

Index

All indexing is to paragraph number

access to facilities

- multilateral trading facilities 9.11.1, 9.11.2
- regulated markets 9.11.1

admission to trading

- on regulated market 9.2.1, 9.9.1

agents

- clients as 3.3.2.2

agreements, client

- positive requirement to enter into 7.3.1
- provision of terms 7.3.2
- reclassification of clients as retail 7.3.4
- record-keeping requirement 7.3.3

analysts

- investment research 4.2.6

ancillary business exemption

- application of 2.8.2
- commodity derivatives 10.3.2

ancillary services

- credit institutions, application of MiFID provisions to 2.3
- foreign exchange 2.6.2
- scope and definitions 2.7

appropriateness regime

- application of 5.2.1
- definitions 5.2.3
- determination of 5.2.3.3
- grandfathering of pre-existing clients 5.2.3.1
- inappropriate transactions 5.2.3.3
- investment services covered 5.2.3.1
- know your customer obligation 5.2.3.2
- "parameter setting" approach 5.2.3.2
- scope of regime 5.2.3.1
- see also* suitability regime

assets *see* client assets

associated companies

- inducements 5.1.2.1

ATs (alternative trading systems)

- MTFs, operation 2.5.2
- transparency 8.2

authorisation requirements

- extension of national requirements 2.1
- MiFID requirements 2.1, 2.10
- multilateral trading facilities 9.3.3 and passporting 1.4.1
- regulated markets 9.3.2
- tied agents 2.11

back-to-back basis, trading on

- and dealing on own account 2.5.2.1

Banking Consolidation Directive *see* BCD (Banking Consolidation Directive)

Basel Committee on Banking Supervision

- and organisational requirements, Implementing directive's provisions on 3.1.2.5

BCD (Banking Consolidation Directive)

- credit institutions, application of MiFID provisions to 2.3
- high-level requirements 4.1
- organisational and conduct of business requirements 3.2.1.2
- and scope of regulation of EU "passport" 2.1
- systems and controls, Implementing directive's provisions 3.1.2.5

best execution rule

- agency execution 6.2.1

A Practitioner's Guide to MiFID

- "best possible result" 6.3.1, 10.5
 - best price 6.3.6
 - brokers
 - aggregation and allocation for 6.6.2 and managers 6.2.4
 - metals, best execution opt-out 6.2.3
 - placing orders with 6.5.2
 - client orders
 - brokers, aggregation and allocation for 6.6.2
 - commodity dealers, key issues for 10.5
 - definition of "order" 6.2.2
 - distinguishing from other forms of client execution 6.4.1
 - execution of on behalf of clients 6.4.2
 - execution policy 6.3.2
 - general principle 6.6.1
 - other forms of client execution distinguished 6.4.1
 - placing with brokers 6.5.2
 - portfolio managers, aggregation and allocation for 6.6.3
 - concentration rule 6.3
 - costs and charges 6.3.5
 - duty of best execution arising where 6.4.2
 - eligible counterparties 1.4.5, 6.4.1, 6.5.2
 - evolution 6.2.1
 - execution factors 6.3.2
 - FSA Consultation Paper (2006) 6.3.6
 - FSA rules 6.2.2
 - general principle 6.3.1
 - implementation complications 1.4.5
 - Implementing directive 2.1
 - Background Note 6.3.3, 6.4.2
 - investment advice, best execution distinguished from 6.3.3
 - investment firms 6.3.3
 - for managers 6.2.4
 - methods 6.3.3
 - MiFID, under
 - "best possible result" 6.3.1, 10.5
 - and concentration rule 6.3
 - costs and charges 6.3.5
 - evaluation 6.7
 - general principle 6.3.1
 - methods of best execution 6.3.3
 - order execution policy 6.3.2
 - specific instructions 6.3.4
 - 1988 rules 6.2.1
 - ongoing obligations 6.3.8
 - opt-out 6.2.3
 - managers 6.2.4
 - own account best execution 6.2.1
 - own account counterparty execution 6.2.1, 6.4.1
 - distinguishing from other forms of principal trading 6.4.2
 - portfolio management 6.5.1, 6.6.3
 - and pre-MiFID rule 6.2.1, 6.2.2
 - brokers, placing orders with 6.5.2
 - managers, best execution for 6.2.4
 - professional clients
 - best price 6.3.6
 - costs and charges 6.3.5
 - retail clients
 - best price 6.3.6
 - costs and charges 6.3.5
 - special disclosures for 6.3.7
 - retail clients, special disclosures for 6.3.7
 - riskless principal execution 6.2.1
 - scope debate 6.4.1
 - services, activities distinguished 6.4.1
 - specific instructions 6.3.4
 - own account counterparty execution as 6.4.1
 - "total consideration", retail customers 6.3.6
- best price**
best execution rule 6.3.6
- "Big Bang"**
and liberalisation of LSE 6.2.1
- binary products**
financial derivatives 2.6.2
- brokerage services, reporting requirements for**
general requirements 7.4.2.2
retail clients, additional requirements for 7.4.2.3

- retail confirmation notices, detailed contents requirements for 7.4.2.4
- scope 7.4.2.1
- broker-dealers, activities of**
- scope of regulation of MiFID 1.4.1
- brokers**
- aggregation and allocation for 6.6.2
- managers acting through 6.2.4
- metals, best execution opt-out 6.2.3
- see also* **best execution rule**;
- brokerage services, reporting requirements for**
- business continuity**
- technical operations 9.6.3
- "buying and selling interests"**
- defined 9.2.1
- CAD (Capital Adequacy Directive)**
- commodity derivatives 10.1
- multilateral trading facilities, authorisation requirements 9.3.3
- scope of regulation, extension of 2.1
- and systems and controls, Implementing directive's provisions 3.1.2.5
- "CAD exempt firms"**
- investment advice 2.5.1
- capital adequacy**
- regulated markets 9.6.6
- capital requirements**
- regulated markets 9.5
- Capital Requirements Directive *see* CAD (Capital Adequacy Directive)**
- cash settled derivatives**
- financial instruments 2.6.1
- CEBS (Committee of European Banking Supervisors)**
- and organisational requirements, Implementing directive's provisions on 3.1.2.5
- central counterparty arrangements**
- access to 9.12
- CESR (Committee of European Securities Regulators)**
- best execution rule
- best price 6.3.6
- brokers, placing orders with 6.5.2
- commodity dealers, key issues for 10.5
- order execution policy 6.3.2
- client classification regime 3.3.2.2
- conduct of business standards 1.2.2
- regulatory initiatives, other 3.1.2.5
- derivatives, commodity and non-financial 2.6.1
- inducements 5.1.2.1
- exemptions from prohibition of 5.1.2.2
- investor protection 3.1.2.5
- Lamfalussy process 1.1.2
- MTFs, definition 2.5.2
- transaction reporting requirements 8.1, 8.6.2
- transferable securities 2.6.3
- transparency 8.1
- post-trade 8.3.1
- pre-trade 8.4.1
- publication of post-trade information 8.3.3
- churning and switching**
- suitability regime 5.2.2.3
- clarity requirement**
- information 7.1.2.2
- clearing and settlement arrangements**
- access to 9.12
- client assets**
- depositing with another 4.7.4
- general requirements 4.7.1
- reporting requirements 7.4.4
- safeguarding 1.4.3, 4.7.2
- information requirements 7.2.6.3
- use of 4.7.5
- client classification regime**
- agents, clients as 3.3.2.2
- client, definition 3.3.2
- agents, clients as 3.3.2.2
- basic definition 3.3.2.1
- potential clients 3.3.2.3
- commodity dealers, key issues for 10.5
- eligible counterparties
- categories of client 3.3.4.3

- retail confirmation notices, detailed contents requirements for 7.4.2.4
- scope 7.4.2.1
- broker-dealers, activities of**
- scope of regulation of MiFID 1.4.1
- brokers**
- aggregation and allocation for 6.6.2
- managers acting through 6.2.4
- metals, best execution opt-out 6.2.3
- see also* **best execution rule;**
- brokerage services, reporting requirements for**
- business continuity**
- technical operations 9.6.3
- "buying and selling interests"**
- defined 9.2.1
- CAD (Capital Adequacy Directive)**
- commodity derivatives 10.1
- multilateral trading facilities, authorisation requirements 9.3.3
- scope of regulation, extension of 2.1
- and systems and controls, Implementing directive's provisions 3.1.2.5
- "CAD exempt firms"**
- investment advice 2.5.1
- capital adequacy**
- regulated markets 9.6.6
- capital requirements**
- regulated markets 9.5
- Capital Requirements Directive** *see* **CAD (Capital Adequacy Directive)**
- cash settled derivatives**
- financial instruments 2.6.1
- CEBS (Committee of European Banking Supervisors)**
- and organisational requirements, Implementing directive's provisions on 3.1.2.5
- central counterparty arrangements**
- access to 9.12
- CESR (Committee of European Securities Regulators)**
- best execution rule
- best price 6.3.6
- brokers, placing orders with 6.5.2
- commodity dealers, key issues for 10.5
- order execution policy 6.3.2
- client classification regime 3.3.2.2
- conduct of business standards 1.2.2
- regulatory initiatives, other 3.1.2.5
- derivatives, commodity and non-financial 2.6.1
- inducements 5.1.2.1
- exemptions from prohibition of 5.1.2.2
- investor protection 3.1.2.5
- Lamfalussy process 1.1.2
- MTFs, definition 2.5.2
- transaction reporting requirements 8.1, 8.6.2
- transferable securities 2.6.3
- transparency 8.1
- post-trade 8.3.1
- pre-trade 8.4.1
- publication of post-trade information 8.3.3
- churning and switching**
- suitability regime 5.2.2.3
- clarity requirement**
- information 7.1.2.2
- clearing and settlement arrangements**
- access to 9.12
- client assets**
- depositing with another 4.7.4
- general requirements 4.7.1
- reporting requirements 7.4.4
- safeguarding 1.4.3, 4.7.2
- information requirements 7.2.6.3
- use of 4.7.5
- client classification regime**
- agents, clients as 3.3.2.2
- client, definition 3.3.2
- agents, clients as 3.3.2.2
- basic definition 3.3.2.1
- potential clients 3.3.2.3
- commodity dealers, key issues for 10.5
- eligible counterparties
- categories of client 3.3.4.3

- national discretion 3.3.4.4
- procedures 3.3.4.4
- professional clients reclassified as 3.3.4.4
- services covered 3.3.4.2
- thresholds 3.3.4.4
 - UK 3.3.4.1
- fitness tests 3.3.3.2
- higher level of protection, provision of
 - clients requesting 3.3.5.1
 - firm initiative 3.3.5.2
 - procedural requirements 3.3.5.3
- other investor protection measures 3.3.8
- notification obligations 3.3.6
- organisational and conduct of business requirements 1.4.2
- overview 3.3.1
- potential clients 3.3.2.3
- procedural requirements 3.3.3.2
- professional clients *see* **professional clients**
- protection offered by 3.3.1
 - higher level of protection, provision of 3.3.5
- qualitative assessment 3.3.3.2
- quantitative criteria 3.3.3.2
- retail clients *see* **retail clients**
- transitional measures 3.3.7
- client funds**
 - depositing 4.7.3
- client orders** *see* **best execution rule:**
 - client orders
- clients**
 - acting honestly, fairly and professionally in accordance with best interests of
 - best interests 5.1.1.3
 - fairness 5.1.1.4
 - general duty 5.1.1
 - honesty 5.1.1.1
 - professional behaviour 5.1.1.2
 - acting in best interests of 5.1.1.3
 - as agents 3.3.2.2
 - benefits passing to or from, inducements 5.1.2.2
 - conflicts of interest management 4.2.3
 - definition of "client" 3.3.2.1
 - execution of orders on behalf of, defined 2.5.2.1
 - execution-only business 5.2.4.3
 - fair dealing with *see* **fair dealing with clients**
 - higher level of protection, provision of
 - clients requesting 3.3.5.1
 - firm initiative 3.3.5.2
 - procedural requirements 3.3.5.3
 - information provided to *see* **information:** clients, provision to limit orders, disclosure 8.4.4
 - potential 3.3.2.3
 - pre-existing
 - appropriateness regime 5.2.3.1
 - grandfathering of 5.2.3.1
 - suitability regime 5.2.2.3
 - professional *see* **professional clients**
 - refusal to provide information 5.2.3.2
 - retail *see* **retail clients**
 - types of, appropriateness regime 5.2.3.1
 - see also* **agreements, client; client assets; client classification regime; client funds**
- Code of Conduct (MiFID)**
 - clearing and settlement arrangements 9.12
- collective investment undertakings**
 - cross-border services, passporting provisions 2.12.1
 - professional client, classification as 3.3.3.1
- comitology powers**
 - European Commission 3.1.5
- Commission** *see* **European Commission**
- Committee of European Securities Regulators** *see* **CESR (Committee of European Securities Regulators)**
- commodity**
 - defined 2.6.1, 10.2.4
- commodity derivatives**

- C6 contracts 10.2.2
- C7 contracts 10.2.2
- C10 contracts 10.2.5
 - and further underlyings 10.2.6
- commercial context 10.6
- credit risk, transfer of 10.2.2
- dealers in commodities, key issues 10.5
- exclusions and MiFID override 10.4.4
- exemptions
 - ancillary business 10.3.2
 - combinations 10.3.6
 - Commission review 10.3.7
 - commodities dealer 10.3.3
 - dealing on own account 10.3.4, 10.3.5
 - group exemption 10.3.1
 - "locals" 10.3.4
 - "exotic" 10.2.2, 10.2.5
 - inclusion within scope of MiFID 10.1
 - instruments covered 2.6.1
 - C10 derivatives 10.2.5, 10.2.6
 - "commodity", meaning 10.2.4
 - further underlyings, and C10 derivatives 10.2.6
 - general 10.2.1
 - "hard coded" approach 10.2.1
 - other commodity derivatives 10.2.3
 - Section C, Annex 1 MiFID 10.2.2
 - ISD override 10.4.3
 - key issues 2.13, 10.5
 - MiFID override 10.4.3
 - and exclusions 10.4.4
 - OTC (over-the-counter) instruments 1.3, 6.3.3
 - RAO override 10.4.1
 - regulated investment, categories of 10.4.2
 - review process 2.14
 - risk management 10.4.4
 - Section C, Annex 1 MiFID
 - "exotic" derivatives covered by 10.2.5
- compliance**
 - conduct of business standards 4.3
 - monitoring of 9.8
- compound products**
 - information requirements 7.2.7.4
- concentration rule**
 - best execution rule 6.3
 - market standards 1.2.3
- Conduct of Business Sourcebook**
 - best execution rule 6.3
- conduct of business standards**
 - background 3.1.2
 - investor protection 3.1.2.1
 - market fragmentation 3.1.2.2
 - passport, effective operation of 3.1.2.3
 - regulation, improved 3.1.2.4
 - regulatory initiatives, other 3.1.2.5
 - client classification regime *see* **client classification regime**
 - compliance 4.3
 - conflicts of interest *see* **conflicts of interest**
 - consumer credit 3.2.3
 - credit institutions 3.2.1.2
 - fair dealing *see* **fair dealing with clients**
 - general conclusions 3.1.6
 - information requirements *see* **information requirements**
 - Investment Services Directive 1.2.2, 3.1.2
 - investor protection 3.1.2.1
 - market fragmentation 3.1.2.2
 - MiFID
 - and Implementing directive 3.1.5
 - and ISD 1.2.2
 - structure 1.4.2
 - modifications
 - credit institutions 3.2.1.2
 - types of firms, application to 3.2.1
 - UCITS management companies 3.2.1.3
 - multilateral trading facilities 3.2.2.2
 - outsourcing 4.4
 - passport, effective operation of 3.1.2.3
 - record-keeping 4.5
 - regulation, improved 3.1.2.4
 - systems and controls 4.6
 - territorial application 3.1.3

- types of firms, application to EEA and third-country investment firms 3.2.1.1
- UCITS management companies 3.2.1.3
- see also* **organisational requirements**
- conflicts of interest**
 - Chinese wall arrangements 4.2.3
 - clients, interests of 4.2.3
 - disclosure 4.2.5
 - eligible counterparties, interests of 4.2.3
 - execution-only business 5.2.4.3
 - firms not subject to MiFID 4.2.7
 - investment research 4.2.6
 - MiFID requirements 1.4.3, 4.2.1
 - general 4.2.3
 - ISD compared 4.2.2
 - policy 4.2.4
 - regulated markets 9.6.1
 - tied agents 2.11
- consumer credit**
 - conduct of business standards 3.2.3
- consumer protection**
 - concept of "consumer" 3.3.8
- consumer protection measures**
 - "horizontal", cross-border services 2.12.1
- costs and benefits, MiFID** 1.6
- costs and charges**
 - best execution rule 6.3.5
 - financial instruments, subject to UCITS Directive 7.2.9.2
 - inducements 7.2.9.3
 - information requirements
 - financial instruments, subject to UCITS Directive 7.2.9.2
 - general requirement 7.2.9.1
 - inducements 7.2.9.3
- CRD (Capital Requirements Directive)**
 - commodity derivatives 1.4.9, 10.1
 - preparation for MiFID 1.5
- credit institutions**
 - MiFID provisions, application to 2.3
 - organisational and conduct of business requirements 3.2.1.2
 - professional client, classification as 3.3.3.1
- dealing on own account**
 - commodity derivatives exemption 10.3.4, 10.3.5
 - definitions 2.2
 - MTFs 2.5.2.1
- derivatives**
 - best execution opt-out 6.2.3
 - C10 10.2.5
 - and further underlyings 10.2.6
 - cash settled contracts 2.6.1
 - commodity *see* **commodity derivatives**
 - dealers, classification as professional client 3.3.3.1
 - exchange-traded, admission to trading 9.9.1
 - "exotic" 10.2.2, 10.2.5
 - financial 2.6.2
 - non-financial
 - financial instruments 2.6.1
 - key issues 2.13
 - review process 2.14
 - OTC (over-the-counter) instruments 1.3, 6.3.3
 - RAO, changes to 2.9
 - RM/MTF traded contracts 2.6.1
- Direct Market Access system**
 - best execution rule, specific instructions 6.3.4
- disclosures**
 - client limit orders 8.4.4
 - conflicts of interest 4.2.5
 - inducements 5.1.2.2
 - see also* **information**
- DMD (Distance Marketing Directive)**
 - distance marketing derogation 7.2.3.4
 - durable medium, use of 7.2.4.2
 - information requirements 1.4.6
- due diligence obligations**
 - appropriateness *see* **appropriateness regime**
 - execution-only business *see* **execution-only business**
 - and fair dealing 1.4.4

- know your customer
 - appropriateness regime 5.2.3.2
 - suitability regime 5.2.2.2
- levels 5.2.1
- professional clients, treatment of
 - suitability obligation 5.2.2.2, 5.2.2.3
- reliance on information provided by others 5.2.5.2
 - appropriateness regime 5.2.3.1, 5.2.3.2
 - suitability obligation 5.2.2.2
 - see also* **reliance on others**
- suitability regime *see* **suitability regime**
- ECPs** *see* **eligible counterparties**
- EEA (European Economic Area)**
 - organisational and conduct of business requirements 3.2.1.1
 - transaction reporting requirements 8.6.2
- electronic trading**
 - development 9.1
- eligible counterparties**
 - best execution rule 1.4.5, 6.4.1, 6.5.2
 - categories of client 3.3.4.3
 - conflicts of interest management 4.2.3
 - national discretion 3.3.4.4
 - procedures 3.3.4.4
 - professional clients reclassified as 3.3.4.4
 - services covered 3.3.4.2
 - thresholds 3.3.4.4
 - United Kingdom 3.3.4.1
- European Commission**
 - comitology powers 3.1.5
 - on commodity derivatives
 - exemptions 10.3.7
 - "Implementing the Framework for Financial Services Action Plan" 1.1.1
 - on ISD, revision 9.1
 - on transparency 8.2
 - post-trade 8.3.1
 - publication of information 8.3.3
- European Parliament**
 - on transparency 8.2
- European Securities Committee**
 - organisational and conduct of business requirements 3.1.5
- exchanges**
 - and regulated markets 1.4.8
- execution venues**
 - competition between 9.12
 - information requirements 7.2.8
- execution-only business**
 - "at initiative of client" 5.2.4.3
 - conditions 5.2.4
 - conflicts regime, compliance with 5.2.4.5
 - non-complex financial instruments 5.2.4.2
 - prescribed warning 5.2.4.4
 - services covered 5.2.4.1
- exemptions**
 - ancillary business 2.8.2
 - professional investors 2.8.1
 - specialist commodities dealer 2.8.3
- fair dealing with clients** 1.4.4
 - acting honestly, fairly and professionally in accordance with best interests
 - best interests 5.1.1.3
 - fairness 5.1.1.4
 - general duty 5.1.1
 - honesty 5.1.1.1
 - professional behaviour 5.1.1.2
 - due diligence *see* **due diligence obligations**
 - fairness 5.1.1.4
 - inducements *see* **inducements**
- fairness**
 - fair dealing 5.1.1.4
 - information 7.1.2.3
- fees, investment services**
 - inducements 5.1.2.2
- finalisation of transactions**
 - regulated markets 9.6.5
- financial institutions**
 - professional client, classification as 3.3.3.1

- financial instruments**
 - admission to trading 9.2.1
 - MTFs 9.9.2
 - regulated markets 9.9.1
 - cash settled contracts (derivatives) 2.6.1
 - defined 2.6
 - derivatives *see* **derivatives**
 - information requirements 7.2.7.1, 7.2.7.2
 - non-complex, execution-only business 5.2.4.2
 - RM/MTF traded contracts (derivatives) 2.6.1
 - spot contracts 2.6.1
 - suspension from trading 9.10
 - transferable securities 2.6.3
- financial markets**
 - entities required to be authorised or regulated
 - as professional clients 3.3.3.1
- Financial Services Action Plan (FSAP)**
 - FSA webpages 1.5
 - Lisbon Agenda 1.1
- fitness tests**
 - client classification regime 3.3.3.2
- foreign exchange**
 - ancillary services 2.6.2
- forward foreign exchange transactions**
 - as financial instruments 2.6.2
- "four eyes" principle**
 - authorisation requirements 2.10
- FSA (Financial Services Authority)**
 - "all reasonable efforts" 6.3.1
 - best execution rule 6.2.2
 - Consultation Paper (2006) 6.3.6
 - on dealing on own account 10.3.5
 - "Planning for MiFID" guide 1.5
 - Principles for Business 5.1.1.4
 - webpages 1.5
- FSAP *see* Financial Services Action Plan (FSAP)**
- FSMA (Financial Services and Markets Act) 2000**
 - RAO override 10.4.1
- further underlyings**
 - and C10 derivatives 10.2.6
- GATS (General Agreement on Trade in Services)**
 - authorisation requirements 2.1, 2.10
- governments, national and regional**
 - professional client, classification as 3.3.3.1
- guaranteed products**
 - information requirements 7.2.7.4
- home Member State responsibility**
 - MiFID approach 3.1.3
 - regulated markets, authorisation requirements 9.3.2
- honesty**
 - fair dealing with clients 5.1.1.1
- host Member State requirements**
 - ISD recognition 3.1.3
- impact of MiFID 1.6**
- Implementing directive**
 - best execution rule 2.1
 - Background Note 6.4.2, 6.3.3
 - portfolio management 6.5.1
 - scope debate 6.4.1
 - clear, fair and not misleading
 - information requirement 7.1.3.1, 7.1.3.5
 - client assets 4.7.2, 4.7.5
 - compliance 4.3
 - conflicts of interest
 - general requirements 4.2.3
 - investment research 4.2.6
 - policy 4.2.4
 - cross-border services, passporting provisions 2.12.1
 - eligible counterparties 3.3.5.1
 - fair dealing with clients 5.1.1.4
 - inducements 5.1.2.1, 5.1.2.2 and MiFID 3.1.5
 - organisational requirements 3.1.2.5
 - outsourcing 4.4
 - passport, effective operation of 3.1.2.3
 - presentation of information 7.1.3.3
 - record-keeping 4.5
 - suitability
 - determination of 5.2.2.3

- know your customer obligation
 - 5.2.2.2
 - scope of regime 5.2.2.1
 - systems and controls 3.1.2.5, 4.6
- Implementing regulation**
 - "commodity", meaning 10.2.4
 - derivatives, commodity and non-
 - financial 2.6.1
 - further underlyings 10.2.6
 - spot contracts 10.2.2
 - systematic internalisers 8.4.2.2
 - transitional provisions 2.12.15
 - transparency, post-trade 8.3.1, 8.3.3
- "Implementing the Framework for Financial Services Action Plan" (European Commission) 1.1**
- inducements**
 - associated companies 5.1.2.1
 - benefits passing to or from client
 - 5.1.2.2
 - definitions 5.1.2.1
 - disclosed 5.1.2.2
 - fees, investment services 5.1.2.2
 - information requirements 7.2.9.3
 - intra-group payments 5.1.2.1
 - prohibition of, exemptions from
 - 5.1.2.2
 - scope of regime 5.1.2.1
- information**
 - accuracy requirement 7.1.3.3
 - adequacy of 7.1.3.3, 7.2.2
 - agreements, relating to 7.2.3.2
 - see also* **agreements, client**
 - amount to obtain
 - appropriateness regime 5.2.3.2
 - suitability regime 5.2.2.2
 - appropriateness regime 5.2.3.2
 - balance requirement 7.1.3.3
 - clear, fair and not misleading
 - requirement
 - clarity requirement 7.1.2.2
 - conduct of business principles 7.1.1
 - fairness requirement 7.1.2.3
 - flexibility requirement 7.1.3.2
 - Implementing directive 7.1.3.5
 - marketing communications *see*
 - marketing communications**
 - misleading information, prevention
 - 7.1.2.1
 - performance 7.1.3.4
 - presentation of information 7.1.3.3
 - scope of regulation 7.1.3.1
 - specific requirements 7.1.3.5
- client agreements 7.3
 - positive requirement to enter into
 - 7.3.1
 - provision of terms 7.3.2
 - reclassification of clients as retail
 - 7.3.4
 - record-keeping requirement 7.3.3
- clients, provision to
 - adequacy of 7.2.2
 - durable medium, use of 7.2.4.2
 - medium of disclosure 7.2.4.1
 - standard disclosures 7.2.4.4
 - timing of 7.2.3
 - website, not a durable medium
 - 7.2.4.3
- comparisons requirement 7.1.3.3
- compound products 7.2.7.4
- comprehensibility requirement
 - 7.1.3.3
- costs and charges, general
 - requirements 7.2.9.1
- disclosure
 - durable medium, use of 7.2.4.2
 - medium of 7.2.4.1
 - standard 7.2.4.4
 - website use 7.2.4.3
- distance marketing derogation
 - 7.2.3.4
- execution venues 7.2.8
- financial instruments 7.2.7.2
 - Prospectus Directive/ UCITS
 - Directive, subject to 7.2.7.3
 - scope and flexibility 7.2.7.1
- financial instruments, subject to
 - UCITS Directive 7.2.9.2
- on firm and its services
 - client assets, safeguarding 7.2.6.3
 - general requirements 7.2.6.1
 - portfolio management services
 - 7.2.6.2
- guaranteed products 7.2.7.4

- inaccurate, incomplete or out-of-date 5.2.3.2
- inducements 7.2.9.3
- performance 7.1.3.4
- presentation of 7.1.3.3
- primary information providers (PIPs) 8.3.3
- provided by others, reliance on 5.2.5.2
 - appropriateness regime 5.2.3.2
 - suitability regime 5.2.2.2
- publication, pre-trade transparency provisions 8.4.3
- refusal to provide 5.2.3.2
- reporting to clients
 - brokerage services 7.4.2.1–7.4.2.4
 - general obligation 7.4.1
 - portfolio management services 7.4.3.1–7.4.3.4
- requirements, MiFID 1.4.6
- risk warnings, scope and flexibility 7.2.7.1
- suitability regime 5.2.2.2
- timing of provision
 - agreements 7.2.3.2
 - direct offer marketing communications 7.2.3.3
 - distance marketing derogation 7.2.3.4
 - general position 7.2.3.1
- transparency, post-trade 8.3.3
- updating obligation 7.2.5
- see also* **disclosures; reporting requirements**
- insurance companies**
 - professional client, classification as 3.3.3.1
- Insurance Mediation Directive**
 - and “CAD exempt firms” 2.5.1
- international institutions**
 - professional client, classification as 3.3.3.1
- investment advice**
 - best execution distinguished 6.3.3
 - as core investment service 2.5.1
- investment firms**
 - control requirements, changes in 9.4
 - definitions 1.4.1, 2.2
 - impact of extension to 2.13
 - and market operators 9.3.1
 - multilateral trading facilities, operating
 - capital requirements 9.5
 - professional client, classification as 3.3.3.1
 - and professional investors exemption 2.8.1
 - third-country
 - organisational and conduct of business requirements 3.2.1.1
 - transaction reporting obligations 1.4.7
 - transparency
 - post-trade 8.3.2
 - pre-trade 8.4.2.1–8.4.2.2
- investment research**
 - conflicts of interest 4.2.6
- investment services and activities**
 - advice 2.5.1
 - appropriateness 5.2.3.1
 - definitions 2.2
 - ISD/MiFID distinguished 2.5
 - MTFs, operation 2.5.2
- Investment Services Directive** *see* **ISD (Investment Services Directive)**
- investor protection**
 - and client classification regime 3.3.8
 - conduct of business standards 3.1.2.1
 - regulatory initiatives, other 3.1.2.5
- IOSCO (International Organization of Securities Commissions)**
 - organisational requirements, Implementing directive’s provisions on 3.1.2.5
- ISD (Investment Services Directive)**
 - clear, fair and not misleading information requirement 7.1.1
 - commodity derivatives, exclusion from 10.1
 - conduct of business standards 1.2.2, 3.1.2
 - conflicts of interest
 - MiFID compared 4.2.2

- host Member State requirements 3.1.3
 - investment firm, definition 2.2
 - investment services and activities, definition 2.5
 - and Lisbon summit (2000) 1.1
 - market standards 1.2.3
 - MiFID distinguished
 - conflicts of interest 4.2.2
 - investment services and activities 2.5
 - market standards 1.2.3
 - passporting provisions 1.2.1, 2.12
 - regulated market concept 1.4.8, 9.1
 - scope of regulation 1.4.1
 - transparency, pre-trade 8.4
 - weakness in 1.2.1
- Joint Forum**
- and organisational requirements, Implementing directive's provisions on 3.1.2.5
- know your customer obligation**
- appropriateness 5.2.3.2
 - suitability regime 5.2.2.2
- Lamfalussy, Baron Alexandre** 1.1.2
- Lamfalussy process**
- development of MiFID 1.1.2
 - four-level nature of 1.1.2
 - MiFID negotiations, Level 2 1.3
- large undertakings**
- professional client, classification as 3.3.3.1
- limit orders**
- disclosure 8.4.4
- "limited activity" firms**
- investment advice 2.5.1
- "limited licence" firms**
- investment advice 2.5.1
- liquid market**
- concept 8.4.2.2
- liquidity**
- and transparency 8.3.1
- Lisbon Agenda, and Financial Services Action Plan**
- origins of MiFID 1.1, 1.6
- loan only credit derivatives**
- as financial instruments 2.6.2
- London Metal Exchange**
- Annual Metals Seminar (2006) 10.5
- London Stock Exchange (LSE)**
- and "Big Bang" 6.2.1
- MAD (Market Abuse Directive)**
- admission to trading on regulated market 9.2.1, 9.9.1
 - investment research 4.2.6
 - marketing communications 7.1.4 and organisational requirements, MiFID 1.4.3
 - regulated markets 1.4.8
 - transaction reporting requirements 8.6.1
- market fragmentation**
- conduct of business standards 3.1.2.2
- market maker**
- defined 2.8.1
- market operators**
- definitions 2.5.2
 - and investment firms 9.3.1
 - multilateral trading facilities, authorisation requirements 9.3.3
 - regulated markets, authorisation requirements 9.3.2
 - senior management, approval requirement 9.4
- market standards**
- ISD and MiFID 1.2.3
- marketing communications**
- concept 7.1.1
 - consistency with other information provided 7.1.4.2
 - direct offer 7.1.4.3
 - timing of provision 7.2.3.3
 - identification 7.1.4.1
 - Market Abuse Directive 7.1.4
- market-making system (UK)**
- market standards 1.2.3
- markets issues**
- structure of MiFID 1.4.2
- metals brokers**
- best execution opt-out 6.2.3

"MiFID Connect" (industry initiative)

1.5

misleading information, prevention

7.1.2.1

money-market instruments

defined 2.6

MTFs (multilateral trading facilities)

access to facilities 9.11.1, 9.11.2

admission to trading 9.9.2

authorisation 9.3.3

conduct of business standards

3.2.2.2

dealing on own account 2.5.2.1

defined 2.5.2, 9.2.1

execution of orders outside 6.3.2

and non-discretionary rules 9.2.1

operation 2.5.2, 9.3.1

organisational requirements 3.2.2.1,
9.7

and regulated markets 1.4.8

transparency

post-trade 8.3.1, 8.3.2

pre-trade 8.4.1

multilateral system, operation of

definitions 9.2.1

**multilateral trading facilities *see* MTFs
(multilateral trading facilities)**

National Market System

United States 8.3.3

negotiations, MiFID

level 2 1.3

non-discretionary rules

and multilateral trading facilities

2.5.2, 9.2.1

Official Listing Directive

admission to trading, regulated

markets 9.9.1

"optional exemption"

investment advice 2.5.1

opt-out

best execution rule 6.2.3

managers 6.2.4

orders *see* best execution rule: client

orders

organisational requirements 1.4.3

client classification regime *see* **client
classification regime**

and conduct of business requirements
see **conduct of business**

standards

credit institutions 3.2.1.2

general conclusions 3.1.6

and harmonisation 4.8

Implementing directive 3.1.2.5

MiFID and Implementing Directive

3.1.5

modifications

credit institutions 3.2.1.2

types of firms, application to 3.2.1

UCITS management companies

3.2.1.3

multilateral trading facilities 9.7

passport, effective operation of

3.1.2.3

regulated markets *see* **regulated**

markets: capital adequacy

structure of MiFID 1.4.2

supervisory convergence and

cooperation 3.1.4

territorial application 3.1.3

types of firms, application to

EEA and third-country investment

firms 3.2.1.1

UCITS management companies

3.2.1.3

see also **conduct of business**

standards

origins of MiFID

Lamfalussy process 1.1.2

OTC (over-the-counter) instruments

and best execution rule 1.4.5

derivatives 1.3, 6.3.3

MiFID negotiations, Level 2 1.3

outsourcing

conduct of business standards 4.4

passporting provisions

ancillary services 2.12.3

and authorisation requirements 1.4.1

conduct of business standards 3.1.2.3

home state control of cross-border

services 2.12.1

- home-host state control of branches 2.12.2
- Investment Services Directive 1.2.1
- MiFID changes 2.12
- procedures 2.12.4
- transitional provisions 2.12.15
- Perimeter Guidance**
 - ancillary business exemption 10.3.2
 - commodities dealer exemption 10.3.3
- PIPs (primary information providers)** 8.3.3
- “Planning for MiFID” (FSA guide)** 1.5
- portfolio management**
 - best execution rule 6.5.1
 - defined 2.5.2.1
 - information requirements 7.2.6.2
 - reporting requirements
 - frequency of periodic reporting 7.4.3.4
 - general requirement 7.4.3.1
 - losses, certain 7.4.3.3
 - periodic statements 7.4.3.2
- position taking**
 - and dealing on own account 2.5.2.1
- post-trade transparency requirements**
 - transaction reporting standards, and transparency 1.4.7
- precautionary powers**
 - host states 3.1.3
- preparation for MiFID** 1.5
- pre-trade transparency provisions**
 - market standards 1.2.3
 - transaction reporting standards, and transparency 1.4.7
- primary information providers (PIPs)** 8.3.3
- professional behaviour**
 - fair dealing with clients 5.1.1.2
- professional clients**
 - best execution rule
 - best price 6.3.6
 - costs and charges 6.3.5
 - concept 3.3.2.3
 - eligible counterparties, reclassification as 3.3.4.4
 - per se 3.3.3.1
 - retail treated as 3.3.3.2
 - treatment of, suitability regime 5.2.2.2, 5.2.2.3
- professional investors exemption**
 - application of 2.8.1
- Prospectus Directive**
 - admission to trading on regulated market 9.2.1
 - admission to trading, regulated markets 9.9.1
 - clear, fair and not misleading information requirement 7.1.1
 - financial instruments subject to, information requirements 7.2.7.3
 - and regulated markets 1.4.8
 - transferable securities 2.6.3
- public bodies**
 - professional client, classification as 3.3.3.1
- RAO (Regulated Activities Order)**
 - changes to 2.9
 - commodity derivatives 1.4.9, 10.4.1
 - financial derivatives 2.6.2
 - investment advice, defined 2.5.1
 - “override” 2.9
 - “overseas persons exclusion” 2.9
 - scoping legislation 1.4.1
 - transactions in investments 2.5.1
- recommendations**
 - investment advice 2.5.1
 - investment research 4.2.6
- record-keeping**
 - conduct of business standards 4.5
 - information requirements 7.3.3
- Regulated Activities Order** *see* **RAO (Regulated Activities Order)**
- regulated investments**
 - categories 10.4.2
- regulated markets**
 - access to facilities 9.11.1
 - admission to trading 9.2.1, 9.9.1
 - authorisation 9.3.2
 - capital adequacy 9.6.6
 - capital requirements 9.5
 - concept 9.1
 - conflicts of interest 9.6.1
 - definition 9.2.1

- execution of orders outside 6.3.2
- finalisation of transactions 9.6.5
- Investment Services Directive 9.1
- market standards 1.2.3
- MiFID changes 9.1
- and MTFs 1.4.8
- organisational requirements 3.2.2.1
 - capital adequacy 9.6.6
 - conflicts of interest 9.6.1
 - finalisation of transactions 9.6.5
 - risk management 9.6.2
 - rules and procedures 9.6.4
 - technical operations business continuity 9.6.3
- risk management 9.6.2
- rules and procedures 9.6.4
- significant influence requirements 9.4
- suspension from trading 9.10
- technical operations business continuity 9.6.3
- transparency
 - post-trade 8.3.1
 - pre-trade 8.4.1
- reliance on others**
 - appropriateness regime 5.2.3.1
 - determination performed by others 5.2.5.3
 - information provided by others 5.2.5.2
 - appropriateness regime 5.2.3.2
 - suitability regime 5.2.2.2
 - scope of regime 5.2.5.1
- reporting requirements**
 - brokerage services
 - general requirement 7.4.2.2
 - retail clients, additional requirements for 7.4.2.3
 - retail confirmation notices 7.4.2.4
 - scope of regulation 7.4.2.1
 - general obligation 7.4.1
 - portfolio management services
 - frequency of periodic reporting 7.4.3.4
 - general requirement 7.4.3.1
 - losses, certain 7.4.3.3
 - periodic statements, to retail clients 7.4.3.2
- retail clients**
 - best execution rule
 - best price 6.3.6
 - costs and charges 6.3.5
 - brokerage services, reporting requirements for 7.4.2.3
 - portfolio management services, periodic statements 7.4.3.4
 - frequency of periodic reporting 7.4.3.4
 - professional distinguished 3.3.8
 - reclassification as 7.3.4
 - treated as professional on request 3.3.3.2
- retail confirmation notices**
 - detailed contents requirements for 7.4.2.4
- risk management**
 - commodity derivatives 10.4.4
 - regulated markets 9.6.2
- risk participations**
 - financial derivatives 2.6.2
- risk warnings**
 - information requirements 7.2.7.1
- riskless principal execution**
 - best execution rule 6.2.1
 - and dealing on own account 2.5.2.1
- Sants, Hector** 10.5
- scope of regulation**
 - clear, fair and not misleading information 7.1.3.1
 - extension of 2.1
 - importance of 2.1
 - Investment Services Directive 1.4.1
 - MiFID 1.4.1
 - exemptions from 2.3
 - "non-scope" business, MiFID rules 2.1
 - review process 2.14
- Securities and Investment Board**
 - rulebook review (1991) 6.2.1
- senior management responsibility**
 - compliance 4.3
- Settlement Finality Directive**
 - finalisation of transactions 9.6.5
- significant influence requirements**

- regulated markets 9.4
- specialist commodities dealer exemption**
 - application of 2.8.3
- specific instructions concept**
 - best execution rule 6.3.4
- spot contracts**
 - defined 10.2.2
 - financial instruments 2.6.1
 - regulated investments 10.4.2
 - Section C, Annex 1 MiFID 10.2.2
- sub-participations**
 - financial derivatives 2.6.2
- suitability regime**
 - acting against firm's recommendation 5.2.2.3
 - application of regime 5.2.1
 - churning and switching 5.2.2.3
 - determination of 5.2.2.3
 - frequency of determination 5.2.2.3
 - general standards of care 5.2.1
 - implicit nature of obligation 5.2.2.3
 - information requirements 5.2.2.2
 - know your customer obligation 5.2.2.2
 - pre-existing clients 5.2.2.3
 - scope of regime 5.2.2.1
 - stages of regime 5.2.2.1
 - see also* **appropriateness regime**
- superequivalent rules**
 - MiFID negotiations, Level 2 1.3
- supervisory convergence and cooperation**
 - organisational and conduct of business requirements 3.1.4
- supranational institutions**
 - professional client, classification as 3.3.3.1
- suspension from trading**
 - financial instruments 9.10
- system**
 - defined 9.2.1
- systematic internalisers**
 - best execution opt-out 6.2.3
 - concept 8.4
 - definition 8.4.2.1
 - obligations 8.4.2.2
 - quotes 8.4.2.2
- systems and controls**
 - conduct of business standards 4.6
 - high-level requirements 1.4.3
 - home Member State responsibility 3.1.3
 - Implementing directive 3.1.2.5
- TDM (trade data monitor) 8.3.3**
- technical operations business continuity**
 - regulated markets 9.6.3
- tied agents**
 - requirements, MiFID 2.11
- trade data monitor (TDM) 8.3.3**
- trading systems**
 - electronic 9.1, 9.2.1
 - floor-based 9.2.1
- trading venues**
 - and ISD 9.1
- transaction reporting requirements**
 - 1.4.7
 - background 8.6.1
 - implications of new provisions 8.7
 - provisions 8.6.2
- transferable securities**
 - defined 2.1, 2.6
 - financial instruments 2.6.3
- transparency**
 - background, MiFID provisions 8.2
 - client limit orders, disclosure 8.4.4
 - implications of new provisions 8.7
 - and liquidity 8.3.1
 - market standards 1.2.3
 - MiFID provisions, instruments covered by 8.5
 - post-trade
 - ensuring 8.3
 - for investment firms 8.3.2
 - publication of information 8.3.3
 - for regulated markets/MTFs 8.3.1
 - pre-trade
 - for investment firms 8.4.2.1–8.4.2.2
 - publication of information 8.4.3
 - for regulated markets/MTFs 8.4.1
 - systematic internalisers
 - definition 8.4.2.1
 - obligations 8.4.2.2

A Practitioner's Guide to MiFID

- transaction reporting requirements
 - 1.4.7
 - background, MiFID provisions 8.6.1
 - provisions 8.6.2
 - see also* **transaction reporting standards**
- Transparency Obligations Directive**
 - admission to trading on regulated market 9.2.1, 9.9.1
 - and regulated markets 1.4.8
- UCITS Directive**
 - financial instruments subject to, information requirements 7.2.7.3
 - costs and charges 7.2.9.2
 - management companies authorised by 2.4
 - organisational and conduct of business requirements 3.2.1.3
- UCITS funds**
 - inducements 5.1.2.2
- UCITS management companies**
 - MiFID, application to 2.4
 - organisational and conduct of business requirements 3.2.1.3
- UCPD (Unfair Commercial Practices Directive)**
 - clear, fair and not misleading information requirement 7.1.1
 - fairness 5.1.1.4
- undertakings for collective investment in transferable securities (UCITS) *see* UCITS Directive; UCITS funds; UCITS management companies**
- underwriting and placing services**
 - appropriateness regime 5.2.3.1
- Unfair Commercial Practices Directive**
 - see* **UCPD (Unfair Commercial Practices Directive)**
- United Kingdom**
 - eligible counterparty regime 3.3.4.1
- United States**
 - National Market System 8.3.3