

List of trading venues and CCPs benefiting from a transitional exemption from the access provisions under Article 54(2) of MiFIR

Articles 35 and 36 of MiFIR (“the access provisions”) establish the legal framework for trading venues to access central counterparties (CCPs), and for CCPs to access trading venues.

In this respect, Article 54(2) of MiFIR provides that, in certain circumstances, a CCP or a trading venue may, before 3 January 2018, apply to its competent authority for permission to avail itself of transitional arrangements. The competent authority may decide that the access provisions would not apply to the relevant CCP or trading venue in respect of exchange-traded derivatives, for a transitional period until 3 July 2020.

On 3 July 2020, a notice of information¹ made market participants aware that the co-legislators agreed to extend the transitional arrangements in Article 54(2) concerning Articles 35 or 36 of MiFIR until 3 July 2021, due to the high degree of uncertainty and volatility driven by the COVID-19 pandemic.

Where such a transitional period is approved, the CCP or trading venue cannot benefit from the access rights under Article 35 or 36 of MiFIR, as regards exchange-traded derivatives for the duration of that transitional period.

A similar possibility for a transitional exemption from the application of the access provisions is also available to CCPs and trading venues, under certain conditions, under Article 35(5) of MiFIR (for CCPs) and Article 36(5) of MiFIR (for trading venues). As required by MiFIR, ESMA has published the [list](#) of trading venues, which have notified a temporarily opt-out from the access provisions under Article 36(5) thereof².

For transparency purposes only, ESMA is also publishing below the list of all EU CCPs and trading venues which have been temporarily exempted from the access provisions under Article 54(2) of MiFIR. This publication is based on the notifications made to ESMA by the national competent authorities (NCAs) of the entities listed below. ESMA is not in the position to provide any representation or warranty on the accuracy of the information below.

¹ Notice of information on postponement of entry into application of MiFIR open access provisions with regard to exchange-traded derivatives (2020/C 219 I/01), OJ C I 219, 3.7.2020, p. 1.

² No CCP has applied for an exemption from the access provisions under Article 35(5) of MiFIR.

Table 1: Trading venues and CCPs that are temporarily exempted from the access provisions under Article 54(2) of MiFIR

Entity full name	CCP or Trading Venue	Country of Establishment	Competent Authority	Exempted until
Eurex Deutschland	TV	Germany	Exchange Supervisory Authority of the State of Hessen	3 July 2021
Eurex Clearing AG	CCP	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFIN)	3 July 2021
Euronext Amsterdam NV	TV	The Netherlands	Autoriteit Financiële Markten (AFM)	3 July 2021
Euronext Brussels	TV	Belgium	Financial Services and Markets Authority (FSMA)	3 July 2021
Euronext Lisbon	TV	Portugal	Comissão do Mercado de Valores Mobiliários (CMVM)	3 July 2021
Euronext Paris	TV	France	Autorité des Marchés Financiers (AMF)	3 July 2021
ICE Endex Markets BV	TV	The Netherlands	Autoriteit Financiële Markten (AFM)	3 July 2021
Nasdaq Clearing AB	CCP	Sweden	Finansinspektionen (FI)	3 July 2021