

CONFIRMATION OF COMPLIANCE WITH GUIDELINES/RECOMMENDATIONS

Date:

Member State¹:

Competent authority:

Title of the
Guidelines/Recommendations:

Name:

Position:

Telephone number:

E-mail address:

I am authorised to confirm compliance with the Guidelines/Recommendations on behalf of my competent authority: ☐ Yes

The competent authority informs ESMA that it: (please select one of the following options)

☐ **complies** with the Guidelines/Recommendations as of the date of this notification.

☐ **intends to comply** with the Guidelines/Recommendations by _____ [*insert date*].

☐ **does not comply and does not intend to comply** with **all** or **parts** of the Guidelines/Recommendations and has provided a full explanation of the extent of non-compliance together with full reasons for this, as well as other details of the partial compliance, in the Annex to this notification.

¹ or EU Institutions, EU Agencies, EEA-EFTA States, or European Territories under 355(3) TFEU

☐ the Guidelines/Recommendations **do not apply** in my jurisdiction and full reasons for this have been provided in the Annex to this notification.

Please note the following:

- This form is to be used for the compliance notification required by Article 16(3) of Regulation EU No 1095/2010 (the ESMA Regulation). It is also to be used to provide ESMA with an update on any notification previously provided.
- If a competent authority complies with the guidelines or recommendations, please inform ESMA of any national measures published in the relevant jurisdiction to comply by providing either a summary or an electronic link.
- If the competent authority does not comply with part of the guidelines or recommendations, that competent authority should provide a full explanation in the Annex to this notification of the extent of non-compliance with those guidelines or recommendations, as well as other details of partial compliance. The explanation should specify clearly the relevant parts of the guidelines or recommendations which the competent authority does not intend to comply with.
- If a competent authority intends to comply with the guidelines or recommendations, the date should be completed by adding 'the application date of the guidelines/recommendations' except in the following two cases:
 - o where the guidelines or recommendations are addressed to a competent authority but relate to a type of institution or instruments which do not currently exist in the authority's jurisdiction (such that currently there is no subject to which the guidelines or recommendations relate), that competent authority may state 'the date a relevant institution or instrument exists in my jurisdiction';
 - o where legislative/regulatory proceedings have been initiated to bring into force any measures necessary to comply with the guidelines or recommendations, that competent authority may state 'such time as the necessary legislative or regulatory proceedings have been completed' and should provide a brief explanation of the proceedings.
- ESMA may decide to publish the information provided by a competent authority in this form. If the authority does not consent to the publication of any information in this form, please explain why in the Annex to this notification.

[insert signature]

[insert date]

Annex

My competent authority does not, and does not intend to, comply with the guidelines or recommendations for the following reasons:

Details of the partial compliance and reasoning:

(please specify clearly the relevant parts of the guidelines or recommendations which the competent authority does not intend to comply with, as well as other details of partial compliance)

Any other additional information that may be necessary:

Please send this notification to ESMA [\[e-mail address to be completed\]](#).²

² The notification should be sent to the e-mail address communicated for compliance notification with these guidelines or recommendations. Please note that other methods of communication of this confirmation of compliance, such as communication to a different e-mail address from the one specified, or by e-mail that does not contain the required form, shall not be accepted as valid.