

Brussels, 13.7.2022  
C(2022) 4852 final

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of 13.7.2022**

**laying down implementing technical standards for the application of Regulation (EU) 2020/1503 of the European Parliament and of the Council with regard to the standard forms, templates and procedures for the notifications of national marketing requirements applicable to crowdfunding service providers by competent authorities to ESMA**

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937,<sup>1</sup> and in particular Article 28(5), third subparagraph, thereof,

Whereas:

- (1) Regulatory divergences between Member States regarding national requirements on marketing communications may create obstacles for crowdfunding service providers operating across the Union. Standard forms, templates and procedures for the notifications by national competent authorities to ESMA ensure that publications to be made by ESMA pursuant to Article 28(6) of Regulation (EU) 2020/1503 are clear and reduce legal uncertainty. To ease the processing of those notifications and facilitate ESMA in meeting the publication requirements laid down in Article 28(6) of Regulation (EU) 2020/1503, competent authorities should be required to notify ESMA, through a dedicated address, within specific timeframes and using harmonised standard forms and templates.
- (2) To facilitate the processing of notifications by ESMA, competent authorities should use one of the two different templates, depending on whether they make a notification pursuant to Article 28(2) or (3) of Regulation (EU) 2020/1503.
- (3) This Regulation is based on the draft implementing technical standards submitted to the Commission by ESMA.
- (4) ESMA has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council<sup>2</sup>.

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<sup>1</sup> OJ L 347, 20.10.2020, p. 1.

<sup>2</sup> Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending

- (5) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>3</sup> and delivered an opinion on 1 June 2022,

HAS ADOPTED THIS REGULATION:

*Article 1*  
*Contact point*

ESMA shall communicate to competent authorities the contact details, including the electronic address, that shall be used for the notifications under Article 28(2) and (3) of Regulation (EU) 2020/1503.

*Article 2*  
*Timeframe*

1. Competent authorities shall make the notification referred to in Article 28(2) of Regulation (EU) 2020/1503 within two months after [*OP: Please insert the date: the date of entry into force of this Regulation*].
2. Competent authorities shall make the notification referred to in Article 28(3) of Regulation (EU) 2020/1503 before the date of application in the relevant Member State of the change being notified.

*Article 3*  
*Templates and submission*

1. When making a notification in accordance with 28(2) of Regulation (EU) 2020/1503, competent authorities shall use the template set out in Annex I to this Regulation.
2. When making a notification in accordance with Article 28(3) of Regulation (EU) 2020/1503, competent authorities shall use the template set out in Annex II to this Regulation.
3. Competent authorities shall submit the templates referred to in paragraphs 1 and 2 using the electronic address provided by ESMA pursuant to Article 1.

*Article 4*  
*Entry into force*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

<sup>3</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13.7.2022

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*