Deloitte.



CENTRE for **REGULATORY STRATEGY EMEA**

Contents

HIGHLIGHTS
BREXIT
BANKING
CAPITAL MARKETS
INSURANCE
INVESTMENT MANAGEMENT
OTHER

Highlights

February was another busy month for financial authorities, maintaining the momentum in regulatory activity since the start of the year.

Much of this was driven by preparations for Brexit, with regulators in both the UK and the EU publishing a number of agreements and plans intended to manage the risk and uncertainty in the event of a no-deal outcome. Notable among these was a decision by the European Securities and Markets Authority that it will recognise three UK CCPs – LCH Limited, ICE Clear Europe Limited and LME Clear Limited – allowing them to provide their services in the EU. These recognition decisions were adopted to limit the risk of disruption in central clearing and avoid any negative impact on the financial stability of the EU. They take effect on the date following Brexit if there is no deal.

In the UK, the FCA published a second set of rules following its Asset Management Market Study. The new rules and guidance aim to improve the quality of information available to consumers about the funds in which they invest in areas such as fund objectives and investment policies, use of benchmarks and the calculation of performance fees.

In the EU, the European Council and European Parliament reached a political agreement on a Regulation setting prudential rules for investment firms. The legislation divides investment firms into three categories - large firms, which will remain under the scope of the existing prudential rules (with systemic ones now being brought under the same supervisory regime as significant credit institutions), and two further groups of firms subject to a revised rulebook depending on their riskiness. The legislation also introduces changes to the third-country equivalence regime for investment firms. Further technical work is still needed before the European Parliament and the Council can formally adopt the final texts.

Finally, at the international level, the FSB published its work programme, setting out key initiatives for 2019. Included in these is an evaluation of the effects of reforms to end 'Too Big To Fail'. The evaluation will accordingly address technical and operational issues that arise in resolution as well as those relating to systemic risk in the insurance sector and FMIs. Furthermore, the FSB will focus on assessing new vulnerabilities, and will undertake a review of its framework for assessing vulnerabilities.

Brexit

UK		
BoE		ı
•	Memoranda of Understanding between the BoE and ESMA on cooperation and information-sharing related to central counterparties and central securities depositories	Link
•	Speech by Gertjan Vlieghe, External Monetary Policy Committee member, on the economic outlook and Brexit uncertainty	Link
•	Policy Statement and accompanying materials on the BoE's approach to financial services legislation under the European Union (Withdrawal) Act	Link
FCA		
•	Statement on the FCA's expectations for firms to prepare for Brexit and how transitional provisions apply	Link
•	Memoranda of Understanding between the FCA, ESMA and EU regulators on cooperation and exchange of information	Link
•	Brexit briefings for regulated firms to be held on 11 and 14 March	Link
•	Joint statement by UK and US authorities on continuity of derivatives trading and clearing post-Brexit	Link
•	Published updated information to help support regulated firms in finalising their preparations for as smooth a transition as possible when the UK leaves the EU	Link
•	Published various near-final rules and guidance to apply in a no-deal Brexit scenario	Link
•	Brexit Policy Statement and Transitional Directions	Link
•	Requirements for UK trade repositories and reporting counterparties applicable if the UK leaves the EU without a withdrawal agreement	Link
•	Statement on onshoring ESMA's temporary intervention measures on retail CFD and binary options products	Link
нмт		-
•	Updated list of made financial services statutory instruments	Link

•	Updated Policy Note on the Financial Services (Implementation of Legislation) Bill, relating to UK implementation of 'in flight' EU legislation.	Link
•	Guidance on the EMIR Pension Scheme Arrangements clearing exemption	Link
EU		
EIOPA	A	
•	Recommendations for the insurance sector in light of the UK withdrawing from the European Union	Link
ESMA		
•	Statement on reporting and handling of derivatives data in case of no-deal Brexit	Link
•	Memorandum of Understanding with the BoE for the recognition of central counterparties and central securities depositories established in the UK	Link
•	Statement on the use of UK data in ESMA databases under a no-deal scenario	Link
•	Speech by Steven Maijoor, the Chair of ESMA, on "Brexit - the regulatory challenges"	Link
•	Statement on the recognition of LICH Limited, ICE Clear Europe Limited and LME Clear Limited	Link
•	ESMA supervision to focus on data, Brexit and cybersecurity in 2019	Link
•	Statement on the recognition of Euroclear UK and Ireland Limited	Link
Europ	ean Commission	
•	Report to the European Parliament and the Council on exemptions for the BoE around preand post-trade transparency under MiFIR	Link
•	Report to the European Parliament and the Council on exemptions for the BoE and the UK Debt Management Office under the Market Abuse Regulation	Link
•	Report to the European Parliament and the Council on the international treatment of central banks and public entities managing public debt with regard to OTC derivatives transactions	Link

•	Report to the European Parliament and the Council on the international treatment of central banks and public entities managing the public debt with regard to securities financing transactions	Link
Memb	per States	
•	Polish Financial Supervision Authority Statement on the impending Withdrawal of the UK from the EU with regard to financial markets	Link
•	Belgium Financial Services and Markets Authority on the provision of investment services and performance of investment activities in Belgium by companies governed by UK law after Brexit	Link
•	Speech by Robert Ophele, AMF Chairman, on MiFID II's practical implementation 9 months on and post-Brexit implications for the EU's future relationship with the UK	Link
Inter	national	
BIS		
•	Speech by Philip R Lane, the Governor of the Central Bank of Ireland, on "The Brexit discontinuity"	Link
•	Speech by Joachim Wuermeling, Member of the Executive Board of Deutsche Bundesbank, on Brexit and the implications for UK branches of German banks	Link
Back	to top	

Banking

UK		
BoE		
•	Research on the impact of higher capital requirements on banks' decisions to grant collateralised rather than uncollateralised loans	Link
FCA		-
•	Press Release urging unauthorised land banking scheme victims to get in touch to return funds	Link
PRA		
•	Expectations on deposit-takers with regards to the depositor protection rules, such as disclosure and continuity of access	Link

EU		
EBA		
•	Formal investigation into possible breach of Union law by the Estonian and Danish competent authorities regarding money-laundering activities linked to Danske Bank	Link
•	EBA Board of Supervisors nominates Jose Manuel Campa as new EBA Chairperson	Link
•	Consumer Trends Report for 2018-19 related to retail banking products	Link
•	Revised Guidelines for outsourcing arrangements in credit institutions and investment firms subject to CRD, as well as payment and electronic money institutions	Link
•	Draft Guidelines on Credit Risk Mitigation for institutions applying the IRB Approach with own estimates of LGDs	Link
ECB C	entral Bank	
ECB S	SM	
•	SSM-wide stress test 2018 Final results	Link
•	Speech by Pentti Hakkarainen, Member of the Supervisory Board of the ECB, on the Finnish experience of moving from a national supervisory model into the banking union	Link
•	Sensitivity analysis of liquidity risk as 2019 supervisory stress test for banks	Link
•	`Failing or Likely to Fail' Assessment of ABLV Bank Luxembourg, SA	Link
•	Introductory remarks by Andrea Enria, Chair of the Supervisory Board of the ECB, on the Banking union and the challenges ahead	Link
•	Sanctions imposed on Sberbank Europe AG for breaching large exposure limits in 2015	Link
•	List of supervised entities with 117 significant supervised entities (as of 2 January 2019)	Link
ESRB		
•	Paper on Macroprudential approaches to non- performing loans	Link

Europ	pean Parliament	
•	Briefing on completing the Banking Union, covering both risk sharing and risk reduction measures	Link
ECOF	IN	
•	The European Council on the EU ambassadors endorsement of the full banking union package of risk reduction measures	Link
Inter	national	
BIS		
•	Speech by Ignazio Visco, Governor of the Bank of Italy, on recent economic developments and financial intermediaries in Italy	Link
•	Sabine Lautenschläger, Member of the Executive Board of the European Central Bank and Vice- Chair of the Supervisory Board of the European Central Bank, gave an interview with hr-iNFO on Brexit and nationalism	Link
•	Working paper no.34 examining initial experience with the global systemically important bank framework	Link
•	Speech by Joachim Wuermeling, Member of the Executive Board of the Deutsche Bundesbank, on banking regulation and the benefits of international cooperation for Basel III and beyond	Link
•	Speech by Randal K Quarles, Vice Chairman for Supervision of the Board of Governors of the Federal Reserve System, on charting a course for the Financial Stability Board	Link
•	Speech by Emmanuel Tumusiime-Mutebile, Governor of the Bank of Uganda, on digital transformation in banking and future trends	Link
•	Speech by Sabine Lautenschläger, Member of the Executive Board of the European Central Bank and Vice-Chair of the supervisory Board of the ECB, on the external and internal risks banks face	Link
•	Speech by John Iannis Mourmouras, Senior Deputy Governor of the Bank of Greece, on recent developments in tackling the Greek non- performing loans problem	Link
•	Speech by Pablo Hernández de Cos, the Governor of the Bank of Spain, on the Banking Union and the challenge of going digital and being regulated	Link

•	Speech by Mario Draghi, President of the European Central Bank, on sovereignty in a globalised world, cooperation, and institutions and rules.	Link
•	Speech by Pablo Hernández de Cos, Governor of the Spanish Central Bank, on the implications of Spanish banking disintermediation, and the importance of the Capital Markets Union	Link
FSB		
•	Global Monitoring Report on Non-Bank Financial Intermediation 2018	Link
•	Roundtable on the possible effects of financial regulatory reforms on SME financing	Link
IMF		
•	Blog on letting bank supervisors do their jobs	Link
Back to top		

Capital Markets

Capita	al Markets	
UK		
BoE		
•	Annual Report on supervision of financial market infrastructures	Link
FCA		
•	Statement on its approach to MiFID transparency calculations	Link
•	Speech by Megan Butler, Executive Director of Supervision – Investment, Wholesale and Specialists, on ending reliance on LIBOR	Link
•	Speech by Andrew Bailey, FCA Chief Executive, on MiFID II	Link
EU		
EC		
•	Statement on political agreement by the European Parliament and EU Member States on EMIR Refit	Link
•	EC and Monetary Authority of Singapore (MAS) joint statement on common approach on certain derivatives trading venues	Link
•	Statement on the political agreement by the European Parliament and Member States on EU rules for covered bonds	Link

ЕСВ С	entral Bank	
•	Speech by Benoît Cœuré, Member of the Executive Board of the ECB, on the Euro interest rate benchmark reform	Link
ESMA		
•	Issued a number of 2019 plan documents, including the 2019 Regulatory Work Programme, Supervisory Convergence Work Programme 2019, and Risk Assessment Work Programme 2019	Link, Link, Link
•	Consultation on draft guidelines on liquidity stress testing in UCITS and AIFs	Link
•	Final Report on guidelines on the submission of periodic information by credit rating agencies	Link
•	MiFID II supervisory briefing on supervision of non-EU branches of EU firms providing investment services and activities	Link
•	IOSCO and ESMA statement on European Data Protection Board (EDPB)agreement on transfer of personal data	Link
•	Renewed the prohibition of the marketing, distribution or sale of binary options to retail clients, in effect since 2 July 2018, for a further three-month period.	Link
•	Speech by Steven Maijoor, Chair of ESMA, on ESMA's response to the regulatory challenge posed by crypto-assets	Link
ESRB		
•	Report on CCP interoperability arrangements	Link
[nterr	national	
BIS		
•	Speech by Yves Mersch, Member of the Executive Board of the ECB, on the changing role of central banking	Link
•	Interview with Benoît Cœuré, Member of the Executive Board of the ECB, on the ECB's recent communications about the European economy.	Link
•	Speech by Jens Weidmann, Chairman of the Board of Directors of the BIS, on the role of the central bank in a modern economy from a European perspective	Link
•	Speech by Carlos da Silva Costa, Governor of the Bank of Portugal, on lessons from the crisis for the EMU	Link

FSB		
•	Remarks by Dietrich Domanski, Secretary General of the FSB, on CCP resilience, recovery and resolution	Link
IOSCO		
•	Final report on good and sound practices on commodity storage and delivery infrastructures	Link
Back to top		

Insurance

ınsur	ance	
UK		
FCA		
•	Wholesale Insurance Broker Market Study - Final report	Link
PRA		
•	Response to DWP consultation paper: Defined benefit pension scheme consolidation	Link
•	CP on Solvency II: Longevity risk transfers - simplification of pre-notification expectations	Link
•	PS on Solvency II: Adjusting for the reduction of loss absorbency where own fund instruments are taxed on write down	Link
EU		
EIOP	A	
•	Single Programming Document for 2019-2021 with Annual Work Programme 2019	Link
•	European Commission's response to EIOPA's comments on the review of the Solvency II Implementing measures	Link
•	Introductory Statement by Gabriel Bernardino at the Scrutiny Hearing on PRIIPs of the ECON Committee of the European Parliament	Link
•	Framework for Assessing Conduct Risk Through the Product Lifecycle	Link
•	Interview with Gabriel Bernardino, Chairman of EIOPA, conducted by Thijs Rösken, De Financiële Telegraaf, on pensions, low interest rates, and the review of Solvency II	Link
•	Speech by Gabriel Bernardino on Cyber Security and Cyber Risk: A universal Challenge	Link

European Council		
•	Request to EIOPA to review the methodology for the activation of the "country component" of the volatility adjustment under Solvency II	Link
•	Request to EIOPA for technical Advice on the review of the Solvency II Directive. Areas of focus include the functioning of the volatility adjustment and the matching adjustment, and the design of the risk margin.	Link
ESAs		
•	Supervisory statement concerning the performance scenarios in the PRIIPs KID	Link
ECOF	IN	
•	Council confirms agreement on pan-European pension products	Link
Inter	national	
BIS		
•	Speech by Ed Sibley, Deputy Governor (Prudential Regulation) of the Central Bank of Ireland, on a more resilient insurance industry	Link
Back	to top	

Investment Management

LIIVCS	tment management	
UK		
FCA		
•	PS on Asset Management Market Study - further remedies	Link
•	Interim report on the Investment Platforms Market Study	Link
•	Letter to CMA regarding its market investigation of investment consultancy and fiduciary management services	Link
•	Feedback Statement on PRIIPs call for input	Link
•	Findings of MiFID II costs and charges disclosures review	Link
•	Called on firms to act following review of costs and charges disclosure in the investment sector	Link
•	CP on publishing and disclosing costs and charges to workplace pension scheme members and amendments to COBS 19.8	Link

нмт		
•	Announced five new senior executives from the investment industry joined the Government's asset management taskforce	Link
•	Guidance on the EMIR Pension Scheme Arrangements clearing exemption	Link
•	RPC Opinion: Amending the UK definition of investment advice	Link
EU		
European Parliament		
•	ECON briefing on implementing measures under PRIIPs	Link
EC		
•	Statement on the political agreement by the European Parliament and Member States on prudential rules for investment firms (IFR)	Link
Back	to top	

Other

Prudential		
UK		
BoE		
•	Speech by Mark Carney, Governor of the Bank of England, on the global economic outlook	Link
•	Annual Report by Mark Carney, Governor of the Bank of England, for the Treasury Select Committee	Link
PRA		
•	Policy Statement on CP 28/18 'PRA fees and levies: Changes to periodic and transaction fees'	Link
Inter	national	
BIS		
•	Remarks by Simon M Potter, Executive Vice President of the Markets Group of the Federal Reserve Bank of New York, on Quantitative Tools for Monitoring Macroeconomic and Financial Conditions	Link

FSB		
•	Work programme for 2019 including addressing new and emerging vulnerabilities in the financial system, finalising and operationalising post-crisis reforms and evaluating the effects of reforms	Link
•	Report on FinTech developments and potential financial stability implications	Link
Cond	uct	
UK		
СМА		
•	Annual Plan for the year 2019/20	Link
•	Appointed new non-executive director and panel members to the CMA board	Link
FCA		
•	Speech by Andrew Bailey, Chairman of the FCA, on how fostering a culture of diversity and inclusiveness can contribute to changing the behaviour of firms for the better	Link
•	GC19/1: Primary Market Bulletin No. 20 covering changes to the knowledge base relating to listing rules	Link
•	Memorandum of Understanding between the Information Commissioner and the Financial Conduct Authority	Link
•	Issued its first decision under competition law, finding that 3 asset management firms breached competition law	Link
•	Announced the appointment of Wanda Goldwag as new Chair of the independent Financial Services Consumer Panel	Link
Susta	ainable Finance	
EU		
EC		
•	Technical Expert Group on Sustainable Finance report on climate-related disclosures	Link
•	Welcomed the agreement between the European Parliament and Member States on a new generation of low-carbon benchmarks	Link

Inter	national		
BIS			
•	Publication by by Philip R. Lane, Governor of the Central Bank of Ireland, on climate change and the Irish financial system	Link	
IOSC	0		
•	Consultation report on sustainable finance in emerging markets and the role of securities regulators	Link	
Finte	ech		
UK			
FCA			
•	Policy Statement on the General Standards and communication rules for the payment services and e-money sectors	Link	
EU			
ЕСВ (Central Bank		
•	Speech by Yves Mersch, Member of the Executive Board of the European Central Bank, on "Lending and payment systems in upheaval: the FinTech challenge"	Link	
Inter	national		
BIS			
•	Speech by Yves Mersch on "Promoting innovation and integration in retail payments to achieve tangible benefits for people and businesses"	Link	
•	Lecture by Hyun Song Shin, Economic Adviser and Head of Research of the BIS, on "Distributed Ledger Technology and large value payments: a global game approach"	Link	
Othe	er	•	
UK			
СМА			
•	Proposals by Lord Andrew Tyrie, Chairman of the CMA, on legislative and institutional reforms to maintain and improve public confidence in markets	Link	

EU ECOFIN Confirmed position on proposals to review the function of the current European system of financial supervision ahead of negotiations with Parliament Back to top

Glossary

AFMs = Authorised Fund Managers

AI = Artificial Intelligence

AIFMD = Alternative Investment Fund Managers Directive

AMF = Autorité des Marchés Financiers

AML = Anti-Money Laundering

APA = Approved Publication Arrangement

AUM = Assets under management

BCBS = Basel Committee on Banking Supervision

BEAR = Banking Executive Accountability Regime

BIS = Bank for International Settlements

BMR = Benchmarks Regulation

BRRD = Bank Recovery and Resolution Directive

BTS = Binding Technical Standard

BoE = Bank of England

CBI = Central Bank of Ireland

CCP = Central Counterparty

CP= Consultation Paper

CTF = Counter Terrorist Financing

CISO = Chief Information Security Officer

CMA = Competition and Markets Authority

CMU = Capital Markets Union

CNMV = Comisión Nacional del Mercado de Valores

CQS = Credit Quality Step

CRD = Capital Requirements Directive

CRR = Capital Requirements Regulation

CROE = Cyber Resilience Oversight Expectations

CSSF = Commission de Surveillance du Secteur Financier

CTP = Consolidated Tape Provider

DB = Defined Benefit

DC = Defined Contribution

DP = Discussion Paper

DPA = Data Protection Agency

DRR = Digital Regulatory Reporting

EBA = European Banking Authority

ECB = European Central Bank

ECOFIN = Economic and Financial Affairs Council

EIOPA = European Insurance & Occupational Pensions Authority

EMEA = Europe, Middle East and Africa

EMIR = European Market Infrastructure Regulation

EONIA = Euro OverNight Index Average

ESAs = European Supervisory Authorities

ESG: Environmental, Social, and Governance

ESMA = European Securities & Markets Authority

ESRB = European Systemic Risk Board

ESTER = Euro Short-Term Rate

Risk and Regulation Monthly

EU = European Union

Euribor = Euro Interbank Offered Rate

FAMR = Financial Advice Market Review

FCA = Financial Conduct Authority

FinPro = Financial Protection

FGCA = Financial Guidance and Claims Act 2018

FMIs = Financial Market Infrastructures

FOS = Financial Ombudsman Service

FPC = Financial Policy Committee

FRTB = Fundamental Review of the Trading Book

FS = Financial Services

FSA = Financial Services Authority

FSB = Financial Stability Board

GBP = British pound sterling

GDP = Gross Domestic Product

GDPR = General Data Protection Regulation

GSIBs = Global Systemically Important Banks

HMT = Her Majesty's Treasury

IAIS = International Association of Insurance Supervisors

IASB = International Accounting Standards Board

IBOR = Interbank Offered Rate

ICAAP = Internal Capital Adequacy Assessment Process

ICO = Information Commissioners Office

ICS = Insurance Capital Standard

IDD = Insurance Distribution Directive

IFRS = International Financial Reporting Standards

ILAAP = Internal Liquidity Adequacy Assessment Process

IM = Initial Margin

IOSCO = International Organization of Securities Commissions

IPU = Intermediate Parent Undertaking

IRB = Internal Ratings Based

ISAs = Individual Savings Accounts

IT = Information Technology

JST = Joint Supervisory Teams

KID = Key Information Document

LEI = Legal Entity Identifier

LIBOR = London Interbank Offered Rate

LTV = Loan to Value

M&A = Mergers and Acquisitions

MI = Management Information

MiFID = Markets in Financial Instruments Directive

MiFIR = Markets in Financial Instruments Regulation

MLD = Money Laundering Directive

MoU = Memorandum of Understanding

MREL = Minimum requirement for own funds and eligible liabilities

MTF = Multilateral Trading Facility

NGFS = Network for Greening the Financial System

Risk and Regulation Monthly

NPLs = Non-performing Loans

NSFR = Net Stable Funding Ratio

OCIR - Operational Continuity in Resolution

ORSA = Own Risk and Solvency Assessment

OTF = Organised Trading Facility

OTC = Over the counter

PPI = Payment Protection Insurance

PRA = Prudential Regulation Authority

PRIF = Prudential Regime for Investment Firms

PRIIPs = Packaged Retail Investment and Insurance Products

PS = Policy Statement

PSD2 = Revised (second) Payment Services Directive

RDR = Retail Distribution Review

RFRs = Risk-Free Rates

RRM = Risk Reduction Measures

RTGS = Real Time Gross Settlement

RTS = Regulatory Technical Standard

RW = Risk Weight

SA = Standardised Approach

SFTR = Securities Financing Transactions Regulation

SI = Systematic Internaliser

SIPPs = Self Invested Personal Pensions

SM&CR = Senior Managers and Certification Regime

SONIA = Sterling Overnight Index Average

SRB = Single Resolution Board

SRF = Single Resolution Fund

SREP = Supervisory Review and Evaluation Process

SS = Supervisory Statement

SSM = Single Supervisory Mechanism

TCA = Total Capital Adequacy

TCFD = Task Force on Climate-related Financial Disclosures

TIBER = Threat Intelligence-based Ethical Red Teaming

TLAC = Total Loss-Absorbing Capital

TMTP = Transitional Measure on Technical Provisions

TPP = Third-Party Providers

TPR = Temporary Permissions Regime

TRIM = Targeted Review of Internal Models

TRR = Temporary Recognition Regime

UCITS = Undertakings for Collective Investments in Transferable Securities

Contacts

Andrew Bulley

Partner, Centre for Regulatory Strategy +44 (0)20 7303 8760

Rod Hardcastle

Director, Centre for Regulatory Strategy +44 (0)20 7007 1640

Scott Martin

Senior Manager, Centre for Regulatory Strategy +44 (0)20 7303 8132

Deloitte.

This publication has been written in general terms and we recommend that you obtain professional advice before acting or refraining from action on any of the contents of this publication. Deloitte LLP accepts no liability for any loss occasioned to any person acting or refraining from action as a result of any material in this publication.

Deloitte LLP is a limited liability partnership registered in England and Wales with registered number OC303675 and its registered office at 1 New Street Square, London, EC4A 3HQ, United Kingdom.

Deloitte LLP is the United Kingdom affiliate of Deloitte NWE LLP, a member firm of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee ("DTTL"). DTTL and each of its member firms are legally separate and independent entities. DTTL and Deloitte NWE LLP do not provide services to clients. Please see www.deloitte.com/about to learn more about our global network of member firms.

© 2019 Deloitte LLP. All rights reserved.