

Appeal procedure

Rules of procedure

In accordance with Article 60(6) of the ESAs' Regulations, the Board of Appeal has adopted the Rules of procedure which govern the bringing and conduct of an appeal.

- [Board of Appeal Rules of procedure 2020](#)

Bringing an appeal

The full appeal process may be found under the Rules of Procedure.

Further, there are:

- [Guidelines to the Parties to Appeal Proceedings before the Board of Appeal.pdf](#)
- [Form of notice of appeal](#)

Legal articles quoted in the text below are from the ESAs' Regulations, or the Board of Appeal's Rules of Procedure.

Who is entitled to file an appeal?

"Any natural or legal person, including competent authorities, may appeal against a decision of the Authority referred to in Articles 17, 18 and 19 and any other decision taken by the Authority in accordance with the Union acts referred to in Article 1(2) which is addressed to that person, or against a decision which, although in the form of a decision addressed to another person, is of direct and individual concern to that person." (Article 60 (1) of the ESAs' Regulations).

How to file an appeal?

Prospective Appellant should carefully review Article 60 of the ESAs' Regulations and the Rules of Procedure of the Board of Appeal, particularly Article 5 and 7, to make sure the appeal is filed in time.

- "The appeal, together with a statement of grounds, shall be filed in writing at the Authority within three months of the date of notification of the decision to the person concerned, or, in the absence of a notification, of the day on which the Authority published its decision." (Article 60 (2) of the ESAs' Regulations).
- "A Party wishing to bring an appeal against a decision of the Authority under Article 60 of the

ESAs' Regulations shall do so by way of a Notice of Appeal identifying the decision of the Authority [which is] the subject of the appeal." (Article 5 of the Rules of Procedure of the Board of Appeal).

The Notice of Appeal shall be filed at the Authority against whose decision the party appeals. The addresses of the Authorities are as follows:

- For EBA: EBA Chairperson, Défense 4, Europlaza, CS 30154, 92927 Paris, La Défense Cedex-France, indicating "confidential"
- For EIOPA: EIOPA Chairperson, Westhafenplatz 1, 60327 Frankfurt am Main, Germany, indicating "confidential"
- For ESMA: ESMA Chairperson, 201-203 rue de Bercy, 75012 Paris, France, indicating "confidential"

Copying the Secretariat

The Notice of Appeal should also be copied in hard form to ESMA: ESMA Chairperson, 201-203 rue de Bercy, 75012 Paris, France, indicating "confidential" and by e-mail to boardofappeal@esma.europa.eu ESMA is in charge of the Secretariat of the BoA in 2021*.

If the appeal is brought against ESMA in 2021, the Notice of Appeal should be copied in hard form and by e-mail to EIOPA (boardofappeal@eiopa.europa.eu)

General contact for Board of Appeal matters

Secretariat of the ESAs' Joint Committee in 2021:

boardofappeal@esma.europa.eu (cc: boardofappeal@eiopa.europa.eu and boardofappeal@eba.europa.eu)

*The Secretariat of the Board of Appeal rotates every year:

- for 2021 by ESMA, 201-203 rue de Bercy, 75012 Paris, France / email: boardofappeal@esma.europa.eu
- for 2022 by EIOPA, (Westhafenplatz 1, 60327 Frankfurt, Germany / email: boardofappeal@eiopa.europa.eu)
- for 2023 by EBA, Défense 4, Europlaza, CS 30154, 92927 Paris, La Défense Cedex-France / email: boardofappeal@eba.europa.eu)

Since no ESA can administer an appeal filed against its own acts (Article 4 of the Rules of Procedure of the Board of Appeal), if the appeal is brought against the Authority which provides the Secretariat in that year, the Notice of Appeal should be copied in hard form and by e-mail to the Authority which provides the

Secretariat for the following year.

LAST UPDATED ON:
8 Jun 2021