

ESMA LETTER TO EUROPEAN COMMISSION ON MIFID II/MIFIR THIRD-COUNTRY REGIMES

The letter highlights a number of items, which are relevant in the context of the United Kingdom's withdrawal from the European Union, in particular:

- Concerns regarding the MiFIR regime for third country firms providing investment services and activities to eligible counterparties and *per se* professional clients;
- Concerns regarding the MiFID II regime for third country firms providing investment services and activities to retail and professional clients on request;
- Third country firms providing investment services and activities at the exclusive initiative of EU clients (reverse solicitation); and
- Investment firms outsourcing critical or important functions other than those related to portfolio management to third country providers.