

Financial Regulatory Update

February 2021

Please find below our Financial Regulatory Update for February 2021. With these updates, KPMG 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.

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Covid 19

Belgium

- 04.02.2021 Febelfin issues an article on **extra commitments** of the financial sector to help healthy companies through the crisis, [NL](#) / [FR](#)
- 05.02.2021 Febelfin issues an article on the fact that, despite the COVID crisis, **mortgage credits** are still being granted on a large scale, [NL](#) / [FR](#)
- 09.02.2021 Febelfin issues an article on the launch of **Elan+**, a **training programme** for employees in the banking sector, [NL](#) / [FR](#)

EU

- 12.02.2021 EIOPA publishes [staff paper](#) on measures to **improve the insurability of business interruption** in light of pandemics, [ENG](#)
- 16.02.2021 ESRB publishes [report](#) on the **financial stability implications of COVID-19 support measures** to protect the real economy, [ENG](#)
- 26.02.2021 EU Official Journal: publication of Regulation 2021/337 of 16 February 2021 amending Regulation (EU) 2017/1129 as regards the **EU Recovery prospectus and targeted adjustments for financial intermediaries** and Directive 2004/109/EC as regards the use of the single electronic reporting format for annual financial reports, to support the recovery from the COVID-19 crisis, [ENG](#)
- 26.02.2021 EU Official Journal: publication of Directive (EU) 2021/338 of 16 February 2021 amending Directive 2014/65/EU as regards **information requirements, product governance and position limits**, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to **investment firms**, to help the recovery from the COVID-19 crisis, [ENG](#)

General interest

Crypto-assets and ICOs

- 22.02.2021 ECB publishes Opinion on a proposal for a **regulation on Markets in Crypto-assets**, and amending Directive (EU) 2019/1937, [ENG](#)

Sustainable finance

- 04.02.2021 ESAs publishes [final report](#), including the draft RTS, on the content, methodologies and presentation of disclosures under the **SFDR**, [ENG](#)
- 04.02.2021 EBF publishes [response](#) to EBA's [consultation](#) on **incorporating ESG risks** into the governance, risk management and supervision of **credit institutions** and **investment firms**, [ENG](#)
- 09.02.2021 EFAMA publishes response to the European Commission's [consultation](#) document proposal for an initiative on **sustainable corporate governance**, [ENG](#)

- 17.02.2021 The Executive Committee of the Green and Social Bond Principles has published new [Q&As for sustainability-linked bonds](#) (SLBs), [ENG](#)
- 22.02.2021 ICMA issues [note](#) following the publication of the ESAs' final recommendations for the regulatory technical standards (RTS) of the **SFDR**, [ENG](#)
- 25.02.2021 ESAs publish [recommendations](#) on the **application of SFDR**, [ENG](#)

Crowdfunding

- 25.02.2021 ESMA publishes first set of [Q&As](#) regarding the understanding of **Special Purpose Vehicle (SPV) aspects** under the Crowdfunding Regulation, [ENG](#)

Other

- 01.02.2021 ECB publishes Decision ECB/2021/3 amending Decision (EU) 2019/1311 on a third series of **targeted longer-term refinancing operations** (TLTRO III), [ENG](#)
- 01.02.2021 EFAMA demands more time to implement the **new PRIIPs rules**, [ENG](#)
- 02.02.2021 FSMA **warns** the public against companies engaging in **unauthorized activities** on the Belgian market, [ENG](#)
- 02.02.2021 European Commission requests EBA, EIOPA and ESMA for technical advice on **digital finance** and related issues, [ENG](#)
- 03.02.2021 ESAs submits to the European Commission [draft Regulatory Technical Standards](#) on amendments to the **key information document** for packaged retail and insurance-based investment products (**PRIIPs**), [ENG](#)
- 11.02.2021 Publication in the Belgian Official Gazette of the Law of 2 February 2021 on **various provisions regarding economy** (modifying a.o. Book IV, VII, XV and XVII of the Code of Economic Law), [NL](#) / [FR](#)
- 15.02.2021 EBF publishes position on the **Capital Market Union Action Plan**, [ENG](#)
- 16.02.2021 ESMA submits [questions](#) related to the accounting for the third series of the ECB's **Targeted Longer-Term Refinancing Operations** (TLTRO III) to the IFRS Interpretations Committee, [ENG](#)
- 17.02.2021 ESMA releases [statement](#) to highlight to retail investors the **risks of social media driven share trading**, [ENG](#)
- 19.02.2021 EBF is calling on all financial sector authorities in the EU to support the creation of a **single EU data dictionary**, [ENG](#)
- 24.02.2021 Chamber of representatives: proposal for a **new law on obligations (Book 5 of the new Civil Code)**, [NL](#) / [FR](#)
- 26.02.2021 Council of Ministers approves draft law on the transposition of the following

directives into Belgian law, [NL](#) / [FR](#):

- Directive (EU) 2019/878 of 20 May 2019 amending Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures
- Directive (EU) 2019/2034 of 27 November 2019 on the prudential supervision of investment firms
- Directive (EU) 2019/879 of the European Parliament and of the Council of 20 May 2019 amending Directive 2014/59/EU as regards the loss-absorbing and recapitalisation capacity of credit institutions and investment firms and Directive 98/26/EC

Banking

EU

- 01.02.2021 ESMA publishes [final report](#) on its Technical Advice regarding **supervisory fees for benchmarks administrators** under the BMR, [ENG](#)
- 11.02.2021 Single Resolution Board publishes **Q3.2020 MREL dashboard**, [ENG](#)
- 12.02.2021 EU Official Journal: publication of Regulation (EU) 2021/168 of 10 February 2021 amending the **Benchmark Regulation** as regards the exemption of certain third-country spot foreign exchange benchmarks and the designation of replacements for certain benchmarks in cessation, [ENG](#)
- 12.02.2021 EBA updates its **Single Rulebook Q&A** on **CRD/CRR** regarding credit risk, see:
- Question [2019_4505](#) (on technical past due situation - Factoring)
 - Question [2019_4504](#) (on calculation of past due days on material credit obligations)
- 16.02.2021 EBA publishes [final guidelines](#) on the conditions for the **alternative treatment of "tri-party repurchase agreements"** for large exposure purposes, [ENG](#)
- 18.02.2021 EBA publishes [final draft technical standards](#) on **disclosure of indicators of global systemic importance** by G-SIIs, [ENG](#)
- 19.02.2021 EBA publishes [final draft technical standards](#) on **indirect exposures** arising from derivatives underlying a debt or equity instrument, [ENG](#)
- 26.02.2021 EBA updates its **Single Rulebook Q&A** on **CRD/CRR** regarding credit risk, see:
- Question [2018_4184](#) (on credit risk – aggregated first loss under credit insurance)
 - Question [2018_4423](#) (on leverage ratio – scope of "Written Credit Derivatives")
 - Question [2020_5567](#) (on own funds – deduction of software assets)
 - Question [2019_4890](#) (on liquidity risk – outflows from other retail deposits)
 - Question [2019_4837](#) (on liquidity risk – treatment of securities borrowing-transactions for non-refinancing-purposes)
 - Question [2019_4891](#) (on liquidity risk – operational requirements for holdings of liquid assets)

Insurance

Belgium

- 08.02.2021 FSMA publishes **work programmes** on rules of conduct in the insurance sector available for **insurance distributors**, [ENG](#)
- 26.02.2021 FSMA launches series of **animated films** on the rules combating money laundering and terrorist financing to help **insurance intermediaries** in the correct application of the rules, [NL](#) / [FR](#)

EU

- 16.02.2021 EU Official Journal: publication of Commission Implementing Regulation (EU) 2021/178 of 8 February 2021 laying down technical information for the **calculation of technical provisions and basic own funds**, [ENG](#)

MiFID II / MiFIR

EU

- 01.02.2021 ESMA launches a **common supervisory action** with national competent authorities on the application of MiFID II **product governance rules**, [ENG](#)
- 02.02.2021 ESMA publishes [annual report](#) on the application of **waivers and deferrals for equity instruments** under MiFIR, [ENG](#)
- 03.02.2021 ESMA updates its [Q&As](#) regarding **market structures issues** under MiFID II and MiFIR, [ENG](#)
- 24.02.2021 ESMA publishes second [annual report](#) on **waivers and deferrals for non-equity instruments** under MiFIR, [ENG](#)

Asset management

EU

- 01.02.2021 ESMA publishes [final report](#) on implementing technical standards under the Regulation on **cross-border distribution of funds**, [ENG](#)
- 03.02.2021 ESMA sent a [letter](#) to the European Commission [consultation](#) on the **review of the ELTIF Regulation** highlighting key topics for amendments, [ENG](#)
- 08.02.2021 EFAMA publishes response to ESMA's [consultation](#) on **marketing communications guidelines** under the regulation on **cross-border distribution of funds**, [ENG](#)

Payments

EU

- 22.02.2021 EBA publishes [opinion](#) on supervisory actions national competent authorities should take to ensure banks remove any remaining **obstacles** that prevent

third party providers from **accessing payment accounts**, [ENG](#)

26.02.2021 EBA updates its **Single Rulebook Q&A** on **PSD2** regarding strong customer authentication and common and secure communication, see:

- Question [2018_4383](#) (on exemption of secure corporate payment processes and protocols)
- Question [2018_4414](#) (on usage of SMS for dynamic linking)

Compliance/AML

Belgium

26.02.2021 FSMA launches series of **animated films** on the rules combating money laundering and terrorist financing to help **insurance intermediaries** in the correct application of the rules, [NL](#) / [FR](#)

Capital markets

General

02.02.2021 **Court of Justice**: publication of judgment in case C-481/19 on administrative sanctions of a criminal nature in case of **market abuse**, [ENG](#)

17.02.2021 ICMA publishes sixth version of the **ICMA SFTR Recommendations**, [ENG](#)

Securitization Regulation

26.02.2021 ESMA updates Q&As, templates and technical instructions for **securitisation reporting**, [ENG](#)

Market Infrastructures

02.02.2021 ICMA submits [response](#) to the Targeted [consultation](#) of the European Commission on the **review of CSDR**, [ENG](#)

02.02.2021 EFAMA's reply to EC's [consultation](#) on the **Review of CSDR**, [ENG](#)

17.02.2021 EU Official Journal: publication of Commission Delegated Regulation (EU) 2021/237 of 21 December 2020 amending regulatory technical standards laid down in Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 as regards the date at which the **clearing obligation** takes effect for certain types of contracts, [ENG](#)

24.02.2021 ESMA publishes the [final report](#) on Guidelines aimed at assisting competent authorities in the application of **EMIR** provisions that deal with the **review and evaluation of central counterparties** (CCPs), [ENG](#)

Agenda

23.04.2021 Deadline for responding to EBA's consultations on draft technical standards to improve **supervisory cooperation for investment firms**, [ENG](#)

- 30.04.2021 Deadline for submission of feedback to ESMA's [consultation](#) on the methodology to **calculate a benchmark** in exceptional circumstances, [ENG](#)
- 07.05.2021 Deadline for responding to the European Commission's consultation on the **review of the Directive on financial collateral arrangements**, [ENG](#)
- 07.05.2021 Deadline for responding to the European Commission's consultation on the **review of the Directive on settlement finality in payment and securities settlement systems**, [ENG](#)
- 10.05.2021 Deadline for responding to ESMA's [consultation](#) on draft technical standards on crowdfunding under the **European crowdfunding service providers regulation** (ECSPR), [ENG](#)
- 11.05.2021 Deadline for responding to EBA's [consultation](#) on the draft technical standards on **supervisory disclosure** under the **Investment Firms Directive**, [ENG](#)
- 17.05.2021 Deadline for responding to EBA's [consultation](#) on guidance to **assess breaches of the large exposure limits**, [ENG](#)

DISCLAIMER

Although we aim to provide you with a comprehensive overview of the most recent regulatory developments, we cannot guarantee to provide you with an exhaustive overview of all relevant developments in this newsletter. This newsletter is compiled with the greatest care but the information comprised herein is intended as general information and cannot be regarded as legal advice. K law cannot accept any liability for the consequences of making use of this information without its cooperation.