

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1406**of 2 October 2020****laying down implementing technical standards with regard to procedures and forms for exchange of information and cooperation between competent authorities, ESMA, the Commission and other entities under Articles 24(2) and 25 of Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular the third subparagraph of Article 24(3) and the third subparagraph of Article 25(9) thereof,

Whereas:

- (1) Article 24(2) of Regulation (EU) No 596/2014 requires competent authorities to provide the European Securities and Markets Authority (ESMA) with all necessary information to carry out its duties, in accordance with Article 35 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽²⁾. Article 25 of Regulation (EU) No 596/2014 requires competent authorities to cooperate and exchange information with each other and with ESMA, with the Commission (in relation to commodities which are agricultural products listed in Annex I to the Treaty), with the Agency for the Cooperation of Energy Regulators (ACER) and national regulatory authorities (in relation to wholesale energy products), and with relevant national and third-country regulatory authorities responsible for related spot markets, including, in relation to emission allowances, the auction monitor and competent authorities, registry administrators, including the Central Administrator, and other public bodies charged with supervision of the greenhouse gas allowance trading scheme.
- (2) Commission Implementing Regulation (EU) 2018/292 ⁽³⁾ has already established procedures and forms for exchange of information and assistance between competent authorities, pursuant to Article 25 of Regulation (EU) No 596/2014. It is expected that separate rules with regard to cooperation with third-country regulatory authorities responsible for related spot markets will be established. This Regulation should therefore cover for cooperation and for exchange of information with ESMA under Article 24(2) of that Regulation, and cooperation with other entities under Article 25 of that Regulation.
- (3) Information should normally be exchanged in writing. However, oral communications should be possible in appropriate cases, including in particular before a written request for cooperation or exchange of information is sent, to provide information about that upcoming request for cooperation or to discuss any issues that might make it difficult to carry out that request. In urgent cases, it should also be possible for a request for cooperation to be communicated orally, provided such urgency is not simply due to a delay on the part of the requesting party.
- (4) A request should contain sufficient information about the subject matter of the cooperation, including the reasons for the request and its context, to enable the requested authority to process the request easily and efficiently. Indicating the facts giving rise to suspicion should not be considered as a precondition for a requesting authority to receive assistance where that requested information is necessary for that authority to fulfil its duties.

⁽¹⁾ OJ L 173, 12.6.2014, p. 1.

⁽²⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

⁽³⁾ Commission Implementing Regulation (EU) 2018/292 of 26 February 2018 laying down implementing technical standards with regard to procedures and forms for exchange of information and assistance between competent authorities according to Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse (OJ L 55, 27.02.2018, p. 34).

- (5) Where ESMA and ACER jointly specify a secure communication interface to be used by competent authorities and ESMA for exchanging information with ACER and national regulatory authorities, the use of that particular interface should be required for the relevant specified purposes.
- (6) The procedures and forms for the exchange of information and the provision of cooperation should ensure that any information exchanged or transmitted is kept confidential, and that rules with regard to the processing of personal data and the free movement of personal data are complied with.
- (7) This Regulation is based on the draft implementing technical standards submitted to the Commission by ESMA.
- (8) ESMA did not conduct open public consultations on the draft implementing technical standards on which this Regulation is based, nor did it analyse the potential related costs and benefits of introducing the procedures and forms to be used by the authorities and entities to which this Regulation applies as this would have been disproportionate in relation to the scope and impact of those draft implementing technical standards, taking into account that this Regulation would only affect those authorities and entities and would not affect market participants.
- (9) ESMA has requested the opinion of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation shall apply to cooperation and exchanges of information between the following bodies (referred to in this Regulation as 'specified bodies') under the following provisions:

- (a) between competent authorities and ESMA under Article 24(2) or Article 25(1), (5) or (7) of Regulation (EU) No 596/2014;
- (b) between competent authorities and the Commission under the second subparagraph of Article 25(1) of that Regulation, in relation to commodities which are agricultural products;
- (c) between competent authorities and the Agency for the Cooperation of Energy Regulators (ACER) or national regulatory authorities under Article 25(3) or (5) of that Regulation, in relation to wholesale energy products;
- (d) between ESMA and ACER or national regulatory authorities under Article 25(3) and (5) of that Regulation, in relation to wholesale energy products;
- (e) between competent authorities and relevant national regulatory authorities responsible for related spot markets under the first subparagraph of Article 25(8) of that Regulation;
- (f) between competent authorities and the entities referred to in points (a) and (b) of the second subparagraph of Article 25(8) of that Regulation, in relation to emission allowances.

Article 2

Definition

For the purposes of this Regulation, 'electronic means' are means of electronic equipment for the processing (including digital compression), storage and transmission of data, employing wires, radio, optical technologies, or any other electromagnetic means.

Article 3

Contact points

1. By 26 November 2020 ESMA shall ask each of the other specified bodies to provide ESMA with details of one or more contact points designated by that body for the purposes of cooperation and exchange of information referred to in Articles 24 and 25 of Regulation (EU) No 596/2014, and to keep ESMA informed of any subsequent changes to those details.

2. ESMA shall ask each of the other specified bodies to confirm or update the details provided by them under paragraph 1 at least once a year.
3. ESMA shall maintain an up-to-date list of the details provided or updated under paragraphs 1 and 2, together with details of ESMA's own contact points designated for the purposes of this Regulation, and shall circulate the up-to-date list to each of the other specified bodies.
4. The most recent list circulated under paragraph 3 shall be used by the specified bodies for the purposes of cooperation and exchanges of information falling within the scope of this Regulation.

Article 4

Means of communication

1. Except where otherwise stated in this Regulation, any communications to be made for the purposes of cooperation or exchanges of information falling within the scope of this Regulation shall be made either by post, fax or electronic means.
2. When determining the most appropriate means of communication in any particular case, due account shall be taken of confidentiality considerations, the time necessary for correspondence, the volume of material to be communicated and the ease of access to the information.
3. Without limiting the generality of paragraph 2, where electronic means are used, the electronic means shall be one that ensures the completeness, integrity and confidentiality of the information during its transmission.
4. If ESMA and ACER jointly specify the use of a particular electronic system for communications with ACER and the national regulatory authorities falling within the scope of this Regulation, that system shall be used for the purposes so specified.

Article 5

Requests for information or cooperation

1. When requesting cooperation or exchange of information falling within the scope of this Regulation, the requesting body shall use the form set out in Annex I and shall:
 - (a) specify details of the information or cooperation that it is seeking; and
 - (b) identify, where appropriate, any issues relating to the confidentiality of any information that may be obtained.
2. The requesting body may attach to the request any document or supporting material deemed necessary to support that request.
3. In urgent cases, the requesting body may make the request orally. Unless the specified body to whom the oral request is made ('the requested body') agrees otherwise, that oral request shall subsequently be confirmed in writing without undue delay.

Article 6

Acknowledgement of receipt

Within the period specified in the written request or in the written confirmation confirming an oral request made in accordance with Article 5 or, where no period is specified, within 10 working days after receipt of that written request or written confirmation, the requested body shall acknowledge receipt to the requesting body. The acknowledgement of receipt shall be made using the form set out in Annex II and shall include, where possible, an indication of the estimated date of reply for responding to the request.

Article 7

Reply to a request

1. If the requested body requires clarification of a request made in accordance with Article 5, it shall seek that clarification from the requesting body, without undue delay, using any means appropriate, either orally or in writing. The requesting body shall provide the clarification without undue delay.

2. In executing a request made in accordance with Article 5, the requested body shall:
 - (a) use the form set out in Annex III;
 - (b) take all reasonable steps within its powers to provide the requested cooperation or information; and
 - (c) act without delay and in a manner which ensures that any necessary regulatory action can proceed expediently taking into account the complexity of the request concerned and whether it is necessary to involve third parties.
3. If the requested body is a competent authority who refuses to act on the request, in full or in part, in one of the exceptional circumstances listed in Article 25(2) of Regulation (EU) No 596/2014, it shall inform the requesting body without delay using any means appropriate, either orally or in writing. It shall subsequently confirm its decision in writing, indicating which of those exceptional circumstances it has relied upon for its refusal.

Article 8

Procedures for processing pending requests

1. Where the requested body becomes aware of circumstances that may lead to its estimated date of reply having to be deferred by more than 10 working days, it shall notify the requesting body without undue delay.
2. Where appropriate, the requested body shall provide the requesting body with regular updates on the progress of a pending request, including revised estimates of the targeted date of reply.
3. Where the request has been marked as urgent, the requested body shall consult with the requesting body on the frequency of updates that are required.
4. The Specified bodies shall cooperate with each another in order to solve any difficulties that may arise in executing a request.

Article 9

Unsolicited cooperation or exchange of information

1. For the purposes of any cooperation or exchange of information falling within the scope of this Regulation that is not the subject of a specific request, including any subsequent communications relating to it, the form set out in Annex IV shall be used.
2. In the case of an exchange of information referred to in Article 25, paragraphs 3, 5 and 8 of Regulation (EU) No 596/2014 falling within the scope of this Regulation, if the competent authority believes that the information should be supplied urgently, it may transmit the information orally provided that the information is subsequently transmitted in writing without undue delay using the form set out in Annex IV.

Article 10

Cooperation procedures

1. For the purposes of ensuring a coordinated action under Article 25(3) of Regulation (EU) No 596/2014 on cross-border cases involving financial instruments related to wholesale energy products, competent authorities shall participate, when requested to do so by ACER, in a cross-border investigatory group established under Article 16(4), point (c), of Regulation (EU) No 1227/2011 of the European Parliament and of the Council (*).
2. For the purposes of ensuring a consistent approach to the enforcement of relevant rules under Regulations (EU) No 596/2014 and (EU) No 1227/2011, irrespective of the existence of a specific case, ESMA and ACER shall consult each other regularly.

(*) Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ L 326, 8.12.2011, p. 1).

3. Where ESMA is requested under the second subparagraph of Article 25(6) of Regulation (EU) No 596/2014 to coordinate an investigation or inspection with cross-border effect, ESMA may establish a temporary group on an ad hoc basis to include the competent authorities of the Member States affected by that investigation or inspection.

Article 11

Referral to ESMA under Article 25(7)

Referral to ESMA under Article 25(7) of Regulation (EU) No 596/2014 of a rejection or absence of action within a reasonable timeframe shall be made in writing and shall include:

- (a) a copy of the request for cooperation or exchange of information and any reply received;
- (b) the reasons for referring to ESMA the rejection or absence of action.

Article 12

Restrictions and permissible uses of information

1. When using the forms in the Annexes, specified bodies shall include an appropriate confidentiality warning in accordance with the relevant form.
2. The requested body shall not disclose the existence and content of a request for cooperation or exchange of information falling within the scope of this Regulation unless the requesting body consents to such disclosure. Where such consent is not given and where it is not reasonably practicable to comply with the request without disclosing its existence or content, the requesting body shall withdraw or suspend its request until the requesting body is able to provide such consent to disclosure.
3. Information received as part of a request for cooperation or exchange of information falling within the scope of this Regulation shall be used by the specified body receiving the information solely for the performance of its duties and the exercise of its functions or for the purposes of securing compliance with or enforcement of Regulation (EU) No 596/2014 or, where applicable, Regulation (EU) 1227/2011, including but not limited to initiating, conducting, or assisting in, criminal, administrative, civil or disciplinary proceedings resulting from a breach of those Regulations.

Article 13

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 October 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Form for a request for assistance

REQUEST FOR ASSISTANCE

Reference number:

Date:

Annexes: *[specify the number of documents/supporting documents attached]***General information****FROM:**

Member State:

Requesting Authority:

Legal address:

[Insert the contact details of the contact point designated in accordance with Article 3 of Commission Implementing Regulation (EU) 2020/1406¹, for dealing with this request and identified below]

Name:

Telephone:

Email:

TO:

Member State:

Requested Authority:

Legal address:

[Insert the contact details of the contact point designated in accordance with Article 3 of Implementing Regulation (EU) 2020/1406]

Name:

Telephone:

Email:

Dear Ms/Mr *[insert appropriate name]*

In accordance with Article 5 of Implementing Regulation (EU) 2020/1406 laying down implementing technical standards with regards to procedures and forms for exchange of information and assistance between competent authorities, the European Securities and Markets Authority and specific authorities and entities according to Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse, your assistance is sought in relation to the matter(s) set out in further detail below.

I would be grateful for the above assistance by *[Insert indicative date for the reply and in case of an urgent request, insert a deadline for the information to be provided by]* or, where that is not possible, for an indication as to when you anticipate being in a position to provide the assistance.

Reasons for the request for assistance

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.....

[Insert provision(s) of the sectoral legislation under which the requesting authority is competent to deal with the matter]

The request concerns assistance in:

.....
.....
.....
.....
.....

[Insert description of the subject matter of the request, the purpose for which the assistance is sought, facts relating to the investigation as contextual information for the request and explanation for its helpfulness for fulfilling its duties]

Further to

.....
.....
.....

[Where applicable, insert details of any previous request for assistance in order to enable it to be identified]

1. Provision of information

(a) Detailed description of the information:

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.....
.....
.....

[Please provide a detailed description of the specific information sought with reasons why that information will be of assistance and, where known, a list of the persons considered possessing the information sought or the places where such information may be obtained.]

(b) Product ID:

.....

[Where the request concerns information relating to a transaction or order in a specific financial instrument, please provide a precise description of the financial instrument, including any applicable identification standard code such as the ISIN code the All or the transaction identification code for emission allowances]

Person ID:

.....

[Insert the identity of any person connected with the transaction or order, including a person dealing in the financial instrument or on whose behalf the dealing is considered to have taken place, and any applicable identification code, such as LEI code or client Id code under Regulation (EU) No 600/2014 of the European Parliament and of the Council^{2]}

Dates:

.....

[Insert the dates between which transactions or orders in those financial instruments took place including in the case of a significant period of time, reasons why the entirety of the time period is beneficial]

(c) Details of the person whose business or activities information relates to:

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.....
.....
.....

[Where the request concerns information relating to the business or activities of a person, please provide information as precise as possible to enable that person to be identified.]

(d) Sensitivity of the information:

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.....

[where there are special considerations on the sensitivity of the information sought, please provide an indication of the sensitivity of the information contained in the request and any special precautions that have to be taken in collecting the information due to investigatory considerations.]

(e) Additional information:

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.....
.....
.....

[Please provide any additional information, such as whether the requesting authority has been or will be in contact with any other authority or law enforcement agency in the Member State of the requested authority in relation to the subject matter of the request or any other authority which the requesting authority is aware that has an active interest in the subject matter of the request]

(f) Urgency:

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.....
.....

[In case of an urgent request and the setting of any deadlines, please provide full explanation of the urgency of the request and an explanation of any deadlines that the requesting authority has asked for the information to be provided by]

2. Taking of a statement (Where relevant and permitted by the law of the authority or entity receiving the request for assistance)

Please indicate:

(a) Nature of the statement sought:

.....
.....

[Insert indication of preference, if any, as to the nature of the statement sought, e.g. affirmation or other legal instructions; on a voluntary or obligatory basis where applicable]

(b) Need for the taking of a statement and its purpose:

.....
.....

(c) Name of person(s) from whom the statement is to be obtained:

.....

[Insert details of the persons from which the statement will be taken, including where relevant the person's position and the name of the company, to enable the requested authority to organise the taking of the statement including the summoning process where applicable]

(d) Detailed description of the information sought, including a preliminary list of questions (where available at the time of the request).

.....

(e) Any additional information which may be useful:

.....

[Please provide any additional information, such as whether the requesting authority's staff is requesting participation in the taking of the statement, and where that is the case, details of the participating officials of the requesting authority, where appropriate, description of any legal and procedural requirements that must be complied with to ensure the admissibility of statements made in the interview in the jurisdiction of the requesting's authority]

[Insert any confidentiality warnings or any restrictions on the permissible uses of information (provided those restrictions are compliant with Union law)].

[For competent authorities and ESMA, it should read:

"The information included in this request shall be kept confidential in accordance with Article 12 of Implementing Regulation (EU) 2020/1406 and Article 27 of Regulation (EU) No 596/2014 of the European Parliament and of the Council³. The requirements of Article 28 of Regulation (EU) No 596/2014 shall be complied with as regards any personal data included in this request."

Your contact point for any queries you might have in relation to any aspects of this request is *[Insert relevant contact point name and contact point details: telephone, email]*

Yours sincerely,

[Name and signature]

¹ Commission Implementing Regulation (EU) 2020/1406 of 2 October 2020 laying down implementing technical standards with regard to procedures and forms for exchange of information and cooperation between competent authorities, ESMA, the Commission and other entities under Articles 24(2) and 25 of Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse (OJ L 325, 7.10.2020, p. 7).

² 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).

³ 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).

ANNEX II

Form for the acknowledgment of receipt of a request for assistance

ACKNOWLEDGMENT OF RECEIPT OF A REQUEST FOR ASSISTANCE

Reference number:

Date:

FROM:

Member State:

Requested Authority:

Legal address:

[Insert the contact details of the contact point designated in accordance with Article 3 of Commission Implementing Regulation (EU) 2020/1406¹ and complete the corresponding footnote] or the person designated as contact point for dealing with this request and identified below]

Name:

Telephone:

Email:

TO:

Member State:

Requesting Authority:

Legal address:

[Insert the contact details of the contact point designated in accordance with Article 3 of Implementing Regulation (EU) 2020/1406 unless otherwise specified by the requesting authority]

Name:

Telephone:

Email:

Dear Ms/Mr *[Insert appropriate name]*

In accordance with Article 6 of Implementing Regulation (EU) 2020/1406, we hereby acknowledge receipt of your request for assistance with reference *[Insert request reference number]* on *[Insert date]*.

The relevant person(s) within *[Insert name of the requested authority]* dealing with your request is/are *[Insert name, telephone, email]*.

Estimated date of response:

Yours sincerely,

[Name and signature]

¹ Commission Implementing Regulation (EU) 2020/1406 of 2 October 2020 laying down implementing technical standards with regard to procedures and forms for exchange of information and cooperation between competent authorities, ESMA, the Commission and other entities under Articles 24(2) and 25 of Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse (OJ L 325, 7.10.2020, p. 7).

ANNEX III

Form for the reply to a request for assistance

REPLY TO A REQUEST FOR ASSISTANCE

Reference number:

Date:

Annexes: *[specify the number of documents/supporting documents attached]***General information****FROM:**

Member State:

Requested Authority:

Legal address:

[Insert the contact details of the contact point designated in accordance with Article 3 of Commission Implementing Regulation (EU) 2020/1406¹ unless otherwise specified by the requested authority]

Name:

Telephone:

Email:

TO:

Member State:

Requesting Authority:

Legal address:

[Insert the contact details of the contact point designated pursuant to Article 3 of Implementing Regulation (EU) 2020/1406 unless otherwise specified by the requesting authority]

Name:

Telephone:

Email:

Dear Ms/Mr *[Insert appropriate name]*

In accordance with Article 7 of Implementing Regulation (EU) 2020/1406, your request dated *[dd.mm.yyyy]* with reference *[insert request reference number]* has been processed by us.

Information gathered

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.....
.....

[If the information has been gathered, please set out the information here or provide an explanation of how it will be provided, including where relevant a description of any supporting documents or material]

The information provided is confidential and is disclosed to *[insert name of the requesting authority]* pursuant to the *[insert provision of the applicable sectoral legislation]* and on the basis that the information shall remain confidential in accordance with Article 12 of Implementing Regulation (EU) 2020/1406 *[where the requesting authority is a competent authority, add “and Article 27 of Regulation (EU) No 596/2014 of the European Parliament and of the Council²”]*.

The *[Insert name of the requesting authority]* shall observe the requirements of Article 12 of Implementing Regulation (EU) 2020/1406 with respect to the permissible uses of that information *[Where the requesting authority is a competent authority or ESMA, add “, and of Article 28 of Regulation (EU) No 596/2014 with respect to personal data processing and transfer.”]*

Where the *[Insert name of the requesting authority]* intends to use or disclose information provided in this reply for any purpose other than those stated in its request for assistance, it shall notify *[Insert name of the requested authority]* and obtain the prior consent of *[Insert name of the requested authority]*. Where *[Insert name of the requested authority]* consents to such a use or disclosure of the information, it may subject it to certain conditions.

Yours sincerely,

[Name and signature]

¹ Commission Implementing Regulation (EU) 2020/1406 of 2 October 2020 laying down implementing technical standards with regard to procedures and forms for exchange of information and cooperation between competent authorities, ESMA, the Commission and other entities under Articles 24(2) and 25 of Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse (OJ L 325, 7.10.2020, p. 7).

² 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).

ANNEX IV

Form for the provision of unsolicited exchange of information

UNSOLICITED EXCHANGE OF INFORMATION

Reference number:

Date:

Annexes: [*Specify the number of documents/supporting documents attached*]**General information****FROM:**

Member State:

Transmitting Authority:

Legal address:

[Insert the contact details of the contact point designated in accordance with Article 3 of Commission Implementing Regulation (EU) 2020/1406¹]

Name:

Telephone:

Email:

TO:

Member State:

Recipient Authority:

Legal address:

[Insert the contact details of the contact point designated in accordance with Article 3 of Implementing Regulation (EU) 2020/1406]

Name:

Telephone:

Email:

Dear Ms/Mr *[Insert appropriate name]*

In accordance with Article 9 of Implementing Regulation (EU) 2020/1406, we are providing the following information we believe may be of assistance in carrying out your duties.

Information provided

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.....
.....

[Please set out the details of the information provided, including if relevant a description of any supporting documents or material attached]

The information provided is confidential and is disclosed to *[insert name of the authority receiving the unsolicited information]* pursuant to Article 25 of Regulation (EU) No 596/2014 and on the basis that the information shall remain confidential in accordance with Article 12 of Implementing Regulation (EU) 2020/1406 and Article 27 of Regulation (EU) No 596/2014 of the European Parliament and of the Council² *[When the recipient is ACER, add, “and to Article 17 of Regulation (EU) No 1227/2011 of the European Parliament and of the Council³].*

The *[Insert name of the authority receiving the unsolicited information]* shall observe the requirements of Article 12 of Implementing Regulation (EU) 2020/1406 with respect to the permissible uses of that information *[where the authority receiving the unsolicited information is ESMA, add “, and of Article 28 of Regulation (EU) No 596/2014 with respect to personal data processing and transfer”;* *where the authority receiving the unsolicited information is ACER, add “and of Article 11 of Regulation (EU) No 1227/2011 with regard to personal data processing and transfer”].*

Where the *[Insert name of the competent authority receiving the unsolicited information]* intends to use or disclose the information received for purpose other than those stated in Article 12(3) of Implementing Regulation (EU) 2020/1406 it shall notify *[Insert name of the competent authority providing the unsolicited information]* and shall obtain the prior consent of *[Insert name of the competent authority providing the unsolicited information]*. If *[Insert name of the competent authority providing the unsolicited information]* consents to such a use or disclosure of the information, it may subject it to certain conditions.

Yours sincerely,

[Name and signature]

¹ Commission Implementing Regulation (EU) 2020/1406 of 2 October 2020 laying down implementing technical standards with regard to procedures and forms for exchange of information and cooperation between competent authorities, ESMA, the Commission and other entities under Articles 24(2) and 25 of Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse (OJ L 325, 7.10. 2020, p. 7).

² 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).

³ Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ L 326, 8.12.2011, p. 1).