

02 June 2022

## Publication of Prevention of Financial Markets Abuse Rules

This circular is being addressed to market participants, particularly those falling within the scope of the Market Abuse Regulation ('MAR'); such as, issuers of financial instruments admitted to trading (or for which a request for admission to trading has been made) on a regulated market, multilateral trading facility ('MTF'), organised trading facility ('OTF'), market operators and investment firms operating a trading venue, disclosing market participants, market sounding recipients, any person professionally arranging or executing transactions and persons discharging managerial responsibilities within issuers and persons closely associated with them.

This circular should be read in conjunction with all of the Authority's circulars issued in relation to MAR, which are available on the MFSA's website through the following [link](#).

### **i. Overview**

With effect from the date of this circular, the current Prevention of Financial Markets Abuse Guidance Notes will cease to exist and will be replaced by the Prevention of Financial Markets Abuse Rules (hereinafter referred to as 'the Rules'), issued by the MFSA by virtue of the powers conferred to it under Article 21 of the Prevention of Financial Markets Abuse Act, Chapter 476 of the Laws of Malta.

The Rules transpose the requirements emanating from the (i) MAR Guidelines on delay in disclosure of inside information; (ii) MAR Guidelines on persons receiving market soundings; and (iii) MAR Guidelines on the information relating to commodity derivatives markets or related spot markets for the purpose of the definition of inside information on commodity derivatives. Furthermore, the Rules delineate the requirements which market participants are to refer to and comply with in the context of MAR, Regulatory and Implementing Technical Standards and ESMA Guidelines.

The Rules have been divided into five titles, as follows:

#### **1. General**

This title is divided into two sections, whereby Section 1 outlines the definitions utilised throughout the Rules and Section 2 outlines the general scope and application of the Rules.

#### **2. Requirements applicable to issuers and persons acting on their behalf or on their account**

Apart from laying down the applicability of the rules contained under this title, the other sections contained under this Title delineate the requirements applicable to issuers and

persons acting on their behalf or on their account in the context of buy-back programmes and stabilisation, market soundings and disclosure obligations.

**3. Requirements applicable to Persons Discharging Managerial Responsibilities ('PDMR's) within an Issuer and Persons Closely Associated with them**

Apart from laying down the applicability of the rules contained under this title, the other section contained under this Title delineates the requirements applicable to PDMRs and their persons closely associated, particularly in the context of Article 19 of MAR.

**4. Requirements applicable to market operators, investment firms operating a trading venue and any person professionally arranging or executing transactions**

Apart from laying down the applicability of the rules contained under this title, the other sections contained under this Title delineate the requirements applicable to market operators, investment firms operating a trading venue and any person professionally arranging or executing transactions

**5. Requirements Applicable to commodity derivatives markets or related spot markets**

Apart from laying down the applicability of the rules contained under this title, the other section contained under this Title delineates the requirements which market participants are to refer to and comply with in the context of commodity derivatives markets or related spot markets vis-à-vis inside information.

A copy of the Financial Markets Abuse Rules is made available on the Authority's website and can be accessed through the following [link](#).

**ii. Contacts**

Should you have any queries relating to the above kindly contact the Authority on [pfma@mfsa.mt](mailto:pfma@mfsa.mt).