

Market conduct

Chapter 1

Market Abuse

1.1 Application and interpretation

Application and purpose

- 1.1.1 **G** This chapter is relevant to all *persons* seeking guidance on the *market abuse* regime.
- 1.1.1A **G** [deleted]
- 1.1.2 **G** This chapter provides *guidance* on the *Market Abuse Regulation*. It is therefore likely to be helpful to *persons* who:
- (1) want to avoid engaging in *market abuse*; or
 - (2) want to determine whether they are required by article 16 of the *Market Abuse Regulation* to report a transaction or order to the *FCA* as a suspicious one.
- 1.1.3 **G** The *FCA's* statement of policy about the imposition, duration and amount of penalties in cases of *market abuse* (required by section 124 of the *Act*) is in ■ DEPP 6 .

Using MAR 1

- 1.1.4 **G**
- (1) Assistance in the interpretation of ■ MAR 1 (and the remainder of the *Handbook*) is given in the *Readers' Guide to the Handbook* and in ■ GEN 2 (Interpreting the Handbook). This includes an explanation of the status of the types of provision used (see in particular chapter six of the *Readers' Guide to the Handbook*).
 - (2) [deleted]
- 1.1.5 **G** [deleted]
- 1.1.6 **G** This chapter does not exhaustively describe all types of behaviour that may indicate *market abuse*. In particular, the descriptions of behaviour should be read in the light of:
- (1) the elements specified by the *Market Abuse Regulation* as making up the relevant type of *market abuse*; and

- (2) any relevant descriptions of behaviour specified by the *Market Abuse Regulation* which do not amount to *market abuse*; and
- (3) any provisions in the *MAR Level 2 Regulations*, and any applicable guidelines made by *ESMA* in force before *IP completion day* .

- 1.1.7 **G** This chapter does not exhaustively describe all the factors to be taken into account in determining whether behaviour amounts to *market abuse*. The absence of a factor mentioned does not, of itself, amount to a contrary indication.
- 1.1.8 **G** For the avoidance of doubt, it should be noted that any reference in this chapter to "profit" refers also to potential profits, avoidance of loss or potential avoidance of loss.
- 1.1.9 **G** References are made in this chapter to provisions in the *Market Abuse Regulation* and provisions in the *MAR Level 2 Regulations* to assist readers. The fact that other provisions of the *Market Abuse Regulation* and other provisions in the *MAR Level 2 Regulations* have not been referred to does not mean that they would not also assist readers or that they have a different status.