Proskauer

Regulation Round Up

Regulatory & Compliance on **February 2020**

3 February

The European Banking Authority ("**EBA**") published a report on the benchmarking of diversity practices in credit institutions and investment firms under the CRD IV Directive (2013/36/EC).

The European Commission published its recommendation for a Council of the EU decision authorising the opening of negotiations for a new partnership with the UK.

The Financial Conduct Authority ("**FCA**") updated its web page on Brexit to set out issues for UK firms to consider during and after the transition period, which ends on 31 December 2020.

The UK government published a written statement on UK-EU relations that sets out its proposed approach to negotiations on the future UK-EU relationship.

The FCA published its Dear CEO letter to credit card firms about the approach firms should take to customers who have been in persistent debt for 36 months.

The EBA published the methodological note relating to the 2020 EU-wide stress test for banks.

The European Securities and Markets Authority ("**ESMA**") published a consultation paper on the Markets in Financial Instruments Regulation (600/2014/EU) ("**MiFIR**") pre-trade transparency regime for systematic internalisers active in non-equity instruments.

4 February

The Joint Money Laundering Steering Group ("**JMLSG**") published a press release announcing proposed revisions to its anti-money laundering and counter-terrorist financing guidance for the financial services sector.

The FCA published a policy statement on publishing and disclosing costs and charges to workplace pension scheme members (PS20/2).

ESMA published a consultation paper on the transparency regime for equity and equity-like instruments, the double volume cap mechanism, and the trading obligations for shares under MiFIR.

ESMA published its final report containing technical advice to the European Commission on the effects of the product intervention measures set out in MiFIR.

6 February

The FCA published a Dear CEO Letter setting out its key concerns and expectations relating to the supervision of platforms.

ESMA published its strategy on sustainable finance.

ESMA published a statement on providing an update on the implementation of its supervisory briefing on pre-trade transparency in commodity derivatives under MiFIR.

The FCA published an updated web page on using the FCA Connect system to submit notifications and applications under EMIR.

7 February

The FCA, the Information Commissioner's Office and the Financial Services Compensation Scheme published a joint statement warning insolvency practitioners and FCA-authorised firms to be responsible when dealing with personal data.

The European Insurance and Occupational Pensions Authority ("**EIOPA**") published a final report setting out its guidelines on outsourcing to cloud service providers.

EIOPA published a press release announcing the launch of a thematic review on consumer protection issues relating to mortgage life and other credit protection insurance sold through banks.

11 February

The FCA published a feedback statement (FS20/1) on the recognition of the Lending Standards Board's Standards of Lending Practice for business customers.

The FCA published its findings on a web page following a review of how retail banks provide information about basic bank accounts.

The Bank of England published a speech on the governance of financial globalisation.

12 February

The European Commission published, for consultation, a road map for a proposed policy communication on an action plan to enhance the EU's anti-money laundering framework.

The European Commission published a press release setting out the key infringement decisions it has taken in February 2020.

The EBA published a consultation paper on draft guidelines on the appropriate subsets of four sectoral exposures to which competent authorities may apply a systemic risk buffer under the CRD IV Directive.

The European Parliament adopted a non-legislative resolution on the proposed mandate for negotiations for a new partnership with the UK.

ESMA published a speech on sustainable financial markets.

13 February

The FCA published a letter to credit brokers on key risks and supervision strategy.

The FCA published a press release announcing the appointment of Sheldon Mills as Interim Executive Director of Strategy and Competition.

The FCA published a speech on penalties, remediation and the FCA's Principles for Businesses.

14 February

The Payment Systems Regulator published its policy statement on confirmation of payee and its decision on varying specific direction 10.

17 February

The European Commission published a consultation paper on its review of the regulatory framework for investment firms and market operators under Directive 2014/65/EU (“**MiFID II**”) and MiFIR.

18 February

The FCA published its sector views. These provide the FCA's annual analysis of the changing financial environment and the resulting impact on consumers and market effectiveness.

20 February

EIOPA published a supervisory statement on the impact of the current ultra-low or negative interest rate environment.

24 February

HM Treasury published a draft of the Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment etc. and Transitional Provision) (EU Exit) Regulations 2020.

The Prudential Regulation Authority ("**PRA**") published a policy statement (PS3/20) on setting out its response to feedback received on some of the proposals in its October 2019 occasional paper. The PRA confirms its final policy relating to chapters 2 (LIBOR references) and 3 (Senior Managers & Certification Regime.

HM Treasury published an updated version of its advisory notice on money laundering and terrorist financing controls in higher-risk jurisdictions.

25 February

The Council of the EU adopted a Decision authorising the opening of negotiations on the UK-EU future relationship.

The FCA published its web page on the notification and disclosure of net short positions under the Short Selling Regulation (236/2012/EU).

26 February

The European Systemic Risk Board published a report on macroprudential policy for the insurance sector.

27 February

The European Central Bank ("**ECB**") published a speech on climate change and the financial sector.

The UK government published a policy paper on its approach to negotiations on the future UK-EU relationship.

The European Commission published a final report on consumer testing of the key information document under the PRIIPs Regulation (1286/2014/EU).

The FCA published a Dear CEO Letter it has sent to UK-regulated asset management firms, setting out its expectations for these firms as they prepare for the cessation of LIBOR at end-2021.

28 February

The PRA published a consultation paper (CP2/20) on reconciling capital requirements and macroprudential buffers.

The PRA published a letter to PRA-regulated insurance firms about firms with outstanding EU liabilities following the UK's withdrawal from the EU.

The FCA published a feedback statement on patient capital and authorised funds (FS20/2).

Related Professionals

- **Andrew Wingfield**
  Partner
- **Richard Bull**
  Partner
- **John Verwey**
  Partner