

To: All members and other interested parties

Classification: Trading

Ref: 24/214

Date: 17/07/2024

Subject: **UPDATE TO THE ALGORITHMIC TRADING AND ORDER ROUTING SERVICES POLICY FOR LMESELECT AND ASSOCIATED FORMS**

Summary

1. This Notice sets out updates that the London Metal Exchange (the “**LME**”) is making to its policy and associated documentation related to algorithmic trading and order routing services for LMEselect.
2. These updates do not impose any new obligations on Members or Clients that were not previously required by or under MiFID II or the LME Rulebook but are intended to help clarify and further enhance the existing documentation.
3. All Members who provide Direct Electronic Access (“**DEA**”) are required to complete and submit updated DEA attestations to ensure the LME’s records are complete and up to date (see paragraph 24 below).

Defined Terms

4. Capitalised terms not otherwise defined in this Notice shall have the meaning ascribed to them in the LME Rulebook and related Notices, as applicable.

Background

5. The LME introduced a number of policies and associated documents in 2017¹ to address obligations imposed upon trading venues under MIFID II. This included a policy on algorithmic trading and order routing services.
6. These policies and associated documents were subsequently amended in November 2020² to clearly distinguish between two types of permissible DEA arrangements, being Direct Market Access (“**DMA**”) and Sponsored Access (“**SA**”).
7. As part of these amendments, the LME provided new definitions to more closely align Regulations 12.8, 12.9 and 12.10 of Part 3 of the LME Rulebook with the various SA requirements set out in the UK version of RTS 7³ (“**UK RTS 7**”). These amendments reflected the LME’s existing operational process requirements for Members in relation to DEA arrangements.

¹ [LME Notice 17/344 - Decision Notice – Consultation on policies required to be introduced under MiFID II and associated documents](#)

² [LME Notice 20/217 - Decision Notice - Pre-trade transparency and miscellaneous amendments to the LME Rulebook](#)

³ Commission Delegated Regulation (EU) 2017/584.



Updated Policy

8. The 'ALGORITHMIC TRADING AND ORDER ROUTING SERVICES POLICY' is superseded and replaced by the 'Algorithmic Trading and Direct Electronic Access Policy' (the "Policy") from the date of publication of this Notice (see paragraph 29).
9. The Policy, a copy of which is appended to this Notice for reference, has been updated to provide greater distinction on the way clients access the LME. The Policy is available on the LME website at www.lme.com/en/Trading/Systems/LMEselect.
10. For all guidelines on the requirements for testing and other conditions for algorithmic trading and DEA provision, please see the Policy.
11. The LME will shortly be distributing a questionnaire to assist the LME in assessing compliance of its Members with the conditions set out in the UK RTS 7. The questionnaire links directly with the Policy as updated by this Notice. Members are required to complete this questionnaire by 5pm UK time on 16 August 2024 in parallel with the DEA attestations noted in paragraph 24.

Updated DEA Forms

12. To provide greater distinction on the way Clients access the LME, and subsequently the oversight required for those Clients, the DEA forms have been amended as follows:
 - (a) 'LMEselect Direct Market Access (DMA) Provider – Notification of Client' replaces the 'Direct Electronic Access (DEA) Provider - Notification Form'; and
 - (b) 'LMEselect Sponsored Access (SA) – Client Application' combines and replaces the 'LMEselect Sponsored Access – Member Application Form' and the 'LMEselect Direct Electronic Access (DEA) Attestation Sponsored Access (SA) Provider Notification' form.
13. Members wishing to provide SA to their Clients must have first received prior authorisation by the LME for each SA arrangement. This is achieved through the LMEselect Sponsored Access (SA) – Client Application.
14. Previously approved SA arrangements remain valid and can continue to operate during the process of updating forms (see paragraph 24).
15. Each of the above forms, have been updated to include additional fields and can be found on the LME website at www.lme.com/en/Trading/Systems/LMEselect.
16. The previous version of the DEA forms will no longer be accepted by the LME as from the date of publication of this Notice (see paragraph 29).

Algorithm Certification

17. Members who utilise in-house or ISV provided algorithms, or have Clients who utilise algorithms, must ensure that those algorithms have been fully tested and have certified this to the LME by providing a completed LMEselect Algorithm Certification form for each algorithm deployed.
18. The LMEselect Algorithm Certification form has been updated to include additional fields. The new version to be used for all future certifications, can be found on the LME website at www.lme.com/en/Trading/Systems/LMEselect.
19. All algorithms will need to be re-certified for the new trading platform. Further details, including the requirement for testing of algorithms, will be shared by the LME in due course.

Members offering DEA

20. Members are reminded of the conditions for offering DEA to Clients and that they must meet eligibility requirements referred to in Paragraph 3C(1)(a) of the Schedule to the Recognition Requirements



Regulations⁴. These include (but are not limited to) being an “investment firm”, as defined under the Regulated Activities Order (“**RAO**”)⁵, which has permission under Part 4A of the Financial Services and Markets Act 2000 (“**FSMA**”) to carry on a regulated activity being any of the ‘investment services or activities’ as defined under s417 of FSMA. Members are also reminded of their obligations under Regulations 2.7, 12.9 to 12.14 of Part 3 of the LME Rulebook.

21. Members who provide DEA (through either DMA or SA) are responsible for and remain liable for all trading activity entered into by their Clients and shall be responsible for ensuring that those Clients are fully aware of the Policy. Members shall also be responsible for the effectiveness of pre-trade and post-trade controls, regardless of whether such controls have been provided by the Member, a third party, or the LME.
22. Members who wish to provide their Clients with DEA must firstly notify the LME by email to tradingoperations@lme.com, enclosing the required forms.
23. Members who provide DEA are required to conduct a due diligence assessment of its prospective DEA Clients, including ongoing requirements set out in UK version of RTS 6⁶ (“**UK RTS 6**”), to ensure that they meet the requirements set out in MiFID II and the LME Rulebook.

DEA Attestations

24. All Members that have already notified the LME that they provide their Clients with DEA are required to complete the relevant updated form for each Client to ensure the LME’s records are complete and up to date. All existing DEA arrangements, both DMA and SA, are still valid and may continue to operate during this process.
25. Members who have multiple DEA clients may request a template from the LME to be completed in replacement of individual forms.
26. As noted in paragraph 11, all Members are required to complete the UK RTS 7 questionnaire. The questionnaire has some overlap with attestations made through the forms.
27. Members are required to submit their updated forms (or equivalent template) and UK RTS 7 questionnaire to tradingoperations@lme.com by 5pm UK time on 16 August 2024.
28. Members will be required to complete a yearly reconciliation for both Algorithm and DEA data to verify that recorded details remain accurate as well as periodic due diligence on UK RTS 7 arrangements.

Implementation

29. The changes set out in this Notice shall take immediate effect from the date of publication of this Notice.

Questions

30. Redline versions of the Policy and associated forms can be made available on request.
31. Any questions relating to the Notice should be directed to the Trading Operations team at tradingoperations@lme.com.

Katie Dowd
Senior Manager Trading Operations

cc: Board directors

⁴ Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges, Clearing Houses and Central Securities Depositories) Regulations 2001/995

⁵ Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544).

⁶ Commission Delegated Regulation (EU) No 2017/589.



Algorithmic Trading and Direct Electronic Access Policy

1 Introduction

This document sets out the London Metal Exchange's (the "LME's") policy on algorithmic trading and the provision of order routing facilities by Members to their Clients (also known as "Direct Electronic Access" or "DEA") under MiFID II. This policy addresses the obligations imposed upon trading venues as set out in MiFID II, with particular reference to the UK version of RTS 7⁷ ("UK RTS 7"), Articles 1, 9, 10, 18, and 21, and 22.

This policy should be read in conjunction with the below documentation which collectively sets out obligations that are applicable to anyone accessing or conducting business on LMEselect, including Members, their Clients and independent software vendors ("ISVs") as part of a Direct Electronic Access arrangement:

- LME Direct Electronic Access (DEA) Overview;
- Error Trades and Erroneous Order Submissions Policy;
- Policy on Order Cancellation and Controls;
- LMEselect Unexecuted Order to Transaction Ratio Policy;
- LME Pre-Trade Risk Management (PTRM) User Guide; and
- LMEselect Testing Services.

2 Defined Terms

Capitalised terms not otherwise defined herein shall have the meaning ascribed to them in the Rules and Regulations of the LME (the "LME Rulebook").

3 Power to Request Information

The LME Rulebook at Part 2 sets out the powers of the LME to request information from Members. For the avoidance of doubt, this shall include the power to request information from Members regarding their organisational requirements and trading controls, or about the organisational requirements and trading controls

⁷ Commission Delegated Regulation (EU) No 2017/584



of any Client of a Member. The Member shall comply with any request of the LME or shall procure that its Client complies with any request of the LME.

4 Algorithmic Trading & Testing Requirements

Prior to conducting business on LMEselect, and prior to any deployment or update of LMEselect, the LME and its Members shall engage in testing of the system. The LME may issue guidelines from time to time concerning such testing, and Members shall comply with such guidelines.

4.1 Conformance testing

Members and prospective Members must undertake conformance testing prior to the deployment or a substantial update of (a) access to LMEselect, or (b) the Member's trading system, trading algorithm or trading strategy. This includes conformance testing of ISVs where conformance testing has not already been completed. ISVs who have passed LME conformance tests for order routing applications connecting via the LMEselect API can be found on the LME website. The conformance testing shall ensure that the basic functioning of the Member's trading system, algorithm and strategy complies with the LME's conditions set out in the LME Rulebook and in this policy.

The conformance testing shall verify the functioning of the following:

- a) the ability of the system or algorithm to interact as expected with the LME's matching logic and the adequate processing of the data flows from and to the LME;
- b) the basic functionalities such as submission, modification or cancellation of an order or an indication of interest, static and market data downloads and all business data flows; and
- c) the connectivity, including the cancel on disconnect command, market data feed loss and throttles, and the recovery, including the intra-day resumption of trading and the handling of suspended instruments or non-updated market data.

Full details of conformance testing and certification, including the test environments provided by the LME can be found in the LMEselect Testing Services document published on the LME website.

Conformance testing is not limited to algorithmic trading. Any Member, prospective Member, Client, and ISV (where applicable) must undertake conformance testing prior to accessing or conducting business on LMEselect. Also refer to the LMEselect Testing Services for further information.

4.2 Algorithm testing & Certification

Responsibility for testing and certification of algorithms lies with the Member and must be done prior to the deployment or substantial update of a trading system, trading algorithm or trading strategy. This includes



proprietary algorithms and those deployed under a DEA arrangement. The purpose of testing is to avoid trading systems, trading strategies and use of algorithms from creating or contributing to disorderly trading conditions, including under stressed conditions. Members must ensure the trading system, trading strategy or algorithms do not behave in an unintended manner and that they comply with applicable obligations under MiFID II and the LME Rulebook. Members must ensure that testing is carried out using sufficiently designed testing methodologies, by suitably qualified staff and under appropriate governance arrangements.

It is the Member's responsibility to determine whether a change to an existing algorithm, that has already been deployed, constitutes a "substantial update" and whether further testing and certification to the LME is required.

4.2.1 Algorithm Certification

As required by Article 10 of UK RTS 7, the LME requires Members to certify to the LME that algorithms have undergone appropriate testing and must explain the means used for that testing. This can be done using the LMEselect Algorithm Certification form available on the LME website.

Full details of algorithm testing and certification, including details of the testing environments and dummy products provided by the LME, can be found in the LMEselect Testing Services document published on the LME website.

4.3 Compliance

Members, including prospective Members and Clients or ISVs as applicable, will be required to demonstrate, that they have complied with all relevant regulatory requirements including, but not limited to those set out in MiFID II. This may be subject to further information requests by the LME.

5 Direct Electronic Access ("DEA")

The LME permits Members who meet the Order-routing Eligibility Requirement set out in the LME Rulebook, to offer DEA to their Clients. Under DEA, Members can offer Direct Market Access ("**DMA**") or Sponsored Access ("**SA**"). Members who provide DEA may be referred to as DEA, DMA, or SA Providers as applicable, and similarly Clients as DEA, DMA, or SA Clients.

Under both DMA and SA, the DEA Provider is at all times responsible for the activity of their DEA Clients and for ensuring compliance with MiFID II and the LME Rulebook. This applies both to DEA Clients accessing LMEselect directly or through an ISV. To fulfil this obligation, DEA Providers must perform due diligence as set out in the UK version of RTS 6⁸ ("**UK RTS 6**") both on prospective clients before they access the LME and on an annual or ad-hoc basis where required thereafter.

⁸ Commission Delegated Regulation (EU) No 2017/589



A SA Provider must receive prior authorisation by the LME for each SA arrangement. Where an SA Client has direct access to the LME and does not pass through the usual order management systems of the SA Provider, appropriate risk controls must be in place to prevent the entry of erroneous orders on the LME. This could present greater risk and as such may require the SA Provider to carry out additional checks to ensure and evidence that the SA Client complies.

DEA Providers are required to inform the LME of arrangements in place with each and every DEA Client to set out how each specific arrangement, which may differ, meets the requirements of MiFID II and the LME Rulebook. Notification requirements are set out in section 5.3.

5.1 DEA Providers' Responsibility for the provision of DEA

DEA Providers who offer the facility for Clients to order route to LMEselect must ensure that they have in place appropriate policies regarding the conditions under which they offer these services to their DEA Clients.

DEA Providers are reminded of the obligations set out in the Order routing services (Direct Electronic Access) section of the LME Rulebook and particularly that they are responsible for and remain liable for:

- a) all trading activity entered into by clients under DEA arrangements;
- b) ensuring all DEA Clients are fully aware of this policy;
- c) ensuring all orders submitted by DEA Clients are subject to appropriate pre- and post-trade risk controls and procedures that have been implemented by the DEA Provider and that such controls are equivalent to, and not less effective or robust than, the controls that the LME requires Members to establish in respect of their own LMEselect activities;
- d) ensuring the effectiveness of pre-trade and post-trade controls, regardless of whether such controls have been provided by the DEA Provider, a third party, or the LME;
- e) ensuring the necessary conformance testing has been undertaken;
- f) algorithm testing and certifications on behalf of their DEA Clients; and
- g) notifying the Financial Conduct Authority (“**FCA**”), where required, of their provision of DMA and SA as part of DEA arrangements.

5.2 Conditions for Offering DEA

- a) A DEA Provider must meet the Order-routing Eligibility Requirement set out in the LME Rulebook. These include being an investment firm, as defined under the UK Regulated Activities Order



("RAO"), which has permission under Part 4A of the Financial Services and Markets Act 2000 ("FSMA") to carry on a regulated activity being any of the 'investment services or activities' defined under s 417 of FSMA. They also include being a qualifying credit institution that has permission under Part 4A of FSMA to carry on the regulated activity of 'accepting deposits', as specified in the RAO;

- b) A DEA Provider shall conduct a due diligence assessment of its prospective DEA Clients to ensure that they meet the requirements set out in UK RTS 6 and the LME Rulebook;
- c) The due diligence assessment referred to above shall cover:
 - (i) the governance and ownership structure of the prospective DEA Client;
 - (ii) the types of strategies to be undertaken by the prospective DEA Client;
 - (iii) the operational set-up, the systems, the pre-trade and post-trade controls and the real time monitoring of the prospective DEA Client. The Member allowing DEA Clients to use third-party trading software for accessing the LME shall ensure that the software includes pre-trade controls that are equivalent to the pre-trade controls set out in MiFID II;
 - (iv) the responsibilities within the prospective DEA Client for dealing with actions and errors;
 - (v) the historical trading pattern and behaviour of the prospective DEA Client;
 - (vi) the level of expected trading and order volume of the prospective DEA Client;
 - (vii) the ability of the prospective DEA Client to meet its financial obligations to the Member; and
 - (viii) the disciplinary history of the prospective DEA Client, where available.
- d) Where a DEA Provider intends on allowing a DEA Client to provide DEA to its own clients (sub-delegation), approval is required by the LME before access is granted. The DEA Provider shall ensure that the DEA Client has a due diligence framework that is at least equivalent to that set out in this section;
- e) As set out in UK RTS 6, a DEA Provider shall:
 - i. review its due diligence assessment processes at least annually; and
 - ii. carry out an annual risk-based reassessment of the adequacy of its DEA Clients' systems and controls, in particular taking into account changes to the scale, nature or complexity of their trading activities or strategies, changes to their staffing, ownership structure, trading or bank account, regulatory status, financial position and whether a DEA Client has expressed an intention to sub-delegate the access it receives from the DEA Provider;and
- f) A DEA Provider that offers SA must ensure that they are at all times exclusively entitled to set or modify the parameters that apply to pre-trade and post-trade controls applicable to the order flow of their SA Clients when accessing the market.



5.3 Notification/Application to the LME of DEA arrangements

5.3.1 Direct Market Access (“DMA”)

Where Members wish to provide their Clients with DMA, they must complete the LMEselect Direct Market Access (DMA) Provider – Notification of Client form to advise the LME in advance of the service being activated.

The completed form must be sent by email to: tradingoperations@lme.com.

The DMA Provider Notification form, detailing all the information required, can be found on the LME website.

5.3.2 Sponsored Access (“SA”)

Where Members wish to provide SA to their Clients must have first received prior authorisation by the LME for each SA arrangement. To apply for approval from the LME in advance of providing this service to an SA Client, the LMEselect Sponsored Access (SA) - Client Application must be completed.

The completed application form must be sent by email to: tradingoperations@lme.com.

The LMEselect Sponsored Access (SA) – Client Application form, detailing all the information required, can be found on the LME website.

Members must receive confirmation of approval from the LME in advance of the service being activated.

Members are reminded in relation to SA they may provide to other jurisdictions, that Regulation 12.6(j) of the Membership Regulations prohibits a Member facilitating trades from a jurisdiction where the Exchange does not have the relevant regulatory licences or approvals.

6 Yearly Audit

Members will be required to complete a yearly reconciliation on information previously provided to the LME, including both Algorithm and DEA data, to verify recorded details remain accurate.

7 Breach

For the avoidance of any doubt, failure to comply with any of the conditions set out in this Policy shall constitute a breach of the LME Rules, under Regulation 12.11(c) of Part 3 of the LME Rulebook, and disciplinary proceedings may be commenced against the Member concerned.