



Basic information	
2023/0379(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Political agreement in Council on its 1st reading position
Scope of rules for benchmarks, use in the Union of benchmarks provided by an administrator located in a third country, and certain reporting requirements Amending Regulation 2016/1011 2013/0314(COD) Subject 2.50.03 Securities and financial markets, stock exchange, CIUTS, investments 2.50.04 Banks and credit 2.50.08 Financial services, financial reporting and auditing 2.50.10 Financial supervision 2.80 Cooperation between administrations 4.60.06 Consumers' economic and legal interests	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	ECON Economic and Monetary Affairs		FERNÁNDEZ Jonás (S&D)	12/09/2024
			Shadow rapporteur LÓPEZ-ISTÚRIZ WHITE Antonio (EPP) ZIJLSTRA Auke (Pfe) STORM Kristoffer (ECR) BOYER Gilles (Renew) PREBILI Vladimir (Greens /EFA) SARAMO Jussi (The Left)	
	Former committee responsible		Former rapporteur	Appointed
	ECON Economic and Monetary Affairs			
	Former committee for opinion		Former rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety		The committee decided not to give an opinion.	
	ITRE Industry, Research and Energy		The committee decided not to give an opinion.	

	<div style="border: 1px solid red; display: inline-block; padding: 2px;">IMCO</div> Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">JURI</div> Legal Affairs	The committee decided not to give an opinion.	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Financial Stability, Financial Services and Capital Markets Union	MCGUINNESS Mairead	
European Economic and Social Committee			

Key events			
Date	Event	Reference	Summary
17/10/2023	Legislative proposal published	COM(2023)0660 	Summary
11/12/2023	Committee referral announced in Parliament, 1st reading		
04/03/2024	Vote in committee, 1st reading		
07/03/2024	Committee report tabled for plenary, 1st reading	A9-0076/2024	Summary
24/04/2024	Decision by Parliament, 1st reading	T9-0357/2024	Summary
24/04/2024	Results of vote in Parliament		
21/10/2024	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
13/11/2024	Committee referral announced in Parliament, 1st reading		
13/11/2024	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		


Technical information	
Procedure reference	2023/0379(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Nature of procedure	Legislation
Legislative instrument	Regulation
	Amending Regulation 2016/1011 2013/0314(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Political agreement in Council on its 1st reading position
Committee dossier	ECON/9/13484

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE757.977	11/01/2024	
Amendments tabled in committee		PE758.780	01/02/2024	
Committee report tabled for plenary, 1st reading/single reading		A9-0076/2024	07/03/2024	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0357/2024	24/04/2024	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2023)0660 	17/10/2023	Summary
Commission response to text adopted in plenary	SP(2024)394	08/08/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_CHAMBER	COM(2023)0660	16/02/2024	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
ESC	Economic and Social Committee: opinion, report	CES5424/2023	14/02/2024	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Name	Role	Committee	Date	Interest representatives
BOYER Gilles	Shadow rapporteur	ECON	03/12/2024	Association Française de la Gestion financière
BOYER Gilles	Shadow rapporteur	ECON	26/11/2024	AMUNDI AM
LÓPEZ-ISTÚRIZ WHITE Antonio	Shadow rapporteur	ECON	19/11/2024	Bolsas y Mercados Españoles
BOYER Gilles	Shadow rapporteur	ECON	14/11/2024	Morningstar, Inc
BOYER Gilles	Shadow rapporteur	ECON	16/10/2024	London Stock Exchange Group
LÓPEZ-ISTÚRIZ WHITE Antonio	Shadow rapporteur	ECON	08/10/2024	MSCI Limited
BOYER Gilles	Shadow rapporteur	ECON	08/10/2024	Index Industry Association
LÓPEZ-ISTÚRIZ WHITE Antonio	Shadow rapporteur	ECON	07/10/2024	ISDA
BOYER Gilles	Shadow rapporteur	ECON	07/10/2024	MSCI Limited
FERNÁNDEZ Jonás	Rapporteur	ECON	03/10/2024	Index Industry Association

BOYER Gilles	Shadow rapporteur	ECON	02/10/2024	Citigroup Inc.
BOYER Gilles	Shadow rapporteur	ECON	01/10/2024	International Swaps and Derivatives Association
BOYER Gilles	Shadow rapporteur	ECON	12/09/2024	The European Association of Corporate Treasurers
BOYER Gilles	Shadow rapporteur	ECON	11/09/2024	S&P Global
BOYER Gilles	Shadow rapporteur	ECON	29/08/2024	Association Française de la Gestion financière
ROOKMAKER Dorien	Shadow rapporteur	ECON	10/04/2024	Intercontinental Exchange, Inc.
ROOKMAKER Dorien	Shadow rapporteur	ECON	09/04/2024	S&P Global
FERNÁNDEZ Jonás	Rapporteur	ECON	12/02/2024	General Index Ltd.
FERNÁNDEZ Jonás	Rapporteur	ECON	31/01/2024	NASDAQ
BOYER Gilles	Shadow rapporteur	ECON	24/01/2024	European Fund and Asset Management Association
BOYER Gilles	Shadow rapporteur	ECON	24/01/2024	Deutsche Börse AG
FERNÁNDEZ Jonás	Rapporteur	ECON	23/01/2024	Deutsche Börse AG
FERNÁNDEZ Jonás	Rapporteur	ECON	23/01/2024	UNESPA
BOYER Gilles	Shadow rapporteur	ECON	22/01/2024	S&P Global
BOYER Gilles	Shadow rapporteur	ECON	22/01/2024	Federation of European Securities Exchanges
BOYER Gilles	Shadow rapporteur	ECON	22/01/2024	Euronext
BOYER Gilles	Shadow rapporteur	ECON	19/01/2024	Intercontinental Exchange, Inc.
FERNÁNDEZ Jonás	Rapporteur	ECON	17/01/2024	Index Industry Association
BOYER Gilles	Shadow rapporteur	ECON	17/01/2024	Association Française de la Gestion financière
BOYER Gilles	Shadow rapporteur	ECON	17/01/2024	Afore Consulting Argus Media Ltd
FERNÁNDEZ Jonás	Rapporteur	ECON	16/01/2024	Intercontinental Exchange, Inc.
BOYER Gilles	Shadow rapporteur	ECON	16/01/2024	AMUNDI AM
FERNÁNDEZ Jonás	Rapporteur	ECON	19/12/2023	Euronext
FERNÁNDEZ Jonás	Rapporteur	ECON	19/12/2023	MSCI Limited
BOYER Gilles	Shadow rapporteur	ECON	19/12/2023	MSCI Limited
FERNÁNDEZ Jonás	Rapporteur	ECON	18/12/2023	Bloomberg L.P.
BOYER Gilles	Shadow rapporteur	ECON	07/12/2023	London Stock Exchange Group
FERNÁNDEZ Jonás	Rapporteur	ECON	04/12/2023	CNMV
FERNÁNDEZ Jonás	Rapporteur	ECON	04/12/2023	Comisión Nacional Mercado Valores (CNMV)
BOYER Gilles	Shadow rapporteur	ECON	29/11/2023	Fleishman-Hillard

Other Members

Name	Date	Interest representatives
FERBER Markus	23/02/2024	ISDA

Scope of rules for benchmarks, use in the Union of benchmarks provided by an administrator located in a third country, and certain reporting requirements

2023/0379(COD) - 17/10/2023 - Legislative proposal

PURPOSE: to streamline the rules for benchmarks and certain reporting requirements.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: this proposal is part of a package of measures to rationalise reporting requirements. It aims to rationalise authorisation and registration and alleviate the burden on EU companies, in particular small and medium-sized enterprises (SMEs). The regulatory framework that applies to these companies is layered. Different rules and reporting requirements apply depending on the type of benchmark they provide.

Regulation (EU) 2016/1011 (the Benchmark Regulation or the BMR) aims to address concerns about the accuracy and integrity of benchmarks regardless of the size and systemic nature of such benchmarks. Under that Regulation, all administrators of benchmarks, regardless of the systemic relevance of those benchmarks or of the amount of financial instruments or contracts that use those benchmarks as reference rates or as performance benchmarks, are to comply with several very detailed requirements, including requirements on their organisation, on the governance and conflicts of interest, on oversight functions, on input data, on codes of conduct, on reporting of infringements, and on methodological and benchmark statement disclosures. Those very detailed requirements have put a **disproportionate regulatory burden** on administrators of smaller benchmarks in the Union considering the aims of Regulation (EU) 2016/1011, that is to safeguard financial stability and to avoid negative economic consequences that result from the unreliability of benchmarks, it is therefore necessary to **reduce that regulatory burden** by focusing on those benchmarks with the greatest economic relevance for the Union market, i.e. significant and critical benchmarks, and on those benchmarks that contribute to the promotion of key Union policies, i.e. EU Climate Transition and EU Paris-aligned Benchmarks.

CONTENT: this proposal seeks to review the scope of the Benchmark Regulation and address its shortcomings, as well as bring targeted improvements to how it functions.

Main amendments to the Benchmark Regulation

The proposal defines the type of benchmarks to which specific Titles in Regulation (EU) 2016/1011 apply. These are critical benchmarks, significant benchmarks, EU Paris-aligned Benchmarks and EU Climate Transition Benchmarks. Administrators of benchmarks that are not considered critical. Non-significant benchmarks are therefore no longer required to apply the requirements under Titles II (Benchmark integrity and reliability), III (Requirement for different types of benchmarks), IV (Transparency and consumer protection) and VI (Authorisation, Registration and Supervision of Administrators).

The definition of what constitutes a significant benchmark is amended.

EU Paris-aligned Benchmarks and EU Climate Transition Benchmarks

A new paragraph is added to safeguard the integrity of the label and provide for effective supervision. The administrators of EU Paris-aligned Benchmark or EU Climate Transition Benchmarks remain in scope of the BMR, irrespective of their significance, subject to them obtaining authorisation or registration in the EU.

Significant benchmarks

The proposal lays down measures concerning the determination of whether a benchmark is significant on the basis of a simple numerical threshold: whether such benchmarks are used as a reference for assets whose cumulative value exceeds EUR 50 billion.

It also sets out the obligation, incumbent on all administrators of benchmarks used by supervised entities in the EU, to notify the Commission when one or several of the benchmarks they administer exceeds a usage threshold of EUR 50 billion. This obligation applies to an administrator located in the Union and to an administrator located in a third country.

A national competent authority may also issue a decision stating that a benchmark, whose usage within the EU does not exceed EUR 50 billion meets the qualitative conditions for significance, with respect to its Member State. Such designations should remain limited and should be motivated in a **reasoned decision** from the competent authority, setting out in clear terms the reasons why a benchmark is significant.

The competent authorities should publish designation decisions, and ESMA should compile all designation decisions issued by them. This allows users to easily verify the designation status of benchmarks they intend to use. Supervised entities should be obliged to regularly consult these sources to check the designation status of any benchmarks they intend to use.

A **parallel system for the designation of non-EU benchmarks as significant** in accordance with qualitative criteria is laid down. The responsibility is conferred in this case to ESMA, acting upon the request of one or more competent authorities. The qualitative criteria are similar to those for the designation of EU benchmarks, as are the measures to ensure the transparency of designations.

Scope of rules for benchmarks, use in the Union of benchmarks provided by an administrator located in a third country, and certain reporting requirements

2023/0379(COD) - 07/03/2024 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Economic and Monetary Affairs adopted the report by Jonás FERNÁNDEZ (S&D, ES) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/1011 as regards the scope of the rules for benchmarks, the use in the Union of benchmarks provided by an administrator located in a third country, and certain reporting requirements.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Requirements for administrators of significant benchmarks

The report noted that in order to ensure that benchmark administrators have sufficient time to adapt to the requirements that apply to significant benchmarks, they should only be subject to those requirements as from 60 working days from the day they submitted such a notification. In addition, benchmark administrators should provide the competent authorities concerned or ESMA, upon request, with all information necessary to assess that benchmark's aggregate use in the Union.

Competent authorities

The amended text clarified that ESMA should be the competent authority for:

- administrators of critical benchmarks;
- administrators of the benchmarks;
- administrators of the benchmarks that are significant within the Union;
- administrators endorsing benchmarks provided in a third country;
- administrators of EU Climate Transition Benchmarks and EU Paris Aligned Benchmarks.

Review

It is appropriate that by 31 December 2028 the Commission presents a report, on the basis of input from ESMA, assessing the availability of ESG benchmarks in European and global markets and their market up-take, analysing whether they would be considered significant benchmarks, and studying the costs and effects on market availability and the evolving nature of the sustainable indicators and the methods used to measure them.

Furthermore, it should assess the need to **regulate benchmarks** making ESG-related claims, with the aim to maintain an adequate level of protection of users of those benchmarks as well as a high level of transparency, reduce the risk of greenwashing and ensure coherence with other EU legislation on sustainable disclosure requirements. That report should be accompanied by an impact assessment and, where appropriate, a legislative proposal.

Transitional provisions

To ensure a seamless transition to the application of the rules introduced under this Regulation administrators previously supervised under Regulation (EU) 2019/2089 should keep existing registrations, authorisations, recognitions or endorsements for nine months after the entry into application of this amending Regulation. That period is intended to give competent authorities and ESMA sufficient time to decide whether any of the previously supervised administrators should be designated in accordance with this amending Regulation. If designated, administrators previously authorised, registered, endorsed or recognised or administrators who voluntarily opt-in to this Regulation, should be allowed to retain their previous status without the need to re-apply. Administrators of significant benchmarks should, in any case, be allowed to retain their status as authorised, registered, endorsed or recognised benchmark administrators.

Scope of rules for benchmarks, use in the Union of benchmarks provided by an administrator located in a third country, and certain reporting requirements

2023/0379(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 530 votes to 36, with 14 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/1011 as regards the scope of the rules for benchmarks, the use in the Union of benchmarks provided by an administrator located in a third country, and certain reporting requirements.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

EU Climate Transition Benchmarks or EU Paris-aligned Benchmarks

It is specified that administrators that are not included in the ESMA register should not provide or endorse EU Climate Transition Benchmarks or EU Paris-aligned Benchmarks. Administrators should include the term "EU CTB" in the name of the EU Climate Transition Benchmarks and the term "EU PAB" in the name of the EU Paris Aligned Benchmarks.

Administrators which are located in the Union and provide significant benchmarks determined on the basis of the value of one or more underlying assets or prices should endeavour to provide one or more EU Climate Transition Benchmarks and EU Paris-aligned Benchmarks.'

Significant benchmarks

The text stipulated that a benchmark which is not a critical benchmark should be significant where the benchmark is used directly or indirectly within a combination of benchmarks within the Union as a reference for financial instruments or financial contracts or for measuring the performance of investments funds, that have a total average value of at least EUR 50 billion on the basis of the characteristics of the benchmark, including:

- the range of maturities or tenors of the benchmark, where applicable, over a period of six months;

- all the currencies or other units of measurement of the benchmark, where applicable, over a period of six months; and
- all the return calculation methodologies, where applicable, over a period of six months.

An administrator should immediately notify ESMA and, if located in an EU Member State the competent authority of that Member State, where one or several of that administrator's benchmarks exceed the threshold referred to above.

Administrators of benchmarks which do not meet the requirements to be considered as critical, significant, commodity benchmarks subject to Annex II, EU Climate Transition Benchmarks or EU Paris-aligned Benchmarks may voluntarily apply to access to the register either by means of authorisation, registration, recognition or endorsement.

Benchmarks from a third country

An administrator located in the Union and authorised or registered in accordance with the Regulation, with a clear and well-defined role under the control or accountability framework of a third country administrator, which is able to monitor effectively the provision of a benchmark, may apply to ESMA to endorse a benchmark or a family of benchmarks provided in a third country for their use in the Union, provided that certain conditions are fulfilled. Within 90 working days of receipt of the application for endorsement, ESMA should examine the application and adopt a decision either to authorise the endorsement or to refuse it.

Public register

ESMA should establish and maintain a public register containing information such as, when available, the Legal Entity Identifier (LEI) of the administrators authorised or registered and the competent authorities responsible for the supervision.

Review

It is appropriate that by 31 December 2028, the Commission presents a report, on the basis of input from ESMA, assessing the availability of ESG benchmarks in European and global markets and their market up-take, analysing whether they would be considered significant benchmarks, and studying the costs and effects on market availability and the evolving nature of the sustainable indicators and the methods used to measure them.

Furthermore, it should assess the need to regulate benchmarks making ESG-related claims, with the aim to maintain an adequate level of protection of users of those benchmarks as well as a high level of transparency, reduce the risk of greenwashing and ensure coherence with other EU legislation on sustainable disclosure requirements. That report should be accompanied by an impact assessment and, where appropriate, a legislative proposal.

Transitional provisions

To ensure a seamless transition to the application of the rules introduced under this Regulation administrators previously supervised under Regulation (EU) 2019/2089 should keep existing registrations, authorisations, recognitions or endorsements for nine months after the entry into application of this amending Regulation. That period is intended to give competent authorities and ESMA sufficient time to decide whether any of the previously supervised administrators should be designated in accordance with this amending Regulation. If designated, administrators previously authorised, registered, endorsed or recognised or administrators who voluntarily opt-in to this Regulation, should be allowed to retain their previous status without the need to re-apply. Administrators of significant benchmarks should, in any case, be allowed to retain their status as authorised, registered, endorsed or recognised benchmark administrators.