

Submission Date

18/02/2020

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Additional Information

Level 1 Regulation

Markets in Financial Instruments Directive II (MiFID II) Directive 2014/65/EU- Investor Protection and Intermediaries

Topic

Information to clients on topics other than costs and charges

Subject Matter

MiFID practices for firms selling financial instruments subject to the BRRD resolution regime

Question

Does Article 44a of BRRD 2 apply only if there is an active offering on the part of the firm?

ESMA Answer

18-02-2020

Original language

[ESMA35-43-439 Investor protection BRRD regime Q&A 2]

No. Article 44a will apply independently of any marketing or active offering by the seller of the subordinated eligible liabilities, and whether the transaction has been initiated by the client or the firm (thus, including in case of reverse solicitation).