



Brussels, 17.1.2023
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COMMISSION DECISION

of 17.1.2023

on the adoption of the answer to be provided to the question 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

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THE EUROPEAN COMMISSION,

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 by a natural or legal person under Article 16b(1) of these 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 8 July 2022, the European Supervisory Authorities forwarded to the Commission a question concerning the interpretation of Articles 82 and 82a of Directive 2009/65/EC of the European Parliament and of the Council⁴. The Commission may provide the European Supervisory Authorities with answers to such questions. 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 those answers,

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 Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32).

HAS DECIDED AS FOLLOWS:

Article 1

The answer set out in the Annex to the question on the interpretation of Articles 82 and 82a of Directive 2009/65/EC, submitted by the European Supervisory Authorities on 8 July 2022, is hereby adopted.

Article 2

The Director-General for Financial Stability, Financial Services and Capital Markets Union, or the person designated by the Director-General for that purpose, is instructed to provide the European Supervisory Authorities with the answer set out in the Annex.

Done at Brussels, 17.1.2023

For the Commission
Mairead McGUINNESS
Member of the Commission