

**IN THE MATTER OF
THE *SECURITIES ACT*, R.S.P.E.I. 1988, Cap. S-3.1**

AND

**IN THE MATTER OF
EXEMPTION FROM DERIVATIVES REPORTING REQUIREMENTS IN
MULTILATERAL INSTRUMENT 96-101 *TRADE REPOSITORIES AND
DERIVATIVES DATA REPORTING* FOR CERTAIN DERIVATIVES DATA
RELATING TO U.S. DOLLAR LONDON INTERBANK OFFERED RATE**

CSA COORDINATED BLANKET ORDER 96-930

WHEREAS under section 16 of the *Securities Act* (the “**Act**”), if the Superintendent considers that it would not be prejudicial to the public interest to do so, the Superintendent may, on application by an interested person or company or on its own initiative, make an order exempting a person, security, trade, distribution or transaction from all or any requirements of securities laws on such terms or conditions as may be set out in the order;

AND WHEREAS the Canadian Securities Administrators (“**CSA**”) staff are in agreement that it would be appropriate to grant a blanket exemption order with respect to certain reporting requirements in MI 96-101 for certain derivatives data relating to Canadian dollar offered rate, subject to the conditions set out in this Order.

IT IS ORDERED THAT:

DEFINITIONS

1. Terms defined in the Act and National Instrument 14-101 *Definitions*, Multilateral Instrument 91-101 *Derivatives: Product Determination*, and Multilateral Instrument 96-101 *Trade Repositories and Derivatives Data Reporting* (“**MI 96-101**”) have the same meaning in this Order unless otherwise defined herein.

BACKGROUND

2. Section 32 of MI 96-101 requires a reporting counterparty to report life-cycle events to a recognized trade repository by the end of the business day on which the life-cycle event occurs, but if that is not technologically practicable, no later than the end of the business day following the day on which the life-cycle event occurs.
3. In response to concerns regarding interbank offered rates (“**IBORs**”), the Financial Stability Board has called for implementation of alternative rates.
4. In order to ensure that over-the-counter (“**OTC**”) derivatives that are based on IBORs continue to operate following the transition to alternative rates, parties to these OTC

derivatives have implemented “fallback provisions”, which provide for alternative rates upon cessation or non-representativeness of certain IBORs.

5. Certain OTC derivatives are based on the U.S. dollar London interbank offered rate (“**USD LIBOR**”). These OTC derivatives are required to transition under fallback provisions to appropriate alternative rates by July 3, 2023 (the “**USD LIBOR transition**”).
6. A USD LIBOR transition is a life-cycle event (a “**USD LIBOR transition life-cycle event**”) that must be reported under section 32 of MI 96-101.
7. Because of the large number of USD LIBOR transition life-cycle events that will need to be reported on or before July 3, 2023, reporting counterparties have indicated that they cannot comply with the requirement to report a USD LIBOR transition life-cycle event by the end of the business day on which the USD LIBOR transition life-cycle event occurs, but if that is not technologically practicable, by the end of the business day following the day on which the USD LIBOR transition life-cycle event occurs.
8. We expect that all other jurisdictions of Canada except Alberta and Ontario will make orders that are similar to the Order. On May 3 2023 Alberta and Ontario published CSA Staff Notice 96-304 *Derivatives Data Reporting Guidance for USD LIBOR Transition* to provide guidance to market participants with respect to reporting requirements applicable to USD LIBOR transition life-cycle event.

ORDER

9. Considering that it would not be prejudicial to the public interest to do so, the Superintendent of Securities orders under section 16 of the Act that a reporting counterparty is exempt from the requirement to report life-cycle event data under section 32 of MI 96-101 in relation to a USD LIBOR transition life-cycle event provided that:
 - a. The USD LIBOR transition life-cycle event occurs on or before July 3, 2023, and
 - b. the life-cycle event data relating to the USD LIBOR transition life-cycle event is reported on or before the end of the fifth business day after the day on which the USD LIBOR transition life-cycle event occurs.

EFFECTIVE DATE AND TERM

10. This Order comes into effect on July 1, 2023 and expires on July 11, 2023.

DATED at Charlottetown, Province of Prince Edward Island, this 1st day of June, 2023.

“**Steve Dowling**” (original signature on file)

Steve Dowling
Superintendent of Securities