

General Order 96-931

Exemption from derivatives reporting requirements in Multilateral Instrument 96-101 *Trade Repositories and Derivatives Data Reporting* for certain derivatives data relating to Canadian dollar offered rate

**In the Matter of
*The Securities Act, 1988***

Exemption Order

**(Section 160 of *The Securities Act, 1988*)
(the “Act”)**

WHEREAS the FCAA has assigned to the Executive Director, Securities Division, FCAA (the “**Executive Director**”) the power to make exemption orders under the provision of *The Securities Act, 1988* (the Act) including orders of general application;

AND WHEREAS Multilateral Instrument 96-101 *Trade Repositories and Derivatives Data Reporting* (MI 96-101) has been adopted as regulations in Saskatchewan under *The Securities Commission (Adoption of National Instruments) Regulations*

AND WHEREAS FCAA Securities Division staff (the “**Staff**”) applied to the Financial and Consumer Affairs Authority of Saskatchewan (the “**FCAA**”) for an Order pursuant to section 160 of the Act exempting certain market participants from certain provisions of MI 96-101.

AND WHEREAS terms defined in 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;

AND WHEREAS it has been represented to the Executive Director that:

- (a) 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.
- (b) 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 section 32 of MI 96-101 for certain derivatives data relating to Canadian dollar offered rate, subject to the conditions set out in this Order;

- (c) In response to concerns regarding interbank offered rates (“**IBORs**”), the Financial Stability Board has called for implementation of alternative rates.
- (d) 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.
- (e) Certain OTC derivatives are based on the Canadian dollar offered rate (“**CDOR**”). These OTC derivatives are required to transition under fallback provisions to appropriate alternative rates by July 2, 2024 (the “**CDOR transition**”).
- (f) A CDOR transition is a life-cycle event (a “**CDOR transition life-cycle event**”) that must be reported under section 32 of MI 96-101.
- (g) Because of the large number of CDOR transition life-cycle events that will need to be reported on or before July 2, 2024, reporting counterparties have indicated that they cannot comply with the requirement to report a CDOR transition life-cycle event by the end of the business day on which the CDOR 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 CDOR transition life-cycle event occurs.
- (h) On March 7, 2024, Staff of Alberta Securities Commission and Staff of the Ontario Securities Commission published CSA Staff Notice 96-305 *Derivatives Data Reporting Guidance for CDOR Transition* (“**CSA Staff Notice 96-305**”) to provide guidance to market participants with respect to reporting requirements applicable to a CDOR transition life-cycle event.
- (i) All other jurisdictions of Canada except Alberta and Ontario are expected to make orders that are similar to this Order.

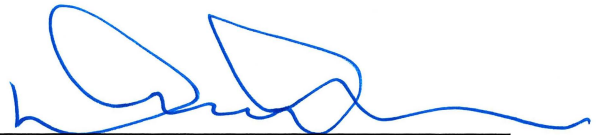
AND WHEREAS the Executive Director is of the opinion that it would not be prejudicial to the public interest to make this Order;

IT IS ORDERED under section 160 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 CDOR transition life-cycle event provided that:

- (a) the CDOR transition life-cycle event occurs on or before July 2, 2024, and
- (b) the life-cycle event data relating to the CDOR transition life-cycle event is reported on or before the end of the fifth business day after the day on which the CDOR transition life-cycle event occurs.

IT IS HEREBY FURTHER ORDERED that this Order comes into effect on June 28, 2024, and expires on July 10, 2024.

Dated April 22, 2024.



Dean Murrison
Executive Director, Securities Division
Financial and Consumer Affairs
Authority of Saskatchewan