

European Commission RTS and ITS on MiFID, MiFID II, & MiFIR as at 6 December 2016

Pink Shading: Indicates position has yet to be clarified as at 6 December 2016

RTS / ITS No.	RTS/ITS	Legal Basis	Adoption by the European Commission	End of EP/Council Scrutiny	Published in the Official Journal
1.	Transparency requirements for trading venues and investment firms in respect of shares, depositary receipts, exchange-traded funds, certificates and other similar financial instruments	MiFIR Articles 4(6), 7(2), 14(7), 20(3), 22(4) and 23(3)	14/07/2016 C(2016) 4390 RTS 1 Annex to RTS 1	14/10/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
2.	Transparency requirements for trading venues and investment firms in respect of bonds, structured finance products, emission allowances and derivatives	MiFIR Articles 1(8), 9(5), 11(4), 21(5) and 22(4)	14/07/2016 C(2016) 4301 RTS 2 Annex to RTS 2	14/10/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
3.	The volume cap mechanism and the provision of information for the purposes of transparency and other calculations	MiFIR Articles 5(9) and 22(4)	13/06/2016 C(2016) 2711 RTS 3 Annex to RTS 3	13/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
4.	Criteria for determining whether derivatives subject to the clearing obligation should be subject to the trading obligation	MiFIR Article 32(6)	26/05/2016 C(2016) 2710 RTS 4	26/08/2016	RTS 4 in the Official Journal (EU) 2016/2020
5.	Direct, substantial and foreseeable effect of derivative contracts within the Union	MiFIR Article 28(5)	13/06/2016 C(2016) 3544 RTS 5	13/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
6.	Specifying the organisational requirements of investment firms engaged in algorithmic trading	MiFID II Article 17(7)(a) and (d)	19/07/2016 C(2016) 4478 RTS 6 Annex to RTS 6	22/11/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
7.	Specifying organisational requirements of facilities trading venues allowances and derivatives	MiFID II Article 48(12)(a),(c) and (g)	14/07/2016 C(2016) 4387 RTS 7 Annex to RTS 7	14/10/2016	Publication in the OJ is on hold until the Corrigendum is finalised.

RTS / ITS No.	RTS/ITS	Legal Basis	Adoption by the European Commission	End of EP/Council Scrutiny	Published in the Official Journal
8.	Specifying the requirements on market making agreements and schemes	MiFID II Article 17(7)(a), (b) and (c) and Article 48(12)(a) and (f)	13/06/2016 C(2016) 3523 RTS 8	13/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
9.	The ratio of unexecuted orders to transactions	MiFID II Article 48(12)(b)	18/05/2016 C(2016) 2775 RTS 9 Annex to RTS 9	18/08/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
10.	Requirements to ensure fair and non- discriminatory co-location services and fee structures	MiFID II Article 48(12)(d)	06/06/2016 C(2016) 3266 RTS 10	06/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
11.	Tick size regime for shares, depositary receipts and, exchange traded funds	MiFID II Article 49(3) and (4)	14/07/2016 C(2016) 4387 RTS 11 Annex to RTS 11	14/10/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
12.	Determination of a material market in terms of liquidity relating to halt notifications	MiFID II Article 48(12)(e)	26/05/2016 C(2016) 3020 RTS 12	26/08/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
13.	Authorization, organisational requirements and the publication of transactions for data reporting services providers	MiFID II Articles 61(4), 64(6),(8), 65(6), (8), and 66(5)	02/06/2016 C(2016) 3201 RTS 13	02/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
14.	Specification of the offering of pre-and post-trade data and the level of disaggregation of data	MiFIR Article 12(2)	02/06/2016 C(2016) 3206 RTS 14	02/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
15.	Clearing access in respect of trading venues and central counterparties	MiFIR Articles 35(6) and 36(6)	24/06/2016 C(2016) 3807 RTS 15 Annex to RTS 15	26/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.

RTS / ITS No.	RTS/ITS	Legal Basis	Adoption by the European Commission	End of EP/Council Scrutiny	Published in the Official Journal
16	Access in respect of benchmarks	MiFIR Article 37(4) (a), (b), and (c)	02/06/2016 C(2016) 3203 RTS 16	02/09/2016	RTS 16 in the Official Journal (EU) 2016/2021
17.	Admission of financial instruments to trading on regulated markets	MiFIR 3rd subpara Article 51(6)	24/05/2016 C(2016) 3017 RTS 17	24/08/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
18.	Suspension and removal of financial instruments from trading reporting services providers	MiFID II 10th subpara of Article 32(2) and the 10th subpara of Article 52(2)	24/05/2016 C(2016) 3014 RTS 18	24/08/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
19.	Description of the functioning of MTFs and OTFs	MiFID II 3rd subpara of Article 18(11)	24/05/2016 C(2016) 3019 ITS 19	N/A	ITS 19 in the Official Journal (EU) 2016/824
20.	Criteria to establish when an activity is considered to be ancillary to the main business	MiFID II Article 2(4)	1/12/2016 C(2016) 7643 RTS 20	01/03/2017	
21.	Application of position limits to commodity derivatives	MiFID II Article 57(3) and (12)	1/12/2016 C(2016) 4362 RTS 21	01/03/2017	
22.	Reporting of transactions to competent authorities	MiFIR 3rd subpara of Article 26(9)	28/07/2016 C(2016) 4733 RTS 22 Annex to RTS 22	22/11/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
23.	Supply of financial instruments reference data	MiFIR the 3rd subpara of Article 27(3)	14/07/2016 C(2016) 4405 RTS 23 Annex to RTS 23	14/10/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
24.	Maintenance of relevant data relating to orders in financial instruments	MiFIR 4th subpara of Article 25(3)	24/06/2016 C(2016) 3821 RTS 24	26/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.

RTS / ITS No.	RTS/ITS	Legal Basis	Adoption by the European Commission	End of EP/Council Scrutiny	Published in the Official Journal
			Annex to RTS 24		
25.	Level of accuracy of business clocks	MiFID II 3rd subpara of Article 50(2)	07/06/2016 C(2016) 3316 RTS 25 Annex to RTS 25	07/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
26.	Specifying the obligation to clear derivatives traded on regulated markets and timing of acceptance for clearing (STP)	MiFIR Article 29(3)	29/06/2016 C(2016) 3944 RTS 26	29/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
27.	Data to be provided by execution venues on the quality of execution of transactions	MiFID II point (a) of the 1st subpara of Article 27(10)	08/06/2016 C(2016) 3333/4 RTS 27 Annex to RTS 27	08/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
28.	Annual publication by investment firms of information on the identity of execution venues and on the quality of execution	MiFID II point (b) of the 1st subpara of Article 27(10)	08/07/2016 C(2016) 3337/3 RTS 28 Annex to RTS 28	08/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
The following RTS / ITS are to be confirmed, as of 6 December 2016:					
RTS	Authorisation	MiFID II Article 7(4)	14/07/2016 C(2016) 4417 RTS on Authorisation	14/10/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
ITS	Authorisation	MiFID II 3rd subpara of Article 7(5)			
RTS	Passporting	MiFID II 3rd subpara of Articles 34(8) and the 3rd subpara of Article 35(11)	29/06/2016 C(2016) 3917 RTS on Passporting	29/09/2016	Publication in the OJ is on hold until the Corrigendum is finalised.
ITS	Passporting	MiFID II Articles 34(9) and 35(12)			
RTS	Cooperation between authorities	MiFIR Article 46(7)	14/07/2016 C(2016) 4415 RTS on Cooperation	14/10/2016	Publication in the OJ is on hold until the Corrigendum is finalised.

RTS / ITS No.	RTS/ITS	Legal Basis	Adoption by the European Commission	End of EP/Council Scrutiny	Published in the Official Journal
RTS	Registration of third country firms	MiFID II Article 80(3)	14/07/2016 C(2016) 4407 RTS on Registration	14/10/2016	RTS in the Official Journal (EU) 2016/2022
RTS	An exhaustive list of information to be included by proposed acquirers in the notification of a proposed acquisition of a qualifying holding in an investment firm	MiFID I Article 10(a)(8)			
ITS	Standard forms, templates and procedures for the consultation process between relevant competent authorities in relation to the notification of a proposed acquisition of a qualifying holding in an investment firm	MiFID I Article 7(4)			
The following ITS are confirmed as of 6 December 2016:					
ITS 1	Standard forms, templates and procedures for cooperation arrangements	MiFID II Article 79(9)			
ITS 2	Suspension and removal of financial instruments from trading on RM, a MTF or OTF	MiFID II Articles 32(3) and 52(3)			
ITS 3	Standard forms, templates and procedures for the authorisation of data reporting service providers	MiFID II Article 61(5)			
ITS 4	Position reporting	MiFID II Article 58(5)			
ITS 5	Format and timing of weekly position reports	MiFID Article 58(7)			
ITS 6	Standard forms, templates and procedures for competent authorities to cooperate in supervisory activities, on-site verifications, and investigations and for the exchange of information.	MiFID Articles 80(4) and 81(4)			
ITS 7	Standard forms, templates and procedures for the consultation of other competent authorities prior to granting an authorisation	MiFID Article 84(4)			
ITS 8	Procedures and forms for submitting information on sanctions and measures	MiFID Article 71(7)			

European Commission Delegated Acts of the Commission (“DAC”) on MiFID, MiFID II, & MiFIR as at 6 December 2016

Delegated Act	Title	Adoption by the Commission	End of EP/Council Scrutiny	Published in the Official Journal
1	Delegated Regulation supplementing MiFIR with regard to definitions, transparency, portfolio compression and supervisory measures on product intervention and positions together with an annex setting out the data to be provided for the purpose of determining a liquid market for shares, depositary receipts, exchange traded funds (ETFs) and certificates.	18/05/2016 C(2016) 2860 Delegated Act		
2	Delegated Regulation supplementing MiFID II Directive with regard to organisational requirements and operating conditions for investment firms and defined terms	25/04/2016 C(2016) 2398 Delegated Act		
3	Delegated Directive supplementing MiFID II Directive with regard to the safeguarding of financial instruments and funds belonging to clients, product governance obligations and the rules applicable to the provision or reception of fees, commissions or any monetary or non-monetary benefits	07/04/2016 C(2016) 2031 Delegated Act		