

Inside information

Brussels, 12th November 2008

Ilona Pieczyńska-Czerny
Enforcement Department

What MAD ensure in the context of inside information

- Prompt and fair disclosure

For your consideration

Should the disclosure be made at preliminary stage of the project

Should the transactions of primary insiders be allowed at this stage

What MAD ensure in the context of disclosure of inside information

Issuer's dilemma

- Premature publication of information
- Publication of information with delay

What MAD requires in the context of inside information

Higher than 'normal' degree of probability based on:

- Objective factors
- Subjective factors

For your consideration

Do the investors anticipate the probability

Do the investors react twice to the same information

Mitigants of issuer's dilemma

- Possibility of delay
- Broad understanding of the 'as soon as possible' term

How does it operate in Poland?

- Negotiations in course (from Commission Directive 2003/124/EC, art. 3.1)
- Decision taken or contracts made (from Commission Directive 2003/124/EC, art. 3.1)
- Contract under the condition
- Names of the counterparties of transaction concerning significant assets
- The name of the counterparty, the subject of the agreement and financial terms of the agreement

How is 'as soon as possible' term interpreted in Poland?

- Time necessary for closing horizontal analysis
- Time necessary for closing vertical analysis

