

MiFID II general guidance

Authorisation process, forms and prudential categories for first time applicants and existing investment firms who are seeking to vary their scope of permissions

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1 Authorisation application process and forms

A. Initial authorisation application screenshots

Step 1: The firm logs in to Connect and is asked to answer the following questions (this is not a complete list) that will determine the final application pack:

The first question asks the firm what it intends to sell. The firm can only select either retail or wholesale, however other permutations are applicable.

What products does the Applicant intend to sell?

- Consumer Credit
- Retail
- Wholesale
- Home Finance Provider/Administrator

If the firm selects 'Retail' it is asked to select which type(s) of the following business the firm will undertake:

What business does the applicant intend to undertake?

- Investments
- Non-investment insurance contracts
- Home Finance Broker
- Personal pension schemes (inc. SPPs)

If the firm selects 'Wholesale' it is asked to select only one of the following four types of business:

What business does the applicant intend to undertake? 

- Securities and Futures (Non Complex)
- Securities and Futures (Complex)
- Investment manager
- Advisors and arrangers of Wholesale funds

Step 1a: When selecting either retail or wholesale the firm is asked whether it requires authorisation under MiFID:

Does the applicant require authorisation under MiFID? (If you wish to be authorised as an Article 3 exempt MiFID firm you must still answer yes to this question.)

Yes No

Step 1b: The firm is asked whether it has previously traded. If the firm answers yes to this question the 'disclosure of significant events appendix' will be included in the application forms pack (see step 2a):

Has the applicant previously traded?

Yes No

Step 1c: The following questions drive whether the firm is required to submit any controller forms. If the firm answers that it is solely owned by its Directors or Partners it will not be required to submit any controller forms.

If the applicant states that the firm is not solely owned by its Directors or Partners then it will be asked if the owners meet the relevant threshold to act as a controller. If the answer to this is yes then the applicant will be required to submit the relevant controller forms (see step 3b):

Will the firm be solely owned by its Directors or Partners?

Yes No

Do the owners meet the relevant threshold to act as a controller?

Yes No

Step 2: The firm is taken to the new authorisation application page and will be presented with the relevant pack of forms to complete that was created based on the answers provided under Step 1; the status of each form is updated as the user progresses:

New Authorisation Application	
Form	Form Status
Application Contact Details	Complete
Application Documents	In Progress
Application Fee	Not Started
Declaration	Not Started
<i>Firm Declaration only becomes editable once related applications are completed</i>	

Step 2a: The 'Application Documents' section sets out the different appendices that are required. If the firm has answered yes in step 1b question then the 'disclosure of significant events appendix' will be included in the list of appendices required.

Application Forms

You will need to complete the following form(s). The form(s) need to be downloaded, saved and completed

- [MiFID Authorisation Form](#) *
- [MiFID List of members of the management body](#) *
- [MiFID annex form](#) *
- [MiFID IT self assessment form](#) *
- [Disclosure of significant events appendix](#) *
- [Fees and Levies supplement wholesale firms form](#) *
- [MiFID checklist wholesale form](#) *

* - Required documents

Step 3: The firm will have to upload the relevant documents. The firm will not be able to submit the application unless they have uploaded each of the required appendices which can be selected from the dropdown list under 'Document Type'. Further documents can be added by selecting the 'Add Document' option:

Documents

Document Title

Document Type

Attachment

Step 3a: After the firm has completed the relevant forms they can add a related application.

Related Applications

Now that your application is almost complete, you will need to attach and submit applications for the people who will be responsible for running the firm, who own the firm or will be conducting the activities you are seeking authorisation/registration for. These are known as related applications. The number of related applications you need to submit will depend upon the number of people who run the firm or work for the firm. You will need to submit at least one related application

Application Type	Application Outcome	Last Updated	Application Status
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Step 3b: When adding a related application the firm will be presented with the relevant options. If it has been determined from step 1c that a controller form is not required then they will not be presented with the controllers' forms option, the page will simply provide the option to add an Approved Person:

Approved Person
Add Approved Person
Controllers
Add Legal Persons & Partnerships Controller
Add Trust Controller
Add Natural Persons Controller

Step 3c: The Approved Person form provides the option of adding a MiFID long form A, a short form A and a standard long form A depending on the control functions the individuals are applying for, guidance is provided to the firms to determine which type of Form(s) should be completed:




Application Forms
You will need to complete the following form(s). The form(s) need to be downloaded, saved and completed
Applicant must submit one related application per individual
Please only use the Short Form A if the candidate currently holds, or has held one of the following Controlled Functions within another authorised firm in the last six months: CF1-12B (Excluding CF2) CF28 CF29 CF30 CF40 CF50
Full information can be found in the Guidance notes for the Form A
Long form A - UK and overseas (not EEA) for MiFID firms 
Short Form A - UK and overseas firms (Not EEA) 
Long Form A - UK and Overseas Firms (not EEA) 
* - Required documents

Table 1 – Individual underlying application forms

Ref	Form Name	Location	Explanation
	The MiFID authorisation form	https://www.fca.org.uk/publication/forms/mifid-authorisation-form.docx	This transposes Annex I of the authorisation ITS.
	The FCA MiFID Annex	https://www.fca.org.uk/publication/forms/mifid-annex-form.docx	<p>This can be used to provide information:</p> <ul style="list-style-type: none"> • required by the authorisation RTS • to enable us to assess whether the applicant firm satisfies the threshold conditions • to process the application and prepare for the ongoing supervision of the firm (such as information relating to fees and prudential categories) <p>and covers:</p> <ul style="list-style-type: none"> • general information • information on capital • information on shareholders • information on the members of the management and persons who direct the business • financial information • information on the organisation of the business
	The list of the members of the management body.	https://www.fca.org.uk/publication/forms/mifid-members-management-body.docx	This transposes Annex II of the authorisation ITS. With regard to the forms that the applicant firm needs to submit for the assessment of the individuals applying to perform control functions.
	The MiFID (IT) assessment form and, depending on the answers provided, either the Maturity Assessment or the IT Controls Form and additional IT self-certification forms.	https://www.fca.org.uk/publication/forms/mifid-it-self-assessment-form.xls https://www.fca.org.uk/publication/forms/mifid-maturity-assessment-form.xlsx https://www.fca.org.uk/publication/forms/mifid-it-controls-form.docx https://www.fca.org.uk/publication/forms/mifid-self-certification-6-form.docx https://www.fca.org.uk/publication/forms/mifid-self-certification-7-form.docx	

Ref	Form Name	Location	Explanation
	<ul style="list-style-type: none"> • fee and levies supplement • retail firms form • fee and levies supplement • wholesale firms form • MiFID checklist – retail form • MiFID checklist • wholesale form 	<p>https://www.fca.org.uk/publication/forms/fees-and-levies-retail-supplement-form.docx</p> <p>https://www.fca.org.uk/publication/forms/fees-and-levies-wholesale-supplement-form.docx</p> <p>https://www.fca.org.uk/publication/forms/mifid-retail-checklist-form.docx</p> <p>https://www.fca.org.uk/publication/forms/mifid-wholesale-checklist-form.docx</p>	The relevant fees and levies supplement and checklist as applicable.
	<ul style="list-style-type: none"> • Supplements 		In addition to the above, the applicant may have to submit each of the following supplements (when and why these supplements are needed will be clearly explained and signposted either [in the notes to the FCA MiFID Annex and/or/ in our online CONNECT system).
	<ul style="list-style-type: none"> • supplement for firms selling investments • supplement for firms selling investments and home finance • supplement for firms selling investments and non- investment insurance contracts • supplement for firms selling investments, home finance and non-investment insurance contracts • supplement for Small Authorised UK AIFM (Alternative Investment Fund Manager) 	<p>https://www.fca.org.uk/publication/forms/mifid-investments-supplement-form.docx</p> <p>https://www.fca.org.uk/publication/forms/mifid-investments-home-finance-supplement-form.docx</p> <p>https://www.fca.org.uk/publication/forms/mifid-investments-non-investment-insurance-supplement-form.docx</p> <p>https://www.fca.org.uk/publication/forms/mifid-investments-home-finance-non-investment-insurance-supplement-form.docx</p> <p>https://www.fca.org.uk/publication/forms/mifid-small-aifm-supplement-form.docx</p>	If the applicant firm wishes to apply for additional non-MiFID activities we have created the following supplements depending on the type of activities the applicant firm wishes to carry out.

Ref	Form Name	Location	Explanation
	<ul style="list-style-type: none"> controller form – natural person controller form – legal person and Partnership controller form – trust 	<p>https://www.fca.org.uk/publications/forms/mifid-controllers-natural-persons-form.docx</p> <p>https://www.fca.org.uk/publications/forms/mifid-controllers-legal-persons-form.docx</p> <p>https://www.fca.org.uk/publications/forms/mifid-controllers-trust-form.docx</p>	For the assessment of the controllers we have created three controller appendixes depending on the status of the controller which will replace, in respect of an application for an initial authorisation under MiFID, the five existing ones and will capture the information required under article 3 of the authorisation RTS. ¹
	<ul style="list-style-type: none"> Form A 	https://www.handbook.fca.org.uk/form/sup/SUP_10A_ann_04_Long_A_MIFID_UK_20170130.pdf	
	<ul style="list-style-type: none"> Disclosure of significant appendix 	https://www.fca.org.uk/publication/forms/disclosure-of-significant-events-appendix.doc	If the applicant firm has traded previously, then they will have to fill in a disclosure of significant events appendix. This appendix is similar to the one prospective MiFID investment firms are currently using.
	If the applicant firm wishes to operate an MTF or an OTF, then they have to submit the MTF/OTF table mandated by the Annex, table 1, of the Commission Implementing Regulation (EU) 2016/824 ²	https://www.fca.org.uk/publication/forms/mifid-mtf-table-form.docx	
	An applicant firm seeking to operate an MTF/OTF may also need to submit a transparency waivers form where they are seeking to operate waivers from pre-trade transparency obligations.	https://www.fca.org.uk/publication/forms/mifid-transparency-waiver-form.docx	
	The firm may need to Connect and report through our MDP system.		

1 Please note that article 3 of the authorisation RTS refers to articles 3, 4 and 5 of the RTS under article 12(8) of MiFID II. This has not yet been adopted by the European Commission but ESMA has published its Final report on "Draft technical standards under Article 10a(8) of MiFID on the assessment of acquisitions and increases in qualifying holdings in investment firms" on 17 December 2013 – ESMA/2013/1940: https://www.esma.europa.eu/sites/default/files/library/2015/11/2013-1940_final_report_and_assessment_rts_its_0.pdf.

2 Notifications 23, 24. The European Commission's Implementing Regulation (EU) 2016/824 is available here: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0824&from=EN>

Table 2 – FCA Guidance notes

Ref	Location	Explanation
	MiFID Annex Notes	www.fca.org.uk/publication/forms/mifid-annex-notes.docx
	Fees and levies supplement – retail notes	www.fca.org.uk/publication/forms/fees-and-levies-retail-supplement-notes.docx
	Fees and levies supplement – wholesale notes	https://www.fca.org.uk/publication/forms/fees-and-levies-wholesale-supplement-notes.docx
	Supplement for firms selling investments – notes	www.fca.org.uk/publication/forms/mifid-investments-supplement-notes.docx
	Supplement for firms selling investments and home finance – notes	www.fca.org.uk/publication/forms/mifid-investments-home-finance-supplement-notes.docx
	Supplement for firms selling investments and non-investment insurance contracts – notes	www.fca.org.uk/publication/forms/mifid-investments-non-investment-insurance-supplement-notes.docx
	Supplement for firms selling investment, home finance and non-investment insurance contracts – notes	www.fca.org.uk/publication/forms/mifid-investments-home-finance-non-investment-insurance-supplement-notes.docx
	Supplement for Small Authorised UK AIFM – notes	www.fca.org.uk/publication/forms/mifid-small-aifm-supplement-notes.docx
	Form A – notes	https://www.handbook.fca.org.uk/handbook/SUP/10A/Annex4.html

B. Vop for existing authorised person seeking to become MiFID investment firm screenshots

Step 1: The firm logs in to Connect and selects the option Variation of Permission:

Select the application type you would like to create

Approved Person (including CFs/SMFs/SIMFs)
 Changes to Notified Persons
 Variation of Permission

Back to My Applications

Step 2: The firm is asked to complete the following suite of forms; the status of each form is updated as the user progresses:

New Variation of Permission Application	
Form	Form Status
<u>Application Contact Details</u>	Complete
<u>Permissions</u>	Complete
<u>Additional Details</u>	In Progress
<u>Supporting documentation</u>	Not Started
Firm Declaration	Not Started

Step 3: In the 'Additional Details' form the firm will have to confirm its current non-MiFID status and its expected MiFID status once the VoP is approved. In this scenario the firm will be asked to attach the MiFID Authorisation Form, the MiFID Annex the 'list of members of the management body' form (to be added in the list) and the IT self-assessment form.

MiFID, CRR and the CRD

Please confirm whether the proposed variation will affect your firm's categorisation under the Markets in Financial Instruments Directive (MiFID), Capital Requirements Regulation (CRR) and the Capital Requirements Directive (CRD)

Please confirm your current MiFID status: Non-MiFID

Please confirm your expected MiFID status once this variation is approved: MiFID

Please note that you may need to add a requirement to your scope of permissions in order to change your MiFID and CRD categorisation. Please see the help text for more details

As you are becoming a MiFID firm, you must download, complete and attach the MiFID Authorisation Form
<https://www.fca.org.uk/publication/forms/mifid-authorisation-form.docx>

Document Title

Attachment Choose File

Send later

As you are becoming a MiFID firm, you must download, complete and attach the MiFID Annex form
<https://www.fca.org.uk/publication/forms/mifid-vop-annex-form.docx>

Document Title

Attachment Choose File

Send later

As you are becoming a MiFID firm, you must download, complete and attach the IT Self-Assessment form
<https://www.fca.org.uk/publication/forms/mifid-it-self-assessment-form.xlsx>

Document Title

Attachment Choose File

Send later

Please select MiFID categorisation: N/A

Please confirm your expected base capital requirement once this variation is approved: --None--

Step 4: If the firm is applying for the activities of operating an MTF or operating an OTF then the firm will have to complete the MTF and OTF table and the transparency waiver form if needed to:

You are adding OTF and/ or MTF activities and/or investment types as part of your application. You must complete and attach the MTFs and OTFs table, see www.fca.org.uk/publication/forms/mifid-mtf-table-form.docx

Document Title

Attachment

Send later

Is the applicant firm seeking to submit a transparency waiver form?

Yes

You must complete and attach the transparency waiver form, see www.fca.org.uk/publication/forms/mifid-transparency-waiver-form.docx

Document Title

Attachment

Table 3 – forms an authorised firm may need to consider when applying for a VoP as a non-MiFID firm

Ref	Form Name	Location	Explanation
	The MiFID authorisation form.	https://www.fca.org.uk/publication/forms/mifid-authorisation-form.docx	This transposes Annex I of the authorisation ITS.
	The FCA MiFID Annex.	https://www.fca.org.uk/publication/forms/mifid-annex-form.docx	<p>This can be used to provide information:</p> <ul style="list-style-type: none"> • required by the authorisation RTS • to enable us to assess whether the applicant firm satisfies the threshold conditions • to process the application and prepare for the ongoing supervision of the firm (such as information relating to fees and prudential categories) <p>and covers:</p> <ul style="list-style-type: none"> • general information • information on capital • information on shareholders • information on the members of the management and persons who direct the business • financial information • information on the organisation of the business
	The list of the members of the management body.	https://www.fca.org.uk/publication/forms/mifid-members-management-body.docx	This transposes Annex II of the authorisation ITS. With regard to the forms that the applicant firm needs to submit for the assessment of the individuals applying to hold control functions.
	The MiFID (IT) assessment form and, depending on the answers provided, either the Maturity Assessment or the IT Controls Form and additional IT self-certification forms.	https://www.fca.org.uk/publication/forms/mifid-it-self-assessment-form.xls https://www.fca.org.uk/publication/forms/mifid-maturity-assessment-form.xlsx https://www.fca.org.uk/publication/forms/mifid-it-controls-form.xlsx https://www.fca.org.uk/publication/forms/mifid-self-certification-6-form.docx https://www.fca.org.uk/publication/forms/mifid-self-certification-7-form.docx	

Ref	Form Name	Location	Explanation
	If the applicant firm wishes to operate an MTF or an OTF, then they have to submit the MTF/OTF table mandated by the Annex, table 1, of the Commission Implementing Regulation (EU) 2016/824 ³	https://www.fca.org.uk/publication/forms/mifid-mtf-table-form.docx	
	An applicant firm seeking to operate an MTF/OTF may also need to submit a transparency waivers form where they are seeking to operate waivers from pre-trade transparency obligations.	https://www.fca.org.uk/publication/forms/mifid-transparency-waiver-form.docx	
	The firm may need to Connect and report through our MDP system.		

Annex 2 Table 4 – FCA Guidance notes for an authorised firm applying for a VoP as a non-MiFID firm

Ref	Guidance Notes Name	Location
	FCA guidance notes will be available on the FCA website to assist with completion	www.fca.org.uk/publication/forms/mifid-annex-notes.docx

C. VoP for existing MiFID authorised investment firms screenshots

Step 1: The firm logs in to Connect and selects the option Variation of Permission:

Select the application type you would like to create

- Approved Person (including CFs/SMFs/SIMFs)
- Changes to Notified Persons
- Variation of Permission

Back Back to My Applications Continue

³ Notifications 23, 24. The European Commission's Implementing Regulation (EU) 2016/824 is available here: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0824&from=EN>

Step 2: The firm is asked to complete the following suite of forms; the status of each form is updated as the user progresses:

New Variation of Permission Application	
Form	Form Status
Application Contact Details	Complete
Permissions	Complete
Additional Details	In Progress
Supporting documentation	Not Started
Firm Declaration	Not Started

Step 3: In the 'Additional Details' form the firm will have to confirm its current MiFID status as MiFID firm and its expected MiFID status once the VoP is approved. In this scenario the firm will be asked to fill in the IT self-assessment form:

MIFID, CRR and the CRD

Please confirm whether the proposed variation will affect your firm's categorisation under the Markets in Financial Instruments Directive (MiFID), Capital Requirements Regulation (CRR) and the Capital Requirements Directive (CRD)

Please confirm your current MiFID status:

Please confirm your expected MiFID status once this variation is approved:

Please note that you may need to add a requirement to your scope of permissions in order to change your MiFID and CRD categorisation. Please see the help text for more details

As you are becoming a MiFID firm, you must download, complete and attach the IT Self-Assessment form <https://www.fca.org.uk/publication/forms/mifid-it-self-assessment-form.xlsx>

Document Title:

Attachment:

Send later:

Please select MiFID categorisation:

Please confirm your expected base capital requirement once this variation is approved:

Step 4: If the firm is applying for the activities of operating an MTF or operating an OTF then the firm will have to complete the MTF and OTF table and the transparency waiver form if needed to:

You are adding OTF and/ or MTF activities and/or investment types as part of your application. You must complete and attach the MTFs and OTFs table, see www.fca.org.uk/publication/forms/mifid-mtf-table-form.docx

Document Title

Attachment

Send later

Is the applicant firm seeking to submit a transparency waiver form?

Yes

You must complete and attach the transparency waiver form, see www.fca.org.uk/publication/forms/mifid-transparency-waiver-form.docx

Document Title

Attachment

Table 6 – COLS forms for existing MiFID authorised investment firm

Ref	Form Name	Location	Explanation
	The MiFID authorisation form.	https://www.fca.org.uk/publication/forms/mifid-authorisation-form.docx	This transposes Annex I of the authorisation ITS
	The Application and Cancellation Annex.	https://www.fca.org.uk/publication/forms/mifid-change-legal-status-form.docx	<p>This can be used to provide information:</p> <ul style="list-style-type: none"> • required by the authorisation RTS • to enable us to assess whether the applicant firm satisfies the threshold conditions • to process the application and prepare for the ongoing supervision of the firm (such as information relating to fees and prudential categories) <p>and covers:</p> <ul style="list-style-type: none"> • general information • information on capital • information on shareholders • information on the members of the management and persons who direct the business • financial information • information on the organisation of the business
	The list of the members of the management body.	https://www.fca.org.uk/publication/forms/mifid-members-management-body.docx	This transposes Annex II of the authorisation ITS and the associated Form As. With regard to the forms that the applicant firm needs to submit for the assessment of the individuals applying to hold control functions
	The MiFID (IT) assessment form and, depending on the answers provided, either the Maturity Assessment or the IT Controls Form and additional IT self-certification forms.	https://www.fca.org.uk/publication/forms/mifid-it-self-assessment-form.xlsx https://www.fca.org.uk/publication/forms/mifid-maturity-assessment-form.xlsx https://www.fca.org.uk/publication/forms/mifid-it-controls-form.docx https://www.fca.org.uk/publication/forms/mifid-self-certification-6-form.docx https://www.fca.org.uk/publication/forms/mifid-self-certification-7-form.docx	

	If the firm has previously traded, the Disclosure of significant events Appendix.	https://www.fca.org.uk/publication/forms/disclosure-of-significant-events-appendix.doc	
	If there are changes to the firm's trading names, principal place of business, registered office, complaints contact, compliance address, locum and auditor, the Changes to contact or standing data details Appendix.	https://www.fca.org.uk/publication/forms/cols-appendix-1a.doc	
	For appointed representatives involved with the existing or the proposed new firm, the Appointed Representatives Appendix.	https://www.fca.org.uk/publication/forms/cols-appendix-5a.doc	

Table 7 – FCA Guidance notes for an existing MiFID authorised investment firm applying for a COLS

Ref	Guidance Notes Name	Location
	COLS Notes	https://www.fca.org.uk/publication/forms/mifid-change-legal-status-notes.docx

2 Prudential categorisations

Regulated Activities

The Prudential Tree Diagram is aimed at UK firms only and presents an overview, designed to take account of the most common business models and limitations/requirements anticipated as a result of MIFID II. Please be advised that this is not a substitute for studying the Handbook or any other relevant regulatory material.

FSMA Regulated Activities

1. 1. Advising (excluding pension transfers/opt outs)
2. Arranging (bringing about) deals in investments
3. Making arrangements with the view to transactions in investments
4. Dealing in investments as agent
5. Dealing in investments as principal
6. Managing investments
7. Safeguarding and administration of assets
8. Arranging safeguarding and administration of assets
9. Operating an MTF
10. Operating an OTF
11. Bidding in emissions auctions

Other FSMA Activities

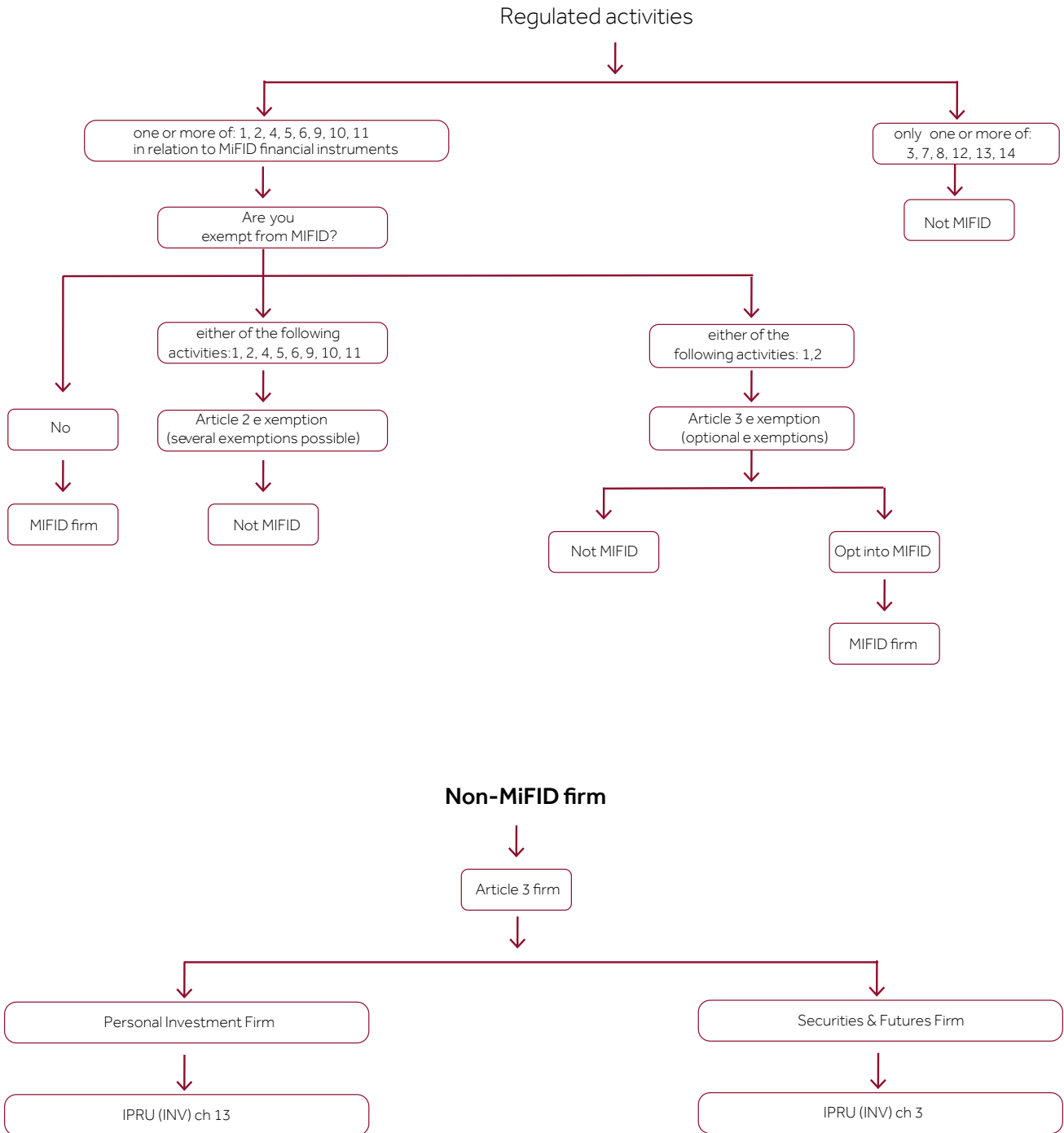
12. Managing an AIF
13. Managing a UCITS
14. Establishing operating and winding up an a CIS

Requirements

- 15. Able to hold client money in relation to MiFID business
- 16. Local firm requirement

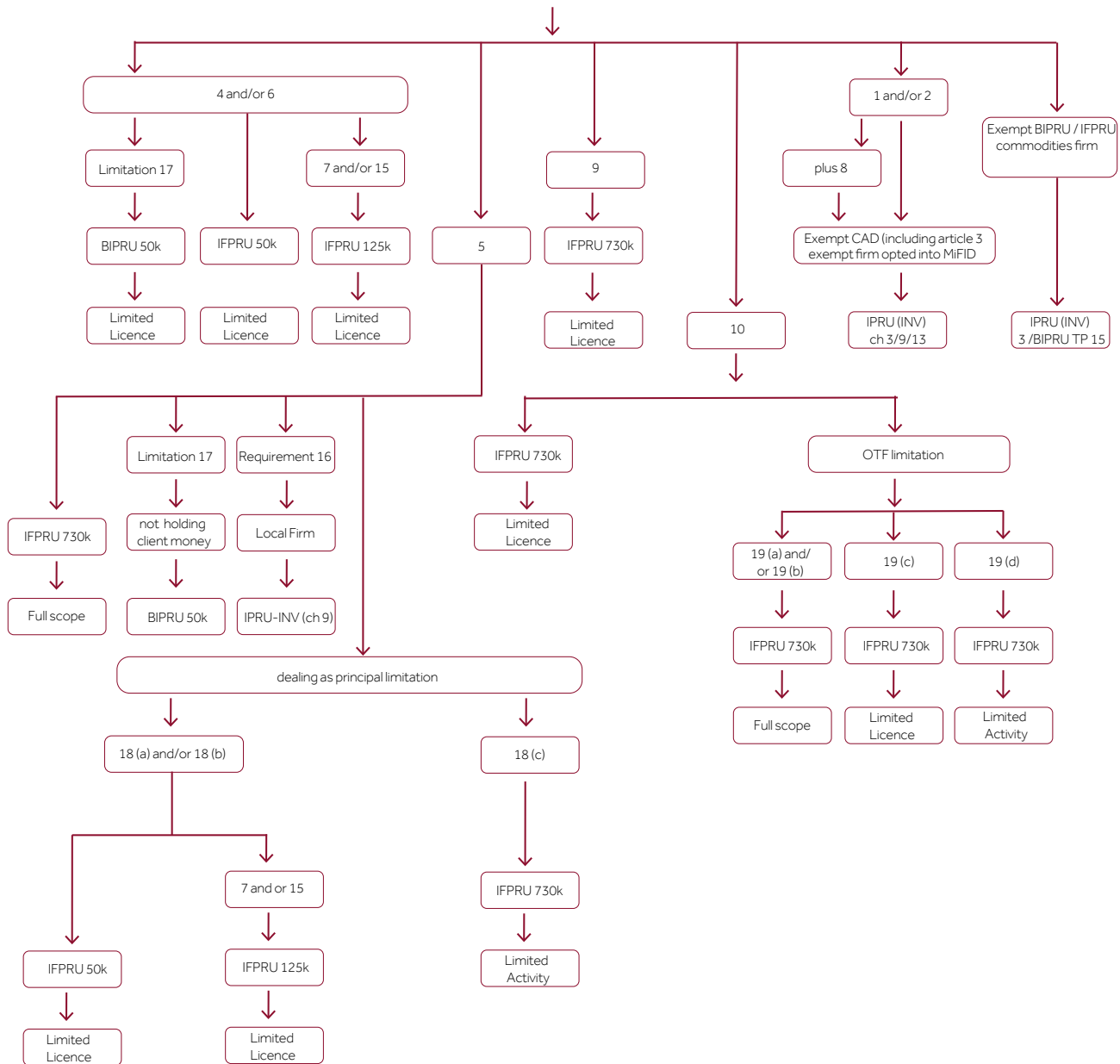
Limitations

- 17. BIPRU firm MiFID activity restriction
- 18. Dealing as principal limitations
 - a. Unable on a regular basis to:
 - i. deal on own account in relation to MiFID financial instruments; and
 - ii. underwrite MiFID financial instruments and/or place MiFID financial instruments on a firm commitment basis
 - b. Unable to:
 - i. hold investors' financial instruments for own account unless it meets the 'matched principal exemption conditions'; and
 - ii. underwrite MiFID financial instruments and/or place MiFID financial instrument on a firm commitment basis
 - c. May only deal on own account in MiFID financial instruments for the purpose of:
 - i. fulfilling or executing a client order; or
 - ii. gaining entrance to a clearing and settlement system or a recognised exchange when acting in an agency capacity or executing a client order
- 19. OTF Limitations
 - a. Dealing on own account – OTF
 - b. Dealing on own account in sovereign debt – OTF
 - c. Matched principal trading – OTF
 - d. Limited activity – OTF (as per 18(c) above)



In the FCA's view, a firm that relies on the article 2(1)(i) MiFID II exemption (for managers of collective investment undertakings) can combine this with article 3 in relation to business falling outside the article 2(1)(i) exemption (see draft PERG 13 Q46A guidance in CP 16/29). Such a firm may also be subject to IPRU (INV) 5 in relation to its non-MiFID investment management activity'

MIFID firm performing one or more of the regulated activities 1–11



The diagram provides an overview of a firm's prudential categorisation for its MiFID business only. Other prudential requirements may apply in relation to a firm's non-MiFID business, for example an exempt CAD firm which carries on the permitted activity of establishing, operating or winding up a collective investment scheme may also be subject to chapter 5 of IPRU-INV in relation to that activity



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