

List of trading venues benefiting from a transitional exemption from the access provisions under Article 36(5) of MiFIR

Article 36 of MiFIR provides that trading venues shall provide trade feeds upon request to central counterparties (CCPs) that wish to clear transactions in financial instruments concluded on that trading venue.

A trading venue may notify ESMA and its CA of its intention to temporarily opt-out from the access provisions for exchange-traded derivatives (ETDs) provided its annual notional amount traded of ETDs falls below a certain threshold.

Those trading venues, and the CCPs to which they are connected by close links, do not benefit from any of the access rights under Article 35 and 36 of MiFIR for ETDs within the relevant threshold¹ for the duration of the opt-out.

In accordance with Article 36(5) of MiFIR, ESMA is publishing below the list of trading venues ESMA has received notifications from in this context.

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 54(2) of MiFIR. For transparency purposes only, ESMA has published the [list](#) of entities benefiting from that transitional exemption from the access provisions under Article 54(2) of MiFIR.

¹ In accordance with Question 6 of the section “Access to CCPs and trading venues” of the MiFID II and MiFIR Q&A on market structures topics (ESMA70-872942901-38), ESMA considers that the limitation envisaged with the wording “within the relevant threshold” applies to derivatives falling within the same asset class of the ETDs traded on that trading venue as described in Annex II of RTS 2, consistently with the notification requirements in Forms 3.2 and 4.2 in RTS 15.

Table 1: Trading venues that have notified ESMA under Article 36(5) of MiFIR in respect of ETDs

Trading Venue full name	Date of initial notification to ESMA or to EFTA SA	Date of notification to ESMA or to EFTA SA for 1 st renewal	Country of Establishment	Competent Authority	CCP connected by close links	Duration of the initial opt-out approved by ESMA	Duration of the extension of the opt-out approved by ESMA
Athens Stock Exchange S.A.	7 November 2017	5 June 2020	Greece	Hellenic Capital Market Commission (HCMC)	ATHEXClear	From 3 January 2018 until 3 July 2020	From 4 July 2020 until 4 January 2023
Giełda Papierów Wartościowych w Warszawie S.A.	29 September 2017	12 May 2020	Poland	Polish Financial Supervisory Commission (KNF)	KDPW_CCP	From 3 January 2018 until 3 July 2020	From 4 July 2020 until 4 January 2023
MEFF Sociedad Rectora del Mercado de Productos Derivados S.A.U.	22 September 2017	15 May 2020	Spain	Comisión Nacional del Mercado de Valores (CNMV)	BME Clearing	From 3 January 2018 until 2 July 2020	From 3 July 2020 until 4 January 2023
Nasdaq Oslo ASA	5 November 2019	25 March 2022	Norway	Norwegian Financial Supervisory Authority	Nasdaq Clearing AB	From 3 December 2019 until 3 June 2022	From 4 June 2022 to 4 December 2024
Nasdaq Stockholm AB	14 November 2017	3 June 2020	Sweden	Finansinspektionen (FI)	Nasdaq Clearing AB	From 3 January 2018 until 3 July 2020	From 4 July 2020 until 4 January 2023

OMIP - Pólo Português SGMR SA	22 December 2017	9 June 2020	Portugal	Comissão do Mercado de Valores Mobiliários (CMVM)	OMICLEAR CC SA	From 3 January 2018 until 3 July 2020	From 4 July 2020 until 4 January 2023
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