

FEES (MISCELLANEOUS AMENDMENTS) (No 16) INSTRUMENT 2021

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 (General rule-making power);
 - (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) regulation 40 of the Data Reporting Services Regulations 2017; and
 - (3) regulations 206 and 208 of the Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019.
- 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 1 July 2021.

Amendments to the Handbook

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

Citation

- E. This instrument may be cited as the Fees (Miscellaneous Amendments) (No 16) Instrument 2021.

By order of the Board
24 June 2021

Annex

Amendments to the Fees manual (FEES)

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

3 Application, Notification and Vetting Fees

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3.2 Obligation to pay fees

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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
...		
(zw) An applicant for authorisation under regulation 7 of the <i>DRS Regulations</i> , or the operator of a <i>trading venue</i> seeking verification of their compliance with Title V of MiFID <u>the <i>DRS Regulations</i></u> under regulation 8 of the <i>DRS Regulations</i> <u>those regulations</u> or an applicant for variation of an authorisation under regulation 12 of the <i>DRS Regulations</i> .	<p>Either (1), (2), or (3) applies as set out below:</p> <p>(1) If the applicant is applying for permission to operate one <i>data reporting service</i>, 5,000.</p> <p>(2) If the applicant is applying for permission to operate more than one <i>data reporting services</i>, 50% of the fee at (1) for each additional service plus the fee at (1).</p> <p>(3) If the applicant is applying for variation of an authorisation, 50% of the fee at (1) for each additional service.</p>	On the date the application is made.
(zx) (1) Unless (2) applies, any <i>person</i> applying to connect to the <i>market data processor system</i> to make <i>transaction reports</i> directly to the <i>FCA</i> under <i>MiFIR</i> .	(1) Unless (2) applies, 20,000-	On the date the application is made.
(2) If a <i>person</i> has previously applied as stated in (zx)(1) above and has been connected then no	(2) Any <i>incoming data reporting services provider</i> will pay 80% of the fee at (1).	

further fee is payable for any further such applications.		
<p>(zy) (1) Subject to (2) and (3) below, any <i>person</i> applying to connect to the <i>market data processor system</i> to provide <i>markets data (other than transaction reports)</i> under MAR 10.</p> <p>(2) If a <i>person</i> has previously applied as stated in (zy)(1) above and has been connected then no further fee is payable for any further such applications in relation to reporting the same data.</p> <p>(3) If a <i>person</i> has previously applied as stated in (zy)(1) above and makes a further application in relation to the provision of different data then a separate fee is payable for such application.</p>	<p><u>10,000</u></p>	<p>On the date the application is made.</p>
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3 Annex 1R Authorisation fees payable

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Part 3 - Complexity Groupings relating to *credit-related regulated activity*

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Moderately complex cases

Activity grouping	Description
CC.2	<p><i>Debt administration</i></p> <p><i>Debt collecting</i></p> <p><i>Entering into a regulated consumer hire agreement as owner</i></p> <p><i>Entering into a regulated credit agreement as lender (excluding in relation to high-cost short-term credit, bill of sale loan agreements and home credit loan agreements)</i></p>

	<p><i>Exercising, or having the right to exercise, the owner’s rights and duties under a regulated consumer hire agreement</i></p> <p><i>Exercising, or having the right to exercise, the lender’s rights and duties under a regulated credit agreement (excluding in relation to high-cost short-term credit, bill of sale loan agreements and home credit loan agreements)</i></p> <p><i>Operating an electronic system in relation to lending</i></p>
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Complex cases

Activity grouping	Description
CC.2	<p><i>Debt adjusting</i></p> <p><i>Debt counselling</i></p> <p><i>Entering into a regulated credit agreement as lender in relation to high-cost short-term credit, bill of sale loan agreements and home credit loan agreements</i></p> <p><i>Exercising, or having the right to exercise, the lender’s rights and duties under a regulated credit agreement in relation to high-cost short-term credit, bill of sale loan agreements and home credit loan agreements</i></p> <p><i>Providing credit references</i></p> <p><i><u>Operating an electronic system in relation to lending</u></i></p>

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4 Periodic fees

4.1 Introduction

Application

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4.1.1A R A reference to a *firm* in this chapter includes a reference to:

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- (5) a data reporting services provider (~~other than an incoming data reporting services provider~~).

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Background

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4.1.4 G ...

- (3) The periodic fees for *fee-paying services providers, fee-paying electronic money issuers, CBTL firms, data reporting services providers* (~~other than an incoming data reporting services providers~~) and *issuers of regulated covered bonds* are set out in FEES 4 Annex 11R. This annex sets out the activity groups, tariff base, valuation dates and, where applicable, the flat fees due for these *firms*.

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4 Annex 11R **Periodic fees in respect of payment services, electronic money issuance, regulated covered bonds, CBTL business, data reporting services and third party verifiers in relation to the period 1 April 2020 to 31 March 2021**

This Annex sets out the periodic fees in respect of *payment services* carried on by *fee-paying payment service providers* under the *Payment Services Regulations* and electronic money issuance by *fee-paying electronic money issuers* under the *Electronic Money Regulations* and issuance of *regulated covered bonds* by issuers and *CBTL business* carried on by *CBTL firms* under the *MCD Order* and *data reporting services providers* (~~other than incoming data reporting services providers~~) under the *DRS Regulations*.

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Part 2C – Activity group relevant to <i>data reporting services providers</i>	
Activity Group	Fee payer falls into this group if:
G.25 DRSP	it is a <i>data reporting services provider</i> (other than an incoming data reporting services provider).

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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 <i>fee-paying payment service providers, fee-paying electronic money issuers, CBTL firms, data reporting services providers</i> (other than incoming data reporting services providers), <i>firms</i> registered under the <i>Money Laundering Regulations</i> , <i>issuers of regulated covered bonds</i> and <i>third party verifiers</i> .

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Part 5 – Tariff rates

Activity Group	Fee payable in relation to 2020/21	
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G.25	Flat fee (£) for first <i>data reporting service</i> plus 50% flat fee for each additional <i>data reporting service</i> for which the <i>data reporting services provider</i> (other than an incoming data reporting services provider) has authorisation.	26,790
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Insert the following new transitional provision after FEES TP 22, (Transitional provisions relating to FSCS levy arrangements for TP firms from IP completion day). The text is not underlined.

TP 23 **Transitional provisions for a *data reporting services provider* that was an *incoming data reporting services provider* prior to IP completion day**

(1)	(2)	(3)	(4)	(5)	(6)
	Material to which the transitional provision applies		Transitional provision	Transitional provision: dates in force	Handbook provision: coming into force
23.1	<i>FEES 4 Annex 11R Part 5 G.25</i>	R	Where: (1) a <i>data reporting services provider</i> was deemed to be authorised under the <i>DRS Regulations</i> by regulation 12A of those regulations; (2) the <i>data reporting services provider</i> has paid the periodic fee specified in <i>FEES 4 Annex 11R Part 5 G.25</i> in full for the period from 1 April 2021 to 31 March 2022; and (3) following payment of that fee, a <i>UK company</i> in the same <i>group</i> as the <i>data reporting services provider</i>	From 1 April 2021	1 July 2021

			becomes authorised under regulation 7 of the <i>DRS Regulations</i> , the <i>UK company</i> will not be required to pay a fee under <i>FEES 4 Annex 11R Part 5 G.25</i> for the period from 1 April 2021 to 31 March 2022.		
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