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## Application to Endorse Benchmarks in a Third Country

**Legal name of applicant firm**

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**FRN of applicant firm (if applicable)**

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**Who can use this form?**

A benchmark administrator located in the **UK** and authorised or registered in accordance with Article 34, or any other supervised entity located in the UK and regulated by a UK authority with a clear and well-defined role within the control or accountability framework of a third country administrator, which is able to monitor effectively the provision of a benchmark, may apply to us as the relevant competent authority toendorse a benchmark or a family of benchmarks provided in a third country for their use in the European Union.

**Important information you should read before completing this form**

This Application to Endorse Benchmarks in a Third Country Form can be used to provide information:

1. Required by Article 33 of the Benchmark Regulation (the UK version of regulation (EU) 2016/1011)
2. To enable the FCA to process the application and prepare for the ongoing supervision of the firm

Please keep a copy of your completed forms and any supporting documents you include in your application pack for future reference.

The notes that accompany this form will help you complete the questions. They also explain why we require the requested information. See <https://www.fca.org.uk/publication/forms/benchmark-administrator-endorsement-notes.docx>

 The FCA processes personal data in line with the requirements of The General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018. For further information about the way we use the personal data collected in this form, please read our privacy notice available on our website: [www.fca.org.uk/privacy](http://www.fca.org.uk/privacy)

 **It is important that you provide accurate and complete information.  Knowingly or recklessly giving the FCA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). If necessary, please take appropriate professional advice before supplying information to us.**

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**Terms in this application pack**

In this application pack we use the following terms:

* 'you' refers to the person(s) signing the form on behalf of the applicant endorsing administrator or other supervised entity
* the ‘applicant firm’ refers to the endorsing administrator or other supervised entity in the Union that is seeking to endorse third country benchmarks. The actual provider of the benchmarks, located in the third country, is not the applicant
* ‘we’, ‘us’, ‘our’ or ‘FCA’ refers to the Financial Conduct Authority
* ‘FSMA’ refers to the Financial Services and Markets Act 2000
* ‘the Regulation’ refers to the [UK](https://www.handbook.fca.org.uk/handbook/glossary/G1205.html) version of Regulation (EU) No. 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014, which is part of [UK](https://www.handbook.fca.org.uk/handbook/glossary/G1205.html) law by virtue of the [EUWA](https://www.handbook.fca.org.uk/handbook/glossary/G93529e.html).
* ‘third country’ refers to a country outside the UK

**Filling in the form**

**1** If you are using your computer to complete the pack:

* use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question
* save all the parts of the pack you have completed and attach to your application

**2** If you think a question is not relevant to you, write 'not applicable' and explain why.

**3** If you leave a question blank or do not attach the required supporting information we may have to treat the application as incomplete. This will increase the time taken to assess your application.

**4** If there is not enough space on the forms you may use separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.

1. Ensure you have:
* completed the Application to Endorse Benchmarks in a Third Country form
* attached any supporting documents
* signed the declaration in Section 3
* paid the application fee via Connect (please see the Connect pages for more information)

When you are required to attach supporting documents (eg list of benchmarks) to your application, failure to do so will mean we will have to treat the application as incomplete. This will increase the time taken to assess your application.

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| 1 | Details about this applicationUse this section to provide the information required under Article 33 of the Benchmark Regulation (the UK version of Regulation (EU) 2016/1011). Please refer to the Regulation when completing this section and ensure you have provided all the information specified. |

Details of the endorsing administrator or supervised entity

 **1.1 Registered Office or other official address of the endorsing administrator or supervised entity.**

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| Business address |       |
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| Postcode |       |

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| --- | --- |
| Phone number (including STD code) |       |

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| --- | --- |
| Email address |       |

 **1.2 Head Office of the endorsing administrator or supervised entity.**

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| --- | --- |
| Business address |       |
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| Postcode |       |

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| Phone number (including STD code) |       |

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| Email address |       |

 **1.3 Name of authority by which the administrator or supervised entity is regulated.**

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 **1.4 Does the applicant firm have the permission to administer a benchmark?**

[ ]  Yes

[ ]  No

Details of the third country benchmark administrator

 **1.5 Name of the 3rd country benchmark administrator.**

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 **1.6 Business address of 3rd country benchmark administrator.**

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| Business address |       |
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| Postcode |       |

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| Phone number (including STD code) |       |

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| Email address |       |

 **Registered address of 3rd country benchmark administrator.**

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| Business address |       |
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| Postcode |       |

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| Phone number (including STD code) |       |

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| Email address |       |

Details of the endorsement

 **1.7 You must complete and attach a Schedule of Benchmarks detailing the benchmarks or families of benchmarks you wish to endorse.**See <https://www.fca.org.uk/publication/forms/benchmark-schedule-form-endorsement.xlsx>

[ ]  Attached

 **1.8 You must describe the applicant firm’s role within the control or accountability framework of the third country administrator, which is able to monitor effectively the provision of a benchmark.**

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 **1.9 You must confirm the third country benchmark administrator fulfils requirements that are at least as stringent as the Regulation.**

[ ]  Attached

**1.10 Please explain how the applicant firm is able to demonstrate on an on-going basis that the provision of the benchmark or family of benchmarks to be endorsed fulfils requirements which are at least as stringent as the requirements of the Regulation.**

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 **1.11 You must explain how the applicant firm has the necessary expertise to monitor effectively the activity of the provision of the benchmark in a third country and will manage the associated risks on an on-going basis.**

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**1.1** **2** **You must provide the objective reason to provide the benchmark or family of benchmarks in a third country for their use in the UK.**

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| 2 | Fees and levies This section is included to provide the applicant information on periodic fees payable to the FCA. |

The UK entity (*benchmark endorser*) that applies for an endorsement of a third-country benchmark will be liable for an annual fee set out in FCA rules (where applicable). We do not require the applicant to provide data as this will be a fixed rate fee in accordance with FEES 4 Annex 15 of the FCA Handbook.

See <https://www.handbook.fca.org.uk/handbook/FEES/4/Annex15>.

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| 3 | Declaration |

Knowingly or recklessly, giving the FCA information that is false or misleading in a material particular may be a criminal offence (see sections 398 and 400 of the Financial Services and Markets Act 2000). Even if you believe or know that information has been provided to the FCA before (whether as part of another application or otherwise) or is in the public domain, you must nonetheless disclose it clearly and fully in this form and as part of this application – you should not assume that the FCA will itself identify such information during the assessment of this application.

There will be a delay in processing the application if information is inaccurate or incomplete, and if the information is inaccurate, that may call into question whether the applicant meets the requirements of the EU Benchmark Regulation (including but not limited to taking disciplinary/ Enforcement action). You must notify the FCA immediately if there is a change to the information in this form and/or if inaccurate information has been provided (insofar as the FCA is reasonably likely to consider the information material).

I/We confirm that the information provided in this application is accurate and complete to the best of my/our knowledge and that I/We have read the notes to this Form. I/We will notify the FCA immediately if there is a material change to the information provided.

I/We authorise the FCA to make such enquiries and seek such further information as it thinks necessary to identify and verify information that it considers relevant to the assessment of this application.

These checks may include credit reference checks or information pertaining to fitness and propriety. I/We are aware that the results of these enquiries may be disclosed to the firm/employer/applicant.

Where the signatory to this application has provided an address, the signatory agrees that the FCA may use such address as the proper address for service as defined in Financial Services and Markets Act 2000 (Service of Notice) Regulations (SI 2001/1420) to serve any notices on that signatory.

I/We understand that the FCA may require the applicant firm to provide further information or documents at any time.

I/We confirm that I am/We are authorised to sign this form on behalf of the applicant firm

In addition to other regulatory responsibilities, firms and (where applicable) approved persons have a responsibility to disclose to the FCA matters of which it would reasonably expect to be notified. Failure to notify the FCA of such information may lead to the FCA taking disciplinary or other action against the firm and/or individuals.

I am/We are aware that, while advice may be sought from a third party (eg legal advice), responsibility for the accuracy of information, as well as the disclosure of relevant information, on the form is ultimately the responsibility of those who sign the application.

 **Name of signatory**

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 **Signature**

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 **Date (dd/mm/yyyy)**

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