

## **CNMV TO ADOPT ESMA GUIDELINES FOR THE ASSESSMENT OF KNOWLEDGE AND COMPETENCE.**

23 May 2016

On 23 March 2016, the "Guidelines on knowledge and competence" were published on the website of the European Securities and Markets Authority, hereinafter ESMA, which will in principle apply from 3 January 2018. The Spanish translation of the Guidelines can be accessed on CNMV's website.

The Guidelines establish minimum criteria for the assessment of the knowledge and competence of the personnel who provide the relevant services, that is to say, investment advice or information on financial instruments. Likewise, they will foster greater convergence in the knowledge and competence of the personnel who provide investment advice or information on financial instruments, investment services or ancillary services to customers. It is envisaged that, through compliance with these Guidelines, investor protection will be strengthened.

The Guidelines have been issued under Article 16 of Regulation No. 1095/2010 of the European Parliament and of the Council, of 24 November 2010, regulating the establishment of ESMA, which states that the competent authorities and financial market participants will make every possible effort to adhere to these guidelines. In addition, the ESMA Regulation also establishes the obligation of the competent authorities to confirm if they intend to comply with the guidelines published by ESMA.

In this regard, the National Securities Market Commission (CNMV) notified ESMA on 23 May 2016 of its intention to comply with the Guidelines. CNMV will discuss with the sector concerned (in compliance with its action plan for 2016) the different alternatives for complying with the Guidelines. Finally, it should be noted that for this reason a letter has been sent to the associations in the sector requesting them to advise their associates of CNMV's decision to adopt the Guidelines.