

ESMA issues opinions on product intervention measures by Sweden, France and the United Kingdom

ESMA has issued opinions on national product intervention measures from:

ESMA's opinion on the UK proposed measures also concludes that the measures are justified and proportionate and qualifies this conclusion in relation to:

(i) the FCA's proposal not to apply the national restrictions to CFD-like option providers authorised in other Member States other than through a UK branch or tied agent in respect of the sale or distribution of those products to UK retail clients; and

(ii) the FCA's proposal to apply a 30:1 leverage limit for CFDs referencing certain government bonds, instead of the 5:1 leverage limit in ESMA's measures.

In accordance with Article 43(3) of MiFIR if a competent authority takes actions contrary to an opinion adopted by ESMA, it shall immediately publish on its website a notice fully explaining its reasons for so doing.

Background

NCAs may take product intervention measures in accordance with Article 42 of Regulation (EU) No 600/2014. At least one month before a measure is intended to take effect, an NCA must notify all other NCAs and ESMA of the details of its proposed measure and the related evidence, unless there is an exceptional case where it is necessary to take urgent action.

In accordance with Article 43 of Regulation (EU) No 600/2014, ESMA performs a facilitation and coordination role in relation to such product intervention measures taken by NCAs. After receiving notification from an NCA of its proposed measure, ESMA must adopt an opinion on whether the proposed measure is justified and proportionate. If ESMA considers that the taking of a measure by other NCAs is necessary, it must state this in its opinion.

The opinions that ESMA previously issued on proposed national product intervention measures are published on its [website](#).