

1 January 2021

Indicative list of financial instruments that are subject to notification requirements by virtue of section 89F(1)(b)(iii) of Financial Services and Markets Act 2000 (FSMA) and according to DTR 5.3.1R

The FCA is required to establish, publish and periodically update an indicative list of financial instruments that are subject to notification requirements by virtue of section 89F(1)(b)(iii) of FSMA and according to DTR 5.3.1R. The FCA will review this list on an ad-hoc basis after taking into account developments on financial markets.

1. The following financial instruments are subject to notification requirements by virtue of section 89F(1)(b)(iii) of FSMA and according to DTR 5.3.1R, provided they satisfy any of the conditions set out in DTR 5.3.1R(1)(a) or DTR 5.3.1R(1)(b):
 - (a) transferable securities;
 - (b) options;
 - (c) futures;
 - (d) swaps;
 - (e) forward rate agreements;
 - (f) contracts for differences; and
 - (g) any other contracts or agreements with similar economic effects which may be settled physically or in cash.
2. "Options" should be read as including calls, puts or any combination thereof.
3. Furthermore, the following financial instruments are subject to notification requirements by virtue of section 89F(1)(b)(iii) of FSMA and according to DTR 5.3.1R, provided they satisfy any of the conditions set out in DTR 5.3.1R(1)(a) or DTR 5.3.1R(1)(b) and reference shares to which voting rights are attached:
 - (a) irrevocable convertible and exchangeable bonds referring to already issued shares;
 - (b) financial instruments referenced to a basket of shares or an index and which comply with the criteria laid down in Article 4(1) of Commission

Delegated Regulation (EU) 2015/761 of 17 December 2014 (as it applies in the UK);

- (c) warrants;
- (d) repurchase agreements;
- (e) rights to recall lent shares;
- (f) contractual buying pre-emption rights;
- (g) other conditional contracts or agreements than options and futures;
- (h) hybrid financial instruments;
- (i) combinations of financial instruments;
- (j) shareholders' agreements having DTR 5.3.1R financial instruments as an underlying.

4. Depending on the characteristics and typology of such financial instruments, there can be overlaps within the categories referred above. In such cases notification is required under one of the categories.