**Complaint Form**

Should you need to submit a complaint about an ESMA supervised securitisation repository, which might not be fulfilling its responsibilities under the Securitisation Regulation[[1]](#footnote-1), please fill in this form.

We can best investigate your complaint if we receive detailed and complete information.

The completed form should be sent to securitisation@esma.europa.eu. In the email subject line, you should include “Complaint about Securitisation Repository”.

If you cannot send this complaint form by email, please send it in paper format to the following address:

European Securities and Markets Authority

Head of Department

Ratings, Indices and Securitisation (RIS) Department

201-203 rue de Bercy, 75012 Paris – France

Upon the reception of your complaint, we will send you an acknowledgement of receipt with a number assigned to your complaint. Please keep this reference number for further contacts with ESMA. ESMA may contact you if additional information is needed.

Note that all information that is acquired by ESMA in this complaint will in principle be considered confidential, except where such disclosure is necessary for legal proceedings. ESMA is also 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 complaint to be confidential or to constitute business secrets, please mark it clearly in your complaint form.

Any personal data processed in this complaint form will be handled in compliance with the rules on data protection in Regulation (EU) 2018/1725. The processing of the personal data is performed on the basis of Article 5.1. (a) of Regulation (EU) 2018/1725, and ESMA is the data controller. For any information on the processing of your personal data please contact the DPO (dpo@esma.europa.eu)

**Name of the organisation on behalf of which you are submitting this complaint:**

**Address of the organisation on behalf of which you are submitting this complaint:**

**The main area in which your organisation works:**

[ ]  Asset management;

[ ]  Audit/Legal/Consultant;

[ ]  Authority/Enforcement;

[ ]  Banking;

[ ]  Industry;

[ ]  Insurance/Pension;

[ ]  Regulated Markets/Exchange/Trading Systems;

[ ]  Other Market infrastructure;

[ ]  Other: (*please specify*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Your Name, position and contact details in the organisation:[[2]](#footnote-2)**

Name and title:

Tel:

E-mail:

**Please indicate if you wish to keep confidential the identity of the organisation on behalf of which you are submitting the complaint[[3]](#footnote-3)**

[ ]  Do not disclose the identity of the organisation which is submitting the complaint to the relevant securitisation repository

**About which securitisation repository are you complaining?[[4]](#footnote-4)**

[ ]  SecRep BV

[ ]  European DataWarehouse (EDW)

**Subject matter**

[ ]  Access to securitisation repository services for mandatory reporting purposes

[ ]  Potential discrimination

[ ]  Difficulties in submitting/modifying reports

[ ]  Inaccurate record-keeping of information reported

[ ]  Confidentiality of data

[ ]  Availability of public data

[ ]  Timeliness of public data

[ ]  Accuracy of public data

[ ]  Completeness and consistency of public data

[ ]  Pricing issues

[ ]  Ancillary services

[ ]  IT Issues

[ ]  Other: *(please specify)*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**The content of your complaint:**

**What negative impact the situation described in your complaint has?**

**Please indicate whether you have already informed the securitisation repository of your complaint and any actions, if any, undertaken by the securitisation repository.**

**You can attach documents to your complaint, such as contracts, letters or other to help us better understand your complaint.**[[5]](#footnote-5) **Please list the documents attached and mark the ones that you wish to keep confidential.**

|  |  |  |
| --- | --- | --- |
| **Document No.** | **Document title** | **Mark if needed to be treated as confidential** |
| **1** |  | [ ]  |
| **2** |  | [ ]  |
| **3** |  | [ ]  |
| **4** |  | [ ]  |

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

**Complainant signature**

[ ]  By ticking in this box, I submit my complaint 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) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012, OJ L 347, 28.12.2017, p. 35–80 [↑](#footnote-ref-1)
2. Please note that your name and contact details will only be used by ESMA staff to communicate with you regarding your complaint. [↑](#footnote-ref-2)
3. If you do not require a confidential treatment, the identity of the organisation might be disclosed by ESMA to the relevant securitisation repository. [↑](#footnote-ref-3)
4. Please note that if your complaint involves more than one securitisation repository, you will need to submit a separate complaint for each securitisation repository involved and will receive separate case numbers for each complaint. [↑](#footnote-ref-4)
5. You should specify if you wish to keep the files attached confidential. If you do not require a confidential treatment, this information might be disclosed by ESMA to the relevant securitisation repository. [↑](#footnote-ref-5)