

Frequently Asked Questions

European Union Benchmark Regulation

May 14, 2019

The EU Benchmark Regulation ([Regulation \(EU\) 2016/1011](#)) went into effect on June 30, 2016, and introduced a common framework across the EU to ensure that benchmarks are robust and reliable and to minimize conflicts of interest. For EU benchmark administrators (non-critical benchmarks), there is a two-year transition period (ending Dec. 31, 2019) before the full requirements of the regulation apply; non-EU and critical benchmark administrators have until Jan. 1, 2022, to comply with the regulation. During this period, users can continue using benchmarks caught by the regulation while administrators ensure they meet its requirements.

S&P DJI'S STATUS UNDER THE EU BENCHMARK REGULATION

Authorized Benchmark Administrator – Article 34 EU Benchmark Regulation

On Dec. 3, 2018, S&P DJI Netherlands B.V. was granted authorization by the Netherlands Authority for Financial Markets (AFM) as a Dutch administrator under Article 34 of the EU Benchmark Regulation. S&P DJI Netherlands B.V. is listed on the European Securities and Markets Authority (ESMA) register for benchmark administrators.

S&P DJI Netherlands B.V. is the benchmark administrator for the [S&P Europe 350[®] Index Family](#) and certain indices owned by third parties.

Endorsement of Benchmarks Provided in a Third Country – Article 33 EU Benchmark Regulation

On Feb. 27, 2019, many indices administered by S&P DJI (including the [S&P 500[®]](#) and the [Dow Jones Industrial Average[®]](#)) were included on the ESMA register for third country benchmarks. The list of the benchmarks endorsed¹ for use in the EU can be found on the ESMA register for third country benchmarks [here](#).

Under the EU Benchmark Regulation, EU-supervised entities² (such as banks, insurance companies, investments firms, and UCITS) may only use³ a benchmark if it or the administrator appears on the ESMA register.

Please click [here](#) to find copies of our benchmark statements.

¹ Under Article 33 of the EU Benchmark Regulation, an authorized benchmark administrator may act as the endorsing administrator for indices administered by a benchmark administrator located outside of the EU.

² "Supervised entity" is defined in Article 3.1(17) of the EU Benchmark Regulation

³ "Use of a benchmark" is defined in Article 3.1(7) of the EU Benchmark Regulation.

- 1. Is there a list of approved EU and Non-EU benchmark administrators and/or benchmarks?** Yes, ESMA maintains a public register of benchmark administrators and third country benchmarks. You can find the ESMA registers by clicking [here](#).
- 2. Do all EU-approved benchmarks appear on the ESMA register?** No—only benchmarks provided by an administrator located outside of the EU that are either recognized (Article 32) or endorsed (Article 33) will appear on the ESMA register.
- 3. Can I use ISINs or other codes to search for an S&P DJI index on the ESMA register?** Yes, you can search the ESMA register by international securities numbers, such as ISINs and CUSIPs. However, these codes are typically used to identify securities and not benchmarks, therefore only a small number of our benchmarks have a CUSIP number.

The ESMA register does not currently support a search function using S&P DJI's index codes or keys. S&P DJI is in the process of developing a tool that enables users to search for an S&P DJI index more easily using S&P DJI's index identifiers.

- 4. I'm searching for an S&P DJI index on the ESMA register but cannot find it.** Please ensure that you use the index name as it appears in our index files. If you have done this and are still having trouble finding an S&P DJI index, please [contact us](#).
- 5. Does the ESMA register contain every S&P DJI index?** No, not all of our indices have been added to the ESMA register. The ESMA register includes S&P DJI benchmarks that we know are in-scope⁴ of the EU Benchmark Regulation. If you cannot find a benchmark or want more information on this topic please [contact us](#).

Please note, we can only include benchmarks on the ESMA register for which we act as the benchmark administrator (i.e., those benchmarks branded "S&P" and certain benchmarks owned by third parties).

The ESMA register does not list individual benchmarks for which the benchmark administrator is located in the EU and authorized or registered under Article 34 of the regulation. For example, the ESMA register does not list the S&P Europe 350 Index Family, which is administered by S&P DJI Netherlands B.V. and is approved for use in the EU. The ESMA register does list individual benchmarks for non-EU benchmark administrators recognized or endorsed under the regulation.

S&P DJI provides custom index calculation services on behalf of third party index owners. When S&P DJI provides calculation services on behalf of a third party, S&P DJI is not the benchmark administrator for these indices. For information on the status of such indices under the EU Benchmark Regulation, please contact the owner of the index.

- 6. Will Brexit have an impact on the ESMA register?** Yes; if the UK leaves the EU without a transitional agreement, then on the day the UK leaves the EU, the following will be implemented.

UK perspective: The UK will establish a benchmark register, which will include:

⁴ Please refer to Article 3.1(7) of the EU Benchmark Regulation for a definition of "use of a benchmark."

- Benchmark administrators authorized, registered, or recognized in the UK by the Financial Conduct Authority (FCA);
- Benchmark administrators located outside of the UK, notified by the FCA as operating under an equivalent legal framework;
- Benchmarks endorsed by a UK-authorized or registered benchmark administrator (or other supervised entity) for use in the UK; and
- Non-UK benchmark administrators and/or non-UK benchmarks copied from the ESMA register. This final category will receive a temporary transition period to the UK benchmark register for two (2) years from exit day. Non-UK benchmark administrators must register directly with the FCA before the end of this period for the continued use of their benchmarks within the UK.

EU perspective: The ESMA register will continue to be provided; however, any benchmark administrator and/or benchmark authorized, registered, recognized, or endorsed in the UK will be deemed a non-EU benchmark administrator or benchmark. Consequently, those benchmark administrators must register directly with an EU competent authority on or before Jan. 1, 2022, in order for its benchmarks to continue to be used in the EU.

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