



Brussels, 5.4.2023
C(2023) 2281 final

COMMISSION DECISION

of 5.4.2023

on the answers to be provided to questions requiring the interpretation of Union law submitted on 9 September 2022 by the European Supervisory Authorities under Article 16b(5) of Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010 of the European Parliament and of the Council, and amending Commission Decisions of 6 July 2021 and 13 May 2022

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC¹, and in particular Article 16b(5) thereof,

Having regard to Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC², and in particular Article 16b(5) thereof,

Having regard to Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC³, and in particular Article 16b(5) thereof,

Whereas:

- (1) Article 16b(5) of Regulation (EU) No 1093/2010, Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010 requires the European Supervisory Authorities to forward to the Commission questions that have been submitted to the European Supervisory Authorities by a natural or legal person under Article 16b(1) of those Regulations and that require the interpretation of Union law. Article 16b(5) requires the European Supervisory Authorities to publish any answers provided by the Commission to such questions.
- (2) On 9 September 2022, the European Supervisory Authorities forwarded to the Commission questions concerning the interpretation of Article 2(17), Article 4(3) and (4), Article 7(1), point (a), Article 8, Article 9(3) and Article 11(2), point (i) of Regulation (EU) 2019/2088 of the European Parliament and of the Council⁴.
- (3) To ensure consistency in the interpretation of Regulation (EU) 2019/2088, a number of questions concerning the interpretation of Article 2(17), Article 8(1), (2) and (2a)

¹ OJ L 331, 15.12.2010, p. 12.

² OJ L 331, 15.12.2010, p. 48.

³ OJ L 331, 15.12.2010, p. 84.

⁴ Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector (OJ L 317, 9.12.2019, p. 1).

and Article 9(1) to (4a) of Regulation (EU) 2019/2088, adopted by the Commission in its Decision of 6 July 2021⁵ and 13 May 2022⁶, should be amended.

- (4) The Director-General for Financial Stability, Financial Services and Capital Markets Union, or the person designated by the Director-General for that purpose, should be instructed to provide the European Supervisory Authorities with the answers to those questions and to amend the answers provided in the Commission's Decisions of 6 July 2021 and 13 May 2022,

HAS DECIDED AS FOLLOWS:

Sole Article

The Director-General for Financial Stability, Financial Services and Capital Markets Union, or the person designated by the Director-General for this purpose, is authorised to provide the European Supervisory Authorities with the answers set out in Annex I to this Decision in respect of the questions on the interpretation of Article 2(17), Article 4(3) and (4), Article 7(1), point (a), Article 8, Article 9(3) and Article 11(2), point (i) of Regulation (EU) 2019/2088, submitted on 9 September 2022, and to provide the European Supervisory Authorities with the amended answers set out in Annex II to this Decision in respect of the questions on the interpretation of Article 2(17), Article 8(1), (2) and (2a) and Article 9(1) to (4a) of Regulation (EU) 2019/2088, adopted by the Commission in its Decision of 6 July 2021 and 13 May 2022.

Done at Brussels, 5.4.2023

For the Commission
Mairead McGUINNESS
Member of the Commission

⁵ Commission Decision of 6.7.2021 on the adoption of the answers to be provided to questions submitted by the European Supervisory Authorities under Article 16b(5) of Regulation (EU) No 1093/2010, Regulation (EU) No 1094/2010, Regulation (EU) No 1095/2010 of the European Parliament and of the Council in the period from 1 January 2021 to 30 January 2021, C(2021) 4858 final.

⁶ Commission Decision of 13.5.2022 on the adoption of the answers to be provided to questions submitted by the European Supervisory Authorities under Article 16b(5) of Regulation (EU) No 1093/2010, Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010 of the European Parliament and of the Council, C(2022) 3051 final.