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# Regulation Round Up

**Regulatory & Compliance** on **November 2021**

## Welcome to the Regulation Round Up, a regular bulletin highlighting the latest developments in UK and EU financial services regulation.

### 30 November

The European Securities and Markets Authority ("**ESMA**") published a corrigendum from the European Commission to a set of answers on the application of the EU Sustainable Finance Disclosure Regulation (EU/2019/2088) ("**SFDR**").

The Financial Conduct Authority ("**FCA**") published a consultation paper (CP21/33) on its policy proposals for its regulatory fees and levies for 2022/23.

The FCA published a policy statement (PS21/20) on changes to conduct and organisational requirements laid down in UK laws and regulations implementing the MiFID II Directive (2014/65/EU) ("**MIFID 2**").

### 29 November

The FCA published a policy statement on (PS21/18) on restricting claims management company (CMC) charges for financial products and services claims (PS21/18).

The Prudential Regulation Authority ("**PRA**") published a discussion paper on planned updates to its rulebook on its website.

ESMA published a letter issued by the European Commission on 25 November 2021 confirming that it is further postponing the application of the regulatory technical standards ("**RTS**") supplementing the SFDR. Please see our alert on this.

The FCA published a policy statement (PS21/19) on changes to its technical standards on strong customer authentication and common and secure methods of communication and to guidance in its payment services and electronic money approach document and its Perimeter Guidance manual.

The FCA published its mortgage prisoners review.

## 25 November

The PRA published a consultation paper (CP21/21) on operational resilience and operational continuity in resolution.

The European Commission adopted a legislative proposal for a Directive containing certain amendments to the Alternative Investment Fund Managers Directive (2011/61/EU) ("**AIFMD**"). Please see our update on this.

The Bank of England published a speech on the PRA's role in improving the processes that support insurers' investment under the Solvency II regime.

The FCA and Bank of England published a joint consultation paper (CP21/31) on changes to reporting requirements, procedures for data quality and registration of trade repositories under UK EMIR (EU/648/2012).

The European Commission adopted:

- a legislative proposal for a Regulation amending the Market in Financial Instruments Regulation (EU/600/2014) (MiFIR) as regards enhancing market data transparency, removing obstacles to the emergence of a consolidated tape, optimising the trading obligations and prohibiting receiving payments for forwarding client orders; and
- a legislative proposal for a Directive amending MIFID 2.

The FCA published a consultation paper (CP21/32) on improving outcomes in non-workplace pensions.

## 23 November

The European Parliament published a press release announcing that it had voted to adopt the following first reading positions:

- Position on the proposed Regulation amending the PRIIPs Regulation (EU/1286/2014); and
- Position on the proposed Directive amending the UCITS Directive (2009/65/EC)

## 22 November

The European Banking Authority ("**EBA**") published a final report on its revised guidelines on sound remuneration polices under the Investment Firms Directive (EU/2019/2034).

The EBA published a final report on internal governance under the Investment Firms Directive (EU/2019/2034).

ESMA published a discussion paper on a review of the clearing thresholds under EMIR (EU/648/2012).

The Bank of England published a speech on enhancing cross-border payments and the Bank of England's work to upgrade its real-time gross-settlement payments system.

## 19 November

ESMA published a speech on ESG reporting, risk management, strategy and responsibility.

## 18 November

The EBA published a consultation paper on draft regulatory technical standards relating to Pillar 2 add-ons for investment firms under the Investment Firms Directive (EU/2019/2034).

ESMA published a final report on draft RTS amending the RTS on the clearing obligation and on the derivative trading obligation  under Article 5(2) of EMIR (EU/648/2012) and Article 32 of MiFIR (EU/600/2014) respectively.

The EBA published a call for advice in relation to a review of the second Payment Services Directive (EU/2015/2366).

The Payment Systems Regulator published a consultation paper on authorised push payment scams.

The Investment Association published a revised version of its principles of remuneration for 2022.

## 17 November

The FCA published a consultation paper (CP21/30) on proposed new rules that would ban debt packager firms (and their appointed representatives) from receiving remuneration from debt solution providers and their associates.

## 16 November

The FCA published issue 68 of *Market Watch*, its newsletter on market conduct and transaction reporting issues.

The Basel Committee on Banking Supervision published a consultation paper on principles for the effective management and supervision of climate-related financial risks.

The PRA published a webpage containing a table that summarises the correlation between revoked UK Capital Requirements Regulation (575/2013) (UK CRR) provisions and their corresponding PRA rules.

The European Commission published a speech on developments in the EU payments market.

## 15 November

The Bank of England published a consultation paper on amendments to the Financial Policy Committee's framework for the other systemically important institutions buffer.

The PRA published a policy statement (PS26/21) on domestic-liquidity sub-groups.

The European Central Bank launched a consultation on a draft guide on notification of securitisation transactions.

A draft of the Solvency 2 (Group Supervision) (Amendment) Regulations 2021 were published.

## 12 November

The FCA published a Dear CEO letter on applying for authorisation as a funeral-plan provider, which has been sent to the Chief Executives of providers.

## 11 November

The Financial Services (Gibraltar) (Amendment) (EU Exit) Regulations 2021 (SI 2021/1252) were published.

The Bank of England published a letter from Sir Jon Cunliffe, BoE Deputy Governor, Financial Stability, to the CEOs of UK financial market infrastructures and specified service providers relating to the distribution of profits in light of COVID-19.

## 10 November

The FCA updated its webpage on amendments to its general insurance-pricing practices.

## 9 November

HM Treasury published a consultation paper on Phase II of the post-EU financial services regulatory framework.

The Bank of England published a statement setting out the next steps it and HM Treasury are taking in relation to exploring a central bank digital currency.

## 8 November

The PRA published a policy statement (PS25/21) setting out its final policy on the proposals set out in its June 2021 occasional paper.

The Bank of England published a consultation paper on its approach to comparable compliance under Article 25a of UK EMIR (648/2012).

The Bank of England published a consultation paper on its approach to tiering incoming central counterparties (CCPs) under Article 25 of UK EMIR (648/2012).

## 5 November

The FCA published a policy statement (PS21/15) on the regulation of pre-paid funeral plans setting out final rules and providing feedback to a July 2021 consultation paper (CP21/20).

## 4 November

The International Organization of Securities Commissions ("**IOSCO**") published a speech on sustainable finance.

## 3 November

The FCA published a discussion paper on sustainability disclosure requirements (SDR) and investment labels (DP21/4). Please see our alert on this.

The FCA published its strategy for ESG priorities, detailing the key actions it is undertaking or intends to undertake in the near future

The International Financial Reporting Standards Foundation published a press release announcing the formal establishment of the International Sustainability Standards Board.

## 2 November

The FCA published a speech, “Drivers of change in the financial services industry and how we are responding”. The speech focuses on the FCA's response to new technologies and how it is making the best use of its resources to tackle the challenges faced by consumers and industry as an effective data-led regulator.

IOSCO published a final report setting out recommendations on sustainability-related practices, policies, procedures and disclosures in asset management.

## 1 November

The Financial Ombudsman Service published a feedback statement to its consultation paper on temporary changes to reporting the outcomes of proactively settled complaints.

The Money Laundering and Terrorist Financing (Amendment) (No 3) (High Risk Countries) Regulations 2021 (SI 2021/1218) were made.

**Related Professionals**

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  Partner
- **Michael Singh**
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