

Decision of the Board of Supervisors

Delegating to the Chair of ESMA the adoption of non-controversial Q&As under the Digital Operational Resilience Act (DORA).

The Board of Supervisors of the European Securities and Markets Authority ('ESMA'),

Having regard to Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC¹ (the "Regulation" and "ESMA"), and in particular Articles 41(1) and 43(1) thereof,

Whereas:

- (1) Article 8(2)(ga) of the Regulation empowers ESMA, in order to achieve its tasks set out in Article 8(1) of the Regulation, to issue answers to admissible questions, relating to the practical application or implementation of the provisions of legislative acts referred to in Article 1(2) of ESMA Regulation and the related delegated and implementing acts, and guidelines and recommendations, pursuant to Article 16b of ESMA.
- (2) Regulation (EU) 2022/2554 of the European Parliament and of the Council² ("DORA") is in force since January 2023 and applicable since January 2025 and resulted in the adoption of a significant number of questions and answers. The process to reply to such questions requires relevant amount of time to categorise and analyse the questions, draft responses and adopt them.
- (3) Considering that the replies to questions relating to DORA are prepared and adopted jointly with the European Banking Authority and the European Insurance and Occupational Pensions Authority (together with ESMA, the ESAs), it is important that coordination and consistent procedures among the ESAs are ensured and it is necessary that the Oversight Forum established pursuant to Article 32 of DORA is involved in the discussion of the answers.
- (4) The standard adoption procedure of such answers creates an administrative burden for ESMA staff and members of the Board of Supervisors. Given the substantial number

¹ OJ L 331, 15.12.2010, p. 84.

² Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, pp. 1).

of non-controversial answers adopted with reference to admissible questions and the likelihood of a growing number of such type of questions in the future in the area of DORA, it is desirable that the power to adopt non-controversial answers to admissible questions is delegated by the Board of Supervisors to the Chair of ESMA (the Chair).

- (5) The delegation should be exercised in accordance with the restrictions and conditions set out in this Decision.

Has adopted this decision:

Article 1 – Delegation of powers

(1) The Board of Supervisors of ESMA delegates to the Chair, on behalf of ESMA, in accordance with Article 16b(1) of the Regulation, the task to adopt the non-controversial DORA-related answers.

(2) The Board of Supervisors retains the powers to adopt controversial answers to the DORA-related questions submitted to ESMA in accordance with Article 16b(1) of the Regulation.

(3) For the purpose of this Decision, non-controversial answers shall mean answers in respect of which less than three participants of the Oversight Forum, that are either Chairs of the ESAs or participants appointed from national competent authorities of different Member States, raise objections.

Article 2 – Conditions for the delegation

(1) The powers delegated under Article 1 are conferred on the Chair for an indeterminate period.

(2) The execution of the powers delegated under Article 1 shall not prejudice the application of Article 16b(4) of the Regulation.

(3) The Board of Supervisors may request information in respect of any admissible question or related answer issued under this decision.

Article 3 – Amendment and revocation

(1) The Board of Supervisors may reconsider and revoke at any time the delegation of powers established under this Decision.

Article 4 – Entry into force and publication

(1) This decision enters into force immediately.

(2) It shall be published on ESMA's website.

Done at Paris on 9 December 2025



signed

Verena Ross
Chair
For the Board of Supervisors