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23/10/2015

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Additional Information

Level 1 Regulation
Transparency Directive (TD) Directive 2004/109/EC

Topic
Financial reporting

Historic Question Reference
[ESMA31-67-127 TD Q22]

Subject Matter
The requirement to “remain publicly available”; TD Art 4, 5 and 6

Question
From what date should an issuer apply the 10 year period requirements for the information to remain publicly available under Articles 4(1), 5(1) and 6 of the TD?

ESMA Answer

23-10-2015

Original language

[ESMA31-67-127 TD Q22]

Amending Directive 2013/50/EU introduces the requirement that annual financial reports (Article 4), half-yearly financial reports (Article 5) and reports on payments to governments (Article 6) (thereafter “the reports”) published after national transposition of the amending Directive should remain publicly available for at least 10 years.

For those reports that were made publicly available less than 5 years before the transposition date, the reports should remain publicly available for at least 10 years. This period of time will start counting from the date the reports were originally published and not the transposition date.

For those reports that were made publicly available 5 years or more before the transposition date, the requirement of the amending Directive will not apply.”