

Press Release

For immediate release
Brussels, 12 January 2009

EFAMA WELCOMES THE EUROPEAN COMMISSION DECISION TO OPEN FORMAL PROCEEDINGS AGAINST STANDARD & POOR'S (S&P)

EFAMA welcomes the European Commission's decision to open formal proceedings against Standard & Poor's (S&P) for possible breaches of the EC Treaty's rules on the abuse of a dominant market position (Article 82 EC Treaty). With this intermediate decision, the Commission found that S&P may abuse its monopoly position as the U.S. national numbering agency by licensing fees for the use of US ISINs and certain descriptive elements attached to the ISIN as an identifier key from financial institutions (such as banks and investment funds).

The initiation of proceedings against S&P originates from a complaint filed jointly by EFAMA, the French and German asset management associations (respectively, AFG and BVI) as well as the financial institution data user associations IPUG (UK) and SIPUG (Switzerland) on July 16, 2008 against Standard & Poor's with the European Commission (case number 39.592).

The complaint is directed against Standard & Poor's ("S&P") and concerns the use of so-called international securities identification numbers ("ISINs") by financial institutions (such as banks and investment funds). The ISIN is an international standard under the rules of the International Organization for Standardization ("ISO") and has been made de facto mandatory by European and national legislation. S&P issues ISINs through its CUSIP service bureau ("CSB") and has a monopoly for the issuance of these numbers in the U.S. ("US ISINs"). The use of ISINs is indispensable for the operation of financial institutions today because it has become the universal key identifier for important financial information and its use is legally required.

In the complainants' view, S&P abuses its dominant position within the meaning of Article 82 EC by demanding a licensing fee not only from financial service providers such as Bloomberg, Telekurs, Thomson Reuters and Moody's ("ISPs"), but also from financial institutions (such as banks and investment funds). In contrast to ISPs, financial institutions do not obtain their U.S. ISINs from S&P, but from multiple sources and do not receive any service from S&P. S&P also abuses its dominant position by forcing its direct contractual partners, the ISPs, to cut Third Party Users off from any data feeds that they receive on U.S. instruments, unless Third Party Users sign a licensing agreement with S&P.

EFAMA, AFG, BVI, IPUG and SIPUG are confident that the complaint will succeed and that S&P will be required by the European Commission to stop the illegal ISIN licensing practice in Europe thereby ending this long-standing dispute in favour of the European financial services industry. The Commission suspects that requesting licensing fees for the use of U.S. ISINs and

certain descriptive elements attached to the ISIN as an identifier key constitutes a possible infringement of Article 82 EC. If this is indeed the case, banks and asset managers that have paid licence fees in the past may, under national law, be entitled to a compensation for damages in the amount of their payments to S&P.

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Notes to editors:

- EFAMA is the representative association for the European investment management industry. EFAMA represents through its 24 member associations and 42 corporate members about €14 trillion in assets under management of which €6.8 trillion managed by around 53,000 investment funds at end September 2008. For more information, please visit www.efama.org.
- The French Asset Management Association (Association Française de la Gestion Financière, AFG) represents all segments of France's asset management industry, both discretionary and collective. French professionals manage assets of €2.5 trillion, including €1.5 trillion in collective schemes, for which France is the European leader as a financial management centre for on-shore funds and second worldwide after the USA. For more information, please visit www.afg.asso.fr
- BVI Bundesverband Investment und Asset Management e.V. is the representative of the German investment fund and asset management industry. Its 90+ member companies manage in excess of Euros 1600 billion, mostly in investment funds. For more information, please visit www.bvi.de
- IPUG is the principal organisation in the UK representing users of market data services on a technical, administrative and strategic level. Membership is mainly representative of the London investment market with nearly 100 institutions drawn from international banks and brokerages,

insurance companies, asset managers and the treasury departments of major non-financial companies. Website: www.ipug.org.uk

- SIPUG is the representative of the Swiss Financial Industry. Its members contain representatives from banking and insurance companies throughout Switzerland and Liechtenstein, the latter being a member of the EC. For more information, please visit www.sipug.ch