- GHEITI team to complete first finalization of the templates for subsequent engagement with the IA who will be appointed after the procurement process.