

Additional reporting items for firms providing bank-like services - new Article 46 (6a)

6a. Third-country firms providing services or performing activities in accordance with this Article shall, on an annual basis, inform ESMA about the following

- a) the scale and scope of the services and activities carried out by the firms in the Union, including the geographical distribution across Member States;
aa) for firms performing activity (3) of Section A of Annex I to Directive 2014/65/EU, their monthly minimum, average and maximum exposure to EU counterparties;
ab) for firms providing service (6) of Section A of Annex I to Directive 2014/65/EU, the total value of financial instruments originating from EU counterparties underwritten or placed on a firm commitment basis over the last 12 months;
- b) the turnover and the aggregated value of the assets corresponding to the services and activities referred to in point (a);
- c) whether investor protection arrangements have been taken, and a detailed description thereof;
- d) the risk management policy and arrangements applied by the firm to the carrying out of the services and activities referred to in point (a).”;
- e) the governance arrangements, including key function holders for the activities of the firm in the Union;
- f) any other information considered by ESMA necessary to enable ESMA or the competent authorities to carry out their tasks in accordance with this regulation comprehensive monitoring of the activities of the firm in the Union;

ESMA shall communicate the information received in accordance with this paragraph to the competent authorities of the Member States where a third-country firm provides services or performs investment activities in accordance with this article.

Additional information to be included in the annual report from ESMA to COM - Article 47(5)

ESMA shall monitor the regulatory and supervisory developments, the enforcement practices and other relevant market developments in third countries for which equivalence decisions have been adopted by the Commission pursuant to paragraph 1 in order to verify whether the conditions on the basis of which those decisions have been taken are still fulfilled. The Authority shall submit a confidential report on its findings to the Commission on an annual basis. **The report shall also reflect the trends observed on the basis of the data collected under Article 46(6a), in particular as regards firms providing services or performing activities (3) and (6) of Section A of Annex I to Directive 2014/65/EU.**

Additional information to be included in the new obligation for COM to report to EP and Council – new paragraph (5a) added to Article 47

“(5a) The Commission shall, on the basis of the report referred to in Article [47(5)], submit a report to the European Parliament and the Council **at least** on an annual basis. The report shall include a list of the equivalence decisions taken or withdrawn by the Commission in the reporting year, as well as any measures taken by ESMA pursuant to Article 49, and provide an explanation on the rationale supporting those decisions and measures.

In that respect, the report shall include information on the monitoring of the regulatory and supervisory developments, the enforcement practices and other relevant market developments in third countries for which equivalence decisions have been adopted. It shall also take stock of how the cross-border provision of investment services by third-country firms has evolved in

general and in particular as regards the services and activities referred to in points (3) and (6) of Section A of Annex I to Directive 2014/65/EU. The report shall also include information concerning ongoing equivalence assessments that the Commission is undertaking in relation to a third-country.”