STATUTORY INSTRUMENTS

2016 No. 680

The Financial Services and Markets Act 2000 (Market Abuse) Regulations 2016

PART 3

Other amendments to legislation

CHAPTER 2

Amendments to secondary legislation

Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001

18.—(1) The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001(**1**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the appropriate place insert—

> ""market abuse regulation information" means confidential information received by the FCA in the course of discharging its functions as a competent authority under the market abuse regulation(**2**) or any directly applicable EU regulation made under the market abuse regulation;";

(b) in the definition of "EEA competent authority"(**3**), for "or the EMIR regulation" substitute ", the EMIR regulation or the market abuse regulation";

(c) in the definition of "single market restrictions"(**4**)—

(i) at the end of paragraph (l)(**5**) omit "and"; and

(ii) at the end of paragraph (m)(**6**) insert—

"; and

(n) article 27 of the market abuse regulation;".

(3) In regulation 8 (application of this Part)—

(a) at the end of paragraph (c)(**7**) omit "and"; and

(b) at the end of paragraph (d)(**8**) insert—

"; and

(**1**) S.I. 2001/2188.
(**2**) OJ No L 173, 14.04.2014, p31.
(**3**) The definition of "EEA competent authority" was amended by S.I. 2003/2066, 2006/3413 and 2013/504.
(**4**) The definition of "single market restrictions" was inserted by S.I. 2012/996.
(**5**) Sub-paragraph (l) was amended by S.I. 2014/3348.
(**6**) Sub-paragraph (m) was inserted by S.I. 2014/3348.
(**7**) Regulation 8(c) was inserted by S.I. 2013/509 and amended by 2014/3348.
(**8**) Regulation 8(d) was inserted by S.I. 2014/3348.

(e) market abuse regulation information".

(4) In regulation 9 (disclosure by regulators or regulator workers to certain other persons)—

(a) in paragraph (1)(**9**), after "(3F)" insert ", (3G)";

(b) in paragraph (2)(**10**), for "or in paragraph (2C)" substitute ", (2C) or (2D)";

(c) after paragraph (2C)(**11**) insert—

"(2D) The conditions in this paragraph are that—

(a) the disclosure is provided for by a cooperation agreement of the kind referred to in Article 26 of the market abuse regulation; and

(b) where the disclosure is of personal data, as defined in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, it is in accordance with Article 29(1) and (2) of the market abuse regulation."; and

(d) after paragraph (3F)(**12**) insert—

"(3G) Paragraph (1) does not permit disclosure of market abuse regulation information to a person specified in the first column of Schedule 1 in contravention of Article 27 of the market abuse regulation."

(5) In regulation 11 (application of this Part), after paragraph (g)(**13**) insert—

"(h) market abuse regulation information.".

(**9**) Regulation 9(1) was amended by S.I. 2015/910, there are other amending instruments but none is relevant.
(**10**) Regulation 9(2) was amended by S.I. 2013/1773 and 2014/3348.
(**11**) Regulation 9(2C) was inserted by S.I. 2014/3348.
(**12**) Regulation 9(3F) was inserted by S.I. 2015/910.
(**13**) Regulation 11(g) was inserted by S.I. 2014/3348.