

ESMA updates Q&AS on MiFID II and MiFIR investor protection and intermediaries

The overall Q&As provide clarifications on the following topics:

- Best execution;
- Suitability and appropriateness;
- Recording of telephone conversations and electronic communications;
- Post-sale reporting;
- Record keeping;
- Investment advice on an independent basis;
- Inducements (research);
- Information on charges and costs;
- Underwriting and placement of a financial instrument;
- Client categorisation;
- Inducements;
- Provision of investment services and activities by third country firms;
- Application of MiFID II after 3 January 2018, including issues of late transposition; and
- Other issues
- Product governance
- Product intervention

The Q&As on MiFID II and MiFIR investor protection and intermediaries topics provides new answers on:

- Information on costs and charges
 - Ex-post information in case of portfolio management
 - Relationship Article 50(9) and Article 60 of the Delegated Regulation in case of portfolio management
- Product intervention
 - The application of national product intervention measures in case of services provided on a cross-border basis

The purpose of these Q&As is to promote common supervisory approaches and practices in the application of MiFID II and MiFIR. The Q&A on product intervention can assist firms in assessing which national product intervention measures apply in case of services provided on a cross border basis. This is of particular relevance for firms that market, distribute and sell CFDs which are subject to multiple national product intervention measures.

ESMA will continue to develop this Q&A on investor protection topics under MiFID II and MiFIR, both adding questions and answers to the topics already covered and introducing new sections for other MiFID II investor protection areas not yet addressed in this Q&A.