

Financial Services Alerter

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ESMA publishes MoU with MAS on Benchmarks

On 17 April 2020, the European Securities Markets Authority (ESMA) published a [memorandum of understanding](#) to establish cooperation between ESMA and the Monetary Authority of Singapore on benchmark related issues, such as:

- the sharing of information
- mechanisms for prompt notifications.

ESMA publishes statement on BMR external audit requirements

On 9 April 2020, the European Securities Markets Authority (ESMA) published a [statement](#) on external audit requirements under the Benchmarks Regulation. ESMA recognises that, in light of COVID-19, it may not be possible to meet the deadline for the audit requirements in Annex 1, paras 4 and 12 of the Benchmark Regulation and urges coordinated action by National Competent Authorities.

ESMA publishes report on cost and performance of retail investments products

On 6 April 2020, the European Securities Markets Authority (ESMA) published its second annual statistical [report](#) on the impact of cost and performance of retail investment products in the EU. The report stresses the high impact of costs on the final returns that retail investors receive on their UCITS investments compared to the costs attributed to institutional investors.

ESMA publishes guidance on performance fees in UCITS and certain AIFS

On 3 April 2020, the European Securities Markets Authority (ESMA) published its “[Final Report](#): Guidance on performance fees in UCITS and certain types of AIFs” to ensure supervisory convergence regarding the performance of fee structures and the circumstances in which performance fees are paid.

ESMA publishes public consultation on clearing solutions for PSAs

On 2 April 2020, the European Securities Markets Authority (ESMA) published a [Public Consultation](#) on a range of issues regarding potential central clearing solutions for Pension Scheme Arrangement (PSAs) under the European Market Infrastructure Regulation (EMIR). The consultation is based on ESMA’s [First Report](#) to the European Commission.

ESAs consult on draft RTS on ESG disclosures

On 23 April 2020, the Joint Committee of the European Supervisory Authorities published a [Consultation Paper](#) (CP) on draft regulatory technical standards on the content, methodologies and presentation of disclosures under the sustainability related disclosures mandated by the Disclosures Regulation.

ECB to assess cross-border effect of macroprudential policies

On 28 April, 2020 the European Central Bank (ECB) published a [report](#) on a framework to assess cross-border spill-over effects of macroprudential policies. The ECB recognises that policymakers must take into account other countries' macroprudential settings in examining the effectiveness and consistency of national authorities' macroprudential policies.

ECB publishes webpage on macro-prudential measures taken in response to COVID-19

On 15 April 2020, the European Central Bank (ECB) published a [webpage](#) on the macro-prudential measures taken by EU national authorities, in light of COVID-19. The ECB webpage summarizes measures relating to:

- the countercyclical capital buffer (CCyb)
- the systemic risk buffer (SyRB)
- other systemically important institution (O-SII) buffer
- adjustments to risk weights.

Council of EU publishes two final compromise texts

On 20 April 2020, the Council of EU published final compromise texts of Regulation and Directive on European crowdfunding service providers.

- A [final compromise text](#) (5971/20 ADD 1) for the Regulation on European crowdfunding service providers (ECSPs) for business (2018/0048(COD)).
- A [final compromise text](#) (5971/20 ADD 2) for the Directive making amendments to the MiFID II Directive (2014/65/EU) relating to crowdfunding (2018/0047(COD)).

Council of EU publishes statement on bank lending and insurance

On 17 April 2020, the Council of EU published a [statement](#) on bank lending to households and businesses and to support the insurance sector function properly, in light of COVID-19. Banks are advised to refrain from making distributions and to use freed capital to extend credit to their customers to help preserve economic activity.

Council of EU adopts Taxonomy Regulation

On 16 April 2020, the Council of the EU published the [first reading](#) of the proposed Taxonomy Regulation. The Regulation now needs to be adopted by the Parliament at second reading before it is published in the Official Journal.

EC adopts legislative proposal to CRR

On 28 April 2020, the European Commission (EC) adopted a [legislative proposal](#) for the Capital Requirements Regulation (CRR) in light of COVID-19. The EC proposes amendments intended to improve banks' capacity to lend and to absorb losses, namely:

- extending the transitional arrangements for expected credit loss accounting under IFRS9
- examining the treatment of publicly guaranteed loans under the prudential backstop for non-performing loans
- offsetting the impact of excluding certain exposures from the calculation of the leverage ratio
- deferring the application date for the leverage ratio buffer to 1 January 2023.

EC publishes communication to facilitate bank lending

On 28 April 2020, the European Commission (EC) published a [report](#) on "Interpretative Communication on the application of the accounting and prudential frameworks to facilitate EU bank lending", in light of COVID-19, to support businesses and households. The EC sets out its views on:

- flexibility available to banks in respect to the implementation of the International Financial reporting Standards
- flexibility in respect to the rules concerning the prudential classification of non-performing loans
- role and responsibility of the banking sector in limiting the economic impact and promoting a rapid recovery, in respect to the COVID-19 crisis.

EC publishes CP on renewed sustainable finance strategy

On 8 April 2020, the European Commission (EC) published a [Consultation Paper \(CP\)](#) "Renewed Sustainable Finance Strategy" in light of COVID-19. The CP focuses predominantly on the following three areas:

- Strengthening the foundations for sustainable investment by creating an enabling framework, with appropriate tools and structures.
- Increased opportunities to have a positive impact on sustainability for citizens, financial institutions and corporates.
- Climate and environmental risks will need to be fully managed and integrated into financial institutions and the financial system as a whole

EBA publishes report on revision prudential valuation under CRR

On 22 April 2020, the European Banking Authority (EBA) published a [Final Report](#) "On prudent valuation under Article 105(14) of the Capital Requirements Regulation" on draft amendments to draft regulatory technical standards on prudent evaluation. The FCA lays out requirements for the prudent valuation of fair-valued financial instruments under Article 105(14).

EBA publishes updated versions of supervisory data guides

On 20 April 2020, the European Banking Authority (EBA) published a [statement](#) announcing that the “[Methodological guide: risk indicators and detailed risk analysis tool](#)” and the “[Guidance note: compiling the IMF financial soundness indicators for ‘deposit-takers’ using the ITS on supervisory reporting](#)” have been updated.

EBA publishes guidelines on equivalence of confidentiality regimes

On 15 April 2020, the European Banking Authority (EBA) published a [Final Report](#) on guidelines on the equivalence of confidentiality regimes of non-EU authorities. National competent authorities must notify the EBA whether they intend to comply with the published guidelines two months of the publication of the translations.

EBA press release on impact of Basel III reforms

On 8 April 2020, the European Banking Authority (EBA) published two reports, [Basel III Monitoring](#) and [Liquidity Measures](#). The reports measure the impact of implementing the final Basel III reforms and monitor the current implementation of liquidity measures in the EU. The published reports are constituted from results based on data as of 30 June 2019.

ECB press release on temporary collateral easing measures

On 7 April 2020, the European Central Bank (ECB) published a [statement](#) announcing a package of temporary collateral easing measures in light of the economic downturn in the euro area.

SRB publishes letter on operational relief measures

On 1 April 2020, the Single Resolution Board (SRB) published a [letter](#) on operational relief measures related to COVID-19 focusing on SRB’s commitment to the 2020 resolution plans and issuance of the 2020 decisions on minimum requirements for own funds and eligible liabilities.

SRB publishes document on its expectations for banks

On 1 April 2020, the Single Resolution Board (SRB) published a [document](#), “Expectations for Banks” on the role of the SRB and banks relating to resolvability, the definition of resolvability and the application of proportionality.

EIOPA publishes an interview on COVID-19

On 27 April 2020, the European Insurance and Occupational Pension Authority (EIOPA) published an [interview](#) by EIOPA Chair (Gabriel Bernardino) on its response to COVID-19. EIOPA will:

- place measures to help insurers to focus on ensuring business continuity and to serve their customers
- limit consultation and requests for information from the industry
- focus only on essential elements needed to assess and monitor the impact in the market
- where necessary extend deadlines.

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EIOPA published statement on insurers and intermediaries

On 1 April 2020, the European Insurance and Occupational Pension Authority (EIOPA) published a [statement](#) addressed to insurers and intermediaries urging them to taking action in order to mitigate the impact of COVID-19 on consumers.

ISDA publishes letter to ESMA on EMIR Refit

On 27 April 2020, the International Swaps and Derivatives Association (ISDA) published a [joint letter](#) where trade associations request from the European Securities and Markets Authority to consider a flexible and pragmatic approach to mandatory delegated reporting effective date under the EMIR Refit Regulation, in light of the difficulties posed by COVID-19.

ISDA publishes fallback rate adjustment rulebook

On 23 April 2020, the International Swaps and Derivatives Association (ISDA) published the “[IBOR Fallback Rate Adjustment Rule Book](#)” on key adjustments that will assist the transition away from LIBOR and other inter-bank offer rates to alternative risk-free rates.

ISDA publishes results on pre-cessation fallbacks

On 16 April 2020, the International Swaps and Derivatives Association (ISDA) published a statement on the preliminary [results](#) of its second consultation on pre-cessation fallbacks. The results indicate a preference for including both pre-cessation and permanent cessation fallbacks as standard language in the amended 2006 ISDA Definitions for LIBOR.

IOSCO report on sustainable finance

On 14 April 2020, the International Organisation of Securities Commission (IOSCO) published a [report](#) outlining the current regulatory and industry initiatives in relation to sustainable finance. IOSCO identifies the following areas for improvement:

- Diverse sustainability frameworks and standards
- Lack of common definitions of sustainable activities
- Greenwashing and other investor protection challenges.

IOSCO delays some of its work in 2020 in light of COVID 19

On 8 April 2020, the International Organisation of Securities Commission (IOSCO) published a [statement](#) “IOSCO reprioritizes its work program to address impact of COVID-19.” IOSCO agreed to redirect resources to focus on the various challenges that securities markets regulators are addressing as a result of COVID-19.

BCBS publishes report on climate-related financial risk initiatives

On 30 April 2020, the Basel Committee on Banking Supervision (BCBS) published a [report](#) on its members’ current regulatory and supervisory initiatives on climate-related financial risks. The report concludes the that:

- BCBS members recognize and consider it appropriate to address climate-related financial risks within their regulatory and supervisory frameworks
- BCBS members have conducted research on climate related risks, identifying operational challenges
- Some BCBS members are issuing principles-based guidance regarding climate-related financial risks.

BCBS publishes report on implementation of principles for risk data aggregation and risk reporting

On 29 April 2020, the Basel Committee on Banking Supervision (BCBS) published a [report](#) on bank's "Progress in adopting the Principles for effective risk data aggregation and risk reporting", explaining that no bank is fully compliant with the principles in terms of building up the necessary data architecture.

BCBS sets out additional measures to alleviate the impact of COVID-19

On 3 April 2020, the Basel Committee on Banking Supervision published a [press release](#) on additional measures aimed at assisting the global banking system alleviate the impact of COVID-19. The measures relate to the following:

- Expected credit loss accounting
- Treatment of extraordinary support measures related to COVID-19
- Margin Requirements for non-centrally cleared derivatives
- Global systemically important banks annual assessment.

FATF publishes statement on extension to mutual evaluations

On 28 April 2020, the Financial Action Task Force (FATF) published a [statement](#) announcing the extension of the assessment and follow-up deadlines, in light of COVID-19. It is impossible for FATF assessors to conduct on-site visits and in-person meetings and has impacted countries' ability to actively participate in FATF mutual evaluations and related follow-up processes.

FATF publishes measures to combat illicit financing

On 1 April 2020, the Financial Action Task Force (FATF) published a [statement](#) on COVID-19 related financial crime risks. The FATF urges regulators and law enforcement agencies to share information and prioritise money laundering risks associated with terrorist financing and fraud.

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