

**STATEMENT**  
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European Commission  
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**CONSULTATION ON THE MARKET ABUSE DIRECTIVE**

The European Commission has launched a call for evidence on review of the Directive 2003/6/EC on insider dealing and market manipulation (MAD). The Central Chamber of Commerce of Finland submits the following statement.

The Central Chamber of Commerce of Finland welcomes the Commission's efforts to reduce the administrative burdens of listed companies. We would also like to point out that a clear and coherent market abuse framework reduces the interpretation difficulties of multilevel regulation.

**2.1.1. The Scope of MAD - Only regulated markets?**

We do not feel strongly about the potential extension of scope of MAD beyond the regulated markets. However, it should be acknowledged that the MAD cannot be extended to cover the non-regulated markets as a whole. The regulation can be seen only partially applicable to non-regulated markets, for instance due to non-existence of secondary markets of certain MTF-products. If the MAD requirements were be extended to apply to MTF's in full, it would lead to question whether other FSAP Directives should apply to MTF's as well, and in the end would make the difference between MTF's and Regulated Markets indistinct.

**2.1.3. Introduction of MAD framework for physical markets**

We do not see any need for the introduction of MAD framework to cover physical commodity derivatives market.

### **2.2.1. Definition of inside information**

We agree with the Commission's stand not to introduce a further definition of inside information. In practice, when weighing whether a certain piece of information should be regarded as inside information, detailed rules are rarely helpful for real life situations. Furthermore, detailed rules may also create interpretation problems. In terms of the alignment of the inside information definition for commodity derivatives, we don't find the actual meaning of inside information very clear.

#### **2.2.2.1. Dissemination of inside information and deferred disclosure mechanism**

We do not see any need for changes to the definition of inside information for disclosure purposes. However, we do see a need to clarify the situations where the issuer is allowed to defer the disclosure of the inside information. We would wish to see amendments to the MAD framework either on the level 1 or 2 as we do not see the level 3 guidance to be sufficient. It is also a question of legal protection from the market practitioner's point of view as the level 3 guidance is available in English, but not often in other EU-languages, whereas the level 1 and 2 directives are translated to national languages.

Also in terms of the emergency measures and exemption to defer the disclosure of the inside information, we would welcome less dramatic means as relying on a national central bank's aid is an extreme measure. There are various options to balance financial stability before resorting to the help of a national central bank. In the current turbulent market conditions it would be extremely important from the market practitioner's point of view to be able to have flexibility in order to protect financial stability.

### **2.2.3 Prohibition of insider dealing**

We agree with the Commission to wait for an ECJ decision before any new measures in this respect are envisaged.

#### **2.2.4.3. Reporting of suspicious transactions**

We do not see any need for modifications regarding suspicious transaction reporting.

### **2.2.5. The competent authorities' right of access to telephone and existing data traffic records**

We are not in favour of an amendment of the MAD to allow competent authorities to require telephone and existing data traffic records.

### **2.3.1. Definition of market manipulation**

We do not see any need for amendments in respect of the definition of market manipulation.

### **2.3.2. Accepted market practices**

We consider that the rules on accepted market practices should be amended in the MAD framework. The appropriate level for amendments is level 3 guidance.

THE CENTRAL CHAMBER OF COMMERCE OF FINLAND

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Director General