

Financial benchmarks regulation

**INTERNATIONAL REGULATORS
MEETING**

**BOCA RATON
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Update on the Progress of financial Benchmarks Reform(更新金融基準指標改革進展)

Legislative framework:法規架構

- .There is no specific legislative framework governing benchmark setting activities at the moment(目前還未有具體設立管理基準指標之相關法規架構)
- .Under the Bank Act, the Governor in Council may make regulations respecting a bank's activities in relation to benchmarks (根據銀行法案, 議會可制定涉及與基準指標有關之銀行金融活動之法規)
- There is no regulation in place無適當的監管規章

Update on the Progress of financial Benchmarks Reform

CDOR & CORRA:

.Canadian banking and securities regulators have established a working group in order to have an oversight structure for the **Canadian Dollar Offered Rate (CDOR)** and the **Canadian Overnight Repo Rate (CORRA)**, two of the most systemically important financial benchmarks in Canada

加拿大銀行及證券監管部門已經在加拿大成立了一個工作小組，以對加拿大同業拆息利率(CDOR)和加拿大隔夜附買回利率(CORRA)這兩項最具有整體重要性的金融基準形成一個監管架構

Update on the Progress of financial Benchmarks Reform

What are CDOR and CORRA?

.**CDOR** is the rate at which CDOR submitting banks would be willing to lend funds against the primary market issuance of banker's acceptances(BA) to clients with existing credit facilities that reference CDOR (i.e., the bid-side rates of the primary BA market). CDOR is also used to establish the floating benchmark rate for Canadian dollar floating rate notes and interest rate swaps, as well as for calculating the final settlement price for BAX futures contracts traded on the Montreal Exchange.(CDOR是針對目前初級市場發行銀行承兌匯票之信貸融通機制, CDOR之報價銀行願意借出資金之利率(換言之,初級市場中,銀行承兌匯票中之出價方利率) CDOR也常見被作為浮動基準利率來推出加幣之浮動利率債券(FRNs),利率交換(IRS)及計算蒙特婁交易所BAX期貨合約之最後結算價等)

.**CORRA** is the weighted average of rates on overnight general collateral repo transactions conducted through designated interdealer brokers between 6:00 a.m. and 4 p.m. It is used by the Bank of Canada to measure the overall average cost of overnight funding.

.CORRA是一般擔保品附買回交易之隔夜利率,針對指定經紀商於上午6點和下午4點間之交易加權平均得出。它是被加拿大中央銀行用來衡量隔夜資金的整體平均成本。

Update on the Progress of financial Benchmarks Reform

OSFI Guidelines:(加拿大金融機構監理總署準則)

.In September 2014, the **Office of the Superintendent of Financial Institutions** (OSFI) released *Guideline E-20 - CDOR Benchmark-Setting Submissions* (2014.09, OSFI發表E-20 - CDOR基準之準則-報價制定)

.Guideline:

–complements OSFI’s Supervisory Framework and Corporate Governance Guideline(補充OSFI的監管架構及公司治理準則)

–sets out OSFI’s expectations for the submitting banks in respect of governance and internal controls surrounding the activities and processes of their rate submissions(闡述OSFI預期報價銀行在治理及內部控制方面,環繞著他們利率報價行為及程序)

.There are 7 submitting banks(有7家受託報價銀行)

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Code of Conduct for CDOR Submitting Banks: (CDOR報價銀行之指導準則)

.In June 2014, banks that are members of the submission panel of CDOR released a voluntary Code of Conduct in order to guide their CDOR submission activities(2014.06,CDOR報價銀行發表指導之自發性準則,以對他們報價行為有所指引)

.The Code of Conduct was developed in consultation with the **Bank of Canada** and the **Investment Industry Regulatory Organization of Canada** (IIROC)(指導準則是與加拿大中央銀行及加拿大投資業規管組織諮商所發展而來)

.IIROC is a Canadian SRO responsible for member and equity trading regulation (IIROC是加拿大自律組織,負責約束其成員及規範交易行為)

Update on the Progress of financial Benchmarks Reform

CDOR & CORRA Administrator:(CDOR及CORRA之管理者)

.In June 2014, the **Canadian Bankers Association (CBA)** issued a tender notice for an administrator of CDOR and CORRA (2014.06加拿大銀行公會發表對**CDOR及CORRA之管理者的注意事項**)

.In December 2014, **Thomson Reuters Benchmark Services Limited (TR)** was chosen by the CBA to act as the administrator of CDOR and CORRA(2014.12湯森路透基準指標服務有限公司被加拿大銀行公會選為**CDOR及CORRA之管理者**)

Legislative AND REGULATORY FRAMEWORK

.The AMF is assessing if changes would be needed to its legislative and regulatory framework respecting financial benchmarks(AMF確定需要改變一些有關金融基準指標之法律依據及監管架構)

.Elements under consideration include: (考量到之因素包含)

- power to regulate financial benchmarks(規範金融基準指標之職權)
- power to regulate the activities of those who administer, distribute and provide the data as well as the calculation-agent of a financial benchmark(規範管理,分配及提供數據行為之權限與規範金融基準指標之計算代理機構之權限)
- specific requirements to be recognized applicable to the administrator of a financial benchmark(對金融基準指標之管理者制定可接受的細節要求)
- power to obtain any document or any information that the AMF considers relevant(獲得任何相關之文件或資訊之權限)

Legislative AND REGULATORY FRAMEWORK

- power to inspect an administrator of a financial benchmark(對金融基準指標之管理者檢查之權限)
 - sanctions for manipulations and attempted manipulations of a financial benchmark(制裁操縱者及企圖操縱金融基準指標者)
- .Future regulation may affect any administrator of financial benchmarks which is carrying on activities in Québec, notwithstanding where it is located(將來規範可能會包括在魁北克從事涉及金融基準指標有關行為之任何管理人員,儘管它們(公司)可能位於其他地方)

Legislative AND REGULATORY FRAMEWORK

.IOSCO Principles for Financial Benchmarks are considered as part of the AMF oversight activities of exchanges (IOSCO對金融基準指標之原則被視為AMF監管交易活動的部分)

-Launch of new derivatives (新衍生性商品之發行)

-Rule amendments(法規修正)