

Chapter 9A

Suitability (MiFID and insurance-based investment products provisions)



9A.1 Application and purpose

Note: ESMA has also issued guidelines under article 16(3) of the ESMA Regulation on certain aspects of the MiFID suitability requirements. See https://www.esma.europa.eu/system/files_force/library/esma35-43-869-_fr_on_guidelines_on_suitability.pdf?download=1.

Application

9A.1.1

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This chapter applies to a *firm* which provides:

investment advice or portfolio management in the course of MiFID, equivalent third country or optional exemption business; or

investment advice in relation to an insurance-based investment product.

Effect of provisions marked “EU” for third country investment firms and MiFID optional exemption firms

9A.1.2

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Provisions in this chapter marked “EU” and including a Note (‘**Note:**’) referring to the *MiFID Org Regulation* apply in relation to *MiFID optional exemption business* as if they were *rules*.

9A.1.3

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The effect of **GEN 2.2.22AR** is that provisions in this chapter marked “EU” also apply in relation to the *equivalent business of a third country investment firm* as if they were *rules*.

Effect of provisions marked “EU” for the firms distributing insurance-based investment products

9A.1.4

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Provisions in this chapter marked “EU” and including a Note (‘**Note:**’) referring to the *IDD Regulation* apply as if they were *rules* in relation to *insurance distribution activities* to which the *IDD Regulation* does not apply.