IMIA | Irish MiFID Industry Association

Introduction

The Irish MiFID Industry Association (“IMIA”) was set up in 2017 following the transposition of the Markets in Financial Instruments Directive II (“MiFID II”) into Irish law.

The objectives of the IMIA are to provide a central representation to the Central Bank of Ireland and other regulatory bodies on behalf of its members, to promote good industry practices on regulatory requirements, to host educational events on regulatory issues impacting MiFID firms, and to promote networking and peer interaction. The IMIA has 70 member firms that are authorised by the Central Bank to carry out MiFID services and activities.

Question 1: Is the Supplemental Guidance helpful? What other information would be useful to include?

It would be useful if the Central Bank made public the statistics for actions taken under the F&P investigations pillar, i.e., how many investigations are conducted and how many prohibitions are determined in a calendar year.

The FCA maintains a publicly accessible register of approved and prohibited persons. If the Central Bank introduced a similar register, it would assist firms in conducting due diligence on new applicants and improve the transparency of Controlled Function holders in regulated firms.

Question 2: Do you have any observations on the circumstances relevant to prohibition as set out in Table 1 of the Supplemental Guidance?

No comment.

Question 3: Do you have any observations on any other aspects of the Supplemental Guidance?

Whilst we recognise that the obligations under the Companies Act 2014 are separate to the Fitness and Probity guidance, it would be helpful to understand whether the Central Bank considers disqualified directors automatically prohibited from performing controlled functions.

It would be helpful to understand the Central Bank’s thought process on imposing a prohibition for a set period of time. It would be the industry view that if a prohibition notice is issued against an individual, regardless of duration, firms would not consider employing that person in the future.