Frequently Asked Questions
European Union Benchmark Regulation

The EU Benchmark Regulation (Regulation (EU) 2016/1011) introduced a common framework to ensure that benchmarks are robust and reliable and to minimize conflicts of interest. The full requirements of the regulation are now in force for EU benchmark administrators (with the exception of critical benchmarks),\(^1\) while non-EU benchmark administrators have been granted additional time to meet the requirements (ending Dec. 31, 2023).\(^2\) This means EU-supervised entities can continue to use non-EU indices as benchmarks until Dec. 31, 2023.\(^3\)

S&P DOW JONES INDICES’ STATUS UNDER THE EU BENCHMARK REGULATION

S&P Dow Jones Indices LLC (S&P DJI) is a U.S. entity, and in order to meet the requirements of the EU Benchmark Regulation, a new entity has been established in the EU, S&P DJI Netherlands B.V. based in Amsterdam. This Dutch entity is an administrator authorized by the Netherlands Authority for Financial Markets (AFM) and also acts as the endorsing administrator for other S&P DJI indices known to be used in the EU as benchmarks.

**Authorized Benchmark Administrator** – Article 34 EU Benchmark Regulation

On Dec. 3, 2018, S&P DJI Netherlands B.V. was granted authorization by the AFM to act as an 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.


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

Many of S&P DJI’s indices are known to be used as benchmarks in the EU (including the S&P 500® and the Dow Jones Industrial Average\(^*\)), and these indices have been endorsed\(^4\) as benchmarks and are included on the ESMA register for third country benchmarks. The ESMA register for third country benchmarks can be found [here](#). To use S&P DJI’s tool to look up information in relation to our indices, please see the S&P DJI Methodology & Regulatory Database.

---

\(^1\) Note: Regulation 2019/2089 extends the transition period for critical benchmarks to Dec. 31, 2021.

\(^2\) Regulation (EU) 2021/168

\(^3\) Note: Regulation (EU) 2021/168 empowers the European Commission to further extend the transitional period referred to under Article 51(5) until Dec. 31, 2025.

\(^4\) 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.
Under the EU Benchmark Regulation, EU-supervised entities\(^5\) (such as banks, insurance companies, investments firms, and UCITS) may only use\(^6\) a benchmark if the administrator or the benchmarks (in the case of benchmarks administered outside of the EU) appear on the ESMA register.

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

1. **Who does the EU Benchmark Regulation apply to?** It applies to index providers (administrators), index users (supervised entities), and parties that contribute data (contributors) to an index. It also applies to index providers based outside of the EU if their indices are used as benchmarks within the EU.

2. **Do EU and non-EU benchmark administrators obtain approval via the same process?** No. An EU benchmark administrator is either “authorized” or “registered” by its national competent authority, whereas non-EU benchmark administrators must use one of the following three mechanisms for supervised entities to use its benchmarks: (1) equivalence, (2) recognition, or (3) endorsement (as explained previously, S&P DJI used the endorsement route).

3. **Is there a list of approved benchmark administrators or benchmarks?** Yes, the [ESMA Benchmark Administrators Register](#) lists the names of all “approved” benchmark administrators (i.e., EU administrators registered or authorized and non-EU administrators granted equivalence, recognition, or endorsement). Please note that the ESMA register only lists the administrator entity name. There is no requirement for EU administrators to list the names of individual benchmarks. Non-EU administrators, on the other hand, must also provide a list of benchmarks to ESMA, which can be found on the [ESMA Third Country Benchmarks Register](#).

4. **Which ESMA register is relevant to S&P DJI and its benchmarks?** Both ESMA registers are applicable to S&P DJI. S&P DJI and S&P DJI Netherlands B.V. appear on the [Benchmark Administrators Register](#). In addition, a number of S&P DJI’s indices that are known to be used as benchmarks are listed on the [Third Country Benchmarks Register](#).

5. **How do I find out if an S&P DJI index is on the ESMA register?** For a definitive list of benchmarks, please refer to the [ESMA Third Country Benchmarks Register](#). As mentioned previously, EU administrators are not required to list individual benchmarks on the [ESMA Benchmark Administrators Register](#). Therefore, those benchmark series administered by S&P DJI Netherlands B.V. (i.e., the S&P Europe 350 Indices family and the S&P PACT: Paris-Aligned & Climate Transition Indices) do not appear on the ESMA Benchmark Administrators Register. However, a number of indices administered by S&P DJI that are known to be used as benchmarks in the EU are listed on the Third Country Benchmarks register.

In addition, to support our clients and users, S&P DJI has created a useful online tool, the [Methodology & Regulatory Status Database](#). The tool can help users find methodologies, benchmark statements, and the regulatory status of a particular S&P DJI index. [Here](#) is a useful “How to” guide to help use the tool. The tool enables users to search by (1) methodology, (2) index (including by index name, ISIN, ticker, index key, or unique identifier), (3) jurisdiction, and (4) benchmark statement. Search results can be exported to an Excel spreadsheet. S&P DJI’s

---

5 “Supervised entity” is defined in Article 3.1(17) of the EU Benchmark Regulation.

6 “Use of a benchmark” is defined in Article 3.1(7) of the EU Benchmark Regulation.
online tool is a useful resource, but S&P DJI makes no representation, guarantee, or warranty as to its accuracy or completeness, and clients and users should therefore refer to the ESMA registers.

6. **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 those S&P DJI indices that are known to be used as benchmarks in the EU. If you cannot find a benchmark or want more information on this topic, please contact us.

7. **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. However, these codes are typically used to identify securities and not benchmarks, therefore only a small number of our benchmarks have an ISIN number.

8. **What should I do if I search for an S&P DJI index on the ESMA register but cannot find it?** Please ensure that you used the index name as it appears in our index files. You can also try searching using an ISIN, Bloomberg ticker codes, or Reuters Instrument Codes (RICs) (you can locate ISINs, Bloomberg tickers codes, and RICs via S&P DJI's [Methodology & Regulatory Status Database](https://www.spgroup.com/indices/methodology-and-regulatory-status/)). If you have done this and are still having trouble finding an S&P DJI index, please contact us.

Please note, S&P DJI can only include benchmarks on the ESMA register where it acts as the benchmark administrator. If you have further questions about the definition and role of an administrator, please read our [Benchmark Administrator FAQ](https://www.spgroup.com/indices/methodology-and-regulatory-status/faqs/)

9. **If S&P DJI calculates an index on behalf of a third party, does that mean it is the administrator of that index?** No. 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.

10. **What impact does the U.K.’s exit from the EU have on S&P DJI’s status under the EU Benchmark Regulation?** S&P DJI Netherlands B.V. is a Dutch entity, authorized by the AFM, and therefore Brexit does not have any impact on S&P DJI Netherlands B.V.’s status as an authorized EU benchmark administrator nor as the endorsing administrator for S&P DJI’s indices—consequently Brexit will have no significant impact on the services S&P DJI provides.


---

Authority (FCA) and will then be listed on the U.K. benchmark register. Under the U.K. BMR, non-EEA benchmark administrators have a transitional period ending on Dec. 31, 2022\(^{10}\) before they are required to register directly with the FCA. S&P DJI's indices can continue to be used as benchmarks in the U.K.

12. Do any of S&P DJI's indices align with the EU's minimum standards for Paris-aligned Benchmarks (PABs) or Climate Transition Benchmarks (CTBs)? Yes, the S&P PACT: Paris-Aligned & Climate Transition Indices are aligned with the EU's minimum standards for PABs and CTBs.

S&P Dow Jones Indices does not provide tax, legal, or accounting advice. The content of this document is provided as of March 22, 2021, and has been prepared for informational purposes only. All information provided by S&P Dow Jones Indices is impersonal and not tailored to the needs of any person, entity, or group of persons. It is not intended to be, and should not be relied on as, tax, legal, or accounting advice and you should consult your own advisors before engaging in any transaction. Neither S&P Dow Jones Indices LLC nor any of its affiliates shall have any liability for any errors or omissions in the information included herein.

\(^{10}\) The U.K. government is in the process of extending the transitional period for non-EEA benchmark administrators until Dec. 31, 2025.
GENERAL DISCLAIMER

Copyright © 2021 S&P Dow Jones Indices LLC. All rights reserved. S&P, S&P 500, S&P 500 LOW VOLATILITY INDEX, S&P 100, S&P COMPOSITE 1500, S&P MIDCAP 400, S&P SMALLCAP 600, SELECT SECTOR, S&P GVI, GLOBAL TITANS, DIVIDEND ARISTOCRATS, S&P TARGET DATE INDICES, S&P PRISM, S&P STRIDE, GICS, SPIVA, SPDR and INDEXOLOGY are registered trademarks of Standard & Poor’s Financial Services LLC, a division of S&P Global (“S&P”). DOW JONES, DJ, DJIA, The Dow and DOW JONES INDUSTRIAL AVERAGE are registered trademarks of Dow Jones Trademark Holdings LLC (“Dow Jones”). These trademarks together with others have been licensed to S&P Dow Jones Indices LLC. Redistribution or reproduction in whole or in part are prohibited without written permission of S&P Dow Jones Indices LLC. This document does not constitute an offer of services in jurisdictions where S&P Dow Jones Indices LLC, S&P, Dow Jones or their respective affiliates (collectively “S&P Dow Jones Indices”) do not have the necessary licenses. Except for certain custom index calculation services, all information provided by S&P Dow Jones Indices is impersonal and not tailored to the needs of any person, entity or group of persons. S&P Dow Jones Indices receives compensation in connection with licensing its indices to third parties and providing custom calculation services. Past performance of an index is not an indication or guarantee of future results.

It is not possible to invest directly in an index. Exposure to an asset class represented by an index may be available through investable instruments based on that index. S&P Dow Jones Indices does not sponsor, endorse, sell, promote or manage any investment fund or other investment vehicle that is offered by third parties and that seeks to provide an investment return based on the performance of any index. S&P Dow Jones Indices makes no assurance that investment products based on the index will accurately track index performance or provide positive investment returns. S&P Dow Jones Indices LLC is not an investment advisor, and S&P Dow Jones Indices makes no representation regarding the advisability of investing in any such investment fund or other investment vehicle. A decision to invest in any such investment fund or other investment vehicle should not be made in reliance on any of the statements set forth in this document. Prospective investors are advised to make an investment in any such fund or other vehicle only after carefully considering the risks associated with investing in such funds, as detailed in an offering memorandum or similar document that is prepared by or on behalf of the issuer of the investment fund or other investment product or vehicle. S&P Dow Jones Indices LLC is not a tax advisor. A tax advisor should be consulted to evaluate the impact of any tax-exempt securities on portfolios and the tax consequences of making any particular investment decision. Inclusion of a security within an index is not a recommendation by S&P Dow Jones Indices to buy, sell, or hold such security, nor is it considered to be investment advice.

These materials have been prepared solely for informational purposes based upon information generally available to the public and from sources believed to be reliable. No content contained in these materials (including index data, ratings, credit-related analyses and data, research, valuations, model, software or other application or output therefrom) or any part thereof (“Content”) may be modified, reverse-engineered, reproduced or distributed in any form or by any means, or stored in a database or retrieval system, without the prior written permission of S&P Dow Jones Indices. The Content shall not be used for any unlawful or unauthorized purposes. S&P Dow Jones Indices and its third-party data providers and licensors (collectively “S&P Dow Jones Indices Parties”) do not guarantee the accuracy, completeness, or timeliness or availability of the Content. S&P Dow Jones Indices Parties are not responsible for any errors or omissions, regardless of the cause, for the results obtained from the use of the Content. THE CONTENT IS PROVIDED ON AN “AS IS” BASIS. S&P DOW JONES INDICES PARTIES DISCLAIM ANY AND ALL EXPRESS OR IMPLIED WARRANTIES, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR USE, FREEDOM FROM BUGS, SOFTWARE ERRORS OR DEFECTS, THAT THE CONTENT’S FUNCTIONING WILL BE UNINTERRUPTED OR THAT THE CONTENT WILL OPERATE WITH ANY SOFTWARE OR HARDWARE CONFIGURATION. In no event shall S&P Dow Jones Indices Parties be liable to any party for any direct, indirect, incidental, exemplary, compensatory, punitive, special or consequential damages, costs, expenses, legal fees, or losses (including, without limitation, lost income or lost profits and opportunity costs) in connection with any use of the Content even if advised of the possibility of such damages.

S&P Global keeps certain activities of its various divisions and business units separate from each other in order to preserve the independence and objectivity of their respective activities. As a result, certain divisions and business units of S&P Global may have information that is not available to other business units. S&P Global has established policies and procedures to maintain the confidentiality of certain non-public information received in connection with each analytical process.

In addition, S&P Dow Jones Indices provides a wide range of services to, or relating to, many organizations, including issuers of securities, investment advisers, broker-dealers, investment banks, other financial institutions and financial intermediaries, and accordingly may receive fees or other economic benefits from those organizations, including organizations whose securities or services they may recommend, rate, include in model portfolios, evaluate or otherwise address.