

Annex J

COMMISSION DELEGATED REGULATION (EU) 2018/1645 of 13 July 2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards for the form and content of the application for recognition with ~~the competent authority of the Member State of reference and of the presentation of information in the notification to European Securities and Markets Authority (ESMA)~~ the FCA

~~(Text with EEA relevance)~~

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Article 2

Format of the application

1. The application for recognition shall be submitted in ~~the official language or one of the official languages of the Member State of reference~~ English, unless otherwise indicated in the Annex. The documents referred to in point 8 of the Annex shall be submitted in a ~~language customary in the sphere of international finance or in the official language or one of the official languages of the Member State of reference~~ English.
2. The application for recognition shall be submitted by electronic means or, if accepted by the ~~relevant competent authority~~ FCA, in paper form. Those electronic means shall ensure that completeness, integrity and confidentiality of the information are maintained during the transmission. The applicant shall ensure that each submitted document clearly identifies to which specific requirement of this Regulation it refers.

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Article 4

Entry into force

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~~This Regulation shall be binding in its entirety and directly applicable in all Member States.~~

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ANNEX

**Information to be provided in the application for recognition under Article 32 of
Regulation (EU) 2016/1011**

**SECTION A – INFORMATION ON THE PROVIDING PERSON AND ITS LEGAL
REPRESENTATIVE IN THE ~~UNION~~ UNITED KINGDOM**

1. GENERAL INFORMATION

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- (e) Where the applicant is supervised in the non-~~EU~~ UK country where it is located, information about its current authorisation status, including the activities for which it is authorised, the name and address of the competent authority of the non-~~EU~~ UK country and the link to the register of such competent authority, where available; where more than one authority is responsible for supervision, the details of the respective areas of competence shall be provided.
- (f) A description of the operations of the applicant in the ~~EU~~ United Kingdom and in non-~~EU~~ UK countries, whether or not subject to any ~~EU~~ UK or extra-~~EU~~ UK financial regulation, that are relevant for the activity of provision of benchmarks, along with a description of where these operations are conducted.

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1. ~~LEGAL REPRESENTATIVE IN THE MEMBER STATE OF REFERENCE~~
UNITED KINGDOM

- (a) ~~Documented evidence supporting the choice of the Member State of reference, by application of the criteria laid down in Article 32(4) of Regulation (EU) 2016/1011.~~
- (b) With respect to the legal representative established in the ~~Member State of reference~~ United Kingdom as set out in Article 32(3) of Regulation (EU) 2016/1011, its:

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- (viii) details of the performance of the oversight function by the legal representative relating to the provision of benchmarks that may be used in the ~~Union~~ United Kingdom;

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4. CONFLICTS OF INTEREST

(a) Policies and procedures that address:

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(ii) particular circumstances which apply to the applicant or to any particular benchmark provided by the applicant and which may be used in the ~~Union~~ United Kingdom, in relation to which conflicts of interest are most likely to arise, including where expert judgment or discretion is exercised in the benchmark's determination process, where the applicant is within the same group as a user of a benchmark and where the provider is a participant in the market or economic reality that the benchmark intends to measure.

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7. COMPLIANCE WITH IOSCO PRINCIPLES

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(b) Where available, in cases where the applicant is subject to supervision, a certification provided by the competent authority of the non-~~EU~~ UK country where the applicant is located, attesting compliance with the IOSCO principles referred to in letter (a).

8. OTHER INFORMATION

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(b) The applicant shall provide this information in a manner and form stipulated by the ~~competent authority~~ FCA.

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SECTION B – INFORMATION ON THE BENCHMARKS

9. DESCRIPTION OF THE ACTUAL OR PROSPECTIVE BENCHMARKS OR FAMILIES OF BENCHMARKS THAT MAY BE USED IN THE ~~UNION~~ UNITED KINGDOM

- (a) A list including all the benchmarks provided by the applicant that are already used in the ~~Union~~ United Kingdom and, where available, their International Securities Identification Numbers (ISINs).
 - (b) A description of the benchmark or family of benchmarks provided and that are already used in the ~~Union~~ United Kingdom, including a description of the underlying market or economic reality that the benchmark or the family of benchmarks is intended to measure, along with an indication of the sources used to provide these descriptions, and a description of contributors, if any, to this benchmark or family of benchmarks.
 - (c) A list including all the benchmarks that are intended to be marketed for their use in the ~~Union~~ United Kingdom and, where available, their ISINs.
 - (d) A description of the benchmark or family of benchmarks that are intended to be marketed for its use in the ~~Union~~ United Kingdom, including a description of the underlying market or economic reality that the benchmark or the family of benchmarks is intended to measure, along with an indication of the sources used to provide these descriptions, and a description of contributors, if any, to this benchmark or family of benchmarks.
- ...
- (h) Any documented evidence that a benchmark or family of benchmarks described under point (b) has a degree of use within the ~~Union territory~~ United Kingdom which qualifies this benchmark or all the benchmarks included in that family of benchmarks either as significant benchmarks, as defined by point (26) Article 3(1) of Regulation (EU) 2016/1011, or as non-significant benchmarks, as defined by point (27) of Article 3(1) of Regulation (EU) 2016/1011. The information to be provided shall be determined, to the extent possible, on the basis of the provisions in Commission Delegated Regulation (EU) 2018/662 for the assessment of the nominal amount of financial instruments other than derivatives, the notional amount of derivatives and the net asset value of investment funds that make reference to the non-EU UK-country benchmarks, within the ~~Union~~ United Kingdom, including in the event of an indirect reference to any such benchmark within a combination of benchmarks.

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