

## Annex G

**COMMISSION DELEGATED REGULATION (EU) 2017/573 of 6 June 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on requirements to ensure fair and non-discriminatory co-location services and fee structures**

~~(Text with EEA relevance)~~

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### Article -3

#### **Definitions**

In this Regulation, ‘Exit Day’ has the meaning given in the European Union (Withdrawal) Act 2018.

### Article -2

#### **Application**

This Regulation applies to operators of UK trading venues as defined by article 2(1)(16A) of Regulation 600/2014/EU.

### Article -1

#### **Interpretation**

- (1) Where a term is defined in Directive 2014/65/EU that definition shall apply for the purposes of this Regulation except where (2) applies.
- (2) Where a term is defined in article 2 of Regulation 600/2014/EU, as amended by the Markets in Financial Instruments (Amendment) (EU Exit) Regulations 2018, that definition shall apply for the purposes of this Regulation.
- (3) References to UK law corresponding to EU legislation include any primary or secondary legislation or regulators’ requirements which were relied upon by the United Kingdom immediately before Exit Day to give effect to that EU legislation.
- (4) Article 2(1)(62) of Regulation 600/2014/EU shall apply for the purposes of this Regulation.

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## Article 3

**Fair and non-discriminatory fees**

1. Trading venues shall charge the same fee and provide the same conditions to all users of the same type of services based on objective criteria. Trading venues shall only establish different fee structures for the same type of services where those fee structures are based on non-discriminatory, measurable and objective criteria relating to:
  - (a) the total volume traded, the numbers of trades or cumulated trading fees;
  - (b) the services or packages of services provided by the trading venue;
  - (c) the scope or field of use demanded;
  - (d) the provision of liquidity in accordance with UK law corresponding to Article 48(2) of Directive 2014/65/EU or in a capacity of being a market maker as defined in Article 4(1)(7) of Directive 2014/65/EU 2(1)(6) of Regulation 600/2014/EU;

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~~This Regulation shall be binding in its entirety and directly applicable in all Member States.~~

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