

Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (Text with EEA relevance)

TITLE IV

PRUDENTIAL SUPERVISION

CHAPTER 1

Principles of prudential supervision

Section 3

Sanctions, investigatory powers and right of appeal

Article 19

Investigatory powers

Member States shall ensure that competent authorities have all information#gathering and investigatory powers that are necessary for the exercise of their functions, including:

- (a) the power to require information from the following natural or legal persons:
 - (i) investment firms established in the Member State concerned;
 - (ii) investment holding companies established in the Member State concerned;
 - (iii) mixed financial holding companies established in the Member State concerned;
 - (iv) mixed#activity holding companies established in the Member State concerned;
 - (v) persons belonging to the entities referred to in points (i) to (iv);
 - (vi) third parties to whom the entities referred to in points (i) to (iv) have outsourced operational functions or activities;
- (b) the power to conduct all necessary investigations of any person referred to in point (a) that is established or located in the Member State concerned, including the right:
 - (i) to require the submission of documents by the persons referred to in point (a);
 - (ii) to examine the books and records of the persons referred to in point (a) and to make copies or extracts from those books and records;

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- (iii) to obtain written or oral explanations from the persons referred to in point (a) or from their representatives or staff;
 - (iv) to interview any other relevant person for the purpose of collecting information on the subject matter of an investigation;
- (c) the power to conduct all necessary inspections at the business premises of the legal persons referred to in point (a) and any other undertakings included in the supervision of compliance with the group capital test, where the competent authority is the group supervisor, subject to the prior notification of other competent authorities concerned.