

**Submission Date**

05/05/2021

## **ESMA\_QA\_1004**

Status: Answer Published

### **Additional Information**

---

#### **Level 1 Regulation**

Prospectus Regulation 2017/1129

#### **Topic**

Public offer

### **Subject Matter**

Supplements - Supplement to prospectuses: audited annual financial statements

### **Question**

Does the publication of new audited annual financial statements during the period of validity of a base prospectus or a non-equity prospectus automatically trigger the obligation to produce a supplement?

## ESMA Answer

---

05-05-2021

Original language

[ESMA31-62-1258 Prospectuses Q&A 8.5]

No.

When new audited annual financial statements are published during the period of validity of a base prospectus or a non-equity prospectus, contrary to the situations specified in Article 18(1)(a) of Commission Delegated Regulation 2019/979, there is no automatic trigger to publish a supplement in such a scenario.

Without prejudice to the powers of the home competent authority, the issuer should make its own materiality assessment pursuant to Article 23(1) of the PR to determine whether a supplement is necessary or not.