# ESMA_QA_662

**Submission Date**
18/01/2023

Status: Question Rejected

## Additional Information

**Level 1 Regulation**
Directive 2014/65/EU - Markets in Financial Instruments Directive (MiFID II)

**Topic**
Provision of investment services and activities by third country firms

**Additional Legal Reference**
For legal reference, please see attachement.

**Subject Matter**
Conditions for branches of third country credit institutions registered at ESMA as MIFID investment firms to service per se professional clients and eligible counterparties within the EU

**Question**

ESMA is requested to provide interpretation on whether:
— it is appropriate that the Home Member State Authority of these Branches registered as MIFID investment firms expects them to comply with the complete set of legislation regime of MiFID2, MIFIR and EMIR in the same way as any investment firm in the legal form of an EU credit institution;
— these Branches registered as MIFID investment firms may freely provide cross-border investment services to per se professional clients and eligible counterparties in an EU Member State different from their Home Member State based on their investment license issued by their Home Member state, subject to complying with the notification requirements described in paragraph 2 of Article 34 of MIFID2.