

Status: Point in time view as at 31/12/2020.

Changes to legislation: Regulation (EU) No 600/2014 of the European Parliament and of the Council, 32 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F1}SCHEDULE 3

Transfer of Functions to the Treasury and Regulators

Textual Amendments

- F1** Sch. 3 inserted (31.12.2020) by The Markets in Financial Instruments (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1403), regs. 1(3), **37** (as amended by: S.I. 2019/576, regs. 1(2), **3**; S.I. 2019/710, regs. 1(2), **16(17)**; S.I. 2019/1212, regs. 1(3), **14(7)**) (as itself amended by S.I. 2020/1301, regs. 1, 3, **Sch. para. 45(a)(v)**); S.I. 2020/1301, regs. 1, 3, **Sch. para. 12(m)**; and S.I. 2020/1385, regs. 1(4), **49(6)**) (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**)

PART 2

Powers to make technical standards transferred to the FCA

32

To determine—

- a the criteria and methods for determining whether a position qualifies as reducing risks directly relating to commercial activities for the purpose of position limits applying to commodity derivatives;
- b the methods to determine when positions of a person are to be aggregated within a group;
- c the criteria for determining whether a contract is an economically equivalent over-the-counter (OTC) contract to that traded on a trading venue, referred to in regulation 16(1) of the Markets in Financial Instruments Regulations 2017, in a way that facilitates the reporting of positions taken in equivalent OTC contracts to the FCA;
- d the methodology for aggregating and netting OTC and on-venue commodity derivatives positions to establish the net position for purposes of assessing compliance with the limits. Such methodologies must establish criteria to determine which positions may be netted against one another and must not facilitate the build-up of positions in a manner inconsistent with the objectives set out in regulation 16(2) of the Markets in Financial Instruments Regulations 2017;
- e the procedure setting out how persons may apply for the exemption under regulation 17 of the Markets in Financial Instruments Regulations 2017 and how the FCA will approve such applications.]

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