
ARTICLE 23B BENCHMARKS REGULATION – NOTICE SPECIFYING THE EFFECTIVE DATE OF THE PROHIBITION ON USE OF ARTICLE 23A BENCHMARK

1. ACTION

- 1.1. On 3 April 2023, the Authority published a Notice under Article 23A(10)(b) of the Benchmarks Regulation setting out its decisions to designate the following benchmarks as Article 23A Benchmarks, effective from 00:01 London time on 1 July 2023:
 - A. 1-month US Dollar LIBOR,
 - B. 3-month US Dollar LIBOR, and
 - C. 6-month US Dollar LIBOR.together the “**US Dollar LIBOR Versions**”.
- 1.2. Under Article 23B(1) of the Benchmarks Regulation, supervised entities must not use an Article 23A benchmark except where permitted to do so under Article 23B(2) or Article 23C.
- 1.3. Under Article 23B(2), the Authority may by notice provide that the prohibition on use does not take effect until a date specified in the notice.
- 1.4. The Authority expects to publish a notice under Article 23C(2) of the Benchmarks Regulation on 1 July 2023, which will permit some legacy use of the US Dollar LIBOR Versions by supervised entities.
- 1.5. For the reasons given in this Notice and pursuant to Article 23B(2) of the Benchmarks Regulation, the Authority provides that the prohibition on use of the US Dollar LIBOR Versions does not take effect until the time and date when the notice under Article 23C(2) of the Benchmarks Regulation is published.
- 1.6. The use of this provision is to synchronise the commencement of (i) the prohibition of use described in paragraph 1.2 of this Notice and (ii) the Authority’s permission of some legacy use under Article 23C. This action has no impact on either the compulsion of ICE Benchmark Administration Limited pursuant to Article 21(3) of the Benchmarks Regulation, which shall start on the date and time set out in the notice of the first decision dated 14 March 2023 (i.e. immediately after the final publication of the US Dollar LIBOR Versions on 30 June 2023 and before such LIBOR versions would otherwise cease), or the designation of the US Dollar LIBOR Versions as Article 23A Benchmarks, which shall take effect on the date and time set out in the notice of

designation dated 3 April 2023.

2. DEFINITIONS

2.1. The definitions below are used in this Notice:

“the Authority” means the Financial Conduct Authority

“the Benchmarks Regulation” means the UK version of Regulation (EU) No. 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014, which is part of UK law by virtue of the European Union (Withdrawal) Act 2018, as amended by the Financial Services Act 2021 and the Critical Benchmarks (References and Administrators' Liability) Act 2021

2.2. Words and expressions used in the Benchmarks Regulation have the same meanings where used in this Notice unless the contrary intention appears.

3. REASONS

3.1. The Authority is providing that the prohibition on use does not take effect until the time and date referred to in this Notice so that the permission of legacy use of the US Dollar LIBOR Versions is available from the same time that the prohibition on use takes effect.

4. PROCEDURAL MATTERS

4.1. This Notice is published in accordance with Article 23B(4) of the Benchmarks Regulation.

FCA contacts

4.2. For more information concerning this matter generally, contact benchmarkspolicy@fca.org.uk at the FCA.

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