

FEES (DATA REPORTING APPLICATIONS) INSTRUMENT 2017

Powers exercised

- A. The Financial Conduct Authority makes this instrument in the exercise of:
- (1) the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
 - (a) section 137A (The FCA’s general rules);
 - (b) section 137T (General supplementary powers);
 - (c) section 139A (Power of the FCA to give guidance); and
 - (d) paragraph 23 (Fees) in Part 3 (Penalties and Fees) of Schedule 1ZA (The Financial Conduct Authority); and
 - (2) the powers of direction, guidance and related provisions in or under the following provisions of the Data Reporting Services Regulations 2017 (SI 2017/699):
 - (a) regulation 20 (Guidance); and
 - (b) regulation 40 (FCA: penalties, fees and exemption from liability in damages).
- B. The rule-making powers listed above are specified for the purpose of section 138G (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force on 3 July 2017.

Amendments to the Handbook

- D. The Fees manual (FEES) is amended in accordance with the Annex to this instrument.

Citation

- F. This instrument may be cited as the Fees (Data Reporting Applications) Instrument 2017.

By order of the Board
30 June 2017

Annex

Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text.

1 Fees Manual

1.1 Application and Purpose

1.1.1 G (1) ...

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(3) *FEES 3* (Application, Notification and Vetting Fees) covers one-off fees payable on a particular event for example:

- (a) various application fees (including those in relation to authorisation, variation of *Part 4A permission*, registration as a *CBTL firm*, authorisation of a *data reporting services provider*, listing and the Basel Capital Accord); and

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2 General Provisions

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2.2 Late Payments and Recovery of Unpaid Fees

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Recovery of Fees

2.2.3 G (1) Paragraph 23(8) of Schedule 1ZA of to the *Act* permits the *FCA* to recover fees (including *fees* relating to *payment services*, the issuance of *electronic money*, ~~fees relating to *CBTL firms*~~, *data reporting services providers*, *designated credit reference agencies*, *designated finance platforms* and, where relevant, *FOS* levies and *CFEB* levies).

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3 Application, Notification and Vetting Fees

3.1 Introduction

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3.1.1A R A reference to *firm* in this chapter includes a reference to a *fee-paying payment service provider*, a *CBTL firm*, a *fee-paying electronic money issuer*, a *designated finance platform* ~~and~~, a *designated credit reference agency* and a data reporting services provider.

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3.1.6D G ...

3.1.6E G (1) Application fees for authorisation under regulation 7 of the *DRS Regulations*, and for operators of *trading venues* seeking verification of their compliance with Title V of *MiFID II* under regulation 8 of the *DRS Regulations* and for variation of an authorisation under regulation 12 of the *DRS Regulations* are set out in the table at *FEES 3.2.7R*.

(2) The fee depends on the number of *data reporting services* for which the *firm* is making an application.

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3.2 Obligation to pay fees

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Method of payment

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3.2.5 G (1) (a) The appropriate authorisation or registration fee is an integral part of an application for, or an application for a variation of, a *Part 4A permission*, authorisation, registration or variation under the *Payment Services Regulations* or the *Electronic Money Regulations*, registration under article 8(1) of the *MCD Order*, authorisation under regulation 7 of the *DRS Regulations* or verification under regulation 8 of the *DRS Regulations* or notification or registration under the *AIFMD UK regulation*.

(b) Any application or notification received by the *FCA* without the accompanying appropriate fee, in full and without deduction (see *FEES 3.2.1R*), will not be treated as an application or notification made, incomplete or otherwise, in accordance with section 55U(4), or 55H of the *Act* or regulation 5(3) or 12(3) of the *Payment Services Regulations* or regulation 5 or 12 of the *Electronic Money Regulations* or regulation 11(1) and 60(a) of the *AIFMD UK regulation*, regulation 7(2) of the *DRS Regulations* or article 9 of the *MCD Order*.

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3.2.7 R Table of application, notification, vetting and other fees payable to the FCA

Part 1: Application, notification and vetting fees		
(1) Fee payer	(2) Fee payable (£)	Due date
...		
<p><u>(zw) An applicant for authorisation under regulation 7 of the DRS Regulations, or the operator of a trading venue seeking verification of their compliance with Title V of MiFID II under regulation 8 of the DRS Regulations or an applicant for variation of an authorisation under regulation 12 of the DRS Regulations.</u></p>	<p><u>Either (1), (2), or (3) applies as set out below:</u></p> <p><u>(1) If the applicant is applying for permission to operate one data reporting service, 5,000.</u></p> <p><u>(2) If the applicant is applying for permission to operate more than one data reporting services, 50% of the fee at (1) for each additional service plus the fee at (1).</u></p> <p><u>(3) If the applicant is applying for variation of an authorisation, 50% of the fee at (1) for each additional service.</u></p>	<p><u>On the date the application is made.</u></p>