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STRATEGY EMEA

CENTRE for

REGULATORY

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Highlights

Despite their continuing focus on responding to the pandemic, September saw regulators press ahead with the launch of several other significant regulatory and policy initiatives.

The EU launched its Digital Finance and Retail Payment strategies, which set out its blueprint to build a globally competitive and innovative EU FS sector, by removing unnecessary regulatory barriers, while addressing emerging risks. These two strategic objectives sit alongside three legislative initiatives. The first is aimed at expanding the regulatory perimeter to capture crypto-assets that do not currently qualify as financial instruments, including stablecoins. The second sets out a framework for digital operational resilience, including the oversight of critical third-party ICT providers, such as cloud service providers. And the third creates the legislative framework to launch a pilot regime for market infrastructures based on distributed ledger technology.

In the UK, the FCA published its final report on its market study into the pricing of home and motor insurance. The headline measure is a proposal to ban differential pricing or 'price walking' in the motor and home insurance markets. This means that a customer renewing their insurance policy must receive the same price as a new customer buying the same policy via the same sales channel. Other remedies designed to increase competition, and improve the value customers receive; include product governance rules requiring firms to consider how they offer fair value to all insurance customers over the longer term; requirements to report certain data sets to the FCA to check compliance with the rule; further restrictions on firms ability to use auto-renewals across all general insurance products; and an attestation provision requiring regular confirmation from a Senior Manager that the firm's pricing practices comply with the pricing rules.

In relation to COVID-19, in a landmark ruling the UK High Court found in favour of the arguments advanced by the FCA in its business Interruption test case on the majority of key issues. The regulator had argued for policyholders that the 'disease' and/or 'denial of access' clauses in the representative sample of policy wordings provide cover in the circumstances of the pandemic, and that the trigger for cover caused policyholders' losses. The Court ruled that most, but not all, of the disease clauses in the representative sample it considered provide cover. However the judgment did not say that the eight defendant insurers are liable across all of the 21 different types of policy wording in the sample. Instead, each policy needs to be considered against the detailed judgment.

COVI	D-19	
UK		
FCA		
•	Additional guidance setting out how firms should provide tailored support to mortgage, consumer credit, and overdraft customers who continue to face payment difficulties due to COVID-19.	Link Link Link
•	COVID-19 Business Interruption insurance test case: - Test case results - Test case appeals process - Dear CEO letter setting out the FCA's next steps and expectations of insurers.	Link Link Link
•	Statement outlining further COVID-19 related temporary measures for firms, including a 6-months extension to the 10% depreciation notifications changes issued in March 2020.	<u>Link</u>
•	Dear CEO letter on the importance of maintaining adequate client assets arrangements.	<u>Link</u>
PRA		
•	Speech by Anna Sweeney, Executive Director for insurance, on the role the insurance industry can play in the UK's economic recovery from COVID-19.	Link
•	Updates to the Term Funding Scheme with additional incentives for SMEs to reflect changes to HMT's Bounce Back Loans Scheme (BBLS).	<u>Link</u>
•	A "Bank Overground" post on whether COVID-19 could lead to higher bank losses on unsecured debt.	<u>Link</u>
TPR		
•	Updated COVID-19 guidance on reporting duties and enforcement activity for pension scheme providers.	<u>Link</u>
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EBA		
•	Statement on the phasing out of COVID-19 guidelines on legislative and non-legislative loan repayments moratoria.	<u>Link</u>
ESAs		
•	First joint risk assessment report on the risk and vulnerabilities in the EU financial system after the outbreak of COVID-19.	<u>Link</u>
ECB - S	SM	
•	Speech by Yves Mersch, Member of the Executive Board of the ECB, on supervisory action in times of crisis and the limits of the ECB's prudential mandate.	<u>Link</u>

Temporary permission for banks to exclude certain central bank exposures from the leverage ratio in view of COVID-19.	Link
Speech by Christine Lagarde, President of the ECB, on the economic, financial and monetary impact of COVID-19 pandemic, and post-crisis options for policies and tools.	Link
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Brexit	
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UK Government	
 Statements following the eighth and ninth rounds of UK-EU trade negotiations, providing an update on the talks. 	<u>Link</u> <u>Link</u>
 UK and Japan agree a free trade agreement in principle, including financial services provisions, which will replace existing EU arrangements between the two countries at the end of the transition period. 	Link
нмт	

•	Joint statement with Switzerland's State Secretariat for International Finance following their dialogue on 8 September. On stock market equivalence, the UK reconfirmed that as soon as it is feasible once its equivalence powers come into force at the end of the transition period, it will lay the necessary legislation to allow UK firms to meet the UK's share trading obligation on Swiss exchanges.	<u>Link</u>
ВоЕ		
•	Statement welcoming the European Commission's decision to adopt a temporary equivalence decision for UK CCPs.	<u>Link</u>
•	Statement welcoming ESMA's temporary equivalence decision in relation to UK CCPs.	<u>Link</u>
•	Joint BoE/PRA consultation paper on further updates and amendments to the Bank's and PRA's EU Exit Instruments and further EU Exit Instruments that are required, in light of additional EU legislation that applies before the end of the transition period.	Link
•	Report on the exercise by the BoE and PRA of sub-delegated powers under the EU (Withdrawal) Act 2018.	Link
FCA		
•	Consultation paper on the FCA's general approach to international firms seeking to provide financial services that require authorisation in the UK.	<u>Link</u>
•	Direction for Electronic Money, Payment Services and Payment Systems (Amendment and Transitional Provisions) (EU Exit) Regulations published.	<u>Link</u>
PRA		
•	Letter on operational readiness and the Temporary Permissions Regime (TPR). Alongside the letter, the PRA published a new webpage, summarising its approach to the TPR and the key requirements for firms in the regime.	Link Link
EU		
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•	Statements following the eighth and ninth rounds of UK-EU trade negotiations, providing an update on the talks.	Link Link
•	Temporary equivalence decision for UK CCPs adopted, expiring on 30 June 2022.	<u>Link</u>
ESMA		
•	Temporary recognition decisions in relation to UK CCPs published. ESMA temporarily recognised UK CCPs for the same 18 month period (up to 30 June 2022).	<u>Link</u>

Banking		
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•	Mortgage Lenders and Administrators Statistics for 2020 Q2.	Link
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•	Statistical release on borrowing and deposits by households and businesses.	Link
•	Updated supervisory statement on the PRA's approach to supervising liquidity and funding risks.	Link
•	Updated guidelines on completing supervisory reports under the Regulatory Reporting, Close Links and Change in Control Parts of the PRA Rulebook.	<u>Link</u>
•	Consultation paper on managing deficiencies in internal model risk capture for UK mortgage risk weights.	Link
•	Report reviewing the extent of proprietary trading engaged in by PRA-authorised deposit takers and investment firms incorporated in the UK.	Link
EU		
EBA		
•	Annual report on resolution colleges for 2019.	<u>Link</u>
•	Report on the risk sensitivity of MREL-eligible debt yields.	<u>Link</u>
•	Opinion addressed to the EU Commission regarding the review of the definition of credit institution and aspects of the scope of authorisation.	<u>Link</u>
•	Launch of the 7 th annual EU-wide transparency exercise.	<u>Link</u>
•	Work programme for 2021.	<u>Link</u>
•	François-Louis Michaud installed as the new Executive Director.	Link
ECB - S	SM	
•	Feedback on the input provided by the European Parliament as part of its "resolution on Banking Union – Annual Report 2019".	<u>Link</u>

•	Guide on the ECB's Assessment methodology for the internal model method for calculating exposure to counterparty credit risk and the advanced method for own funds requirements for credit valuation adjustment risk.	<u>Link</u>
ECB Ce	ntral Bank	
•	Confirmation by the ECB's Governing Council that exceptional circumstances justify leverage ratio relief.	Link
•	European System of Central Banks input into the EBA's feasibility study on reducing the reporting burden for the European banking industry.	<u>Link</u>
•	Working paper on the Banking Euro Area Stress Test model.	<u>Link</u>
SRB		
•	Statement on European Court judgments annulling 2017 ex-ante contributions decisions for three banks and declaring that Delegated Regulation 2015/63 is unlawful in part.	<u>Link</u>
•	Article by Elke König on paths towards a clear and predictable liquidation regime.	<u>Link</u>
Int'l		
BIS		
•	Speech by Hyun Song Shin, Economic Adviser and Head of Research at the BIS, on the outlook for the global financial system in the wake of the pandemic.	<u>Link</u>
•	Statement following meetings of the Basel Committee in which it approved the annual G-SIB assessment, and updated its work plan to evaluate post-crisis reforms.	<u>Link</u>
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•	Report on the misuse of the Bank of England's press conferences audio feed.	Link
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•	Occasional Paper in relation to presenting foreign exchange quotes to improve consumer choice.	Link
•	Report on the FCA's 2019/20 engagement work for the 5 Conduct Questions Programme.	Link
•	Finalised guidance on maintaining access to cash for customers when closing branches or ATMs.	<u>Link</u>

•	Call for Input seeking view on the effectiveness of the Consumer Investments and what changes could improve consumers' protections and outcomes.	<u>Link</u>
EU		
EBA		
•	Response to the EU Commission's call for advice on how to strengthen the EU legal framework on AML/CFT.	Link
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•	Staff paper on AML/CFT supervision of correspondent banking.	<u>Link</u>

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•	Statement from FCA and BoE supporting market participants in further switch to SONIA in interest rate swap markets.	Link
PRA		
•	Consultation Paper on the fees regime for the supervision of financial market infrastructure 2020/21.	Link
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ECB Ce	ntral Bank	
•	Statement of compliance of euro short-term rate (€STR) with IOSCO Principles for Financial Benchmarks.	<u>Link</u>
ESMA		
•	Report on market trends, risk and vulnerabilities.	Link

•	Remarks by Michael Held on the LIBOR countdown not stopping at the IMN Virtual Investors' Conference on LIBOR.	<u>Link</u>
BIS		
Int'l		
•	Final Report for Guidelines on Internal Control for Credit Rating Agencies.	<u>Link</u>
•	Consultation Paper on fees for benchmark administrators under BMR.	Link
•	Speech by Steven Maijoor, Chair of ESMA, on €STR, the state of play on EURIBOR and the need to prepare for LIBOR discontinuation.	<u>Link</u>
•	Call for Evidence on transparency requirements for equity and non-equity instruments.	<u>Link</u>
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•	Euro area securities issues statistics for July 2020.	Link
ECB Ce	ntral Bank	
•	Launch of the EU Commission' action plan to boost the EU Capital Markets Union.	Link
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•	Speech by Elisabeth Stheeman, external member of the FPC, on some of the operational risks to the financial system in the UK, including cyberattacks to innovation in payments.	<u>Link</u>
PRA		
•	Speech by Marc Teasdale, Director of Wholesale Supervision, on a regulatory perspective on the drivers of culture and the role of purpose and governance.	Link
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•	Final report on the five draft RTS required under the BMR.	Link
•	Updated list of designated payment and securities settlement systems under the Settlement Finality Directive 98/26/EC.	<u>Link</u>
•	Confirmation of Securitisation Regulation requirements' entry into force on 23 September 2020.	Link

FSB		
•	Announcement of extended implementation timelines for securities financing transactions.	<u>Link</u>
•	Announcement confirming that the Regulatory Oversight Committee of the Global Legal Entity Identifier System is to become the governance body for OTC derivatives identifiers.	<u>Link</u>
IOSCO		
•	Final report on reducing conflicts of interest and associated conduct risks during the debt capital raising process.	<u>Link</u>

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 Board of Supervisors reappoints Fausto Parente as Executive Director for a further five years. 	Link
 Single programming document for 2021-23 and annual work program for 2021. 	Link
Int'l	
BIS	
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•	Launch of public survey on the existing prudential treatments for investments in infrastructure and strategic equity.	Link
Condu	Conduct	
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СМА		
•	Motorcycle insurance broker merger is rejected over concerns of higher prices, less choice and worse services for motorcyclists.	Link
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•	Dear CEO letter on the FCA Supervision Strategy for Personal and Commercial Lines Insurance Intermediaries.	<u>Link</u>
•	Final report on the FCA's market study into the pricing of home and motor insurance.	Link
•	Dear CEO letter on adequate client money arrangements for general insurance intermediaries.	Link
TPR		
•	Louise Sivyer, Principal in TPR's Regulatory Policy Analysis and Advice team, joined a panel on what good scheme governance looks like at the Professional Pensions Live conference.	<u>Link</u>

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•	Statement on ESMA recognition decisions with respect to central counterparties established in third countries.	<u>Link</u>
FCA		
•	Statement confirming that the industry is to begin testing the Financial Instruments Transparency System.	<u>Link</u>
EU		
ESMA		
•	ESMA provides the option to apply the annual transparency calculations for non-equity instruments from 21 September.	<u>Link</u>

Statement agreeing position limits under MIFID I.I	<u>Link</u>
Report on outcomes of the MAR Review.	<u>Link</u>
 Consultation paper on the obligations to report transactions and reference data under MiFIR. 	<u>Link</u>
 Announcement of proposals to help detect and prevent withholding tax reclaim schemes. 	<u>Link</u>
 Consultation paper on MiFIR reference data and transaction reporting. 	<u>Link</u>
 Consultation on the review of MiFID and MiFIR as regards the functioning of Organised Trading Facilities. 	<u>Link</u>
 Draft technical standards on the provision of investment services and activities in the Union by third-country firms under MiFID II and MiFIR. 	<u>Link</u>
 Proposed amendments to the MiFIR transparency regime for non- equity financial instruments. 	<u>Link</u>
 Review report on the transparency regime for non-equity instruments within MiFID and MiFIR. 	<u>Link</u>
 Statement concerning the applicability of Level 3 guidance under the Prospectus Directive. 	<u>Link</u>

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FCA		
•	Quarterly Consultation paper on miscellaneous amendments to the Handbook including on Listing Rules, Article 34 of UK-RTS and onshoring changes.	Link
•	Annual report and accounts looking back on the FCA's key pieces of work in 2019/2020.	Link

•	Announcement that Christopher Woolard, former Interim CEO of the FCA, will chair the FCA's review of unsecured credit market regulation.	<u>Link</u>
•	Speech by Christopher Woolard, former Interim CEO of the FCA, on the evolution of a new model for financial regulation in the UK.	Link
•	Annual perimeter report for 2019/20.	<u>Link</u>
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•	Government response to Smart Data review published.	Link
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•	Consultation on the UK National Data Strategy.	Link
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•	Firms to begin move to new data collection platform "RegData".	<u>Link</u>
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•	Speech by Andrew Bailey, Governor of the Bank of England, on the future of cryptocurrencies and stablecoins.	Link
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•	Annual Report and Accounts for 2019/20.	Link
•	Disclosure of material underlying the pass-through analysis in the market review into card-acquiring services.	<u>Link</u>
•	Market review into the supply of card-acquiring services: Interim report.	Link
EU		
EC		
•	Launch of the EU Digital Finance and Retail Payments Strategies, which also included three legislative proposal for: - Crypto-assets - A regulatory framework on digital operational resilience - A pilot regime for market infrastructures based on distributed ledger technology.	Link Link Link Link Link

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Article showing seven charts on climate policies for key sectors in the European Union.	Link
Annual Report for the Treasury Select Committee.	Link
Letter, with the BoE, to the TSC regarding CP20/11: Complaints against the Regulators.	Link
The Financial Services Regulatory Initiatives Forum published: - its updated Regulatory Initiatives Grid - the minutes from the Financial Services Regulatory Initiatives Forum in September.	Link Link
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Interview with Yves Mersch, Member of the Executive Board of the ECB and Vice-Chair of the Supervisory Board of the ECB, with Bloomberg, on the economic outlook.	<u>Link</u>
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Glossary

AFMs = Authorised Fund Managers

AI = Artificial Intelligence

AIFMD = Alternative Investment Fund Managers Directive

ALMD = Anti Money Laundering Directive

AMF = Autorité des Marchés Financiers

AML = Anti-Money Laundering

APA = Approved Publication Arrangement

AUM = Assets under management

BBLS = Bounce Back Loan Scheme

BCBS = Basel Committee on Banking Supervision

BEAR = Banking Executive Accountability Regime

BEIS = Department for Business, Energy and Industrial Strategy

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

CCFF = Covid Corporate Financing Facility

CBILS = Coronavirus Business Interruption Loan Scheme

CLBILS = Coronavirus Large Business Interruption Loan Scheme

CISO = Chief Information Security Officer

CMA = Competition and Markets Authority

CMU = Capital Markets Union

CNMV = Comisión Nacional del Mercado de Valores

CPMI = Committee on Payments and Market Infrastructures

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

CTRF = Contingent Term Repo Facility

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 Over Night 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

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

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

IFD = Investment Firms Directive

IFR = Investment Firms Regulation

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

IRRBB = Interest Rate Risk in the Banking Book

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

MAR = Market Abuse Regulation

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

NCA = National Competent Authority

NED = Non-Executive Director

NGFS = Network for Greening the Financial System

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

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

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