

Forthcoming financial services regulatory developments – December 2021 and January 2022

1 December 2021

In this blog post, we round-up key forthcoming developments in the UK and at EU and International levels in financial services regulation which are expected to happen in **December 2021** and **January 2022**.

<p>1 Dec</p>	<ul style="list-style-type: none"> • Deadline for responses to ICO CP on the beta version of its AI and Data Protection Risk Toolkit • FCA MIFIDPRU transitional provisions on advance data collection come into force • Remaining amendments to onshored MiFID Organisation Regulation apply • The removal of the best execution reporting in RTS 27 and RTS 28 comes in to force (FCA PS21/20) <hr/> <ul style="list-style-type: none"> • EIOPA to provide advice to EC on pension tools, incl dashboards • Remaining provisions in EU regulation specifying methodology for identification of G-SII apply <hr/> <ul style="list-style-type: none"> • Deadline for responses to joint CPMI and IOSCO CP on stablecoin arrangements for FMIs
<p>2 Dec</p>	<ul style="list-style-type: none"> • Klaas Knot takes up Chair of FSB
<p>3 Dec</p>	<ul style="list-style-type: none"> • Deadline for responses to FATF’s CP on amendments to recommendation 24 on transparency and beneficial ownership of legal persons
<p>6 Dec</p>	<ul style="list-style-type: none"> • Deadline for responses to PRA CP17/21 on definition of an insurance holding company • Expected start of BoE clearing obligation for Overnight Index Swaps which reference TONA
<p>10 Dec</p>	<ul style="list-style-type: none"> • Deadline for responses to joint FCA and TPR DP21/3: Driving Vfm in DC pensions

<p>15 Dec</p>	<ul style="list-style-type: none"> • Financial Services (Gibraltar) (Amendment) (EU Exit) Regulations come into force <hr/> <ul style="list-style-type: none"> • EU G-SII to be identified by this date (annual)
<p>16 Dec</p>	<ul style="list-style-type: none"> • FCA board meeting <hr/> <ul style="list-style-type: none"> • Deadline for responses to ESA’s call for evidence on the EC mandate regarding the PRIIPs Regulation (covering: practical application of the existing KID such as its use by financial advisors or the use of digital media, the scope of the PRIIPs Regulation and the degree of complexity and readability of the KID)
<p>17 Dec</p>	<ul style="list-style-type: none"> • Deadline for responses to PRA DP on supervisory stress testing of CCPs <hr/> <ul style="list-style-type: none"> • Deadline for EU Whistleblowing Directive to be transposed into national law by Member States
<p>20 Dec</p>	<ul style="list-style-type: none"> • Changes set out in FCA PS21/13 LIBOR transition and the DTO apply
<p>22 Dec</p>	<ul style="list-style-type: none"> • Deadline for responses to FCA CP21/30 Debt packagers: proposals for new rules
<p>23 Dec</p>	<ul style="list-style-type: none"> • Deadline for responses to ESMA CP on review of MiFID II framework – best execution reporting
<p>30 Dec</p>	<ul style="list-style-type: none"> • Under EBA Revised Outsourcing Guidelines, latest date by which in-scope firms to have completed the documentation of all existing outsourcing arrangements, other than for outsourcing arrangements to cloud service providers where the EBA’s Recommendation was already applicable at the time the Outsourcing Guidelines were revised
<p>31 Dec</p>	<ul style="list-style-type: none"> • Expected date for FCA guidance on proving the presence of Covid-19 in business interruption claims to cease to have effect • Date of application of PRA approach to IRRBB; Updated SS31/15 on ICAAP and SREP apply • Date by which holding companies are to be either approved or exempt under Part 12 B (Approval of certain holding companies) FSMA (Reg 2, SI) • UK Packaged Retail and Insurance-based Investment Products (UCITS Exemption) (Amendment) Regulations 2021 come into force

	<ul style="list-style-type: none"> • ESMA/EBA joint guidelines on assessment of suitability of members of the management body and key function holders under CRD V and IFD apply • EBA revised guidelines on internal governance and on sound remuneration policies apply • First disclosure date under EBA draft RTS on disclosure of firms' investment policy under the IFR
<p>1 Jan</p>	<ul style="list-style-type: none"> • Implementation deadline for pricing and auto-renewal remedies, reporting requirements and premium finance provisions as set out in FCA PS21/5 and PS21/11 on GI pricing • New IFPR regime comes into force • Six LIBOR settings become unrepresentative • PRA final rules for implementing Basel III standards and changes to supervisory materials come into force • Revised PRA UK leverage ratio framework rules and guidance come into force • Changes in PRA PS12/20 Responses to Occasional CP25/19 – Chapter 5: Retirement interest-only mortgages to take effect • UK G-SIBs and D-SIBs to meet end-state MREs and resolution outcomes under RAF • UK IFPR and updated prudential standards for credit institutions to be introduced; end of CRR exemptions for commodity dealers • UK Capital Requirements Regulation (Amendment) Regulations 2021 in force • Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 enter into force • End of transition period under The Bearer Certificates (Collective Investment Schemes) Regulations 2020 • UK Recovery Loan Scheme eligibility changes announced at Budget 2021 apply • Withdrawn .eu domains revoked <hr/> <ul style="list-style-type: none"> • ESMA takes on new supervisory powers in respect of benchmarks • ESMA guidelines on enforcement of financial information apply • ESMA guidelines on EU MiFID II/MiFIR obligations on market data apply • EBA revised guidelines on major incident reporting under PSD2 apply • EBA guidelines on the treatment of structural FX under Article 352(2) of CRR apply • EBA guidelines on criteria for use of data inputs in risk-measurement model under CRR apply • EBA guidelines on assessing breaches of the large exposure limits under CRR apply

	<ul style="list-style-type: none"> • EU deadline for G-SIBs to comply with full TLAC standard (18% for external TLAC risk-based ratio and 6.5% for non-risk based ratio); top-tier banks to comply with Pillar 1 MREL requirement • Art 4 of Regulation (EU) 2019/2175 amending EU MiFIR (authorisation and supervision of DRSPs, approved publication arrangements, approved reporting mechanisms and consolidated tape providers) and Art 1 of Directive (EU) 2019/2177 amending EU MiFID II apply • Articles 4, 5, 6, 7, 8(1), 8(2) and 8(3) of the Taxonomy Regulation apply when they relate to climate change mitigation and climate change adaptation environmental objectives • BMR supplementary Delegated Regulations apply
2 Jan	<ul style="list-style-type: none"> • Deadline for responses to ESMA call for evidence on retail investor protection
3 Jan	<ul style="list-style-type: none"> • EONIA to be discontinued and replaced by €STR
4 Jan	<ul style="list-style-type: none"> • Implementation of new FCA rules on standard listing of OEICs • First non-representative publication of 6 sterling and Japanese yen LIBOR settings under synthetic methodology <hr/> <ul style="list-style-type: none"> • Deadline for responses to IPSF call for feedback on common ground taxonomy
5 Jan	<ul style="list-style-type: none"> • Deadline for responses to ECB CP on draft guide on notification of securitisation transactions
6 Jan	<ul style="list-style-type: none"> • Deadline for responses to HMT CP on regulating buy-now-pay-later credit products
7 Jan	<ul style="list-style-type: none"> • Deadline for responses to FCA DP on sustainability disclosure requirements and investment labels
10 Jan	<ul style="list-style-type: none"> • Deadline for insurance undertakings to submit results to NCAs in respect of EIOPA study on diversification in internal models – phase 2 • Deadline for responses to EC consultation on adapting liability rules to the digital age and AI
11 Jan	<ul style="list-style-type: none"> • Deadline for EC to report on implementation of MLD V
12 Jan	<ul style="list-style-type: none"> • Deadline for responses to EC on adopted legislation – Solvency II Review (1st deadline relates to document COM(2021)582)

	<ul style="list-style-type: none"> • Deadline for responses to IOSCO, BCBS and CPMI consultation on margining practices
13 Jan	<ul style="list-style-type: none"> • EC to report to EU Parliament and EU Council on functioning of the Platform-to-Business Regulation (and every 3 yrs thereafter) by this date • Deadline for responses to EC on adopted legislation – Solvency II Review (2nd deadline relates to document COM(2021)581)
14 Jan	<ul style="list-style-type: none"> • Deadline for responses to PSR CP on APP scams <hr/> <ul style="list-style-type: none"> • Deadline for responses to CPMI CP on extending and aligning payment system operating hours for cross-border payments
17 Jan	<ul style="list-style-type: none"> • Deadline for responses to IOSCO CP on revising its principles for the regulation and supervision of commodity derivatives markets
21 Jan	<ul style="list-style-type: none"> • Deadline for responses to PRA CP20/21 on trading activity wind-down
22 Jan	<ul style="list-style-type: none"> • Deadline for NCAs to report to EIOPA in respect of EIOPA study on diversification in internal models – phase 2
23 Jan	<ul style="list-style-type: none"> • Deadline for responses to IAIS CP on phase 2 of development of liquidity metrics
24 Jan	<ul style="list-style-type: none"> • Deadline for responses to ESMA CPs on RTS and guidelines under CCP Recovery and Resolution Regulation
31 Jan	<ul style="list-style-type: none"> • Deadline for responses to FCA CP21/33 Regulatory fees and levies proposals for 2022/23 • FCA final guidance: Business interruption insurance test case – proving the presence of Covid-19 ceases to have effect <hr/> <ul style="list-style-type: none"> • ESMA to submit technical advice to EC on digital finance • ESMA guidelines on calculation of positions in SFTs by trade repositories apply

Table of abbreviations:

AI	Artificial Intelligence	ICAAP	Internal Capital Adequacy Assessment Process
APP	Authorised Push Payment	IFD	Investment Firms Directive (EU)
BCBS	Basel Committee on Banking Supervision	IFPR	Investment Firm Prudential Regime (UK)
BoE	Bank of England	IFR	Investment Firms Regulation (EU)
BMR	Benchmark Regulation	IOSCO	International Organisation of Securities Commissions
CCP	Central Counterparty	IRRBB	Interest Rate Risk in the Banking Book
CP	Consultation Paper	KID	Key Information Document
CPMI	Committee on Payments and Market Infrastructures	MIFID	Markets in Financial Instruments Directive
CRD	Capital Requirements Directive	MIFIDPRU	FCA's Prudential Sourcebook for MiFID Investment Firms
CRR	Capital Requirements Regulation	MLD	Money Laundering Directive
D-SIB	Domestic Systemically Important Bank	MREL	Minimum Requirement for Own Funds and Eligible Liabilities
DC	Defined Contribution (pension)	NCA	National Competent Authority(s)
DP	Discussion Paper	OEIC	Open-Ended Investment Company
DRSP	Data Reporting Service Provider	PRA	Prudential Regulation Authority
DTO	Derivatives Trading Obligation	PRIIPs	Packaged Retail and Insurance-Based Investment Products
EBA	European Banking Authority	PS	Policy Statement
EC	European Commission	RAF	Resolvability Assessment Framework
ECB	European Central Bank	RTS	Regulatory Technical Standards

EIOPA	European Insurance and Occupational Pensions Authority	SFT	Securities Financing Transaction
ESMA	European Securities and Markets Authority	SREP	Supervisory Review and Evaluation Process
FATF	Financial Action Task Force	SS	Supervisory Statement
FCA	Financial Conduct Authority	TLAC	Total Loss Absorbing Capacity
FSB	Financial Stability Board	TONA	Tokyo Overnight Average Rate
FSMA	Financial Services and Markets Act 2000	TPR	The Pensions Regulator
FX	Foreign Exchange	UCITS	Undertakings for Collective Investment in Transferable Securities
G-SIB	Global Systemically Important Bank	VfM	Value for Money
G-SII	Global Systemically Important Institution		
GI	General Insurance		
HMT	HM Treasury		
IAIS	International Association of Insurance Supervisors		