Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (Text with EEA relevance)

PART NINE

TRANSITIONAL PROVISIONS, REPORTS, REVIEWS AND AMENDMENTS

TITLE I

TRANSITIONAL PROVISIONS

Article 57

Transitional provisions

1 Articles 43 to 51 shall apply to commodity and emission allowance dealers from 26 June 2026.

2 Until 26 June 2026 or the date of application to credit institutions of the alternative standardised approach set out in Chapter 1a of Title IV of Part Three of the Regulation No (EU) No 575/2013 and the alternative internal model approach set out in Chapter 1b of Title IV of Part Three of the Regulation No EU) No 575/2013, whichever is the later, an investment firm shall apply the requirements set out in Title IV of Part Three of Regulation (EU) No 575/2013, as amended by Regulation (EU) 2019/630 for the purpose of calculating K#NPR.

3 By way of derogation from points (a) and (c) of Article 11(1), investment firms may apply lower own funds requirements for a period of five years from 26 June 2021, equal to:

a twice the relevant own funds requirement pursuant to Chapter 1 of Title I of Part Three of Regulation (EU) No 575/2013, subject to Article 93(1) of that Regulation, with reference to levels of initial capital set by Title IV of Directive 2013/36/EU, as amended by Directive (EU) 2019/878, that would have applied if the investment firm had continued to be subject to the own funds requirements of that Regulation as amended by Regulation (EU) 2019/630; or

b twice the applicable fixed overhead requirement set out in Article 13 of this Regulation, where the investment firm was not in existence on or before 26 June 2021.

4 By way of derogation from point (b) of Article 11(1), investment firms may apply lower own funds requirements for a period of five years from 26 June 2021 as follows:

a investment firms that were subject only to an initial capital requirement before 26 June 2021 may limit their own funds requirements to twice the applicable initial capital requirement set out in Title IV of Directive 2013/36/EU, as amended by Directive (EU) 2019/878, with the exception of points (b) and (c) of Article 31(1), and Article 31(2) respectively, of that Directive;

b investment firms that were in existence before 26 June 2021 may limit their permanent minimum capital requirements to those provided for in Article 93(1) of Regulation (EU) No 575/2013, as amended by Regulation (EU) 2019/876, with reference to levels of initial capital set by Title IV of Directive 2013/36/EU, as amended by Directive (EU)

2019/878, that would have applied if the investment firm had continued to be subject to that Regulation, subject to an annual increase in the amount of those requirements of at least EUR 5 000 during the five#year period;

c investment firms that were in existence before 26 June 2021, that are not authorised to provide the ancillary services referred to in point (1) of Section B of Annex I to Directive 2014/65/EU, that only provide one or more of the investment services and activities listed in points 1, 2, 4 and 5 of Section A of Annex I to that Directive, that are not permitted to hold client money or securities belonging to their clients and that therefore may not at any time place themselves in debt with those clients, may limit their permanent minimum capital requirement to at least EUR 50 000, subject to an annual increase of at least EUR 5 000 during the five#year period.

5 The derogations set out in paragraph 4 shall cease to apply where the investment firm has its authorisation extended on or after 26 June 2021 such that a higher amount of initial capital is required in accordance with Article 9 of Directive (EU) 2019/2034.

6 By way of derogation from Article 11, investment firms that were in existence before 25 December 2019 and that deal on own account on markets in financial futures or options or other derivatives and on cash markets for the sole purpose of hedging positions on derivatives markets or deal for the accounts of other members of those markets and are guaranteed by clearing members of the same markets, where responsibility for ensuring the performance of contracts entered into by such investment firms is assumed by clearing members of the same markets, may limit their own funds requirements for a period of five years from 26 June 2021 to at least EUR 250 000, subject to an annual increase of at least EUR 100 000 during the five# year period.

Irrespective of whether an investment firm referred to in this paragraph makes use of the derogation referred to in the first subparagraph, point (a) of paragraph 4 shall not apply to such an investment firm.

Article 58

Derogation for undertakings referred to in point (1) (b) of Article 4(1) of Regulation (EU) No 575/2013

Investment firms which on 25 December 2019 meet the conditions of point (1)(b) of Article 4(1) of Regulation (EU) No 575/2013 and have not yet obtained authorisation as credit institutions in accordance with Article 8 of Directive 2013/36/EU shall continue to be subject to Regulation (EU) No 575/2013 and to Directive 2013/36/EU.

Article 59

Derogation for investment firms referred to in Article 1(2)

An investment firm which on 25 December 2019 meets the conditions set out in Article 1(2) of this Regulation shall continue to be subject to Regulation (EU) No 575/2013 and Directive 2013/36/EU.

TITLE II

REPORTS AND REVIEWS

Article 60

Review clause

1 By 26 June 2024, the Commission shall, after consulting with EBA and ESMA, carry out a review and submit a report to the European Parliament and the Council, accompanied, if appropriate, by a legislative proposal, regarding at least the following:

a the conditions for investment firms to qualify as small and non#interconnected investment firms in accordance with Article 12;

b the methods for measuring the K#factors in Title II of Part Three, including investment advice in the scope of AUM, and in Article 39;

c the coefficients referred to in Article 15(2);

d the method used to calculate K#CMG, the level of own funds requirements deriving from K#CMG as compared with K#NPR, and the calibration of the multiplying factor set out in Article 23;

e the provisions set out in Articles 43, 44 and 45 and in particular the eligibility for the liquidity requirement of liquid assets in points (a), (b) and (c) of Article 43(1);

f the provisions set out in Section 1 of Chapter 4 of Title II of Part Three;

g the application of Part Three to commodity and emission allowance dealers;

h the modification of the definition of credit institution in Regulation (EU) No 575/2013 as a result of point (a) of Article 62(3) of this Regulation and potential unintended negative consequences;

i the provisions set out in Articles 47 and 48 of Regulation (EU) No 600/2014 and their alignment with a consistent framework for equivalence in financial services;

j the thresholds set out in Article 12(1);

k the application of the standards of Chapters 1a and 1b of Title IV of Part Three of Regulation (EU) No 575/2013 to investment firms;

l the method of measuring the value of a derivative in point (b) of Article 20(2) and point (b) of Article 33(2), and the appropriateness of introducing an alternative metric and/or calibration;

m the provisions set out in Part Two, in particular concerning the permission for further instruments or funds to qualify as own funds pursuant to Article 9(4), and the possibility of granting such permission to investment firms that fulfil the conditions for qualifying as small and non#interconnected investment firms set out in Article 12(1);

n the conditions for investment firms to apply the requirements of Regulation (EU) No 575/2013 in accordance with Article 1(2) of this Regulation;

o the provision set out in Article 1(5);

p the relevance of the application of the disclosure requirements set out in Article 52 of this Regulation for other sectors, including investment firms referred to in Article 1(2) and (5) of this Regulation and credit institutions as defined in point (1) of Article 4(1) of Regulation (EU) No 575/2013.

2 By 31 December 2021, the Commission shall submit to the European Parliament and to the Council a report on the resources needs arising from the assumption of new powers and duties by ESMA in accordance with Article 64 of this Regulation, including the possibility for ESMA to levy registration fees on third#country firms registered by ESMA in accordance with

Article 46(2) of Regulation (EU) No 600/2014, accompanied, where appropriate, by a legislative proposal.

TITLE III

AMENDMENTS TO OTHER REGULATIONS

Article 61

Amendment to Regulation (EU) No 1093/2010

In point (2) of Article 4 of Regulation (EU) No 1093/2010, the following point is added:

(viii) with regard to Regulation (EU) 2019/2033 of the European Parliament and of the Council[1] and Directive (EU) 2019/2034of the European Parliament and of the Council[2], competent authorities as defined in point (5) of Article 3(1) of that Directive..

Article 62

Amendments to Regulation (EU) No 575/2013

Regulation (EU) No 575/2013 is amended as follows:

(1) the title is replaced by the following:

> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012;

(2) in Article 2, the following paragraph is added:

5. When applying the provisions laid down in Article 1(2) and 1(5) of Regulation (EU) 2019/2033 of the European Parliament and of the Council[3] with regard to investment firms referred to in those paragraphs, the competent authorities as defined in point (5) of Article 3(1) of Directive (EU) 2019/2034 of the European Parliament and of the Council[4] shall treat those investment firms as if they were "institutions" under this Regulation.;

(3) Article 4(1) is amended as follows:

(a) point (1) is replaced by the following:

(1) "credit institution" means an undertaking the business of which consists of any of the following:

(a) to take deposits or other repayable funds from the public and to grant credits for its own account;

(b) to carry out any of the activities referred to in points (3) and (6) of Section A of Annex I to Directive 2014/65/EU of the European Parliament and of the Council[5], where one of the following applies, but the undertaking is not

a commodity and emission allowance dealer, a collective investment undertaking or an insurance undertaking:

(i) the total value of the consolidated assets of the undertaking is equal to or exceeds EUR 30 billion;

(ii) the total value of the assets of the undertaking is less than EUR 30 billion, and the undertaking is part of a group in which the total value of the consolidated assets of all undertakings in that group that individually have total assets of less than EUR 30 billion and that carry out any of the activities referred to in points (3) and (6) of Section A of Annex I to Directive 2014/65/EU is equal to or exceeds EUR 30 billion; or

(iii) the total value of the assets of the undertaking is less than EUR 30 billion, and the undertaking is part of a group in which the total value of the consolidated assets of all undertakings in the group that carry out any of the activities referred to in points (3) and (6) of Section A of Annex I to Directive 2014/65/EU is equal to or exceeds EUR 30 billion, where the consolidating supervisor, in consultation with the supervisory college, so decides in order to address potential risks of circumvention and potential risks for the financial stability of the Union;

for the purposes of points (b)(ii) and (b)(iii), where the undertaking is part of a third#country group, the total assets of each branch of the third#country group authorised in the Union shall be included in the combined total value of the assets of all undertakings in the group;;

(b) point (2) is replaced by the following:

(2) "investment firm" means an investment firm as defined in point (1) of Article 4(1) of Directive 2014/65/EU which is authorised under that Directive but excludes credit institutions;;

(c) point (3) is replaced by the following:

(3) "institution" means a credit institution authorised under Article 8 of Directive 2013/36/EU or an undertaking as referred to in Article 8a(3) thereof;;

(d) point (4) is deleted;

(e) point (26) is replaced by the following:

(26) "financial institution" means an undertaking other than an institution and other than a pure industrial holding company, the principal activity of which is to acquire holdings or to pursue

one or more of the activities listed in points 2 to 12 and point 15 of Annex I to Directive 2013/36/EU, including an investment firm, a financial holding company, a mixed financial holding company, an investment holding company, a payment institution within the meaning of Directive (EU) 2015/2366 of the European Parliament and of the Council[6], and an asset management company, but excluding insurance holding companies and mixed# activity insurance holding companies as defined in points (f) and (g) of Article 212(1) of Directive 2009/138/EC;;

(f) point (29a) is replaced by the following:

(29a) "parent investment firm in a Member State" means a parent undertaking in a Member State that is an investment firm;;

(g) point (29b) is replaced by the following:

(29b) "EU parent investment firm" means an EU parent undertaking that is an investment firm;;

(h) point (51) is replaced by the following:

(51) "initial capital" means the amounts and types of own funds specified in Article 12 of Directive 2013/36/EU;;

(i) point (60) is replaced by the following:

(60) "cash assimilated instrument" means a certificate of deposit, a bond, including a covered bond, or any other non#subordinated instrument, which has been issued by an institution or an investment firm, for which the institution or investment firm has already received full payment and which is to be unconditionally reimbursed by the institution or investment firm at its nominal value;;

(j) in point (72), point (a) is replaced by the following:

(a) it is a regulated market or a third#country market that is considered to be equivalent to a regulated market in accordance with the procedure set out in point (a) of Article 25(4) of Directive 2014/65/EU;;

(k) the following point is added:

(150) "commodity and emission allowance dealer" means an undertaking the main business of which consists exclusively of the provision of investment services or activities in relation to commodity derivatives or commodity derivative contracts referred to in points (5), (6), (7), (9) and (10), derivatives of emission allowances referred to in point (4), or emission allowances referred to in point (11) of Section C of Annex I to Directive 2014/65/EU;;

(4) Article 6 is amended as follows:

(a) paragraph 4 is replaced by the following:

4. Institutions shall comply with the obligations laid down in Part Six and in point (d) of Article 430(1) of this Regulation on an individual basis.

The following institutions shall not be required to comply with Article 413(1) and the associated liquidity reporting requirements laid down in Part Seven A of this Regulation:

a institutions which are also authorised in accordance with Article 14 of Regulation (EU) No 648/2012;

b institutions which are also authorised in accordance with Article 16 and point (a) of Article 54(2) of Regulation (EU) No 909/2014 of the European Parliament and of the Council[7], provided that they do not perform any significant maturity transformations; and

c institutions which are designated in accordance with point (b) of Article 54(2) of Regulation (EU) No 909/2014, provided that:

(i) their activities are limited to offering banking#type services, as referred to in Section C of the Annex to that Regulation, to central securities depositories authorised in accordance with Article 16 of that Regulation; and

(ii) they do not perform any significant maturity transformations.;

(b) paragraph 5 is replaced by the following:

5. Institutions for which competent authorities have exercised the derogation specified in Article 7(1) or (3) of this Regulation, and institutions which are also authorised in accordance with Article 14 of Regulation (EU) No 648/2012, shall not be required to comply with the obligations laid down in Part Seven and the associated leverage ratio reporting requirements laid down in Part Seven A of this Regulation on an individual basis.;

(5) the following article is inserted in Section 1 of Chapter 2 of Title II of Part One:

Article 10a

Application of prudential requirements on a consolidated basis where investment firms are parent undertakings

For the purposes of the application of this Chapter, investment firms shall be considered to be parent financial holding companies in a Member State or Union parent financial holding companies where such investment firms are parent undertakings of an institution or of an investment firm subject to this Regulation that is referred to in Article 1(2) or (5) of Regulation (EU) 2019/2033.;

(6) in Article 11, paragraph 4 is replaced by the following:

4. EU parent institutions shall comply with Part Six and point (d) of Article 430(1) of this Regulation on the basis of their consolidated situation where the group comprises one or more credit institutions or investment firms that are authorised to provide the investment services and activities listed in points (3) and (6) of Section A of Annex I to Directive 2014/65/EU.

Where a waiver has been granted under Article 8(1) to (5), the institutions and, where applicable, the financial holding companies or mixed financial holding companies that are part of a liquidity sub#group shall comply with Part Six and point (d) of Article

430(1) of this Regulation on a consolidated basis or on the sub#consolidated basis of the liquidity sub#group.;

(7) Articles 15, 16 and 17 are deleted;

(8) in Article 81(1), point (a) is replaced by the following:

(a) the subsidiary is one of the following:

(i) an institution;

(ii) an undertaking that is subject by virtue of applicable national law to the requirements of this Regulation and of Directive 2013/36/EU;

(iii) an intermediate financial holding company or intermediate mixed financial holding company that is subject to the requirements of this Regulation on a sub#consolidated basis, or an intermediate investment holding company that is subject to the requirements of Regulation (EU) 2019/2033 on a consolidated basis;

(iv) an investment firm;

(v) an intermediate financial holding company in a third country, provided that that intermediate financial holding company is subject to prudential requirements as stringent as those applied to credit institutions of that third country and provided that the Commission has adopted a decision in accordance with Article 107(4) determining that those prudential requirements are at least equivalent to those of this Regulation;;

(9) in Article 82, point (a) is replaced by the following:

(a) the subsidiary is one of the following:

(i) an institution;

(ii) an undertaking that is subject by virtue of applicable national law to the requirements of this Regulation and of Directive 2013/36/EU;

(iii) an intermediate financial holding company or intermediate mixed financial holding company that is subject to the requirements of this Regulation on a sub#consolidated basis, or an intermediate investment holding company that is subject to the requirements of Regulation (EU) 2019/2033 on a consolidated basis;

(iv) an investment firm;

(v) an intermediate financial holding company in a third country, provided that that intermediate financial holding company is subject to prudential requirements as stringent as those applied to credit institutions of that third country and provided that the Commission has adopted a decision in accordance with Article 107(4) determining that those prudential requirements are at least equivalent to those of this Regulation;;

(10) Article 84 is amended as follows:

(a) paragraph 1 is replaced by the following:

1. Institutions shall determine the amount of minority interests of a subsidiary that is included in consolidated Common Equity Tier 1 capital by subtracting from the minority interests of that undertaking the result of multiplying the amount referred to in point (a) by the percentage referred to in point (b) as follows:

a the Common Equity Tier 1 capital of the subsidiary minus the lower of the following:

(i) the amount of Common Equity Tier 1 capital of that subsidiary required to meet the following:

— the sum of the requirement laid down in point (a) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Common Equity Tier 1 capital,

— where the subsidiary is an investment firm, the sum of the requirement laid down in Article 11 of Regulation (EU) 2019/2033, the specific own funds requirements referred to in point (a) of Article 39(2) of Directive (EU) 2019/2034 and any additional local supervisory regulations in third countries, insofar as those requirements are to be met by Common Equity Tier 1 capital;

(ii) the amount of consolidated Common Equity Tier 1 capital that relates to that subsidiary that is required on a consolidated basis to meet the sum of the requirement laid down in point (a) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Common Equity Tier 1 capital;

b the minority interests of the subsidiary expressed as a percentage of all Common Equity Tier 1 instruments of that undertaking plus the related share premium accounts, retained earnings and other reserves.;

(b) paragraph 3 is replaced by the following:

3. Where a competent authority derogates from the application of prudential requirements on an individual basis, as laid down in Article 7 of this Regulation or, as applicable, as laid down in Article 6 of Regulation (EU)

2019/2033, minority interests within the subsidiaries to which the waiver is applied shall not be recognised in own funds at the sub#consolidated or at the consolidated level, as applicable.;

(11) Article 85 is amended as follows:

(a) paragraph 1 is replaced by the following:

1. Institutions shall determine the amount of qualifying Tier 1 capital of a subsidiary that is included in consolidated own funds by subtracting from the qualifying Tier 1 capital of that undertaking the result of multiplying the amount referred to in point (a) by the percentage referred to in point (b) as follows:

a the Tier 1 capital of the subsidiary minus the lower of the following:

(i) the amount of Tier 1 capital of the subsidiary required to meet the following:

— the sum of the requirement laid down in point (b) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Tier 1 Capital,

— where the subsidiary is an investment firm, the sum of the requirement laid down in Article 11 of Regulation (EU) 2019/2033, the specific own funds requirements referred to in point (a) of Article 39(2) of Directive (EU) 2019/2034, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Tier 1 capital;

(ii) the amount of consolidated Tier 1 capital that relates to the subsidiary that is required on a consolidated basis to meet the sum of the requirement laid down in point (b) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation, and any additional local supervisory regulations in third countries insofar as those requirements are to be met by Tier 1 Capital;

b the qualifying Tier 1 capital of the subsidiary expressed as a percentage of all Tier 1 instruments of that undertaking plus the related share premium accounts, retained earnings and other reserves.;

(b) paragraph 3 is replaced by the following:

3. Where a competent authority derogates from the application of prudential requirements on an individual basis, as laid down in Article 7 of this Regulation or, where applicable, as laid down in Article 6 of Regulation (EU) 2019/2033, Tier 1 instruments within the subsidiaries to which the waiver is applied shall not be recognised as own funds at the sub# consolidated or at the consolidated level, as applicable.;

(12) Article 87 is amended as follows:

(a) paragraph 1 is replaced by the following:

1. Institutions shall determine the amount of qualifying own funds of a subsidiary that is included in consolidated own funds by subtracting from the qualifying own funds of that undertaking the result of multiplying the amount referred to in point (a) by the percentage referred to in point (b) as follows:

a the own funds of the subsidiary minus the lower of the following:

(i) the amount of own funds of the subsidiary required to meet the following:

— the sum of the requirement laid down in point (c) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation and any additional local supervisory regulations in third countries,

— where the subsidiary is an investment firm, the sum of the requirement laid down in Article 11 of Regulation (EU) 2019/2033, the specific own funds requirements referred to in point (a) of Article 39(2) of Directive (EU) 2019/2034, and any additional local supervisory regulations in third countries;

(ii) the amount of own funds that relates to the subsidiary that is required on a consolidated basis to meet the sum of the requirement laid down in point (c) of Article 92(1) of this Regulation, the requirements referred to in Articles 458 and 459 of this Regulation, the specific own funds requirements referred to in Article 104 of Directive 2013/36/EU, the combined buffer requirement defined in point (6) of Article 128 of that Directive, the requirements referred to in Article 500 of this Regulation, and any additional local supervisory own funds requirement in third countries;

b the qualifying own funds of the undertaking, expressed as a percentage of all own funds instruments of the subsidiary that are

included in Common Equity Tier 1, Additional Tier 1 and Tier 2 items and the related share premium accounts, the retained earnings and other reserves.;

(b) paragraph 3 is replaced by the following:

3. Where a competent authority derogates from the application of prudential requirements on an individual basis, as laid down in Article 7 of this Regulation or, as applicable, as laid down in Article 6 of Regulation (EU) 2019/2033, own funds instruments within the subsidiaries to which the waiver is applied shall not be recognised as own funds at the sub# consolidated or at the consolidated level, as applicable.;

(13) Article 93 is amended as follows:

(a) paragraph 3 is deleted;

(b) paragraphs 4, 5 and 6 are replaced by the following:

4. Where control of an institution falling within the category referred to in paragraph 2 is taken by a natural or legal person other than the person who controlled the institution previously, the amount of own funds of that institution shall attain the amount of initial capital required.

5 Where there is a merger of two or more institutions falling within the category referred to in paragraph 2, the amount of own funds of the institution resulting from the merger shall not fall below the total own funds of the merged institutions at the time of the merger, as long as the amount of initial capital required has not been attained.

6 Where competent authorities consider it necessary to ensure the solvency of an institution that the requirement laid down in paragraph 1 be met, the provisions laid down in paragraphs 2, 4 and 5 shall not apply.;

(14) in Chapter 1 of Title I of Part Three, Section 2 (Articles 95 to 98) is deleted with effect from 26 June 2026;

(15) in Article 119, paragraph 5 is replaced by the following:

5. Exposures to financial institutions authorised and supervised by the competent authorities and subject to prudential requirements comparable to those applied to institutions in terms of robustness shall be treated as exposures to institutions.

For the purposes of this paragraph, the prudential requirements laid down in Regulation (EU) 2019/2033 shall be considered to be comparable to those applied to institutions in terms of robustness.;

(16) in the second subparagraph of Article 162(3), point (a) is replaced by the following:

(a) exposures to institutions or investment firms arising from the settlement of foreign exchange obligations;;

(17) Article 197 is amended as follows:

(a) in paragraph 1, point (c) is replaced by the following:

(c) debt securities issued by institutions or investment firms, which securities have a credit assessment by an ECAI which has been determined by EBA to be associated with credit quality step 3 or above under the rules for the risk weighting of exposures to institutions under Chapter 2;;

(b) in paragraph 4, the introductory wording is replaced by the following:

4. An institution may use debt securities that are issued by other institutions or investment firms and that do not have a credit assessment by an ECAI as eligible collateral where those debt securities fulfil all the following criteria:;

(18) in Article 200, point (c) is replaced by the following:

(c) instruments issued by a third#party institution or by an investment firm which are to be repurchased by that institution or by that investment firm on request.;

(19) in Article 202, the introductory wording is replaced by the following:

An institution may use institutions, investment firms, insurance and reinsurance undertakings and export credit agencies as eligible providers of unfunded credit protection which qualify for the treatment set out in Article 153(3) where they meet all the following conditions:;

(20) in Article 224, paragraph 6 is replaced by the following:

6. For unrated debt securities issued by institutions or investment firms and satisfying the eligibility criteria in Article 197(4), the volatility adjustments is the same as for securities issued by institutions or corporates with an external credit assessment associated with credit quality step 2 or 3.;

(21) in Article 227(3), the following point is inserted:

(ba) investment firms;;

(22) in Article 243(1), the second subparagraph is replaced by the following:

In the case of trade receivables, point (b) of the first subparagraph shall not apply where the credit risk of those trade receivables is fully covered by eligible credit protection in accordance with Chapter 4, provided that in that case the protection provider is an institution, an investment firm, an insurance undertaking or a reinsurance undertaking.;

(23) in Article 382(4), point (b) is replaced by the following:

(b) intragroup transactions as provided for in Article 3 of Regulation (EU) No 648/2012, unless Member States adopt national law requiring the structural separation within a banking group, in which case competent authorities may require those intragroup transactions between the structurally separated entities to be included in the own funds requirements;;

(24) Article 388 is deleted;

(25) in Article 395, paragraph 1 is replaced by the following:

1. An institution shall not incur an exposure to a client or group of connected clients the value of which exceeds 25 % of its Tier 1 capital, after taking into account the effect of the credit risk mitigation in accordance with Articles 399 to 403. Where that client is an institution or an investment firm, or where a group of connected clients includes one or more institutions or investment firms, that value shall not exceed 25 % of the institution's Tier 1 capital or EUR 150 million, whichever is higher, provided that the sum of exposure values, after taking into account the effect of the credit risk mitigation in accordance with Articles 399 to 403, to all connected clients that are not institutions, does not exceed 25 % of the institution's Tier 1 capital.;

(26) Article 402(3) is amended as follows:

(a) point (a) is replaced by the following:

(a) the counterparty is an institution or an investment firm;;

(b) point (e) is replaced by the following:

(e) the institution reports to the competent authorities in accordance with Article 394 the total amount of exposures to each other institution or investment firm that are treated in accordance with this paragraph.;

(27) in Article 412, paragraph 4a is replaced by the following:

4a. The delegated act referred to in Article 460(1) shall apply to institutions.;

(28) in point (a) of Article 422(8), point (i) is replaced by the following:

(i) a parent or subsidiary institution of the institution, or a parent or subsidiary investment firm of the institution, or another subsidiary of the same parent institution or parent investment firm;;

(29) in Article 428a, point (d) is deleted;

(30) in Article 430b, paragraph 1 is replaced by the following:

1. From the date of application of the delegated act referred to in Article 461a, credit institutions that do not meet the conditions set out in Article 94(1) nor the conditions set out in Article 325a(1) shall report, for all their trading book positions and all their non#trading book positions that are subject to foreign exchange or commodity risks, the results of the calculations based on using the alternative standardised approach set out in Chapter 1a of Title IV of Part Three on the same basis as such institutions report the obligations laid down in points (b)(i) and (c) of Article 92(3).;

(31) in Article 456(1), points (f) and (g) are deleted;

(32) Article 493 is amended as follows:

(a) paragraph 1 is replaced by the following:

Until 26 June 2021, the provisions on large exposures as laid down in Articles 387 to 403 of this Regulation shall not apply to investment firms, the main business of which consists exclusively of the provision of investment services or activities in relation to the financial instruments set out in points (5), (6), (7), (9), (10) and (11) of Section C of Annex

I to Directive 2014/65/EU and to which Directive 2004/39/EC of the European Parliament and of the Council[8] did not apply on 31 December 2006.;

(b) paragraph 2 is deleted;

(33) in Article 498(1), the first subparagraph is replaced by the following:

Until 26 June 2021, the provisions on own funds requirements as set out in this Regulation shall not apply to investment firms the main business of which consists exclusively of the provision of investment services or activities in relation to the financial instruments set out in points (5), (6), (7), (9), (10) and (11) of Section C of Annex I to Directive 2014/65/EU and to which Directive 2004/39/EC did not apply on 31 December 2006.;

(34) in Article 508, paragraphs 2 and 3 are deleted;

(35) in point (1) of Annex I, point (d) is replaced by the following:

(d) endorsements on bills not bearing the name of another institution or investment firm;;

(36) Annex III is amended as follows:

(a) in point (3), point (b) is replaced by the following:

(b) they are not an obligation of an institution or investment firm or any of its affiliated entities.;

(b) in point (5), point (b) is replaced by the following:

(b) they are not an obligation of an institution or investment firm or any of its affiliated entities.;

(c) in point (6), point (a) is replaced by the following:

(a) they do not represent a claim on an SSPE, an institution or investment firm or any of its affiliated entities;;

(d) point 7 is replaced by the following:

7. Transferable securities other than those referred to in points 3 to 6 that qualify for a 50 % or better risk weight under Chapter 2 of Title II of Part Three or are internally rated as having an equivalent credit quality, and do not represent a claim on an SSPE, an institution or investment firm or any of its affiliated entities.;

(e) point 11 is replaced by the following:

11. Exchange traded, centrally cleared common equity shares that are a constituent of a major stock index, denominated in the domestic currency of the Member State and not issued by an institution or investment firm or any of its affiliates..

Article 63

Amendments to Regulation (EU) No 600/2014

Regulation (EU) No 600/2014 is amended as follows:

(1) in Article 1, the following paragraph is inserted:

4a. Chapter 1 of Title VII of this Regulation also applies to third#country firms providing investment services or performing investment activities within the Union.;

(2) in Title III, the title is replaced by the following:

TRANSPARENCY FOR SYSTEMATIC INTERNALISERS AND INVESTMENT FIRMS TRADING OTC AND TICK SIZE REGIME FOR SYSTEMATIC INTERNALISERS;

(3) the following article is inserted:

Article 17a

Tick sizes

Systematic internalisers' quotes, price improvements on those quotes and execution prices shall comply with tick sizes set in accordance with Article 49 of Directive 2014/65/EU.

Application of tick sizes shall not prevent systematic internalisers matching orders large in scale at mid#point within the current bid and offer prices.;

(4) Article 46 is amended as follows:

(a) in paragraph 2, the following point is added:

(d) the firm has established the necessary arrangements and procedures to report the information set out in paragraph 6a.;

(b) in paragraph 4, the fifth subparagraph is replaced by the following:

Member States may allow third#country firms to provide investment services to, or to perform investment activities together with ancillary services for, eligible counterparties and professional clients within the meaning of Section I of Annex II to Directive 2014/65/EU in their territories in accordance with national regimes where no Commission decision in accordance with Article 47(1) has been adopted or where such a decision has been adopted but either is no longer in effect or does not cover the services or activities concerned.;

(c) in paragraph 5, the third subparagraph is replaced by the following:

Member States shall ensure that where an eligible counterparty or professional client within the meaning of Section I of Annex II to Directive 2014/65/EU established or situated in the Union initiates at its own exclusive initiative the provision of an investment service or activity by a third#country firm, this Article does not apply to the provision of that

service or activity by the third#country firm to that person, including a relationship specifically related to the provision of that service or activity. Without prejudice to intragroup relationships, where a third#country firm, including through an entity acting on its behalf or having close links with such third#country firm or any other person acting on behalf of such entity, solicits clients or potential clients in the Union, it shall not be deemed to be a service provided at the own exclusive initiative of the client. An initiative by such clients shall not entitle the third#country firm to market new categories of investment products or investment services to that individual.;

(d) the following paragraphs are inserted:

6a. Third#country firms providing services or performing activities in accordance with this Article shall, on an annual basis, inform ESMA of 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;

(b) for firms performing the activity referred to in point (3) of Section A of Annex I to Directive 2014/65/EU, their monthly minimum, average and maximum exposure to EU counterparties;

(c) for firms providing services referred to in point (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 previous 12 months;

(d) the turnover and the aggregated value of the assets corresponding to the services and activities referred to in point (a);

(e) whether investor protection arrangements have been taken, and a detailed description thereof;

(f) the risk management policy and arrangements applied by the firm to the carrying out of the services and activities referred to in point (a);

(g) the governance arrangements, including key function holders for the activities of the firm in the Union;

(h) any other information necessary to enable ESMA or the competent authorities to carry out their tasks in accordance with this Regulation.

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 investment services or performs investment activities in accordance with this Article.

Where necessary for the accomplishment of the tasks of ESMA or the competent authorities in accordance with this Regulation,

ESMA may, including upon the request of the competent authority of the Member States where a third#country firm provides investment services or performs investment activities in accordance with this Article, ask third#country firms providing services or performing activities in accordance with this Article to provide any further information in respect of their operations.

6b. Where a third#country firm provides services or performs activities in accordance with this Article, it shall keep, at the disposal of ESMA, the data relating to all orders and all transactions in the Union in financial instruments which they have carried out, whether on own account or on behalf of a client, for a period of five years.

Upon the request of the competent authority of a Member State, where a third#country firm provides investment services or performs investment activities in accordance with this Article, ESMA shall access the relevant data kept at its disposal in accordance with the first subparagraph and shall make that data available to the requesting competent authority.

6c. Where a third#country firm does not cooperate in an investigation or an on#site inspection carried out in accordance with Article 47(2), or where it does not comply with a request from ESMA in accordance with paragraph 6a or 6b of this Article in due time and in a proper manner, ESMA may withdraw its registration or temporarily prohibit or restrict its activities in accordance with Article 49.;

(e) paragraph 7 is replaced by the following:

7. ESMA, in consultation with EBA, shall develop draft regulatory technical standards to specify the information that the applicant third# country firm is to provide in the application for registration referred to in paragraph 4 and the information to be reported in accordance with paragraph 6a.

ESMA shall submit those draft regulatory technical standards to the Commission by 26 September 2021.

Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.;

(f) the following paragraph is added:

8. ESMA shall develop draft implementing technical standards to specify the format in which the application for registration referred to in paragraph 4 is to be submitted and the information referred to in paragraph 6a is to be reported.

ESMA shall submit those draft implementing technical standards to the Commission by 26 September 2021.

Power is conferred on the Commission to supplement this Regulation by adopting the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1095/2010.;

(5) Article 47 is amended as follows:

(a) paragraph 1 is replaced by the following:

1. The Commission may adopt a decision in accordance with the examination procedure referred to in Article 51(2) in relation to a third country stating that the legal and supervisory arrangements of that third country ensure all of the following:

a that firms authorised in that third country comply with legally binding prudential, organisational and business conduct requirements which have equivalent effect to the requirements set out in this Regulation, in Regulation (EU) No 575/2013 and Regulation (EU) 2019/2033 of the European Parliament and of the Council[(9)], in Directive 2013/36/EU, Directive 2014/65/EU and Directive (EU) 2019/2034 of the European Parliament and of the Council[(10)], and in the implementing measures adopted under those legislative acts;

b that firms authorised in that third country are subject to effective supervision and enforcement ensuring compliance with the applicable legally binding prudential, organisational and business conduct requirements; and

c that the legal framework of that third country provides for an effective equivalent system for the recognition of investment firms authorised under third#country legal regimes.

Where the scale and scope of the services provided and the activities performed by third#country firms in the Union following the adoption of the decision referred to in the first subparagraph are likely to be of systemic importance for the Union, the legally binding prudential, organisational and business conduct requirements referred to in the first subparagraph may only be considered to have equivalent effect to the requirements set out in the acts referred to in that subparagraph after a detailed and granular assessment. To that end, the Commission shall also assess and take into account the supervisory convergence between the third country concerned and the Union.

1a The Commission is empowered to adopt delegated acts in accordance with Article 50 to supplement this Regulation by further specifying the circumstances under which the scale and scope of the services provided and activities performed by third#country firms in the Union following the adoption of an equivalence decision referred to in the paragraph 1 are likely to be of systemic importance to the Union.

Where the scale and scope of the services provided and activities performed by third#country firms are likely to be of systemic importance for the Union, the Commission may attach specific operational conditions to equivalence decisions to ensure that ESMA and national competent authorities have the necessary tools to prevent regulatory arbitrage and monitor the activities of third#country investment firms registered in accordance with Article 46(2)

in respect of services provided and activities performed in the Union by ensuring that those firms comply with:

a requirements which have an equivalent effect to the requirements referred to in Articles 20 and 21;

b reporting requirements which have an equivalent effect to the requirements referred to in Article 26, where such information cannot be obtained directly and on an ongoing basis through a Memorandum of Understanding with the third#country competent authority;

c requirements that have an equivalent effect to the trading obligation referred to in Articles 23 and 28, where applicable.

When adopting the decision referred to in paragraph 1 of this Article, the Commission shall take into account whether the third country is identified as a non#cooperative jurisdiction for tax purposes under the relevant Union policy or as a high#risk third country pursuant to Article 9(2) of Directive (EU) 2015/849.

1b The prudential, organisational and business conduct framework of a third country may be considered to have equivalent effect where that framework fulfils all of the following conditions:

a firms providing investment services or performing investment activities in that third country are subject to authorisation and to effective supervision and enforcement on an ongoing basis;

b firms providing investment services or performing investment activities in that third country are subject to sufficient capital requirements and, in particular, firms providing services or carrying out the activities referred to in point (3) or (6) of Section A of Annex I to Directive 2014/65/EU are subject to comparable capital requirements to those they would apply if they were established in the Union;

c firms providing investment services or performing investment activities in that third country are subject to appropriate requirements applicable to shareholders and members of their management body;

d firms providing investment services or performing investment activities are subject to adequate business conduct and organisational requirements;

e market transparency and integrity is ensured by preventing market abuse in the form of insider dealing and market manipulation.

For the purposes of paragraph 1a of this Article, when assessing the equivalence of third-country rules as regards the trading obligation set out in Articles 23 and 28, the Commission shall also assess whether the third country's legal framework provides for criteria for the designation of trading venues as eligible for compliance with the trading obligation which have a similar effect to those set out under this Regulation or under Directive 2014/65/EU.;

(b) paragraph 2 is amended as follows:

(i) point (a) is replaced by the following:

(a) the mechanism for the exchange of information between ESMA and the competent authorities of third countries concerned, including access to all information regarding the non#Union firms authorised in third countries that is requested by ESMA, and, where relevant, the arrangements for the onward sharing by ESMA of such information with competent authorities of the Member States;;

(ii) point (c) is replaced by the following:

(c) the procedures concerning the coordination of supervisory activities including investigations and on# site inspections which ESMA may carry out, in cooperation with the competent authorities of the Member States where the third#country firm provides investment services or performs investment activities in accordance with Article 46, where it is necessary for the accomplishment of the tasks of ESMA or the competent authorities in accordance with this Regulation, having duly informed the competent authority of the third country thereof.;

(iii) the following point is added:

(d) the procedures concerning a request for information pursuant to Article 46(6a) and (6b) that ESMA may submit to a third#country firm registered in accordance with Article 46(2).;

(c) the following paragraphs are added:

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 that the conditions on the basis of which those decisions have been taken are still fulfilled. ESMA shall submit a confidential report on its findings to the Commission on an annual basis. Where considered appropriate by ESMA, ESMA may consult EBA with regard to the report.

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 the activities referred to in points (3) and (6) of Section A of Annex I to Directive 2014/65/EU.

6 The Commission shall, on the basis of the report referred to in paragraph 5, submit a report to the European Parliament and to 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 the rationale for those decisions and measures.

The Commission 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. In due course, the report shall also include information concerning ongoing equivalence assessments that the Commission is undertaking in relation to a third country.;

(6) Article 49 is replaced by the following:

Article 49

Measures to be taken by ESMA

1 ESMA may temporarily prohibit or restrict a third#country firm from providing investment services or performing investment activities with or without any ancillary services in accordance with Article 46(1) where the third#country firm has failed to comply with any prohibition or restriction imposed by ESMA or EBA in accordance with Articles 40 and 41 or by a competent authority in accordance with Article 42, has failed to comply with a request from ESMA in accordance with Article 46(6a) and (6b) in due time and a proper manner, or where the third#country firm does not cooperate with an investigation or an on#site inspection carried out in accordance with Article 47(2).

2 Without prejudice to paragraph 1, ESMA shall withdraw the registration of a third#country firm in the register established in accordance with Article 48 where ESMA has referred the matter to the competent authority of the third country, and that competent authority has not taken the appropriate measures needed to protect investors or the proper functioning of the markets in the Union, or has failed to demonstrate that the third#country firm concerned complies with the requirements applicable to it in the third country or with the conditions under which a decision in accordance with Article 47(1) has been adopted, and one of the following applies:

a ESMA has well#founded reasons, based on documented evidence, including but not limited to the annual information provided in accordance with Article 46(6a), to believe that, in the provision of investment services and activities in the Union, the third#country firm is acting in a manner which is clearly prejudicial to the interests of investors or the orderly functioning of markets;

b ESMA has well#founded reasons, based on documented evidence, including but not limited to the annual information provided in accordance with Article 46(6a), to believe that, in the provision of investment services and activities in the Union, the third#country firm has seriously infringed the provisions applicable to it in the third country and on the basis of which the Commission has adopted the Decision in accordance with Article 47(1).

3 ESMA shall inform the third#country competent authority of its intention to take action in accordance with paragraph 1 or 2 in due course.

In deciding the appropriate action to take under this Article, ESMA shall take into account the nature and seriousness of the risk posed to investors and the proper functioning of the markets in the Union, having regard to the following criteria:

a the duration and frequency of the risk arising;

b whether the risk has revealed serious or systemic weaknesses in the third# country firm's procedures;

c whether financial crime has been occasioned, facilitated or otherwise attributable to the risk;

d whether the risk has arisen intentionally or negligently.

ESMA shall inform the Commission and the third#country firm concerned of any measure adopted in accordance with paragraph 1 or 2 without delay and shall publish its decision on its website.

The Commission shall assess whether the conditions under which a decision in accordance with Article 47(1) was adopted continue to persist in relation to the third country concerned.;

(7) in Article 52, the following paragraph is added:

13. By 31 December 2020, ESMA shall assess the staffing and resources needs arising from the assumption of its powers and duties in accordance with Article 64 of Regulation (EU) 2019/2033 and submit a report on that assessment to the European Parliament, to the Council and to the Commission.;

(8) in Article 54, paragraph 1 is replaced by the following:

1. Third#country firms may continue to provide services and activities in Member States, in accordance with national regimes, until three years after the adoption by the Commission of a decision in relation to the relevant third country in accordance with Article 47. Services and activities not covered by such a decision may continue to be provided in accordance with national regime..

Article 64

Amendment to Regulation (EU) No 806/2014

In Article 12a of Regulation (EU) No 806/2014 of the European Parliament and of the Council[(11)], the following paragraph is added:

3. In accordance with Article 65 of Regulation (EU) 2019/2033 of the European Parliament and of the Council[(12)], references to Article 92 of Regulation (EU) No 575/2013 in this Regulation as regards the own funds requirements on an individual basis of investment firms referred to in point (c) of Article 2 of this Regulation and which are not investment firms referred to in Article 1(2) or 1(5) of Regulation (EU) 2019/2033 shall be construed as follows:

a references to point (c) of Article 92(1) of Regulation (EU) No 575/2013 as regards the total capital ratio requirement in this Regulation shall refer to Article 11(1) of Regulation (EU) 2019/2033;

b references to Article 92(3) of Regulation (EU) No 575/2013 as regards the total risk exposure amount in this Regulation shall refer to the applicable requirement in Article 11(1) of Regulation (EU) 2019/2033, multiplied by 12,5.

In accordance with Article 65 of Directive (EU) 2019/2034 of the European Parliament and of the Council[(13)], references to Article 104a of Directive 2013/36/EU in this Regulation as regards additional own funds requirements of investment firms referred to in point (c) of Article 2 of this Regulation and which are not investment firms referred to in Article 1(2) or 1(5) of Regulation (EU) 2019/2033 shall be construed as referring to Article 40 of Directive (EU) 2019/2034..

(**1**) Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1).

(**2**) 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 (OJ L 314, 5.12.2019, p. 64).'.

(**3**) Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1).

(**4**) 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 (OJ L 314, 5.12.2019, p. 64).';

(**5**) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).';

(**6**) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).';

(**7**) Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1).';

(**8**) Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1).';

(**9**) Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ 314, 5.12.2019, p. 1).

(**10**) 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 (OJ 314, 5.12.2019, p. 64).';

(**11**) Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ L 225, 30.7.2014, p. 1).

(**12**) Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1).

(**13**) 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 (OJ L 314, 5.12.2019, p. 64).'.