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| MALTA FINANCIAL SERVICES AUTHORITY |
| **Authorisation/Registration Forms - Annex** |
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| **Annex AX37: Compliance statement for Exemption from specific requirements for non-Significant Benchmarks in terms of Article 26(3) of Regulation (EU) 2016/1011)** |
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| **High Level Guidelines** |
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| 1. **General**   This form, **Annex AX37:** **Benchmarks Authorisation** **Annex II** (‘Annex’), shall be duly filled in by persons wishing to obtain authorisation/registration from the MFSA act as an administrator of benchmarks. This Annex shall be submitted as part of and in conjunction with the relevant Authorisation/Registration Application Form, as indicated therein.  In this respect, the Applicant shall to the best of its knowledge, provide information, which is truthful, accurate and complete. The Applicant shall notify the MFSA immediately if the information provided changes in any material respect either prior to or subsequent, to authorisation/registration.  The Applicant is required to make reference, and where applicable comply with, the Benchmarks Regulation, the respective Delegated and Implementing Regulations, or Rules issued thereunder during the completion of the Application. The Applicant shall also refer to the respective National and/or European Regulatory Frameworks or other binding regulation as may be applicable.  The Applicant shall not tamper with, or modify in any manner, this Annex or its respective Application. Should it transpire that the documents were tampered with, or modified in any manner, the Authority shall consider the submission to be invalid. Any potential improvements should be communicated to the MFSA for consideration.  The Authority may at its sole discretion request from the Applicant further information/ documentation.   1. **Definitions**   Unless otherwise specified, terms used in this Annex shall have the same meaning assigned to them within the respective Application.   1. **Instructions**   In order for this Annex to be considered complete, the Applicant is required to complete the respective section, as applicable, under this Annex:   * ***Section 1*** – General Information in relation to the Applicant * ***Section 2*** – Template for the compliance statement referred to in Article 25(7) of the Benchmarks Regulation   Pursuant to Article 26(1) of the Benchmarks Regulation, an administrator may choose not to apply Articles 4(2), points (c), (d) and (e) of Article 4(7), Article 4(8), 5(2), 5(3), 5(4), 6(1), 6(3), 6(5), 7(2), point (b) of Article 11(1), points (b) and (c) of Article 11(2) and Articles 11(3), 13(2), 14(2), 15(2), 16(2) and (3) with respect to its non-significant benchmark.  Accordingly, Section 2 within this Annex:   * identifies the non-significant benchmark(s) in respect of which provisions do not apply, * identifies the provision(s) that the administrator has chosen not to apply, and * explains why it is appropriate for the administrator not to comply with each such provision.   If this document relates to a family of non-significant benchmarks provided by the administrator, a separate section must be completed for each set of benchmarks in respect of which:   * the provisions that the administrator chooses not to apply are the same for all those benchmarks, and * for each provision, the explanation why it is appropriate for the administrator not to comply with the provision is the same for all those benchmarks. * It is noted that the information provided should reflect the Applicant’s structure and method of operations at time of request for authorisation/registration.  1. **Privacy Notice**   The MFSA ensures that any processing of personal data is conducted in accordance with Regulation (EU) 2016/679 (General Data Protection Regulation), the Data Protection Act (Chapter 586 of the Laws of Malta) and any other relevant European Union and national law. For further details, you may refer to the MFSA Privacy Notice available on the MFSA webpage <https://www.mfsa.mt/privacy-notice/>. |

| 1. General Information | | |
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|  | **General Information** | | |
|  | Date of creation of this document | Enter date | |
|  | Last updated date (where applicable) | Enter date | |
|  | Name of the administrator  *Note: As it appears in the ‘Register of administrators and benchmarks’ published by ESMA* | Enter text | |

| 1. Provisions of Regulation (EU) 2016/1011 | | |
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|  | Insert name of the administrator as set out in item 2 of section A chooses to not apply the following provisions of Regulation (EU) 2016/1011 in respect of the non-significant benchmark or non-significant benchmarks identified below | | |
|  | Details of the benchmark or benchmarks in respect of which the provision(s) do not apply | | |
|  | |  |  | | --- | --- | |  |  | | Name of the benchmark | Enter text | | International Securities Identification number (ISIN) | Enter text | | Other Identifier  *(If ISIN is not available)* | Enter text | |  |  |   *(Add multiple as applicable)* | | |
|  | Indication of where the benchmark statement for the relevant benchmark or each of the relevant benchmarks is published *(e.g., webpage link)* | Enter text | |
|  | 1. The provision or provisions of Regulation (EU) 2016/1011 that do not apply | | |
|  | |  |  | | --- | --- | |  |  | | Article Number | Enter text | | Paragraph | Enter text | | Specific point of Regulation (EU) 2016/1011  *(If applicable)* | Enter text | | Full text of the provision | Enter text | |  |  |   *(Add multiple as applicable)* | | |
|  | 1. For each provision included under point (i) of Section 2.1.3, the reasons why it is appropriate for the administrator not to comply with that provision.   *Note: For each provision, insert a specific, detailed and clear explanation of why it is appropriate for the administrator not to comply with the provision, taking into account the nature and impact of the benchmark or benchmarks and the size of the administrator.* | | |
|  | |  | | --- | | Enter text |   *(Add multiple as applicable)* | | |