

GZ: WA 25-Wp 5700-2019/0002

Annex 2 – Template for the notification of intent under Regulation No 236/2012 on short selling and certain aspect of CDS (SSR)

1. Identification of the competent authority

Federal Financial Supervisory Authority
(- BaFin)

2. Nature of the proposed measure

- a. description and reference to the relevant Article of the Regulation;

According to Article 20(2)(a) and (b) of the Regulation the measure consists of a ban on net short positions in shares of Wirecard AG (ISIN DE0007472060)

The ban applies regardless of the place where the transaction is executed (i.e. on a trading venue or OTC).

- b. whether it is a first introduction or a renewal;

It is the first introduction of such a measure under the Regulation in Germany.

- c. who is concerned (e.g. any person irrespective of their country of residence).

The measure applies to any natural or legal persons domiciled or established within the Union or in a third country.

3. Scope of the financial instruments concerned

Does the measure apply to all financial instruments, financial instruments of a specific class or a specific financial instrument? Where relevant, a full list of concerned issuers' name should be provided. Does it apply to Global Depositary Receipts of a specific share or, in general, other financial instruments related to a specific financial instruments (e.g. index related products)?

The measure bans to open or to increase net short positions in the shares of Wirecard AG. The measure applies to shares issued by Wirecard AG (ISIN DE0007472060) and also to all related instruments relevant for the calculation of the net short position determined in Annex I, part 1, articles 5 and 6 of Commission Delegated Regulation EU N° 918/2012, except index-related instruments.

Kontakt:



4. Justification and legal basis:

- a. Nature of the "serious threat": to financial stability? To market confidence?
To both? Who is concerned by this threat (one or more Member States)?

The measure is justified by the existence of specific adverse circumstances that constitute a serious threat to market confidence in Germany, especially regarding the confidence of a fair price determination.

- b. Explanation on the adverse events or developments that constitute the above mentioned threat. Art 24 of the Commission Delegated Regulation (EU) No 918/2012 specifies a list of criteria and factors to be taken into account in determining when adverse events or developments arise.

Wirecard AG is a global internet technology and financial services provider headquartered near Munich which is listed on the Frankfurt stock exchange. Wirecard AG is a member of the DAX, the most relevant German index that tracks the price development of the 30 largest and most actively traded German equities. The shares of Wirecard AG replaced the shares of Commerzbank AG in the DAX index on 24 September 2018.

Wirecard AG has a market capitalization of 13.63 Bn. Euro. The number of issued shares is 123.49 million. The turnover was 897 million EUR in the first half of 2018 and 1,489 million in 2017.

The company offers its customers electronic payment transaction solutions and risk management, as well as the issuing and processing of physical and virtual cards. Wirecard AG has 4,500 employees. It has connections to more than 200 international payment networks (banks, payment solutions, card networks), which results in 34,000 customers from various industries. It offers its services in over 100 transaction currencies.

The subsidiary Wirecard Bank AG holds a German banking licence, in addition to licences from Visa and Mastercard. Moreover, it has contracts with American Express, Discover/Diners, JCB, Alipay, WeChat Pay, Apple Pay and China Union-Pay, among others.

In March 2017, Wirecard AG acquired Citi Prepaid Card Services and created Wirecard North America, introducing its internet technology, issuing and acquiring solutions and omnichannel payment solutions to the US market.

In the past, several German companies had been the target of “short-attacks”, endangering the market integrity and trust in fair and efficient price setting. In particular, Wirecard AG was the target of “short-attacks” in 2008 and 2016. These attacks led to investigations by BaFin and the public prosecutors’ office regarding market manipulation.

In recent days, massive uncertainties have been observed on the financial markets which constitute a serious threat to market confidence in Germany, especially regarding the confidence in a fair price determination. In recent years, Wirecard AG has already been the target of several “short-attacks”, through which short-sellers have profited from entering into certain positions which have resulted in corresponding price declines in shares of Wirecard AG. These “short-attacks” have been followed and exacerbated by negative reporting in the media.

Such events result in an uncertainty of the investors, because a reliable price determination seems no longer be guaranteed. In the current situation there is the risk that this uncertainty regarding a fair price determination could extend to other issuers, including to DAX-issuers or financial institutions.

Against the “short-attack-background”, a substantial selling pressure and unusual volatility in the price of shares issued by Wirecard AG could continue to occur, as the investors take positions following a downward trend that attracts new short positions to take profit should the price fall with increased intensity in the next weeks. In this case, significant price movements of the shares could be expected, on a typical downward price spiral that would find little price supports. Should those price movements be even more extreme, due to the build-up of short positions, Wirecard AG would become increasingly vulnerable, even if no underlying solvency or liquidity problem would exist.

During the last two weeks, shares of Wirecard AG have dropped considerably. From 30 January 2019 to 15 February 2019, price of the shares dropped from 167.00 EUR (opening on 30 January) to 99.90 (close on 15 February), reducing the market cap by 40 percent (Attachment 1). In particular, Wirecard AG shares fell after reports, claiming that several employees of Wirecard AG subsidiaries in Singapore manipulated documents in order to create fake turnover.

After a release on 30 January 2019 Wirecard AG shares dropped by 22 percent within 24 minutes (Attachment 2). As depicted by the graph in attachment 2, after the release on 30 January 2019 DAX also dropped in a similar movement.

After a release on 1 February 2019, the share price fell by 16 percent within 15 minutes (Attachment 3).

Wirecard AG stated that they were aware of the allegations and hired a law firm to investigate them thoroughly. The share price reversed its movement partially after these statements were made, especially after a conference call on 4 February 2019 (Attachment 4).

On 7 February 2019, another report was released which led again to sharp decline of the share price within a short timeframe (11 percent within 9 minutes, Attachment 5).

On the next day, Wirecard AG shares dropped by 16 percent within 19 minutes, after another report was released (Attachment 6).

During the aforementioned events, a strong increase in historical and implied volatility could be observed (Attachment 7).

Since the end of January 2019, we have once again seen various negative press reports. These have coincided with increased net short positions and with a corresponding high level of price volatility in shares of Wirecard AG. Since 1 February 2019, a clear increase in net short positions in shares of Wirecard AG has been observed, with a further sharp rise since 7 February 2019. In recent days, the net short positions have seen a further significant increase. The net short positions are held by various holders, in particular from abroad, and partially at levels below the notification threshold.

As to the recent events pertaining Wirecard AG, the public prosecutor of Munich confirmed that an investigation into possible market manipulation had been initiated. In this context it was stated that there is no investigation against Wirecard AG (Attachment 8). Thus, the criteria and factors indicated in letter c) of Article 24(1) of Commission Delegated Regulation (EU) No 918/2012 apply.

c. Explanation on how the proposed measure

- is necessary to address that serious threat, and
- will not have a detrimental effect on the efficiency of financial markets which is disproportionate to its benefits.

The described disorderly price movements in the shares of Wirecard AG mainly triggered by press releases lead to the fear of investors that a reliable price determination seems no longer be guaranteed. This fear seems to enlarge to a fundamental trust problem regarding the price determination on German markets in general. In the current situation, there is the risk that this uncertainty regarding a fair price determination could extend to other issuers, especially to DAX-members or financial institutions.

The measure is issued in duly exercised discretion because the present measure is appropriate, necessary and reasonable. The measure is necessary to address the threat since it is necessary, against the background as described, to temporarily tighten the existing prohibition of uncovered short sales pursuant to Article 12 of the EU Short Selling Regulation with reference to these shares by extending it to the establishment of net short positions and to the increase in existing net short positions without any exception being made for intraday transactions. Only such extended prohibition will ensure that an adverse effect on the prices of the shares covered by the prohibition as a result of net short positions being entered into or existing net short positions being increased will not take place in the current market situation and that a further deterioration in such market situation as a result of such transactions will be prevented. In order to achieve this aim, the prohibition must therefore apply to all persons that are domiciled or established in the Union or in a third country.

The measure is necessary to address the threat, and will not have a detrimental effect on the efficiency of the financial markets which is disproportionate to its benefits. This is because only the prohibition can counter the cause of the threat brought by short attacks. Furthermore, the measure is necessary since a more moderate, equally effective measure cannot be envisaged. In particular measures under Article 23 of the EU Short Selling Regulation cannot be considered since these cannot have a comparable stabilising effect on the market due to their short-term nature. The exceptional provisions for market maker activities reasonably take account of the interests of trading participants in the use of hedging instruments so that the restrictions of trading in financial instruments remain limited to the required scope. There are also no indications that the prohibition could be disproportionate in the stricter sense. There are, in particular, various possibilities for trading in shares of Wirecard AG and the related derivatives.

The grant of a reservation of revocation is also necessary and appropriate. The reservation of revocation gives BaFin the possibility of responding flexibly to current developments during the period of application of the General Administrative Act. This in particular makes it possible to promptly lift the ban in the event of a far-reaching stabilisation of the markets.

The chosen duration of the measure makes it possible for market participants to plan their trading activities with sufficient certainty over an appropriate period of time, but also allows the market to stabilise and the matter to be further clarified and evaluated.

The measure will not have a detrimental effect on the efficiency of the financial markets which is disproportionate to its benefits because the prohibition is confined to Wirecard AG stocks and does not prohibit covered short sales completely but only if on an aggregate view they lead to an increase in the net short positions. Moreover, an exemption is provided for market maker activities.

- d. Any evidence should be provided in attachment to the notification. This may include quantitative evidence.

Att. 1-Graph on Wirecard AG, price development 30 January to 15 February 2019

Att. 2-Graph on Wirecard AG, price development 30 January 2019

Att. 3- Graph on on Wirecard AG, price development 1 February 2019

Att. 4- Graph on Wirecard AG, price development 4 February 2019

Att. 5 Graph on Wirecard AG, price development 7 February 2019

Att. 6 Graph on Wirecard AG, price development 8 February 2019

Att. 7 Graph on Wirecard AG, volatility

Att. 8 Press Release Reuters regarding Wirecard AG

Att. 9 Press Release "Der Aktionär" regarding Wirecard AG

5. Entering into force and duration of the proposed measure:

- a. expected date and time of entering into force of the proposed measure;

18.02.2019, 6:00 a.m.

- b. expected timing for the publication by the CA of the notice of restriction;

18.02.2019, 6:00 a.m. (not earlier)

c. duration

- [Specify that the proposed measure is in effect for a period of [xx days/months], expiring therefore on [date and time] if not renewed

Expiry date: 18.04.2019, close of day.

- Specify whether the proposed measure may be lifted before the deadline (after consultation, under ESMA coordination with other authorities that have introduced a similar prohibition)

The measure may be lifted before the deadline taking into account market conditions.

Specify whether a possibility of extension/renewal if needed provided that the process imposed by the Regulation is followed (notification to ESMA and ESMA opinion to be issued) is considered.]

The measure may be extended taking into account market conditions.

6. Consent of another CA under Article 22 of the SSR,

[Only in case the CA proposing the measure is not the relevant competent authority for [all] the financial instrument(s) subject to the proposed measure. If so, specify the concerned CA(s) and any steps undertaken prior to the notification to ensure consent.]

Others may be effected:

- **Austria (warrants and certificates)**
- **France (e.g. single name options)**
- **Netherlands (certificates)**
- **United Kingdom (e.g. single name options, swaps)**
- **Luxembourg**

7. Exemptions to the measure

[Specify the activities to which the measure will not apply, if relevant (e.g. market making, primary market activities).]

The above-mentioned prohibition does not apply to the activity of market making, as defined by in Articles 2(1)(k) and 17 of the aforementioned Regulation and in ESMA Guidelines of April 2, 2013, with reference to market makers included on the list maintained by ESMA of market makers permitted to use the exemption. This exception only extends to those transactions that market makers undertake as part of their market making activities.

Trading in index-related instruments is not affected by the ban.

Convertible bonds and subscription rights in shares not yet issued are to be included neither in the calculation of the short side nor in the calculation of the long side of net short positions.

8. Contact person(s), including for technical questions on the proposed measure

[Name, telephone (including Mobile if any), Email]

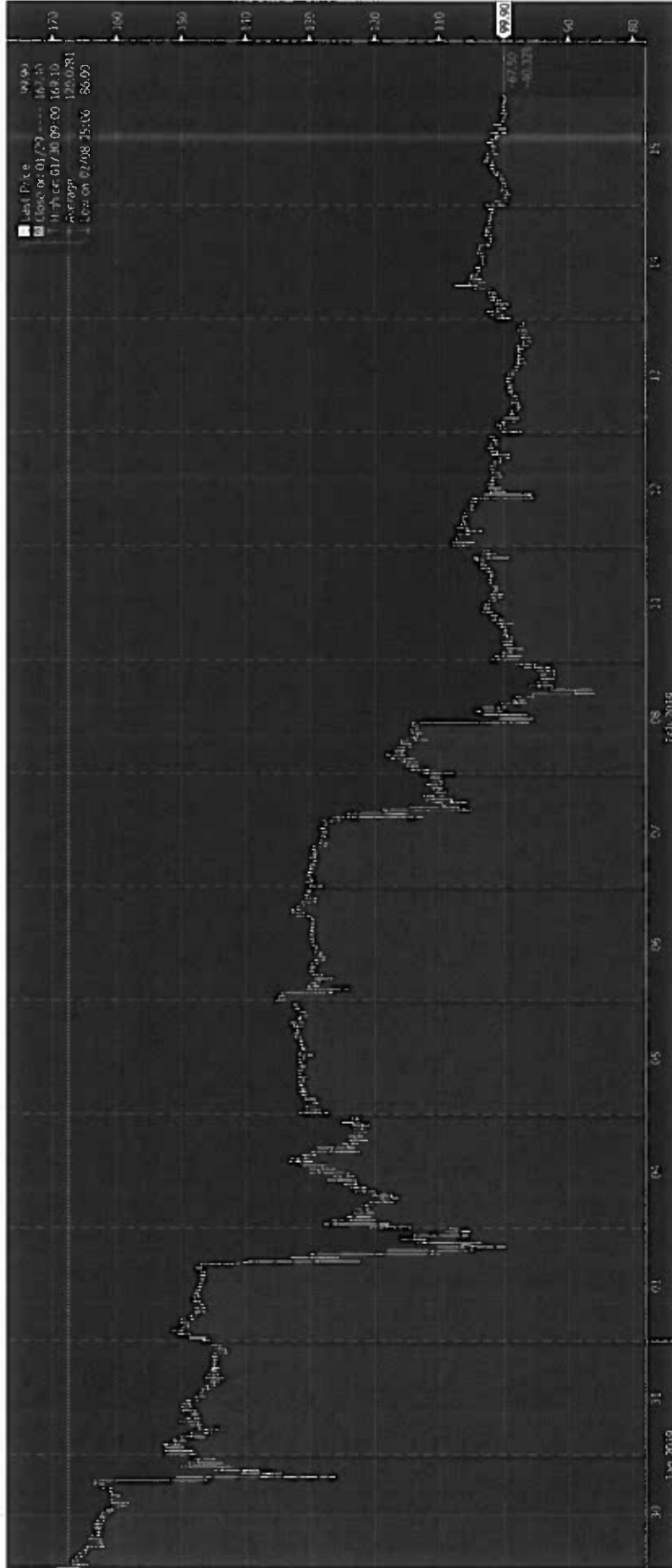
[Redacted contact information]

[Redacted contact information]

Attachment 1 - Share price from 30 January 2019 to 15 February 2019

WDI GY Equity (Wirecard AG)
 WDI GY Equity (Wirecard AG)

Bloomberg

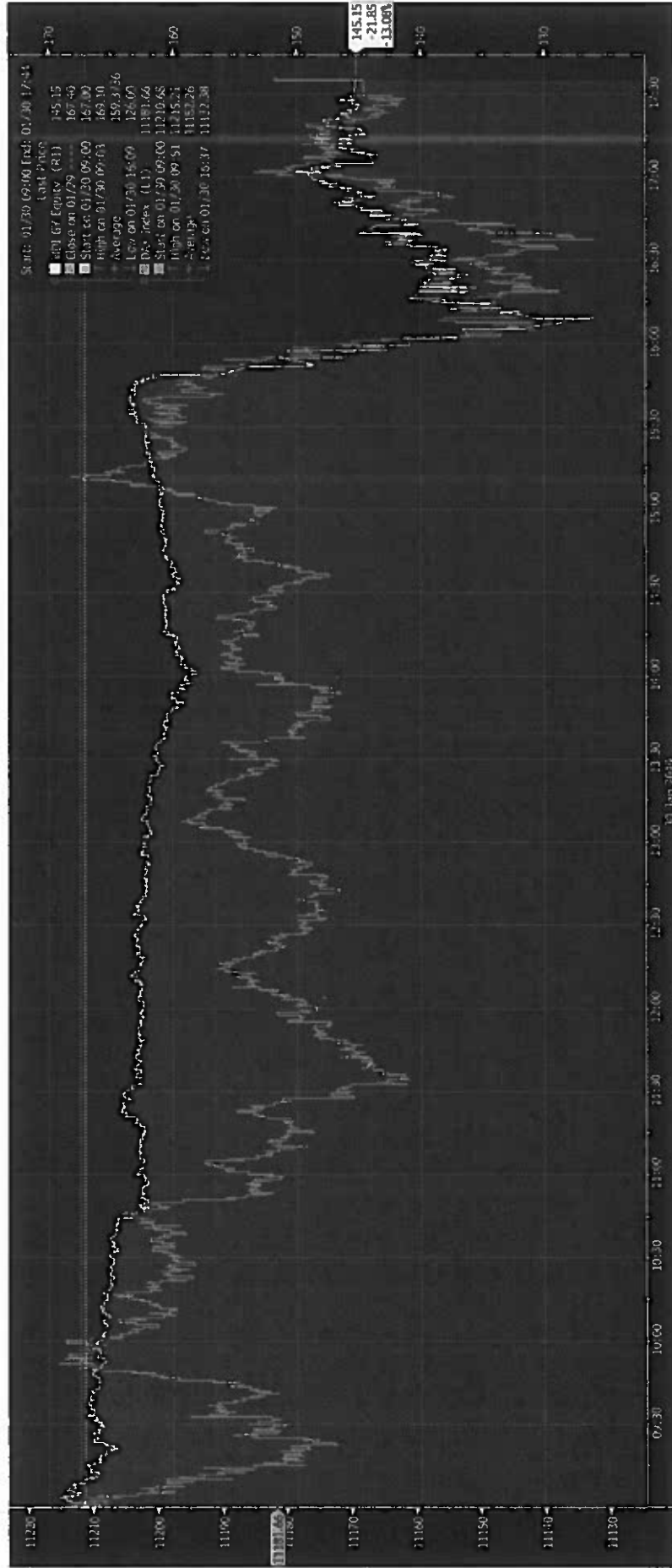


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Attachment 2 - Share price on 30 January 2019

- WDI GY Equity (Wirecard AG)
- WDI GY Equity (Wirecard AG)
- DAX Index (Deutsche Boerse AG German Stock Index DAX)

Bloomberg

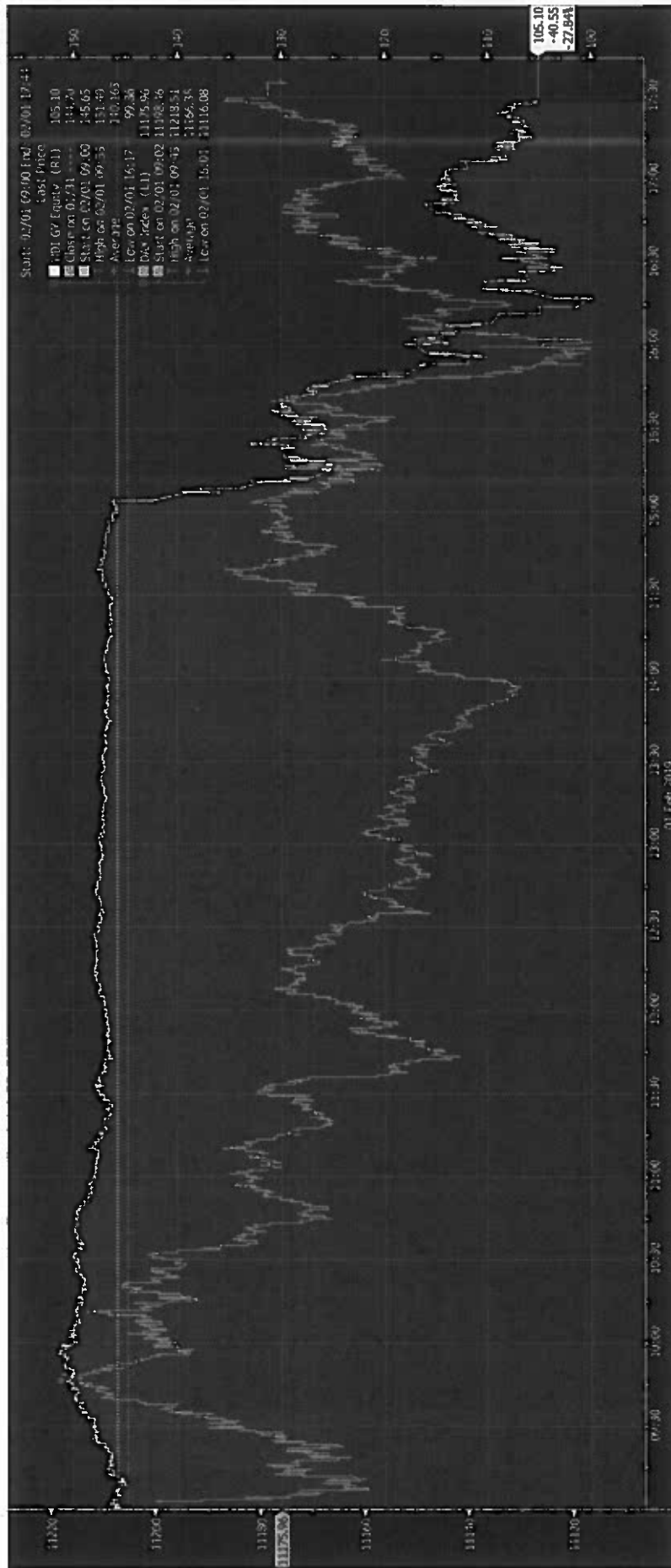


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Attachment 3 - Share price on 1 February 2019

WDI GY Equity (Wirecard AG)
 WDI GY Equity (Wirecard AG)
 DAX Index (Deutsche Boerse AG German Stock Index DAX)

Bloomberg

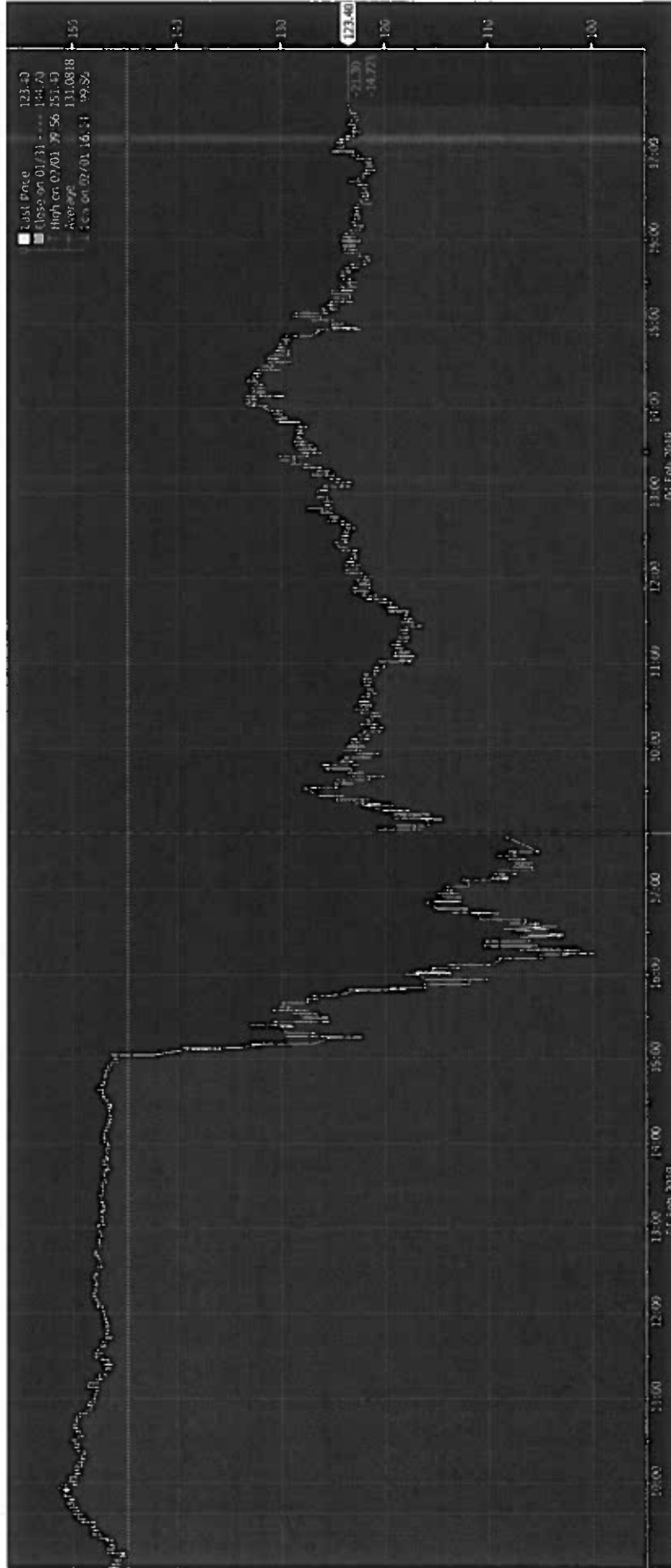


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Attachment 4 - Share price from 1 February 2019 to 4 February 2019

WDI GY Equity (Wirecard AG)
 WDI GY Equity (Wirecard AG)

Bloomberg

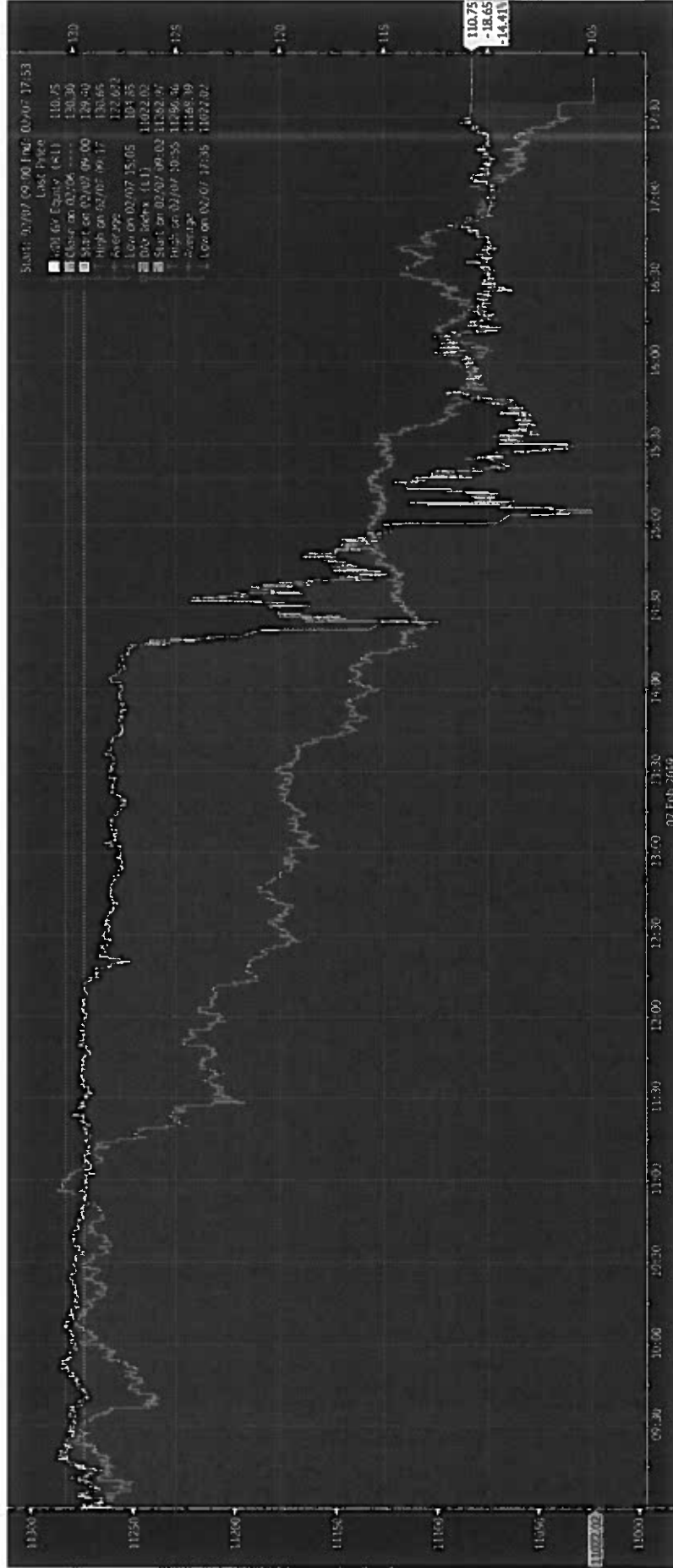


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Attachment 5 - Share price on 7 February 2019

WDI GY Equity (Wirecard AG)
 WDI GY Equity (Wirecard AG)
 DAX Index (Deutsche Boerse AG German Stock Index DAX)

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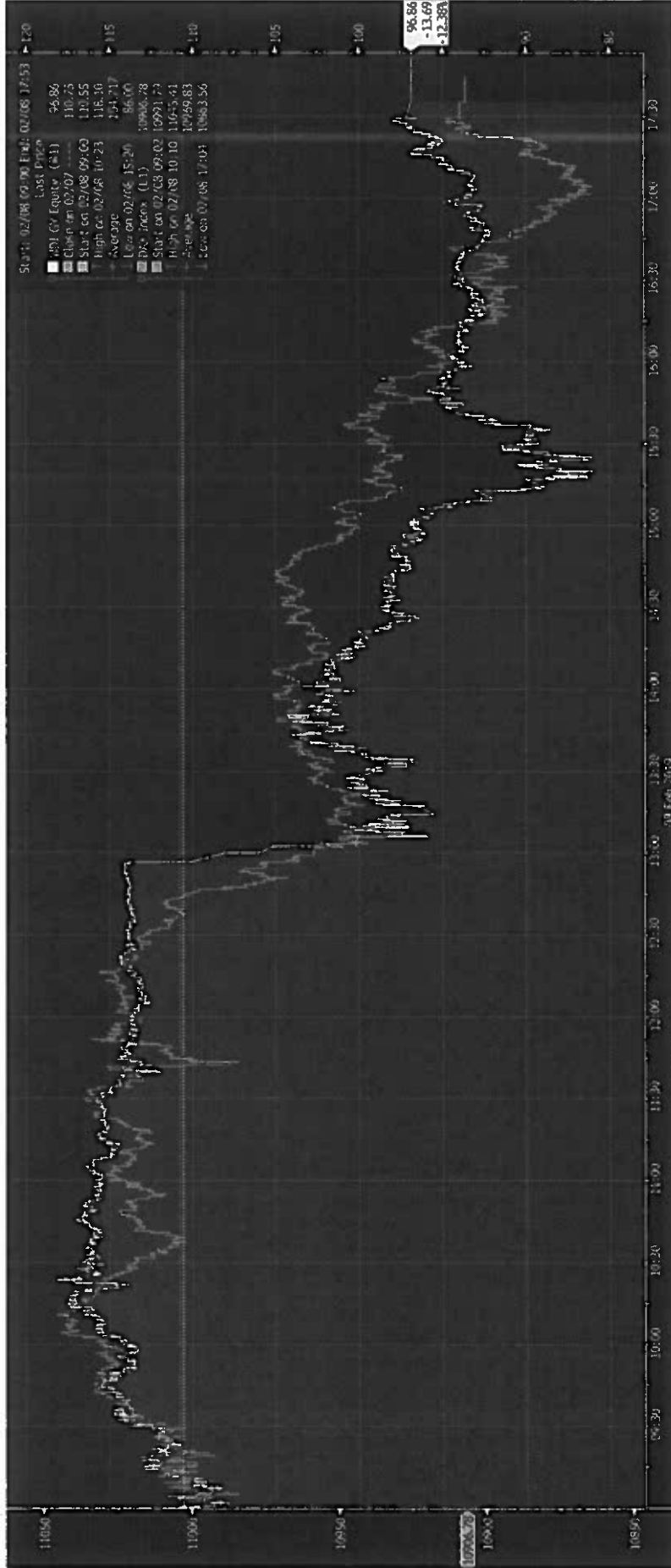
Attachment 6 - Share price on 8 February 2019

WDI GY Equity (Wirecard AG)

WDI GY Equity (Wirecard AG)

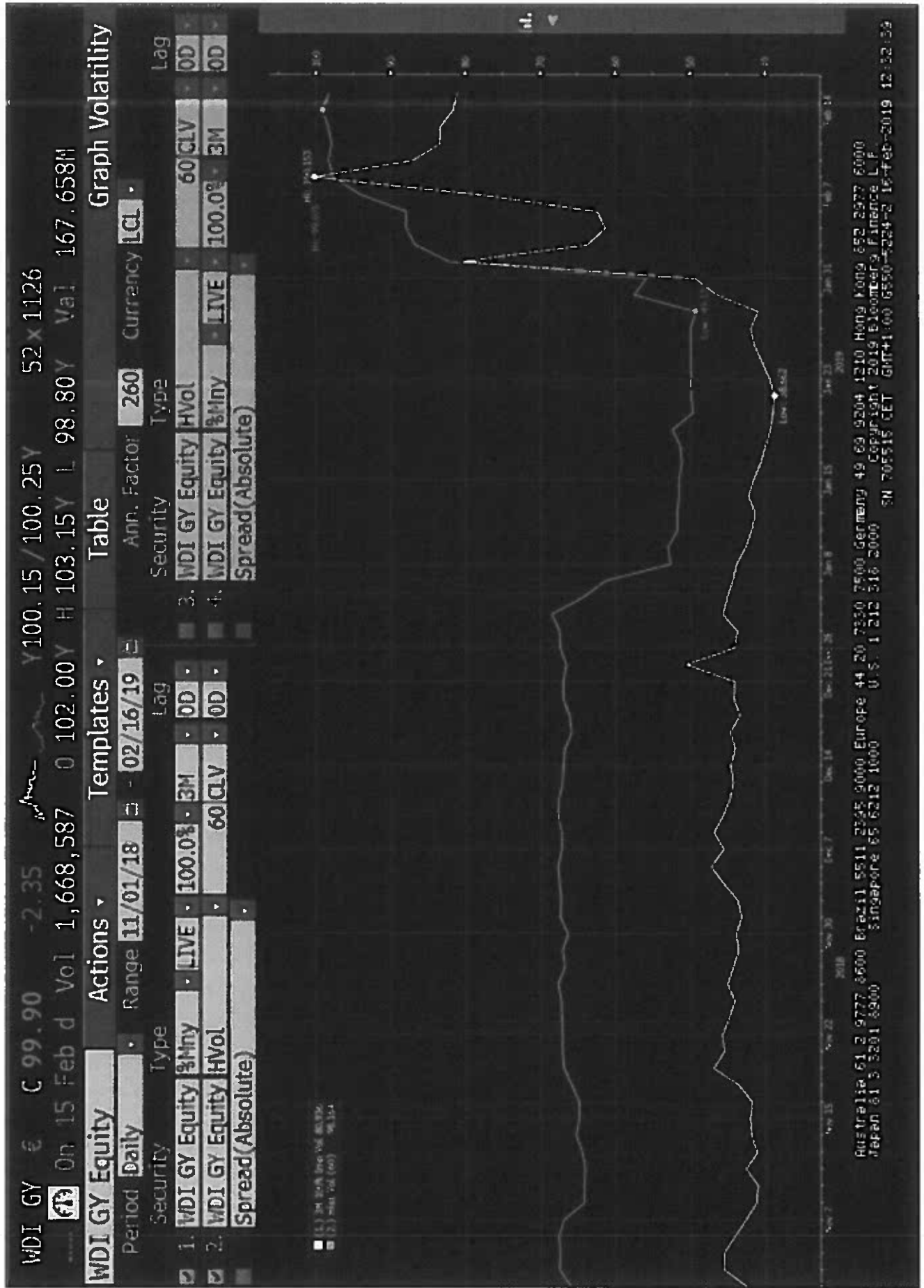
DAX Index (Deutsche Boerse AG German Stock Index DAX)

Bloomberg



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Attachment 7 - Volatility from 1 November 2018 to 15 February 2019



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UNTERNEHMENSNACHRICHTEN

8. FEBRUAR 2019 / 14:01 / VOR 8 TAGEN

Staatsanwaltschaft - Weiter kein Anfangsverdacht gegen Wirecard

Reuters Staff

GELESEN IN 2 MINUTEN



FILE PHOTO: An employee of Wirecard AG, an independent provider of outsourcing and white label solutions for electronic payment transactions, presents the contactless payment system "boon" at the company's headquarters in Aschheim near Munich, Germany September 6, 2018. REUTERS/Michael Dalder/File Photo

Frankfurt (Reuters) - Die Staatsanwaltschaft in München sieht weiterhin keinen Grund für Ermittlungen gegen den Zahlungsabwickler Wirecard.

“Wir sehen derzeit keinen ausreichenden Anfangsverdacht, um ein Ermittlungsverfahren gegen Verantwortliche der Wirecard AG einzuleiten”, sagte eine Sprecherin der Staatsanwaltschaft München I am Freitag. Zuvor hatte die Polizei in Singapur Geschäftsräume des Dax-Konzerns in dem Stadtstaat durchsucht. Man wisse von der Durchsuchung, aber das habe nichts an der Einschätzung der Münchener Behörde geändert, sagte die Sprecherin.

In den vergangenen Tagen hatten mehrere Berichte der “Financial Times” über einen angeblichen Bilanzskandal die Wirecard-Aktie auf Talfahrt geschickt, Milliarden an Börsenwert wurden vernichtet. Das Unternehmen hat die Vorwürfe wiederholt zurückgewiesen. “Wir haben auf eine konkrete Strafanzeige von Wirecard hin ein Ermittlungsverfahren gegen Unbekannt wegen des Verdachts der Marktmanipulation rund um den Preisverfall der Aktie eingeleitet”, sagte die Sprecherin der Staatsanwaltschaft.

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MEHR NACHRICHTEN



Trump kündigt Notstand für Bau von Grenzmauer an
vor 19 Stunden



Altmaier rechnet fest mit Bau von Nord-Stream-2-Pipeline
vor 19 Stunden



SPD will im Europawahlprogramm Steuerdumping angehen
vor 19 Stunden



EZB erwägt neue Geldspritzen als Konjunkturhilfe
vor 19 Stunden

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WIRECARD

11.12.2018 - 08:15 Uhr - NIKOLAS KESSLER - Redakteur

Wirecard: Short-Attacke landet vor Gericht

Die Short-Attacke auf die Aktie von Wirecard im Februar 2016 hat ein Nachspiel vor Gericht. Nach Abschluss ihrer Ermittlungen geht die Staatsanwaltschaft von einem kriminellen Hintergrund aus und hat beim Münchner Amtsgericht einen Strafbefehl gegen den Herausgeber der Studie beantragt. Können die Anleger jetzt aufatmen?

Es waren dramatische Stunden: Am 24. Februar 2016 ist die Aktie des Zahlungsabwicklers um ein Viertel eingebrochen, nachdem eine bis dahin unbekannte Firma namens Zatarra Research dem Unternehmen in einer Analyse betrügerische Machenschaften vorgeworfen hatte. Obwohl Wirecard die Vorwürfe umgehend zurückgewiesen hat, wurde binnen Minuten über eine Milliarde Euro Börsenwert vernichtet.

Die Staatsanwaltschaft hatte daraufhin Ermittlungen ausgenommen und die Hintergründe des Kursrutschs untersucht. Nun steht das Ergebnis fest: Die unbelegten Betrugsvorwürfe gegen das Unternehmen seien ein Fall von Marktmanipulation, sagte eine Sprecherin der Staatsanwaltschaft München der Nachrichtenagentur Reuters am Montag. Die Behörde habe ihre Ermittlungen abgeschlossen und beim Amtsgericht München einen Strafbefehl gegen den Herausgeber einer im Internet verbreiteten Analyse über Wirecard beantragt.

Hoffnung auf Schadenersatz

Der Strafbefehl richtet sich gegen den auch für andere umstrittene Börsengeschäfte bekannten Fraser Perring. Er sei der Herausgeber des unter dem Namen Zatarra veröffentlichten Reports, erklärte die Staatsanwaltschaft. Wenn das Gericht dem Antrag der Staatsanwaltschaft folgt und Perring zu einer Geldstrafe verurteilt, könnten die geschädigten Anleger auf Schadenersatz hoffen. Ein Urteil wird im kommenden Jahr erwartet.

Neben der Zatarra-Attacke auf Wirecard soll Fraser Perring mit seinem Börsendienst Viceroy auch ProSiebenSat.1 und Steinhoff ins Visier genommen haben. Auch in diesen Fällen ermitteln die Behörden in Deutschland und Südafrika.

Aufatmen bei den Aktionären

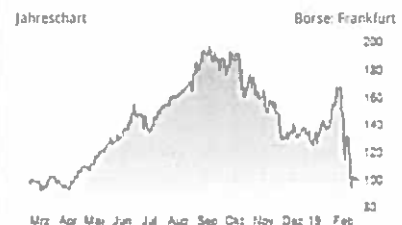
Auch wenn Wirecard die Vorwürfe stets zurückgewiesen hat und die damaligen Kursverluste längst mehr als kompensiert werden konnten, wurde das Unternehmen in der Folge immer wieder Opfer von Short-Attacken – was auch unter den Anlegern für eine gewisse Grundnervosität gesorgt hat.

Kurz vor dem Einzug in den DAX im September haben bloße Gerüchte über eine mögliche neue Attacke gereicht, um den Aktienkurs erneut kräftig unter Druck zu bringen. Kritiker werfen der Unternehmensführung indes vor, solche Attacken durch unzureichende Transparenz überhaupt erst zu ermöglichen.

KURSFISCH

Wirecard
99,90 € -2,35% 15.02.2019
 19:58 Uhr

Anzeige



PEER GROUP

Wertpapier	Kurs	Veränd.%
MYBET HOLDING	0,05	+22400,00
Scout24	46,00	+11,16
Mybet	0,31	+7,69
Yahoo	48,91	+5,05
Zalando	26,09	+2,64
WINDELN DE INH	1,68	-5,62
NetEase	200,46	-5,52
Wirecard	99,98	-2,88
Baidu	150,55	-2,41
Facebook	143,42	+1,28

ÜBER DEN AUTOR



Nikolas Kessler

Weitere Artikel von Nikolas Kessler:

- Wirecard: Wann kauft Vorstandschef Braun?
- Deutsche Bank: Geldwäsche-Skandal beschäftigt jetzt die BaFin
- Wirecard nach dem Crash: Ein gefundenes Fressen?
- Erstaunliche Wende: JP Morgan bringt ersten „Banken-Bitcoin“
- Deutsche Bank: Fressen oder gefressen werden

Wirecard (XETRA:WDJ) aktuell vom Analysten
 Börseneinblicke aus den sozialen Medien

TRENDS THEMEN

1. Rechtstreit

2. Aktienkurs

Wirecard in Euro



Aktie auf der Watchlist

Die Anleger reagieren am Dienstagmorgen zunächst erleichtert auf die Ermittlungsergebnisse – die Wirecard-Aktie gehört im vorbörslichen Handel zu den größten Gewinnern im DAX. Aktuell steht das Papier allerdings nicht auf der Empfehlungsliste des AKTIONÄR.

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16.02.2019 - 09:30 Uhr | [Nikolas Kessler](#) | [0 Kommentare](#)

Wirecard: Wann kauft Vorstandschef Braun?

Die schweren Vorwürfe der *Financial Times* wegen angeblichen Bilanz-Betrugs in Singapur haben der Aktie von Wirecard in den letzten Wochen schwer zugesetzt. Obwohl der Zahlungsabwickler die Anschuldigungen immer wieder zurückgewiesen hat, ging es für die Aktie seit Ende Januar um rund 40 Prozent ... [mehr »](#)

15.02.2019 - 15:31 Uhr | [Stefan Sommer](#) | [0 Kommentare](#)

Wirecard ganz hinten – das sind die Gewinner und Verlierer im DAX

Anders als das vergangene Jahr läuft es für den DAX 2019 bislang gut. Der deutsche Leitindex konnte seit Jahresstart bereits über fünf Prozent zulegen. Bei den 30 Index-Werten zeigt sich hingegen ein gemischtes Bild. Während neben Fresenius Medical Care 23 weitere Aktien ein

MEISTGELESENE BEITRÄGE

1. Wirecard nach dem Crash: Ein gefundenes Fressen?
2. TUI: Der nächste Insider, Dieter Zetsche, kauft zu – und das nicht zu knapp
3. Wirecard: Wann kauft Vorstandschef Braun?
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- 13.02.19 DAX - Käufer konnten weiter Druck aufbauen

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+179,68%* Intraday-Perf.: +0,00%
Transaktionen: 0

*Veränderung seit Auslegung am 05.05.2010

HEBEL-DEPOT-2019 [zum Depot »](#)

+7,27%* Intraday-Perf.: +0,00%
Transaktionen: 22

*Veränderung seit Auslegung am 01.01.2019

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+110,29%* Intraday-Perf.: +0,00%
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15.02.2019 - 14:45 Uhr | Nikolas Kessler | 0 Kommentare

Wirecard nach dem Crash: Ein gefundenes Fressen?

Die Konsolidierung der Payment-Branche ist in vollem Gange. Erst vor wenigen Wochen hat der US-Zahlungsdienstleister Fiserv die milliardenschwere Übernahme des Zahlungsabwicklers First Data angekündigt. 2017 hatten sich Vantiv und Worldpay zusammengeschlossen. Auch Wirecard wird immer wieder als ... mehr »

15.02.2019 - 12:22 Uhr | Börsen.Briefing. | 2 Kommentare

Wirecard-Skandal: Dieses Dementi wirft jetzt Fragen auf

Mittwochabend berichtete die Frankfurter Allgemeine Zeitung, es läge eine Aussage vor, der zufolge mindestens ein Leerverkäufer im Vorhinein Kenntnis von den kritischen Artikeln in der Financial Times gehabt habe – und löste damit heftige Diskussionen aus. Das Dementi der Briten wurde am Markt ... mehr »

15.02.2019 - 06:45 Uhr | Börsen.Briefing. | 1 Kommentar

Wirecard-Aktie: Das ist wirklich außergewöhnlich

Die Aktie der Wirecard AG war über Monate und Jahre der Überflieger an der Frankfurter Börse, stieg von Hoch zu Hoch und katapultierte das Unternehmen schließlich in den Börsen-Olymp. Die Financial Times ließ den Kurs zuletzt regelrecht kollabieren, druckte ihn auf das tiefste Niveau seit April ... mehr »




AKTIEN-MUSTERDEPOT

zum Depot »

+1.748,91% * Intraday-Perf.: +0,00%
Transaktionen: 201

*Veränderung seit Aullegung am 02.07.2002

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