

SECURITIES AND EXCHANGE COMMISSION  
(Release No. 34-99279; File No. SR-NYSEARCA-2023-37)

January 5, 2024

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of a Proposed Rule Change to List and Trade Shares of the COtwo Advisors Physical European Carbon Allowance Trust under NYSE Arca Rule 8.201-E

On May 23, 2023, NYSE Arca, Inc. (“NYSE Arca” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to list and trade shares of the COtwo Advisors Physical European Carbon Allowance Trust under NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares). The proposed rule change was published for comment in the Federal Register on June 12, 2023.<sup>3</sup>

On July 25, 2023, pursuant to Section 19(b)(2) of the Act,<sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.<sup>5</sup> On September 6, 2023, the Commission instituted proceedings pursuant to Section 19(b)(2)(B) of the Act<sup>6</sup> to determine whether to approve or disapprove the proposed rule change.<sup>7</sup> On September 29, 2023, the Exchange submitted Amendment No. 1 to the proposed rule change, and on October 20, 2023, the Exchange withdrew Amendment No. 1. On November 27, the

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<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 97653 (June 6, 2023), 88 FR 38110.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 97972, 88 FR 49508 (July 31, 2023).

<sup>6</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>7</sup> See Securities Exchange Act Release No. 98302, 88 FR 62608 (September 12, 2023).

Commission designated a longer period for Commission action on the proposed rule change.<sup>8</sup>

The Commission has not received any comment letters on the proposal. On December 26, 2023, the Exchange withdrew the proposed rule change (SR-NYSEARCA-2023-37).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Christina Z. Milnor,**

*Assistant Secretary.*

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<sup>8</sup> See Securities Exchange Act Release No. 99019, 88 FR 84007 (December 1, 2023).

<sup>9</sup> 17 CFR 200.30-3(a)(12).