



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL
MARKETS UNION

The Director-General

Brussels

FISMA.C.4/UK/mp(2021)6503451

Ms Natasha Cazenave
Executive Director
The European Securities and
Markets Authority (ESMA)

Per e-mail:
natasha.cazenave@esma.europa.eu

**Subject: Request for support in relation to article 18 of Regulation 2019/1156
(CBDF)**

Dear Natasha,

ESMA is currently engaged in several workstreams in relation to the Regulation (EU) 2019/1156 of the European Parliament and of the Council of 20 June 2019 on facilitating cross-border distribution of collective investment undertakings and amending Regulations (EU) No 345/2013, (EU) No 346/2013 and (EU) No 1286/2014. I wish to thank ESMA staff for all their work in this respect.

We are contacting you today to ask for your support for additional tasks in relation to this Regulation. Article 18 of the Regulation (EU) 2019/1156 requires the Commission to consult competent authorities, ESMA and other relevant stakeholders, and subsequently to submit a report to the European Parliament and the Council on reverse solicitation and demand on the own initiative of an investor, specifying the extent of that form of subscription to funds, its geographical distribution, including in third countries, and its impact on the passporting regime. Against this background, we invite you to ask NCAs for input regarding the following questions:

- Have NCAs received any data from asset managers about the use of reverse solicitation?
- Have NCAs obtained any other information about the use of reverse solicitation, e.g. from investor associations?
- Can NCAs estimate the share of reverse solicitation as compared to marketing?
- Have NCAs observed any impact of reverse solicitation on the passporting regime?

We would appreciate your feedback on those questions by the end of December, accompanied if needed with your thoughts regarding steps, which could be taken by the Commission in order to fill such information gap if any.

Furthermore, Article 18 of the Regulation requires that the report shall also examine whether the notification portal established in accordance with Article 13(2) should be developed, so that all transfers of documents between competent authorities take place through it. We observe that the work on the initial notification portal are progressing well. We understand that ESMA staff is already exploring the further development of the notification portal. This is based on a request by the Investment Management Standing Committee, which asked ESMA staff to assess the time and resources necessary for ESMA to further develop the portal, i.e. to use it in order to replace the existing means of transmission of the notifications relating to cross-border marketing of AIFs and UCITS. We understand that ESMA staff is currently working on this assessment and has already informed the Board of Supervisors and the Management Board about the possible further development of the portal and related need for time, resources and budget. We encourage ESMA staff to swiftly continue its assessment and achieve progress in the planning of the further development of the portal.

We also encourage ESMA to explore approaches to ensure a smooth and cost-efficient transition between NCA IT system and the ESMA portal for the exchange of cross-border notifications. We invite ESMA staff to keep Commission staff updated about progress of its assessment also as part of the Commission's endeavour to modernise supervisory reporting systems in the EU.

Yours sincerely,

Electronically signed

John BERRIGAN

Contact:

Ulrike KOHL, tel. +32 229-59259, Ulrike.KOHL@ec.europa.eu