

Chapter 3

Notification rules for UK recognised bodies



3.14A Operation of a trading venue

Purpose

3.14A.1 **G** The purpose of ■ REC 3.14A is to ensure that the *FCA* is informed of planned changes to a *UK RIE's* markets and their regulatory status as either a *regulated market*, *MTF* or *OTF*.

Operation of a regulated market

3.14A.2 **R** Where a *UK RIE* proposes to operate a new *regulated market* or close an existing *regulated market* it must give the *FCA* notice of that event and the information specified for the purposes of this rule in ■ REC 3.14A.3 R, at the same time as that proposal is first formally communicated to its members or shareholders (or any group or class of them).

3.14A.3 **R** The following information is specified for the purposes of ■ REC 3.14A.2 R:

- (1) where the *UK RIE* proposes to operate a new *regulated market*:
 - (a) a description of the *regulated market*; and
 - (b) a description of the *specified investments* which will be admitted to trading on that *regulated market*.
- (2) where the *UK RIE* proposes to close a *regulated market*, the name of that *regulated market*.

Operation of an MTF or OTF

3.14A.4 **R** Where a *UK RIE* proposes to operate a new *MTF* or *OTF* or close an existing *MTF* or *OTF* it must give the *FCA* notice of that event and the information specified for the purposes of this rule in ■ REC 3.14A.5 R, at the same time as that proposal is first formally communicated to its *members* or shareholders (or any group or class of them).

3.14A.5 **R** The following information is specified for the purposes of ■ REC 3.14A.4 R:

- (1) [Note: ■ REC 2.16A.1(2) requires the *FCA* to be provided with a detailed description of the operation of an *MTF* or *OTF*. The description must be provided in the form set out in *MiFID ITS 19*.]
- (2) Where the *UK RIE* proposes to close a *MTF* or *OTF*, the name of that *MTF* or *OTF*.

Operation of a recognised auction platform

3.14A.6 G If a *UK RIE* proposes to operate a *RAP*, it will need to make a separate application to be recognised as a *RAP* (see ■ REC 5 (Applications))

3.14A.6A G In accordance with regulation 23(3) of the *UK auctioning regulations*, a *RAP* must submit a detailed exit strategy to the *FCA* within three *months* from the date of its appointment.

3.14A.6B G For the form and method of notifications ■ REC 3.2.2R applies.

Pre- and post- trade transparency requirements for equity and non-equity instruments: form of waiver and deferral

3.14A.7A D A *UK RIE* operating a *trading venue* that proposes to take advantage of a waiver in accordance with articles 4 or 9 of *MiFIR* (in relation to pre-trade transparency for equity or non-equity instruments) must make an application for it to the *FCA* using the form in ■ MAR 5 Annex 1D.

[Note: articles 4 and 9 of *MiFIR*, and *MiFID RTS 1* and *MiFID RTS 2*]

3.14A.7B G [deleted]

3.14A.7C D A *UK RIE* operating a *trading venue* that proposes to take advantage of a deferral in accordance with articles 7 or 11 of *MiFIR* in relation to post-trade transparency for equity or non-equity instruments must apply for it in writing to the *FCA*.

[Note: articles 7 and 11 of *MiFIR*, and *MiFID RTS 1* and *MiFID RTS 2*]

3.14A.7D G A *UK RIE* should have regard to the urgency and significance of a matter and, if appropriate, should also notify its usual supervisory contact at the *FCA* by telephone or by other prompt means of communication, before submitting written notification. Oral notifications should be given directly to its usual supervisory contact at the *FCA*. An oral notification left with another person or left on a voicemail or other automatic messaging service is unlikely to have been given appropriately.