**Report on infringement Form – Benchmarks**

Should you wish to report a potential or actual infringement of the Benchmarks Regulation[[1]](#footnote-2) (BMR), please fill in this form.

We can best consider your report if we receive detailed and complete information.

You can send the completed form by post or by email.

EMAIL: please send the completed form to informant.BMR@esma.europa.eu. In the email subject line, you should include “Report about infringement of the Benchmarks Regulation”.

POST: please put your report in a blank envelope marked as confidential, and include it in a second envelope. The address is the following:

European Securities and Markets Authority

Head of Department

Conduct Supervision and Convergence Department

201-203 rue de Bercy, 75012 Paris – France

If you choose to submit the form by email, you will receive an acknowledgement of receipt with a reference number assigned to your report. Please keep this reference number for further contacts with ESMA. ESMA may contact you if additional information is needed.

Please note that all information that is acquired by ESMA in this report will in principle be considered confidential, except where such disclosure is required by national law in the context of further investigations or judicial proceedings. ESMA may also be entitled to exchange information with certain other public authorities.

The information provided by you might be added to ESMA’s file and at a later date access to this file may be given to those parties entitled to such access, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file does not extend to confidential information affecting third parties.

For this purpose, if you consider any information in your report to be confidential or to constitute business secrets, please state it in your report form.

ESMA acknowledges that you may not wish to disclose your identity and/or the identity of the firm on behalf of which you are submitting this form, if any. In this respect, please note that **sections 1), 2) and 3)** below are **optional** and you are not obliged to fill in the information required therein. Section 4) is mandatory only if you have filled in either of sections 1) or 2).

Any personal data collected in this context will be processed in compliance with the requirements laid down in the European Data Protection Regulation[[2]](#footnote-3) (EDPR).

Further and more detailed information regarding the processing of your personal data can be found on the [ESMA website](https://www.esma.europa.eu/data-protection).

For any additional question on the processing of your personal data, please contact the Data Protection Officer at ESMA (dpo@esma.europa.eu).

1. **Your Name, title and contact details: [[3]](#footnote-4)**

Name and title:

E-mail:

1. **Name and address of the benchmark administrator and your relationship with / position within the benchmark administrator:**[[4]](#footnote-5)

Name:

Address:

Nature of your relationship with the relevant benchmark administrator and your position:

1. **Name and address of the organisation (e.g. firm) on behalf of which you submit this report, if any:**

Name:

Address:

1. **Please indicate if you provide explicit consent for ESMA to communicate your identity**

[ ]  I accept that ESMA communicates my identity

[ ]  Do not disclose my identity

1. **Subject matter:**
2. **The content of your report:**
3. **You can attach documents to your report, such as contracts, letters or other material to help us better understand your report. Please list the documents attached and mark the ones that you wish to keep confidential.**

|  |  |  |
| --- | --- | --- |
| **Document No.** | **Document title** | **Mark if to be treated as confidential** |
| **1** |  | [ ]  |
| **2** |  | [ ]  |
| **4** |  | [ ]  |
| **5** |  | [ ]  |

*(please add more lines to the table if needed)*

1. **Reporter acknowledgment**

[ ]  By ticking this box, I submit my report for ESMA’s consideration and I confirm that all the information that I have provided is true and accurate to the best of my knowledge.

1. Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation, OJ L 171, 29.6.2016, p. 1–65. [↑](#footnote-ref-2)
2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98. [↑](#footnote-ref-3)
3. Please note that your name and contact details will only be used by ESMA staff to communicate with you regarding your complaint. [↑](#footnote-ref-4)
4. Please note that your name and contact details will only be used by ESMA staff to communicate with you regarding your complaint. [↑](#footnote-ref-5)