

Chapter 23

Commission Delegated Regulation (EU) 2017/583

Article 13A Transitional period for publication of transparency calculations

(1) Article 2(1)(62) of Regulation 600/2014/EU does not apply to this Article.

(2) For the purposes of this Article, the term ‘transitional period’ has the same meaning as under Article 5(3A) of Regulation 600/2014/EU.

(3) During the transitional period, and until the FCA makes a publication under Article 13 in relation to the financial instrument in question, the determination of whether or not it is liquid, the minimum order and transaction size of the size specific to the financial instrument and the minimum sizes of orders and transactions that are large in scale (as appropriate) in respect of a bond, structured finance product, emission allowance or derivative shall be as follows:

(a) that stated in the most recent information published before IP completion day under Article 13 or 18 (whichever is the most recent) by a competent authority in the European Union (including the FCA), provided the calculations used to produce that information did not exclude trading in the UK for the relevant period; or

(b) if no such information was published by a competent authority in the European Union in respect of a financial instrument under those provisions before IP completion day:

(i) the financial instrument shall be considered not to have a liquid market;

(ii) the minimum order and transaction size of the size specific to the financial instrument and the minimum sizes of orders and transactions that are large in scale (as appropriate) shall be that estimated by the FCA, taking into account any previous trading history of that financial instrument and of other financial instruments that are considered to have similar characteristics, and published on IP completion day.

(4) From IP completion day and during the transitional period the FCA’s obligations to perform calculations and publish information under Articles 13(17) and 13(18) are modified as follows:

(a) it shall publish whether or not the relevant instrument appears to it to be liquid, what appears to it to be the minimum order and transaction size of the size specific

to the financial instrument, and the minimum sizes of orders and transactions that are large in scale (as appropriate);

(b) it is not required to follow the relevant methodology in Article 3, 5, 6, 9, 10, 13 or 17 (as applicable) but where it does not:

- it must have regard to the relevant methodology; and
- it may take into account any information available in relation to trading of the financial instrument in question in the United Kingdom or in any other country; and

(c) in the case of a publication under Article 13(17), it shall ensure publication by five working days after 30 April; and

(d) in the case of a publication under Article 13(18), it shall ensure publication by five working days after the first day of February, May, August and November.