

MFSA

MALTA FINANCIAL SERVICES AUTHORITY

An update on MAR/MAD II in relation to MiFID II/MiFIR requirements

The new Market Abuse regime consisting of the Market Abuse Regulation and the Market Abuse Directive II started to apply from the 3rd July, 2016. The Market Abuse regime includes references to the MiFID II, but the application of MiFID II has been delayed by one year to the 3rd January, 2018. In this respect, the European Commission issued a press release dated 17th June, 2016, which can be accessed through the following link

http://www.consilium.europa.eu/en/press/press-releases/2016/06/17-markets-in-financialinstruments/?utm_source=dsmsauto&utm_medium=email&utm_campaign=Markets+in+financial+instruments%3a+One+year+delay+enacted).

It is important to note that certain requirements that are based on MiFID I will continue to apply to the new Market Abuse regime until the application of MiFID II. Other references in the Market Abuse regime that are not covered by MiFID I such as the MTFs and OTFs, small and medium sized enterprises [‘SME’] growth markets, emission allowances and auction products, will not apply until the 3rd January, 2018. Moreover, with respect to the reporting of reference data, ESMA issued a circular which can be accessed through this link (<https://www.esma.europa.eu/press-news/esma-news/esma-clarifies-reporting-reference-data-under-mar-3-july-2016>) clarifying that whereas Article 4 (2) and (3) apply as from the 3rd January, 2018 and Article 4 (1) started to apply from the 3rd July, 2016.

Should you have any queries with respect to the above please do not hesitate to contact Mr Edward Grech, Senior Manager, Securities and Markets Supervision Unit by e-mail on (egrech@mfsa.com.mt) or Dr Ilona Schembri, Analyst, Securities and Markets Supervision Unit by email on (ischembri@mfsa.com.mt).

Communications Unit
Malta Financial Services Authority
15th July 2016