



# ESMA'S ENFORCEMENT ROLE

WHY?

ESMA seeks to ensure that assertive action is taken against wrongdoing in the EU securities markets

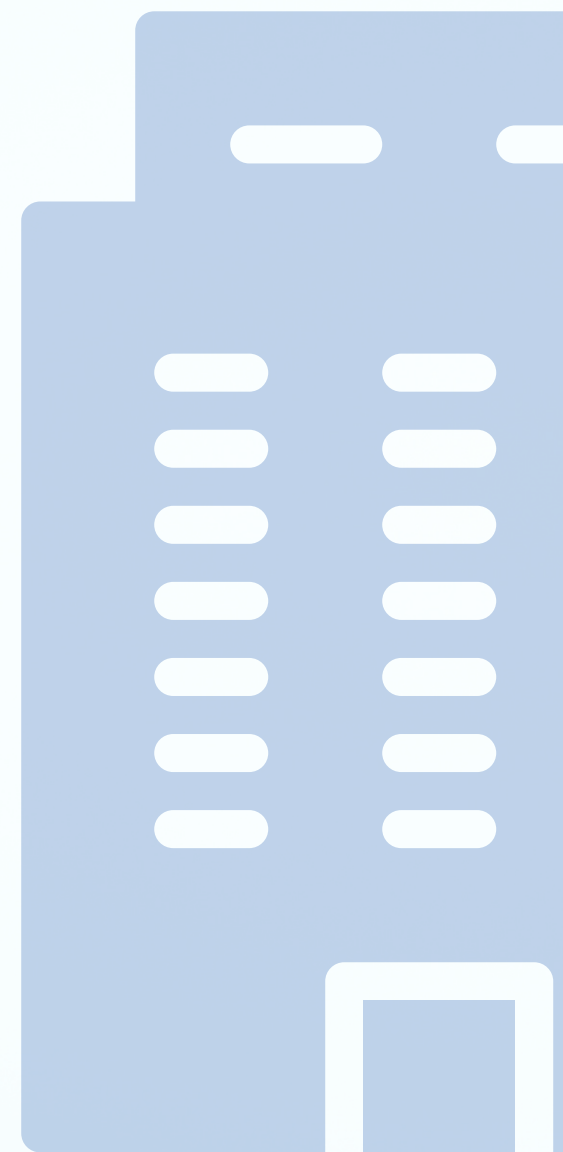


# ESMA'S ENFORCEMENT ROLE

WHO?

ESMA takes enforcement action in relation to infringements committed by

- Credit Rating Agencies
- Securitisation Repositories
- Trade Repositories
- Tier 2 CCPs
- Benchmark Administrators
- Data Reporting Service Providers



# ESMA'S ENFORCEMENT ROLE

ESMA will adopt one or more measures, including:

- Public notice
- Bringing the infringement to an end or, if not possible, imposing Periodic Penalty Payments
- Withdrawal of the registration
- Fines - for infringements committed negligently or intentionally

HOW?



# HOW DOES ENFORCEMENT WORK

If potential infringements are identified by supervisors → the case goes to an independent investigating officer (IIO) appointed within ESMA

## STEP 1

### IIO investigation

- Remote investigation by the IIO
- Right of defence before the IIO
- Submission of IIO's findings
- File submitted to ESMA's Board for decision

# HOW DOES ENFORCEMENT WORK

## Board decision

- Assessment of whether the file is complete or not
- Confirmation/rejection or amendments of the IIO's findings
- Right of defence before the Board
- Board's enforcement decision
- Possible appeal to the Joint Board of Appeal

STEP 2