

Direct line: 020 7066 8080
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11 September 2014

Our Ref: FOI3605

Your Ref:

Dear,

Freedom of Information: Right to know request – FOI3605

We refer to your request under the Freedom of Information Act 2000 ("the Act"), for information submitted by Roble S.L to the FCA as required under the *"COMMISSION DELEGATED REGULATION (EU) No 826/2012 of 29 June 2012 supplementing Regulation (EU) No 236/2012 of the European Parliament and of the Council..."*

I can confirm that we hold information that falls within scope of your request, and I provide comments as follows (following your numbering in italics).

1) *NOTIFICATIONS: Please refer to Annex 1, Table 1, Field Identifier 1 of the above. Please state:*

a) *whether, in respect of legal persons, the full name of the notifying entity including legal form as provided for in the register where it is incorporated, if applicable, has been notified to the FCA in relation to short position declarations by Roble S.L.*

I can confirm that the FCA received a registration form in March 2013 to register Roble S. L as a 'position holder' (i.e investor) as reported in the spreadsheet of short positions published on the FCA website - <http://www.fca.org.uk/firms/markets/international-markets/eu/short-selling-regulations/notifications-disclosures>

You may find it useful to peruse the "Short Selling" factsheet which outlines the FCA notification process for position holders who are notifying us of a net short position – <http://www.fca.org.uk/your-fca/documents/short-selling-factsheet>

b) *whether the notified full name as above is Roble S.L.*

I can confirm that the full notified name of the position holder is "Roble S.L".

- c) *if not exclusively notified as Roble S.L., the full notified name including legal form as provided for in the register where it is incorporated.*

See our comments for b) above.

- 2) *PUBLIC DISCLOSURE: Please refer to Annex 1, Table 2, Field Identifier 1 of the above. Please state:*

- a) *whether, in respect of legal persons, the full name of the notifying entity including legal form as provided for in the register where it is incorporated, if applicable, is liable to be disclosed by the FCA in relation to short position declarations under the name of Roble S.L.*

As required under the Commission Delegated Regulation (EU) No 826/2012, the notifying entity should provide its full name and the FCA has to disclose this information in relation to public disclosures made to us. I can confirm that the FCA has published the full name of the notifying entity, which in this case is Roble S.L.

- b) *if so, the full disclosable name as required by (a) above.*

You will see from the spreadsheet that the name published is "Roble S.L".

- 3) *Does the FCA hold on file any information relating to the underlying ownership of Roble S.L.?*

I confirm that we hold information that falls within the scope of Point 3 of your request. However, we are not able to give it to you because this is confidential information which was received by us for the purposes of carrying out our regulatory work under the Financial Services and Markets Act 2000. This means that this information is exempt from disclosure under section 44 (Prohibitions on Disclosure) of the Act. For a more detailed explanation as to why this exemption applies please refer to the annex, below.

I realise that you may be disappointed with this decision but I hope you understand why we are not able to give it to you.

Yours sincerely

Information Access Team

Your right to complain under the FoI Act

If you are unhappy with the decision made in relation to your request, you have the right to request an internal review. If you wish to exercise this right you should contact us within three months of the date of this response.

If you are not content with the outcome of the internal review, you also have a right of appeal to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 01625 545 700. Website: www.ico.org.uk

Annex A

- **Section 44 (Prohibitions on disclosure)**

Section 44(1)(a) of the Act provides that information is absolutely exempt if its disclosure (otherwise than under the Act) is prohibited by or under any enactment. Section 348 of FSMA restricts the FCA from disclosing "confidential information" it has received except in certain limited circumstances (none of which apply here).

Confidential information for these purposes is defined as non-public and non-anonymised information which relates to the business or other affairs of any person and which was obtained by the FCA for the purposes of, or in the discharge of, any of its functions under FSMA and which is not in the public domain. Disclosure of any such confidential information is in breach of section 348 of FSMA and is a criminal offence.

In this case, the information received by the FCA was received for the purpose of carrying out our regulatory functions and so falls within Section 348. Consequently the FCA is prohibited from disclosing it to you.

Section 44 is an "absolute" exemption, and so it is not necessary to balance the public interests for and against disclosing the information.