

CLIENT ALERT

Deadline for NYSE and Nasdaq Listed Companies to Adopt Mandatory Clawback Policies Delayed Until December 1, 2023

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The deadline for companies listed on the New York Stock Exchange (“NYSE”) and The Nasdaq Stock Market (“Nasdaq” and together with NYSE, the “Exchanges”) to adopt and implement policies providing for the mandatory recoupment or clawback of erroneously paid incentive-based compensation following an accounting restatement has been delayed until December 1, 2023. Further, the listing standards proposed by both Exchanges were amended to require that the mandatory clawback policies apply to any incentive-based compensation received by executive officers on or after October 2, 2023. The delayed effective date is intended to give companies sufficient time to prepare and implement mandatory clawback policies.

The NYSE amended listing standard is available [here](#) and the Nasdaq amended listing standard is available [here](#). Our prior analysis of the NYSE and Nasdaq proposed listing standards is available [here](#), and our prior analysis of the rules issued by the SEC directing exchanges to establish listing standards that require listed issuers to adopt and implement policies providing for mandatory recoupment of erroneously paid incentive-based compensation following an accounting restatement is available [here](#).

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If you have any questions regarding this client alert, please contact the following attorneys or the Willkie attorney with whom you regularly work.

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