## Getting started on MiFID II / MiFIR projects: Investor protection

The table below sets out some of the key Level 1, Level 2 and Level 3 MiFID II / MiFIR provisions as regards investor protection. However, the table is not intended to provide the definitive position on all applicable measures and clients should contact their usual financial services contact at Norton Rose Fulbright LLP.

Topic and Level	1	Level 2 provisions	Level 3 provisions
provisions Product governance	Article 24(2) and (3) of <u>MiFID II</u>	Articles 9 and 10 of <u>Commission</u> <u>Delegated Directive of 7 April 2016</u> with regard to safeguarding of financial instruments and funds <u>belonging to clients</u> , product governance obligations and the rules applicable to the provision or reception of fees, commissions and any monetary or non-monetary <u>benefits</u>	ESMA final report – Guidelines on cross-selling practices ESMA guidelines on product governance ESMA Q&A on investor protection topics ESMA guidelines on MiFID II product governance requirements
Independent financial advice	Articles 24(4) and (7) of <u>MiFID II</u>	Articles 52 to 53 of <u>Commission</u> <u>Delegated</u> Regulation of 25 April 2016 as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that <u>Directive</u>	ESMA final report – Guidelines on cross-sellingpracticesESMA guidelines on product governanceESMA Q&A on investor protection topicsESMA guidelines on MiFID II product governance requirements
Best execution	Article 27 of <u>MiFID II</u>	Articles 64 and 66 of <u>Commission</u> <u>Delegated Regulation of 25 April</u> <u>2016 as regards organisational</u> <u>requirements and operating</u> <u>conditions for investment firms and</u> <u>defined terms for the purposes of that</u> <u>Directive</u> <u>Articles 1 to 12 of <u>RTS 27:</u> <u>Commission Delegated Regulation of</u> <u>8 June 2016 as regards to regulatory</u> <u>technical standards concerning the</u> <u>data to be published by execution</u> <u>venues on the quality of execution of</u> <u>transactions</u> <u>Article 1 to 5 of RTS 28: Commission</u> <u>Delegated Regulation of 8 June 2016</u> <u>as regards regulatory technical</u> <u>standards for the annual publication</u> <u>by investment firms of information on</u> <u>the identity of execution</u></u>	ESMA Q&A on investor protection topics
Information to	Articles 24(3) and	Articles 46 of <u>Commission Delegated</u> Regulation of 25 April 2016 as	ESMA final report – Guidelines on

clients	(4) of <u>MiFID II</u>	regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive	cross-selling practicesESMA guidelines on product governanceESMA Q&A on investor protection topicsESMA guidelines on MiFID II product governance requirements
Appropriateness and suitability	Article 25 of <u>MiFID II</u>	Articles 54 to 58 of <u>Commission</u> <u>Delegated</u> Regulation of 25 April 2016 as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that <u>Directive</u>	ESMA guidelines for the assessment of knowledge and competence ESMA guidelines on complex debt instruments and structured deposits ESMA Q&A on investor protection topics
Inducements	Articles 24(7) to (9) of <u>MiFID II</u>	Articles 11 to 13 of <u>Commission</u> <u>Delegated Directive of 7 April 2016</u> with regard to safeguarding of financial instruments and funds belonging to clients, product governance obligations and the rules applicable to the provision or reception of fees, commissions and any monetary or non-monetary benefits	ESMA final report – Guidelines on cross-sellingpracticesESMA guidelines on product governanceproduct product governanceESMA Q&A on investor protection topicsminute fill fill product governance requirements
Remuneration	Article 24(10) of <u>MiFID II</u>	Articles 27 of <u>Commission Delegated</u> <u>Regulation of 25 April 2016 as</u> <u>regards organisational requirements</u> <u>and operating conditions for</u> <u>investment firms and defined terms</u> <u>for the purposes of that Directive</u>	ESMA final report – Guidelines on cross-sellingpracticesESMA guidelines on product governanceproduct product governanceESMA Q&A on investor protection topicsminute topicsESMA guidelines on MiFID II product governance requirements
Client order handling	Articles 24(1) and Article 28 of <u>MiFID II</u>	Articles 67 to 70 of <u>Commission</u> Delegated Regulation of 25 April 2016 as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive	ESMA final report – Guidelines on cross-selling practices ESMA guidelines on product governance ESMA Q&A on investor protection

Client reporting 24(4) and 25(6) of MIFID II     Articles 59 to 63 of Commission 24(4) and 25(6) of MIFID II     ESMA_nuidelines on MIFID II product governance requirements       Complaints handling     Articles 24(6) and MIFID II     Articles 26 of Commission onditions for investment firms and defined terms for the purposes of that Directive     ESMA_quidelines on complex debt investment firms and defined terms for the purposes of that Directive       Complaints handling     Article 16(2) of MIFID II     Articles 26 of Commission Delegated Regulation of 25 April 2016 as regards, organisational requirements     ESMA_quidelines on product governance       Record-keeping (7) and Article 25(5) of MIFID II     Articles 72 to 75 of Commission topics     ESMA_quidelines on mIFID II product governance requirements       Record-keeping (7) and Article 25(5) of MIFID II     Articles 72 to 75 of Commission requirements for the purposes of that Directive     ESMA_quidelines on mIFID II product governance requirements       Complaints handling     Articles 16(6) and (7) and Article 25(5) of MIFID II     Articles 72 to 75 of Commission requirements and operating 25(6) and (7) and Article 25(6) and (7) and Article 25(6) and (7) and Article 25(6) and (7) and Article 25(6) and (7) and Article 25(6) and (7) and Article 25(6) and (7) and Article 16(7) and Article				topics
24(4) and 25(6) of MiFID II   Delegated_Regulation_of_25_April conditions_for_investment_firms_and defined terms for the purposes of that Directive   consecuting ESMA guidelines_on_complex_debt instruments and structured deposits     Complaints handling   Article 16(2) MiFID II   Articles 26 of Commission Delegated Regulation_of_25_April_2016 andperating_and_ender andoperating_and_ender for the purposes of that Directive   ESMA_guidelines_on_product governance     Complaints handling   Article 16(2) MiFID II   Articles 26 of Commission Delegated regulation_of_25_April_2016 andoperatingconditions_for investment_firms_and_defined_terms for the purposes of that Directive   ESMA_guidelines_on_product governance     Record-keeping   Articles 16(6) MiFID II   Articles 72 to 75 of Commission Delegated Regulation_of_25_April_ 2016_as_regards_organisational reguirements_and_operatingconditions_for investment_firms_and_defined_terms for the purposes of that Directive   ESMA_guidelines_on_MiFID_II product governance reguirements is the purposes of that Directive     Conflicts   of MiFID_II   Articles 72 to 75 of Commission conditions for investment_firms and defined terms for the purposes of that Directive   ESMA_guidelines_on_MiFID_II product governance reguirements     Conflicts   of MiFID_II   Articles 73, 34 and 37 of Commission defined terms for the purposes of that Directive   ESMA_guidelines_on_MiFID_II governance     Conflicts   of MiFID_II   Article 76 of Commission defined terms for the purposes of that Directive   ESMA_guidelines_on_mot				ESMA guidelines on MiFID II
Record-keeping interest     Articles Articles and operating conflicts     Articles f(6) and Article     Articles Articles and operating conflicts     Articles f(6) and Article     Articles and apperating conflicts     Articles f(6) and Article     Articles and apperating conflicts     Articles f(6) and Article     Articles and apperating conflicts     Articles f(6) and Article     Articles and apperating conflicts     Complaints for the public bit and apperating conflicts     Articles f(6) and Article     Articles and apperating conflicts     Commission for the public bit and apperating conflicts     ESMA auidelines for the public bit and apperating conflicts     Commission for the public bit and apperating conflicts     ESMA auidelines for the public bit and apperating conflicts     Commission for f(6) and Article     ESMA auidelines for the public bit as regards or paraisational requirements and perating conflicts     ESMA auidelines for the public bit assessment of assessment of assessment or product governance       Conflicts interest     of Article f(6) and Article f(6) and Article f(6) article f(6) article f(6) article f(6) article f(6) article f(6) article f(7) article f(7)	Client reporting	24(4) and 25(6) of	Delegated Regulation of 25 April 2016 as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that	cross-sellingpracticesESMA guidelines on complex debt
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Safeguarding of client assets	Article 16(8) to (10) of <u>MiFID II</u>	Articles 2 to 8 of <u>Commission</u> <u>Delegated Directive of 7 April 2016</u> with regard to safeguarding of financial instruments and funds belonging to clients, product governance obligations and the rules applicable to the provision or reception of fees, commissions and any monetary or non-monetary benefits	ESMA guidelines on product governance ESMA Q&A on investor protection topics ESMA guidelines on MiFID II product governance requirements
Transactions executed with eligible counterparties	Article 30 of <u>MiFID II</u>	Article 71 of <u>Commission Delegated</u> Regulation of 25 April 2016 as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive	
Product intervention	Article 40 of <u>MiFIR</u>	Article19to21ofCommissionDelegatedRegulationof18May2016withregardtodefinitions,transparency,portfoliocompressionandsupervisorymeasuresonproductinterventionandpositionsArticle19ofCommissionDelegatedRegulationof18May2016as regardtodefinitions,transparency,portfoliocompressionandsupervisorymeasuresonproductinterventionandpositions	
Information concerning client categorisation	Article 24 (4) of <u>MiFID II</u>	Article 45 and 48 of <u>Commission</u> <u>Delegated</u> Regulation of 25 April 2016 as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that <u>Directive</u>	ESMA final report – Guidelines on cross-sellingpracticesESMA guidelines on product governanceproduct product governanceESMA Q&A on investor protection topicsminute topicsESMA guidelines on MiFID II product governance requirements