

Financial markets: insider dealing and market abuse (repeal. Directive 89/592/EEC)

2001/0118(COD) - 22/11/2001 - Document attached to the procedure

In general, the ECB considers that the proposed directive constitutes an important step towards the harmonisation of the currently divergent national rules addressing market manipulation and insider dealing. On specific points, it makes the following comments: - The ECB welcomes the use of the comitology procedure. It holds to the view that the application of the procedure to securities market regulation should take account of the advisory role that the Treaty confers upon the ECB, by allowing for the incorporation of its views in the regulatory process. - The core definitions related to the purpose of the protection of market integrity should be clarified, so as to avoid any discrepancy between the various national laws of the Member States. - Without prejudging any future Commission proposal on the Investment Services Directive, consistency should be ensured between the proposed directive and the future ISD, particularly regarding legal concepts used, and the allocation of responsibilities between the different parties. - The ECB welcomes the provisions on cross-border cooperation between the competent single administrative authorities. Broadening the scope of the cooperation should be considered. The ECB sees potential benefits in a closer cooperation between the administrative authorities and the competent authorities in charge of supervising credit institutions, investment firms, insurance undertakings, and perhaps, collective investment undertakings to the extent that they are distinct from the designated administrative authorities. The staff of these regulated entities often possess inside information. - It should be further considered how the pursuit of the convergence of supervisory practices could be best fostered to ensure a level playing field. A committee of representatives of the administrative authorities in charge of promoting convergence might be valuable.