**TEMPLATE FOR THE SUBMISSION OF A REQUEST TO ESMA TO ASSIST IN THE SETTLEMENT OF A DISAGREEMENT PURSUANT TO ARTICLE 19 OR TO CARRY OUT NON-BINDING MEDIATION PURSUANT TO ARTICLE 31(c) OF REGULATION (EU) No 1095/2010**

|  |
| --- |
| 1. Identification of the party-ies requesting the assistance of ESMA  |
| 1.1 Competent authority |  |
| 1.2 Address |  |

|  |
| --- |
| 2. Main contact person of the applicant |
| 2.1 Name and function |  |
| 2.2 E-Mail address  |  |
| 2.3 Telephone number |   |

|  |
| --- |
| 3. Further contact person of the applicant |
| 3.1 Name and function |  |
| 3.2 E-Mail address  |  |
| 3.3 Telephone number |  |

|  |
| --- |
| 4. Initial identification of the other party/ties involved[[1]](#footnote-1) |
| 4.1 Competent authority/ties |  |
| 4.2 Address |  |
| 4.3 Main contact person |  |
| 4.4 E-Mail address  |  |
| 4.5 Telephone number |  |
| 4.6 Relevant firm/ group  | *If applicable and to the extent possible, please identify the firm to whose conduct the complaint relates to, including, where applicable, all available information on the corporate group to which the firm(s) complained of belong and the nature and scope of the business activities pursued by them.*  |

|  |
| --- |
| 5. Type of mediation sought |
| 5.1 Binding mediation | *Please indicate whether you would like ESMA to assist in the settlement of a disagreement pursuant to Article 19 of Regulation 1095/2010.**If yes, please indicate the relevant provision of EU legislation on the basis of which the NCA may refer the matter to ESMA for binding mediation.* |
| 5.2 Non-binding mediation | *Please indicate whether you would like ESMA to assist in the settlement of a disagreement pursuant to Article 31(c) of Regulation 1095/2010.* |

|  |
| --- |
| 6. Applicable legislation |
| 6.1 Article / Legislative Act | *Please indicate the EU legislation (and, if possible, the relevant Article(s)) you think may have been infringed by the NCA under [****insert relevant section under 4****] / the firms/groups supervised by that NCA*  |

|  |
| --- |
| 7. Nature of the disagreement |
| 7.1 Concise case summary | *The case summary should be drafted in such a way to ensure that ESMA can assess whether the request is unsubstantiated, abusive or outside the scope of Article 19 of the ESMA Regulation (the latter condition is particularly relevant in case of requests for* ***binding mediation****).**To that extent, at least the following information should be provided, where applicable:** *Why and to what extent the alleged conduct of the NCA under [****insert relevant section under 4****] affects investor protection / the orderly function of the financial markets in your Member State. Please provide as much concrete evidence as possible.*
* *The date that you became aware of the alleged conduct by the relevant firm*
* *The date that the alleged conduct began*
* *Whether the alleged conduct is ongoing*
* *Whether you have been in contact with the NCA under [****insert relevant section under 4****]; if yes, please provide us with copies of the relevant correspondence*
* *Whether you have taken any action regarding the alleged conduct;*
* *Whether the NCA under [****insert relevant section under 4****] has taken any action regarding the alleged conduct*
 |
| 7.2 List of documents to which the case summary refers |  |

|  |
| --- |
| 8. Attachments - all documents to which the case summary refers |
| *Please provide us with copies of all the documents to which the case summary refers. If you have already provided ESMA with certain documents before the submission of this request, you do not need to resubmit them; in that case, please only indicate the title of the document and the date it was submitted to ESMA.* |

Signed at [**insert location**] on [**date Month YYYY**]

|  |
| --- |
| For the (name of the competent authority):*Signature (name/s and function/s of duly authorised representative/s)*  |

1. In case more than one competent authorities may be involved in this case, please reproduce the table as many times as needed. [↑](#footnote-ref-1)