

Financial Regulatory Update

February - March 2020

Please find below our Financial Regulatory Update for February and March 2020. With these updates, K law aims to make your life a little easier by flagging relevant regulatory developments per sector. Because we understand that managing regulatory change is a major business in itself.

For COVID-19 measures please consult our special newsletters.

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Brexit

EU

- 03.02.2020 European Commission issues recommendation to the Council to open **negotiations** on a **new partnership with the UK**, [ENG](#)
- 12.02.2020 **SRB** publishes **statement** on UK withdrawal from the EU outlining its expectations, [ENG](#)
- 03.03.2020 ECB publishes report on the **implications** of Brexit for the **EU financial landscape**, [ENG](#)

General interest

Crypto-assets and ICOs

- 18.03.2020 ICMA publishes [response](#) to the European Commission's consultation on an **EU framework for markets in crypto-assets**, [ENG](#)

Sustainable finance

- 06.02.2020 **ESMA** sets out its **strategy** on sustainable finance by embedding Environmental, Social, and Governance (ESG) factors in its work, [ENG](#)
- 20.02.2020 ICMA publishes a [compendium](#) of **international policy initiatives** and **best market practice** for sustainable finance, [ENG](#)
- 09.03.2020 European Commission publishes [Usability guide](#) for the **EU Green Bond Standard**, [ENG](#)
- 09.03.2020 European Commission publishes TEG [final report](#) on the **EU taxonomy**, [ENG](#)
- 10.03.2020 ICMA's Asset Management and Investors Council (AMIC) publishes its first [Review](#) of 2020, featuring articles on **Sustainable Finance**, **Fund Liquidity** and **Primary Markets**, [ENG](#)

Other

- 03.02.2020 EBA issues benchmarking [report](#) on **diversity practices** and calls for measures to ensure a more balanced composition of **management bodies** in credit institutions and investment firms, [ENG](#)
- 03.02.2020 NBB publishes protocol between the NBB and the FSMA for the **exchange of personal data**, [ENG](#)
- 11.02.2020 ESRB publishes report on the **risks** associated with **international financial integration** for EU economies and the **macroprudential policy options** that are available to address these risks, [ENG](#)
- 14.02.2020 NBB publishes its 2019 report on **prudential regulation and supervision**, [NL](#) / [FR](#)

- 17.02.2020 ESMA updates its **Q&As** on the **Credit Rating Agencies Regulation** (CRAR) related to the quality and transparency in the periodic review, [ENG](#)
- 19.02.2020 ESRB publishes report on **cyber incidents**, such as systemic cyberattacks, [ENG](#)
- 02.03.2020 EBF publishes [response](#) to the Inception Impact Assessment on the **Non-Financial Reporting Directive**, [ENG](#)
- 04.03.2020 European Supervisory Authorities (ESAs) publish **rules of procedure** for their **Joint Board of Appeal**, [ENG](#)
- 04.03.2020 European Supervisory Authorities (ESAs) publish guidelines to the parties to **appeal proceedings** before their **Joint Board of Appeal**, [ENG](#)
- 09.03.2020 ESMA publishes its [2020 Supervision Work Programme](#), detailing the areas of focus for its supervision of Credit Rating Agencies (CRAs), Trade Repositories (TRs) and the monitoring of third-country Central Clearing Counterparties (TC-CCPs) and Central Securities Depositories (TC-CSDs), [ENG](#)
- 17.03.2020 Publication of Book III '**Goods**' in the **Civil Code**, [NL](#) / [FR](#)
- 19.03.2020 ICMA publishes [response](#) to the European Commission's [consultation](#) on improving resilience of financial services against **cyberattacks**, [ENG](#)
- 24.03.2020 EFAMA responds to Commission's [consultation](#) on the **digital operational (cyber) resilience** in the area of financial services, [ENG](#)

Banking

Belgium

- 14.02.2020 Belgian Official Gazette: publication of royal decree of 29 January 2020 approving the NBB regulation of 2 December 2019 laying down additional **own funds requirements** for macro-prudential risk relating to **exposures covered by residential real estate** in Belgium, [NL](#) / [FR](#)
- 03.03.2020 Report of a hearing in the chamber of representatives on the **challenges in the Belgian banking sector**, [NL](#) / [FR](#)

EU

- 04.02.2020 EBA issues updated list of validation rules and XBRL taxonomy related to its Implementing Technical Standards (ITS) on **supervisory reporting**, [ENG](#)
- 10.02.2020 EBA publishes positive [opinion](#) following the notification by the Central Bank of the Netherlands of its intention to modify **capital requirements** in order to address an increase in macroprudential risk, [ENG](#)
- 11.02.2020 EBA publishes [final opinion](#) on the implementation of the **Deposit Guarantee Schemes Directive** (DGSD) focusing on funding and uses of DGS funds and proposing a number of changes to the EU legal framework, [ENG](#)

- 14.02.2020 ESMA publishes response to the European Commission's [consultation](#) on the **review of the Benchmark Regulation** (BMR) focusing on cessation of critical benchmarks, parity between EU and third-country benchmarks and transparency, [ENG](#)
- 14.02.2020 EBA acknowledges adoption by the European Commission of the Implementing Technical Standards on **Supervisory Reporting** with regard to COREP and FINREP changes, [ENG](#)
- 17.02.2020 EBA publishes quantitative [report](#) on minimum requirements for **own funds** and **eligible liabilities** (MREL), [ENG](#)
- 27.02.2020 EBA publishes updated list of institutions, which have a reporting obligation for the purpose of the 2020 **EU supervisory benchmarking exercise**, [ENG](#)
- 27.02.2020 The Basel Committee on Banking Supervision publishes an article on **benchmark rate reforms**, [ENG](#)
- 02.03.2020 EBA publishes report assessing institutions' **Pillar 3 disclosures**, identifying best practices and potential areas for improvement, [ENG](#)
- 03.03.2020 EBA publishes positive opinion on NBB's intention to extend its **measures to address macroprudential risk**, [ENG](#)
- 10.03.2020 EBA issues revised list of **validation rules** in its Implementing Technical Standards (ITS) on **supervisory reporting**, [ENG](#)
- 10.03.2020 EBA publishes [Chapter](#) in its EBA Handbook on the assessment of institutions' management information systems by resolution authorities to perform a robust **valuation for resolution**, [ENG](#)
- 10.03.2020 EBF publishes position on the review of the framework for the **Standardised Approach for Counterparty Credit Risk** (SA-CCR), [ENG](#)
- 27.03.2020 EBA publishes [final draft RTS](#) on the new **Internal Model Approach** (IMA) under the Fundamental Review of the Trading Book (FRTB), [ENG](#)
- 30.03.2020 ECB publishes working paper on the effect of possible **EU diversification requirements** on the risk of banks' sovereign bond portfolios, [ENG](#)

Lending

EU

- 28.02.2020 EBA publishes [report](#) on the review of RTS on **Professional Indemnity Insurance** for **mortgage credit intermediaries**, [ENG](#)
- 10.03.2020 EBA publishes [opinion](#) on the treatment of **credit insurance** in the prudential framework, [ENG](#)

Insurance

Belgium

- 04.02.2020 FSMA publishes **settlement** of EUR 75.000 concerning an insurance company collaborating with a **non-registered insurance intermediary**, [NL](#) / [FR](#)
- 02.03.2020 NBB publishes a circular 2020_03 on the impact of **postponed taxes** under **Solvency II**, [NL](#) / [FR](#)
- 03.03.2020 NBB publishes a circular 2020_04 on guidelines regarding the recognition and measurement of other assets and liabilities than technical provisions in the context of the **look-through approach**, [NL](#) / [FR](#)
- 03.03.2020 NBB publishes a circular 2020_05 on guidelines for the **loss compensation capacity** of technical provisions, [NL](#) / [FR](#)

EU

- 06.02.2020 EIOPA publishes [guidelines](#) on **outsourcing to cloud service providers**, [ENG](#)
- 11.02.2020 EIOPA publishes strategies for **cyber underwriting** and **supervisory technology** (SupTech), [ENG](#)
- 12.02.2020 EIOPA publishes [supervisory convergence plan](#) for 2020, in which three new priorities have been identified: supervisory technology, pension issues and cyber underwriting, [ENG](#)
- 13.02.2020 EU Official Journal: publication of Commission Implementing Regulation (EU) 2020/193 of 12 February 2020 laying down technical information for the **calculation of technical provisions** and **basic own funds for reporting** with reference dates from 31 December 2019 until 30 March 2020 in accordance with Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance, [ENG](#)
- 20.02.2020 EIOPA publishes Supervisory Statement on the impact of the **ultra-low/negative interest rate environment**, [ENG](#)
- 27.02.2020 IAIS publishes an Issues Paper on the implementation of the recommendations of the task force on **Climate-related Financial Disclosures**, [ENG](#)
- 06.03.2020 EFAMA publishes response to EIOPA's Consultation on **PEPP Level-2 Measures I**, [ENG](#)
- 19.03.2020 IAIS publishes Issues Paper on the Use of **Big Data Analytics** in Insurance, [ENG](#)
- 26.03.2020 EU Official Journal: publication of Commission Delegated Regulation (EU) 2020/442 of 17 December 2019 correcting Delegated Regulation (EU) 2015/35 supplementing the Solvency II Directive on the extension of the

look-through approach, [ENG](#)

27.03.2020 EIOPA publishes [two model Pension Benefit Statements](#) to provide practical guidance on the annual information document required by the **IORP II Directive**, [ENG](#)

MiFID II / MiFIR

EU

04.02.2020 ESMA publishes [final report](#) on **product intervention requirements** under MiFIR, [ENG](#)

04.02.2020 EBF comments to the German Position Paper on **MiFID Review** in line with the 2020 [European Commission work program](#), [ENG](#)

05.02.2020 ESMA launches a common supervisory action with national competent authorities on the application of **MiFID II suitability rules** across the EU, [ENG](#)

06.02.2020 ESMA publishes [statement](#) with an update on the implementation of the supervisory briefing on MiFIR **pre-trade transparency in commodity derivatives**, [ENG](#)

07.02.2020 ESMA publishes [final report](#) suggesting amendments to the **trading obligation** under MiFIR following the introduction of **EMIR Refit**, [ENG](#)

07.02.2020 ESMA publishes five positive and two negative opinions on **position limits** regarding **commodity derivatives** under MiFID II and MiFIR, [ENG](#)

07.02.2020 ESMA updates its [public register](#) with the latest set of **double volume cap (DVC) data** under MiFID II, [ENG](#)

18.02.2020 ESMA updates **Q&As** on MiFID II and MiFIR on [investor protection and intermediaries](#) topics (re MiFID practices for firms selling financial instruments subject to the BRRD resolution regime), [ENG](#)

28.02.2020 ESMA publishes the results of the **annual transparency calculations** for equity and equity like instruments, [ENG](#)

06.03.2020 ESMA updates its [public register](#) with the latest set of **double volume cap (DVC) data** under MiFID II, [ENG](#)

17.03.2020 EFAMA publishes response to ESMA's [consultation paper](#) on **MiFID II/MiFIR review report** on the transparency regime for equity and equity-like instruments, the DVC and the trading obligations for shares, [ENG](#)

18.03.2020 EFAMA publishes response to ESMA's [consultation paper](#) on MiFIR report on **Systematic Internalisers in non-equity instruments**, [ENG](#)

Asset management

Belgium

30.01.2020 FSMA publishes communication FSMA_2020_03 on the questionnaire for regulated function candidates at a **regulated real estate investment company**, [NL](#) / [FR](#)

EU

03.03.2020 ESMA issues official translations of its guidelines on stress test scenarios under the **Money Market Funds Regulation**, [ENG](#)

Payments

EU

02.03.2020 EU Official Journal: publication in the of Council Directive 2020/284 of 18 February 2020 amending directive 2006/112/EC as regards introducing certain requirements for payment service providers in order to combat **VAT fraud**, [ENG](#)

Compliance/AML

Belgium

07.02.2020 Council of Ministers adopts **preliminary draft bill** containing various provisions to prevent money laundering and terrorist financing transposing the **5th AML Directive**, [NL](#) / [FR](#)

24.02.2020 NBB issues press release on an update of the its website section devoted to AML, [ENG](#)

02.03.2020 NBB publishes the **periodic questionnaire** on combating money laundering and terrorist financing, [ENG](#)

04.03.2020 Chamber of representatives: draft law on the amendment of the **law of 18 September 2017** on the prevention of money laundering and terrorism financing and to limit the use of cash in order to extend of the **scope** of application to **professional football clubs**, [NL](#) / [FR](#)

EU

05.02.2020 EBA publishes its first [report](#) on **competent authorities' approaches** to the AML/CFT supervision of banks, [ENG](#)

10.03.2020 EBF publishes recommendations for an effective **EU's Anti-Money Laundering policy**, [ENG](#)

23.03.2020 ESMA publishes **ESEF Conformance Suite** to facilitate the implementation of the ESEF Regulation, [ENG](#)

Capital markets

General

04.02.2020 ESMA amended its [guidelines](#) on **enforcement** by NCAs of **financial information** which issuers, listed on regulated markets, are required to publish under the **Transparency Directive**, [ENG](#)

11.02.2020 FSMA updates its practical guide on **transparency rules**, [NL](#) / [FR](#)

18.02.2020 ESMA updates **Q&As** on the [Prospectus Regulation](#) regarding the number of additional pages that can be included in a summary where there is more than one guarantor and in a summary relating to several securities, [ENG](#)

19.02.2020 ESMA publishes **Trends, Risks and Vulnerabilities (TRV) report** of 2020 identifying continued high risks and a weaker economic outlook as markets remain highly sensitive to geopolitical events, [ENG](#)

04.03.2020 ICMA issues study on the state of the European **investment grade corporate bond secondary market**, [ENG](#)

10.03.2020 ICMA's Asset Management and Investors Council (AMIC) publishes its first [Review](#) of 2020, featuring articles on **Sustainable Finance**, **Fund Liquidity** and **Primary Markets**, [ENG](#)

25.03.2020 ICMA publishes amendments to the **ICMA Primary Market Handbook** related to final terms and pricing supplement; product governance (MiFID II) language, selling restrictions and legends and sub-€100,000 denomination bonds, [ENG](#)

Market Infrastructures

04.02.2020 ESMA updates its **Q&As** on **EMIR implementation**, [ENG](#)

05.02.2020 ESMA publishes [final report](#) on draft regulatory technical standards (RTS) on postponing the date of entry into force of RTS on **CSDR settlement discipline** (Commission Delegated Regulation (EU) 2018/1229) to 1 February 2021, [ENG](#)

17.02.2020 ESMA updates its **Q&As** regarding the implementation of **CSDR** and the application of requirements related to the implementation of the settlement discipline regime, [ENG](#)

24.02.2020 ICMA's European Repo and Collateral Council publishes its [guide](#) to reporting **repo transactions** under the **EU Securities Financing Transactions Regulation** (SFTR), [ENG](#)

02.03.2020 ESMA issues [report](#) on **C6 energy derivatives** and related obligations under **EMIR**, [ENG](#)

- 03.03.2020 EFAMA, EVIA, FIA, GFXD and ISDA publish **EMIR Reporting Best Practices**, [ENG](#)
- 05.03.2020 ICMA has today published [Q&As](#) on **CSDR mandatory buy-ins** and **Securities Financing Transactions**, [ENG](#)
- 05.03.2020 AFME publishes recommendations for **partial settlement under CSDR** aiming to encourage greater and more harmonised use of partial settlement across the industry as a way of improving settlement rates, [ENG](#)
- 30.03.2020 ESMA publishes [final report](#) containing draft regulatory technical standards (RTS) for **central counterparty (CCP) colleges** under **EMIR 2.2**, [ENG](#)
- 31.03.2020 ESMA publishes its final [technical advice](#) to the European Commission procedural rules on **fines and penalties** on **third country central counterparties** (TC-CCPs), **trade repositories** (TRs) and **credit rating agencies** (CRAs), [ENG](#)

Agenda

- 19.04.2020 Deadline for submission of feedback to ESMA's [consultation paper](#) reviewing the **transparency regime for non-equity instruments** and the **trading obligation for derivatives** under MiFIR, [ENG](#)
- 20.04.2020 Deadline for responding to EIOPA's consultation on Review of technical implementation means for the package on **Solvency 2 Supervisory Reporting and Public Disclosure**, [ENG](#)
- 30.04.2020 Deadline for submission of feedback to EIOPA's [discussion paper](#) on the ongoing changes to the new benchmark rates (or **IBOR transitions**), [ENG](#)
- 05.05.2020 Deadline for responding to EBA's [consultation](#) on revised guidelines on **money laundering and terrorist financing risk factors**, [ENG](#)
- 09.05.2020 Deadline for responding to ESMA's [consultation](#) on draft Regulatory Technical Standards (RTS) under the **Benchmarks Regulation** covering governance, methodology, infringements reporting, critical benchmarks, [ENG](#)
- 20.05.2020 Deadline for responding to EIOPA's consultation on implementing technical standards for supervisory reporting and cooperation for the **Pan-European Personal Pension Product** (PEPP), [ENG](#)
- 05.06.2020 Deadline for submission of feedback to EBA's [consultation](#) to update the identification methodology of **global systemically important institutions** (G-SIIs) and related capital buffer rates, [ENG](#)
- 15.06.2020 Deadline for responding to ESMA's [consultation](#) on **Post Trade Risk Reduction Services** (PTRR) under the European Market Infrastructure Regulation (**EMIR**), [ENG](#)
- 19.06.2020 Deadline for responding to ESMA's [consultation](#) on draft RTS and ITS under EMIR REFIT covering **reporting to Trade Repositories** (TRs), procedures to reconcile and validate the data, data access by the relevant authorities

and registration of the TRs, [ENG](#)

- 30.06.2020 Deadline for the NBB's call for candidates for the **recognition procedure for auditors** for the exercise of an auditing mandate in financial companies, [NL / FR](#)
- 03.08.2020 Deadline for responding to ESMA's [call for evidence](#) on the availability and use of **credit rating information and data**, [ENG](#)
- 09.2020 Deadline for submission of first **reports** by **Money Market Funds (MMF) managers** under the MMF Regulation (MMFR), [ENG](#)
- 01.09.2020 Deadline for submission of feedback to ESMA's [consultation](#) on its draft guidance to address **leverage risks in the Alternative Investment Fund (AIF) sector**, [ENG](#)
- 02.02.2021 Deadline for responding to ESMA's [consultation](#) on the standard forms, templates, and procedures to be used by NCAs to publish information on their websites to facilitate **cross-border distribution of funds**, [ENG](#)

DISCLAIMER

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