

Chapter 8

Commission Delegated Regulation (EU) 2017/568

Article 2 Transferable securities — fair, orderly and efficient trading

(1) When assessing whether a transferable security is capable of being traded in a fair, orderly and efficient manner, a regulated market shall take into account the information required to be prepared under UK law corresponding to Directive 2003/71/EC or information that is otherwise publicly available such as:

- (a) historical financial information;
- (b) information about the issuer;
- (c) information providing a business overview.

(2) In addition to paragraph 1, when assessing whether a share is capable of being traded in a fair, orderly and efficient manner a regulated market shall take into account the distribution of those shares to the public.

(3) When assessing whether a transferable security referred to in Article 2(1)(24) of Regulation 600/2014/EU is capable of being traded in a fair, orderly and efficient manner, the regulated market shall take into account, depending on the nature of the security being admitted, whether the following criteria are satisfied:

- (a) the terms of the security are clear and unambiguous and allow for a correlation between the price of the security and the price or other value measure of the underlying;
- (b) the price or other value measure of the underlying is reliable and publicly available;
- (c) there is sufficient information publicly available of a kind needed to value the security;
- (d) the arrangements for determining the settlement price of the security ensure that this price properly reflects the price or other value measures of the underlying;
- (e) where the settlement of the security requires or provides for the possibility of the delivery of an underlying security or asset rather than cash settlement, there are

	adequate settlement and delivery procedures for that underlying as well as adequate arrangements to obtain relevant information about it.
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