

ESMA CONSULTS ON FINES AND PENALTIES FOR BENCHMARK ADMINISTRATORS

The European Securities and Markets Authority (ESMA), the EU's securities markets regulator, today launches a [consultation](#) on specific aspects of the procedural rules for imposing fines and penalties on Benchmark Administrators under ESMA's direct supervision.

The amended Benchmarks Regulation contains detailed rules regarding penalties for Benchmark Administrators. ESMA's objectives for this consultation are to gather feedback on specific aspects of the rules, such as the:

- right to be heard by the Independent Investigating Officer (IIO);
- content of the file to be submitted by the IIO;
- access to the file;
- procedure for imposing penalties;
- adoption of interim decisions; and
- limitation periods for the imposition as well as enforcement of penalties, including their collection

The Consultation Paper sets out ESMA's proposals for a delegated act to be adopted by the Commission concerning relevant aspects of fines and penalties for DRSPs. These proposals leverage on the existing enforcement framework regarding Trade Repositories and Credit Rating Agencies as well as on the experience gained with its implementation in the last years.

Next steps

The closing date for responses is 23 January 2021. ESMA will consider the responses to this consultation in providing technical advice to the Commission by end of Q1 2021.