

PRA RULEBOOK: CRR FIRMS: BENCHMARKING REGULATION INSTRUMENT 2018/15**Powers exercised**

- A. The Prudential Regulation Authority (“PRA”) makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules); and
 - (2) section 137T (General supplementary powers).
- B. The rule-making powers referred to above are specified for the purpose of section 138G (2) (Rule-making instruments) of the Act.

Pre-conditions to making

- C. In accordance with section 138J of the Act (Consultation by the PRA), the PRA consulted the Financial Conduct Authority. After consulting, the PRA published a draft of the proposed rules and had regard to representations made.

PRA Rulebook: CRR Firms: Benchmarking Regulation Instrument 2018

- D. The PRA makes the rules in Annexes A to G to this instrument.

Part	Annex
Glossary	A
Compliance and Internal Audit	B
General Organisational Requirements	C
Outsourcing	D
Record Keeping	E
Risk Control	F
Senior Managers Regime - Applications and Notifications	G
Skills, Knowledge and Expertise	H

Commencement

- E. This instrument comes into force on 29 June 2018.

Citation

- F. This instrument may be cited as the PRA Rulebook: CRR Firms: Benchmarking Regulation Instrument 2018.

By order of the Prudential Regulation Committee

21 June 2018

Annex A

Amendments to the Glossary

In this Annex, the text is all new and is not underlined.

...

administering a benchmark

means the *regulated activity* specified in article 63S of the *Regulated Activities Order*.

...

Annex II benchmark administrator

has the meaning given in the Glossary to the FCA Handbook.

...

benchmarking activities

means the following activities:

- (1) the *regulated activity* of *administering a benchmark*; or
- (2) *contribution of input data* to a *BMR benchmark administrator*.

benchmarks regulation

means 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.

...

BMR benchmark administrator

means a *person* who:

- (1) is an administrator within the meaning of article 3.1(6) of the *benchmarks regulation*; and
- (2) has been authorised or registered (whether in the *UK* or elsewhere) in accordance with article 34 of the *benchmarks regulation*.

...

contribution of input data

has the meaning given in article 3.1(8) of the *benchmarks regulation*.

...

regulated benchmark administrator

a *person* who has a *Part 4A permission* to carry on the *regulated activity* of *administering a benchmark*.

...

Annex B

Amendments to the Compliance and Internal Audit Part

In this Annex, new text is underlined.

1 APPLICATION AND DEFINITIONS

....

1.1A 2.1 to 2.6 do not apply to a *firm* with respect to the carrying on of *benchmarking activities* except to the extent that they transpose an *EU instrument*.

...

Annex C

Amendments to the General Organisational Requirements Part

In this Annex, new text is underlined.

1 APPLICATION AND DEFINITIONS

...

1.1A 2.1 to 2.8 do not apply to a *firm* with respect to the carrying on of *benchmarking activities* except to the extent that they transpose an *EU instrument*.

...

Annex D

Amendments to the Outsourcing Part

In this Annex, new text is underlined.

1 APPLICATION AND DEFINITIONS

...

1.1.A This Part does not apply to a *firm* with respect to the carrying on of *benchmarking activities* except to the extent that they transpose an *EU instrument*.

...

Annex E

Amendments to the Record Keeping Part

In this Annex, new text is underlined.

1 APPLICATION AND DEFINITIONS

...

1.1A This Part does not apply to a *firm* with respect to the carrying on of *benchmarking activities* except to the extent that they transpose an *EU instrument*.

...

Annex F

Amendments to the Risk Control Part

In this Annex, new text is underlined.

1 APPLICATION AND DEFINITIONS

...

1.1A 2.1A to 2.2B do not apply to a *firm* with respect to the carrying on of *benchmarking activities* except to the extent that they transpose an *EU instrument*.

...

Annex G

Amendments to the Senior Managers Regime - Applications and Notifications Part

In this Annex new text is underlined and deleted text is struck through.

...

2 APPLICATION TO PERFORM A SENIOR MANAGEMENT FUNCTION

...

2.7

...

(2) A *statement of responsibilities* must be in the form set out:

- (a) for a *third country CRR firm*, in the form set out ~~here~~ here; and
- (b) for all other *firms*, in the form set out ~~here~~ here.

...

Annex H

Amendments to the Skills, Knowledge and Expertise Part

In this Annex, new text is underlined.

1 APPLICATION AND DEFINITIONS

...

1.1A 2.1A to 2.1B do not apply to a *firm* with respect to the carrying on of *benchmarking activities* except to the extent that they transpose an *EU instrument*.

...