

27 January 2014

European Securities & Markets Authority
103 rue de Grenelle
CS 60747
Paris
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France

Dear ESMA Team

Re ESMA Discussion Paper: Implementing Measures under the Market Abuse Regulation

The Association for Financial Markets in Europe (AFME) is grateful for the opportunity to respond to the ESMA discussion paper on Possible Implementing Measures under the Market Abuse Regulation.

Firstly, we commend ESMA for allowing stakeholders to see and consider your thoughts regarding possible implementing measures before publication of following consultations. This is a very sound regulatory practice which should assist in the formulation of focused proposals for consultation.

Secondly, you will see that our members' general feeling is that the current practices under the Market Abuse Directive work quite well. In their view changes should be made only where market failures have occurred. Of course, we recognise that ESMA must consider changes in the legislative framework.

Thirdly, our members share your view that changes of regulation must be proportionate to the perceived needs arising from a market failure.

You will see that our members are especially concerned about the DP's proposals regarding market soundings. The proposals would introduce significant administrative burdens on sounders e.g. record keeping for soundings where no wall-crossing occurs; obtaining confirmations of buy-side agreements to be wall-crossed in addition to giving a confirmation of wall-crossing agreements to the buy-side.

We hope that our attached input is helpful for your deliberations. We would be very glad to assist in answering any questions you may have concerning our submission.

Thank you very much for your consideration.

Yours faithfully



W J Ferrari
Managing Director, ECM & Corporate Finance

Association for Financial Markets in Europe

AFME (Association for Financial Markets in Europe) promotes fair, orderly, and efficient European wholesale capital markets and provides leadership in advancing the interests of all market participants. AFME represents a broad array of European and global participants in the wholesale financial markets. Its members comprise pan-EU and global banks as well as key regional banks, brokers, law firms, investors and other financial market participants. AFME participates in a global alliance with the Securities Industry and Financial Markets Association (SIFMA) in the US, and the Asia Securities Industry and Financial Markets Association through the GFMA (Global Financial Markets Association).

AFME is listed on the EU Register of Interest Representatives, registration number 65110063986-76.

For more information please visit the AFME website, www.AFME.eu.