

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34-96124; File Nos. SR-MIAX-2022-19, SR-EMERALD-2022-18)

October 21, 2022

Self-Regulatory Organizations; Miami International Securities Exchange, LLC and MIAX Emerald, LLC; Notice of Withdrawal of Proposed Rule Changes to Establish Fees for the Exchanges' cToM Market Data Products

On April 29, 2022, Miami International Securities Exchange, LLC (“MIAX”) and MIAX Emerald, LLC (“MIAX Emerald”) (collectively, the “Exchanges”) each 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 establish fees for, respectively, the MIAX Complex Top of Market (“cToM”) and the MIAX Emerald cToM market data products.

The proposed rule changes were immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ The proposed rule changes were published for comment in the Federal Register and, pursuant to Section 19(b)(3)(C) of the Act,⁴ the Commission: (1) temporarily suspended the proposed rule changes; and (2) instituted proceedings under Section 19(b)(2)(B) of the Act⁵ to determine whether to approve or

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(ii).

⁴ 15 U.S.C. 78s(b)(3)(C).

⁵ 15 U.S.C. 78s(b)(2)(B).

disapprove the proposed rule changes.⁶ On October 19, 2022, the Exchanges withdrew the proposed rule changes (SR-MIAX-2022-19, SR-EMERALD-2022-18).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier,
Deputy Secretary.

⁶ See Securities Exchange Act Release Nos. 94893 (May 11, 2022), 87 FR 29914 (May 17, 2022) (SR-MIAX-2022-19); and 94892 (May 11, 2022), 87 FR 29963 (May 17, 2022) (SR-EMERALD-2022-18).

⁷ 17 CFR 200.30-3(a)(12).