



**IN THE MATTER OF THE *SECURITIES ACT*
(SY 2007, c. 16 as amended)**

-and-

**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)**

**SUPERINTENDENT ORDER 2023/05 Y.S.A.
(under section 16 of the *Securities Act*)**

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 has agreed to grant a blanket exemption order with respect to certain 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 and the Superintendent is satisfied that, subject to the conditions set out in this Order, it is appropriate to provide exemptions from certain requirements,

Definitions

1. Terms defined in the *Securities Act* Yukon (the Act), 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 4, 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 a USD LIBOR transition life-cycle event.

IT IS ORDERED THAT:

9. Considering that it would not be prejudicial to the public interest to do so, the Superintendent 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 the City of Whitehorse in the Yukon, this 1st day of June 2023.

Fred Pretorius (original signature on file)

Frederik Pretorius
Superintendent of Securities