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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	21 April 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2021) 2618 final
Subject:	ANNEX to the COMMISSION DELEGATED REGULATION (EU) .../... correcting Delegated Regulation (EU) 2017/565 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive

Delegations will find attached document C(2021)2618 ANNEX.

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ANNEX

ANNEX

to the

COMMISSION DELEGATED REGULATION (EU) .../...

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the European Parliament and of the Council as regards organisational requirements
and operating conditions for investment firms and defined terms for the purposes of that
Directive**

“ANNEX I

Record-keeping

Minimum list of records to be kept by investment firms depending upon the nature of their activities

Nature of obligation	Type of record	Summary of content	Legislative reference
Client assessment			
	Information to clients	Content as provided for under Article 24(4) of Directive 2014/65/EU and Articles 44 to 51 of this Regulation	Article 24(4) of Directive 2014/65/EU
	Client agreements	Records as provided for under Article 25(5) of Directive 2014/65/EU	Article 25(5) of Directive 2014/65/EU
	Assessment of suitability and appropriateness	Content as provided for under paragraphs 2 and 3 of Article 25 of Directive 2014/65/EU and Articles 54, 55 and 60 of this Regulation	Article 25(2) and (3) of Directive 2014/65/EU, Articles 54, 55 and 56 of this Regulation
Order handling			
	Client order-handling — Aggregated transactions	Records as provided for under Articles 67 to 70 of this Regulation	Articles 24(1) and 28(1) of Directive 2014/65/EU, Articles 67 to

			70 of this Regulation
	Aggregation and allocation of transactions for own account	Records as provided for under Article 69 of this Regulation	Articles 24(1) and 28(1) of Directive 2014/65/EU Article 69 of this Regulation
Client Orders and transactions			
	Record keeping of client orders or decision to deal	Records as provided for under Article 74 of this Regulation	Article 16(6) of Directive 2014/65/EU Article 74 of this Regulation
	Record keeping of transactions and order processing	Records as provided for under Article 75 of this Regulation	Article 16(6) of Directive 2014/65/EU Article 75 of this Regulation
Reporting to clients			
	Obligation in respect of services provided to clients	Contents as provided for under Articles 59 to 63 of this Regulation	Paragraphs 1 and 6 of Article 24 and paragraphs 1 and 6 of Article 25 of Directive 2014/65/EU Articles 59 to 63 of this Regulation
Safeguarding of client assets			
	Client financial instruments held by an investment firm	Records as provided for under Article 16(8)	Article 16(8) of Directive 2014/65/EU Article 2 of

		of Directive 2014/65/EU and under Article 2 of Commission Delegated Directive (EU) 2017/593	Delegated Directive (EU) 2017/593
	Client funds held by an investment firm	Records as provided for under Article 16(9) of Directive 2014/65/EU and under Article 2 of Delegated Directive (EU) 2017/593	Article 16(9) of Directive 2014/65/EU Article 2 of Delegated Directive (EU) 2017/593
	Use of client financial instruments	Records provided for under Article 5 of Delegated Directive (EU) 2017/593	Paragraphs 8, 9 and 10 of Article 16 of Directive 2014/65/EU Article 5 of Delegated Directive (EU) 2017/593
Communication with clients			
	Information about Costs and associated charges	Contents as provided for under Article 50 of this Regulation	Article 24(4), point (c) of Directive 2014/65/EU Article 50 of this Regulation
	Information about the investment firm and its services, financial	Content as provided for under Articles 47, 48 and 49 of this	Article 24(4) of Directive 2014/65/EU Articles 47, 48 and 49 of

	instruments and safe-guarding of client assets	Regulation	this Regulation
	Information to clients	Records of communication	Article 24(3) of Directive 2014/65/EU Article 46 of this Regulation
	Marketing communications (except in oral form)	Each marketing communication issued by the investment firm (except in oral form) as provided under Articles 44 and 46 of this Regulation	Article 24(3) of Directive 2014/65/EU Articles 44 and 46 of this Regulation
	Investment advice to retail clients	(i) The fact, time and date of that investment advice was rendered and (ii) the financial instrument that was recommended (iii) the suitability report provided to the client	Article 25(6) of Directive 2014/65/EU Article 54 of this Regulation
	Investment research	Each item of investment research issued by the investment firm in a durable medium	Article 24(3) of Directive 2014/65/EU Articles 36 and 37 of this Regulation

Organisational requirements			
	The firm's business and internal organisation	Records as provided for under Article 21(1), point (f) of this Regulation	Paragraphs 2 to 10 of Article 16 of Directive 2014/65/EU Article 21(1), point (f) of this Regulation
	Compliance reports	Each compliance report to management body	Article 16(2) of Directive 2014/65/EU Article 22(2), point (c) and Article 25(2) of this Regulation
	Conflict of Interest record	Records as provided for under Article 35 of this Regulation	Article 16(3) of Directive 2014/65/EU Article 35 of this Regulation
	Inducements	The information disclosed to clients under Article 24(9) of Directive 2014/65/EU	Article 24(9) of Directive 2014/65/EU Article 11, 12 and 13 of Delegated Directive (EU) 2017/593
	Risk management reports	Each risk management report to senior management	Article 16(5) of Directive 2014/65/EU Article 23(1), point (b) and Article 25(2) of this Regulation

	Internal audit reports	Each internal audit report to senior management	Article 16(5) of Directive 2014/65/EU Article 24 and Article 25(2) of this Regulation
	Complaints-handling records	Each complaint and the complaint handling measures taken to address the complaint	Article 16(2) of Directive 2014/65/EU Article 26 of this Regulation
	Records of personal transactions	Records as provided for under Article 29(5), point (c) of this Regulation	Article 16(2) of Directive 2014/65/EU Article 29(5), point (c) of this Regulation

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