



# Blanket Order 96-501 Replaced: Expiry Dates for Derivatives Trade Reporting Exemptions Pushed Back

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**Blanket Order 96-501**, originally adopted in 2016, provides limited general relief from certain derivatives trade reporting requirements under **Multilateral Instrument 96-101 Trade Repositories and Derivatives Data Reporting**.

It applies in all Canadian jurisdictions except Manitoba, Ontario and Quebec.

Effective December 15, 2017, each of the participating provinces and territories revoked and replaced the Blanket Order.

The replacement Blanket Order is generally similar to its predecessor except that it:

- extends the application of some of the exemptions beyond the original December 31, 2017 expiration date (while making certain other exemptions permanent), and
- includes a few other minor changes, as described below.

## Exemptions Extended By 6-18 Months

Under the original Blanket Order, certain exemptions to the requirement to report derivatives data under MI 96-101 were in place on a temporary basis only, until December 31, 2017. These exemptions included those applying in the following situations:

- where the reporting counterparty is not a Resident Local Counterparty and **hasnot received sufficient Required Counterparty Feedback** from the non-reporting counterparty to enable it to determine whether that counterparty is itself a Resident Local Counterparty;
- where the reporting counterparty has been **unable to obtain the Legal Entity Identifier (LEI)** of the non-reporting counterparty (exemption applying to the LEI data field only); and
- where the reporting counterparty has **not obtained the LEI of the Broker/Clearing Intermediary** (exemption applying to the Broker/Clearing intermediary data field only).

The expiration date of these exemptions has been extended under the replacement Blanket Order until:

- **June 30, 2018**, if the Non-Reporting Counterparty (or Broker/Clearing Intermediary) is one with which the reporting counterparty does not have an existing contractual relationship; or
- **December 18, 2019**, in all other cases.

## Permanent Exemptions

Additionally, the replacement Blanket Order **removes** the expiration date altogether from the following exemptions:

- the “Blocking Laws” exemption; and
- the exemption for data that is or may be restricted by a Consent Requirement.

There is also no expiration date for the new “holiday” exemption relating to reporting valuation data that is described below.

## Other Changes

Substantive changes in the replacement Blanket Order include:

- The “Required Counterparty Feedback” exemption now clarifies that the reporting counterparty must have used “**reasonable efforts**” to obtain the feedback before the exemption can apply;
- The “Broker/Clearing Party Intermediary LEI” exemption also requires the reporting counterparty to use “**reasonable efforts**” to obtain the LEI of its broker or clearing intermediary before the exemption can apply; and
- There is a new exemption with respect to daily valuation data reporting in the event that there is a **holiday or other non-business day** in the reporting counterparty’s jurisdiction or in the jurisdiction of the provider of the relevant closing market data (provided that a report is made as soon as possible thereafter).

## Note

Blanket Order 96-501 is also known as “BC Instrument 96-501” in British Columbia, “Blanket Order #105” in Newfoundland & Labrador (replacing the former Blanket Order #102”) and “General Order 96-501” in Saskatchewan.

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