

**FEES (CREDIT RATING AGENCIES, TRADE REPOSITORIES AND  
SECURITISATION REPOSITORIES) INSTRUMENT 2019**

**Powers exercised**

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of:
- (1) the following powers and related provisions in or under 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);
    - (d) paragraph 23 (Fees) in Part 3 (Penalties and Fees) of Schedule 1ZA (The Financial Conduct Authority);
  - (2) [regulations 206 and 208 of the Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019; and]
  - (3) paragraph 7(2)(b) of The Financial Regulators’ Powers (Technical Standards etc.) (Amendment etc.) (EU Exit) Regulations 2018.
- [Editor’s note: the citation of the power in paragraph (2) is dependent on legislative provisions set out in regulations 206 and 208 of the Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 which is presently before Parliament being made. This instrument will only be made once the amending legislation has been made.]
- B. The rule-making powers listed above are specified for the purposes of section 138G(2) (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on exit day as defined in the European Union (Withdrawal) Act 2018, immediately after the Exiting the European Union: High Level Standards (Amendments) Instrument 2019 [FCA 2019/20].

**Amendments to the Handbook**

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

**Citation**

- F. This instrument may be cited as the Fees (Credit Rating Agencies, Trade Repositories and Securitisation Repositories) Instrument 2019.

By order of the Board  
28 March 2019

**Annex**

**Amendments to the Fees manual (FEES)**

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

**3 Application, Notification and Vetting Fees**

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**3.2 Obligation to pay fees**

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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*, registration or certification under the *Credit Rating Agencies Regulation*, registration or recognition under the *European Market Infrastructure Regulation*, or registration under the *Securitisation Regulation*.

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

<b>Part 1: Application, notification and vetting fees</b>		
(1) Fee payer	(2) Fee payable (£)	Due date
...	...	...

<u>(zzf) UK-based applicants for registration as a credit rating agency; a trade repository; a securitisation repository, or a third country applicant seeking certification as a credit rating agency or recognition as a trade repository.</u>	The fee set out in <i>FEES 3 Annex 13R</i> . <u>Applicants for registration as a trade repository who already hold registration as a securitisation repository, or vice versa, will receive a 50% discount on the relevant application fee.</u>	<u>On or before the date the application is made.</u>
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Insert the following new annex after FEES 3 Annex 12R (UKLA transaction fees). The text is not underlined.

**3 Annex 13R Fees payable for registration as a credit rating agency, trade repository or securitisation repository**

Application type	Amount payable (£)
<i>Credit rating agency</i>	5,000
<i>Trade repository</i>	5,000
Third country <i>firm</i> seeking certification as a <i>credit rating agency</i>	1,500
Third country <i>firm</i> seeking recognition of a <i>trade repository</i>	1,500
<i>Securitisation repository</i>	5,000

Amend the following as shown.

**4 Periodic fees**

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**4.2 Obligation to pay periodic fees**

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## 4.2.11 R Table of periodic fees payable to the FCA

1 Fee payer	2 Fee payable	3 Due date	4 Events occurring during the period leading to modified periodic fee
...	...	...	...
<i>A benchmark endorser</i>	...	...	...
<u>Any UK-based firm registered as a credit rating agency; a trade repository; a securitisation repository or any third country firm certified as a credit rating agency or recognised as a trade repository.</u>	<u>The tariff specified in FEES 4 Annex 16R</u>	<u>Within 30 days of the date of the invoice</u>	<u>Not applicable</u>

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Insert the following new annex after FEES 4 Annex 15 (Fees relating to the recognition of benchmark administrators and the endorsement of benchmarks for the period 1 April 2018 to 31 March 2019). The text is not underlined.

**4 Annex 16R Periodic fees for credit rating agencies, trade repositories and securitisation repositories in relation to the period from *exit day* to 31 March 2020**

This Annex sets out the periodic fees in respect of *credit rating agencies, trade repositories and securitisation repositories*.

Part 1 – Method for calculating the fee for fee-paying payment service providers

The periodic fee is calculated by identifying the relevant activity group under Part 2 and multiplying the tariff base identified in Part 3 of *FEES* 4 Annex 16R by the appropriate rates in the table at Part 5.

Part 2 – Activity groups	
Activity group	Fee payer falls into this group if:
J.1	it is a <i>credit rating agency</i> or certified credit rating agency; or
J.2	it is a <i>trade repository</i> or recognised trade repository; or
J.3	it is a <i>securitisation repository</i> .

Part 3	
This table indicates the tariff base for each fee-block. The tariff base is the means by which the <i>FCA</i> measures the amount of business conducted by a <i>firm</i> .	
J.1 <i>Credit rating agencies</i>	<p><b>APPLICABLE TURNOVER</b></p> <p>This is revenue generated from the <i>credit rating agency</i>'s activities and ancillary services.</p>
J.2 <i>Trade repositories</i>	<p><b>APPLICABLE TURNOVER</b></p> <p>This is the sum of revenues generated from:</p> <p>(a) the core functions of centrally collecting and maintaining records of derivatives; and</p> <p>(b) ancillary services that are directly related to centrally collecting and maintaining records of derivatives.</p> <p>Ancillary services include:</p> <p>(i) direct provision by the <i>trade repository</i>;</p> <p>(ii) indirect provision by a company within the <i>trade repository</i>'s group; and</p> <p>(iii) where an entity with which the <i>trade repository</i> has concluded an agreement in the context of the trading or post-trading chain or business line to cooperate in the provision of services provides the ancillary services.</p> <p>Where a <i>trade repository</i>'s accounts do not distinguish revenue from ancillary services under different activities, it should determine</p>

	the share each activity represents of the turnover from providing core services and apply that to the composite ancillary revenue figure.
J.3 <i>Securitisation repositories</i>	<p>APPLICABLE TURNOVER</p> <p>This is the sum of revenues generated from:</p> <p>(a) the core functions of centrally collecting and maintaining records of <i>securitisations</i>; and</p> <p>(b) ancillary services that are directly related to centrally collecting and maintaining records of <i>securitisations</i>.</p> <p>Ancillary services include:</p> <p>(i) direct provision by the <i>securitisation repository</i>;</p> <p>(ii) indirect provision by a company within the <i>securitisation repository</i>'s group;</p> <p>(iii) where an entity with which the <i>securitisation repository</i> has concluded an agreement in the context of the trading or post-trading chain or business line to cooperate in the provision of services provides the ancillary services.</p>

Part 5 – Tariff rates		
Fee block	Activity group	Fee payable in relation to the fee year 2019/2020
J.1	Registered <i>credit rating agencies</i> and third country certified credit rating agencies with applicable turnover of £8,969m or less	Exempt
	Registered <i>credit rating agencies</i> with turnover above £8,969m	£[tbc] per £1k or part-£1k (applies to all turnover)
	Certified <i>credit rating agencies</i> with turnover above £8,969m	£5,381
J.2	Registered <i>trade repositories</i>	£[tbc] per £1k or part-£1k, subject to a minimum payment of £26,907
	Recognised <i>trade repositories</i>	£4,484

J.3	Registered <i>securitisation</i> <i>repositories</i>	£[tbc] per £1k or part-£1k subject to a minimum payment of £26,907
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