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## Application to Endorse Benchmarks in a Third Country - Notes

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

Providing the information requested in the Application to Endorse Benchmarks in a Third Country Form will enable you to:

1. Comply with your obligation to provide information required by Article 33 of the Benchmark Regulation (the UK version of Regulation (EU) 2016/1011);
2. Supply the FCA with everything we need to process the application and to prepare for the supervision of the firm.

Please take time to read these notes carefully. They will help you to fill in the Application to Endorse Benchmarks in a Third Country form correctly.

A link to the Handbook is here: <https://www.handbook.fca.org.uk>
A link to the BMR and amending regulations under the EU Withdrawal Act 2018: <https://www.legislation.gov.uk/eur/2016/1011/contents> and <https://www.legislation.gov.uk/uksi/2019/657>

If after reading these notes you need more help you can:

* check the FCA website: [www.fca.org.uk/](http://www.fca.org.uk/)
* call the FCA Customer Contact Centre on 0300 500 0597
* email the FCA Customer Contact Centre: Firm.Queries@fca.org.uk

These notes, while aiming to help you, do not replace the rules and guidance in the Handbook.

**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’ 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

**Important information**

At the point of authorising the endorsement we expect the applicant firm comply with their ongoing obligations under Article 33 of the BMR in respect of the endorsed benchmarks

Once the endorsement is authorised the applicant firm is required to pay a flat regulatory fees.

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**The FCA Handbook**

The FCA Handbook sets out our legislative powers and other provisions made under powers given to us by the Financial Services and Markets Act 2000(FSMA).

For more information on the FCA Handbook, please see the Handbook reader’s guide: <http://www.fca.org.uk/your-fca/documents/handbook/handbook-readers-guide>

Applicant firms should be aware that the FCA Handbook will be amended as part of the implementation of Benchmark Regulation.

**Benchmark Documents**

A link to the BMR and amending regulations under the EU Withdrawal Act 2018: <https://www.legislation.gov.uk/eur/2016/1011/contents> and https://www.legislation.gov.uk/uksi/2019/657

A link to the RTS: <https://www.handbook.fca.org.uk/techstandards/BMR/2018/reg_del_2018_1646_oj/?view=chapter>

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| 1 | Details about this application |

Details of the endorsing administrator or supervised entity

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

This address must be in the UK.

See Art 3(1)(17) for the definition of ‘supervised entity’.

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

We need this to determine whether the applicant firm is based in the UK or in a jurisdiction other than the UK.

See Art 3(1)(17) for the definition of ‘supervised entity’.

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

If the administrator is regulated by more than one regulator, please provide details on a separate sheet of paper.

See Art 3(1)(17) for the definition of ‘supervised entity’.

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

No additional notes.

Details of the third country benchmark administrator

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

No additional notes.

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

No additional notes.

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.**

Notes can be found in the Schedule of benchmarks under the ‘Guidance Notes’ tab, see [**https://www.fca.org.uk/publication/forms/benchmark-schedule-form-endorsement.xlsx**](https://www.fca.org.uk/publication/forms/benchmark-schedule-form-endorsement.xlsx).

 **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.**

You should include details about the oversight the endorsing administrator or supervised entity will have of the provision of the benchmarking, particularly in respect of the input data and methodology, IT of the third country administrators governance procedures.

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

No additional notes.

**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.**

This should be the process that will be adopted to satisfy the applicant firm that the 3rd country administrator is compliant with an at least equivalent regime to the BMR.

The applicant may submit information pertaining to their compliance with IOSCO principles in support of this.

 **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.**

This should be a summary of what the applicant firm believes qualifies them to be able to oversee and supervise the provision of the third country administrator and the associated risks.

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

See Technical Advice ESMA 2016/1560.

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| 2 | Fees and levies |

No additional notes.

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| 3 | Declaration |

No additional notes.