

**Question for written answer E-009559/2016  
to the Commission**  
Rule 130  
**Janusz Korwin-Mikke (NI)**

Subject: Application of the Markets in Financial Instruments Directive (MiFID)

In its response of 14 July 2016 (E-003497/2016) to my question for written answer (E-003497/16), submitted on 28 April 2016, the Commission stated:

'The transposing national law cannot restrict the scope of MiFID by introducing exemptions from the scope beyond those laid down in MiFID itself. With respect to financial products which are not subject to specific EU regulation, Member States may regulate them through gambling laws, if they consider them to be gambling activities.'

Two further questions beg to be asked in response to this position held by the Commission:

1. What financial products, in the Commission's view, are subject to specific EU regulation under MiFID, and what products are concerned by the Commission's statement as quoted above? Does the Commission consider those products listed in section C of Annex 1 to the MiFID Directive to be products subject to specific regulation? This question is of such great significance that the Commission referred only to forward contracts in its response.
2. As regards a registered investment firm with a licence – appropriately passported in another Member State – to provide financial instruments in the EU, and which is offering the instruments set out in section C of Annex 1 to the MiFID Directive, would that Member State not be able to apply provisions on gambling in order to restrict the operations of such an investment firm?