

The Polish Securities and Exchange Commission

Response to the CESR's Consultation Paper on Additional Level 2 implementing measures for the Market Abuse Directive

The Polish Securities and Exchange Commission, having thoroughly analyzed the CESR's *Market Abuse Additional Level 2 Implementing Measures Consultation Paper (Ref: CESR/03-102b)*, does not submit any critical comments as regards the proposed direction of CESR's level 2 implementing measures.

The proposed CESR's solutions are coherent and are not opposite to the Polish legal system and in particular, to the principles of Polish capital market and we do not envisage any problems in terms of implementation of the proposed regulations.

The Polish Securities and Exchange Commission would like to present some comments on the discussed issues:

Accepted Market Practices

We find the proposed approach appropriate. In our opinion, suggested principles, factors and procedures are appropriate.

Especially, we find appropriate the proposal that accepted market practices should be focused both on the characteristics of particular market practices and the procedures that Competent Authorities should follow.

Moreover, we express an opinion that it is necessary to make distinction between standards of acceptable market practices on regulated markets and OTC practices. Also, as CESR suggests, it is necessary to make distinctions between standards of acceptable market practices in different kind of regulated markets or MTFs (e.g. order driven or price driven).

Insiders' lists

We accept general proposals presented in the CESR's document. Especially, we agree on the relevance of establishing a list for each matter or event when it becomes inside information. In our opinion, the minimum content of the list should be specified at Level 2.

We do not understand question no 15 – in our opinion the question concerns in fact the meaning of the expression from the Directive „*person acting on his behalf or for his account*”. This matter should be clarified.

Disclosure of transactions

We accept general proposals stated in the CESR's document. However, answering to the question no 17, we suggest that a proxy should also be considered as belonging to the management of the issuer.

Suspicious transactions

We fully agree with the proposed approach. Answering to question 23 we suggest that the date and time of order should also be mentioned in the notification to the competent authority.