

## Market Study Notice

### Wholesale data

1. The Financial Conduct Authority (referred to in this notice as ‘the FCA’) publishes this market study notice in accordance with section 130A of the Enterprise Act 2002 (‘the Enterprise Act’).
2. The FCA has concurrent powers with the Competition and Markets Authority (‘the CMA’) in respect of market studies under Part 4 of the Enterprise Act. The FCA has consulted the CMA on the exercise of its powers, in line with its Memorandum of Understanding with the CMA and its duty under section 234I(7) of the Financial Services and Markets Act 2000 (FSMA).
3. The FCA is proposing to carry out its functions under section 234M of FSMA in relation to the supply of benchmarks, credit ratings data and market data vendor services in the United Kingdom, to consider the extent to which a matter in relation to the supply of those services has or may have effects adverse to the interests of consumers, and to assess the extent to which steps can and should be taken to remedy, mitigate or prevent any such adverse effects.
4. In this notice:
  - a. A benchmark means an index used within the scope of the Benchmarks Regulation, i.e. where:
    - i. it is used to determine the amount payable under a financial instrument or financial contract, or the value of a financial instrument
    - ii. it is used to measure the performance of an investment fund for the purpose of:
      - tracking the return of the index
      - defining the asset allocation of a portfolio, or
      - computing the performance fees of a portfolio
  - b. An index, as defined by the Benchmarks Regulation, means a figure that is published or made publicly available and is regularly determined, either entirely or partially by applying a formula or other method of calculation, or by an assessment; and on the basis of the value of one or more underlying assets or prices (including estimated prices, actual or estimated interest rates, quotes and committed quotes, or other values or surveys)

- c. Credit ratings data means datasets including credit ratings and related information, that may be supplied by credit ratings agencies (or their affiliates) or through market data vendors.
  - d. Market data vendor services means provision of convenient access for users to wholesale data, wholesale data aggregation services and other value- added services.
5. The scope of the market study into the supply of benchmarks, credit ratings data and market data vendor services, and the detailed issues on which the FCA would welcome responses, are provided in the Terms of Reference document published alongside this Market Study Notice.
  6. The FCA now invites any persons wishing to make representations on the matter, including on whether it should make a market investigation reference to the CMA under section 131 of the Enterprise Act, to do so in writing no later than 30 March 2023.
  7. If the FCA proposes to make a market investigation reference to the CMA with regard to one or more of the activities within scope of the market study, or if a representation (as provided for in section 131A of the Enterprise Act) has been made to the FCA that such a reference should be made but the FCA proposes not to make one, the FCA will publish a notice of that proposal and begin the process of consultation under section 131A(2)(b) of the Act no later than 1 September 2023.
  8. Except where paragraph 7 applies, if the FCA decides not to make a market investigation reference under section 131 of the Enterprise Act then it will publish notice of that decision no later than 1 September 2023.
  9. The FCA will publish its market study report, setting out its findings in relation to the matter specified in this notice and the action (if any) which it proposes to take in relation to that matter, no later than 1 March 2024.