

# ESMA identifies areas for improvements in shareholder identification and communication systems

The European Securities and Markets Authority (ESMA) has published the [results of a recent study](#) carried out on the investment chain and, in particular, the functioning of shareholder identification and transmission of information between issuers and shareholders. The report presents a general assessment of the level of harmonisation of national regulatory frameworks, across the EEA.

The report has been submitted to the European Commission to provide input into the preparation of the implementing acts to specify minimum requirements on process, format and timeline for shareholder identification and transmission of information under the Shareholder Rights Directive (SRD II).

The report's findings and recommendations focus on:

- **Shareholder identification:** following the introduction by SRD II of an issuer's right to identify its shareholders, it would be useful if issuers and intermediaries were to follow harmonised processes on key aspects for the identification of shareholders. Harmonisation may be achieved by leveraging on existing regulatory frameworks, as identification processes are relatively common across the EEA;
- **Communication process:** it would be useful, for shareholders particularly, to harmonise key aspects of the transmission of information and shareholder communication. Here, SRD II implementing measures could assist if they facilitate a wider use of electronic means and so streamline and reduce the burden of communication duties for issuers and investors; and
- **Communication formats:** the report found that some standard information forms and formats are available in almost all jurisdictions, although in various ways and with non-harmonised content. The harmonisation of formats, at least to some extent, would facilitate a wider and more consistent use of electronic tools for communication of information.

Input for the study was gathered from national competent authorities via a questionnaire, and responses were received from 28 regulators.

## Next steps

ESMA has submitted the report to the European Commission. The revised Shareholder Rights Directive is expected to be published in the Official Journal in June 2017.

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## [The public want to see full transparency and accountability in how the aid budget is being spent – Osamor](#)

**Kate Osamor, Labour's Shadow International Development Secretary**, responding to the publication of ODA statistics for 2016, said:

"Britain is rightly acclaimed around the world for our commitment to poverty reduction and helping the world's poorest. It is vital that we uphold this reputation and that the attempts that are underway within the Tory party to undermine the aid budget are opposed.

"The scale of the increase in aid being spent by non-DfID government departments is concerning. Some of these departments, including the Foreign Office and Ministry of Defence, have consistently received "Poor" or "Very Poor" ratings in Publish What You Fund's Aid Transparency Index.

"The Government must explain what steps it is taking to address this across all the departments now disbursing the aid budget. The public rightly want to see full transparency and accountability in how the aid budget is being spent, and the Government needs to up its game."

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## [Company sentenced after worker loses finger in machinery](#)

A cable manufacturing company has been sentenced today for safety breaches after a worker suffered the loss of his left little finger.

Sunderland Magistrates' Court heard that on the 24 of September 2015 during the cable making process the injured worker at AEI Cables Limited put his left hand into an unguarded machine. His hand came into contact with dangerous parts of machinery. He lost one finger and received serious lacerations to the other fingers on his left hand.

A Health and Safety Executive (HSE) investigation found there was no guarding in place to prevent access to the dangerous part of the machinery.

AEI Cables Limited of Birtley, Chester-Le-Street County Durham pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations and was fined £40,000. Costs were also awarded.

After the hearing, HSE inspector Victoria Crofton commented: "This injury was easily prevented and the risk should have been identified.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

#### **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [www.hse.gov.uk](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

Journalists should approach HSE press office with any queries on regional press releases.

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## **[ESMA advises on draft legislation for CCP recovery and resolution](#)**

The Proposal gives CCPs' National Competent Authorities (NCAs) supervision and early intervention powers in relation to CCP recovery. For CCP resolution, the Proposal asks Member States to designate National Resolution Authorities (NRAs) to develop CCP resolution plans. In both cases, ESMA will have a mediator role to ensure consistency.

ESMA, in its opinion, expresses its views on arrangements for CCP recovery and resolution and, in particular, the impact of the proposal on ESMA as an organisation, including for its resources.

Steven Maijoor, ESMA Chair said:

"ESMA welcomes the proposal for a CCP Recovery and Resolution Regulation. CCPs are critical infrastructures reducing market risks. However, as they are systemically relevant and operate globally, we also need to have rules and procedures in place to be prepared in case of their failure.

"We appreciate the key role that the Regulation assigns to ESMA and we are

prepared to perform the tasks assigned under the proposal.”

The ESMA opinion proposes:

- to introduce additional requirements regarding NRAs’ recovery plans in order to ensure a higher level of convergence, while providing the necessary flexibility to CCPs to select those recovery tools which best fit their business situation;
- to consider a more effective mediation mechanism; and
- to consider the implications ESMA’s role has on its budget – e.g. to include a provision in the CCP Recovery and Resolution Regulation for ESMA to provide a budgetary impact assessment.

## **Background**

The Proposal envisages that the supervisory colleges, which are currently responsible for the supervision of CCPs under the European Market Infrastructure Regulation (EMIR), will also have to reach joint decisions on recovery issues. In addition, specific resolution colleges made up of NRAs will have to be established.

ESMA will have a mediation role within both supervisory and resolution colleges or decide when no joint opinion is reached. Moreover, the Proposal also amends EMIR to allow for the suspension of the clearing obligation in case a CCP enters into resolution.

The proposed regulation has been submitted to the European Parliament and Council for approval and adoption.