

# ESMA\_QA\_2056

Status: Question Rejected

## **Additional Information**

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### **Level 1 Regulation**

Regulation (EU) 2022/2554 - The Digital Operational Resilience Act (DORA)

### **Topic**

ICT third-party risk management

### **Additional Legal Reference**

On Draft Implementing Technical Standards to establish the templates composing the register of information in relation to all contractual arrangements on the use of ICT services provided by ICT third-party service providers as mandated by Regulation (EU)

## **Subject Matter**

Software distributors

### **Question**

When an off-the-shelf software license (e.g. operating systems, database) is purchased through a distributor, is the distributor qualifying as “ICT third-party service provider” in case if the distributor itself is not providing any additional services in addition to the distribution, and its contractual tasks are completed with the successful intermediation of the license agreement? Is the software company qualifying as a direct “ICT third-party service provider”

based on the end-user license agreement (EULA) accepted by the financial entity?