

# Statement of compliance with the International Organization of Securities Commissions Principles for Financial Benchmarks on behalf of Bank of America

Statement of compliance with the International Organization of Securities Commissions (“IOSCO”) Principles for Financial Benchmarks (“Benchmarks”) on behalf of Bank of America (“BofA”) Global Equities Group, Global Fixed Income, Currencies and Commodity Strategies and the Global Research Group.

13 October 2020

This Statement of Compliance with the IOSCO Principles for Financial Benchmarks (“IOSCO Principles”) is on behalf of the following divisions of BofA:

- Global Equities Group,
- Global Fixed Income, Currencies and Commodity Strategies Group, and
- Global Research Group,

(together, for the purpose of this Statement of Compliance, the “Administrators”).

The Administrators are responsible for compiling and publishing certain Benchmarks, which consist of: (i) both private bespoke or custom indices, which are created for specific clients and are generally not made available publicly; (ii) indices made available more broadly to clients; and (iii) indices which are generally made available to the public. For the purposes of this Statement of Compliance, all indices which the Administrators administer are covered by this Statement of Compliance.

The Administrators are committed to operating their businesses in alignment with the IOSCO Principles and other relevant standards and consider that they comply with the IOSCO Principles in all material respects, taking into account the exercise of proportionality. Control policies and procedures seek to ensure appropriate governance procedures are applied to the creation and maintenance of the Benchmarks. In addition, each Administrator and its employees are subject to BofA’s policies and procedures designed to identify and address conflicts of interest as well as applicable Bank of America Corporation policies. Collectively, these policies and procedures seek to maintain the integrity of the process by which the Benchmarks of these Administrators are created and governed, both at launch and throughout the Benchmark lifecycle. In the circumstances in which third parties are involved in the Benchmark process, further policies and procedures apply which govern the activities of such third parties to ensure the integrity of the Benchmarks.

The Administrators exercise proportionality in relation to compliance with certain of the IOSCO Principles, where considered appropriate and proportionate to do so, both on a regular basis and on an ad hoc basis. The Administrators will review, periodically as appropriate, such exercise of proportionality. Where proportionality is exercised, this is predominantly in relation to custom or bespoke indices which are not available to the market generally but to private BofA clients and in relation to which such clients are more actively engaged.

Each of the Administrators has an index oversight committee or function, comprised of a cross-disciplinary group of senior BofA employees, to provide as relevant and proportionate, oversight of index administration, ensure accountability of those involved in the index administration process, approve changes to or termination of indices and give guidance on best governance practices, as well as to review any complaints data and the results of internal audits, which are carried out in accordance with BofA audit policies, and suggest and oversee the implementation of any changes to the benchmark process. The Administrators have established robust processes for the development, calculation, publication, maintenance, and licensing of indices, including data sources, hierarchical use of pricing data, calculation methodology, index determinations, validation, and the use of expert judgment (where relevant).

Currently, the Administrators may use third parties in the following ways:

- as primary calculation agents for some Benchmarks; and
- for independent third-party verification of index levels or market data.

Index levels are generally determined by the Administrators (or by independent third-party primary calculation agents):

- using data from third-party data sources, using publically available data from regulated markets or exchanges with mandatory post-trade transparency requirements; or
- using from third-party data vendors who provide market data generally, not solely for the purpose of the determination by the Administrators of their indices; or
- using existing, publically available pre-existing indices.

Where third-party primary calculation agents are used to determine Benchmark levels, the Administrators maintain written arrangements with such third parties which set out relevant roles and obligations and provide for oversight by the Administrators of the third-party calculations. When seeking to appoint a third-party primary calculation agent, the Administrators consider the appropriate management of operational risk and maintain contingency plans in the event that such third parties become unavailable.

Benchmarks are not based on Submissions from third-party external Submitters and therefore the Administrators are not required to implement a Submitter Code of Conduct. However, the Administrators perform due diligence on third-party data providers prior to their engagement, in accordance with BofA vendor management policies and procedures and undertake internal verification of the data supplied, as necessary. Expert judgment will only be used in exceptional circumstances, for example where underlying data appears manifestly incorrect or in cases of extreme market disruption. The Administrators therefore believe that the arrangements put in place align with the IOSCO Principles' objectives, taking into consideration the proportional application to these Benchmarks.

Capitalized terms used but not defined herein should be interpreted using definitions set out in the IOSCO Principles for Financial Benchmarks unless the context requires otherwise.

Further details of BofA's control, accountability and transparency framework as well as the relevant Benchmark methodologies are available upon request from: [GBAMbenchmarks@bofa.com](mailto:GBAMbenchmarks@bofa.com)

*In accessing this Statement of Compliance, you acknowledge and understand that Bank of America has published this document publicly on a voluntary basis and you may only use it for your internal, non-commercial, good faith, information purposes and should not rely upon it for any purpose. This document shall not form part of any contract or agreement with any third party, and no third party shall have any right to enforce anything set out in this document, either directly or indirectly*

**Merrill Lynch International – Global Equities, Global Banking and Markets Investable Indices Division**

**UK Benchmarks Regulation – Compliance Statement**

Merrill Lynch International publishes and maintains this Compliance Statement pursuant to Article 26(3) of the EU Benchmarks Regulation (2016/1011) as onshored by the Benchmarks (Amendment and Transition Provision) (EU Exit) Regulations 2019/657, as amended (the “**UK Benchmark Regulation**”) in its capacity as an administrator of non-significant benchmarks.

<b>A. General Information</b>	
<i>1. Date of creation of the compliance statement and of the latest update</i>	Created: 24 February 2020 Updated: 01 January 2021
<i>2. Name of the administrator</i>	Merrill Lynch International
<b>B. Merrill Lynch International chooses to not apply the following provisions of the UK Benchmark Regulation in respect of the non-significant benchmark or non-significant benchmarks identified below</b>	
<i>1. The benchmark or benchmarks in respect of which the provision(s) do not apply</i>	Please refer to the list of families of non-significant benchmarks in Annex 1 to this Compliance Statement.
<i>2. (i) The provision or provisions of UK Benchmark Regulation that do not apply</i>  <i>(ii) For each provision, the reasons why it is appropriate for the administrator not to comply with that provision</i>	<b>Article 4(2) of the UK Benchmark Regulation:</b>  <i>The provision of a benchmark shall be operationally separated from any part of an administrator's business that may create an actual or potential conflict of interest.</i>  <b>Explanation on the appropriateness of the non-compliance:</b>  Merrill Lynch International (“ <b>MLI</b> ”) has a robust framework in place to identify and prevent or manage conflicts of interest in relation to MLI’s benchmark administration business. MLI’s benchmark oversight function is responsible for ensuring that any conflicts of interest that arise from the activities of MLI are identified and avoided, mitigated or managed, and disclosed to the relevant users and competent authority.  MLI considers that operational separation of the benchmark administration business would be disproportionate to the size of the business and MLI considers that the framework it has in place to manage conflicts of interest is sufficient to identify and to prevent or manage conflicts of interest which arise in relation to the benchmark administration business without the need for operational separation.

## A. General Information

### **Article 4(8) of the UK Benchmark Regulation:**

*An administrator shall establish specific internal control procedures to ensure the integrity and reliability of the employee or person determining the benchmark, including at least internal sign-off by management before the dissemination of the benchmark.*

### **Explanation on the appropriateness of the non-compliance:**

MLI has control procedures in place to ensure the integrity and reliability of its employees involved in the construction and determination of its benchmarks, and the integrity and reliability of the processes which such employees have to follow prior to the launch of each benchmark. MLI considers it appropriate not to require internal sign-off by management before each further calculation and dissemination of a benchmark on the basis that MLI's benchmarks are calculated using pre-defined and pre-approved rules-based methodologies.

### **Article 11(1)(b) of the UK Benchmark Regulation:**

*The provision of a benchmark shall be governed by the following requirements in respect of its input data:*

*(b) the input data referred to in point (a) shall be verifiable.*

### **Explanation on the appropriateness of the non-compliance:**

Input data consists of exchange or third party index data including listed futures and options contract settlement prices, stock prices and third party index levels established on or derived from regulated markets or exchanges. These inputs are sourced from independent third-party market data services and reference data providers (e.g. Bloomberg and/or Thomson Reuters). No internally sourced market data inputs are used and MLI does not administer any benchmarks which rely on contributions.

Where input data is sourced directly from a third party data provider and a value, price, rate or level raises a particular concern or where MLI deems that input data is unreliable or falls below the standards necessary for MLI to determine the index reliably and accurately, or where MLI considers that the input data does not represent the market or economic reality that an index is intended to measure, MLI will notify its oversight committee with a recommendation as to the best course of action including any actions prescribed by the index rules.

## A. General Information

### **Article 11(2)(c) of the UK Benchmark Regulation:**

*Administrators shall ensure that their controls in respect of input data include:*

*(c) a process for validating input data, including against other indicators or data, to ensure its integrity and accuracy.*

### **Explanation on the appropriateness of the non-compliance:**

Input data consists of exchange or third party index data including listed futures and options contract settlement prices, stock prices and third party index levels established on or derived from regulated markets or exchanges. These inputs are sourced from independent third-party market data services and reference data providers (e.g. Bloomberg and/or Thomson Reuters). No internally sourced market data inputs are used and MLI does not administer any benchmarks which rely on contributions.

Where input data is sourced directly from a third party data provider and a value, price, rate or level raises a particular concern or where MLI deems that input data is unreliable or falls below the standards necessary for MLI to determine the index reliably and accurately, or where MLI considers that the input data does not represent the market or economic reality that an index is intended to measure, MLI will notify its oversight committee with a recommendation as to the best course of action including any actions prescribed by the index rules.

### **Article 13(2) of the UK Benchmark Regulation:**

*The procedures required under point (c) of paragraph 1 shall provide for:*

- (a) advance notice, with a clear time frame, that gives the opportunity to analyse and comment upon the impact of such proposed material changes; and*
- (b) the comments referred to in point (a) of this paragraph, and the administrator's response to those comments, to be made accessible after any consultation, except where confidentiality has been requested by the originator of the comments.*

### **Explanation on the appropriateness of the non-compliance:**

MLI has in place procedures for making changes to methodologies and a process to consult with stakeholders in the event of a material change where MLI's benchmark oversight function considers it appropriate for such a consultation to be carried out.

In relation to Article 13(2)(a), it may not always be appropriate or possible to

## A. General Information

give stakeholders advance notice and the opportunity to provide feedback in the event that it is necessary for MLI to proceed with a material change to a methodology in accordance to its procedures for changing methodologies without delay, for example to protect the integrity of a benchmark where a disruption event has occurred.

In relation to Article 13(2)(b), MLI will make available a summary of the comments received where a consultation has taken place. However, MLI expects that the majority of stakeholders will expect their feedback not to be made available to other stakeholders for confidentiality reasons.

### **Article 14(2) of the UK Benchmark Regulation:**

*An administrator shall monitor input data and contributors in order to be able to notify the FCA and provide all relevant information where the administrator suspects that, in relation to a benchmark, any conduct has taken place that may involve manipulation or attempted manipulation of the benchmark, under Regulation (EU) No 596/2014, including collusion to do so.*

### **Explanation on the appropriateness of the non-compliance:**

Input data consists of exchange or third party index data including listed futures and options contract settlement prices, stock prices and third party index levels established on or derived from regulated markets or exchanges. These inputs are sourced from independent third-party market data services and reference data providers (e.g. Bloomberg and/or Thomson Reuters). No internally sourced market data inputs are used and MLI does not administer any benchmarks which rely on contributions.

Where input data is sourced directly from a third party data provider and a value, price, rate or level raises a particular concern or where MLI deems that input data is unreliable or falls below the standards necessary for MLI to determine the index reliably and accurately, or where MLI considers that the input data does not represent the market or economic reality that an index is intended to measure, MLI will notify its oversight committee with a recommendation as to the best course of action including any actions prescribed by the index rules. Such courses of action may include notifying the competent authority of MLI's concerns were deemed appropriate.

## **ANNEX 1**

### **List of families non-significant benchmarks**

Multi-Asset Family

Equities Regulated Data Family

Equities Non-Regulated Data Family

Third Party and BofAML Equity Indices Family

Mixed Equities Indices Family

## Complaints

If a client or potential client (“client”) wishes to register their dissatisfaction regarding our provision of, or failure to provide, a financial service or a redress determination in relation to Merrill Lynch International’s role as a benchmark administrator of a number of quantitative investment strategy indices, including on whether a specific benchmark determination is representative of market value, on a proposed change to the benchmark determination process, on the application of the methodology in relation to a specific benchmark determination, and on other decisions in relation to the benchmark determination process, which a client considers to have caused them financial loss, material distress or material inconvenience they may do so via their existing contacts at Bank of America Merrill Lynch (“BofAML”), they may also:

- contact our Complaints Handling Function directly at [Complaints.Handling@bofa.com](mailto:Complaints.Handling@bofa.com); or
- contact the BofAML complaints contact registered with the relevant competent authority.

We will require contact details for the client, as well as an outline of the nature of the complaint and the loss, material distress or material inconvenience which has been suffered. In the event of uncertainty over whether a client intends a communication to be treated as a complaint, BofAML may ask the client to confirm if the communication is a formal complaint. If the client states that they do not wish to have the communication treated as a complaint, no further action will be taken and the matter will be considered closed.

Please refer to the BofAML EEA Complaints Handling Summary ([Link](#)) for an explanation of our complaints handling process. You may also request a copy of this from [Complaints.Handling@bofa.com](mailto:Complaints.Handling@bofa.com).



## GUIDELINES FOR INPUT DATA<sup>1</sup>

Merrill Lynch International in its role as a benchmark administrator of a number of quantitative investment strategy indices (the “**Benchmark Administrator**”, and each such index an “**Index**”) will ensure that the input data is sufficient to represent accurately and reliably the market or economic reality that an Index is intended to measure.

In order to achieve this, the Benchmark Administrator will ensure the availability of all information necessary to check, where applicable, that:

- a) input data is selected from a source specified by the Benchmark Administrator at the time or within the time-period prescribed by the Benchmark Administrator;
- b) input data is contributed from the input data sources as defined in point 24 of Article 3(1) of the EU Benchmark Regulation (EU) 2016/1011 as onshored by the Benchmarks (Amendment and Transition Provision) (EU Exit) Regulations 2019/657, as amended (the “**UK Benchmark Regulation**”) where such input data is categorised by the Benchmark Administrator as Regulated Exchange Data (as defined in “Types of Input Data” section paragraph a) below);
- c) the input data meets the requirements set out in the benchmark methodology, in particular:
  - i. the requirements of the currency or the unit of measurement, the tenor, and the types of sources;
  - ii. relevant thresholds for the quantity of input data and standards for the quality of input data;
  - iii. the priority of use of different types of input data.

For the purposes of a) to c) above, the Benchmark Administrator should rely on information retained in accordance with the record-keeping policy of the Benchmark Administrator.

### **Types of Input Data**

The types of input data used in the determination of Indices are as follows:

- a) **Regulated Exchange Data**: Input data contributed entirely and directly from any of the entities listed in the definition of ‘regulated-data benchmark’ in Article 3(1)(24)(a) of the UK Benchmark Regulation;

**Source**: Data of this type is sourced from recognized market data providers (such as Bloomberg and Reuters) as specified in the relevant Index rules.

- b) **Readily Available Data**: Input data not contributed entirely and directly from any of the entities listed in the definition of ‘regulated-data benchmark’ in Article 3(1)(24)(a) of the UK Benchmark Regulation including:

- **Non-Regulated Exchange Data**: Input data contributed entirely and directly from exchanges which are not listed in the definition of ‘regulated-data benchmarks’ in Article 3(1)(24)(a) of the UK Benchmark Regulation;

**Source**: Data of this type is sourced from recognized market data providers (such as Bloomberg and Reuters) as specified in the relevant Index rules.

- **UK Benchmarks**: indices that are “Benchmarks” under the UK Benchmark Regulation and which have been (i) authorized or registered; or (ii) deemed equivalent, recognized or endorsed, in each case, under the UK Benchmark Regulation.

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<sup>1</sup> In accordance with Articles 11.1(c) and 12(3) of the EU Benchmarks Regulation (2016/1011) as onshored by the Benchmarks (Amendment and Transition Provision) (EU Exit) Regulations 2019/657, as amended (the "**UK Benchmark Regulation**").

**Source:** Data of this type is sourced directly from the third party administrator or from recognized market data providers (such as Bloomberg and Reuters) as specified in the relevant Index rules.

- *Other Benchmarks:* other indices that are not UK Benchmarks under the UK Benchmark Regulation including other Bank of America Merrill Lynch (“**BofAML**”) investable indices

**Source:** Data of this type is sourced directly from the third party administrator or from recognised market data providers (such as Bloomberg and Reuters) as specified in the relevant Index rules

- *Third Party Market Data:* These include, without limitation, benchmark interest rates (such as LIBOR) and foreign exchange rates (such as WM/Reuters);

**Source:** Data of this type is sourced from recognized market data providers (such as Bloomberg and Reuters) or other third party providers as specified in the relevant Index rules.

- *Other Readily Available Data:* These include, without limitation, research reports, signals and indicators, forecasts, projections dividend prices, corporate action data, fundamental data and industry, category, style or similar classifications for listed shares, commodities or other financial products (as applicable).

**Source:** Data of this type is sourced directly from the third party providers or from recognized financial information providers (such as Bloomberg and Reuters) as specified in the relevant Index rules.

- c) **Contributions:** Currently, the Benchmark Administrator does not consider any of its Indices to be subject to “Contributions” within the meaning of UK Benchmark Regulation.

## Priority of Use

Input data are defined in the applicable Index rules by reference to both the source of the data and the time at which the data is observed. Such input data are used for the daily calculation of Index levels.

The majority of Indices reference a single source of data for the input data in the Index rules rather than referencing multiple sources with a defined hierarchy.

Where an Index references multiple sources of input data, a defined hierarchy may in certain instances be specified in the index rules.

In case of discrepancies between the input data in the multiple sources, the Benchmark Administrator may seek to verify the data with the additional sources and/or exercise Expert Judgement as further described below.

## Expert Judgement

If the Benchmark Administrator is required or entitled to make a determination in relation to an Index pursuant to the Index rules and that determination involves the exercise of expert judgement or discretion, then that expert judgement or discretion must be exercised: (i) in good faith and in a commercially reasonable manner and (ii) in such manner as to ensure, as far as commercially reasonable, consistency in the approach it adopts with regard to the exercise of such expert judgement or discretion between Index determinations, including having regard to previous occasions on which expert judgement or discretion has been exercised in relation to the relevant Index or other similar Indices.

Expert judgement is permitted only on the occurrence of any event or circumstance of any nature which (in the

determination of the Benchmark Administrator):

- a) disrupts or impairs any procedure normally used in determination of the Index closing level; e.g. any necessary data input is unavailable or considered by the Benchmark Administrator to be unreliable for any reason or a corporate action event not fully covered in the Index methodology has occurred.
- b) impairs the determination of the Index closing level or of any value necessary to determine the Index closing level or results in any such value being unavailable;
- c) affects the ability of the Index to achieve its stated objective;
- d) makes it impossible, impractical or commercially unreasonable for the Index to be administered, maintained, calculated or published in accordance with the terms of the index rules or otherwise requires the Benchmark Administrator and/or calculation agent to depart from the terms of the index rules in the administration, maintenance, calculation or publication of the Index, in each case, in order to maintain the commercial purposes of the Index;
- e) otherwise makes it necessary or desirable (including from the perspective of any party hedging any exposure to the Index) to amend or adjust the Index or the Index rules; or
- f) is a market disruption event as set out in the relevant Index rules or a market disruption event that is not fully anticipated or addressed in the Index rules.

Any exercise of expert judgement or discretion by the Benchmark Administrator in relation to an Index, including determinations required following disruptions, changes to embedded costs and amendments to the Index calculation methodology, will be approved by the Equities Index Forum.

### **1.1 Monitoring of input data**

Input data as specified in the Index rules and used for the determination of the Index levels is verified by way of a secondary calculation on Index launch and for each calculation thereafter, at such frequency as set out in the relevant Index rules. Daily reconciliations are carried out by primary and secondary calculation agents, where required by the relevant Index rules, and are provided to the Benchmark Administrator's Reconciliation team. This identifies any issues with the Index levels and input data used and discrepancies are dealt with in accordance with the process set out in the Benchmark Administrator's Global Governance Procedures.

Where input data is sourced directly from a third party market data provider and a value, price, rate or level raises a particular concern or where the Benchmark Administrator deems that input data is unreliable or falls below the standards necessary for the Benchmark Administrator to determine the index reliably and accurately, or where the Benchmark Administrator considers that the input data does not represent the market or economic reality that an Index is intended to measure, the Benchmark Administrator will notify the Equities Index Forum with a recommendation as to the best course of action including any of the actions under Section 4.1 of the relevant Index rules or the modification or termination of the Index under the relevant Index rules.

### **1.2 Errors and market disruption events**

Where a disruption event or an error in the publication or calculation of an Index occurs which has a material impact in respect of an Index, the Benchmark Administrator must follow the terms of the relevant index rules to determine the course of action and escalate the matter to the Equities Index Forum. The procedures provided for in each Index rules cover the following potential responses by the Benchmark Administrator:

- a) Determination by the Benchmark Administrator of the value of the Index and/or any disrupted Index component as of an Index calculation day in a manner which reflects the nature of the market disruption event.
- b) Suspension, delay or postponement of the calculation and/or publication of the Index closing level by the Benchmark Administrator.
- c) Modification or termination of the Index under the relevant Index rules.
- d) Determination of the value of any Index component affected by such market disruption event by using any measure selected by the Benchmark Administrator. The Benchmark Administrator expects that such measure may be based on, without limitation, prevailing market conditions, the most recently reported trading prices for such Index component or prices indicated by qualified deals or other relevant market participants (which may include the Benchmark Administrator or one or more of its affiliates).

Any changes to the Index methodology or other changes to the Index rules, and any other actions to be taken in respect of an Index in relation to the disruption event and/or manifest error, will be escalated to the Equities Index Forum. Any decisions made by the Equities Index Forum will be recorded in the Equities Index Forum meeting minutes.

### **1.3 Review of Input Data Procedures**

The Equities Index Forum is responsible for the annual review of these procedures in relation to input data in accordance with the review of the Benchmark Administrator's Global Governance Procedures conducted annually.

## Material Change of an Index

Ahead of any proposed modifications to an index, any component of an index or the index rulebook, Merrill Lynch International in its role as a benchmark administrator of a number of quantitative investment strategy indices (the “**Benchmark Administrator**”, and each such index an “**Index**”) will seek prior approval from the Equities Index Forum, who is responsible for the oversight of the governance and the control framework applied to our Indices.

When assessing whether to modify an Index, the Benchmark Administrator will:

1. Confirm whether there are outstanding financial instruments or products which reference the relevant Index;
2. Confirm whether the change is “material” in the determination of the Benchmark Administrator;
3. In the case of (1) and (2) and where the Equities Index Forum considers it appropriate to do so:
  - a) make available to stakeholders the rationale for the change, along with the proposed timing and details of the change; and/or
  - b) Conduct a stakeholder consultation process,
    - i) which will provide a clear timeframe during which stakeholders may provide feedback; and
    - ii) Make available upon request a summary of the comments received during any consultation process along with the Benchmark Administrator’s responses, except where a commenter has requested confidentiality;

Following the consultation process, the changes to the methodology in the index rulebook will be approved by the Equities Index Forum if the decision is taken to make the change. A notification of the decision will be published to stakeholders, along with reasonable notice of the date on which the change will take place, taking into account the type of Index and the extent of its use.

Modifications must be approved by a majority vote of the voting members of the Equities Index Forum. Modifications of an Index shall be consistent with the original objectives and strategy of the Index. Modifications of features or components that affect more than one Index shall be made consistently across such Indices, unless the Equities Index Forum in its reasonable judgment determines otherwise. Records of all approvals of the Equities Index Forum in relation to the modification of an Index must be retained.

Following approval by the Equities Index Forum, the Benchmark Administrator will modify the Index, and may among other things, take the following actions:

1. Update any marketing materials, Bloomberg page or other market data provider;
2. Restate the Index, and publish the restated version.
3. Update the benchmark methodology statement and/or benchmark statement for the modified Index;
4. Update the amended version of the Index Rulebook to reflect the modification.

For further information on the Equities Index Forum, please contact us on [dg.Investable\\_Indices\\_global@bankofamerica.com](mailto:dg.Investable_Indices_global@bankofamerica.com)

## Cessation of an Index

Ahead of any proposed retirement of an index, Merrill Lynch International in its role as a benchmark administrator of a number of quantitative investment strategy indices (the “**Benchmark Administrator**”, and each such index an “**Index**”) will confirm the following to the Equities Index Forum, who is responsible for the oversight of the governance and the control framework applied to our Indices:

1. The reason(s) for the retirement;
2. Confirmation that there is no active trading inventory over the Index; and
3. Confirmation that there are no outstanding products linked to the Index.

If either 2 or 3 above are not met, when considering whether to retire or terminate an Index, the Benchmark Administrator will:

1. Where the Equities Index Forum considers it appropriate to do so make available to stakeholders the rationale for the retirement, along with the proposed timing and content of the retirement;
2. Conduct a stakeholder consultation process, where the Equities Index Forum considers it appropriate to do so, which will provide a clear timeframe during which stakeholders may provide feedback;
3. Make available upon request, where a stakeholder consultation process is being conducted, a summary of the comments received during any consultation process along with the Benchmark Administrator’s responses, except where a commenter has requested confidentiality;
4. Following the consultation process, the retirement of the Index will be approved by the Equities Index Forum if the decision is taken to continue with the retirement; and

A notification of the decision will be published to stakeholders, along with reasonable notice of the date on which the retirement will take place, taking into account the type of Index and the extent of its use.

In all cases, retirements must be approved by a majority vote of the voting members of the Equities Index Forum. If approved, the Equities Index Forum must decide on which date the retirement is effective.

Following the approval of the retirement by the Equities Index Forum, the Benchmark Administrator will retire the Index which may include the following actions:

1. Remove the Index from all active published materials including websites; Bloomberg or other market data providers;
2. Instruct the Calculation Agent(s) to cease calculation and/or publication;
3. Distribute a notice of retirement to Equities Sales/Trading globally.
4. Distribute a notice of retirement to stakeholders where there are outstanding products linked to the relevant Index.

For further information on the Equities Index Forum, please contact us on

[dg.Investable\\_Indices\\_global@bankofamerica.com](mailto:dg.Investable_Indices_global@bankofamerica.com)

## Merrill Lynch International – Benchmark Administrator Conflicts of Interest

Your attention is drawn to the fact and you acknowledge that Merrill Lynch International, the administrator of a number of quantitative investment strategy indices, (“**We**” or the “**Firm**”) and other direct and indirect subsidiaries of Bank of America Corporation (the “**Group**”) are part of a group of companies which are involved in a full range of services including banking, investment banking and the provision of investment services. As such, We or any member of our Group may have a material interest or a conflict in the services or transactions we carry out with you or for you.

The Group utilises rules and procedures pursuant to its Conflicts of Interest Policy to ensure that business areas and companies within the Group operate independently of each other and restrict access by the particular employee(s) responsible for handling your affairs to certain areas of information.

If an identified conflict represents a significant risk to the interests of our clients, the Firm generally must provide timely and effective disclosure to the client, subject to any relevant confidentiality obligations of the Firm to any other party, whose consent may be required prior to such disclosure to the client.

For additional information regarding Conflicts of Interest please see our [Conflicts of Interest Document](#).



## BENCHMARK STATEMENT

### Equities Regulated-Data Benchmark Family

Benchmark Administrator:	Merrill Lynch International (“MLI”) 2 King Edward Street, EC1A 1HQ, London, United Kingdom
Benchmark Categorisation:	Non-significant
Benchmark Type:	Regulated-data Benchmark
Benchmark identifiers:	No ISINs are available for the Benchmarks as of the date of this Benchmarks Statement.

Each Benchmark is a proprietary index sponsored and calculated as of the date of this Benchmark Statement by the Benchmark Administrator.

Date of initial publication of this Benchmark Statement: 24 February 2020

Date of last update: N/A – this is the initial publication

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### 1. STATUS OF THIS DOCUMENT

This document constitutes the Benchmark Statement for the Equities Regulated-Data Family of Benchmarks of the Benchmark Administrator (each a **Benchmark**). This document is intended to provide an overview of certain key information relating to the Benchmarks only, as required by *Regulation (EU) 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* as onshored by the Benchmarks (Amendment and Transition Provision) (EU Exit) Regulations 2019/657, as amended (the **Regulation**).

Details of the full and definitive rules for the Benchmarks are set out in the Index Rulebook for each Benchmark (the **Benchmark Rules**). The Benchmark Rules are available upon request from the Benchmark Administrator subject to, where applicable, confidentiality or other agreements between the Benchmark Administrator and the relevant party.

Nothing contained in this Benchmark Statement should be construed as an offer or solicitation of any transaction.

## 2. UPDATES AND CHANGES TO, AND CESSATION OF, A BENCHMARK

Factors, including external factors beyond the control of the Benchmark Administrator, may necessitate changes to, or the cessation of, a Benchmark. Users of the Benchmarks should note that any such changes to a Benchmark, or the cessation of a Benchmark, may have an impact on any financial instruments or financial contracts that reference that Benchmark and any investment funds in respect of which the performance is measured by reference to that Benchmark. See further section 6.3.5 below in relation to those factors that may necessitate changes to, or the cessation of, a Benchmark.

This Benchmark Statement will be reviewed and, where necessary, updated at least every two years, but may be amended, supplemented or updated more frequently in accordance with the requirements of the Regulation. All updates to this Benchmark Statement and details of any changes to or the cessation of the Benchmark will be approved by the Equities Index Forum of the Benchmark Administrator (the **Equities Index Forum**), as further described below. Unless the Equities Index Forum determines otherwise, any such updates, changes or cessation shall not be subject to public consultation. All updates to the Benchmark Statement and any notice relating to changes to, or to the cessation of, the Benchmark will be published by the Benchmark Administrator.

The Benchmark Administrator reserves the right to amend, supplement or update this Benchmark Statement and/or the Benchmark Rules from time to time and accepts no liability for any such modifications.

## 3. CONTRIBUTIONS OF INPUT DATA

None of the Benchmarks in this family of Benchmarks is determined using contributions of input data.

## 4. THE MARKET OR ECONOMIC REALITY MEASURED BY THE BENCHMARKS, THEIR POTENTIAL LIMITATIONS AND ALL KEY TERMS

The objective of each Benchmark is to replicate the return or provide exposure to a particular investment approach or strategy (a **Strategy**) set out in the relevant Benchmark Rules. Each Benchmark comprises a number of Benchmark constituents which are shares, depository receipts or other equity-linked instruments or indices as selected or composed as described in the relevant Benchmark Rules, including any geographical restrictions or other selection criteria. The prices or levels of such Benchmark constituents are the input data for the purposes of a Benchmark. Each Benchmark constituent will have a weighting within the Benchmark and such weightings may be subject to adjustment from time to time in a process referred to as rebalancing or recomposition of the Benchmark. Where applicable each rebalancing or recomposition will be based on the relevant investment approach or strategy. Unless otherwise stated in the Benchmark Rules, no models or methods of extrapolation are used in determining a Benchmark.

The Benchmark Administrator will apply the methodology for each Benchmark at each time and on each day on which the level of a Benchmark (the **Index Level**) is required to be determined (each such day an **Index Calculation Day**) in accordance with the Benchmark Rules and by reference to the then current prices or levels of the Benchmark constituents and their weightings. Each relevant Index Level will be published on the data source(s) referred to in the relevant Benchmark Rules.

Certain deductions may be provided for in a Benchmark to reflect relevant costs or expenses which would apply to transactions replicating or providing exposure to the investment approach or strategy and also to reflect the cost of the Benchmark Administrator and its affiliates providing the Benchmark and related financial products referencing the Benchmark (**Financial Products**).

The Benchmark Administrator may appoint one or more agents or service providers to assist it in carrying out the requirements of the Benchmark Rules. Any references to actions or determinations carried out by the Benchmark Administrator in this Benchmark Statement should be understood to include, where applicable, references to such actions or determinations being carried out by any such agent or service provider.

The Benchmark Rules will also set out relevant adjustment and disruption provisions which will apply, as further described in sections 7, 8 and 9 below.

Each Benchmark is a proprietary index and within any Benchmark Rules references to relevant transactions, assets or cost assumptions are on a hypothetical basis only and do not represent actual transactions by any person or entity.

Full details of each Benchmark are provided in the relevant Benchmark Rules. See section 1 above.

## **5. LIMITATIONS OF THE BENCHMARKS AND CIRCUMSTANCES IN WHICH THE MEASUREMENT OF THE MARKET OR ECONOMIC REALITY MAY BECOME UNRELIABLE**

The Benchmarks rely on the continued availability to the Benchmark Administrator of the input data as further described in section 6.3.2 below. To the extent that such input data is temporarily or permanently unavailable, the Benchmark Rules allow the Benchmark Administrator to calculate any affected Benchmark on an alternative basis, to use its own estimate of such prices in place of such input data, to make certain adjustments to the terms of any affected Benchmark, to remove or replace any affected Benchmark constituent, to replace any affected Benchmark with a successor index or to cease to determine any affected Benchmark. Where required by the Benchmark Rules, such determinations shall be made in consultation with the Equities Index Forum. If, following the exercise of the Benchmark Administrator's adjustment powers, one or more of the existing Benchmark constituents cease to be Benchmark constituents, the relevant Benchmark will no longer reflect the performance of those Benchmark constituents.

## **6. BENCHMARK METHODOLOGY**

### **6.1 Rationale for adopting the benchmark methodology**

The rationale for adopting the methodology for each Benchmark is to create a Benchmark which measures the relevant market or economic reality referred to above and which is to be used for the purposes of the relevant Financial Products to be issued by one or more of MLI's affiliates or by third parties.

### **6.2 Procedures for the review and approval of the benchmark methodology**

Each Benchmark has been approved by a unanimous vote of the appropriate voting members of the Equities Index Forum. The Equities Index Forum is a committee consisting of representatives from certain businesses and control functions of the Benchmark Administrator and/or its affiliates. The Equities Index Forum's approval is not a product or transaction approval.

Following such initial approval, the Equities Index Forum will periodically review each Benchmark and the Benchmark Administrator's actions (including any exercise of discretion) with respect to each Benchmark. The Benchmark Administrator is also required to consult with the Equities Index Forum prior to making any amendments to the Benchmark Rules or before ceasing to administer and publish any Benchmark.

Any use of a Benchmark in a product or transaction remains subject to all other approvals and processes required for the relevant product or transaction in accordance with each of MLI and its affiliates policies and procedures.

### **6.3 Criteria and procedures used to determine the benchmarks**

#### **6.3.1 Description of the Benchmark Methodology**

The criteria and procedures used to determine the Benchmark, as described in Section 4 above, are set out fully in the Benchmark Rules. In particular the relevant Benchmark Rules provide for the procedures for the rebalancing and recomposition of the Benchmark constituents from time to time.

Each benchmark from the **Equities (Regulated Data) Family** measures input data from equity markets where shares and other equity-linked instruments (including equity options or futures or ETFs) are traded on-exchange and where each such exchange fulfils the requirements specified in Article 3.1 (24) of the Regulation. Input data used for this family of benchmarks is sourced from recognized market data providers (such as Bloomberg and Reuters) as specified in the relevant index rules.

#### **6.3.2 Description of the input data**

The types of input data used in the determination of a benchmark are as follows:

**Regulated Exchange Data:** Input data as defined in Article 3.1(24) of the Regulation. Data of this type is sourced from recognised market data providers. This constitutes the input data for the Equities Regulated Data Family.

The input data for each Benchmark will be the relevant prices or levels of the Benchmark constituents in respect of the relevant Index Calculation Day.

#### **6.3.3 Priority given to different types of input data**

Priority is given to the relevant prices or levels of the Benchmark constituents specified in the applicable

Benchmark Rules unless a disruption occurs in which case the Benchmark Administrator may instead use its own estimates of such prices or levels (as further described in section 8 below).

#### **6.3.4 Minimum data needed to determine the Benchmarks**

The Benchmark Administrator will require, as a minimum, relevant prices or levels of the Benchmark constituents specified in the applicable Benchmark Rules to determine any Benchmark. Without such prices or levels, and subject to the relevant fallback provisions described in section 8 below, the Benchmark Administrator may have to modify the terms of a Benchmark or cease administration and publication of that Benchmark.

#### **6.3.5 Factors that may result in changes to, or the suspension or cessation of, a Benchmark**

Calculation of a Benchmark may be postponed, modified or terminated in the case of an Index Disruption Event (for further details see section 7 below). Subject to prior consultation with the Equities Index Forum, the Benchmark Administrator also has the power to cease administering and publishing a Benchmark at any time, for any reason and without notice. Circumstances in which a Benchmark may be terminated include, without limitation, that the relevant Benchmark is no longer able to meet its objective or if there are no investors in the Benchmark or no remaining Financial Products.

Circumstances in which a Benchmark may be terminated include, without limitation, that the relevant Benchmark is no longer able to meet its objective or if there are no investors in the Benchmark or no remaining Financial Products.

### **7. USE OF DISCRETION IN DETERMINATION OF THE BENCHMARK**

If, on any Index Calculation Day, the Benchmark Administrator determines that an Index Disruption Event occurs or has occurred in respect of any Benchmark, then the Benchmark Administrator may (i) determine the value of the affected Benchmark and/or any affected Benchmark constituents as of such Index Calculation Day in a manner which reflects the nature of the Index Disruption Event, (ii) suspend, delay or postpone calculation and/or publication of the Index Level and/or (iii) modify, replace or terminate the Benchmark. Modifications may include adjustments to or the removal, replacement or addition of Benchmark constituents. In addition the Benchmark Administrator may modify or terminate a Benchmark, including in the case of any issue or concern that has arisen which may have a material impact on the Benchmark.

If an Index Disruption Event occurs or has occurred, the Benchmark Administrator may at its option convene the Equities Index Forum to determine what action, if any, is appropriate in accordance with the Benchmark Rules.

An **Index Disruption Event** shall be any event or circumstance of any nature which (in the determination of the Benchmark Administrator):

- a) disrupts or impairs any procedure normally used in determination of the Index Level;
- b) impairs the determination of the Index Level or of any value necessary to determine the Index Level or results in any such value being unavailable;

- c) affects the ability of the affected Benchmark to achieve its stated objective;
- d) makes it impossible, impracticable or commercially unreasonable for the affected Benchmark to be administered, maintained, calculated or published in accordance with the terms of the Benchmark Rules or otherwise requires the Benchmark Administrator to depart from the terms of the Benchmark Rules in the administration, maintenance, calculation or publication of the affected Benchmark, in each case, in order to maintain the commercial purposes of the Benchmark; or
- e) otherwise makes it necessary or desirable (including from the perspective of any party hedging any exposure to the affected Benchmark) to amend or adjust that Benchmark or the Benchmark Rules.

If, on any Index Calculation Day, the Benchmark Administrator determines that a **Market Disruption Event** occurs or has occurred in respect of any Benchmark (being any event, as further described in the Benchmark Rules, that affects the ability of the Benchmark Administrator to obtain reliable input data for any of the Benchmark Components), the Benchmark Administrator may either (i) determine the relevant input data required in respect of the affected Benchmark Component using an alternative measure selected by the Benchmark Administrator, (ii) postpone the calculation of the Index Level for the relevant Index Calculation Day or (iii) modify or terminate the Benchmark as described above. The Benchmark Administrator's procedure in the case of a Benchmark modification is that it first requests that the Equities Index Forum is convened to consider the relevant issue or concern and the Benchmark Administrator follows the determination of the Equities Index Forum. In the case of a significant change (as described in the relevant Benchmark Rules) the Benchmark Administrator and where possible shall give reasonable prior notice that the relevant change is proposed in order to allow Financial Product investors to give comments on the proposed change.

The Benchmark Administrator's procedure in the case of a Benchmark termination is that it must first consult with the Equities Index Forum and, where the Equities Index Forum considers it appropriate, the Benchmark Administrator will make available to Financial Product investors the rationale for the termination, along with the proposed timing and content of the termination. The Benchmark Administrator may in this case but is not required to consult with Financial Product investors to allow them to provide feedback on the proposal.

## **8. PROCEDURES FOR DETERMINATION OF THE BENCHMARK IN PERIODS OF STRESS OR WHERE TRANSACTION DATA SOURCES MAY BE INSUFFICIENT, INACCURATE OR UNRELIABLE**

See section 7 above in relation to the powers available to the Benchmark Administrator following the occurrence of an Index Disruption Event or a Market Disruption Event and the powers of the Benchmark Administrator in relation to any modification or termination of a Benchmark.

## **9. PROCEDURES FOR DEALING WITH ERRORS IN INPUT DATA OR IN THE DETERMINATION OF THE BENCHMARK**

Where an error in input data has occurred or where required due to technical errors, operational events or market disruptions, the Benchmark Administrator may revise any previously published Index Levels. Any such revised Index Levels will be published in accordance with the procedure set out in the relevant Benchmark Rules.

## BENCHMARK STATEMENT

### Equities Non-Regulated Data Family

Benchmark Administrator:	Merrill Lynch International (“MLI”) 2 King Edward Street, EC1A 1HQ, London, United Kingdom
Benchmark Categorisation:	Non-significant
Benchmark Type:	Non-regulated data Benchmark
Benchmark identifiers:	No ISINs are available for the Benchmarks as of the date of this Benchmarks Statement.

Each Benchmark is a proprietary index sponsored and calculated as of the date of this Benchmark Statement by the Benchmark Administrator.

Date of initial publication of this Benchmark Statement: 24 February 2020

Date of last update: N/A – this is the initial publication

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## 1. STATUS OF THIS DOCUMENT

This document constitutes the Benchmark Statement for the Equities Non-Regulated Data Family of Benchmarks of the Benchmark Administrator (each a **Benchmark**). This document is intended to provide an overview of certain key information relating to the Benchmarks only, as required by *Regulation (EU) 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 as onshored by the Benchmarks (Amendment and Transition Provision) (EU Exit) Regulations 2019/657, as amended (the Regulation)*.

Details of the full and definitive rules for the Benchmarks are set out in the Index Rulebook for each Benchmark (the **Benchmark Rules**). The Benchmark Rules are available upon request from the Benchmark Administrator subject to, where applicable, confidentiality or other agreements between the Benchmark Administrator and the relevant party.

Nothing contained in this Benchmark Statement should be construed as an offer or solicitation of any transaction.

## 2. UPDATES AND CHANGES TO, AND CESSATION OF, A BENCHMARK

Factors, including external factors beyond the control of the Benchmark Administrator, may necessitate changes to, or the cessation of, a Benchmark. Users of the Benchmarks should note that any such changes to a Benchmark, or the cessation of a Benchmark, may have an impact on any financial instruments or financial contracts that reference that Benchmark and any investment funds in respect of which the performance is measured by reference to that Benchmark. See further section 6.3.5 below in relation to those factors that may necessitate changes to, or the cessation of, a Benchmark.

This Benchmark Statement will be reviewed and, where necessary, updated at least every two years, but may be amended, supplemented or updated more frequently in accordance with the requirements of the Regulation. All updates to this Benchmark Statement and details of any changes to or the cessation of the Benchmark will be approved by the Equities Index Forum of the Benchmark Administrator (the **Equities Index Forum**), as further described below. Unless the Equities Index Forum determines otherwise, any such updates, changes or cessation shall not be subject to public consultation. All updates to the Benchmark Statement and any notice relating to changes to, or to the cessation of, the Benchmark will be published by the Benchmark Administrator.

The Benchmark Administrator reserves the right to amend, supplement or update this Benchmark Statement and/or the Benchmark Rules from time to time and accepts no liability for any such modifications.

### **3. CONTRIBUTIONS OF INPUT DATA**

None of the Benchmarks in this family of Benchmarks is determined using contributions of input data.

### **4. THE MARKET OR ECONOMIC REALITY MEASURED BY THE BENCHMARKS, THEIR POTENTIAL LIMITATIONS AND ALL KEY TERMS**

The objective of each Benchmark is to replicate the return or provide exposure to a particular investment approach or strategy (a **Strategy**) set out in the relevant Benchmark Rules. Each Benchmark comprises a number of Benchmark constituents which are shares, depository receipts or other equity-linked instruments or indices as selected or composed as described in the relevant Benchmark Rules, including any geographical restrictions or other selection criteria. The prices or levels of such Benchmark constituents are the input data for the purposes of a Benchmark. Each Benchmark constituent will have a weighting within the Benchmark and such weightings may be subject to adjustment from time to time in a process referred to as rebalancing or recomposition of the Benchmark. Where applicable each rebalancing or recomposition will be based on the relevant investment approach or strategy. Unless otherwise stated in the Benchmark Rules, no models or methods of extrapolation are used in determining a Benchmark. The Benchmark Administrator will apply the methodology for each Benchmark at each time and on each day on which the level of a Benchmark (the **Index Level**) is required to be determined (each such day an **Index Calculation Day**) in accordance with the Benchmark Rules and by reference to the then current prices or levels of the Benchmark constituents and their weightings. Each relevant Index Level will be published on the data source(s) referred to in the relevant Benchmark Rules.

Certain deductions may be provided for in a Benchmark to reflect relevant costs or expenses which would apply to transactions replicating or providing exposure to the investment approach or strategy and also to reflect the cost of the Benchmark Administrator and its affiliates providing the Benchmark and related financial products referencing the Benchmark (**Financial Products**).

The Benchmark Administrator may appoint one or more agents or service providers to assist it in carrying out the requirements of the Benchmark Rules. Any references to actions or determinations carried out by the Benchmark Administrator in this Benchmark Statement should be understood to include, where applicable, references to such actions or determinations being carried out by any such agent or service provider.

The Benchmark Rules will also set out relevant adjustment and disruption provisions which will apply, as further described in sections 7, 8 and 9 below.



Each Benchmark is a proprietary index and within any Benchmark Rules references to relevant transactions, assets or cost assumptions are on a hypothetical basis only and do not represent actual transactions by any person or entity.

Full details of each Benchmark are provided in the relevant Benchmark Rules. See section 1 above.

## **5. LIMITATIONS OF THE BENCHMARKS AND CIRCUMSTANCES IN WHICH THE MEASUREMENT OF THE MARKET OR ECONOMIC REALITY MAY BECOME UNRELIABLE**

The Benchmarks rely on the continued availability to the Benchmark Administrator of the input data as further described in section 6.3.2 below. To the extent that such input data is temporarily or permanently unavailable, the Benchmark Rules allow the Benchmark Administrator to calculate any affected Benchmark on an alternative basis, to use its own estimate of such prices in place of such input data, to make certain adjustments to the terms of any affected Benchmark, to remove or replace any affected Benchmark constituent, to replace any affected Benchmark with a successor index or to cease to determine any affected Benchmark. Where required by the Benchmark Rules, such determinations shall be made in consultation with the Equities Index Forum. If, following the exercise of the Benchmark Administrator's adjustment powers, one or more of the existing Benchmark constituents cease to be Benchmark constituents, the relevant Benchmark will no longer reflect the performance of those Benchmark constituents.

## **6. BENCHMARK METHODOLOGY**

### **6.1 Rationale for adopting the benchmark methodology**

The rationale for adopting the methodology for each Benchmark is to create a Benchmark which measures the relevant market or economic reality referred to above and which is to be used for the purposes of the relevant Financial Products to be issued by one or more of MLIs affiliates or by third parties.

### **6.2 Procedures for the review and approval of the benchmark methodology**

Each Benchmark has been approved by a unanimous vote of the appropriate voting members of the Equities Index Forum. The Equities Index Forum is a committee consisting of representatives from certain businesses and control functions of the Benchmark Administrator and/or its affiliates. The Equities Index Forum's approval is not a product or transaction approval.

Following such initial approval, the Equities Index Forum will periodically review each Benchmark and the Benchmark Administrator's actions (including any exercise of discretion) with respect to each Benchmark. The Benchmark Administrator is also required to consult with the Equities Index Forum prior to making any amendments to the Benchmark Rules or before ceasing to administer and publish any Benchmark.

Any use of a Benchmark in a product or transaction remains subject to all other approvals and processes required for the relevant product or transaction in accordance with each of MLI and its affiliates policies and procedures.

### **6.3 Criteria and procedures used to determine the benchmarks**

#### **6.3.1 Description of the Benchmark Methodology**

The criteria and procedures used to determine the Benchmark, as described in Section 4 above, are set out fully in the Benchmark Rules. In particular the relevant Benchmark Rules provide for the procedures for the rebalancing and recomposition of the Benchmark constituents from time to time.

Each benchmark from the **Equities Non-Regulated Data Family** measures input data from equity markets where shares and other equity-linked instruments (including equity options or futures or ETFs) are traded on-exchange. Input data used for this family of benchmarks is sourced from recognized market data providers (such as Bloomberg and Reuters) as specified in the relevant index rules.

### 6.3.2 Description of the input data

For benchmarks input data may comprise (in part) regulated exchange data or any of the other types of input data set out below:

- a) **Regulated Exchange Data:** Input data as defined in Article 3.1(24) of the Regulation. Data of this type is sourced from recognised market data providers.
- b) **Readily Available Data:** Input data that does not fall under the definition set out in Article 3.1(24) of the Regulation including:
  - **Non-regulated Exchange Data:** Input data from exchanges which are not covered by the definition in Article 3.1(24) of the Regulation. Data of this type is sourced from recognised market data providers (such as Bloomberg and Reuters).
  - **EU Benchmarks:** indices that fall within the definition of “benchmark” under the Regulation. Data of this type is sourced directly from the administrator or from recognised market data providers (such as Bloomberg and Reuters).
  - **Other Benchmarks:** other indices that do not fall within the definition of “benchmark” under the Regulation including certain other BOFASE investable indices. Data of this type is sourced directly from the administrator or from recognised market data providers (such as Bloomberg and Reuters).
  - **Third Party Data:** This includes, without limitation, benchmark interest rates and foreign exchange rates (such as WM/Reuters), some of which may be benchmarks under the Regulation. Data of this type is sourced from recognised market data providers (such as Bloomberg and Reuters) or other third party providers.
  - **Other Readily Available Data:** These include, without limitation, research reports, signals and indicators, dividend prices, corporate action data, fundamental data and industry, category, style or similar classifications for input data. Data of this type is sourced directly from the providers or from recognised financial information providers (such as Bloomberg or Reuters).

The input data for each Benchmark will be the relevant prices or levels of the Benchmark constituents in respect of the relevant Index Calculation Day.

### 6.3.3 Priority given to different types of input data

Priority is given to the relevant prices or levels of the Benchmark constituents specified in the applicable

Benchmark Rules unless a disruption occurs in which case the Benchmark Administrator may instead use its own estimates of such prices or levels (as further described in section 8 below).

#### **6.3.4 Minimum data needed to determine the Benchmarks**

The Benchmark Administrator will require, as a minimum, relevant prices or levels of the Benchmark constituents specified in the applicable Benchmark Rules to determine any Benchmark. Without such prices or levels, and subject to the relevant fallback provisions described in section 8 below, the Benchmark Administrator may have to modify the terms of a Benchmark or cease administration and publication of that Benchmark.

#### **6.3.5 Factors that may result in changes to, or the suspension or cessation of, a Benchmark**

Calculation of a Benchmark may be postponed, modified or terminated in the case of an Index Disruption Event (for further details see section 7 below). Subject to prior consultation with the Equities Index Forum, the Benchmark Administrator also has the power to cease administering and publishing a Benchmark at any time, for any reason and without notice. Circumstances in which a Benchmark may be terminated include, without limitation, that the relevant Benchmark is no longer able to meet its objective or if there are no investors in the Benchmark or no remaining Financial Products.

### **7. USE OF DISCRETION IN DETERMINATION OF THE BENCHMARK**

If, on any Index Calculation Day, the Benchmark Administrator determines that an Index Disruption Event occurs or has occurred in respect of any Benchmark, then the Benchmark Administrator may (i) determine the value of the affected Benchmark and/or any affected Benchmark constituents as of such Index Calculation Day in a manner which reflects the nature of the Index Disruption Event, (ii) suspend, delay or postpone calculation and/or publication of the Index Level and/or (iii) modify, replace or terminate the Benchmark.

Modifications may include adjustments to or the removal, replacement or addition of Benchmark constituents. In addition the Benchmark Administrator may modify or terminate a Benchmark, including in the case of any issue or concern that has arisen which may have a material impact on the Benchmark.

If an Index Disruption Event occurs or has occurred, the Benchmark Administrator may at its option convene the Equities Index Forum to determine what action, if any, is appropriate in accordance with the Benchmark Rules.

An **Index Disruption Event** shall be any event or circumstance of any nature which (in the determination of the Benchmark Administrator):

- f) disrupts or impairs any procedure normally used in determination of the Index Level;
- g) impairs the determination of the Index Level or of any value necessary to determine the Index Level or results in any such value being unavailable;
- h) affects the ability of the affected Benchmark to achieve its stated objective;

- i) makes it impossible, impracticable or commercially unreasonable for the affected Benchmark to be administered, maintained, calculated or published in accordance with the terms of the Benchmark Rules or otherwise requires the Benchmark Administrator to depart from the terms of the Benchmark Rules in the administration, maintenance, calculation or publication of the affected Benchmark, in each case, in order to maintain the commercial purposes of the Benchmark; or
- j) otherwise makes it necessary or desirable (including from the perspective of any party hedging any exposure to the affected Benchmark) to amend or adjust that Benchmark or the Benchmark Rules.

If, on any Index Calculation Day, the Benchmark Administrator determines that a **Market Disruption Event** occurs or has occurred in respect of any Benchmark (being any event, as further described in the Benchmark Rules, that affects the ability of the Benchmark Administrator to obtain reliable input data for any of the Benchmark Components), the Benchmark Administrator may either (i) determine the relevant input data required in respect of the affected Benchmark Component using an alternative measure selected by the Benchmark Administrator, (ii) postpone the calculation of the Index Level for the relevant Index Calculation Day or (iii) modify or terminate the Benchmark as described above. The Benchmark Administrator's procedure in the case of a Benchmark modification is that it first requests that the Equities Index Forum is convened to consider the relevant issue or concern and the Benchmark Administrator follows the determination of the Equities Index Forum. In the case of a significant change (as described in the relevant Benchmark Rules) the Benchmark Administrator and where possible shall give reasonable prior notice that the relevant change is proposed in order to allow Financial Product investors to give comments on the proposed change.

The Benchmark Administrator's procedure in the case of a Benchmark termination is that it must first consult with the Equities Index Forum and, where the Equities Index Forum considers it appropriate, the Benchmark Administrator will make available to Financial Product investors the rationale for the termination, along with the proposed timing and content of the termination. The Benchmark Administrator may in this case but is not required to consult with Financial Product investors to allow them to provide feedback on the proposal.

## **8. PROCEDURES FOR DETERMINATION OF THE BENCHMARK IN PERIODS OF STRESS OR WHERE TRANSACTION DATA SOURCES MAY BE INSUFFICIENT, INACCURATE OR UNRELIABLE**

See section 7 above in relation to the powers available to the Benchmark Administrator following the occurrence of an Index Disruption Event or a Market Disruption Event and the powers of the Benchmark Administrator in relation to any modification or termination of a Benchmark.

## **9. PROCEDURES FOR DEALING WITH ERRORS IN INPUT DATA OR IN THE DETERMINATION OF THE BENCHMARK**

Where an error in input data has occurred or where required due to technical errors, operational events or market disruptions, the Benchmark Administrator may revise any previously published Index Levels. Any such revised Index Levels will be published in accordance with the procedure set out in the relevant Benchmark Rules.

## BENCHMARK STATEMENT

### Multi-Asset Benchmark Family

Benchmark Administrator:	Merrill Lynch International (“MLI”) 2 King Edward Street, EC1A 1HQ, London, United Kingdom
Benchmark Categorisation:	Non-significant
Benchmark Type:	Non-regulated data Benchmark
Benchmark identifiers:	No ISINs are available for the Benchmarks as of the date of this Benchmarks Statement.

Each Benchmark is a proprietary index sponsored and calculated as of the date of this Benchmark Statement by the Benchmark Administrator.

Date of initial publication of this Benchmark Statement: 24 February 2020

Date of last update: N/A – this is the initial publication

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## 1. STATUS OF THIS DOCUMENT

This document constitutes the Benchmark Statement for the Multi-Asset Family of Benchmarks of the Benchmark Administrator (each a **Benchmark**). This document is intended to provide an overview of certain key information relating to the Benchmarks only, as required by *Regulation (EU) 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* as onshored by the Benchmarks (Amendment and Transition Provision) (EU Exit) Regulations 2019/657, as amended (the **Regulation**).

Details of the full and definitive rules for the Benchmarks are set out in the Index Rulebook for each Benchmark (the **Benchmark Rules**). The Benchmark Rules are available upon request from the Benchmark Administrator subject to, where applicable, confidentiality or other agreements between the Benchmark Administrator and the relevant party.

Nothing contained in this Benchmark Statement should be construed as an offer or solicitation of any transaction.

## 2. UPDATES AND CHANGES TO, AND CESSATION OF, A BENCHMARK

Factors, including external factors beyond the control of the Benchmark Administrator, may necessitate changes to, or the cessation of, a Benchmark. Users of the Benchmarks should note that any such changes to a Benchmark, or the cessation of a Benchmark, may have an impact on any financial instruments or financial contracts that reference that Benchmark and any investment funds in respect of which the performance is measured by reference to that Benchmark. See further section 6.3.5 below in relation to those factors that may necessitate changes to, or the cessation of, a Benchmark.

This Benchmark Statement will be reviewed and, where necessary, updated at least every two years, but may be amended, supplemented or updated more frequently in accordance with the requirements of the Regulation. All updates to this Benchmark Statement and details of any changes to or the cessation of the Benchmark will be approved by the Equities Index Forum of the Benchmark Administrator (the **Equities Index Forum**), as further described below. Unless the Equities Index Forum determines otherwise, any such updates, changes or cessation shall not be subject to public consultation. All updates to the Benchmark Statement and any notice relating to changes to, or to the cessation of, the Benchmark will be published by the Benchmark Administrator.

The Benchmark Administrator reserves the right to amend, supplement or update this Benchmark Statement and/or the Benchmark Rules from time to time and accepts no liability for any such modifications.

### **3. CONTRIBUTIONS OF INPUT DATA**

None of the Benchmarks in this family of Benchmarks is determined using contributions of input data.

### **4. THE MARKET OR ECONOMIC REALITY MEASURED BY THE BENCHMARKS, THEIR POTENTIAL LIMITATIONS AND ALL KEY TERMS**

The objective of each Benchmark is to replicate the return or provide exposure to a particular investment approach or strategy (a **Strategy**) set out in the relevant Benchmark Rules. Each Benchmark comprises a number of Benchmark constituents which are shares, depository receipts or other equity-linked instruments or indices as selected or composed as described in the relevant Benchmark Rules, including any geographical restrictions or other selection criteria. The prices or levels of such Benchmark constituents are the input data for the purposes of a Benchmark. Each Benchmark constituent will have a weighting within the Benchmark and such weightings may be subject to adjustment from time to time in a process referred to as rebalancing or recomposition of the Benchmark. Where applicable each rebalancing or recomposition will be based on the relevant investment approach or strategy. Unless otherwise stated in the Benchmark Rules, no models or methods of extrapolation are used in determining a Benchmark.

The Benchmark Administrator will apply the methodology for each Benchmark at each time and on each day on which the level of a Benchmark (the **Index Level**) is required to be determined (each such day an **Index Calculation Day**) in accordance with the Benchmark Rules and by reference to the then current prices or levels of the Benchmark constituents and their weightings. Each relevant Index Level will be published on the data source(s) referred to in the relevant Benchmark Rules.

Certain deductions may be provided for in a Benchmark to reflect relevant costs or expenses which would apply to transactions replicating or providing exposure to the investment approach or strategy and also to reflect the cost of the Benchmark Administrator and its affiliates providing the Benchmark and related financial products referencing the Benchmark (**Financial Products**).

The Benchmark Administrator may appoint one or more agents or service providers to assist

it in carrying out the requirements of the Benchmark Rules. Any references to actions or determinations carried out by the Benchmark Administrator in this Benchmark Statement should be understood to include, where applicable, references to such actions or determinations being carried out by any such agent or service provider.

The Benchmark Rules will also set out relevant adjustment and disruption provisions which will apply, as further described in sections 7, 8 and 9 below.

Each Benchmark is a proprietary index and within any Benchmark Rules references to relevant transactions, assets or cost assumptions are on a hypothetical basis only and do not represent actual transactions by any person or entity.

Full details of each Benchmark are provided in the relevant Benchmark Rules. See section 1 above.

## **5. LIMITATIONS OF THE BENCHMARKS AND CIRCUMSTANCES IN WHICH THE MEASUREMENT OF THE MARKET OR ECONOMIC REALITY MAY BECOME UNRELIABLE**

The Benchmarks rely on the continued availability to the Benchmark Administrator of the input data as further described in section 6.3.2 below. To the extent that such input data is temporarily or permanently unavailable, the Benchmark Rules allow the Benchmark Administrator to calculate any affected Benchmark on an alternative basis, to use its own estimate of such prices in place of such input data, to make certain adjustments to the terms of any affected Benchmark, to remove or replace any affected Benchmark constituent, to replace any affected Benchmark with a successor index or to cease to determine any affected Benchmark. Where required by the Benchmark Rules, such determinations shall be made in consultation with the Equities Index Forum. If, following the exercise of the Benchmark Administrator's adjustment powers, one or more of the existing Benchmark constituents cease to be Benchmark constituents, the relevant Benchmark will no longer reflect the performance of those Benchmark constituents.

## **6. BENCHMARK METHODOLOGY**

### **6.1 Rationale for adopting the benchmark methodology**

The rationale for adopting the methodology for each Benchmark is to create a Benchmark which measures the relevant market or economic reality referred to above and which is to be used for the purposes of the relevant Financial Products to be issued by one or more of MLIs affiliates or by third parties.

### **6.2 Procedures for the review and approval of the benchmark methodology**

Each Benchmark has been approved by a unanimous vote of the appropriate voting members of the Equities Index Forum. The Equities Index Forum is a committee consisting of representatives from certain businesses and control functions of the Benchmark Administrator and/or its affiliates. The Equities Index Forum's approval is not a product or transaction approval.

Following such initial approval, the Equities Index Forum will periodically review each

Benchmark and the Benchmark Administrator's actions (including any exercise of discretion) with respect to each Benchmark. The Benchmark Administrator is also required to consult with the Equities Index Forum prior to making any amendments to the Benchmark Rules or before ceasing to administer and publish any Benchmark.

Any use of a Benchmark in a product or transaction remains subject to all other approvals and processes required for the relevant product or transaction in accordance with each of MLI and its affiliates policies and procedures.

### **6.3 Criteria and procedures used to determine the benchmarks**

#### **6.3.1 Description of the Benchmark Methodology**

The criteria and procedures used to determine the Benchmark, as described in Section 4 above, are set out fully in the Benchmark Rules. In particular the relevant Benchmark Rules provide for the procedures for the rebalancing and recomposition of the Benchmark constituents from time to time.

Each benchmark from the **Multi-Asset Family** measures input data from two or more different types of markets, such as equities, foreign exchange, commodities or fixed income markets. Input data used for this family of benchmarks is sourced from recognized market data providers (such as Bloomberg and Reuters) as specified in the relevant index rules.

#### **6.3.2 Description of the input data**

For benchmarks, input data may comprise (in part) regulated exchange data or any of the other types of input data set out below:

- a) **Regulated Exchange Data:** Input data as defined in Article 3.1(24) of the Regulation. Data of this type is sourced from recognised market data providers.
- b) **Readily Available Data:** Input data that does not fall under the definition set out in Article 3.1(24) of the Regulation including:
  - **Non-regulated Exchange Data:** Input data from exchanges which are not covered by the definition in Article 3.1(24) of the Regulation. Data of this type is sourced from recognised market data providers (such as Bloomberg and Reuters).
  - **EU Benchmarks:** indices that fall within the definition of "benchmark" under the Regulation. Data of this type is sourced directly from the administrator or from recognised market data providers (such as Bloomberg and Reuters).
  - **Other Benchmarks:** other indices that do not fall within the definition of "benchmark" under the Regulation including certain other BOFASE investable indices. Data of this type is sourced directly from the administrator or from recognised market data providers (such as Bloomberg and Reuters).
  - **Third Party Data:** This includes, without limitation, benchmark interest rates and foreign exchange rates (such as WM/Reuters), some of which may be benchmarks under the Regulation. Data of this type is sourced from recognised



market data providers (such as Bloomberg and Reuters) or other third party providers.

- Other Readily Available Data: These include, without limitation, research reports, signals and indicators, dividend prices, corporate action data, fundamental data and industry, category, style or similar classifications for input data. Data of this type is sourced directly from the providers or from recognised financial information providers (such as Bloomberg or Reuters).

The input data for each Benchmark will be the relevant prices or levels of the Benchmark constituents in respect of the relevant Index Calculation Day.

### **6.3.3 Priority given to different types of input data**

Priority is given to the relevant prices or levels of the Benchmark constituents specified in the applicable Benchmark Rules unless a disruption occurs in which case the Benchmark Administrator may instead use its own estimates of such prices or levels (as further described in section 8 below).

### **6.3.4 Minimum data needed to determine the Benchmarks**

The Benchmark Administrator will require, as a minimum, relevant prices or levels of the Benchmark constituents specified in the applicable Benchmark Rules to determine any Benchmark. Without such prices or levels, and subject to the relevant fallback provisions described in section 8 below, the Benchmark Administrator may have to modify the terms of a Benchmark or cease administration and publication of that Benchmark.

### **6.3.5 Factors that may result in changes to, or the suspension or cessation of, a Benchmark**

Calculation of a Benchmark may be postponed, modified or terminated in the case of an Index Disruption Event (for further details see section 7 below). Subject to prior consultation with the Equities Index Forum, the Benchmark Administrator also has the power to cease administering and publishing a Benchmark at any time, for any reason and without notice. Circumstances in which a Benchmark may be terminated include, without limitation, that the relevant Benchmark is no longer able to meet its objective or if there are no investors in the Benchmark or no remaining Financial Products.

## **7. USE OF DISCRETION IN DETERMINATION OF THE BENCHMARK**

If, on any Index Calculation Day, the Benchmark Administrator determines that an Index Disruption Event occurs or has occurred in respect of any Benchmark, then the Benchmark Administrator may (i) determine the value of the affected Benchmark and/or any affected Benchmark constituents as of such Index Calculation Day in a manner which reflects the nature of the Index Disruption Event, (ii) suspend, delay or postpone calculation and/or publication of the Index Level and/or (iii) modify, replace or terminate the Benchmark. Modifications may include adjustments to or the removal, replacement or addition of Benchmark constituents. In addition the Benchmark Administrator may modify or terminate a Benchmark, including in the case of any issue or concern that has arisen which may have a material impact on the Benchmark.

If an Index Disruption Event occurs or has occurred, the Benchmark Administrator may at its option convene the Equities Index Forum to determine what action, if any, is appropriate in accordance with the Benchmark Rules.

An **Index Disruption Event** shall be any event or circumstance of any nature which (in the determination of the Benchmark Administrator):

- K} disrupts or impairs any procedure normally used in determination of the IndexLevel;
- l) impairs the determination of the Index Level or of any value necessary to determine the Index Level or results in any such value being unavailable;
- m) affects the ability of the affected Benchmark to achieve its stated objective;
- n) makes it impossible, impracticable or commercially unreasonable for the affected Benchmark to be administered, maintained, calculated or published in accordance with the terms of the Benchmark Rules or otherwise requires the Benchmark Administrator to depart from the terms of the Benchmark Rules in the administration, maintenance, calculation or publication of the affected Benchmark, in each case, in order to maintain the commercial purposes of the Benchmark; or
- o) otherwise makes it necessary or desirable (including from the perspective of any party hedging any exposure to the affected Benchmark) to amend or adjust that Benchmark or the Benchmark Rules.

If, on any Index Calculation Day, the Benchmark Administrator determines that a **Market Disruption Event** occurs or has occurred in respect of any Benchmark (being any event, as further described in the Benchmark Rules, that affects the ability of the Benchmark Administrator to obtain reliable input data for any of the Benchmark Components), the Benchmark Administrator may either (i) determine the relevant input data required in respect of the affected Benchmark Component using an alternative measure selected by the Benchmark Administrator, (ii) postpone the calculation of the Index Level for the relevant Index Calculation Day or (iii) modify or terminate the Benchmark as described above. The Benchmark Administrator's procedure in the case of a Benchmark modification is that it first requests that the Equities Index Forum is convened to consider the relevant issue or concern and the Benchmark Administrator follows the determination of the Equities Index Forum. In the case of a significant change (as described in the relevant Benchmark Rules) the Benchmark Administrator and where possible shall give reasonable prior notice that the relevant change is proposed in order to allow Financial Product investors to give comments on the proposed change.

The Benchmark Administrator's procedure in the case of a Benchmark termination is that it must first consult with the Equities Index Forum and, where the Equities Index Forum considers it appropriate, the Benchmark Administrator will make available to Financial Product investors the rationale for the termination, along with the proposed timing and content of the termination. The Benchmark Administrator may in this case but is not required to consult with Financial Product investors to allow them to provide feedback on the proposal.

## 8. PROCEDURES FOR DETERMINATION OF THE BENCHMARK IN PERIODS OF STRESS

## **OR WHERE TRANSACTION DATA SOURCES MAY BE INSUFFICIENT, INACCURATE OR UNRELIABLE**

See section 7 above in relation to the powers available to the Benchmark Administrator following the occurrence of an Index Disruption Event or a Market Disruption Event and the powers of the Benchmark Administrator in relation to any modification or termination of a Benchmark.

### **9. PROCEDURES FOR DEALING WITH ERRORS IN INPUT DATA OR IN THE DETERMINATION OF THE BENCHMARK**

Where an error in input data has occurred or where required due to technical errors, operational events or market disruptions, the Benchmark Administrator may revise any previously published Index Levels. Any such revised Index Levels will be published in accordance with the procedure set out in the relevant Benchmark Rules.

## BENCHMARK STATEMENT

### Third Party and BofAML Equity Indices Benchmark Family

Benchmark Administrator:	Merrill Lynch International (“MLI”) 2 King Edward Street, EC1A 1HQ, London, United Kingdom
Benchmark Categorisation:	Non-significant
Benchmark Type:	Non-regulated data Benchmark
Benchmark identifiers:	No ISINs are available for the Benchmarks as of the date of this Benchmarks Statement.

Each Benchmark is a proprietary index sponsored and calculated as of the date of this Benchmark Statement by the Benchmark Administrator.

Date of initial publication of this Benchmark Statement: 24 February 2020

Date of last update: N/A – this is the initial publication

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## 1. STATUS OF THIS DOCUMENT

This document constitutes the Benchmark Statement for the Third Party and BofAML Equity Indices Family of Benchmarks of the Benchmark Administrator (each a **Benchmark**). This document is intended to provide an overview of certain key information relating to the Benchmarks only, as required by *Regulation (EU) 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 as onshored by the Benchmarks (Amendment and Transition Provision) (EU Exit) Regulations 2019/657*, as amended (the **Regulation**).

Details of the full and definitive rules for the Benchmarks are set out in the Index Rulebook for each Benchmark (the **Benchmark Rules**). The Benchmark Rules are available upon request from the Benchmark Administrator subject to, where applicable, confidentiality or other agreements between the Benchmark Administrator and the relevant party.

Nothing contained in this Benchmark Statement should be construed as an offer or solicitation of any transaction.

## 2. UPDATES AND CHANGES TO, AND CESSATION OF, A BENCHMARK

Factors, including external factors beyond the control of the Benchmark Administrator, may necessitate changes to, or the cessation of, a Benchmark. Users of the Benchmarks should note that any such changes to a Benchmark, or the cessation of a Benchmark, may have an impact on any financial instruments or financial contracts that reference that Benchmark and any investment funds in respect of which the performance is measured by reference to that Benchmark. See further section 6.3.5 below in relation to those factors that may necessitate changes to, or the cessation of, a Benchmark.

This Benchmark Statement will be reviewed and, where necessary, updated at least every two years, but may be amended, supplemented or updated more frequently in accordance with the requirements of the Regulation. All updates to this Benchmark Statement and details of any changes to or the cessation of the Benchmark will be approved by the Equities Index Forum of the Benchmark Administrator (the **Equities Index Forum**), as further described below. Unless the Equities Index Forum determines otherwise, any such updates, changes or cessation shall not be subject to public consultation. All updates to the Benchmark Statement and any notice relating to changes to, or to the cessation of, the Benchmark will be published by the Benchmark Administrator.

The Benchmark Administrator reserves the right to amend, supplement or update this Benchmark Statement and/or the Benchmark Rules from time to time and accepts no liability for any such modifications.

### **3. CONTRIBUTIONS OF INPUT DATA**

None of the Benchmarks in this family of Benchmarks is determined using contributions of input data.

### **4. THE MARKET OR ECONOMIC REALITY MEASURED BY THE BENCHMARKS, THEIR POTENTIAL LIMITATIONS AND ALL KEY TERMS**

The objective of each Benchmark is to replicate the return or provide exposure to a particular investment approach or strategy (a **Strategy**) set out in the relevant Benchmark Rules. Each Benchmark comprises a number of Benchmark constituents which are shares, depository receipts or other equity-linked instruments or indices as selected or composed as described in the relevant Benchmark Rules, including any geographical restrictions or other selection criteria. The prices or levels of such Benchmark constituents are the input data for the purposes of a Benchmark. Each Benchmark constituent will have a weighting within the Benchmark and such weightings may be subject to adjustment from time to time in a process referred to as rebalancing or recomposition of the Benchmark. Where applicable each rebalancing or recomposition will be based on the relevant investment approach or strategy. Unless otherwise stated in the Benchmark Rules, no models or methods of extrapolation are used in determining a Benchmark.

The Benchmark Administrator will apply the methodology for each Benchmark at each time and on each day on which the level of a Benchmark (the **Index Level**) is required to be determined (each such day an **Index Calculation Day**) in accordance with the Benchmark Rules and by reference to the then current prices or levels of the Benchmark constituents and their weightings. Each relevant Index Level will be published on the data source(s) referred to in the relevant Benchmark Rules.

Certain deductions may be provided for in a Benchmark to reflect relevant costs or expenses which would apply to transactions replicating or providing exposure to the investment approach or strategy and also to reflect the cost of the Benchmark Administrator and its affiliates providing the Benchmark and related financial products referencing the Benchmark (**Financial Products**).

The Benchmark Administrator may appoint one or more agents or service providers to assist

it in carrying out the requirements of the Benchmark Rules. Any references to actions or determinations carried out by the Benchmark Administrator in this Benchmark Statement should be understood to include, where applicable, references to such actions or determinations being carried out by any such agent or service provider.

The Benchmark Rules will also set out relevant adjustment and disruption provisions which will apply, as further described in sections 7, 8 and 9 below.

Each Benchmark is a proprietary index and within any Benchmark Rules references to relevant transactions, assets or cost assumptions are on a hypothetical basis only and do not represent actual transactions by any person or entity.

Full details of each Benchmark are provided in the relevant Benchmark Rules. See section 1 above.

## **5. LIMITATIONS OF THE BENCHMARKS AND CIRCUMSTANCES IN WHICH THE MEASUREMENT OF THE MARKET OR ECONOMIC REALITY MAY BECOME UNRELIABLE**

The Benchmarks rely on the continued availability to the Benchmark Administrator of the input data as further described in section 6.3.2 below. To the extent that such input data is temporarily or permanently unavailable, the Benchmark Rules allow the Benchmark Administrator to calculate any affected Benchmark on an alternative basis, to use its own estimate of such prices in place of such input data, to make certain adjustments to the terms of any affected Benchmark, to remove or replace any affected Benchmark constituent, to replace any affected Benchmark with a successor index or to cease to determine any affected Benchmark. Where required by the Benchmark Rules, such determinations shall be made in consultation with the Equities Index Forum. If, following the exercise of the Benchmark Administrator's adjustment powers, one or more of the existing Benchmark constituents cease to be Benchmark constituents, the relevant Benchmark will no longer reflect the performance of those Benchmark constituents.

## **6. BENCHMARK METHODOLOGY**

### **6.1 Rationale for adopting the benchmark methodology**

The rationale for adopting the methodology for each Benchmark is to create a Benchmark which measures the relevant market or economic reality referred to above and which is to be used for the purposes of the relevant Financial Products to be issued by one or more of MLIs affiliates or by third parties.

### **6.2 Procedures for the review and approval of the benchmark methodology**

Each Benchmark has been approved by a unanimous vote of the appropriate voting members of the Equities Index Forum. The Equities Index Forum is a committee consisting of representatives from certain businesses and control functions of the Benchmark Administrator and/or its affiliates. The Equities Index Forum's approval is not a product or transaction approval.

Following such initial approval, the Equities Index Forum will periodically review each

Benchmark and the Benchmark Administrator's actions (including any exercise of discretion) with respect to each Benchmark. The Benchmark Administrator is also required to consult with the Equities Index Forum prior to making any amendments to the Benchmark Rules or before ceasing to administer and publish any Benchmark.

Any use of a Benchmark in a product or transaction remains subject to all other approvals and processes required for the relevant product or transaction in accordance with each of MLI and its affiliates policies and procedures.

## **6.3 Criteria and procedures used to determine the benchmarks**

### **6.3.1 Description of the Benchmark Methodology**

The criteria and procedures used to determine the Benchmark, as described in Section 4 above, are set out fully in the Benchmark Rules. In particular the relevant Benchmark Rules provide for the procedures for the rebalancing and recomposition of the Benchmark constituents from time to time.

Each benchmark from the **Third Party and BofAML Equity Indices Family** measures input data from different index administrators, providing exposure to a variety of investment strategies applied to a particular type of share or underlying equity instrument in the relevant underlying equity indices. Input data used for this family of benchmarks is sourced from recognized market data providers (such as Bloomberg and Reuters) as specified in the relevant index rules.

### **6.3.2 Description of the input data**

For benchmarks, input data may comprise (in part) regulated exchange data or any of the other types of input data set out below:

- a) **Regulated Exchange Data:** Input data as defined in Article 3.1(24) of the Regulation. Data of this type is sourced from recognised market data providers.
- b) **Readily Available Data:** Input data that does not fall under the definition set out in Article 3.1(24) of the Regulation including:
  - **Non-regulated Exchange Data:** Input data from exchanges which are not covered by the definition in Article 3.1(24) of the Regulation. Data of this type is sourced from recognised market data providers (such as Bloomberg and Reuters).
  - **EU Benchmarks:** indices that fall within the definition of "benchmark" under the Regulation. Data of this type is sourced directly from the administrator or from recognised market data providers (such as Bloomberg and Reuters).
  - **Other Benchmarks:** other indices that do not fall within the definition of "benchmark" under the Regulation including certain other BOFASE investable

indices. Data of this type is sourced directly from the administrator or from recognised market data providers (such as Bloomberg and Reuters).

- **Third Party Data:** This includes, without limitation, benchmark interest rates and foreign exchange rates (such as WM/Reuters), some of which may be benchmarks under the Regulation. Data of this type is sourced from recognised market data providers (such as Bloomberg and Reuters) or other third party providers.
- **Other Readily Available Data:** These include, without limitation, research reports, signals and indicators, dividend prices, corporate action data, fundamental data and industry, category, style or similar classifications for input data. Data of this type is sourced directly from the providers or from recognised financial information providers (such as Bloomberg or Reuters).

The input data for each Benchmark will be the relevant prices or levels of the Benchmark constituents in respect of the relevant Index Calculation Day.

### **6.3.3 Priority given to different types of input data**

Priority is given to the relevant prices or levels of the Benchmark constituents specified in the applicable Benchmark Rules unless a disruption occurs in which case the Benchmark Administrator may instead use its own estimates of such prices or levels (as further described in section 8 below).

### **6.3.4 Minimum data needed to determine the Benchmarks**

The Benchmark Administrator will require, as a minimum, relevant prices or levels of the Benchmark constituents specified in the applicable Benchmark Rules to determine any Benchmark. Without such prices or levels, and subject to the relevant fallback provisions described in section 8 below, the Benchmark Administrator may have to modify the terms of a Benchmark or cease administration and publication of that Benchmark.

### **6.3.4 Factors that may result in changes to, or the suspension or cessation of, a Benchmark**

Calculation of a Benchmark may be postponed, modified or terminated in the case of an Index Disruption Event (for further details see section 7 below). Subject to prior consultation with the Equities Index Forum, the Benchmark Administrator also has the power to cease administering and publishing a Benchmark at any time, for any reason and without notice. Circumstances in which a Benchmark may be terminated include, without limitation, that the relevant Benchmark is no longer able to meet its objective or if there are no investors in the Benchmark or no remaining Financial Products.

## **7. USE OF DISCRETION IN DETERMINATION OF THE BENCHMARK**

If, on any Index Calculation Day, the Benchmark Administrator determines that an Index Disruption Event occurs or has occurred in respect of any Benchmark, then the Benchmark



Administrator may (i) determine the value of the affected Benchmark and/or any affected Benchmark constituents as of such Index Calculation Day in a manner which reflects the nature of the Index Disruption Event, (ii) suspend, delay or postpone calculation and/or publication of the Index Level and/or (iii) modify, replace or terminate the Benchmark. Modifications may include adjustments to or the removal, replacement or addition of Benchmark constituents. In addition the Benchmark Administrator may modify or terminate a Benchmark, including in the case of any issue or concern that has arisen which may have a material impact on the Benchmark.

If an Index Disruption Event occurs or has occurred, the Benchmark Administrator may at its option convene the Equities Index Forum to determine what action, if any, is appropriate in accordance with the Benchmark Rules.

An **Index Disruption Event** shall be any event or circumstance of any nature which (in the determination of the Benchmark Administrator):

- p) disrupts or impairs any procedure normally used in determination of the Index Level;
- q) impairs the determination of the Index Level or of any value necessary to determine the Index Level or results in any such value being unavailable;
- r) affects the ability of the affected Benchmark to achieve its stated objective;
- s) makes it impossible, impracticable or commercially unreasonable for the affected Benchmark to be administered, maintained, calculated or published in accordance with the terms of the Benchmark Rules or otherwise requires the Benchmark Administrator to depart from the terms of the Benchmark Rules in the administration, maintenance, calculation or publication of the affected Benchmark, in each case, in order to maintain the commercial purposes of the Benchmark; or
- t) otherwise makes it necessary or desirable (including from the perspective of any party hedging any exposure to the affected Benchmark) to amend or adjust that Benchmark or the Benchmark Rules.

If, on any Index Calculation Day, the Benchmark Administrator determines that a **Market Disruption Event** occurs or has occurred in respect of any Benchmark (being any event, as further described in the Benchmark Rules, that affects the ability of the Benchmark Administrator to obtain reliable input data for any of the Benchmark Components), the Benchmark Administrator may either (i) determine the relevant input data required in respect of the affected Benchmark Component using an alternative measure selected by the Benchmark Administrator, (ii) postpone the calculation of the Index Level for the relevant Index Calculation Day or (iii) modify or terminate the Benchmark as described above. The Benchmark Administrator's procedure in the case of a Benchmark modification is that it first requests that the Equities Index Forum is convened to consider the relevant issue or concern and the Benchmark Administrator follows the determination of the Equities Index Forum. In the case of a significant change (as described in the relevant Benchmark Rules) the Benchmark Administrator and where possible shall give reasonable prior notice that the relevant change is proposed in order to allow Financial Product investors to give comments on the proposed change.

The Benchmark Administrator's procedure in the case of a Benchmark termination is that it must first consult with the Equities Index Forum and, where the Equities Index Forum considers it appropriate, the Benchmark Administrator will make available to Financial Product investors the rationale for the termination, along with the proposed timing and content of the termination. The Benchmark Administrator may in this case but is not required to consult with Financial Product investors to allow them to provide feedback on the proposal.

**8. PROCEDURES FOR DETERMINATION OF THE BENCHMARK IN PERIODS OF STRESS OR WHERE TRANSACTION DATA SOURCES MAY BE INSUFFICIENT, INACCURATE OR UNRELIABLE**

See section 7 above in relation to the powers available to the Benchmark Administrator following the occurrence of an Index Disruption Event or a Market Disruption Event and the powers of the Benchmark Administrator in relation to any modification or termination of a Benchmark.

**9. PROCEDURES FOR DEALING WITH ERRORS IN INPUT DATA OR IN THE DETERMINATION OF THE BENCHMARK**

Where an error in input data has occurred or where required due to technical errors, operational events or market disruptions, the Benchmark Administrator may revise any previously published Index Levels. Any such revised Index Levels will be published in accordance with the procedure set out in the relevant Benchmark Rules.

## BENCHMARK STATEMENT

### Mixed Equities Benchmark Family

Benchmark Administrator:	Merrill Lynch International (“MLI”) 2 King Edward Street, EC1A 1HQ, London, United Kingdom
Benchmark Categorisation:	Non-significant
Benchmark Type:	Non-regulated data Benchmark
Benchmark identifiers:	No ISINs are available for the Benchmarks as of the date of this Benchmarks Statement.

Each Benchmark is a proprietary index sponsored and calculated as of the date of this Benchmark Statement by the Benchmark Administrator.

Date of initial publication of this Benchmark Statement: 24 February 2020

Date of last update: N/A – this is the initial publication

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## 1. STATUS OF THIS DOCUMENT

This document constitutes the Benchmark Statement for the Mixed Equities Family of Benchmarks of the Benchmark Administrator (each a **Benchmark**). This document is intended to provide an overview of certain key information relating to the Benchmarks only, as required by *Regulation (EU) 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 as onshored by the Benchmarks (Amendment and Transition Provision) (EU Exit) Regulations 2019/657, as amended (the Regulation)*.

Details of the full and definitive rules for the Benchmarks are set out in the Index Rulebook for each Benchmark (the **Benchmark Rules**). The Benchmark Rules are available upon request from the Benchmark Administrator subject to, where applicable, confidentiality or other agreements between the Benchmark Administrator and the relevant party.

Nothing contained in this Benchmark Statement should be construed as an offer or solicitation of any transaction.

## 2. UPDATES AND CHANGES TO, AND CESSATION OF, A BENCHMARK

Factors, including external factors beyond the control of the Benchmark Administrator, may necessitate changes to, or the cessation of, a Benchmark. Users of the Benchmarks should note that any such changes to a Benchmark, or the cessation of a Benchmark, may have an impact on any financial instruments or financial contracts that reference that Benchmark and any investment funds in respect of which the performance is measured by reference to that Benchmark. See further section 6.3.5 below in relation to those factors that may necessitate changes to, or the cessation of, a Benchmark.

This Benchmark Statement will be reviewed and, where necessary, updated at least every two years, but may be amended, supplemented or updated more frequently in accordance with the requirements of the Regulation. All updates to this Benchmark Statement and details of any changes to or the cessation of the Benchmark will be approved by the Equities Index Forum of the Benchmark Administrator (the **Equities Index Forum**), as further described below. Unless the Equities Index Forum determines otherwise, any such updates, changes or cessation shall not be subject to public consultation. All updates to the Benchmark Statement and any notice relating to changes to, or to the cessation of, the Benchmark will be published by the Benchmark Administrator.

The Benchmark Administrator reserves the right to amend, supplement or update this Benchmark Statement and/or the Benchmark Rules from time to time and accepts no liability for any such modifications.

### **3. CONTRIBUTIONS OF INPUT DATA**

None of the Benchmarks in this family of Benchmarks is determined using contributions of input data.

### **4. THE MARKET OR ECONOMIC REALITY MEASURED BY THE BENCHMARKS, THEIR POTENTIAL LIMITATIONS AND ALL KEY TERMS**

The objective of each Benchmark is to replicate the return or provide exposure to a particular investment approach or strategy (a **Strategy**) set out in the relevant Benchmark Rules. Each Benchmark comprises a number of Benchmark constituents which are shares, depository receipts or other equity-linked instruments or indices as selected or composed as described in the relevant Benchmark Rules, including any geographical restrictions or other selection criteria. The prices or levels of such Benchmark constituents are the input data for the purposes of a Benchmark. Each Benchmark constituent will have a weighting within the Benchmark and such weightings may be subject to adjustment from time to time in a process referred to as rebalancing or recomposition of the Benchmark. Where applicable each rebalancing or recomposition will be based on the relevant investment approach or strategy. Unless otherwise stated in the Benchmark Rules, no models or methods of extrapolation are used in determining a Benchmark.

The Benchmark Administrator will apply the methodology for each Benchmark at each time and on each day on which the level of a Benchmark (the **Index Level**) is required to be determined (each such day an **Index Calculation Day**) in accordance with the Benchmark Rules and by reference to the then current prices or levels of the Benchmark constituents and their weightings. Each relevant Index Level will be published on the data source(s) referred to in the relevant Benchmark Rules.

Certain deductions may be provided for in a Benchmark to reflect relevant costs or expenses which would apply to transactions replicating or providing exposure to the investment approach or strategy and also to reflect the cost of the Benchmark Administrator and its affiliates providing the Benchmark and related financial products referencing the Benchmark (**Financial Products**).

The Benchmark Administrator may appoint one or more agents or service providers to assist it in carrying out the requirements of the Benchmark Rules. Any references to actions or determinations carried out by the Benchmark Administrator in this Benchmark Statement should be understood to include, where applicable, references to such actions or determinations being carried out by any such agent or service provider.

The Benchmark Rules will also set out relevant adjustment and disruption provisions which will apply, as

further described in sections 7, 8 and 9 below.

Each Benchmark is a proprietary index and within any Benchmark Rules references to relevant transactions, assets or cost assumptions are on a hypothetical basis only and do not represent actual transactions by any person or entity.

Full details of each Benchmark are provided in the relevant Benchmark Rules. See section 1 above.

## **5. LIMITATIONS OF THE BENCHMARKS AND CIRCUMSTANCES IN WHICH THE MEASUREMENT OF THE MARKET OR ECONOMIC REALITY MAY BECOME UNRELIABLE**

The Benchmarks rely on the continued availability to the Benchmark Administrator of the input data as further described in section 6.3.2 below. To the extent that such input data is temporarily or permanently unavailable, the Benchmark Rules allow the Benchmark Administrator to calculate any affected Benchmark on an alternative basis, to use its own estimate of such prices in place of such input data, to make certain adjustments to the terms of any affected Benchmark, to remove or replace any affected Benchmark constituent, to replace any affected Benchmark with a successor index or to cease to determine any affected Benchmark. Where required by the Benchmark Rules, such determinations shall be made in consultation with the Equities Index Forum. If, following the exercise of the Benchmark Administrator's adjustment powers, one or more of the existing Benchmark constituents cease to be Benchmark constituents, the relevant Benchmark will no longer reflect the performance of those Benchmark constituents.

## **6. BENCHMARK METHODOLOGY**

### **6.1 Rationale for adopting the benchmark methodology**

The rationale for adopting the methodology for each Benchmark is to create a Benchmark which measures the relevant market or economic reality referred to above and which is to be used for the purposes of the relevant Financial Products to be issued by one or more of MLI's affiliates or by third parties.

### **6.2 Procedures for the review and approval of the benchmark methodology**

Each Benchmark has been approved by a unanimous vote of the appropriate voting members of the Equities Index Forum. The Equities Index Forum is a committee consisting of representatives from certain businesses and control functions of the Benchmark Administrator and/or its affiliates. The Equities Index Forum's approval is not a product or transaction approval.

Following such initial approval, the Equities Index Forum will periodically review each Benchmark and the Benchmark Administrator's actions (including any exercise of discretion) with respect to each Benchmark. The Benchmark Administrator is also required to consult with the Equities Index Forum prior to making any amendments to the Benchmark Rules or before ceasing to administer and publish any Benchmark.

Any use of a Benchmark in a product or transaction remains subject to all other approvals and processes required for the relevant product or transaction in accordance with each of MLI and its affiliates policies and procedures.

### **6.3 Criteria and procedures used to determine the benchmarks**

#### **6.3.1 Description of the Benchmark Methodology**

The criteria and procedures used to determine the Benchmark, as described in Section 4 above, are set out fully in the Benchmark Rules. In particular the relevant Benchmark Rules provide for the procedures for the rebalancing and recomposition of the Benchmark constituents from time to time.

Each benchmark from the **Mixed Equities Family** measures input data from diverse equity instruments including equity options, futures, ETFs, Funds and third party or BofAML equity indices, providing exposure to the relevant underlying equity across a variety of different instrument. Input data used for this family of benchmarks is sourced directly from recognized market data providers (such as Bloomberg and Reuters) as specified in the relevant index rules.

### 6.3.2 Description of the input data

For benchmarks, input data may comprise (in part) regulated exchange data or any of the other types of input data set out below:

- a) **Regulated Exchange Data:** Input data as defined in Article 3.1(24) of the Regulation. Data of this type is sourced from recognised market data providers.
- b) **Readily Available Data:** Input data that does not fall under the definition set out in Article 3.1(24) of the Regulation including:
  - **Non-regulated Exchange Data:** Input data from exchanges which are not covered by the definition in Article 3.1(24) of the Regulation. Data of this type is sourced from recognised market data providers (such as Bloomberg and Reuters).
  - **EU Benchmarks:** indices that fall within the definition of “benchmark” under the Regulation. Data of this type is sourced directly from the administrator or from recognised market data providers (such as Bloomberg and Reuters).
  - **Other Benchmarks:** other indices that do not fall within the definition of “benchmark” under the Regulation including certain other BOFASE investable indices. Data of this type is sourced directly from the administrator or from recognised market data providers (such as Bloomberg and Reuters).
  - **Third Party Data:** This includes, without limitation, benchmark interest rates and foreign exchange rates (such as WM/Reuters), some of which may be benchmarks under the Regulation. Data of this type is sourced from recognised market data providers (such as Bloomberg and Reuters) or other third party providers.
  - **Other Readily Available Data:** These include, without limitation, research reports, signals and indicators, dividend prices, corporate action data, fundamental data and industry, category, style or similar classifications for input data. Data of this type is sourced directly from the providers or from recognised financial information providers (such as Bloomberg or Reuters).

The input data for each Benchmark will be the relevant prices or levels of the Benchmark constituents in respect of the relevant Index Calculation Day.

### 6.3.3 Priority given to different types of input data

Priority is given to the relevant prices or levels of the Benchmark constituents specified in the applicable Benchmark Rules unless a disruption occurs in which case the Benchmark Administrator may instead use its own estimates of such prices or levels (as further described in section 8 below).

#### 6.3.4 Minimum data needed to determine the Benchmarks

The Benchmark Administrator will require, as a minimum, relevant prices or levels of the Benchmark constituents specified in the applicable Benchmark Rules to determine any Benchmark. Without such prices or levels, and subject to the relevant fallback provisions described in section 8 below, the Benchmark Administrator may have to modify the terms of a Benchmark or cease administration and publication of that Benchmark.

#### 6.3.5 Factors that may result in changes to, or the suspension or cessation of, a Benchmark

Calculation of a Benchmark may be postponed, modified or terminated in the case of an Index Disruption Event (for further details see section 7 below). Subject to prior consultation with the Equities Index Forum, the Benchmark Administrator also has the power to cease administering and publishing a Benchmark at any time, for any reason and without notice. Circumstances in which a Benchmark may be terminated include, without limitation, that the relevant Benchmark is no longer able to meet its objective or if there are no investors in the Benchmark or no remaining Financial Products.

### 7. USE OF DISCRETION IN DETERMINATION OF THE BENCHMARK

If, on any Index Calculation Day, the Benchmark Administrator determines that an Index Disruption Event occurs or has occurred in respect of any Benchmark, then the Benchmark Administrator may (i) determine the value of the affected Benchmark and/or any affected Benchmark constituents as of such Index Calculation Day in a manner which reflects the nature of the Index Disruption Event, (ii) suspend, delay or postpone calculation and/or publication of the Index Level and/or (iii) modify, replace or terminate the Benchmark. Modifications may include adjustments to or the removal, replacement or addition of Benchmark constituents. In addition the Benchmark Administrator may modify or terminate a Benchmark, including in the case of any issue or concern that has arisen which may have a material impact on the Benchmark.

If an Index Disruption Event occurs or has occurred, the Benchmark Administrator may at its option convene the Equities Index Forum to determine what action, if any, is appropriate in accordance with the Benchmark Rules.

An **Index Disruption Event** shall be any event or circumstance of any nature which (in the determination of the Benchmark Administrator):

- u) disrupts or impairs any procedure normally used in determination of the Index Level;
- v) impairs the determination of the Index Level or of any value necessary to determine the Index Level or results in any such value being unavailable;
- w) affects the ability of the affected Benchmark to achieve its stated objective;
- x) makes it impossible, impracticable or commercially unreasonable for the affected Benchmark to be administered, maintained, calculated or published in accordance with the terms of the Benchmark Rules or otherwise requires the Benchmark Administrator to depart from the terms of the Benchmark Rules in the administration, maintenance, calculation or publication of the affected Benchmark, in each case, in order to maintain the commercial purposes of the Benchmark; or
- y) otherwise makes it necessary or desirable (including from the perspective of any party hedging any exposure to the affected Benchmark) to amend or adjust that Benchmark or the Benchmark Rules.

If, on any Index Calculation Day, the Benchmark Administrator determines that a **Market Disruption Event** occurs or has occurred in respect of any Benchmark (being any event, as further described in the Benchmark Rules, that affects the ability of the Benchmark Administrator to obtain reliable input data for any of the Benchmark Components), the Benchmark Administrator may either (i) determine the relevant input data required in respect of the affected Benchmark Component using an alternative measure selected by the Benchmark Administrator, (ii) postpone the calculation of the Index Level for the relevant Index Calculation Day or (iii) modify or terminate the Benchmark as described above. The Benchmark Administrator's procedure in the case of a Benchmark modification is that it first requests that the Equities Index Forum is convened to consider the relevant issue or concern and the Benchmark Administrator follows the determination of the Equities Index Forum. In the case of a significant change (as described in the relevant Benchmark Rules) the Benchmark Administrator and where possible shall give reasonable prior notice that the relevant change is proposed in order to allow Financial Product investors to give comments on the proposed change.

The Benchmark Administrator's procedure in the case of a Benchmark termination is that it must first consult with the Equities Index Forum and, where the Equities Index Forum considers it appropriate, the Benchmark Administrator will make available to Financial Product investors the rationale for the termination, along with the proposed timing and content of the termination. The Benchmark Administrator may in this case but is not required to consult with Financial Product investors to allow them to provide feedback on the proposal.

**8. PROCEDURES FOR DETERMINATION OF THE BENCHMARK IN PERIODS OF STRESS OR WHERE TRANSACTION DATA SOURCES MAY BE INSUFFICIENT, INACCURATE OR UNRELIABLE**

See section 7 above in relation to the powers available to the Benchmark Administrator following the occurrence of an Index Disruption Event or a Market Disruption Event and the powers of the Benchmark Administrator in relation to any modification or termination of a Benchmark.

**9. PROCEDURES FOR DEALING WITH ERRORS IN INPUT DATA OR IN THE DETERMINATION OF THE BENCHMARK**

Where an error in input data has occurred or where required due to technical errors, operational events or market disruptions, the Benchmark Administrator may revise any previously published Index Levels. Any such revised Index Levels will be published in accordance with the procedure set out in the relevant Benchmark Rules