

For educational use only

Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (Text with EEA relevance) (Retained EU Legislation)

art. 7 Inside information



Law In Force With Amendments Pending

Version 3 of 4

22 April 2021 - Present

Subjects

Banking and finance; Financial regulation

Article 7 Inside information

1.

For the purposes of this Regulation, inside information shall comprise the following types of information:

- (a) information of a precise nature, which has not been made public, relating, directly or indirectly, to one or more issuers or to one or more financial instruments, and which, if it were made public, would be likely to have a significant effect on the prices of those financial instruments or on the price of related derivative financial instruments;
- (b) in relation to commodity derivatives, information of a precise nature, which has not been made public, relating, directly or indirectly to one or more such derivatives or relating directly to the related spot commodity contract, and which, if it were made public, would be likely to have a significant effect on the prices of such derivatives or related spot commodity contracts, and where this is information which is reasonably expected to be disclosed or is required to be disclosed in accordance with legal or regulatory provisions [applicable in the United Kingdom, Gibraltar, the European Union or a Member State]¹, market rules, contract, practice or custom, on the relevant commodity derivatives markets or spot markets;
- (c) in relation to emission allowances or auctioned products based thereon, information of a precise nature, which has not been made public, relating, directly or indirectly, to one or more such instruments, and which, if it were made public, would be likely to have a significant effect on the prices of such instruments or on the prices of related derivative financial instruments;
- (d) for persons charged with the execution of orders concerning financial instruments, it also means information conveyed by a client and relating to the client's pending orders in financial instruments, which is of a precise nature, relating, directly or indirectly, to one or more issuers or to one or more financial instruments, and which, if it were made public, would be likely to have a significant effect on the prices of those financial instruments, the price of related spot commodity contracts, or on the price of related derivative financial instruments.

2.

For the purposes of paragraph 1, information shall be deemed to be of a precise nature if it indicates a set of circumstances which exists or which may reasonably be expected to come into existence, or an event which has occurred or which may reasonably be expected to occur, where it is specific enough to enable a conclusion to be drawn as to the possible effect of that set of circumstances or event on the prices of the financial instruments or the related derivative financial instrument, the

related spot commodity contracts, or the auctioned products based on the emission allowances. In this respect in the case of a protracted process that is intended to bring about, or that results in, particular circumstances or a particular event, those future circumstances or that future event, and also the intermediate steps of that process which are connected with bringing about or resulting in those future circumstances or that future event, may be deemed to be precise information.

3.

An intermediate step in a protracted process shall be deemed to be inside information if, by itself, it satisfies the criteria of inside information as referred to in this Article.

4.

For the purposes of paragraph 1, information which, if it were made public, would be likely to have a significant effect on the prices of financial instruments, derivative financial instruments, related spot commodity contracts, or auctioned products based on emission allowances shall mean information a reasonable investor would be likely to use as part of the basis of his or her investment decisions.

In the case of participants in the [market for UK emission allowances]² with aggregate emissions or rated thermal input at or below the threshold set in accordance with the [second or fourth subparagraphs]³ of Article 17(2), information about their physical operations [relating to UK installations or UK aviation activities]⁴ shall be deemed not to have a significant effect on the price of emission allowances, of auctioned products based thereon, or of derivative financial instruments.

[

In the case of participants in the market for EU emission allowances with aggregate emissions or rated thermal input at or below the threshold set in accordance with the second subparagraph of Article 17(2) of Regulation (EU) 596/2014 as that Regulation applies in the European Union, information about their physical operations relating to an EU installation or EU aviation activities shall be deemed not to have a significant effect on the price of emission allowances, or auctioned products based thereon, or of derivative financial instruments.

] ⁵ [...] ⁶ [4A.

For the purposes of this Article—

(a) an installation is a "UK installation" if activities at that installation resulting in the emission of carbon dioxide, perfluorocarbons or nitrous oxide ("greenhouse gases") are regulated under the [Greenhouse Gas Emissions Trading Scheme Order 2020](#);

(b) an installation is an "EU installation" if activities at that installation resulting in emissions of greenhouse gases are regulated under the national law of an EEA State which implements Directive 2003/87/EC;

(c) aviation activities are "UK aviation activities" if emissions of greenhouse gases resulting from those activities must be monitored under the [Greenhouse Gas Emissions Trading Scheme Order 2020](#);

(d) aviation activities are "EU aviation activities" if the emissions of greenhouse gases resulting from those activities must be monitored under the national law of an EEA State implementing Directive 2003/87/EC.

] ⁷

Notes

¹ Words substituted by Market Abuse (Amendment) (EU Exit) Regulations 2019/310 [Pt 6 reg.11](#) (December 31, 2020: commenced by an amendment)

² Words substituted by Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021/494 [reg.9\(5\)\(a\)\(i\)](#) (April 22, 2021)

³ Words substituted by Market Abuse (Amendment) (EU Exit) Regulations 2019/310 [Pt 6 reg.11\(1\)\(b\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Notes

- 4 Words inserted by Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021/494 [reg.9\(5\)\(a\)\(ii\)](#) (April 22, 2021)
 - 5 Words inserted by Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021/494 [reg.9\(5\)\(b\)](#) (April 22, 2021)
 - 6 Repealed by Market Abuse (Amendment) (EU Exit) Regulations 2019/310 [Pt 6 reg.11\(1\)\(c\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
 - 7 Added by Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021/494 [reg.9\(5\)\(c\)](#) (April 22, 2021)
-

*Enacting Terms > Chapter 2 INSIDE INFORMATION, INSIDER DEALING, UNLAWFUL DISCLOSURE
OF INSIDE INFORMATION AND MARKET MANIPULATION > art. 7 Inside information*

© European Union, <http://eur-lex.europa.eu/>, 1998-2025