Commission Delegated Regulation (EU) 2019/1866 of 3 July 2019 amending Delegated Regulation (EU) 2017/653 to align the transitional arrangement for PRIIP manufacturers offering units of funds referred to in Article 32 of Regulation (EU) No 1286/2014 of the European Parliament and of the Council as underlying investment options with the prolonged exemption period under that Article (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/1866

of 3 July 2019

amending Delegated Regulation (EU) 2017/653 to align the transitional arrangement for PRIIP manufacturers offering units of funds referred to in Article 32 of Regulation (EU) No 1286/2014 of the European Parliament and of the Council as underlying investment options with the prolonged exemption period under that Article

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs)[(1)], and in particular Article 8(5) thereof,

Whereas:

(1) Pursuant to Article 32(1) of Regulation (EU) No 1286/2014, management companies as defined in Article 2(1)(b) of Directive 2009/65/EC of the European Parliament and of the Council[(2)], investment companies as referred to in Article 27 thereof and persons advising on, or selling, units of UCITS as referred to in Article 1(2) thereof are exempt from the obligations under that Regulation until 31 December 2019. When a Member State applies rules on the format and content of the key information document, as laid down in Articles 78 to 81 of Directive 2009/65/EC, to non-UCITS funds offered to retail investors, the exemption laid down in Article 32(1) of Regulation (EU) No 1286/2014 applies to management companies, investment companies and persons advising on, or selling, units of such funds to retail investors. To provide those funds with a consistent transitional legal regime, the third paragraph of Article 18 of Commission Delegated Regulation (EU) 2017/653[(3)] allows manufacturers of packaged retail and insurance-based investment products ('PRIIP manufacturers') to continue using such documents drawn up in accordance with those Articles until 31 December 2019, where at least one of the underlying investment options is a UCITS or non-UCITS fund.

(2) Regulation (EU) No 1286/2014 has been amended to extend the transitional arrangements referred to in Article 32 thereof until 31 December 2021[(4)]. In order to enable PRIIP manufacturers to determine their obligations with certainty, the date set

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/1866. (See end of Document for details)*

out in the third paragraph of Article 18 of Delegated Regulation (EU) 2017/653 should be changed accordingly.

(3) Delegated Regulation (EU) 2017/653 should therefore be amended accordingly.

(4) This Regulation is based on draft regulatory technical standards submitted to the Commission by the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority (the 'European Supervisory Authorities').

(5) The European Supervisory Authorities have not conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, nor analysed potential related costs and benefits, as an impact assessment has already been produced for regulatory technical standards laid down in Delegated Regulation (EU) 2017/653. This Regulation neither alters the substance of Delegated Regulation (EU) 2017/653 nor creates new obligations for PRIIPs manufacturers or persons advising on or selling PRIIPs, including those referred to in Article 32 of Regulation (EU) No 1286/2014. The European Supervisory Authorities have requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council[(5)], the Insurance and Reinsurance Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council[(6)] and the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council[(7)],

HAS ADOPTED THIS REGULATION:

Article 1

In Article 18 of Delegated Regulation (EU) 2017/653, the third paragraph is replaced by the following:

Article 14(2) shall apply until 31 December 2021.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 July 2019.

For the Commission

The President

Jean-Claude JUNCKER