

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105731; File No. SR-NasdaqTX-2026-021]

Self-Regulatory Organizations; Nasdaq Texas, LLC; Order Granting Approval of a Proposed Rule Change to Adopt Rules to Permit the Listing and Trading of Certain Exchange-Traded Products

June 18, 2026.

I. INTRODUCTION

On May 4, 2026, Nasdaq Texas, LLC (“Nasdaq Texas” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to permit the listing and trading of certain exchange-traded products (“ETPs”) on the Exchange. The proposed rule change was published for comment in the Federal Register on May 18, 2026 (“Proposal”).³ This order approves the Proposal.

II. DESCRIPTION OF THE PROPOSAL

The Exchange proposes to adopt a Rule 5700 series (consisting of Rules 5701-5760), which relates to listing and trading certain ETPs on the Exchange.⁴ The Exchange represents that it intends to only dually list ETPs that are also listed on another national securities exchange.⁵ According to the Exchange, the initial and continued listing standards for these products as set

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 105480 (May 13, 2026), 91 FR 28683 (“Notice”). The Commission has received no comments on the proposed rule change.

⁴ See id.

⁵ See Notice, supra note 3 at 28684. The Exchange also stated it expects to subsequently modify its rules to allow it to also serve as a primary listing venue. See id.

forth in the proposed Rule 5700 Series are based on The Nasdaq Stock Market LLC's ("Nasdaq") Rule 5700 Series without substantive change.⁶ In conjunction with the proposed Rule 5700 Series, the Exchange proposes to delete listing rules in Equity 3A as they would be rendered redundant; amend Equity 4, Rule 4120 to conform the definition of "Derivatives Securities Product" to that in Nasdaq Equity 4, Rule 4120(b)(4)(A), which the Exchange represents would reflect a complete list of Derivative Securities Products under the proposal;⁷ and add ETP halt rules, which the Exchange represents are substantially similar to Nasdaq's ETP halt rules.⁸

III. DISCUSSION AND COMMISSION FINDINGS

After careful review, the Commission finds that the Proposal is consistent with the Act and rules and regulations thereunder applicable to a national securities exchange.⁹ In particular, the Commission finds that the Proposal is consistent with Section 6(b)(5) of the Act,¹⁰ which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

⁶ See Notice, supra note 3 at 28684. The Exchange proposes to use "Exchange" rather than "Nasdaq" or "The Nasdaq Stock Market"; "Market Hours" rather than "Regular Market Hours"; and reference "Equity 1, Section 1(a)(13)" instead of "Rule 4120" when referring to trading hours of the Exchange. See id. The Exchange also states it will reserve Rule 5712 to maintain the same numbering as the Nasdaq Rule 5700 Series. See id. Nasdaq Rule 5712 is also reserved.

⁷ See Notice, supra note 3 at 28688, n.20.

⁸ See Notice, supra note 3 at 28684. See also Notice, supra note 3 at 28688.

⁹ In approving the Proposal, the Commission has considered the Proposal's impacts on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁰ 15 U.S.C. 78f(b)(5).

The Proposal would: (1) adopt the Rule 5700 Series to permit the listing and trading of certain ETPs on the Exchange, which the Exchange represents would be substantially the same the rules of Nasdaq (having only certain non-substantive and technical differences);¹¹ (2) delete listing rules in Equity 3A rendered redundant by the proposed Rule 5700 Series; (3) amend the definition of “Derivative Securities Product” in Exchange Equity Rule 4120 to reflect a complete list of derivative securities products that may trade on the Exchange, which definition would be substantially similar to that in the corresponding Nasdaq Rule;¹² and (4) add ETP halt rules substantially similar to those on Nasdaq.

The Exchange states that the Proposal is consistent with Section 6(b)(5) of the Act because it is designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and in general, to protect investors and the public interest by, among other things, allowing the Exchange to list and trade ETPs under rules that are substantially similar to the rules of Nasdaq, increasing competition among listing exchanges, as well as promoting continuity across the listing standards of the Nasdaq exchanges. The Exchange’s ETP listing rules, modified definition of “Derivative Securities Product,” and ETP halt rules, as proposed to be adopted, are substantially similar to the equivalent rules of Nasdaq and do not present any novel or unique regulatory issues.¹³ In addition, the proposed deletion of current ETP listing rules in Equity 3A is reasonable as they would be superseded by the ETP listing rules in the proposed Rule 5700 Series. Accordingly, the Commission finds that this Proposal is consistent with Section 6(b)(5)

¹¹ See Notice, supra note 3 at 28683.

¹² See supra note 7.

¹³ See Notice, supra note 3 at 28689, n.27.

of the Act,¹⁴ and the rules and regulations thereunder applicable to a national securities exchange.¹⁵

This approval order is based on all the Exchange's representations, including the representations relating to the Exchange's surveillance procedures.¹⁶ Specifically, the Exchange represents that listed ETPs would be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.¹⁷ The Exchange represents that these procedures are adequate to properly monitor the Exchange's listing and trading of ETPs in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.¹⁸ The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in ETPs, as well as certain other securities and financial instruments underlying such ETPs, with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in ETPs, as well as certain other securities and financial instruments underlying such ETPs, from such markets and other entities.¹⁹ In addition, the Exchange may obtain information regarding trading in ETPs, as well as certain other securities and financial instruments underlying such

¹⁴ 15 U.S.C. 78f(b)(5)

¹⁵ With respect to the listing and trading of certain ETPs pursuant to the listing rules, as proposed to be amended, when relying on Rule 19b-4(e) under the Act to list and trade a new derivative securities product, as the case may be, the Exchange must comply with all the requirements of Rule 19b-4(e). See 17 CFR 240.19b-4(e). See also 17 CFR 240.19b-4(e)(2)(i) (setting forth a self-regulatory organization's recordkeeping requirements relating to all relevant records and information pertaining to each new derivative securities product traded pursuant to Rule 19b-4(e)).

¹⁶ See Notice, supra note 3 at 28688.

¹⁷ See id.

¹⁸ See id.

¹⁹ See id.

ETPs, from markets and other entities with which the Exchange has in place a comprehensive surveillance sharing agreement.²⁰ Further, the Exchange's affiliate, Nasdaq, currently list ETPs pursuant to rules that are substantially similar to the rules proposed by the Exchange in this filing.²¹ In addition, the Exchange represents that members would continue to be subject to the Exchange's structure for trading listed securities, including supervision and books and records requirements in General 9, Section 20 and Section 30.²²

For the reasons discussed above, the Commission finds that the Proposal is consistent with the Act.²³

V. CONCLUSION

This approval order is based on all of the Exchange's representations and descriptions in the Proposal. For the reasons set forth herein, the Commission finds, pursuant to Section 19(b)(2) of the Act,²⁴ that the Proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with Section 6(b)(5).²⁵

²⁰ See Notice, supra note 3 at 28688-28689.

²¹ See Notice, supra note 3 at 28689.

²² See id.

²³ 15 U.S.C. 78f(b)(5).

²⁴ 15 U.S.C. 78s(b)(2).

²⁵ 15 U.S.C. 78f(b)(5).

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Act,²⁶ that the proposed rule change (SR-NasdaqTX-2026-021), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁷

Sherry R. Haywood,

Assistant Secretary.

²⁶ 15 U.S.C. 78s(b)(2).

²⁷ 17 CFR 200.30-3(a)(12).