Proskauer

Regulation Round Up

December 2018

3 December

The European Central Bank ("**ECB**") published a document setting out its cyber resilient oversign expectations for financial market infrastructures.

4 December

On 4 December 2018, the Council of the EU published a press release announcing that it has agreed its position regarding the "banking package". The banking package consists of the European Commission's proposed revisions to the Capital Requirements Regulation (575/2013) ("**CRR**"), CRD IV Directive (2013/36/EU), Bank Recovery and Resolution Directive (2014/59/EU) and the Regulation establishing the Single Resolution Mechanism (806/2014) as regards loss-absorbing and recapitalisation capacity for credit institutions and investment firms.

The Deposit Guarantee Scheme and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (2018/1285) were published.

The Basel Committee on Banking Supervision published a report that identifies, describes and compares the range of observed bank, regulatory and supervisory cyber-resilience practices across jurisdictions.

The Financial Conduct Authority ("**FCA**") published a new webpage on delivering clear and fair outcomes for consumers under the Insurance Distribution Directive (EU/2016/97).

The Securitisation Regulations 2018 (SI 2018/1288) were published.

5 December

The Financial Services (Banking Reform) Act 2013 (Commencement No 12) Order 2018 (SI 2018/1306) was published.

The Bank of England (Amendment) (EU Exit) Regulations 2018 (SI 2018/1297) were published.

A draft version of the Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment etc, and Transitional Provision) (EU Exit) Regulations 2018 was published.

The Prudential Regulation Authority ("**PRA**") published a policy statement (PS30/18) on regulatory reporting.

The European Securities and Markets Authority ("**ESMA**") published a response of its Securities and Markets Stakeholder Group in relation to a consultation relating to amendments to Regulation (EU/2017/653) (the "**PRIIPs Regulation**"). In summary, the ESMA stakeholder group has called on the European Commission to start a mandatory review of the PRIIPs Regulation.

6 December

The FCA published a webpage setting out the findings from a thematic review on managing long-term mortgage arrears and forbearance.

The FCA published a webpage setting out key findings from its recent work on pension transfer advice.

7 December

The Central Securities Depositories (Amendment) (EU Exit) Regulations 2018 (SI 2018/1320) were published.

The Short Selling (Amendment) (EU Exit) Regulations 2018 were published.

The Trade Repositories (Amendment and Transitional Provision) (EU Exit) Regulations 2018 (SI 2018/1318) were published.

The FCA has published its 23rd quarterly consultation paper (CP18/39).

The FCA published a consultation paper on product intervention measures for retail binary options (CP18/37).

The FCA published a consultation paper (CP18/38) on restricting contract for difference products sold to retail clients.

10 December

The FCA published a webpage setting out the findings from its cyber multi-firm review of 20 firms in the asset management and wholesale banking sectors.

The UK government published a response to its consultation on reforming limited partnership law in the UK. In relation to the requirements associated with the limited partnership's principal place of business in particular, the response includes an intention by the government to request information on a limited partnership's connection to the UK on application and on an ongoing basis.

The PRA published a policy statement (PS31/18), updated supervisory statement and Dear CEO letter relating to the Solvency II Directive (2009/138/EC) and equity release mortgages.

11 December

The House of Commons Treasury Committee published a report on the analyses carried out by the UK Government and the Bank of England on the Brexit withdrawal agreement.

The US Treasury Department published the final text of the bilateral agreement between the US and the UK on insurance and reinsurance prudential measures.

12 December

A draft version of the Financial Services (Distance Marketing) (Amendment and Savings Provision) (EU Exit) Regulations 2019 was published.

A draft version of the Mortgage Credit (Amendment) (EU Exit) Regulations 2019 was published.

A draft version of the Official Listing of Securities, prospectus and Transparency (Amendment etc.) (EU Exit) Regulations 2019 was published.

The FCA published a consultation paper (CP18/40) on changes to the permitted links rules to facilitate investment in patient capital.

The FCA published a discussion paper on patient capital and authorised funds (DP18/10).

13 December

A draft of the Financial Markets and Insolvency (Amendment and Transitional Provision) (EU Exit) Regulations 2019 was published.

A draft of the Credit Rating Agencies (Amendments etc) (EU Exit) Regulations 2019 was published.

The Money Laundering and Terrorist Financing (Miscellaneous Amendments) Regulations 2018 were laid before Parliament, which make amendments to current anti-money laundering legislation in the UK.

The FCA published a press release advising that it has made updates to its Brexit webpage for firms.

The FCA published finalised guidance on financial crime systems and controls: insider dealing and market manipulation (FG18/5).

The FCA published its regulation round up for December 2018.

The FCA and PRA published a joint consultation paper (CP18/41 (FCA) / CP30/18 (PRA) on changes to mortgage reporting requirements.

The PRA published a policy statement (PS32/18) relating to its updated statement of policy on the systemic risk buffer.

14 December

The FCA published a policy statement (PS18/22) on changing complaint handling rules for victims of authorised push payment fraud.

17 December

A draft version of the Collective Investment Schemes (Amendment etc) (EU Exit) Regulations 2019 was published.

A draft version of the Financial Services Contracts (Transitional and Saving Provision) (EU Exit) Regulations 2019 was published.

A draft version of the Long-term Investment Funds (Amendment) (EU Exit) Regulations 2019 was published.

The FCA published the Small Business (Eligible Complainant) Instrument 2018 (FCA 2018/61) (FOS 2018/7).

The FCA published a policy statement (PS18/23) setting out its final rules and guidance on the regulation of claims management companies.

The Financial Ombudsman Service ("**FOS**") published a consultation paper on its proposed plans and budget for 2019/20.

The FCA published issue 58 of its "Market Watch" newsletter, in which it detailed its findings on a review of the implementation of the Market Abuse Regulation (EU/596/2014) ("**MAR**").

The European Commission published a press release announcing that it proposes to extend (for six months) its decision to recognise trading venues in Switzerland as eligible for compliance with the trading obligation for shares under the second Markets in Financial Instruments Directive ("**MiFID II**").

The European Banking Authority ("**EBA**") published a press release reminding firms of their need to maintain efforts regarding their Brexit-related communication to customers.

The FCA published a statement on the Brexit financial services contracts regime. If the UK leaves the EU without a withdrawal agreement, this will enable firms who do not enter the temporary permissions regime to wind down their UK business in an orderly fashion.

18 December

The Bank of England and PRA published proposals relating to the resolvability assessment framework package, consisting of:

- a consultation paper by the Bank of England, setting out the Bank of England's approach to assessing resolvability; and
- a consultation paper by the PRA (CP31/18), which contains proposed requirements for banks to assess their preparations for resolution, identifying any risks to implementation and their plans to address these.

The FCA published a final report on its strategic review of retail banking business models.

The FCA published a consultation paper (CP18/42) on changes to the overdraft market.

ESMA published an updated version of its Q&As on the Benchmarks Regulation (EU/2016/1011) (the "**BMR**").

HM Treasury published a letter from John Glen, Economic Secretary to the Treasury, providing an update on the European Commission's proposed Regulation on European crowdfunding service providers.

19 December

A draft version of the Insurance Distribution (Amendment) (EU Exit) Regulations 2019 was published.

A draft version of the Mortgage Credit (Amendment) (EU Exit) Regulations 2019 was published.

ESMA published a statement providing a reminder to firms on their MiFID obligations on the disclosure of information to clients in the context of Brexit.

The FCA published a consultation paper (CP18/44) on regulatory technical standards for strong customer authentication and common and secure open standards of communication in the event of a no-deal Brexit.

The FCA published finalised guidance (FG18/7) on the fairness of variation terms in financial services consumer contracts under the Consumer Rights Act 2015.

ESMA published a consultation paper on integrating sustainability risks and factors into the UCITS Directive (2009/65/EC) and the Alternative Investment Funds Managers Directive (2011/61/EU).

The FCA published a speech on diversity in financial services.

The FCA published a policy statement (PS18/24) on its approach to final regulatory technical standards (RTS) for strong customer authentication and common and secure open standards of communication, and related EBA guidelines, under the revised Payment Services Directive (EU/ 2015/2366) ("**PSD2**").

ESMA published a consultation paper (ESMA35-43-1210) on draft technical advice for the integration of integrating sustainability risks and factors into MiFID II.

The FCA published a policy statement on Handbook changes to reflect the application of the Securitisation Regulation (EU/2017/2402) and the CRR Amendment Regulation (EU/2017/2401) (PS18/25).

A draft version of the Transparency of Securities Financing Transactions and of Reuse (Amendment) (EU Exit) Regulations 2019 was published.

20 December

The FCA published an evaluation paper (EP18/3) on reducing barriers to entry into the UK banking sector.

The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (SI 2018/1394) were published.

The Capital Requirements (Amendment) (EU Exit) Regulations 2018 were published.

A draft version of the Securitisation (Amendment) (EU Exit) Regulations 2019 was published.

The PRA and Bank of England published a joint consultation paper on further Brexit-related changes to the PRA Rulebook and binding technical standards (BTS) (CP32/18).

The Markets in Financial Instruments (Amendment) (EU Exit) Regulations 2018 were published.

The House of Commons Treasury Committee published its eighth special report of session 2017-19 in which it set out the UK government and FCA's response to the House of Commons Treasury Committee report on cryptoassets.

The PRA published a policy statement on changes to branch return reporting form in Incoming Firms and Third Country Firms part of its Rulebook.

The FCA and PRA published a joint statement setting out how parties must report information, required by the Securitisation Regulation, to the UK authorities.

21 December

A draft version of the Financial Conglomerates and Other Financial Groups (Amendments etc) (EU Exit) Regulations 2019 was published.

A draft version of the Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 was published.

A draft version of the Financial Service Contracts (Transitional and Saving Provision) (EU Exit) (No 2) Regulations was published.

Related Professionals

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