16 October 2025
ESMA43-1527801302-1828

Report

Sanctions and measures imposed in Member States in 2024

Contents

List of figures

1 Executive summary

Cross-sectoral observations

In 2024, 975 administrative sanctions and measures were imposed in 29 European Economic Area (EEA) Member States. The total aggregated value of administrative fines amounted to EUR 100 186 062. The total aggregated value of administrative fines increased compared to 2023, when EUR 71 259 970 were imposed.

The highest number of administrative sanctions and measures for 2024 were imposed in Member States under the Market Abuse Regulation (MAR) (377 administrative sanctions and measures) and the Markets in Financial Instruments Directive (MiFID II) and Markets in Financial Instruments Regulation (MiFIR) (294 administrative sanctions and measures). Similarly, the highest amounts of administrative fines for 2024 were imposed under the MAR (EUR 45 507 168), and MiFID II and MiFIR (EUR 44 498 264).

The number of administrative sanctions and measures remained stable compared to 2023 (976 administrative sanctions and measures were imposed in Member States in 2023 and 975 in 2024).

Out of the 975 administrative sanctions and measures imposed in 2024, more than 60 % were administrative fines. Moreover, orders to cease and desist represent 10 % of the total sanctions and measures, and ‘other’ enforcement sanctions/measures represent 16 % of the total sanctions and measures.

The highest aggregate amount of administrative fines for 2024 was imposed by France (EUR 29 395 000, including EUR 20 655 000 imposed under the MAR), followed by Germany (EUR 15 982 200, including EUR 14 055 000 imposed under MiFID II and MiFIR), while Hungary imposed the highest number of sanctions and measures in 2024 (182), followed by Greece (93) and Italy (84). Germany issued the highest administrative fine (EUR 12 975 000) in 2024, via settlement, for a violation of MiFID II and MiFIR.

Settlements were used in one third of Member States, mainly under MiFID II and MiFIR and the MAR. Out of all the administrative sanctions and measures imposed in 2024, 94 (10 %) were issued using settlement procedures.

No administrative sanctions and measures were imposed in Member States under the Securities Financing Transactions Regulation (SFTR) and Markets in Crypto-assets

Regulation (MiCA) in 2024. This is the first year that a measure was issued under the European Crowdfunding Service Providers Regulation (ECSPR).

Overall, the data show discrepancies in the use of sanctioning powers across Member States, for example, in terms of amounts of fines, number and types of sanctions and measures, and the use of settlements.

Next steps

In line with the European Securities and Markets Authority (ESMA) strategy for 2023–2028[1] and its strategic priority to strengthen supervision of EU financial markets, ESMA promotes risk-based, outcome-focused and data-driven supervision and enforcement. It provides a forum for discussion and the development of an effective common EU enforcement culture, including by enhancing the transparency and visibility of data related to financial sanctions and measures.

This report therefore contributes to supervisory and enforcement convergence and facilitates the goal of making sanctions data more transparent. It is expected that over time and as part of more integrated EU financial markets, there will be an increased convergence in enforcement practices.

An annual report will continue to be issued for the future reporting periods.

Further information on public sanctions and measures issued by national competent authorities can be found on the ESMA sanctions register available on the ESMA website[2]. In addition to the report, ESMA makes the underlying data available for download in Excel format on its website[3].

2 Introduction

2.1 Relevant regulatory framework for reporting on sanctions and measures for the report

1. This report on sanctions and measures imposed in 2024 provides an overview of the sanctions and measures imposed in Member States under the Alternative Investment Fund

[1] https://www.esma.europa.eu/sites/default/files/library/esma_strategy_2023-2028.pdf
[2] See: https://registers.esma.europa.eu/publication/searchSanction
[3] See: ESMA43-502934634-2261 'Consolidated sanctions report – Table of sanctions' reported for 2024.

Managers Directive (AIFMD)[4], the Benchmarks Regulation (BMR)[5], the Central Securities Depositories Regulation (CSDR)[6], the ECSPR[7], the European Market Infrastructure Regulation (EMIR)[8], the MAR[9], MiCA[10], MiFID II[11] and MiFIR[12], the Prospectus Regulation (PR)[13], the SFTR[14] and the Undertaking for Collective Investment in Transferable Securities (UCITS) Directive[15].

2. ESMA is required[16] to publish annual reports on administrative sanctions and measures issued in Member States and reported annually by national competent authorities (NCAs) in these sectors under ESMA's remit.

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[4] Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1, ELI: http://data.europa.eu/eli/dir/2011/61/oj) ('AIFMD').

[5] Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/1011/oj) ('BMR').

[6] Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/909/oj) ('CSDR').

[7] Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937 (OJ L 347, 20.10.2020, p. 1, ELI: http://data.europa.eu/eli/reg/2020/1503/oj) ('ECSPR').

[8] Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1, ELI: http://data.europa.eu/eli/reg/2012/648/oj) ('EMIR').

[9] Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (OJ L 173, 12.6.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/596/oj) ('MAR').

[10] Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (OJ L 150, 9.6.2023, p. 40, ELI: http://data.europa.eu/eli/reg/2023/1114/oj) ('MiCA').

[11] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349, ELI: http://data.europa.eu/eli/dir/2014/65/oj) ('MiFID II').

[12] Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84, ELI: http://data.europa.eu/eli/reg/2014/600/oj) ('MiFIR').

[13] Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12, ELI: http://data.europa.eu/eli/reg/2017/1129) ('PR').

[14] Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1, ELI: http://data.europa.eu/eli/reg/2015/2365/oj) ('SFTR').

[15] Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32, ELI: http://data.europa.eu/eli/dir/2009/65/oj) ('UCITS Directive').

[16] Under Article 48(3) AIFMD, there is no obligation for ESMA to publish a report, but rather to 'draw up an annual report'. Note that this report does not include information on sanctions issued under the Packaged Retail Investment and Insurance Products Regulation. Since multiple European Supervisory Authorities are involved, the process for reporting on packaged retail investment and insurance products sanctions is harmonised across authorities, and these are published in the annual report of the Joint Committee of the European Supervisory Authorities. For 2024 data, please see JC 2025 11 Joint Committee Annual Report.pdf. Note that ESMA is required to publish in an annual report aggregate information regarding all administrative penalties and other administrative measures imposed in accordance with Article 49 of Regulation (EU) 2023/2631 of the European Parliament and of the Council of 22 November 2023 on European Green Bonds and optional disclosures for bonds marketed as environmentally sustainable and for sustainability-linked bonds (OJ L, 2023/2631, 30.11.2023, ELI: http://data.europa.eu/eli/reg/2023/2631/oj). However, for the purpose of this report, ESMA did not collect this information given that the European Green Bonds Regulation applies only from 21 December 2024.

3. This report is drafted pursuant to provisions in the relevant sectoral acts[17], which state that NCAs must provide ESMA annually with aggregated information regarding all administrative sanctions and measures.

4. Further, regarding the BMR, the CSDR, the ECSPR, the MAR, MiCA, MiFID II, MiFIR, the PR and the SFTR[18], where Member States have chosen to provide for criminal sanctions, ESMA is also obliged to include data on criminal sanctions[19].

2.2 Information on the sanctions and measures imposed

5. This report is the second [20] published by ESMA consolidating sanctions and measures imposed under all relevant sectoral acts[21]. It contains information on sanctions and measures imposed in Member States from 1 January 2024 to 31 December 2024 under the relevant sectoral acts. The aggregated information contained in this report reflects data submitted to ESMA by NCAs[22].

6. This iteration of the report provides data granularity for the first time by specifying the types of administrative sanctions and measures [23] imposed in Member States. By presenting this distinction, the report offers a clearer picture of the tools applied across different Member States. In this respect, each administrative measure/sanction was counted separately (independently of whether it stems from the same case)[24]. Additionally, the report includes an analysis of where administrative sanctions and measures were imposed via settlement procedures, keeping in mind that settlements or accelerated procedures are available in roughly half of the Member States.

7. Finally, NCAs were asked to indicate whether the measure or sanction was issued by the NCA or any other enforcement agency or the judiciary. This will further enhance NCAs' ability to compare enforcement practices across jurisdictions and potentially evaluate the

[17] Article 48(3) AIFMD, Article 45(5) BMR, Article 61(6) CSDR, Article 43(1) ECSPR, Article 85(5) EMIR, Article 33(1) MAR, Article 115(1) MiCA, Article 71(4) MiFID II, Article 43(1) PR, Article 25(1) SFTR and Article 99e(1) UCITS Directive.
[18] ESMA is also required to include data on criminal penalties imposed under the European Green Bonds Regulation, However, they were not included for the same reason as indicated above.
[19] Article 45(5) BMR, Article 61(6) CSDR, Article 43(1) ECSPR, Article 33(2) MAR, Article 115(1) MiCA, Article 71(4) MiFID II, Article 43(1) PR and Article 25(2) SFTR.
[20] The first report (ESMA43-1527801302-1333) for data concerning 2023 is available here: https://www.esma.europa.eu/sites/default/files/2024-10/ESMA43-1527801302-1333_Annual_Sanctions_Report.pdf.
[21] Before 2024, sanctions and measures imposed under the relevant sectoral acts were published separately for each sector.
[22] NCAs in the EU and the EEA.
[23] A distinction is made between the following enforcement sanctions and measures: (1) disgorgement of profits gained or losses avoided, (2) gain-based pecuniary sanctions, (3) order to cease and desist, (4) temporary ban, (5) permanent ban, (6) suspension of an authorisation, (7) withdrawal of an authorisation, (8) fines, (9) public statement / warning, (10) other enforcement sanction/measure.
[24] Where an NCA imposed a fine and a ban on a company, this is counted as two administrative measures and sanctions.

effectiveness of enforcement action in achieving outcomes.

8. This report does not provide the full picture of the enforcement activities of NCAs. In particular, ESMA notes that this report focuses on sanctions and measures issued under the current regulatory framework; accordingly, sanctions and measures imposed by NCAs under previous iterations of the regulatory framework are not covered, although such regulatory texts may contain obligations that continue in subsequent iterations. Additionally, NCAs may impose sanctions and measures according to their national framework that supplement the European regulatory framework but are not included in the sanctions and measures notified to ESMA. It should also be noted that the data on criminal sanctions are collected on a best-effort basis since certain NCAs do not have direct access to these data, which therefore might be incomplete.

9. For the sectoral acts covered by this report where ESMA has sanctioning powers[25], the relevant information is also included in the report.

10. The underlying data are also available in Excel format and can be downloaded[26].

11. ESMA underlines that the analysis presented below is based on high-level observations of the aggregate administrative sanctions and measures imposed and does not reflect an analysis of individual decisions to impose sanctions and measures.

12. ESMA acknowledges that imposing sanctions and measures can be complex and that no automatic parallels should necessarily be drawn between the number of sanctions and measures issued, or the amount of administrative fines imposed by an NCA in the relevant Member State, and the effectiveness of the NCA's supervisory activity. This can be due, for example, to differences between national administrative[27], civil or criminal law systems when imposing sanctions and the fact that the imposition of a fine depends on a case-by-case assessment performed by NCAs.

13. It is also worth noting that NCAs can also use other instruments in their enforcement activity, such as informal tools (e.g. 'warnings' letters, letters to the management board) which are not covered by this report. Additionally, NCAs may address supervisory concerns with supervisory tools rather than resorting to enforcement action. Therefore, there is no

[25] Please also note, in 2024 ESMA adopted a public notice and imposed a fine of EUR 2 197 500 against a credit rating agency (See Sanctions and Enforcement (europa.eu) https://www.esma.europa.eu/esmas-activities/supervision-and-convergence/sanctions-and-enforcement). This information is not further detailed in this report because the Credit Rating Agencies Regulation is not within the scope of this report.

[26] See: ESMA43-502934634-2261 'Consolidated sanctions report – Table of sanctions' reported for 2024.

[27] For example, due to the fact that in certain Member States the imposition of administrative sanctions or measures is mandatory or that in some Member States the law stipulates that, where by a single act several administrative violations have been committed, distinct sanctions are imposed for each of them.

clear link between the effectiveness of NCAs' supervision and the number of enforcement measures imposed as the use of sanctions is just one of multiple tools available to NCAs following supervisory activities. Conclusions regarding the effectiveness of the NCA's supervision should not be drawn based solely on the number or amounts of sanctions imposed in that Member State.

14. Moreover, it is important to bear in mind that the size of the relevant market in the Member State will ordinarily affect the number of administrative sanctions and measures imposed. Where relevant, the Annex includes sector-specific information regarding the administrative sanctions and measures imposed under the different legal acts in the remit of the report[28]. However, the size of the relevant market should be treated only as an indicator, as other factors (such as the maturity of the market, or the type and level of expertise of market players) may play a role.

15. However, despite these limitations, there is room for more convergence between NCAs. The sanctioning powers are not equally used among NCAs and the differences are not always related to the different sizes of the financial industries that NCAs supervise.

16. The purpose of this report is therefore to foster discussions among NCAs and ultimately enhance a common EU enforcement culture, including by providing more transparent data on sanctions and measures and encouraging NCAs to use the full range of the supervisory and enforcement toolkit they have been provided with under the EU legal acts. Greater transparency around sanctions and measures also acts as a deterrent by clarifying infringements under the relevant sectoral acts. This should also further stimulate discussion on whether Common Supervisory Actions and Union Strategic Supervisory Priorities lead to convergence in enforcement.

2.3 Guidance for interpretation of sanctions and measures reported

17. In the framework of convergence work on enforcement matters, NCAs developed a common understanding of enforcement and sanctioning powers. In line with this understanding and in the context of this report, an 'enforcement sanction and measure' is understood as any action taken by the NCAs in response to a breach with formal consequences which may be challenged. In broad terms, an enforcement sanction/measure has formal consequences for the person to which/whom it applies, if it is not complied with. This common understanding forms the basis of the sanctions and measures reported in this report. Enforcement actions thus include sanctions and

[28] The analysis of the size of the relevant market is based on statistical data on securities and markets reported to ESMA and extracted for the purposes of the report by ESMA staff.

measures such as administrative fines, public statements[29], temporary or permanent bans, the suspension or withdrawal of authorisations, disgorgements of profits gained or losses avoided, gain-based pecuniary sanctions and orders to cease and desist[30]. This common and agreed understanding should allow for a more helpful comparison of the sanctions reported by different NCAs.

18. NCAs may also impose supervisory and/or informal types of tools and measures (such as private warnings), though these are outside of the scope of this report.

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[29] These are different from press releases and must amount to a stand-alone sanction/measure. Indeed, in the framework of convergence work on enforcement matters, and in the context of the report, a public statement / warning is understood to be a publication by an NCA of the fact that a natural or legal person has committed an infringement and identifies the natural or legal person responsible and the nature of the infringement. The public statement / warning should be differentiated from the publication of a sanction or measure, as the obligation for the NCA to publish the sanctions it imposes is usually found in a dedicated article, distinct from the sanctions it can pronounce. Indeed, the publication is a consequence of an administrative sanction or measure and serves to enable NCAs to inform market participants of behaviour that constitutes an infringement, and to promote good behaviour among market participants. The public statement / warning presented as an enforcement measure or sanction is also different from the warning that some NCAs issue against non-authorised entities. The latter should not be considered as an 'enforcement measure and sanction'.

[30] Where NCAs reported 'other' as the type of enforcement sanction or measure, they are referring to a sanction or measure that fulfils the conditions of the common understanding but is not explicitly part of this list.

3 General overview on sanctions imposed across all sectors

3.1 Overview of administrative sanctions and measures imposed in 2024 across all sectors

19. A total of 30 NCAs submitted data on the administrative sanctions and measures imposed in their Member States.

20. Based on the information received by ESMA, in total, 615 administrative fines with an aggregated value of EUR 100 186 062 were imposed in 2024 by 29[31] NCAs[32] (including administrative fines imposed via settlement).

21. Furthermore, a total amount of EUR 72 442 072 of criminal fines were imposed in 2024 in Denmark, Germany, Italy, the Netherlands, Poland, Finland and Sweden[33].

[31] Iceland did not impose any administrative sanctions or measures in 2024.
[32] In comparison, in 2024, the United States Securities and Exchange Commission obtained orders for more than USD 8.2 billion in financial remedies, the highest amount in their history (https://www.sec.gov/newsroom/press-releases/2024-186) and the Commodity Futures Trading Commission issued a record monetary relief of over USD 17.1 billion in civil monetary penalties, restitution and disgorgement (https://www.cftc.gov/PressRoom/PressReleases/9011-24). Moreover, the total amount of fines issued in 2024 by the Financial Conduct Authority in the United Kingdom was approximately EUR 206 626 000 (GBP 176 045 385) (https://www.fca.org.uk/news/news-stories/2024-fines).
[33] In relation to the imposition of criminal sanctions, it is important to note that not all Member States chose to lay down criminal sanctions for infringements. Thus, to allow for a comparison across all sectoral acts in the remit, Sections 3.1 and 3.2 only analyse the imposition of administrative sanctions and measures in Member States. Relevant information on criminal sanctions in relation to sanctions and measures imposed under the specific legal acts can be found in the Annex.

3.1.1 Analysis of the amount of administrative fines (including settlements)

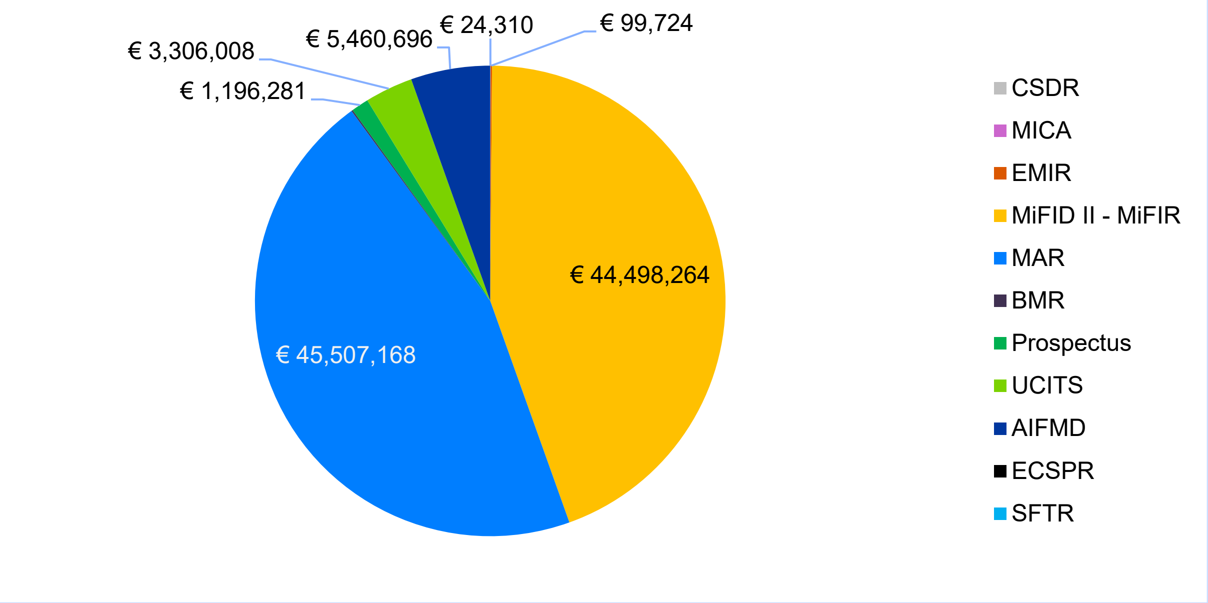

Figure 1. Total amount of administrative fines imposed for each sectoral act in 2024

Source: ESMA staff calculations based on reporting by NCAs.

22. The highest aggregate amounts of administrative fines for 2024 were imposed under the MAR (EUR 45 507 168) and MiFID II and MiFIR (EUR 44 498 264), with both amounts being similar. Comparatively lower amounts were issued under the AIFMD (EUR 5 460 696) and the UCITS Directive (EUR 3 306 008). The lowest amounts were issued under the CSDR (EUR 24 310)[34].

23. Across all the breaches of the sectoral acts covered by this report, the highest aggregate amount of administrative fines relates to the violation of Article 15 of the MAR, regarding market manipulation. The fines were issued by France (EUR 19 120 000 [35]) and represent around 65 % of the total amount of administrative fines issued by France in 2024.

24. Germany issued the highest administrative fine in 2024, via a settlement procedure (EUR 12 975 000, which represents around 80 % of the total amount of administrative fines issued by Germany in 2024), for a violation of Article 17(1) of MiFID II, regarding controls

[34] In 2024, NCAs did not impose any administrative sanctions or measures under either MiCA or the SFTR, while one NCA issued a non-pecuniary sanction (an order to cease or desist) under the ECSPR.
[35] Aggregated figure, composed of 17 administrative fines imposed by France under Article 15 of the MAR.

in relation to algorithmic trading.

25. Out of the total amount of administrative fines (EUR 100 186 062), EUR 21 946 144 (22 %) were issued using settlement procedures.

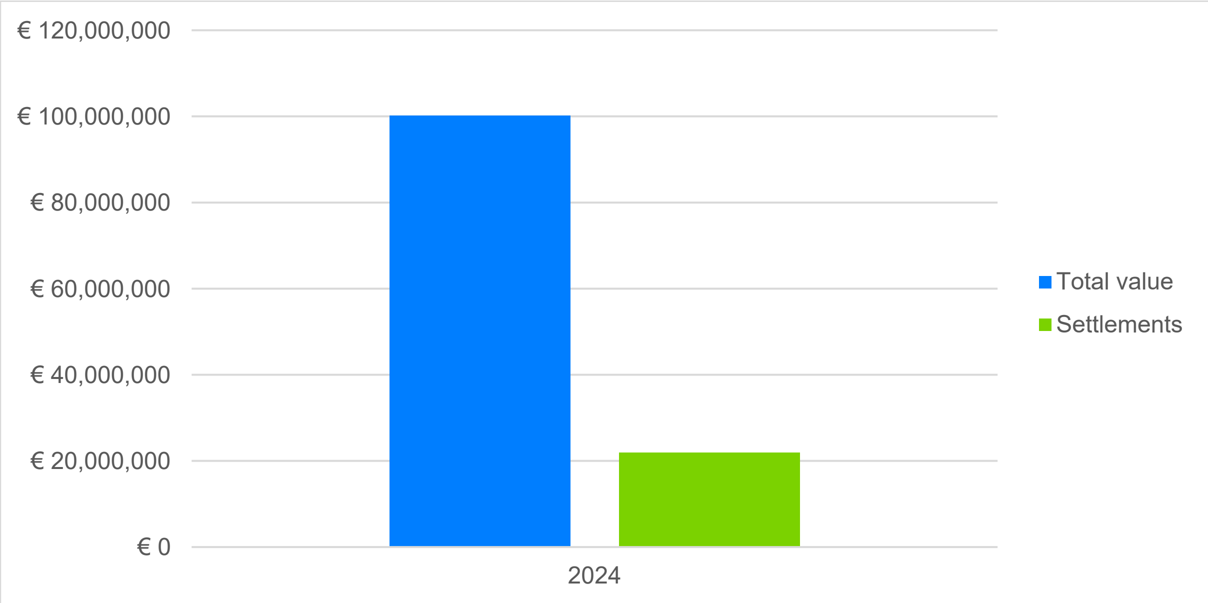

FIGURE 2. TOTAL VALUE OF ADMINISTRATIVE FINES AND THOSE IMPOSED VIA SETTLEMENT PROCEDURES ISSUED IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

26. The highest amounts of administrative fines issued via settlement procedures were imposed under MiFID II and MiFIR (EUR 15 426 719, representing 70 % of the total value of settlements and 35 % of the total value of administrative fines issued under MiFID II and MiFIR). Out of this amount, EUR 13 805 000 were issued in Germany.

27. The second highest amounts issued via settlement procedures were imposed under the MAR, but they were significantly lower (EUR 4 164 629, representing 19 % of the total value of settlements and only 9 % of the total value of administrative fines issued under the MAR). The highest amount issued by settlement under the MAR in 2024 was imposed in Ireland (EUR 1 225 000).

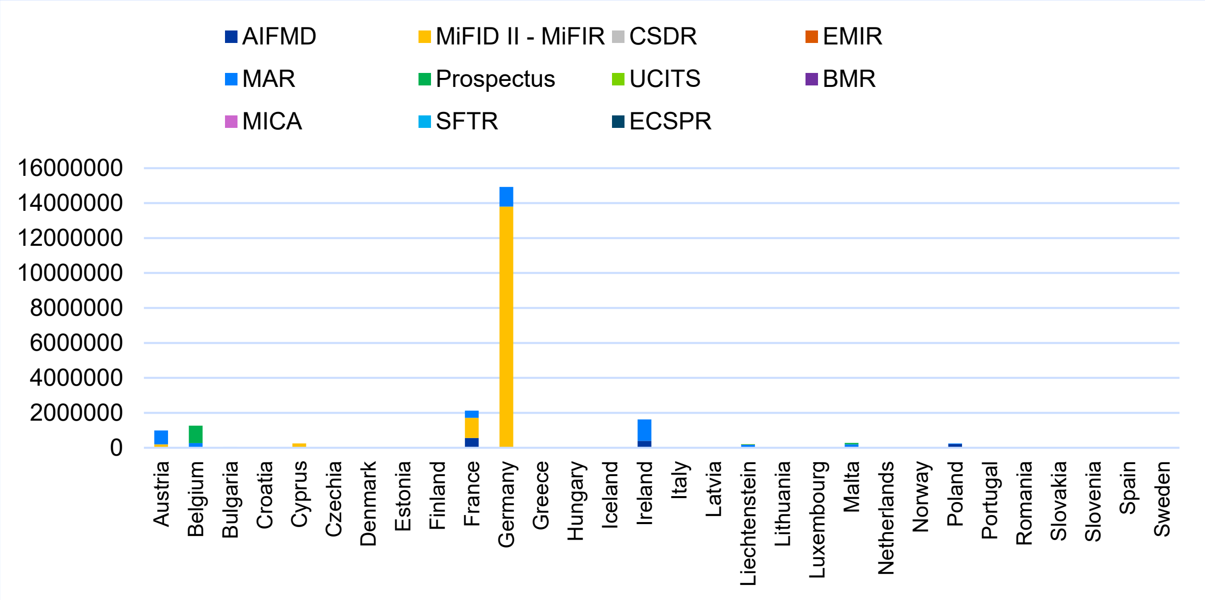

FIGURE 3. TOTAL VALUE OF ADMINISTRATIVE FINES IMPOSED IN MEMBER STATES VIA SETTLEMENT PROCEDURES PER LEGAL ACT (2024)

3.1.2 Analysis of the number of administrative sanctions and measures (including settlements)

28. In total, 975 administrative sanctions and measures were imposed in Member States in 2024[36]. Regarding the number of administrative sanctions and measures, the MAR (377) and MiFID II and MiFIR (294) figures are also the highest. Compared to them, slightly lower numbers of administrative sanctions and measures were imposed under the AIFMD (209) and significantly lower numbers were issued under the UCITS Directive (47).

[36] In comparison, in 2024, the United States Securities and Exchange Commission filed a total of 583 enforcement actions (https://www.sec.gov/newsroom/press-releases/2024-186) and the Commodity Futures Trading Commission filed 58 enforcement actions (https://www.cftc.gov/PressRoom/PressReleases/9011-24). During 2024, the Financial Conduct Authority in the United Kingdom issued a total of 27 administrative fines (https://www.fca.org.uk/news/news-stories/2024-fines).

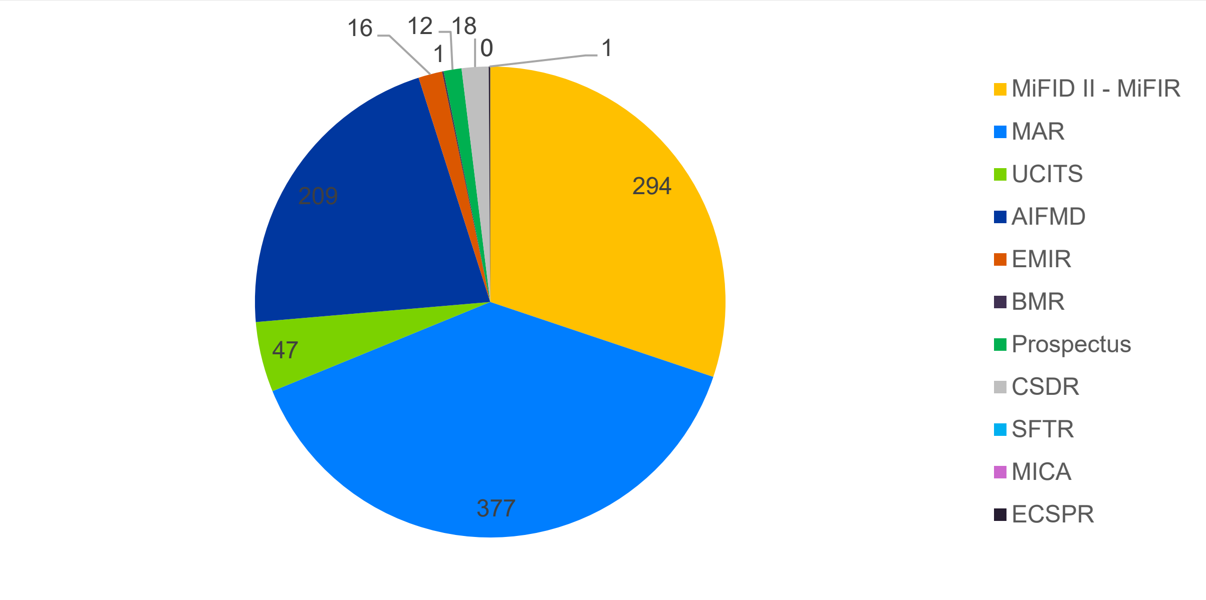

FIGURE 4. TOTAL NUMBER OF SANCTIONS AND MEASURES ISSUED FOR EACH SECTORAL ACT (2024)

Source: ESMA staff calculations based on reporting by NCAs.

29. Out of all the administrative sanctions and measures imposed in 2024, 94 (10 %) were issued using settlement procedures. The highest numbers of sanctions and measures issued via settlement procedures were imposed under the MAR (45, representing 12 % of the total number of sanctions and measures issued under the MAR) and MiFID II and MiFIR (31, representing 11 % of the total number of sanctions and measures issued under MiFID II and MiFIR). Germany issued the highest number of settlements (26, out of which 23 were issued under the MAR), followed by Bulgaria (20, out of which 17 were issued under MiFID II and MiFIR).

30. No settlements were issued under the CSDR, the EMIR, the BMR, the ECSPR, MiCA and the SFTR (however, no sanctions/measures were imposed under MiCA and the SFTR).

31. Finally, only 10[37] NCAs imposed settlements in 2024, however it should be noted that not all NCAs have the power to issue sanctions and measures in this manner.

[37] Austria, Belgium, Bulgaria, Cyprus, France, Germany, Ireland, Liechtenstein, Malta and Poland.

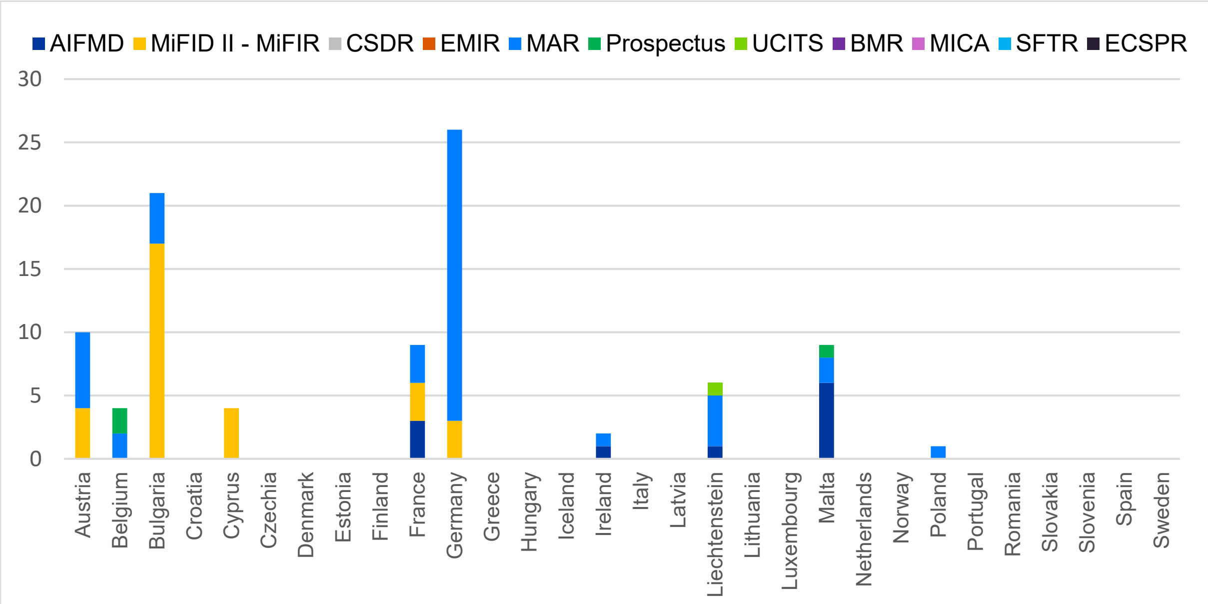

Figure 5. Total number of settlements issued by NCAs per legal act (2024)[38]

Source: ESMA staff calculations based on reporting by NCAs.

3.1.3 Analysis of the types of administrative sanctions and measures[39]

32. Out of 975 administrative sanctions and measures imposed in 2024, more than a half (615) were administrative fines. They are enforced under the various sectoral acts and they represent 63 % of all the administrative sanctions and measures. Moreover, 99 out of 975 administrative sanctions and measures were orders to cease and desist (10 %), and 158 were 'other' enforcement sanctions/measures (16 %)[40].

[38] Settlements or accelerated procedures are available in roughly half of the Member States.
[39] A single breach may be sanctioned using an administrative fine and one or more administrative measures. Sanctions and measures are often cumulated. For the purpose of this report, each administrative sanction/measure was counted separately (independently of whether it stems from the same case). For example, where an NCA imposed a fine and a ban on a company, this is counted as two administrative measures and sanctions.
[40] In this respect, while ESMA did not gather information on the individual specific 'other' enforcement measures and sanctions, in this category only formal enforcement sanctions and measures other than disgorgements of profits gained or losses avoided, gain-based pecuniary sanctions, orders to cease and desist, temporary or permanent bans, suspensions or withdrawals of an authorisation, fines, or public statements / warnings are in scope of this report. In 2024, these consisted for example of admonitions in Portugal, caution letters in Estonia, formal requests to sanctioned entities to take further compliance actions and provide explanation and proof of these in Hungary and requiring the sanctioned entity to appoint a new executive director with a legal background in Belgium.

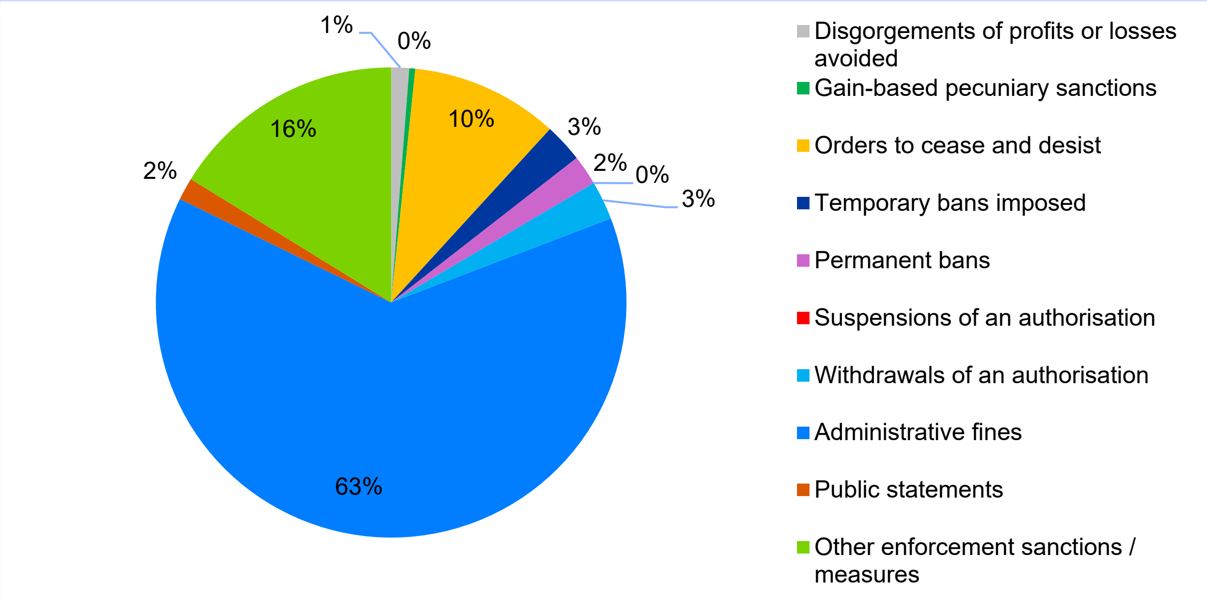

FIGURE 6. TYPES OF SANCTIONS AND MEASURES ISSUED IN 2024 (FIGURES ROUNDED TO THE UNIT)

Source: ESMA staff calculations based on reporting by NCAs.

33. At the other end of the spectrum, suspensions of authorisation were not used at all during 2024. Among the least used types of sanctions and measures during the same reporting period, NCAs imposed four gain-based pecuniary sanctions (less than 1 %, only under the MAR), 12 disgorgements of profits/losses avoided (1 %), 15 public statements (2 %) and 20 permanent bans (2 %, only under the MAR). Temporary bans (26, representing 3 %) and withdrawals of authorisations (26, representing 3 %) were also rarely used.

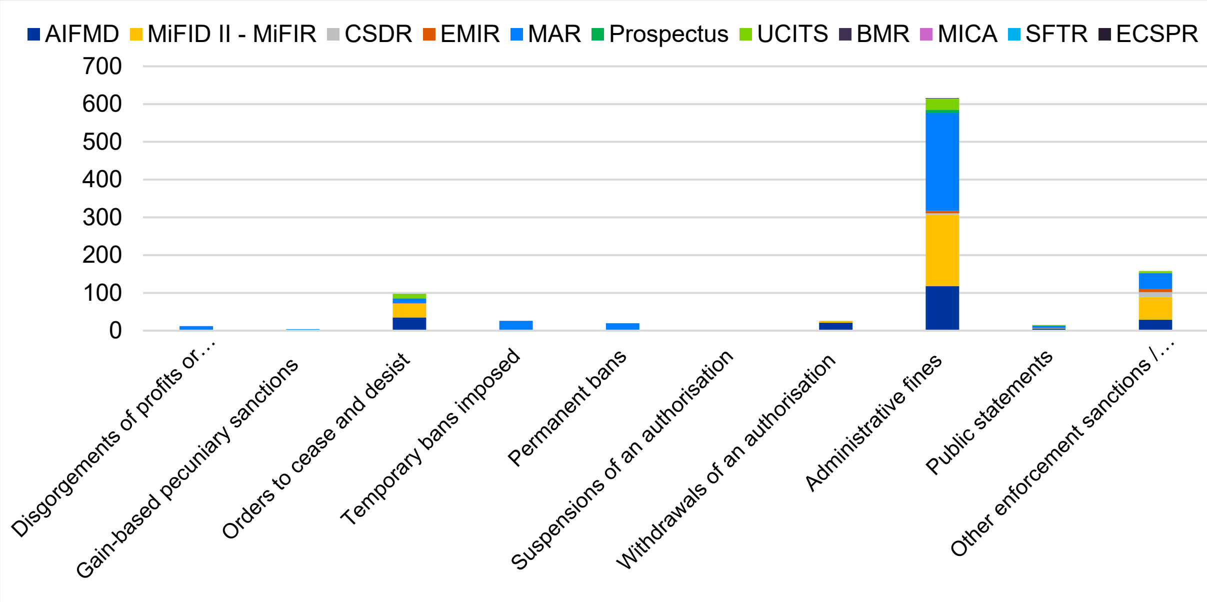

Figure 7. Number of sanctions and measures under specific sectoral acts per each type of sanction and measure issued in 2024

Source: ESMA staff calculations based on reporting by NCAs.

34. Additionally, regarding the 615 administrative fines issued in 2024, 259 were issued under the MAR, 189 under MiFID II and MiFIR, 118 under the AIFMD and 29 under the UCITS Directive.

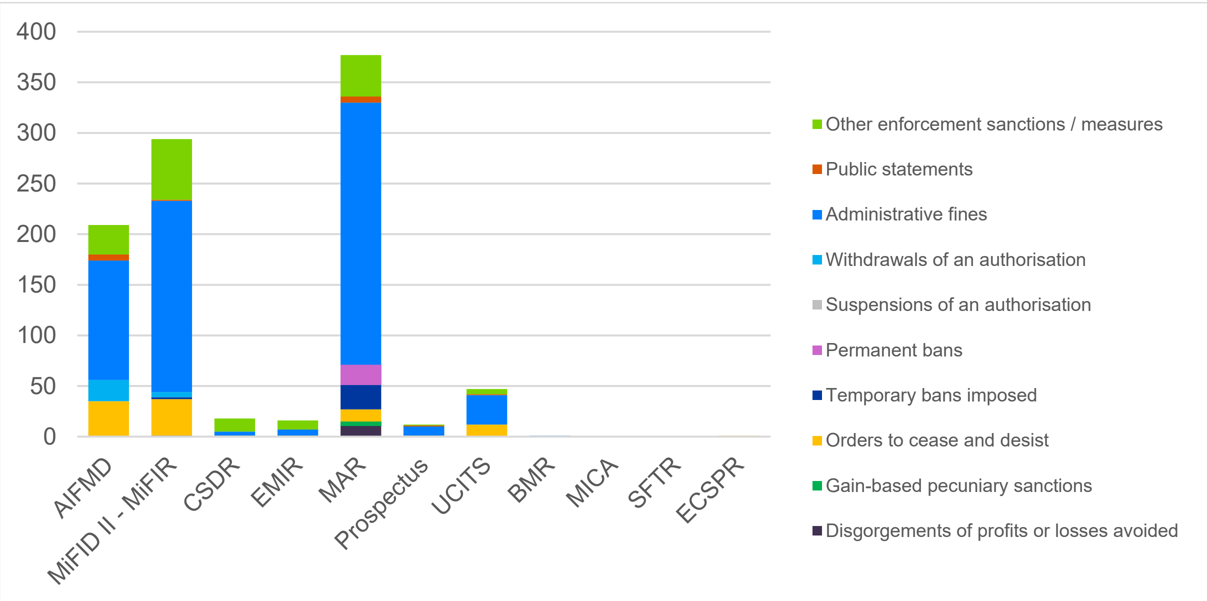

Figure 8. Number of specific type of sanctions and measures issued per sectoral act in 2024[41]

Source: ESMA staff calculations based on reporting by NCAs.

3.1.4 Other general remarks

35. In 2024, NCAs were most active in relation to the MAR, MiFID and MiFIR and the AIFMD, where 24, 19 and 18 different NCAs, respectively, reported administrative sanctions and measures imposed in their Member States.

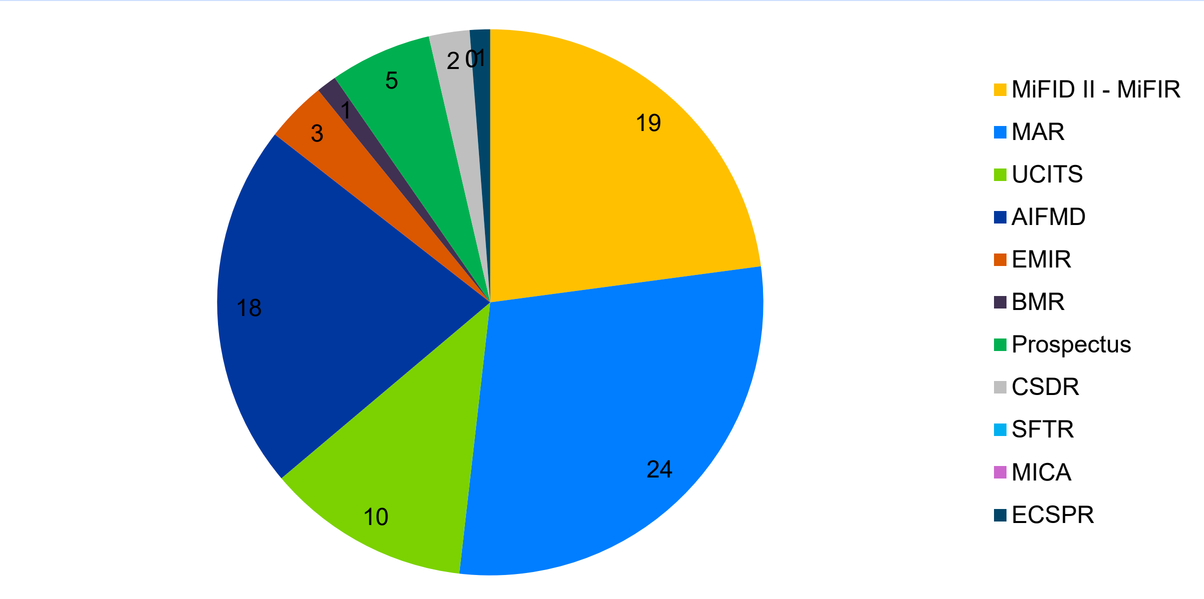

Figure 9. Number of Member States imposing sanctions and measures in 2024 per sectoral act

Source: ESMA staff calculations based on reporting by NCAs.

36. The highest aggregate amount of administrative fines for 2024 was imposed by France (EUR 29 395 000), followed by Germany, mainly via settlement (EUR 15 982 200).

[41] One administrative fine imposed under the BMR and one order to cease and desist imposed under the ECSPR.

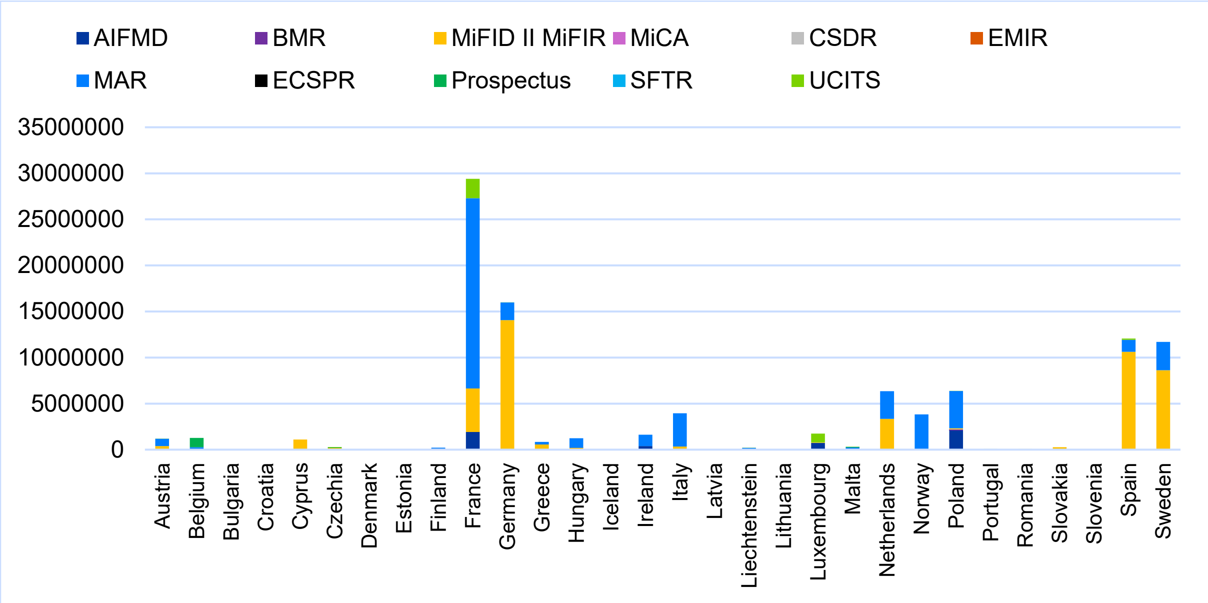

FIGURE 10. TOTAL AGGREGATE AMOUNT OF ADMINISTRATIVE FINES ISSUED IN MEMBER STATES IN 2024 PER SECTORAL ACT

Source: ESMA staff calculations based on reporting by NCAs.

37. Hungary imposed the highest number of sanctions and measures in 2024 (182, under the AIFMD, MiFID II and MiFIR, the MAR, the CSDR, the EMIR and the UCITS Directive), followed by Greece (93, under MiFID II and MiFIR, the MAR, the AIFMD, the CSDR and the ECSPR) and Italy (84, under the MAR, the AIFMD and MiFID II and MiFIR).

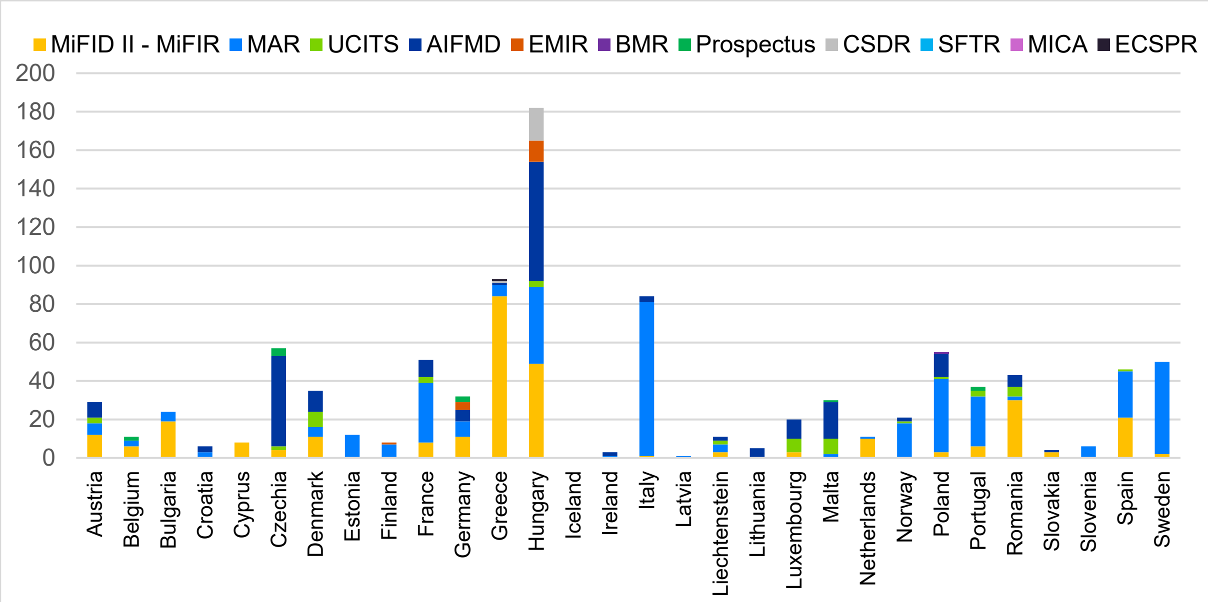

Figure 11. Total number of sanctions and measures issued in Member States in 2024 per sectoral act

Source: ESMA staff calculations based on reporting by NCAs.

38. Out of 182 administrative sanctions and measures imposed in Hungary, 75 (41 %) were orders to cease and desist and 63 (35 %) were administrative fines, whereas in Greece, 73 (78 %) out of 93 administrative sanctions and measures were administrative fines and in Italy, 44 (52 %) out of 84 were administrative fines and 24 were temporary bans (29 %).

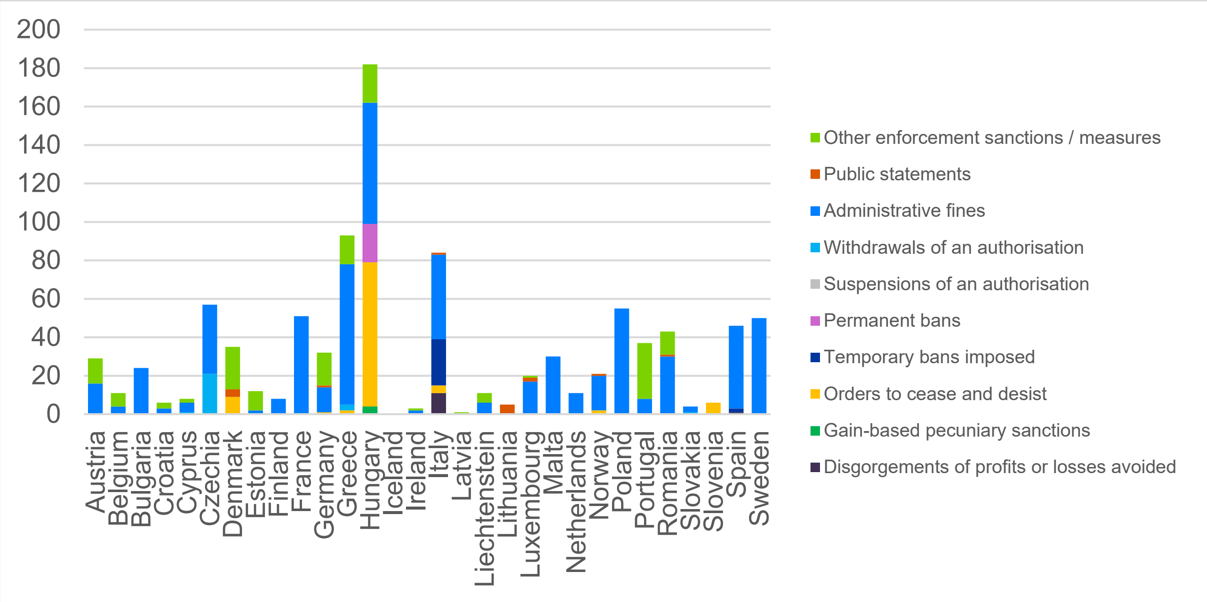

Figure 12. Type of sanctions and measures issued in 2024 per Member State

Source: ESMA staff calculations based on reporting by NCAs.

39. Additionally, only four NCAs indicated that in their Member States (Germany, Croatia, Italy and the Netherlands), not all the reported sanctions and measures in 2024 were imposed by the relevant NCA.

40. No NCA imposed administrative sanctions and measures under either MiCA or the SFTR in 2024. In this respect, the lag between the adoption of a text and the establishment of a supervisory and enforcement practice might provide an explanation. Usually, when a new text is adopted, it takes several years before administrative sanctions and measures are issued under those texts. This is particularly evident for MiCA, which only became applicable very recently[42]. Similarly, while the SFTR entered into force in January 2016, the reporting obligations imposed on counterparties were only phased in between 2020 and 2021.

41. To be noted that 2024 was the first year in which administrative sanctions and measures under the ECSPR were imposed.

[42] The deadline for adopting implementation measures concerning the provision on sanctions under Article 111 has been corrected and is now aligned with the general deadline in Article 99 for notification of implementation measures for the whole Title VII of MiCA (which includes Article 111). This deadline is now 30 June 2025 in both articles (while in the original version, the deadline in Article 111 was 30 June 2024). See EUR-Lex – 32023R1114R(03) – EN – EUR-Lexhttps://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32023R1114R%2803%29.

42. Overall, based on the data in this report, there are clear discrepancies among NCAs in terms of the types of sanctions and measures and the use of settlements. Sanctioning powers are also used to different degrees, with some Member States having well-established sanctioning practices, while others used their sanctioning powers less frequently. The lag in the set-up of a supervisory practice and the size of the industry can impact the number of administrative sanctions and measures imposed. Nevertheless, there is room for enhanced convergence in enforcement practices, which is crucial to achieve further integration of EU financial markets.

3.2 Comparison of administrative sanctions and measures imposed in 2023 and 2024

43. Across 2023 and 2024, the total value of administrative fines imposed under all relevant sectoral acts amounted to EUR 171 446 032. The highest total amounts of administrative fines were imposed under the MAR (EUR 91 453 589) and MiFID II and MiFIR (EUR 62 756 292).

44. Interestingly, the total amounts of administrative fines imposed under the MAR in 2023 and 2024 were quite similar (EUR 45 946 421 in 2023 and EUR 45 507 168 in 2024), whereas, regarding MiFID II and MiFIR, a significant increase can be observed (EUR 18 258 028 in 2023 and EUR 44 498 264 in 2024), partly due to a fine of almost EUR 13 million imposed in Germany via settlement.

45. Moreover, there was an increase in terms of aggregate administrative fines imposed under the AIFMD which were the third highest total amounts imposed in both 2023 (EUR 3 048 585) and 2024 (EUR 5 460 696). Regarding the UCITS Directive, the total amounts of administrative fines imposed in 2023 and 2024 were similar (EUR 3 273 316 in 2023 and EUR 3 306 008 in 2024).

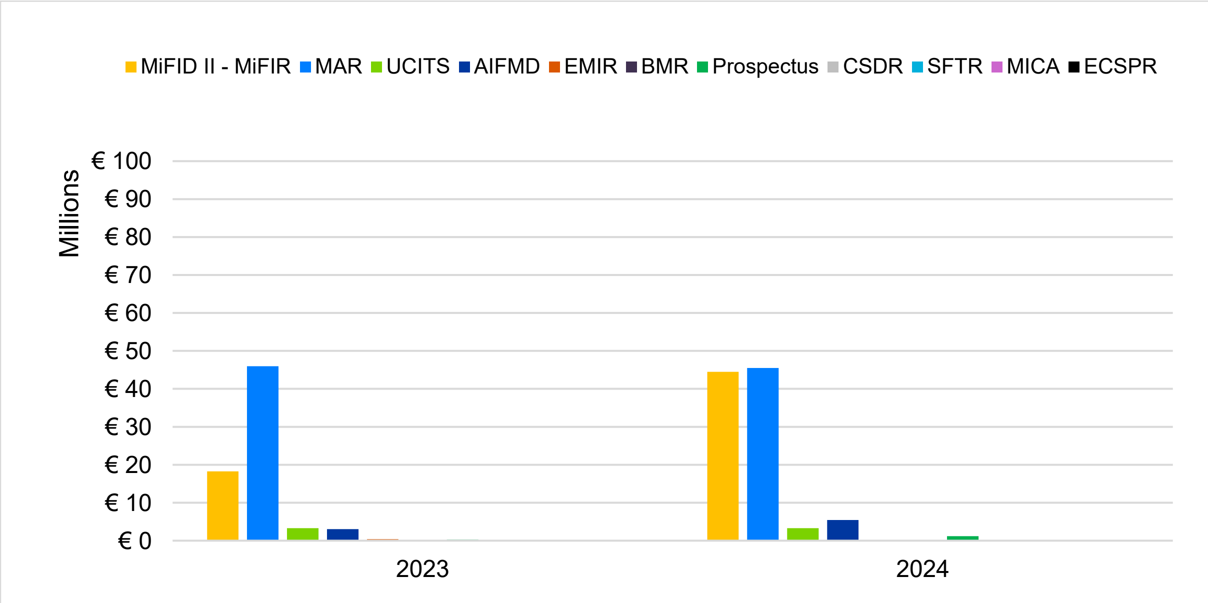

FIGURE 13. TOTAL AMOUNT OF ADMINISTRATIVE FINES IMPOSED IN 2023 AND 2024 PER SECTORAL ACT[43]

Source: ESMA staff calculations based on reporting by NCAs.

46. While it appears that some of the highest amounts of administrative fines and generally a high number of administrative sanctions and measures were issued under the AIFMD and the UCITS Directive, the sanction reports published in this respect[44] so far keep evidencing that the sanctioning powers are not equally used among NCAs and, except for a limited number of NCAs, the number and amounts of sanctions issued at the national level remain relatively low.

[43] This report does not include data on sanctions and measures issued by NCAs in accordance with MiFID I which may have been significant in a rather limited number of cases. It also does not cover sanctions under Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive) (OJ L 173, 12.6.2014, p. 179, ELI: http://data.europa.eu/eli/dir/2014/57/oj). Additionally, this report does not include data on sanctions and measures imposed by NCAs pursuant to their national frameworks that supplement the European regulatory framework. Such data are not reported to ESMA.

[44] Please see ESMA's 2023 AIFMD Sanctions Report on penalties and measures imposed under the AIFMD in 2022, 2023 UCITS Sanctions Report on penalties and measures imposed under the UCITS Directive in 2022 and ESMA43-1527801302-1333 Report on Sanctions and measures imposed under AIFMD, BMR, CSDR, ECSPR, EMIR, MAR, MiCA, MiFID II – MiFIR, PR, SFTR and UCITS Directive in 2023Report on sanctions and measures imposed under AIFMD, BMR, CSDR, ECSPR, EMIR, MAR, MiCA, MiFID II – MiFIR, PR, SFTR and UCITS in 2023.

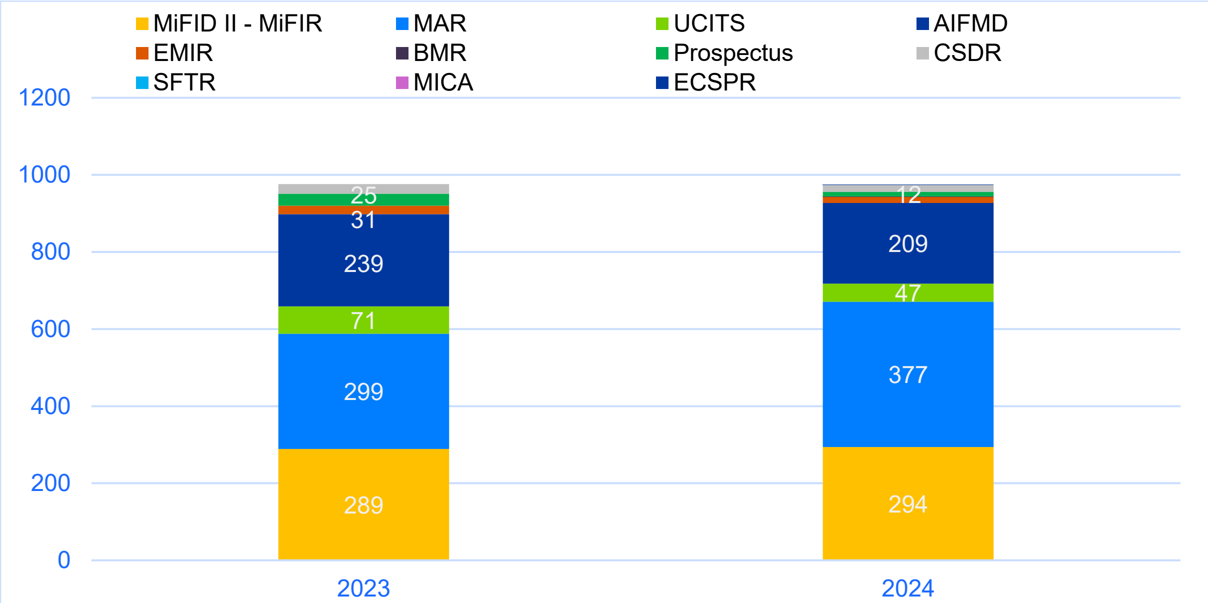

FIGURE 14. COMPARISON OF THE NUMBER OF ADMINISTRATIVE SANCTIONS AND MEASURES ISSUED IN 2023 AND 2024 PER SECTORAL ACT

Source: ESMA staff calculations based on reporting by NCAs.

47. Regarding the number of administrative sanctions and measures issued in 2023 and 2024, the data remain stable, with virtually no change since 2023: 976 administrative sanctions and measures were imposed in 2023, compared to 975 in 2024. The most significant increase can be noticed in relation to the MAR (from 299 administrative sanctions and measures imposed in 2023 to 377 in 2024). The number of administrative sanctions and measures issued under MiFID II, MiFIR and the AIFMD remain relatively similar; however, the number of administrative sanctions and measures imposed under the UCITS Directive dropped significantly (from 71 in 2023 to 47 in 2024).

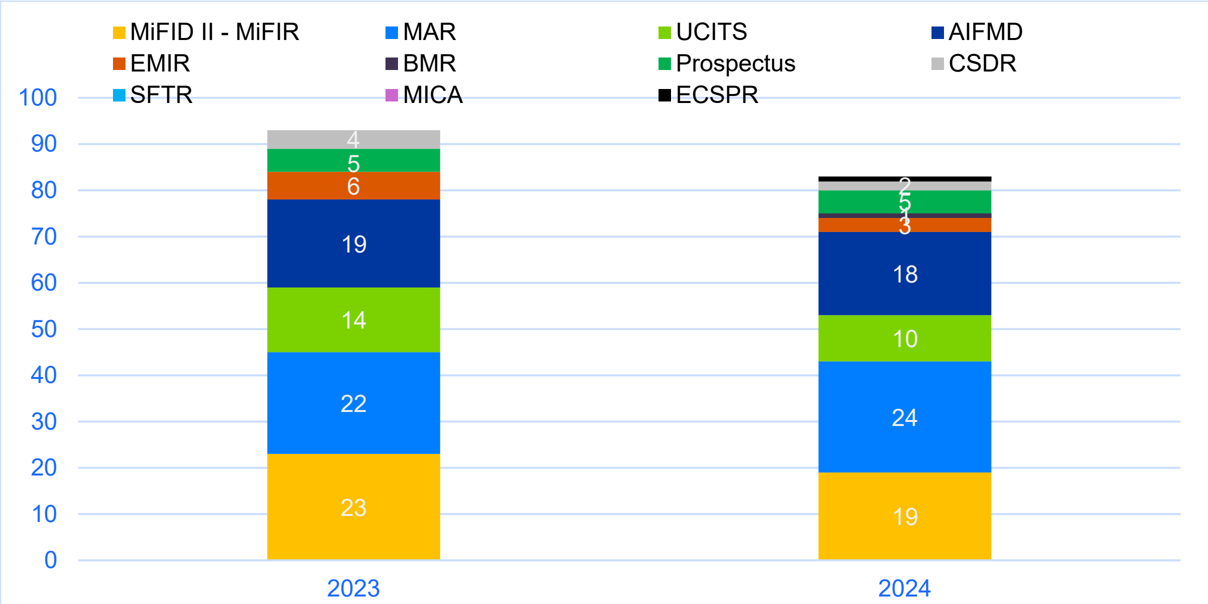

FIGURE 15. NUMBER OF MEMBER STATES IMPOSING SANCTIONS AND MEASURES IN 2023 AND 2024 PER SECTORAL ACT

Source: ESMA staff calculations based on reporting by NCAs.

48. In 2024, administrative sanctions and measures were generally issued in fewer Member States compared to 2023. This was the case for sanctions and measures imposed under MiFID II, MiFIR, the UCITS Directive, the AIFMD and the CSDR. Administrative sanctions and measures under the MAR were the notable exception: administrative sanctions and measures were issued in 24 Member States in 2024, compared to 22 Member States in 2023.

49. While there are differences in the number of administrative sanctions and measures imposed across Member States, with some Member States reporting a relatively low number, the fact that across the past two years administrative sanctions and measures were issued in all Member States indicates at least a minimal level of convergence across Europe as the legislative bases for administrative sanctions and measures are all integrated into the national supervision.

4 Annex

4.1 AIFMD

50. In 2024, 209 sanctions and measures were issued under AIFMD in 18 Member States.

51. Of the 209 administrative sanctions and measures, 14 were issued via settlement procedures.

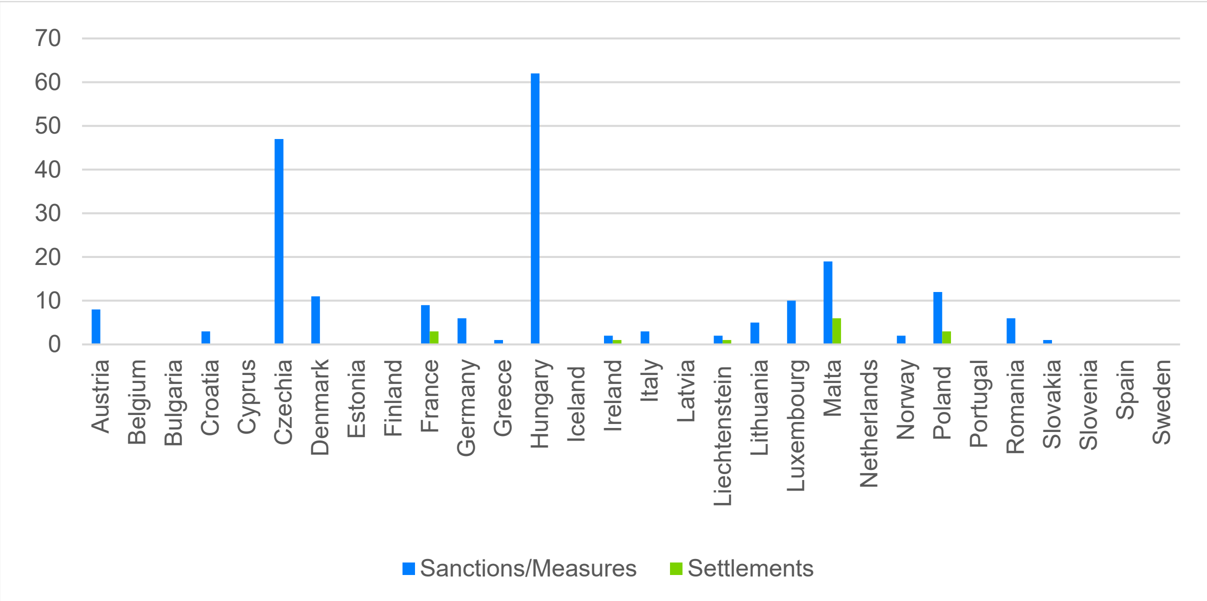

Figure 16. Total number of administrative sanctions/measures imposed in Member States compared to those imposed via settlement procedures under the AIFMD in 2024

Source: ESMA staff calculations based on reporting by NCAs.

52. In 2024, the total aggregate value of the administrative fines imposed under the AIFMD was EUR 5 460 696, due to large amounts of administrative fines imposed in Poland (EUR 2 116 229) and France (EUR 1 910 000). Of the total aggregate value of fines (almost EUR 5.5 million), 23.1 % (EUR 1 259 069) were imposed via settlement procedures.

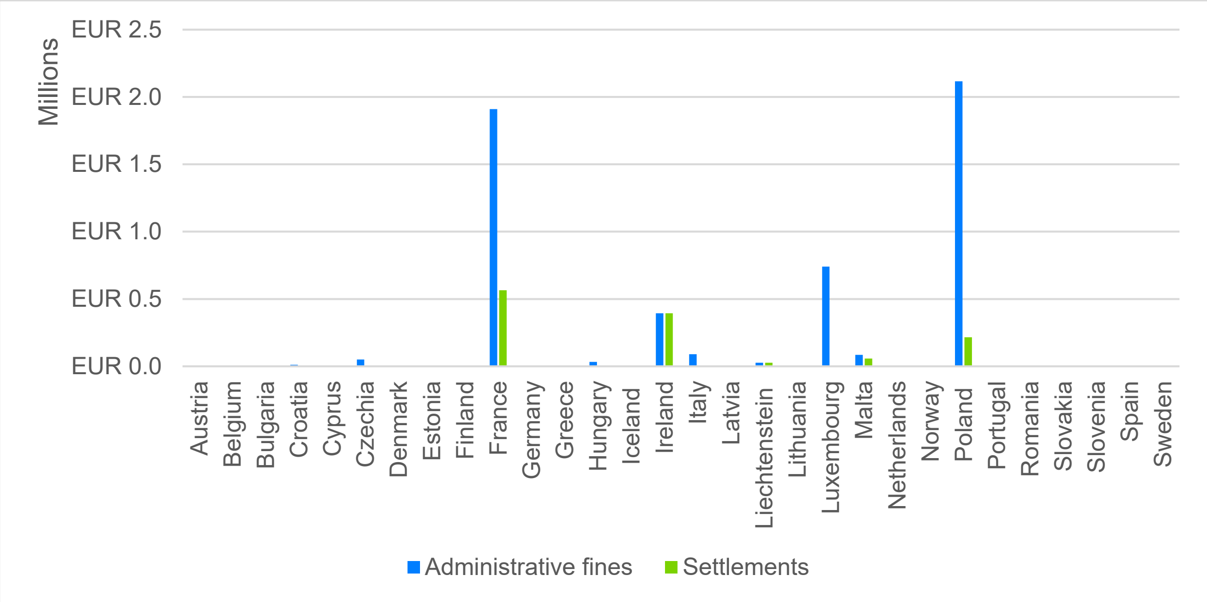

Figure 17. Total amount of administrative fines imposed in Member States compared to those imposed via settlement procedures under the AIFMD in 2024

Source: ESMA staff calculations based on reporting by NCAs.

53. Between 2013 and 2024, a total of 1 399 administrative sanctions and measures were imposed under the AIFMD, with a total amount of administrative fines of EUR 108 961 121. During that period, the highest total aggregate amount of administrative fines issued under the AIFMD was imposed in France in 2021, amounting to EUR 38 070 000.

54. Compared to this, the value of administrative fines under the AIFMD has settled at a lower value over the last three years. Nevertheless, in 2024, there was a substantial increase compared to the total aggregate amount of financial penalties issued in 2023 (EUR 3 048 585).

55. At the same time, compared to 2023, when 239 administrative sanctions and measures were imposed, 2024 saw a decrease, with 209 administrative sanctions and measures imposed.

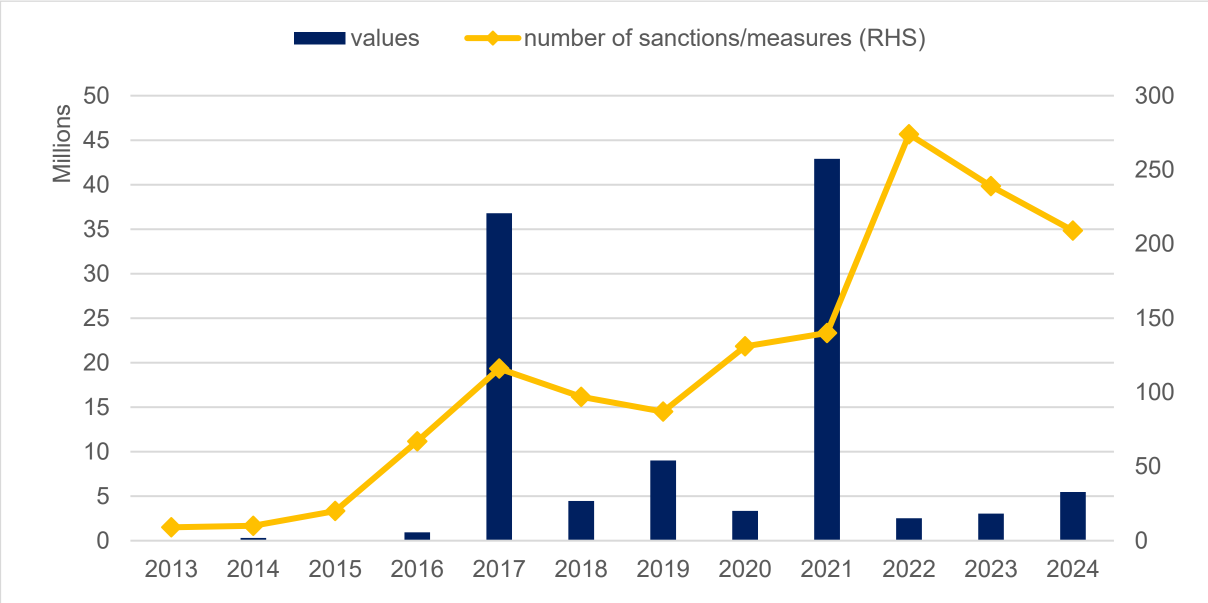

FIGURE 18. EVOLUTION OF THE NUMBER OF ADMINISTRATIVE SANCTIONS/MEASURES AND VALUE OF THE ADMINISTRATIVE FINES ISSUED UNDER THE AIFMD BETWEEN 2013 AND 2024

Source: ESMA staff calculations based on reporting by NCAs.

56. The more granular data collected for 2024 show that administrative fines were by far the most frequently used type of sanctions (118) under the AIFMD, followed by orders to cease and desist (35). There were also 21 withdrawals of authorisation, 6 public statements issued and 29 instances of 'other' types of sanctions and measures being used.

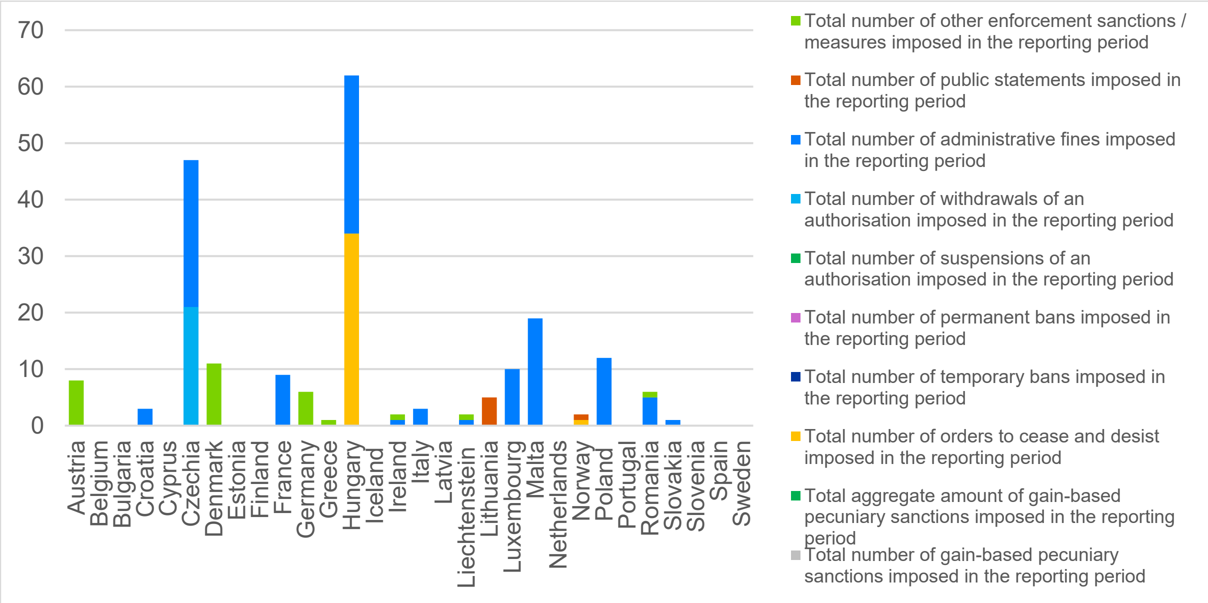

FIGURE 19. TYPES OF ADMINISTRATIVE SANCTIONS AND MEASURES IMPOSED IN MEMBER STATES UNDER THE AIFMD IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

57. In 2024, the highest number of administrative sanctions and measures (50) were issued under Article 12(1)(c) of the AIFMD, on the obligation for the AIF managers to have and effectively employ the resources and procedures that are necessary for the proper performance of business activities.

58. Other provisions that triggered a relevant number of sanctions and measures were, respectively, Article 24(1) of the AIFMD, on the obligation for managers to report regularly on the principal markets and instruments in which they trade (28); Article 15(2), on the obligation for managers to implement adequate risk-management systems (23); Article 22(1), on their obligation to make an annual report available to investors for each fund managed and marketed in the EU (22); and Article 11(c), on the withdrawal of authorisation where the manager no longer meets the conditions under which the authorisation was granted (22).

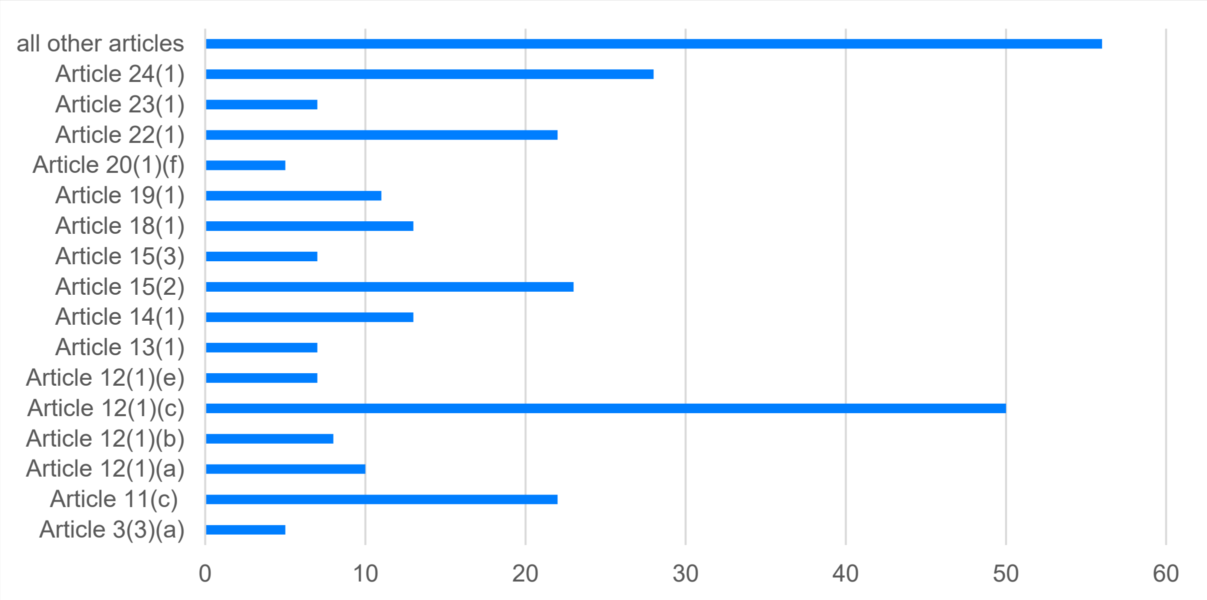

Figure 20. Representation of the AIFMD articles under which the largest number of administrative sanctions and measures were imposed in 2024

Source: ESMA staff calculations based on reporting by NCAs.

59. When comparing data from 2023 and 2024, Article 12(1)(c), Article 24(1) and Article 22(1) of the AIFMD appear to be the most frequently used legal basis.

60. Since 2013, Estonia, Iceland, Latvia and Sweden have imposed no sanctions under the AIFMD, while in 2024 Ireland and Lithuania imposed some for the first time since the start of NCAs' supervision of compliance with the AIFMD. To put the data gathered into context, Figure 21 provides a combined representation of the proportion of the net assets and number of managers of the EU AIF industry per Member State in 2024 and the proportion of the total amount of financial penalties issued under the AIFMD in 2024 per Member State. In 2024, the highest values of net assets remained located in the same Member States as in 2023. Interestingly, Estonia, Iceland, Latvia Lithuania and Sweden have a comparatively very small or small market for AIFs, while Ireland's market ranks fourth among the EEA's top five in net AIF assets[45].

[45] According to the information provided by Ireland, the Central Bank of Ireland (CBI) has imposed significant sanctions under its *AIF Rulebook* (for example, in 2022 a reprimand and a monetary penalty of EUR 10 780 000), which fall outside the scope of this report.

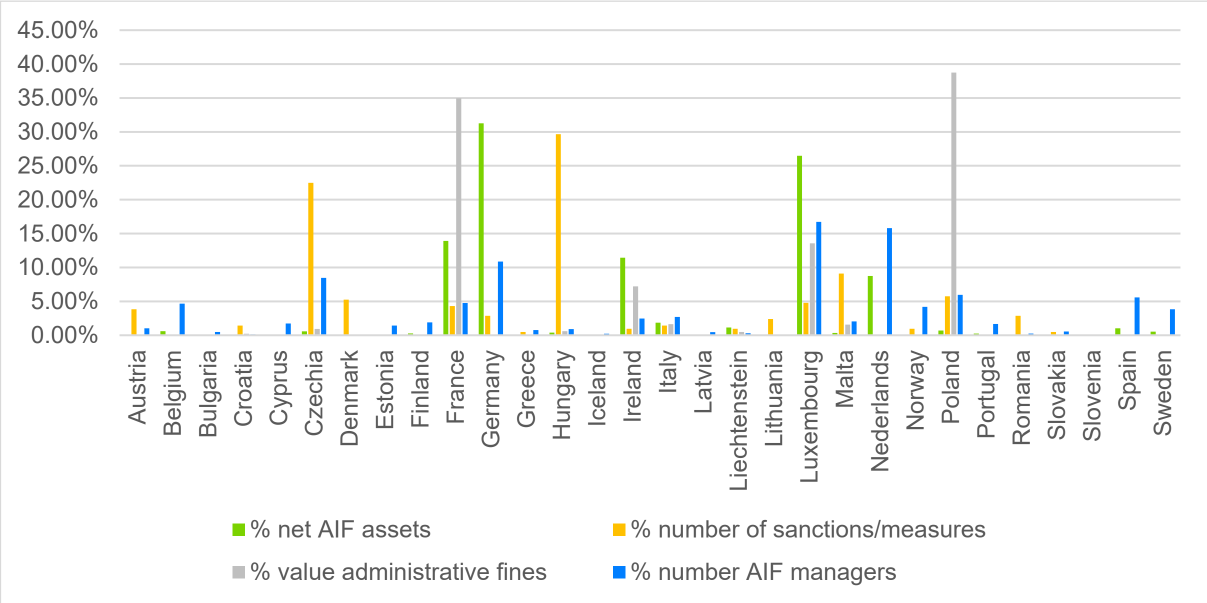

FIGURE 21. COMPARISON BETWEEN THE NET AIF ASSETS (IN % OF EEA NET AIF ASSETS), NUMBER OF AIF MANAGERS (IN % OF EEA MANAGERS), THE NUMBER OF SANCTIONS/MEASURES (IN % OF ALL ISSUED IN THE EEA) AND THE VALUE OF THE ADMINISTRATIVE FINES (IN % OF ALL ISSUED IN THE EEA) IMPOSED IN MEMBER STATES IN 2024

Source: ESMA staff calculations based on reporting by NCAs and ESMA registers.

61. The comparison shows that there does not seem to be a direct link between the size of the AIF market and the scale of the sanctioning activity: the highest amount of administrative fines has not been imposed where the largest amount of assets is located (Germany) or where the number of managers is highest (Luxembourg). Rather, the highest aggregate amounts of fines were imposed in Poland and France, where the market is of a relatively small or medium size, while the highest number of sanctions and measures was recorded in Hungary, where the size of the market is even smaller. Interestingly, in the Netherlands, the relatively considerable size of the AIF market did not generate any sanctioning activity at all in 2024.

62. As seen in previous years, the data gathered keep evidencing that the sanctioning powers are not equally used among NCAs and, besides a limited number of NCAs, the number and amount of sanctions issued under the AIFMD at the national level remain relatively low, considering the maturity of the market.

4.2 BMR

63. In 2024, one administrative fine with a total value of EUR 93 611 was imposed in Poland for breaches of Article 28 of the BMR (changes to and cessation of a benchmark). It was not imposed using a settlement procedure.

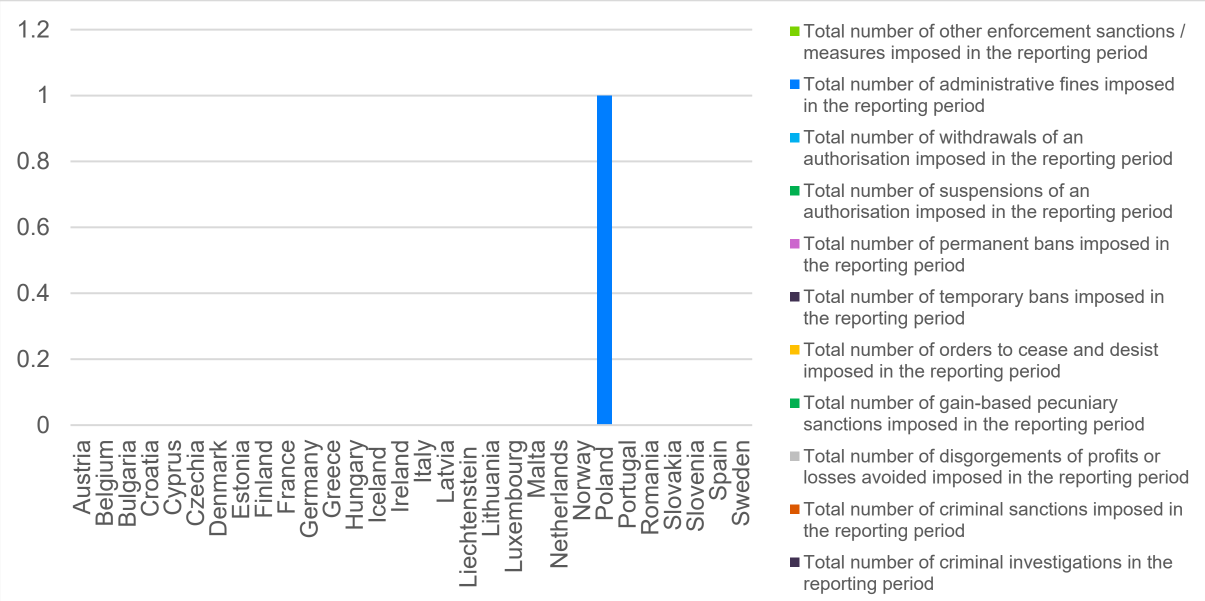

FIGURE 22. TYPES OF ADMINISTRATIVE SANCTIONS AND MEASURES IMPOSED IN MEMBER STATES UNDER THE BMR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

64. In the period between 2021 and 2024, a total of about EUR 8.8 million in administrative fines was imposed under the BMR. While the imposition of sanctions and measures remain limited in 2024, this is an increase from the previous year.

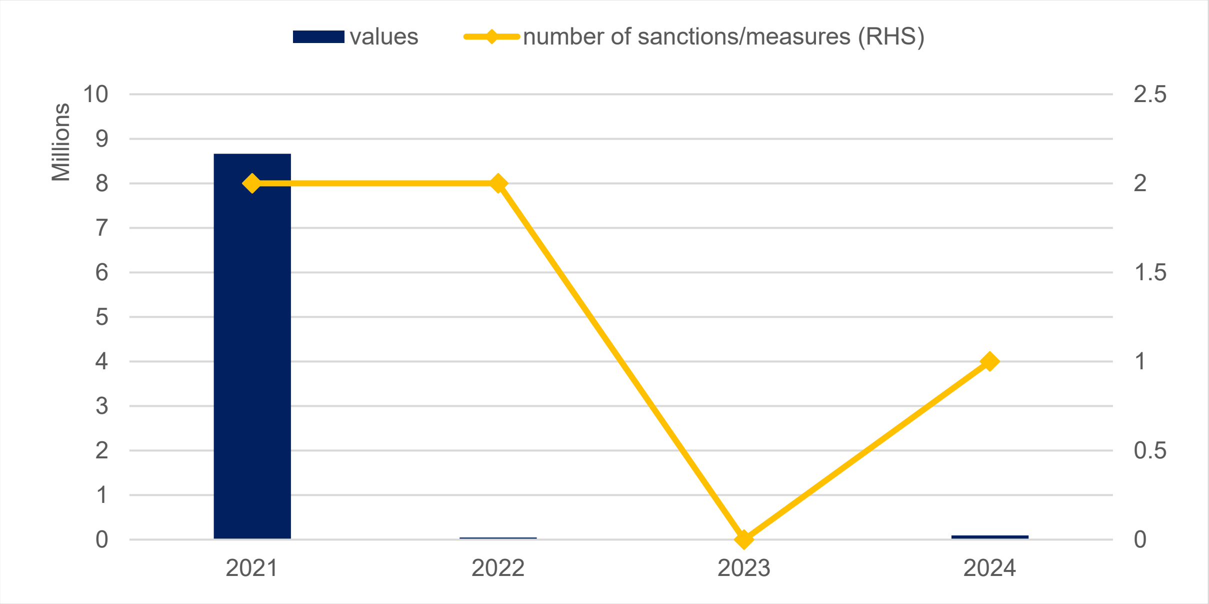

FIGURE 23. EVOLUTION OF THE NUMBER OF ADMINISTRATIVE SANCTIONS/MEASURES AND VALUE OF THE ADMINISTRATIVE FINES IMPOSED BETWEEN 2021 AND 2024

Source: ESMA staff calculations based on reporting by NCAs.

65. The striking difference between the value of administrative fines issued in 2021 compared to 2022 and 2024 is due to an administrative fine of EUR 8.66 million issued in that year in Germany[46].

66. As in the past, no criminal sanctions[47] were imposed in 2024.

67. It is of note in this context that in the EEA, at the end of 2024, there were 76 registered benchmark administrators, of which 18 were supervised in Germany.

[46] For more information, please see: BaFin – Measures & sanctions – Deutsche Bank AG: BaFin imposes administrative finehttps://www.bafin.de/SharedDocs/Veroeffentlichungen/EN/Massnahmen/40c_neu_124_WpHG/meldung_211229_deutsche_bank_ag_geldbusse_en.html.

[47] As regards the administrative or criminal nature of the sanctions, Article 42(3), second subparagraph of the BMR provides that a Member State could decide to not lay down rules for administrative sanctions where the infringements referred to in the same provision were already subject to criminal sanctions in their national law by 1 January 2018.

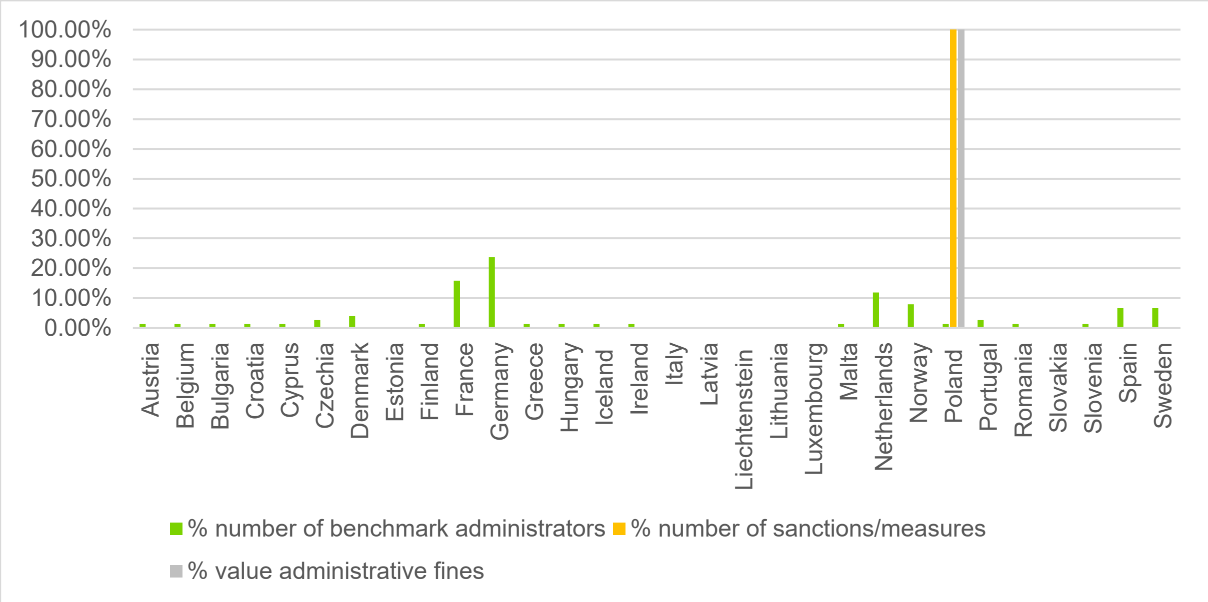

FIGURE 24. COMPARISON BETWEEN THE NUMBER OF BENCHMARK ADMINISTRATORS[48] (IN % OF ALL EEA REGISTERED), THE NUMBER OF SANCTIONS/MEASURES (IN % OF ALL ISSUED IN THE EEA) AND THE VALUE OF THE ADMINISTRATIVE FINES (IN % OF ALL ISSUED IN THE EEA) IMPOSED IN EACH MEMBER STATE IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

68. Finally, since taking up supervisory tasks in January 2022, ESMA as the supervisor of administrators of EU critical benchmarks and of non-EU country administrators recognised in the EU has not yet imposed any sanctions on these entities.

69. In this respect, it must be noted that for non-EU country benchmarks administrators, the transitional period provided for by the BMR has been extended until 31 December 2025[49]. Furthermore, the BMR is undergoing a fundamental review of its scope that will be largely reduced starting January 2026 to cover only critical and significant benchmarks along with some commodity benchmarks and climate benchmarks[50]. As part of the review of the BMR, ESMA will also supervise administrators endorsing non-EU country benchmarks.

[48] Excluding administrators of critical benchmarks as referred to in points (a) and (c) of Article 20(1) of the BMR and administrators of the benchmarks referred to in Article 32 of BMR, for which ESMA is the competent authority.
[49] Commission Delegated Regulation (EU) 2023/2222 of 14 July 2023 extending the transitional period laid down for third-country benchmarks in Article 51(5) of Regulation (EU) 2016/1011 of the European Parliament and the Council (OJ L, 2023/2222, 23.10.2023, ELI: http://data.europa.eu/eli/reg_del/2023/2222/oj).
[50] Regulation (EU) 2025/914 of the European Parliament and of the Council of 7 May 2025 amending Regulation (EU) 2016/1011 as regards the scope of the rules for benchmarks, the use in the Union of benchmarks provided by an administrator located in a third country, and certain reporting requirements (OJ L, 2025/914, 19.5.2025, ELI: http://data.europa.eu/eli/reg/2025/914/oj).

4.3 CSDR

70. In 2024, 18 administrative sanctions and measures were imposed under the CSDR in two Member States (Hungary and Greece). None of the sanctions and measures were imposed via settlement procedures.

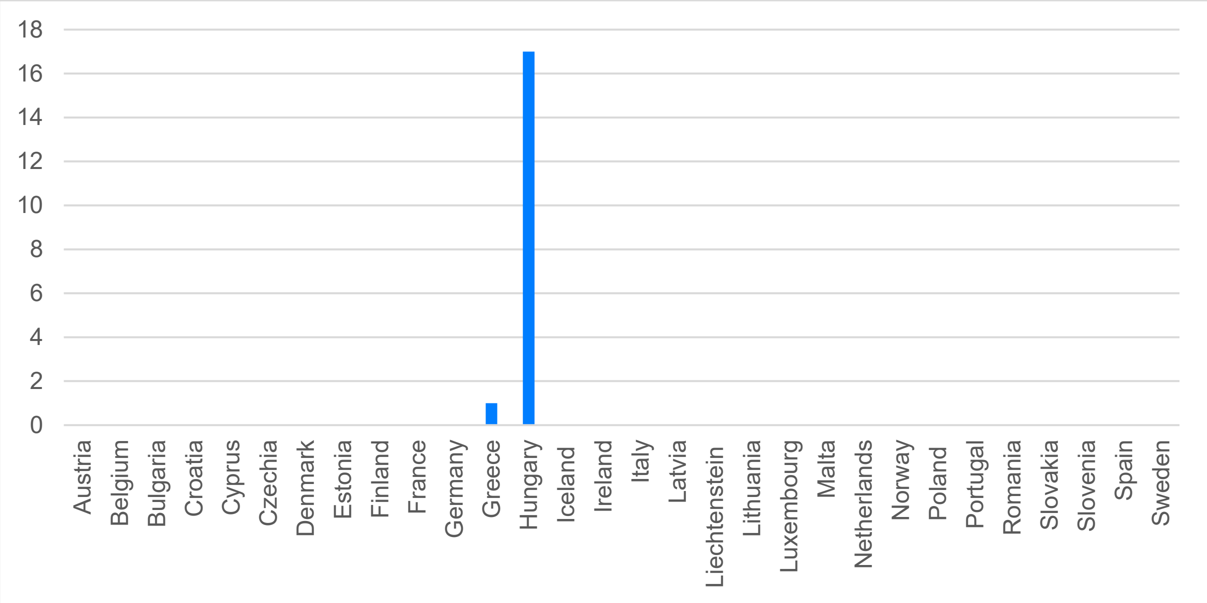

FIGURE 25. TOTAL NUMBER OF ADMINISTRATIVE SANCTIONS AND MEASURES IMPOSED IN MEMBER STATES UNDER THE CSDR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

71. During this period, the total aggregate amount of administrative fines imposed was EUR 24 310.

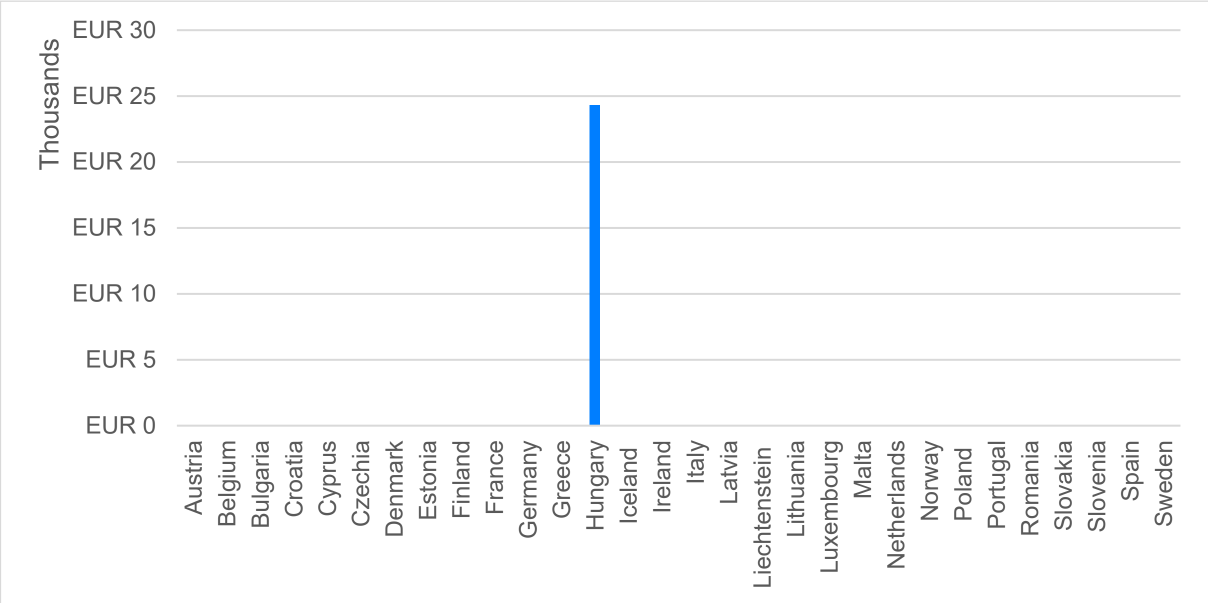

FIGURE 26. TOTAL AGGREGATE AMOUNT OF ADMINISTRATIVE FINES IMPOSED IN MEMBER STATES UNDER THE CSDR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

72. There was a decrease (i) in the number of administrative sanctions and measures under the CSDR compared to 2023, when 25 administrative sanctions and measures were imposed in four Member States (Hungary, Norway, Slovenia and Denmark); and (ii) in the total aggregate amount of administrative fines, which amounted to EUR 124 558 in 2023.

73. Nevertheless, considering that there are only 33 central securities depositories authorised in the whole of the EEA, the level of sanctioning does not seem to be out of step with the market reality.

74. In 2023, the highest number (18) of administrative sanctions and measures under the CSDR were imposed in Hungary, making it the Member State with the highest number of administrative sanctions and measures imposed under the CSDR in both 2023 and 2024.

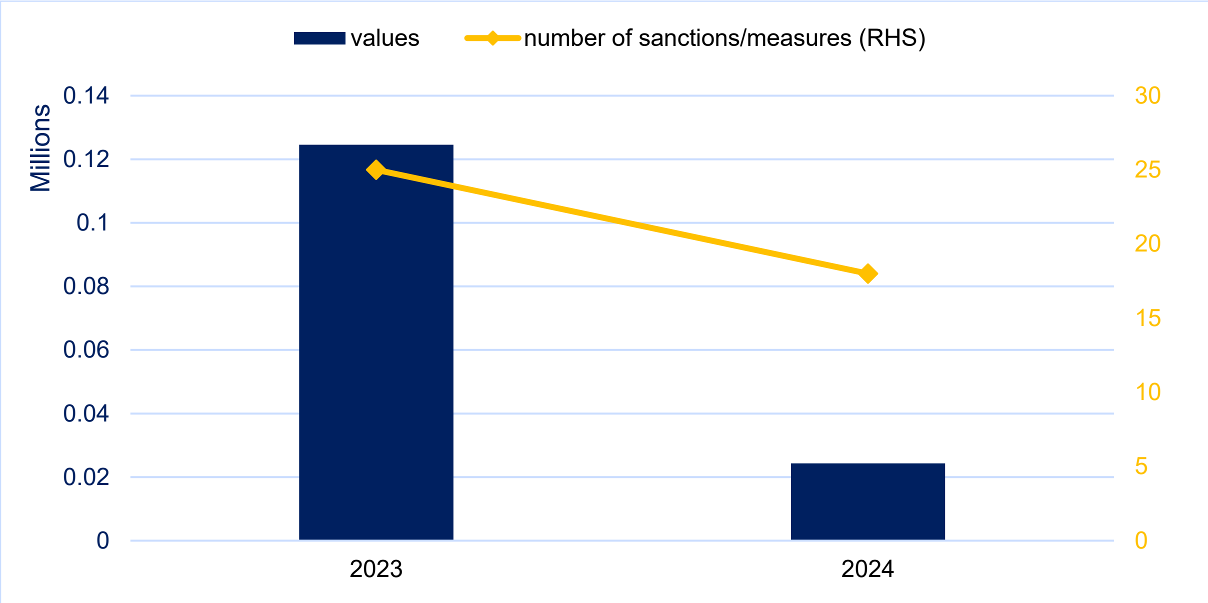

FIGURE 27. TOTAL NUMBER OF ADMINISTRATIVE SANCTIONS AND MEASURES AND THE TOTAL AGGREGATE AMOUNT OF ADMINISTRATIVE FINES IMPOSED UNDER THE CSDR IN 2023 AND 2024

Source: ESMA staff calculations based on reporting by NCAs.

75. In 2024, 4 out of 18 administrative sanctions and measures imposed were administrative fines. Member States also issued 13 ‘other’ enforcement sanctions and measures, and one order to cease and desist.

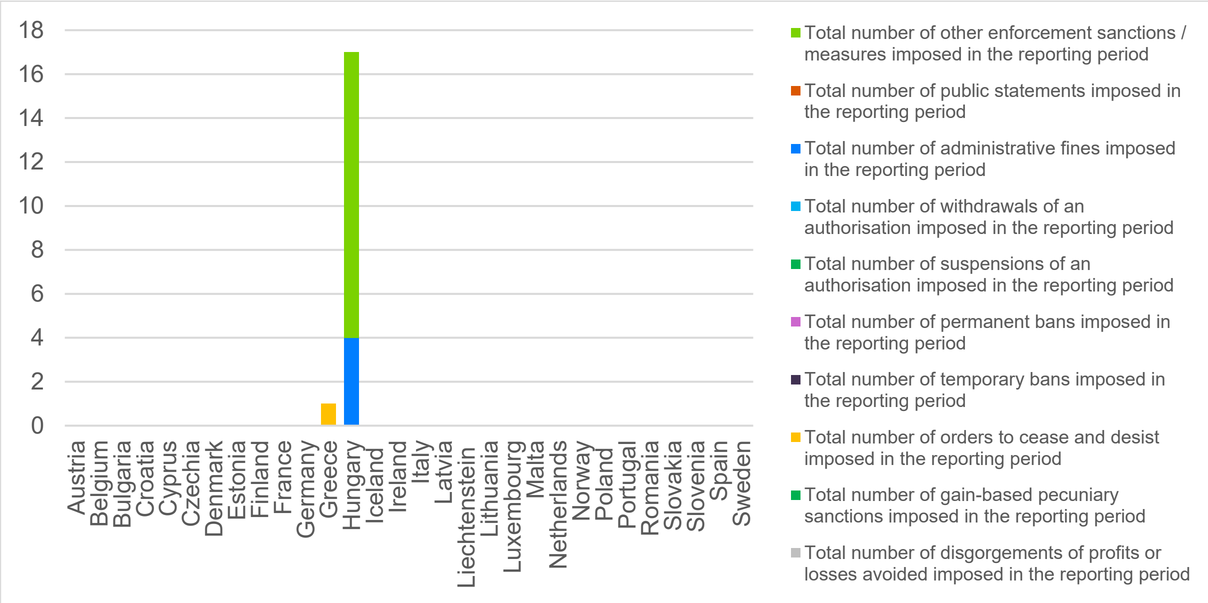

FIGURE 28. TYPES OF ADMINISTRATIVE SANCTIONS AND MEASURES IMPOSED IN MEMBER STATES UNDER THE CSDR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

76. The majority of the administrative sanctions and measures (nine) were imposed under Article 45(1) of the CSDR, concerning operational risks and requiring a central securities depository to identify sources of operational risk, both internal and external, and minimise their impact.

77. Similarly to 2023, no criminal sanctions[51] were imposed in the reporting period.

[51] As regards the administrative or criminal nature of the sanctions, Article 61(1), second subparagraph of the CSDR provides that a Member State could decide to not lay down rules for administrative sanctions where the infringements referred to in the same provision were already subject to criminal sanctions in their national law by 18 September 2016.

4.4 EMIR

78. In 2024, 16 administrative sanctions and measures were issued under the EMIR in three Member States (Hungary, Germany and Finland). None of them were imposed via settlement procedures.

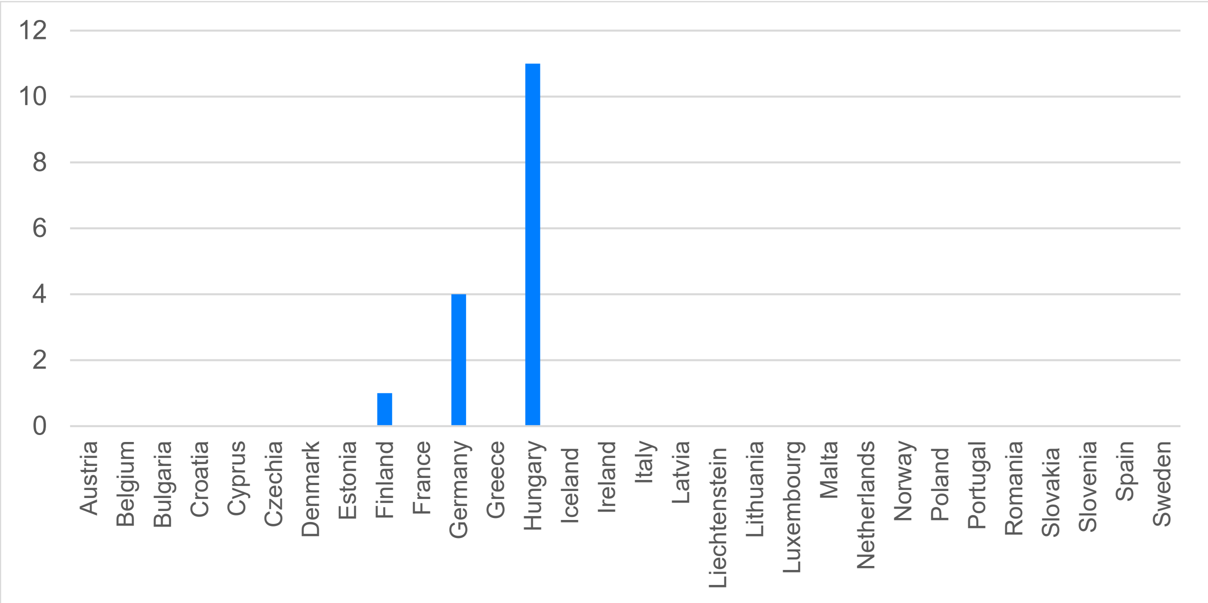

FIGURE 29. TOTAL NUMBER OF ADMINISTRATIVE SANCTIONS AND MEASURES IMPOSED IN MEMBER STATES UNDER THE EMIR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

79. The aggregate amount of administrative fines imposed under the EMIR in 2024 was EUR 99 724, with the highest fine imposed in Finland (amounting to EUR 90 000 and representing 90 % of the total). No periodic penalty payments were issued in the reporting period.

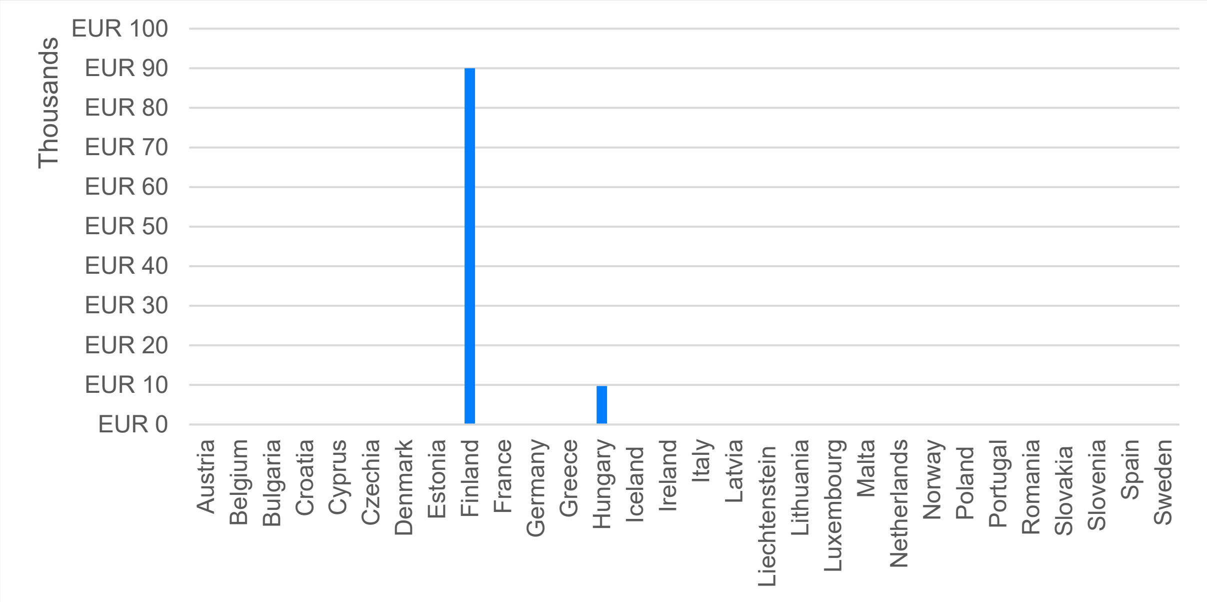

FIGURE 30. TOTAL AGGREGATE AMOUNT OF ADMINISTRATIVE FINES IMPOSED IN MEMBER STATES UNDER THE EMIR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

80. While there was a drop in numbers and values from 2023 to 2024, a significant increase can be observed regarding the number of administrative sanctions and measures issued in 2023 and 2024 compared to previous years (2017–2020). This increase follows ESMA's identification of data quality as a Union strategic supervisory priority for the years 2020 to 2023[52].

[52] For more information on this, please also see ESMA12-1209242288-856 2024 Report on Quality and Use of Data, in particular pp. 8–10 and 42–43.

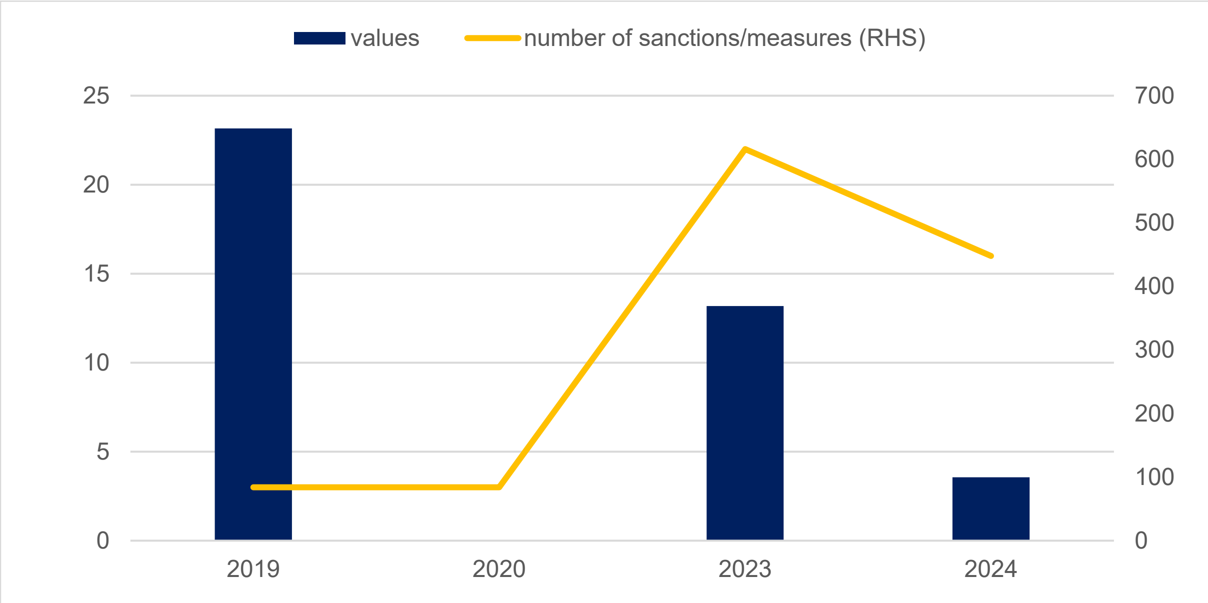

FIGURE 31. TOTAL NUMBER OF ADMINISTRATIVE SANCTIONS AND MEASURES AND THE TOTAL AGGREGATE AMOUNT OF ADMINISTRATIVE FINES IMPOSED UNDER THE EMIR FROM 2019 TO 2024[53]

Source: ESMA staff calculations based on reporting by NCAs.

81. While the bulk of the administrative sanctions and measures were imposed in relation to central counterparties (CCPs) (under Articles 26, 35 and 46 of the EMIR), the highest administrative fine under the EMIR in 2024, amounting to EUR 90 000, was issued in Finland in relation to reporting obligations (Article 9 of the EMIR).

82. In 2024, of the 16 administrative sanctions and measures issued under the EMIR, six were administrative fines, one was an order to cease and desist, while nine administrative measures were ‘other’ enforcement sanctions and measures.

[53] No data are available for 2021 and 2022.

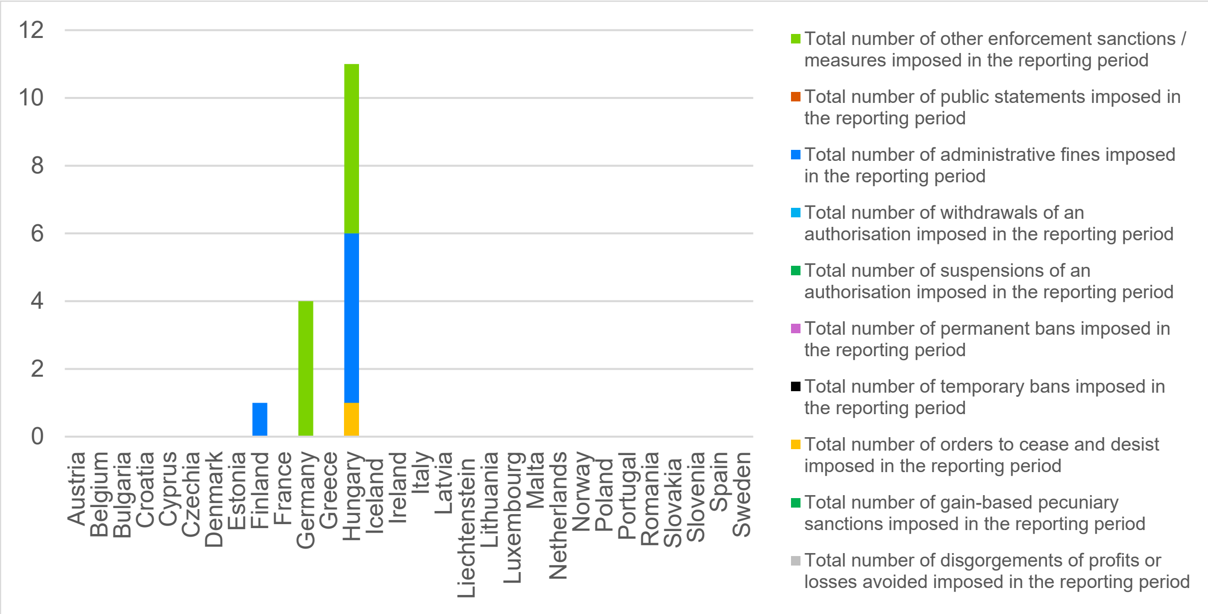

Figure 32 Types of administrative sanctions and measures imposed in Member States under the EMIR in 2024

Source: ESMA staff calculations based on reporting by NCAs.

83. During this period, Hungary issued the highest number of administrative sanctions and measures (11) in relation to risk-mitigation techniques for over-the-counter derivative contracts not cleared by a CCP (Article 11 of the EMIR), and outsourcing by CCPs (Article 35 of the EMIR), using different types of sanctions and measures (administrative fines, orders to cease and desist, and ‘other’).

84. Putting this in context, while there are only 14 CCPs in the EEA, 29 030 682 derivative trades were paired across the EEA in 2024, with most of these taking place in Cyprus, Germany and France. Therefore, the sanctioning activities under the EMIR does not seem to be correlated to the market size.

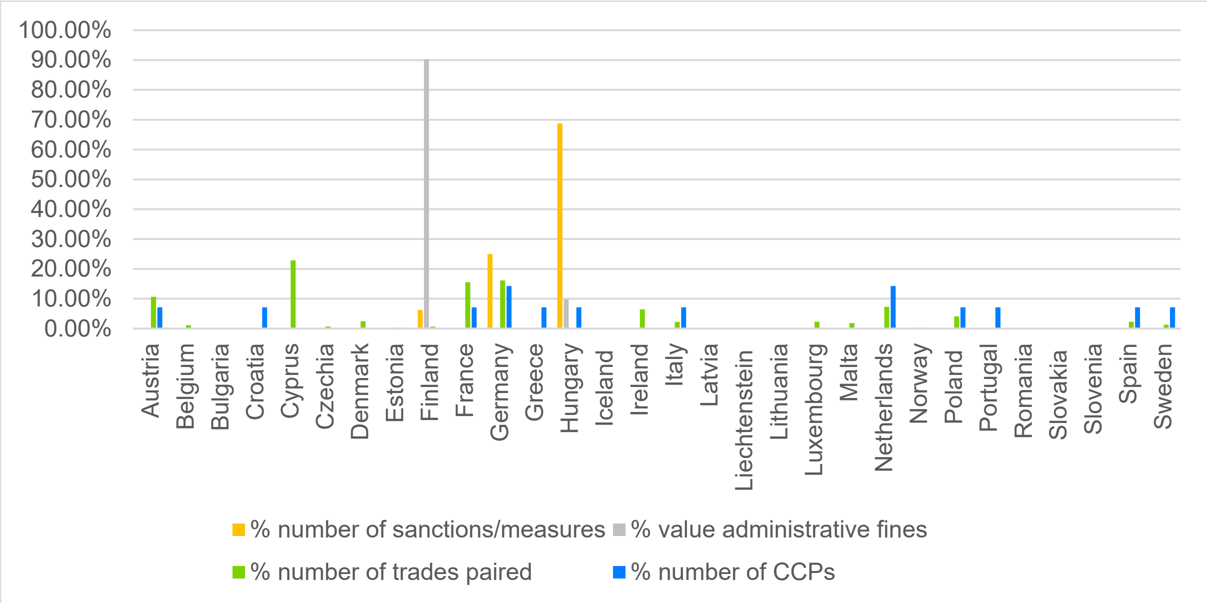

FIGURE 33. COMPARISON BETWEEN THE NUMBER OF TRADES PAIRED (IN % OF ALL EEA REPORTED), NUMBER OF CCPS (IN % OF ALL EEA REGISTERED), THE NUMBER OF SANCTIONS/MEASURES (IN % OF ALL ISSUED IN THE EEA) AND THE VALUE OF THE ADMINISTRATIVE FINES (IN % OF ALL ISSUED IN THE EEA)

Source: ESMA staff calculations based on reporting by NCAs and ESMA registers.

85. Finally, in 2024 while acting as the supervisor of trade repositories registered under the EMIR, ESMA did not impose any sanctions on these entities.

4.5 MAR

86. In 2024, 377 administrative sanctions and measures were issued under the MAR in 24 Member States. Italy imposed the highest number of administrative sanctions and measures (80) followed by Sweden (48).

87. Of the 377 administrative sanctions and measures, 29 (8 %) were issued via settlement procedures.

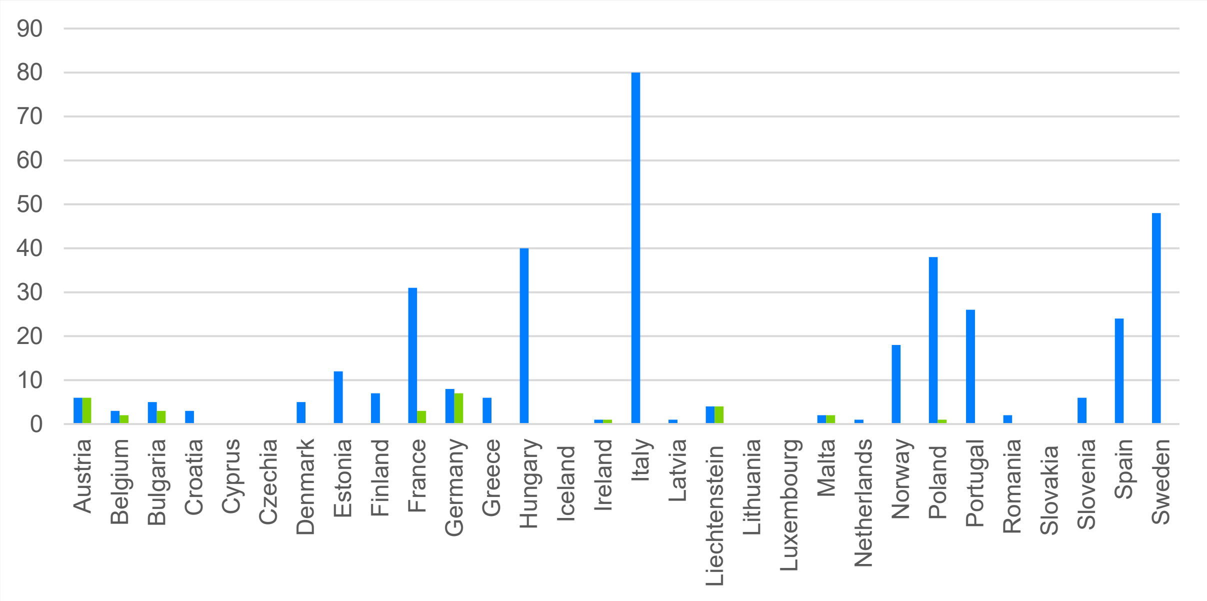

Figure 34. Total number of administrative sanctions and measures imposed in Member States compared to those imposed via settlement procedures under the MAR in 2024

Source: ESMA staff calculations based on reporting by NCAs.

88. The total value of the administrative fines imposed in 2024 amounted to EUR 45 507 168 Of these, an aggregate value of EUR 3 316 419 (7 %) was imposed via settlement procedures.

89. The highest administrative aggregate fines under the MAR were imposed in France (EUR 20 655 000), followed by Poland (EUR 4 032 761) and Norway (EUR 3 824 297).

90. In this respect, it is remarkable that the percentage of the number of sanctions and measures issued via settlement (8 %) and the percentage of the value of administrative fines issued via settlement procedures (7 %) are aligned, despite the highest administrative fine issued in France not being imposed via settlement.

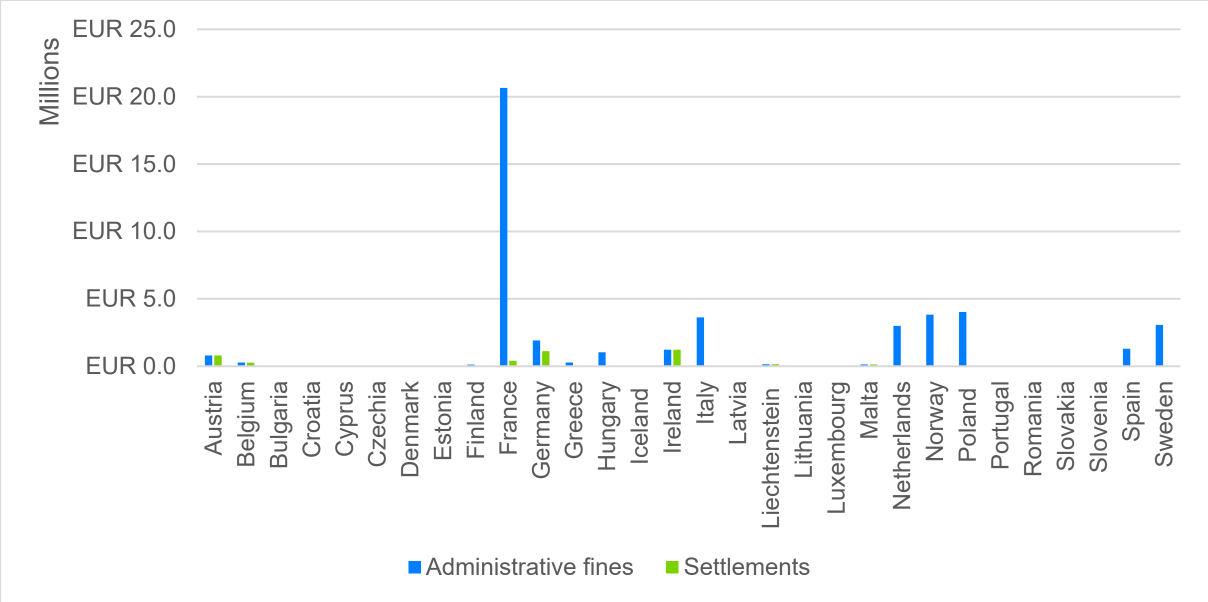

FIGURE 35. TOTAL AGGREGATE AMOUNT OF ADMINISTRATIVE FINES IMPOSED IN MEMBER STATES COMPARED TO THOSE IMPOSED VIA SETTLEMENT PROCEDURES UNDER THE MAR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

91. The total value of the administrative fines imposed in 2024 is slightly lower than the administrative fines issued in 2023 (EUR 45 946 420) and the administrative fines issued in 2021 (EUR 54 273 687) and significantly lower than the peak value of administrative fines issued in 2019 (EUR 82 824 945).

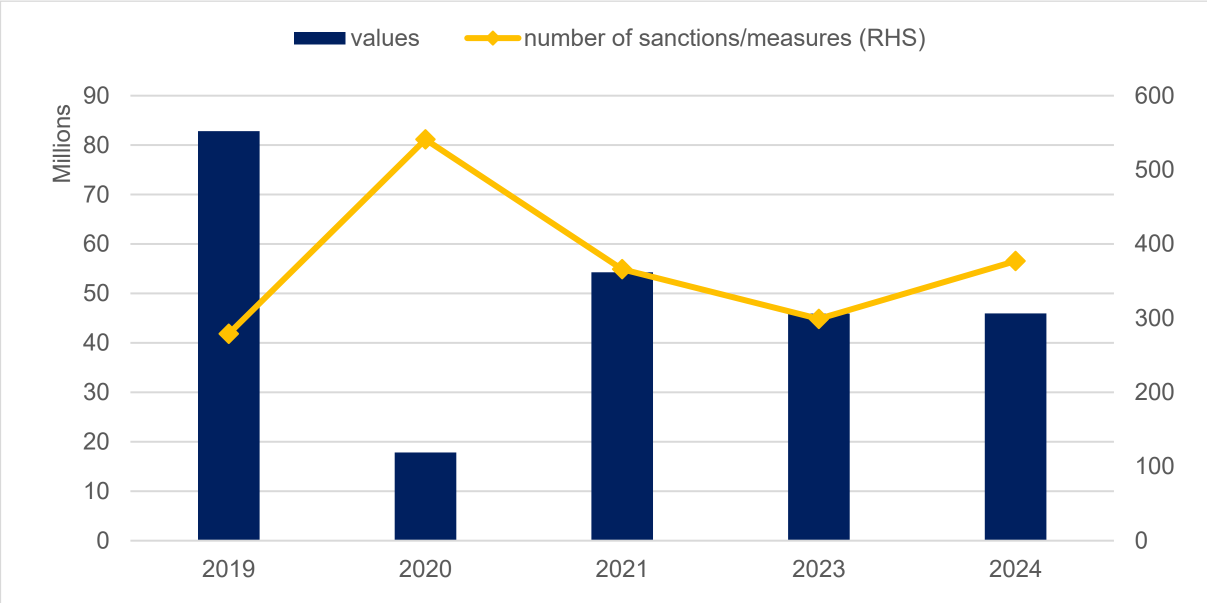

Figure 36. Evolution of the number of administrative sanctions/measures and value of the administrative fines imposed in Member States under the MAR between 2019 and 2024[54]

Source: ESMA staff calculations based on reporting by NCAs.

92. Regarding the total number of persons concerned by administrative sanctions and measures under the MAR in 2024, they were imposed on 137 natural persons (56 %) and 107 legal persons (44 %).

[54] No data are available for the MAR for 2022.

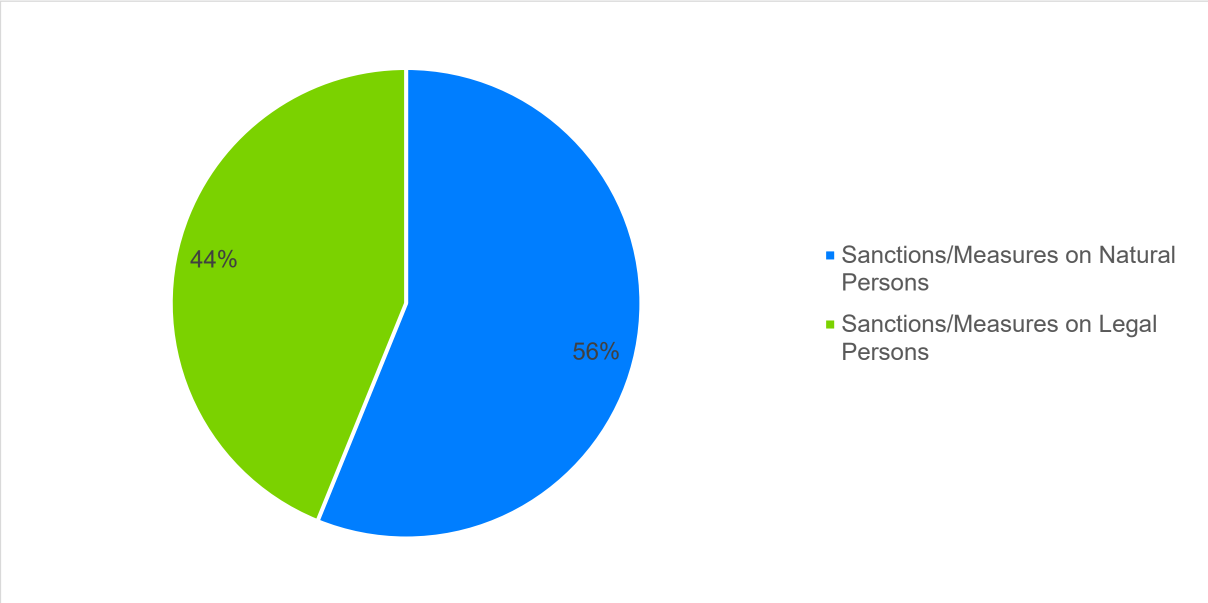

Figure 37. Number of administrative sanctions and measures imposed under the MAR on natural and legal persons in 2024

Source: ESMA staff calculations based on reporting by NCAs.

93. The administrative sanctions and measures were mainly imposed for infringements of Article 14 of the MAR, regarding insider dealing and unlawful disclosure of inside information, Article 15, regarding market manipulation, Article 17(1), on the public disclosure of inside information, and Article 19(1), regarding managers' transactions.

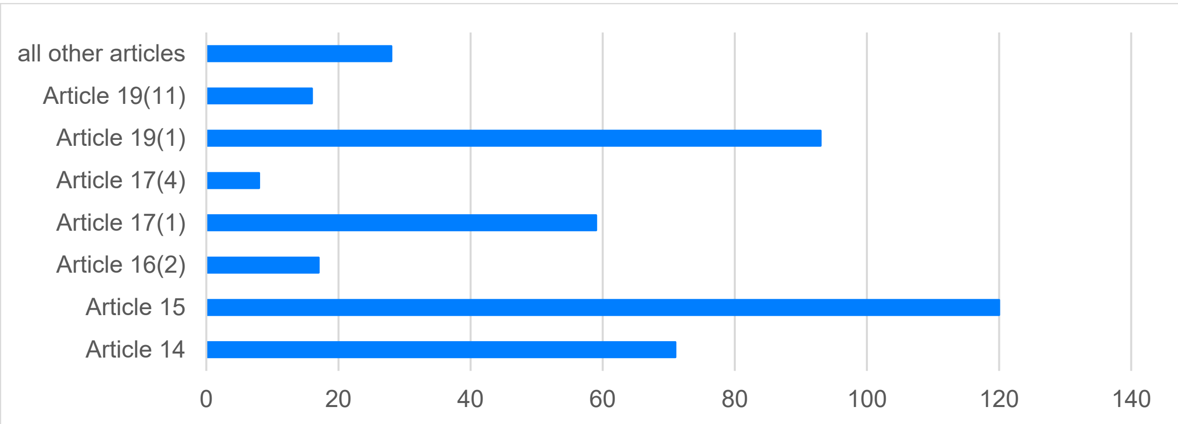

Figure 38. Representation of articles where the largest number of administrative sanctions and measures were imposed under the MAR in 2024

Source: ESMA staff calculations based on reporting by NCAs.

94. In 2024, in six Member States (Cyprus, Czechia, Iceland, Lithuania, Luxembourg and Slovakia), no administrative sanctions or measures were imposed under the MAR[55]. When considering the entire period since the entry into application of the MAR[56], there is only one Member State (Slovakia) in which no administrative sanctions or measures under the MAR were imposed as of 31 December 2024. In this respect, looking at the relative market size in terms of market capitalisation, Slovakia has one of the smallest markets[57]. The same is true for Cyprus, Czechia, Iceland, and Lithuania, with even the biggest market among them (Luxembourg) amounting to only about 1.2 % of the overall EEA market cap.

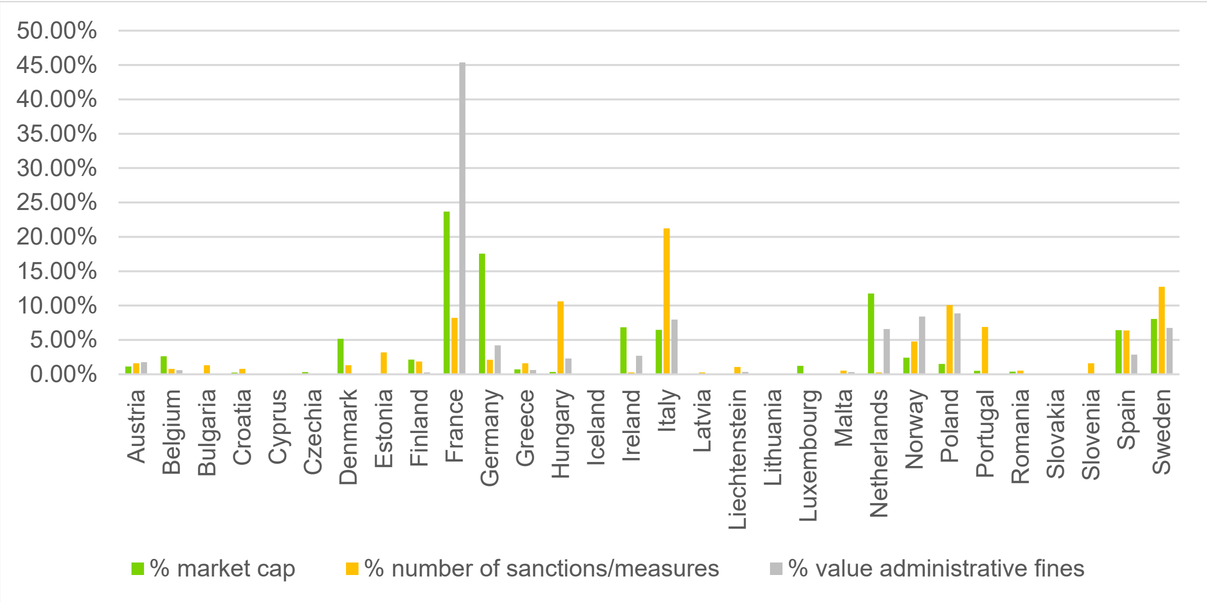

Figure 39. Comparison between the total number of administrative sanctions/measures (in % of all issued in the EEA) and the value of administrative fines (in % of all issued in the EEA) imposed under the MAR and the market cap (in % of EEA) in 2024

Source: ESMA staff calculations based on reporting by NCAs and ESMA registers.

95. In 2024, NCAs imposed a variety of sanctions and measures under the MAR. Of the 377

[55] The scope of this report does not include data on sanctions issued and measures imposed by NCAs under the Market Abuse Directive.
[56] No data are available for the MAR for 2022.
[57] The analysis of the size of the relevant market is based on statistical data on securities and markets reported to ESMA and extracted for the purposes of the report by ESMA staff.

administrative sanctions and measures, the majority (259) were administrative fines. The remaining administrative sanctions and measures were distributed between ‘other’ enforcement sanctions/measures (41), public statements (6), cease and desist orders (12), temporary bans (24), permanent bans (20), disgorgements of profits or losses avoided (11), and gain-based pecuniary sanctions (4).

96. The widest variety of types of sanctions and measures was imposed in Italy, showing the use of the arsenal of different sanctions and measures regulators possess. For example, Italy is the only NCA that adopted temporary bans and disgorgements of profits or losses avoided. In this regard, of the 80 sanctions and measures imposed in Italy in 2024, 24 were temporary bans, 11 involved the disgorgement of profits or avoided losses, 4 were cease and desist orders, and the remaining were administrative fines. It is also notable that Sweden, the Member State that imposed the second highest number of sanctions and measures, issued solely administrative fines during the reporting period. In contrast, Slovenia only imposed cease-and-desist orders, which is a sanction rarely used by the other NCAs. Only Hungary mentioned the adoption of permanent bans, which it used quite often in 2024.

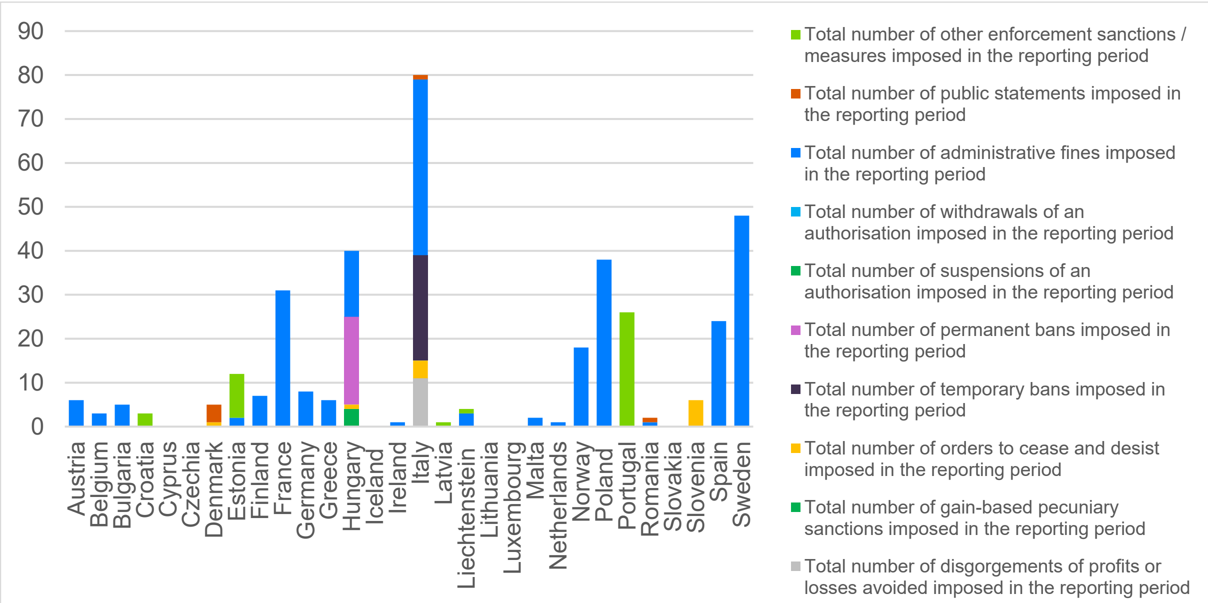

FIGURE 40. TYPES OF ADMINISTRATIVE SANCTIONS AND MEASURES IMPOSED IN MEMBER STATES UNDER THE MAR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

97. In 2024, a total of 66 criminal sanctions[58] under the MAR were imposed by six Member States (Denmark, Germany, the Netherlands, Poland, Finland and Sweden)[59].

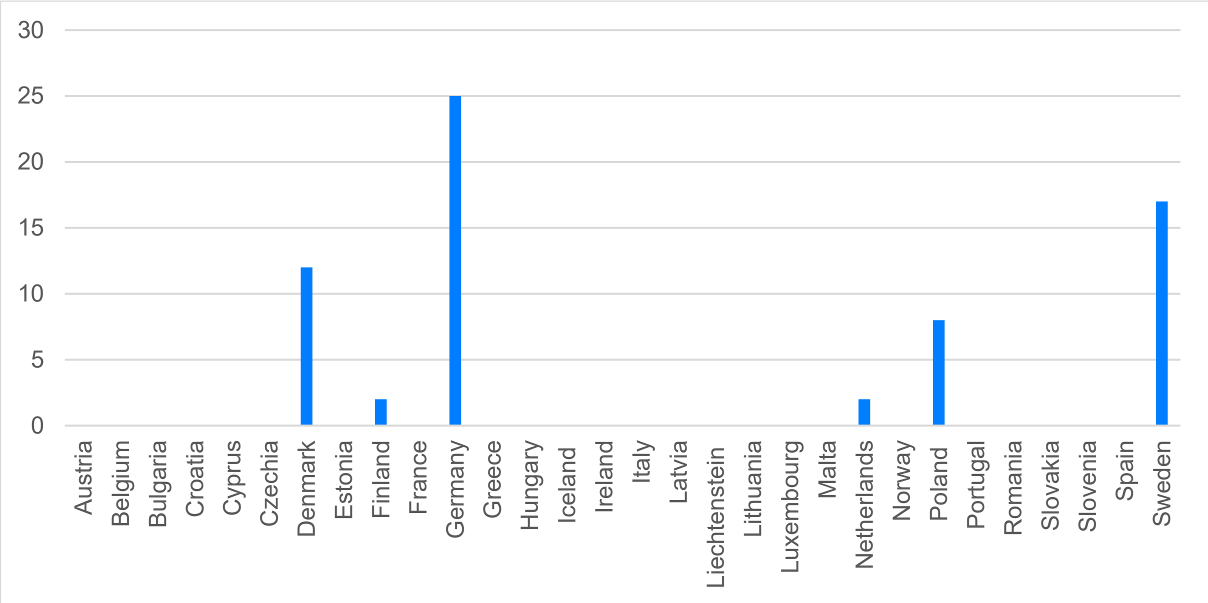

FIGURE 41. TOTAL NUMBER OF CRIMINAL[60] SANCTIONS IMPOSED IN MEMBER STATES UNDER THE MAR IN 2024[61]

Source: ESMA staff calculations based on reporting by NCAs.

98. During this period, the total value of criminal fines imposed for infringements of the MAR amounted to EUR 72 246 679. During this period, Germany imposed the highest aggregate amount of criminal fines, EUR 71 369 238, which were imposed for infringements of Article 14 of the MAR, regarding insider dealing and unlawful disclosure of inside information, and Article 15, regarding market manipulation.

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[58] As regards the administrative or criminal nature of the sanctions, Article 30(1), second subparagraph of the MAR provides that a Member State could decide to not lay down rules for administrative sanctions where the infringements referred to in the same provision were already subject to criminal sanctions in their national law by 3 July 2016.

[59] The following 20 NCAs have indicated to ESMA that their Member State has opted, under Article 30(1) of the MAR, to provide for criminal sanctions under the MAR: CBI (IE), Financial Supervisory Authority of Norway (NO), Dutch Authority for the Financial Markets (NL), Cyprus Securities and Exchange Commission (CY), Hungarian National bank (HU), Autorité des marchés financiers (FR), Polish Financial Supervision Authority (PL), Austrian Financial Market Authority (AT), Finnish Financial Supervisory Authority (FI), Commissione Nazionale per le Società e la Borsa (IT), Czech National Bank (CZ), Estonian Financial Supervision and Resolution Authority (EE), Federal Financial Supervisory Authority (DE), Financial Market Authority (LI), Romanian Financial Supervisory Authority (RO), Financial Services and Markets Authority (BE), Portuguese Securities Market Commission (PT), Financial Supervision Commission (BG), National Securities Market Commission (ES), Bank of Latvia (LV).

[60] For the reasons set out in paragraph 8 of this report, the data on criminal sanctions might not be comprehensive.

[61] The total number of criminal sanctions imposed under the MAR in 2024 includes both criminal fines and other types of criminal sanctions issued in the reporting period.

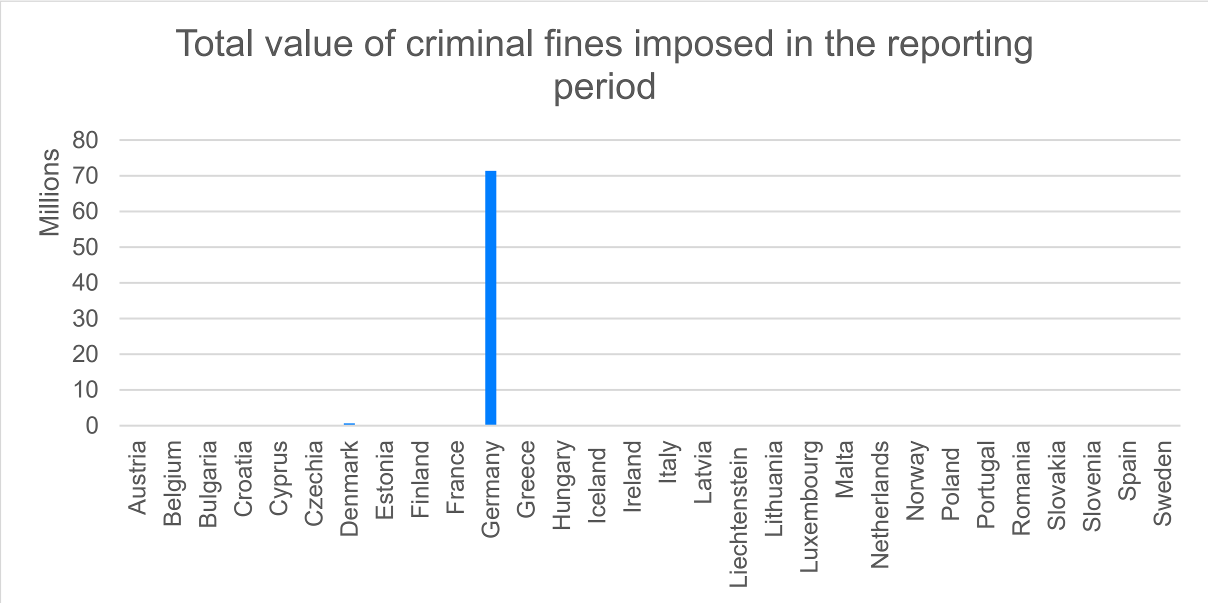

Figure 42. Total aggregate amount of criminal[62] fines imposed in Member States under the MAR in 2024

Source: ESMA staff calculations based on reporting by NCAs.

[62] For the reasons set out in paragraph 8 of this report, the data on criminal sanctions might not be comprehensive.

4.6 MiFID II and MiFIR

99. In 2024, 294 administrative sanctions and measures were issued in 20 Member States under MiFID II and MiFIR. Greece imposed the highest number of administrative sanctions and measures (84), followed by Hungary (49) and Romania (30).

100. Of the 294 administrative sanctions and measures, 31 were issued via settlement procedures (10 %).

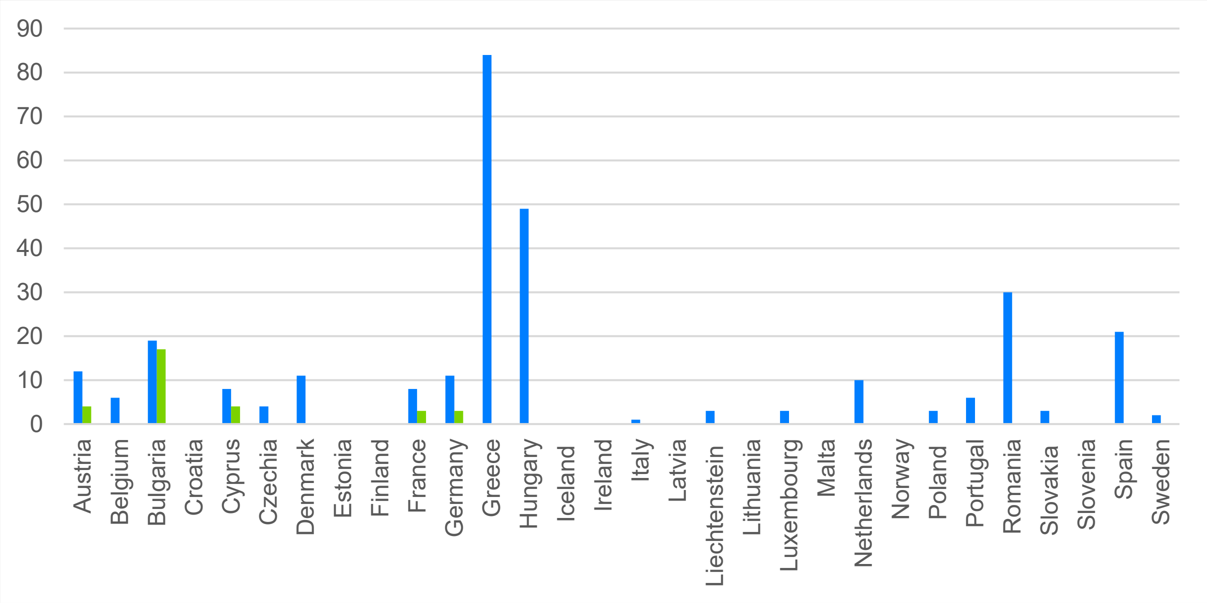

Figure 43. Total number of administrative sanctions and measures imposed in Member States compared to those imposed via settlement procedures under MiFID II and MiFIR in 2024

Source: ESMA staff calculations based on reporting by NCAs.

101. The total value of administrative fines imposed had an aggregated value of EUR 44 498 264 (with the highest aggregated value of administrative fines imposed in Germany, Spain and Sweden, respectively).

102. Of these, an aggregated value of EUR 15 426 719 was imposed via settlement procedures (35 %).

103. Strikingly, the percentage of the value of administrative fines imposed via settlement is more than three times that of administrative sanctions and measures issued via settlement procedures. This may be due to the highest administrative fine of 2024 being issued via a

settlement procedure.

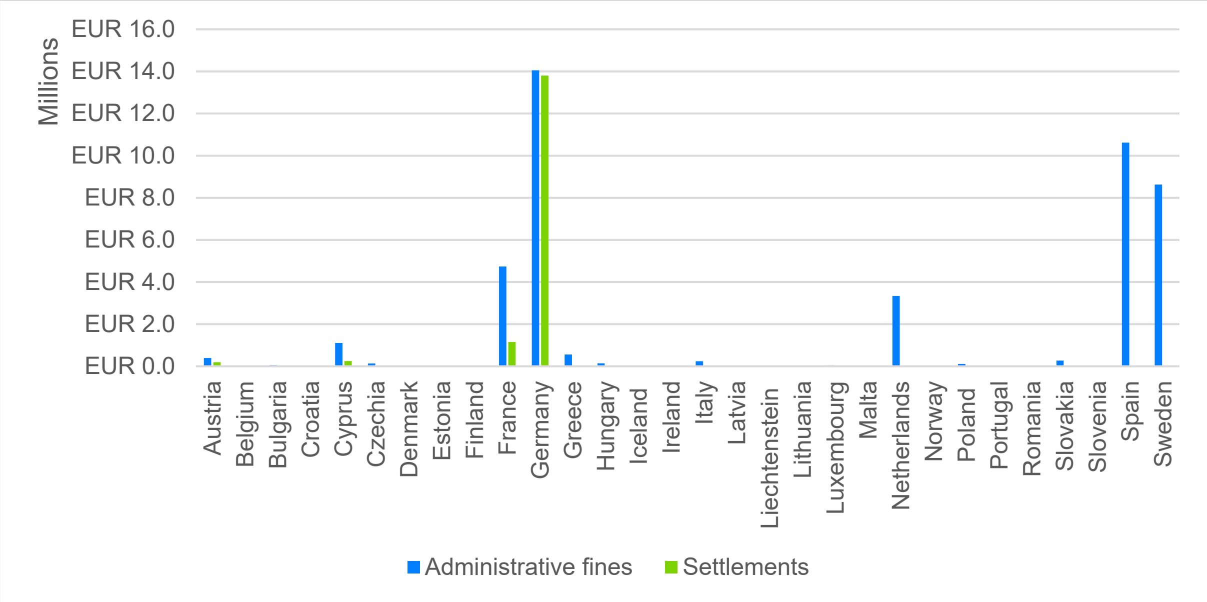

Figure 44. Total aggregate amount of administrative fines imposed in Member States compared to those imposed via settlement procedures under MiFID II and MiFIR in 2024

Source: ESMA staff calculations based on reporting by NCAs.

104. In 2024, the highest administrative fine, amounting to EUR 12 975 000, was issued in Germany via settlement for breaches of Article 17(1) of MiFID II, regarding controls in relation to algorithmic trading.

105. Since 2018, a total of 2 379 administrative sanctions and measures, amounting to a total value of EUR 107 486 497, have been issued under MiFID II and MiFIR.

106. In 2024, the number of sanctions and measures remained stable compared to previous years, while the value of administrative fines significantly increased. This is partly due to aggregate amounts of administrative fines above EUR 1 million in Germany, Spain, Sweden, France, the Netherlands and Cyprus.

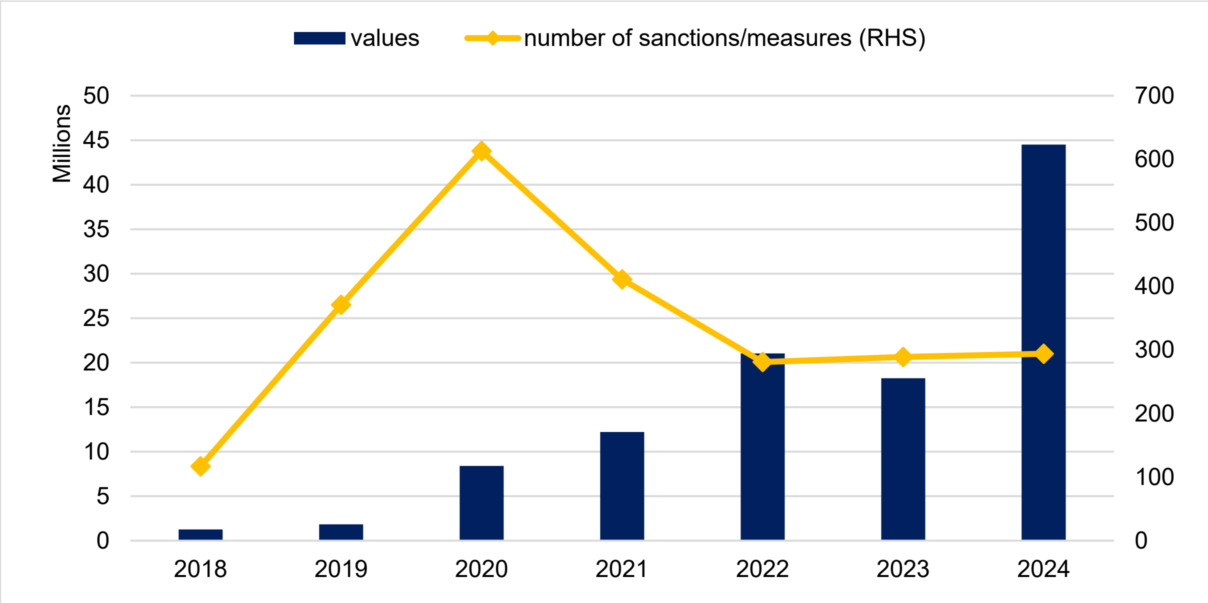

Figure 45. Evolution of the number of administrative sanctions/measures and value of the administrative fines issued under MiFID II and MiFIR between 2018 and 2024

Source: ESMA staff calculations based on reporting by NCAs.

107. In addition, based on the data reported, most administrative sanctions and measures were imposed under Articles 16 and 24 of MiFID II, regarding organisational requirements, and general principles and information to clients, respectively.

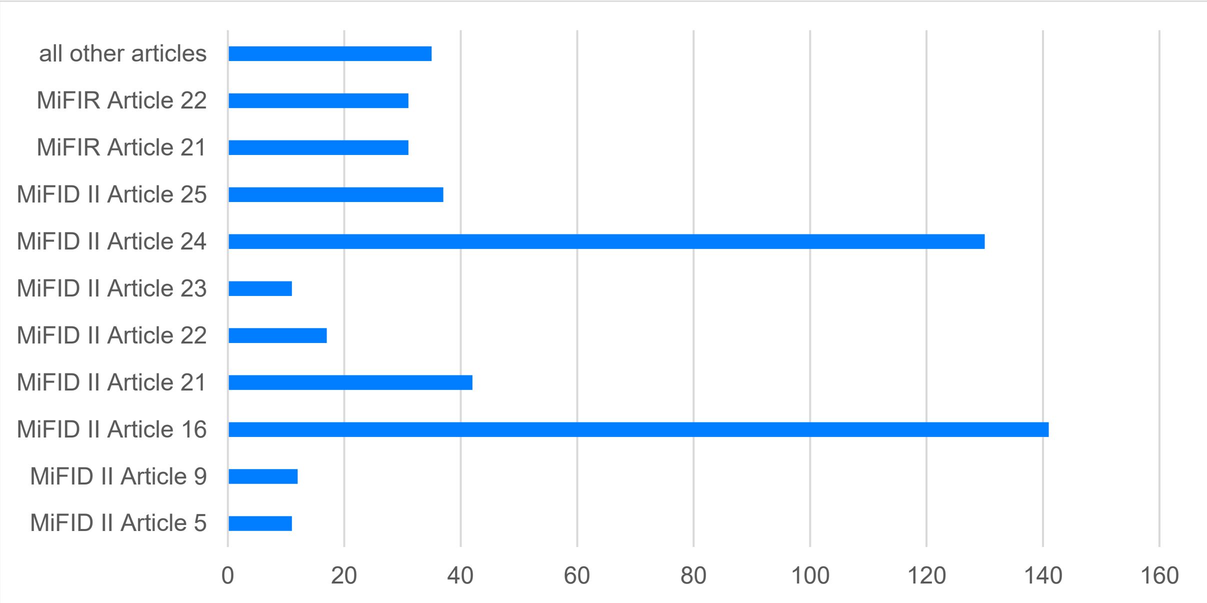

FIGURE 46. REPRESENTATION OF THE MIFID II AND MIFIR ARTICLES UNDER WHICH THE LARGEST NUMBER OF ADMINISTRATIVE SANCTIONS AND MEASURES WERE IMPOSED IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

108. In 2024, NCAs imposed a variety of sanctions and measures: of the 294 administrative sanctions and measures issued under MiFID II and MiFIR, 189 were administrative fines (representing 64 %, by far the most used type of sanction/measure), while one disgorgement of profits or losses avoided was imposed, 36 orders to cease and desist were issued, two temporary bans were imposed and five authorisations withdrawn, one public statement was made and 60 administrative measures were 'other' enforcement sanctions and measures.

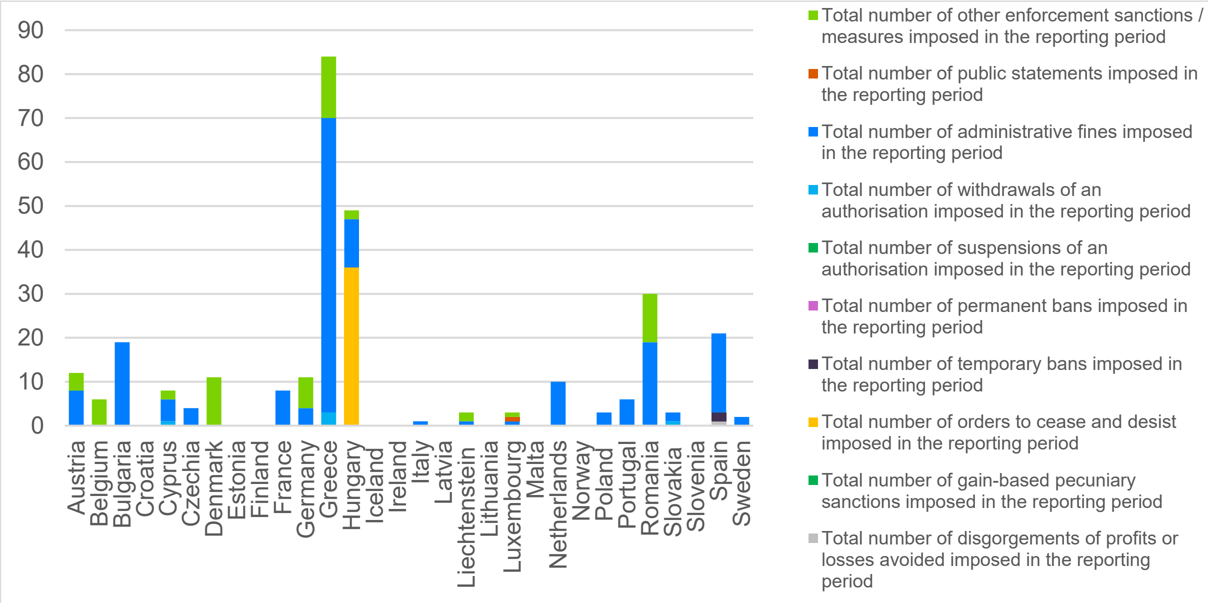

FIGURE 47. TYPES OF ADMINISTRATIVE SANCTIONS AND MEASURES IMPOSED IN MEMBER STATES UNDER MIFID II AND MIFIR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

109. There is a variety of different types of sanctions and measures imposed across Member States. In most Member States, administrative fines play a role in the enforcement procedures. The highest number of administrative fines (67) was imposed in Greece, while all the cease and desist orders issued in 2024 (36) were imposed in Hungary. More rarely used were withdrawals of authorisation (one in Cyprus, three in Greece and one in Slovakia) and public statements (three in Poland and one Luxembourg), and finally, in Spain, two temporary bans were imposed.

110. Germany has the highest percentage of investment firms in the EEA and, given that it imposed the highest individual administrative fine, also the highest percentage of total value of administrative fines (though Greece has the highest percentage of number of sanctions and measures).

111. Since 2018, no administrative sanctions or measures under MiFID II and MiFIR were issued in Ireland[63]. In this respect, looking at market size, Ireland has a mid-sized market

[63] According to the information provided by the CBI, it has undertaken noteworthy sanctioning activity under MiFID I, including in respect of obligations which continue under MiFID II, which is outside the scope of this report. This sanctioning activity includes some 40 sanctions, including pecuniary sanctions in excess of EUR 9 000 000.

in terms of number of investment firms located in the Member State.

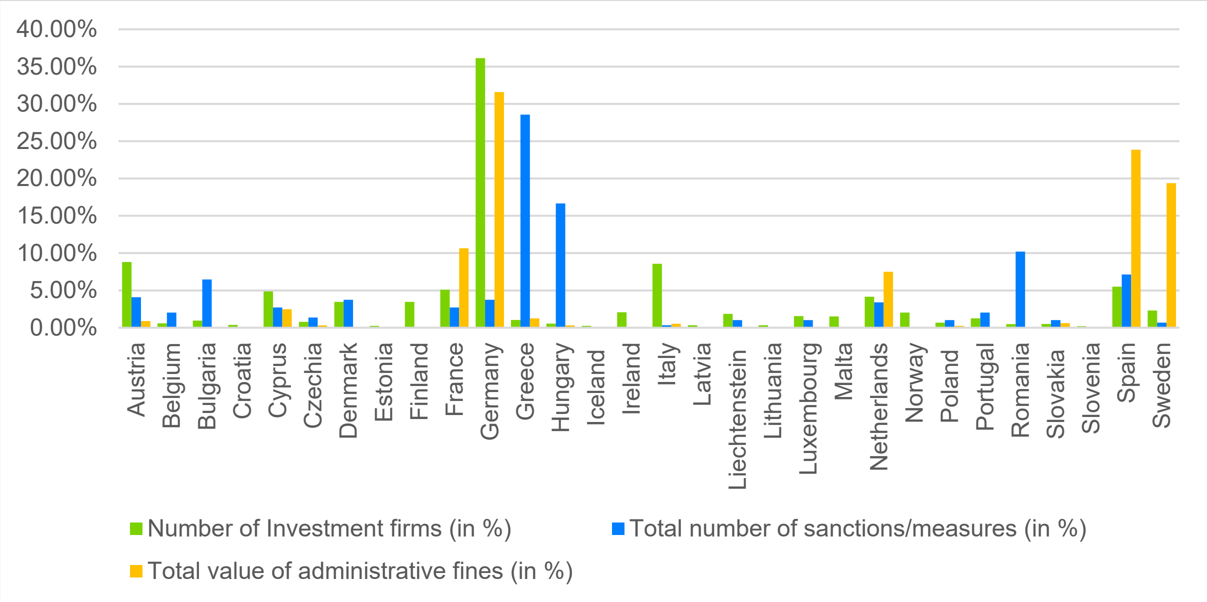

Figure 48. Comparison between the total number of administrative sanctions/measures (in % of all issued in the EEA) and the value of administrative fines (in % of all issued in the EEA) imposed under MiFID II and MiFIR compared to the number of investment firms (in % of EEA) in 2024

Source: ESMA staff calculations based on reporting by NCAs and ESMA registers.

112. ESMA notes that this report focuses on sanctions and measures issued under the MiFID II framework; accordingly, sanctions and measures imposed by NCAs under MiFID I are not covered. NCAs may also impose sanctions and measures according to their national framework that are excluded from the sanctions and measures notified to ESMA, due to national provisions going beyond the implementation of the MiFID II framework in their jurisdictions.

113. ESMA also includes in the report data on criminal sanctions[64] imposed under MiFID II. Regarding criminal sanctions, 35 criminal sanctions were issued. In this regard, only three Member States – Italy, Poland and the Netherlands – were active in 2024. This is broadly similar to 2023, when only criminal sanctions issued in Italy and Poland were reported.

[64] As regards the administrative or criminal nature of the sanctions, Article 70(1), second subparagraph of MiFID II provides that a Member State could decide to not lay down rules for administrative sanctions where the infringements referred to in the same provision were already subject to criminal sanctions in their national law by 3 July 2017.

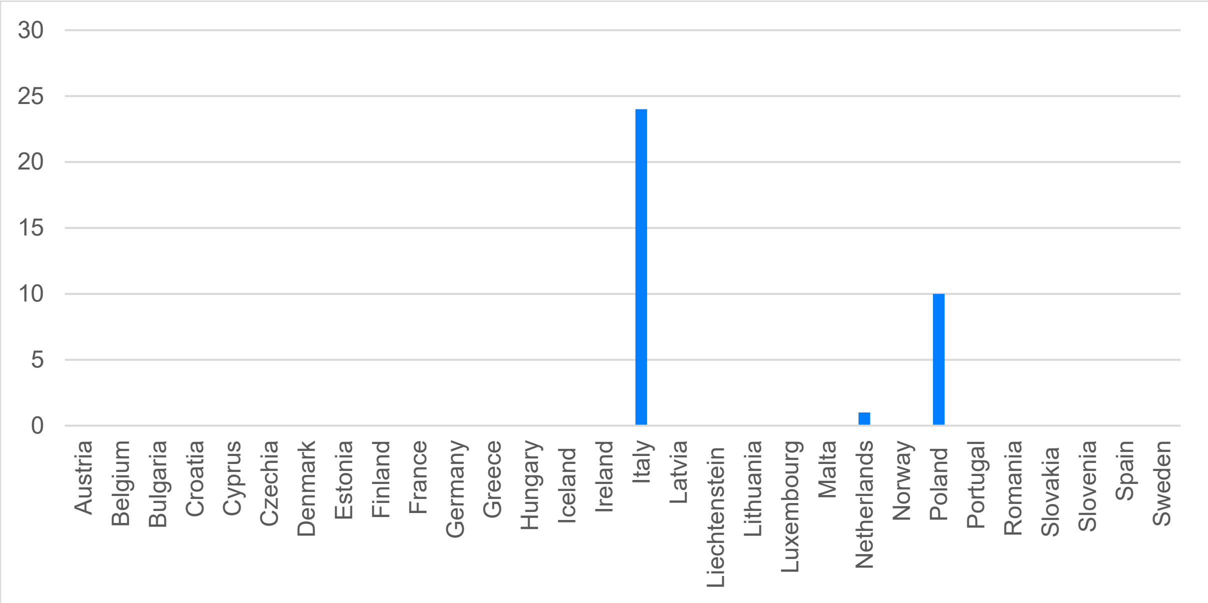

FIGURE 49. TOTAL NUMBER OF CRIMINAL[65] FINES IMPOSED UNDER MIFID II AND MIFIR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

114. Additionally, in 2024, the total value of criminal fines imposed was EUR 195 392.60.

[65] For the reasons set out in paragraph 8 of this report, the data on criminal sanctions might not be comprehensive.

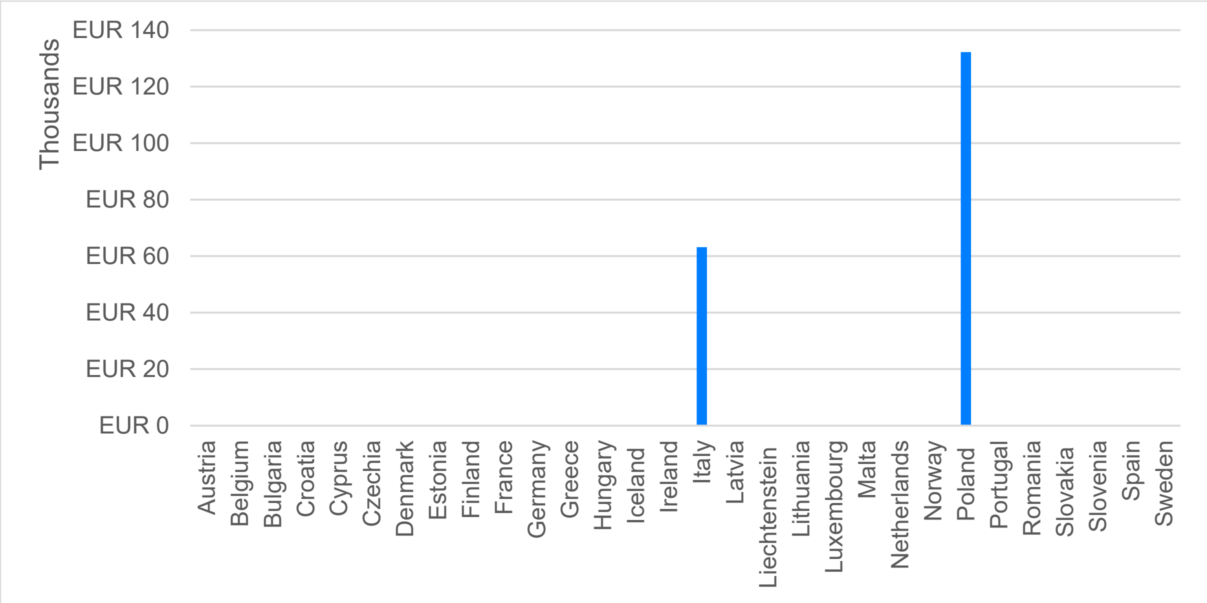

FIGURE 50. TOTAL VALUE OF CRIMINAL[66] FINES IMPOSED IN MEMBER STATES UNDER MIFID II AND MIFIR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

115. Finally, concerning data reporting service providers, under Title IVa of MiFIR, ESMA has the power to take appropriate enforcement action where a breach is established. These actions can include, among others, the imposition of fines. In 2024, ESMA did not issue any sanctions regarding data reporting service providers.

[66] For the reasons set out in paragraph 8 of this report, the data on criminal sanctions might not be comprehensive.

4.7 PR

116. In 2024[67], 12 administrative sanctions and measures were imposed under the PR across five Member States (Belgium, Czechia, Germany, Malta and Portugal). Out of these 12 administrative sanctions and measures imposed in 2024, three were issued via settlement procedures (this represents 25 % of the total number of administrative sanctions and measures imposed under the PR in 2024 and 3 % of the total number of all settlements issued in 2024).

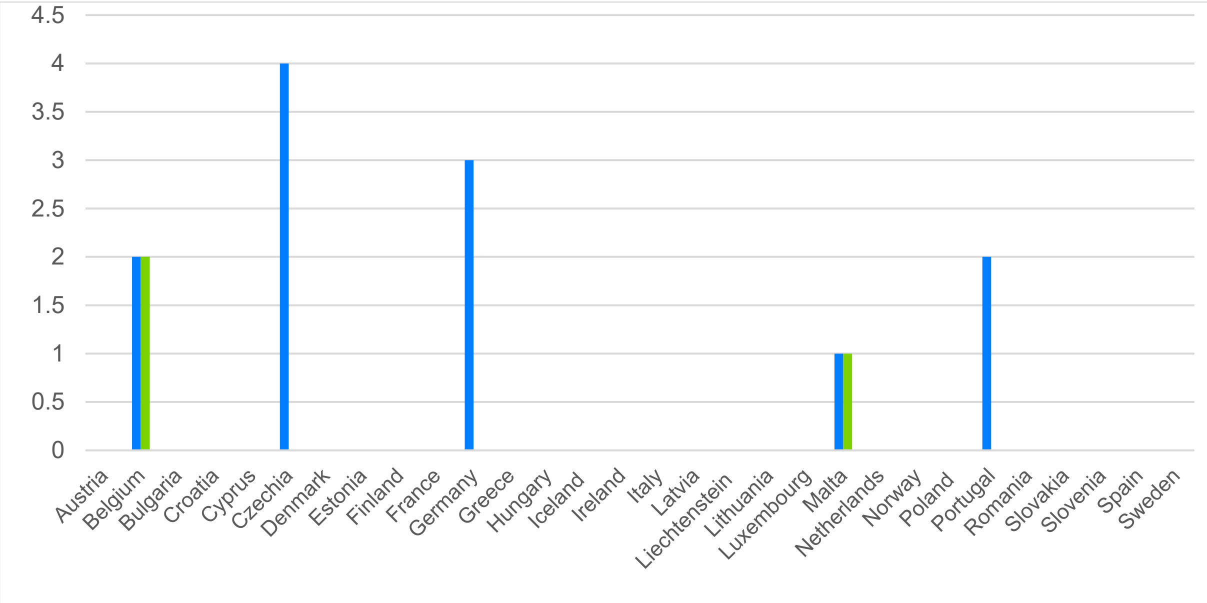

Figure 51. Total number of administrative sanctions and measures imposed in Member States compared to those imposed via settlement procedures under the PR in 2024

Source: ESMA staff calculations based on reporting by NCAs.

117. The administrative fines in 2024 under the PR amounted to EUR 1 196 281. The

[67] Until 2023, information on sanctions issued in Member States pursuant to Article 43(1) of the PR was included in the following ESMA reports: *Report on EEA Prospectus Activity and Sanctions in 2020* (esma32-382-1153_prospectus_activity_and_sanctions_report_2020.pdf (europa.eu)https://www.esma.europa.eu/sites/default/files/library/esma32-382-1153_prospectus_activity_and_sanctions_report_2020.pdf); *ESMA Statistical Report on EU Prospectuses 2022* (https://www.esma.europa.eu/sites/default/files/library/esma50-165-2336_esma_statistical_report_-_eu_prospectuses.pdf) outlining the administrative sanctions and other measures issued in 2021; *ESMA Market Report on EU Prospectuses 2023* (ESMA50-524821-3029_ESMA_Market_Report_-_EU_prospectuses_2023.pdf (europa.eu)https://www.esma.europa.eu/sites/default/files/2023-12/ESMA50-524821-3029_ESMA_Market_Report_-_EU_prospectuses_2023.pdf) outlining the administrative sanctions and other measures issued in 2022.

highest administrative fine (issued via a settlement procedure) was imposed in Belgium regarding a breach of Article 3(1) of the PR, in relation to the obligation to publish a prospectus, and amounted to EUR 1 000 000 (this represents approximately 84 % of the total amount issued under the PR in 2024).

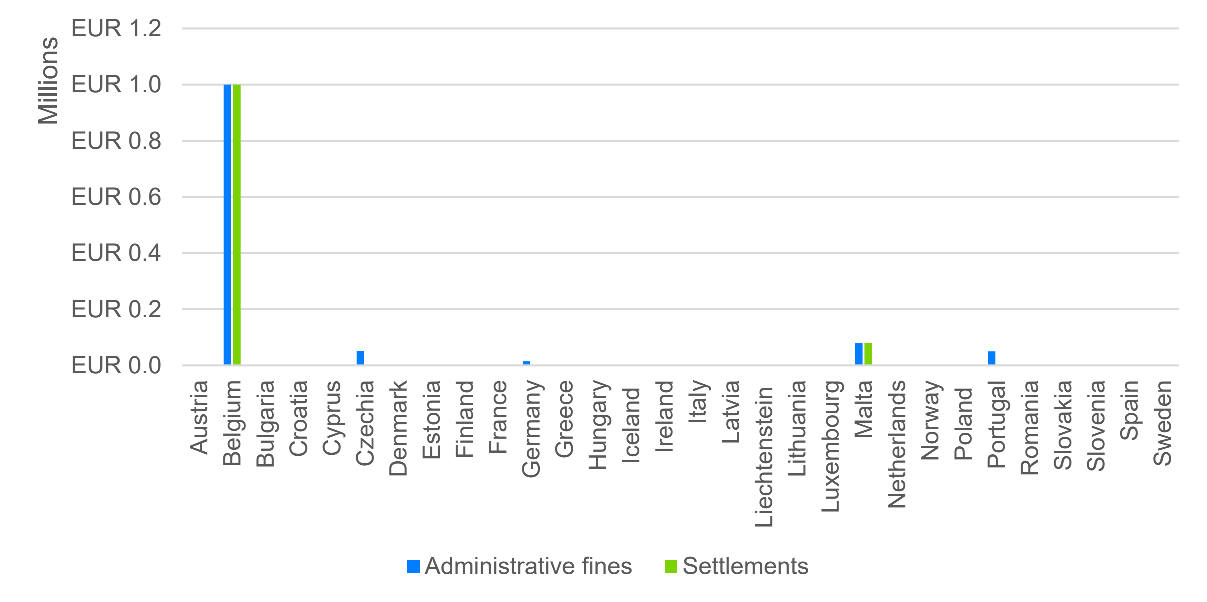

FIGURE 52. TOTAL AGGREGATE AMOUNT OF ADMINISTRATIVE FINES IMPOSED IN MEMBER STATES COMPARED TO THOSE IMPOSED VIA SETTLEMENT PROCEDURES UNDER THE PR IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

118. Compared to past years, there was a significant decrease in the number of sanctions and measures (31 administrative sanctions and measures imposed in 2023 and 40 administrative sanctions and measures imposed in 2022). Nevertheless, the value of the aggregate amount of administrative sanctions and measures significantly increased.

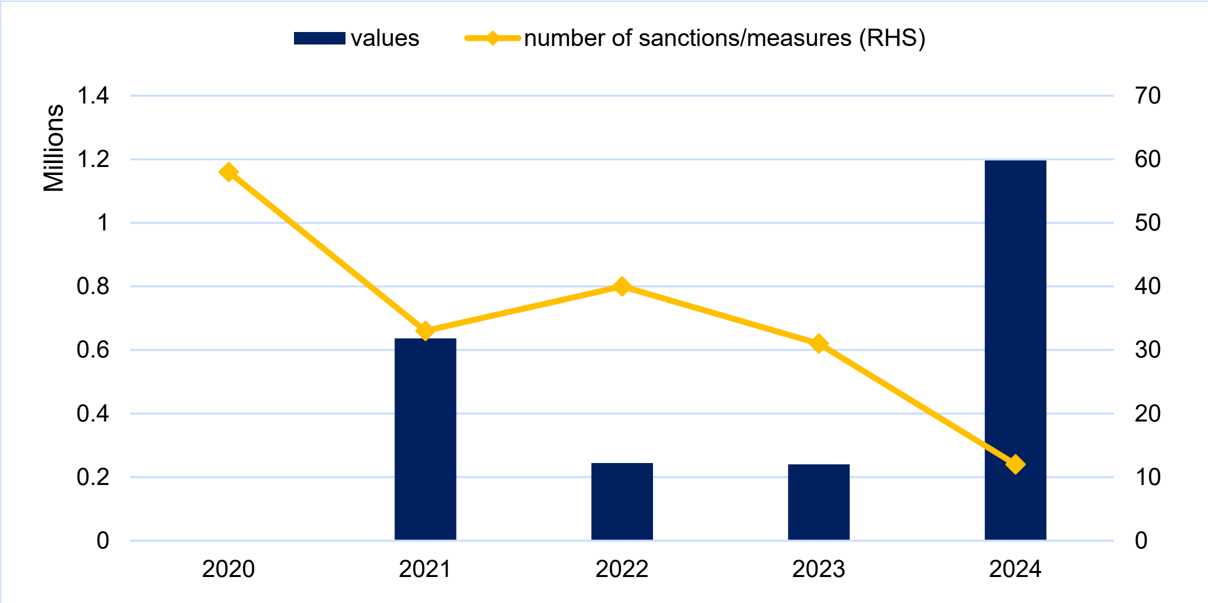

Figure 53. Evolution of the number of administrative sanctions/measures and value of the administrative fines issued under the PR between 2020 and 2024

Source: ESMA staff calculations based on reporting by NCAs.

119. With regard to the types of administrative sanctions and measures imposed in 2024, Member States issued one order to cease or desist (Germany), nine administrative fines, one public statement (Germany) and one 'other' enforcement sanction/measure. Therefore, the administrative fine is the sanction imposed most often in 2024 under the PR and Germany is the NCA that issued the greatest variety of sanctions.

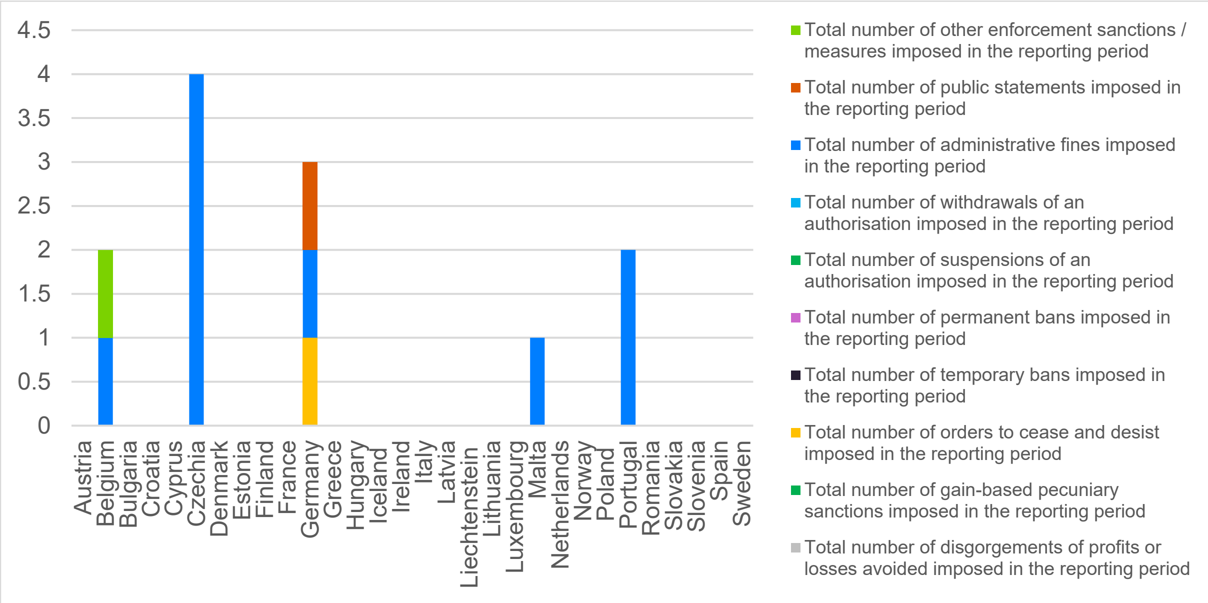

Figure 54. Types of administrative sanctions and measures imposed in Member States under the PR in 2024

Source: ESMA staff calculations based on reporting by NCAs.

120. Finally, while data are only available for 2023 and 2024, in both years, Article 3(1) of the PR, concerning prior publication of a prospectus, was the article of the PR whose violation was the most frequently sanctioned.

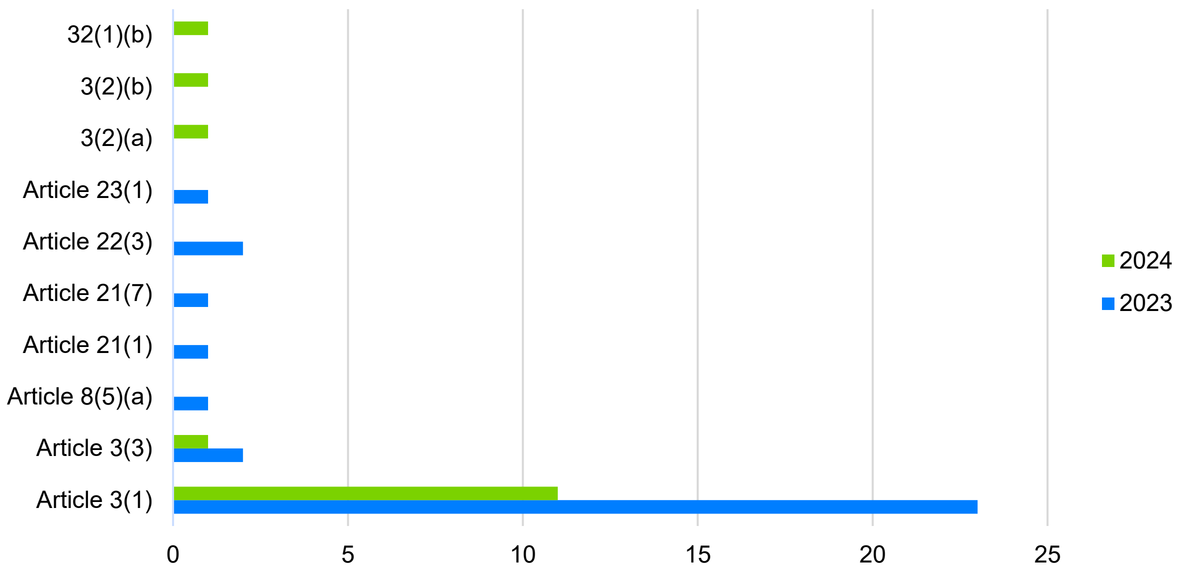

Figure 55. Representation of the PR articles under which the largest number of administrative sanctions and measures were imposed in 2023 and 2024

Source: ESMA staff calculations based on reporting by NCAs.

121. No criminal sanctions[68] were issued in Member States under the PR during 2024.

122. Since 2020, the Member States that have imposed sanctions and measures under the PR are Austria, Belgium, Czechia, Germany, Italy, Iceland, Malta, Norway, Portugal and Slovakia.

123. In 2024, the Member States approving the highest number of prospectuses were Luxemburg, Ireland and Sweden; no administrative sanctions and measures have been issued in these Member States since 2020. It is understood that the number of administrative sanctions and measures imposed under the PR may also depend on the maturity of the market and degree of expertise / type of market players.

[68] As regards the administrative or criminal nature of the sanctions, Article 38(1), second subparagraph of the PR provides that a Member State could decide to not lay down rules for administrative sanctions where the infringements referred to in the same provision were already subject to criminal sanctions in their national law by 21 July 2018.

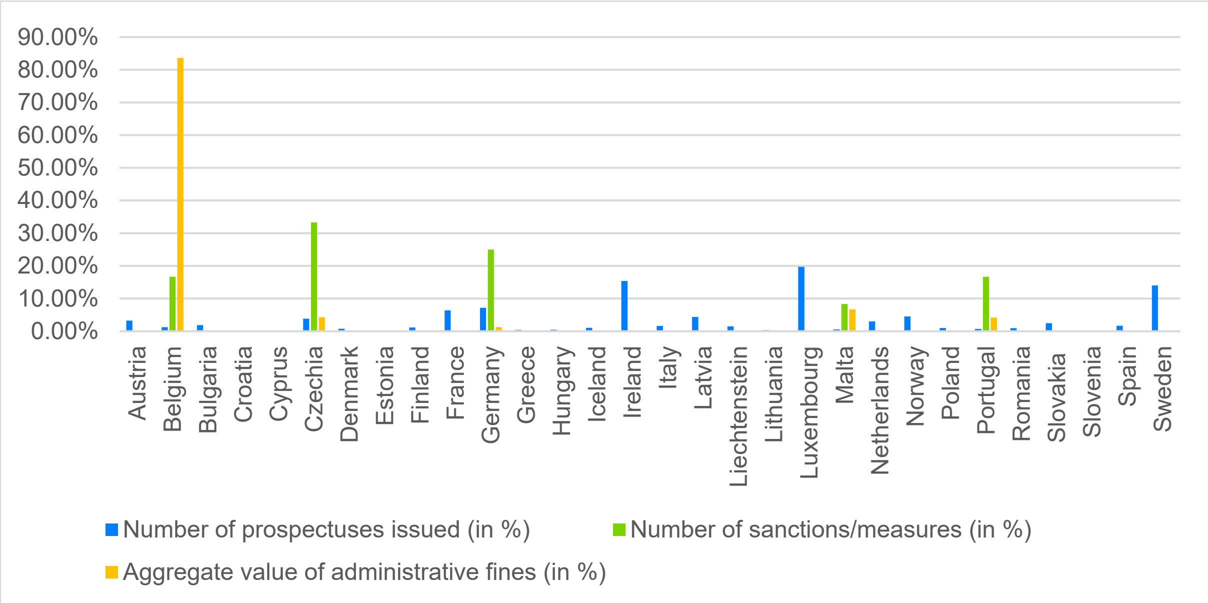

Figure 56. Comparison between the total number of administrative sanctions/measures (in % of all issued in the EEA) and the value of administrative fines (in % of all issued in the EEA) imposed under the PR compared to the number of prospectuses issued (in % of EEA) in 2024

Source: ESMA staff calculations based on reporting by NCAs.

4.8 UCITS Directive

124. In 2024, 47 administrative sanctions and measures were issued under the UCITS Directive in 13 Member States.

125. Of the 47 administrative sanctions and measures, only one (2 %) was issued via a settlement procedure, in Liechtenstein.

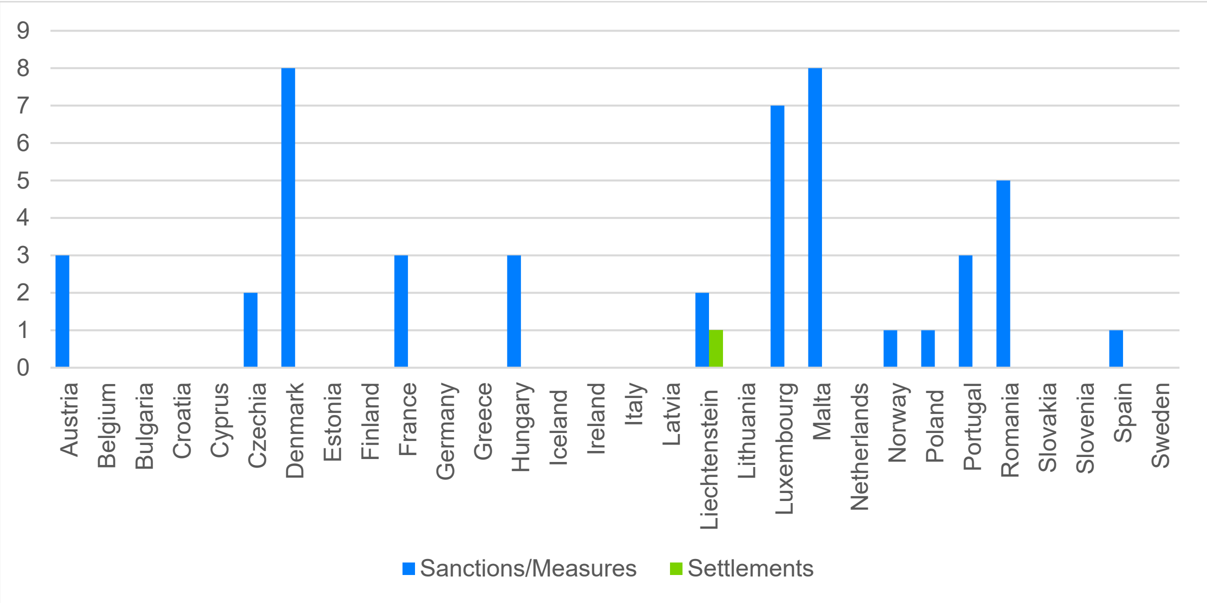

FIGURE 57. TOTAL NUMBER OF ADMINISTRATIVE SANCTIONS/MEASURES IMPOSED IN MEMBER STATES COMPARED TO THOSE IMPOSED VIA SETTLEMENT PROCEDURES UNDER THE UCITS DIRECTIVE IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

126. In nine Member States, 29 administrative fines were issued, totalling an aggregate of EUR 3 306 008. The highest aggregated administrative fines were issued in France (EUR 2 090 000). EUR 15 937 (0.5 % of the total amount) were issued via settlement procedures.

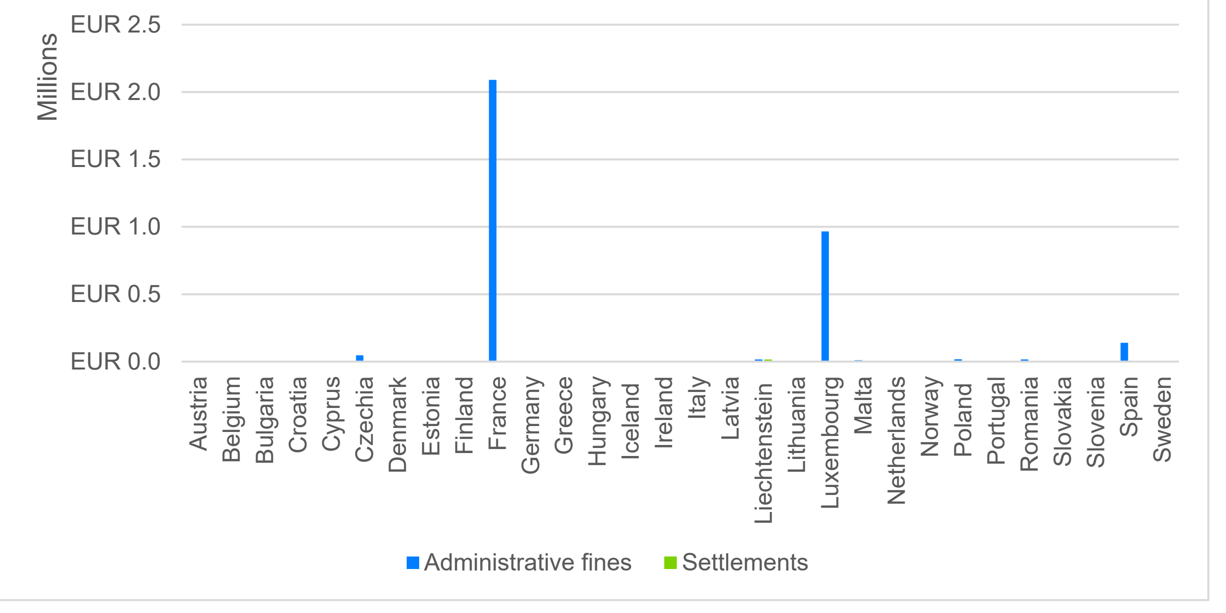

FIGURE 58. TOTAL AGGREGATE AMOUNT OF ADMINISTRATIVE FINES IMPOSED IN MEMBER STATES COMPARED TO THOSE IMPOSED VIA SETTLEMENT PROCEDURES UNDER THE UCITS DIRECTIVE IN 2024

Source: ESMA staff calculations based on reporting by NCAs.

127. Most sanctions and measures were issued in Denmark (8), Malta (8) and Luxembourg (7). Five of the active NCAs (including Malta) issued only administrative fines[69]. Other types of sanctions and measures were used much less and only by eight of the 13 active NCAs. Four of them (Denmark, Hungary, Norway and Portugal) did not impose administrative fines in 2024. In addition to administrative fines, 12 orders to cease and desist, 1 public statement and 5 'other' enforcement sanctions or measures were issued in 2024.

[69] Commission Implementing Regulation (EU) 2016/1212 refers to the term 'penalties'. In the context of the report, this is understood as referring to administrative fines.

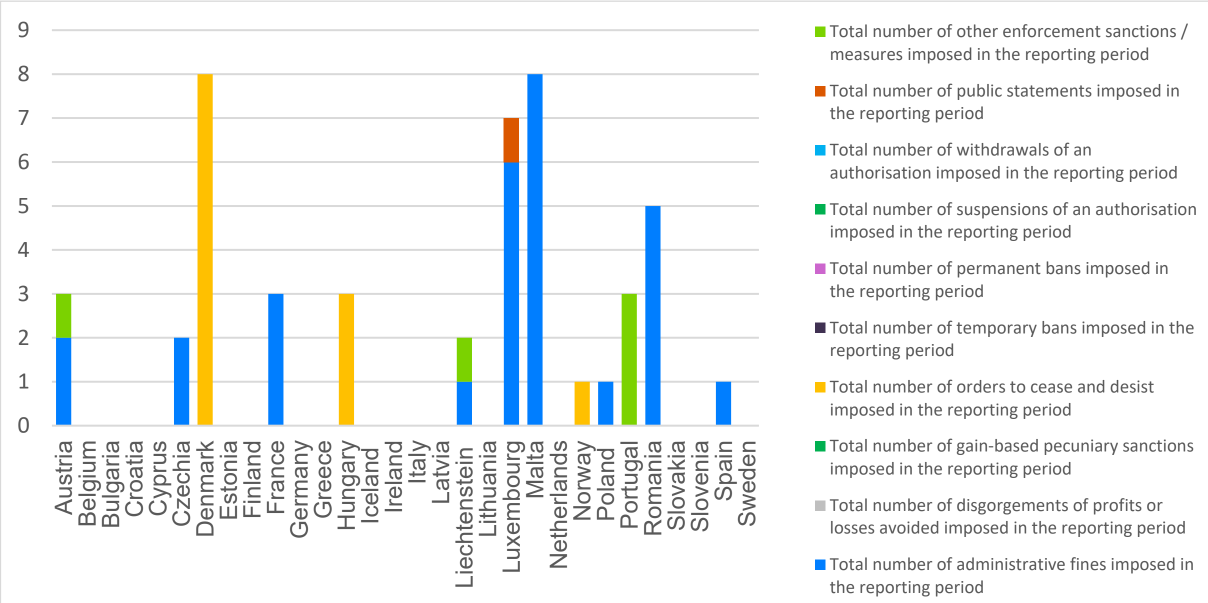

FIGURE 59. TYPES OF ADMINISTRATIVE SANCTIONS AND MEASURES IMPOSED IN MEMBER STATES UNDER THE UCITS DIRECTIVE IN 2024

128. Between 2016 and 2024, a total of 657 administrative sanctions and measures were imposed under the UCITS Directive, with a total amount of administrative fines of EUR 192 320 555.

129. These data show a slight decrease in the total amount and a sharper decrease in the number of sanctions and measures imposed under the UCITS Directive. When looking at the overview since 2016, data from 2024 appear to confirm a return to the usual trend, where 2022 data can be singled out as exceptional in terms of the amount of fines.

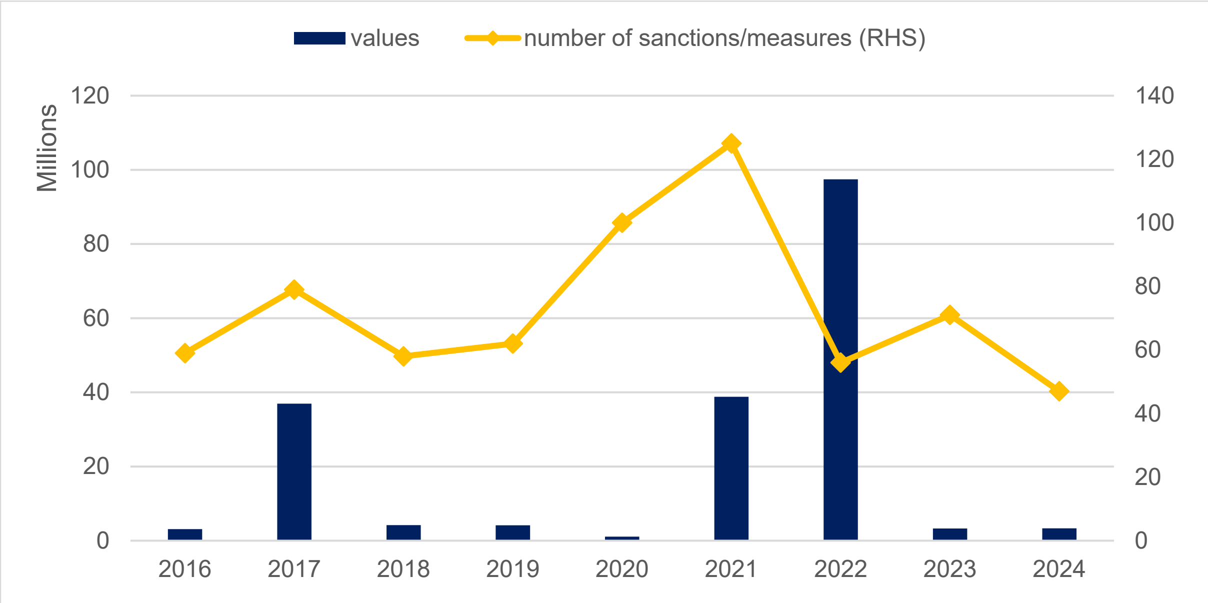

Figure 60. Evolution of the number of administrative sanctions/measures and value of the administrative fines issued between 2016 and 2024

Source: ESMA staff calculations based on reporting by NCAs.

130. The largest number of sanctions and measures (10) were imposed under Article 12(1)(a) of the UCITS Directive, on the obligation for UCITS management companies to have sound administrative and accounting procedures, control and safeguard arrangements and adequate internal control mechanisms. The second most used legal basis was Article 74 of the UCITS Directive (eight sanctions and measures), regarding the obligation for UCITS to send their prospectus and any amendments thereto, along with their annual and half-yearly reports, to the competent authorities of their home Member State.

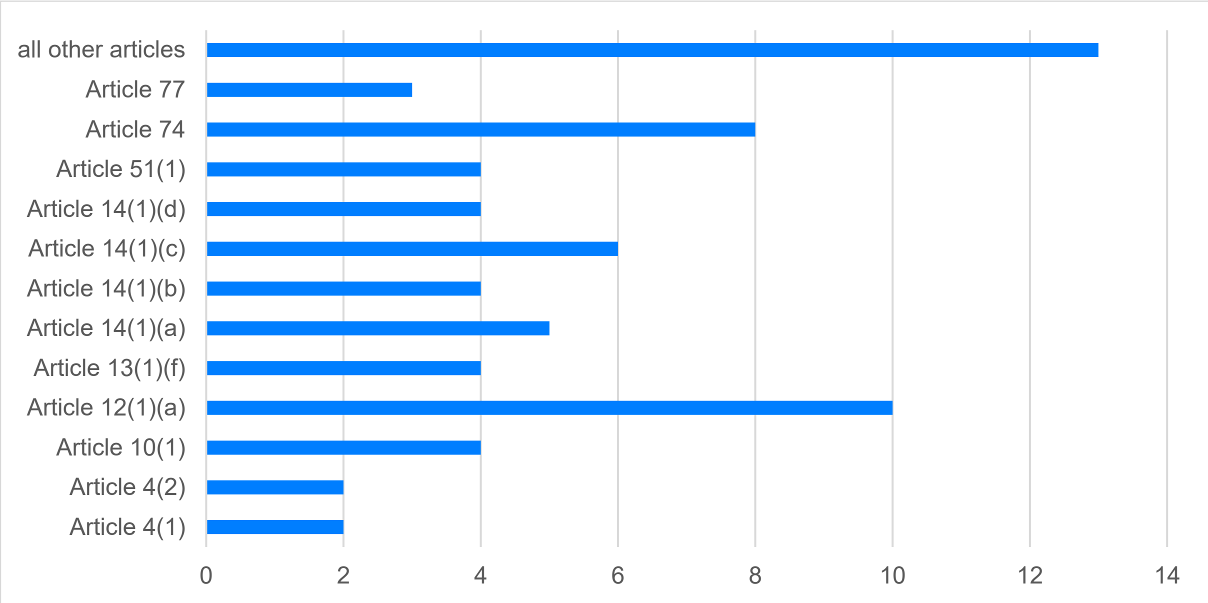

Figure 61. Representation of the UCITS Directive articles under which the largest number of administrative sanctions and measures were imposed in 2024

Source: ESMA staff calculations based on reporting by NCAs.

131. Since 2016, there have not been any administrative sanctions and measures imposed under the UCITS Directive in Estonia, Cyprus, Latvia, Slovakia and Finland. These Member States have very few UCITS managers. The highest numbers of UCITS fund managers are found in France, Luxembourg and Spain, while Luxembourg, Ireland and France have the highest amounts of UCITS fund net assets.

132. To put the data gathered into context, Figure 62 provides an overview of the proportion of UCITS fund managers and UCITS fund net assets per Member State together with the total amount of financial penalties issued under the UCITS Directive in 2024 per Member State.

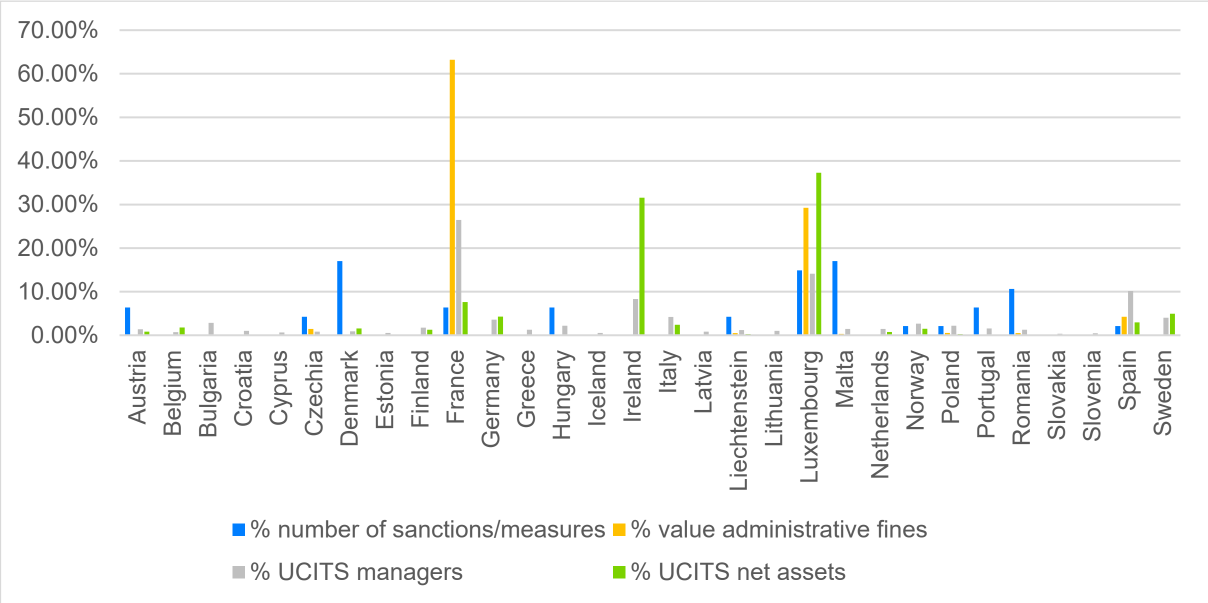

FIGURE 62. TOTAL NUMBER OF ADMINISTRATIVE SANCTIONS/MEASURES (IN % OF ALL ISSUED IN THE EEA) AND THE VALUE OF ADMINISTRATIVE FINES (IN % OF ALL ISSUED IN THE EEA) IMPOSED UNDER THE UCITS DIRECTIVE COMPARED TO THE NUMBER OF UCITS FUND MANAGERS (IN % OF EEA ESTABLISHED) AND VALUE OF UCITS FUND NET ASSETS (IN % OF EEA) IN 2024

Source: ESMA staff calculations based on reporting by NCAs and the European Fund and Asset Management Association[70].

133. When looking at the number and aggregate amount of sanctions and measures imposed in comparison to the UCITS market size (assets and number of managers), the correlation with the sanctioning activity appears to be valid in two cases (Luxembourg and, to some extent, France), i.e. the larger the market is, the more it leads to sanctioning activity. However, this correlation is not notable in other cases (Germany, Ireland and Sweden).

134. More generally, as in previous years, it appears that the sanctioning powers are not equally used among NCAs and, besides a limited number of NCAs, the number and amounts of sanctions issued under the UCITS Directive at the national level remain relatively low considering the maturity of the market.

[70] Please see Table 8 of the European Fund and Asset Management Association's, 'Trends in the European investment fund industry in the fourth quarter of 2024 & results for the full year of 2024' (at https://www.efama.org/sites/default/files/quarterly-statistical-release-q4-2024.pdfhttps://www.efama.org/sites/default/files/quarterly-statistical-release-q4-2024.pdf). Please note that, regarding net assets, no data were available for Estonia, Iceland, Latvia and Lithuania.

4.9 ECSPR, MiCA, SFTR

135. In 2024, in relation to the ECSPR[71], one administrative sanction, consisting of an order to cease and desist, was issued in relation to Article 3(1) of the ECSPR, concerning the obligation specifying that crowdfunding services shall only be provided by legal persons that are established in the EU and that have been authorised as crowdfunding service providers.

136. This is the first year in which an administrative sanction or measure was issued under the ECSPR, however the level of enforcement remains low. At the same time, the market in this area remains relatively small: at the end of 2023, there were 100 crowdfunding service providers in the EEA.

137. In addition, no administrative sanctions and measures were issued under MiCA in 2024. As detailed above, MiCA only became applicable very recently[72] and there were only six authorised crypto-asset service providers in 2024.

138. Similarly, there were no administrative sanctions and measures imposed under the SFTR. While the SFTR entered into force in January 2016, the reporting obligations imposed on counterparties where only phased in between 2020 and 2021.

139. Finally, while ESMA has the power to issue sanctions against trade repositories registered under the SFTR, it has not done so in 2024.

140. While the SFTR entered into force in Iceland, Liechtenstein and Norway in August 2024, the ECSPR and MiCA are not yet applicable in these countries[73] and the entry into application of MiCA started only on 30 December 2024 for the whole of the EU.

[71] Pursuant to the extension of the transitional period set out in the Commission Delegated Regulation (EU) 2022/1988 of 12 July 2022 extending the transitional period for continuing to provide crowdfunding services in accordance with national law as referred to in Article 48(1) of Regulation (EU) 2020/1503, the provision of crowdfunding services under applicable National law was possible until 10 November 2023.
[72] The deadline for adopting implementation measures concerning the provision on sanctions under Article 111 has been corrected and is now aligned with the general deadline in Article 99 for notification of implementation measures for the whole Title VII of MiCA (which includes Article 111). This deadline is now 30 June 2025 in both articles (while in the original version, the deadline in Article 111 was 30 June 2024). See EUR-Lex – 32023R1114R(03) – EN – EUR-Lexhttps://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32023R1114R%2803%29.
[73] Please see 313545 | European Free Trade Association (efta.int)https://www.efta.int/eea-lex/32015R2365, 319139 | European Free Trade Association (efta.int)https://www.efta.int/eea-lex/32020R1503 and 321746 | European Free Trade Association (efta.int)https://www.efta.int/eea-lex/32023R1114.