



European Securities and  
Markets Authority

**The Chair**

Date: 18 December 2013  
ESMA/2013/1941

**Jonathan Faull  
Director General  
Internal Market and Services  
European Commission  
Rue de Spa, 2  
1000 Brussels  
Belgium**

**Re: ESMA draft technical standards under Article 10a(8) of MiFID on the assessment of acquisitions and increases in qualifying holdings in investment firms**

Dear Mr Faull

DEAR JONATHAN,

Article 10a of Directive 2004/39/EC (MiFID), as amended by Article 6(4) of Directive 2010/78/EU (Omnibus Directive), requires ESMA to draft regulatory technical standards (RTS) to establish an exhaustive list of information to be included by proposed acquirers in their notification, and implementing technical standards (ITS) to determine standard forms, templates and procedures for the cooperation and exchange of information between the relevant competent authorities as referred to in Article 10(4) of MiFID. ESMA is required to submit the draft RTS and ITS to the European Commission by 1 January 2014.

The Regulation (EU) No 1095/2010 establishing the European Supervisory Authority (ESMA Regulation), empowers ESMA to develop draft regulatory and implementing technical standards where the European Parliament and the Council delegate power to the Commission to adopt regulatory standards by means of delegated acts under Article 290 TFEU or implementing acts under Article 291 TFEU.



We note, however, that Article 10a(8) of MiFID contains an incorrect legal reference (to paragraph 4 of Article 10a, instead of Article 10b). ESMA has been informed by the Commission that a corrigendum procedure to correct this error has been initiated.

Please find under cover of this letter ESMA's final report on the draft technical standards under Article 10a(8) of MiFID on the assessment of acquisitions and increases in qualifying holdings in investment firms.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Maijoor', written over a horizontal line.

Steven Maijoor

Chair

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