

Financial Regulatory Update

July 2022

Please find below our Financial Regulatory Update for July 2022.

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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Measures in response to the War in Ukraine

EU

08.07.2022 ESMA publishes [public statement](#) on **prospectus supervision** in the context of EU sanctions over Russia's invasion of Ukraine, [ENG](#)

Digital finance and crowdfunding

Belgium

01.07.2022 Febelfin publishes press release on **the growth of digital payments**, [NL](#) / [FR](#)

06.07.2022 FSMA launches consultation on the Communication on the **classification of crypto-assets as securities, investment instruments or financial instruments**, [ENG](#)

19.07.2022 Belgian Official Gazette: publication of the Law of 5 July 2022 containing **various financial provisions**, amending the Law of 2 August 2022 on the supervision of the financial sector and financial services to extend the supervisory powers of the FSMA regarding **commercialization of virtual currencies**, [NL](#) / [FR](#)

EU

01.07.2022 AFME **welcomes agreement on the Markets in Crypto Assets Proposal (MiCA)**, [ENG](#)

11.07.2022 ECB publishes macroprudential bulletin – article: **A deep dive into crypto financial risks: stablecoins, DeFi and climate transition risk**, [ENG](#)

11.07.2022 ECB publishes macroprudential bulletin – article: **Stablecoins' role in crypto and beyond: functions, risk and policy**, [ENG](#)

11.07.2022 ECB publishes macroprudential bulletin – article: **Mining the environment – is climate risk priced into crypto-assets?**, [ENG](#)

13.07.2022 ECB publishes article: **The case for a digital euro: key objectives and design considerations**, [ENG](#)

20.07.2022 EBF publishes [response](#) to the **European Commission's targeted questionnaire on Open Finance**, [ENG](#)

Sustainable finance

Belgium

01.07.2022 FSMA publishes press release on IFRS Monitoring Board welcomes strong momentum towards establishing IFRS Sustainability Disclosure standards, [ENG](#)

19.07.2022 Febelfin publishes press release on banks and insurers asking about **customers' sustainability preferences** in accordance with MiFID II and IDD, [NL](#) / [FR](#)

29.07.2022 FSMA publishes newsletter on [IOSCO discussion on sustainability reporting standards](#), [ENG](#)

EU

01.07.2022 [ECB response](#) to the Joint Consultation of the ESA's on **STS securitisations-related sustainability disclosures**, [ENG](#)

04.07.2022 **ECB** takes further steps to incorporate **climate change into its monetary policy operations**, [ENG](#)

04.07.2022 EBF publishes [position paper](#) on the latest developments concerning the **Commission proposal** for a **European Green Bond Standard**, [ENG](#)

06.07.2022 European Parliament issues **article** on the rejection of a motion to oppose the inclusion of **nuclear and gas** as environmentally sustainable economic activities covered by the **EU Taxonomy**, [ENG](#)

08.07.2022 EBF publishes **statement on ECB climate-risk stress test**: A key learning exercise for banks' climate-risk preparedness, [ENG](#)

08.07.2022 AFME [comments on ECB climate-risk stress tests](#) that it provides helpful recommendations as banks continue to develop their climate risk management frameworks, [ENG](#)

13.07.2022 ESMA publishes response to **ISSB's Exposure Drafts 'IFRS S1 General Requirements for Disclosure of Sustainability-related Financial Information' and 'IFRS S2 Climate-related Disclosures'**, [ENG](#)

20.07.2022 EIOPA publishes [Guidance](#) on the integration of the **customer's sustainability preferences** in the **suitability assessment** under **IDD**, [ENG](#)

25.07.2022 Commission Delegated Regulation (EU) 2022/1288 of 6 April 2022 supplementing Regulation (EU) 2019/2088 of the European Parliament and of the Council with regard to **regulatory technical standards specifying the details of the content and presentation of the information in relation to the principle of 'do no significant harm' specifying the content, methodologies and presentation of information in relation to the promotion of environmental or social characteristics and sustainable investment objectives in pre-contractual documents, on websites and in periodic reports**, [ENG](#)

26.07.2022 EIOPA publishes [article on principal adverse impact and product templates for the Sustainable Finance Disclosure Regulation](#) issued by ESAs, [ENG](#)

28.07.2022 ESAs issue first annual [report](#) on the **extent of voluntary disclosure of principal adverse impact under the Sustainable Finance Disclosure Regulation (SFDR)**, [ENG](#)

- 29.07.2022 EBA responds to the **public consultations on sustainability-related disclosure standards** launched by the International Sustainability Standards Board and the European Financial Reporting Advisory Group, [ENG](#)
- 29.07.2022 ECB responds to the **EFRAG’s public consultation on the first set of draft European Sustainability Reporting Standards**, [ENG](#)
- 29.07.2022 ICMA publishes response to consultation on ISSB’s first two exposure drafts for general requirements and climate-related disclosures, [ENG](#)
- 29.07.2022 ESMA publishes sustainable finance **implementation timeline**, [ENG](#)

General interest

- 01.07.2022 Belgian Official Gazette: publication of the Law of 28 April 2022 on book 1 “**General provisions**” of the **Civil Code**, [NL](#) / [FR](#)
- 01.07.2022 Belgian Official Gazette: publication of the Law of 28 April 2022 on book 5 “**Obligations**” of the **Civil Code**, [NL](#) / [FR](#)
- 12.07.2022 NBB publishes communication NBB_2022_19 on the performance of **external functions** by managers and persons responsible for the independent control functions of regulated entities, [NL](#) / [FR](#)
- 19.07.2022 Belgian Official Gazette: publication of the Law of 5 July 2022 containing **various financial provisions**, amending the Law of 2 August 2022 on the supervision of the financial sector and financial services, the Law of 3 August 2012 on UCITS, the Law of 19 April 2014 on AIF(M)s, and the Law of 11 July 2018 on the Deposit and Consignment Office , [NL](#) / [FR](#)

Banking

EU

- 01.07.2022 EBA Risk Dashboard points to **high capital and liquidity ratios and indicates first signs of deterioration in asset quality not least related to geopolitical tensions**, [ENG](#)
- 04.07.2022 EBA updates the list of **Other Systemically Important Institutions**, [ENG](#)
- 08.07.2022 AFME welcomes **ECB climate stress tests**, noting that they provide helpful recommendations as banks continue to develop their climate risk management frameworks, [ENG](#)
- 11.07.2022 **ECB** contribution to the European Commission’s targeted **consultation on the evaluation of State aid rules for banks in difficulty**, [ENG](#)
- 12.07.2022 ECB publishes working paper: **Stress tests and capital requirement disclosures: do they impact banks’ lending and risk-taking decisions?**, [ENG](#)

- 12.07.2022 BCBS publishes Regulatory Consistency Assessment Programme (RCAP): [Assessment](#) of Basel Committee's **Net Stable Funding Ratio standard** – European Union, [ENG](#)
- 13.07.2022 SRB publishes [Resolvability Assessment and Heat-map](#), [ENG](#)
- 15.07.2022 EBA updates its **Single Rulebook Q&A on CRR**, see:
- Question [2020_5469](#) (on Delta intra bucket correlation for the risk class 'foreign exchange risk')
 - Question [2020_5128](#) (on deduction of pledged own shares from Common Equity Tier 1 items)
 - Question [2021_6301](#) (on applicability of the SME supporting factor for financing private purposes)
 - Question [2021_6269](#) (on the size of all non-trading book positions that are subject to foreign exchange risk)
 - Question [2021_6203](#) (on the implementation of article 72b(2)(j) of the Regulation)
 - Question [2021_6189](#) (on the inclusion of undertakings other than institutions, financial institutions or ancillary undertakings in prudential consolidation)
 - Question [2021_6174](#) (on the cut-off date for the implementation of the adjustment for massive disposals)
 - Question [2021_5720](#) (on early repayment upon common agreement between the issuer and the subscriber)
 - Question [2020_5645](#) (on definition of the parameter ρ_{kl} (option maturity))
 - Question [2020_5631](#) (on the conditions for the usage of the net present value when calculating open positions in each currency and in gold)
 - Question [2020_5629](#) (on the treatment of non-performing exposures underlying a CIU)
 - Question [2020_5627](#) (on the leverage exposure exclusion for guaranteed parts of export credit)
 - Question [2020_5482](#) (on the formula to be applied in case of a switch from multiple netting sets to a single netting set)
 - Question [2020_5292](#) (on the recognition of deducted items in calculation of own funds requirements for market risk)
- 19.07.2022 Publication of **Joint ESMA and EBA Guidelines** on the assessment of the **suitability of members of the management body and key function holders** under Directive 2013/36/EU and Directive 2014/65/EU, [ENG](#)
- 21.07.2022 EBA launches **discussion on 2023 EU-wide stress test methodology**, [ENG](#)
- 22.07.2022 EBA analyses the **use of specific exemptions** included in the **large exposures regime**, [ENG](#)
- 26.07.2022 SRB publishes [MREL dashboard Q1.2022](#), [ENG](#)
- 29.07.2022 EBA updates its **Single Rulebook Q&A on BRRD**, see:
- Question [2020_5644](#) (on guarantee for the purpose of the waiver from internal MREL requirements)
 - Question [2020_5581](#) (on characteristics of the guarantee for the purposes of iMREL waiver)

International

- 07.07.2022 BCBS publishes **high-level [considerations](#) on proportionality**, [ENG](#)
- 12.07.2022 BCBS publishes Regulatory Consistency Assessment Programme (RCAP): [Assessment](#) of Basel Committee's **large exposures framework** – European Union, [ENG](#)

Lending

Belgium

- 20.07.2022 FSMA publishes news on the **extension of the definition of PCP in the area of credit** starting on 1 August 2022, [NL](#) / [FR](#)
- 29.07.2022 Febelfin publishes press release on the **granting of mortgage credit**, [NL](#) / [FR](#)

EU

- 12.07.2022 European Parliament issues article on the aim for better protection for **consumers applying for loans online**, [ENG](#)
- 29.07.2022 ECB publishes **Survey on credit terms and conditions in euro-denominated securities financing and OTC derivatives markets** (SESFOD) – June 2022, [ENG](#)

Payments

Belgium

- 01.07.2022 Febelfin publishes press release on the **growth of digital payments**, [NL](#) / [FR](#)
- 06.07.2022 NBB publishes a Circular NBB_2022_18 on the implementation of EBA guidelines on the **limited network exclusion** according to **PSD2**, [NL](#) / [FR](#)

EU

- 01.07.2022 EBA adopts [decision](#) on **reporting of payment fraud data** under the revised Payment Services Directive, [ENG](#)
- 18.07.2022 EBF publishes **response to European Commission's Targeted Consultation on the review of the revised Payment Services Directive (PSD2)**, [ENG](#)
- 22.07.2022 ESAs' board of appeal dismisses [case](#) against EBA on **alleged non-application of Union law regarding payment services**, [ENG](#)

Insurance

Belgium

- 05.07.2022 NBB publishes Circular NBB_2022_17 on the obligation for insurance companies to obtain and use a **Legal Entity Identifier**, [NL](#) / [FR](#)
- 07.07.2022 FSMA publishes **newsletter on the new status of 'subagent in training'**, [NL](#) / [FR](#)
- 08.07.2022 Chamber of representatives: draft law on the amendment of the insurance law of 4 April 2014 regarding a lower threshold for the exemption of the registration obligation as **ancillary insurance intermediary**, [NL](#) / [FR](#)
- 19.07.2022 Assuralia publishes press release on banks and insurers asking about **customers' sustainability preferences** in accordance with MiFID II and IDD, [NL](#) / [FR](#)

EU

- 06.07.2022 EIOPA publishes [staff paper](#) on the **proposal** for an **Insurance Recovery and Resolution Directive**, [ENG](#)
- 06.07.2022 EIOPA issues [Revised Guidelines on Contract Boundaries](#), [ENG](#)
- 06.07.2022 EIOPA publishes [Revised Guidelines on Valuation of Technical Provisions](#), [ENG](#)
- 19.07.2022 EIOPA issues [report](#) on **peer review** on **outsourcing**, [ENG](#)
- 20.07.2022 EIOPA publishes [Guidance](#) on the **integration of the customer's sustainability preferences in the suitability assessment under IDD**, [ENG](#)
- 26.07.2022 EIOPA publishes [article on principal adverse impact and product templates for the Sustainable Finance Disclosure Regulation](#) issued by ESA's, [ENG](#)

Investment services

Belgium

- 13.07.2022 FSMA publishes sectoral reports on compliance with the **suitability assessment, appropriateness assessment and product governance** requirements under MiFID II, [ENG](#)
- 19.07.2022 Belgian Official Gazette: publication of the Law of 5 July 2022 containing **various financial provisions**, amending the Law of 2 August 2022 on the supervision of the financial sector and financial services, the Law of 3 August 2012 on UCITs, the Law of 19 April 2014 on AIF(M)s, and the Law of 11 July 2018 on the Deposit and Consignment Office , [NL](#) / [FR](#)

EU

- 06.07.2022 Commission Delegated Regulation (EU) 2022/1159 of 11 March 2022 supplementing Regulation (EU) 2019/2033 of the European Parliament and of the Council with regard to **regulatory technical standards** for public disclosure of **investment policy by investment firms**, [ENG](#)
- 08.07.2022 ESMA publishes report on **sanctions and measures** imposed under **MiFID II** in 2021, [ENG](#)
- 08.07.2022 ESMA presents the **results** of the 2021 common supervisory action on **MiFID II product governance requirements**, [ENG](#)
- 12.07.2022 ESMA publishes third [statement](#) on the implementation of **Legal Entity Identifier requirements for third-country issuers** under the **SFTR** reporting regime, [ENG](#)
- 12.07.2022 ESMA publishes [opinion](#) on the **classification of third-country counterparties** in weekly position reports under MiFID II, [ENG](#)
- 12.07.2022 ESMA identifies **Data Reporting Services Providers** to be supervised directly, [ENG](#)
- 12.07.2022 ESMA updates the **double volume cap (DVC) publication** following a data correction submitted by a reporting entity, [ENG](#)
- 15.07.2022 EBA updates its **Single Rulebook Q&A** on **IFR**, see:
- Question [2021_5864](#) (on the scope of ASA [\(assets safeguarded and administered\)](#) definition)
- 15.07.2022 EU Official Journal: publication of Commission Implementing Regulation (EU) 2022/1220 of 14 July 2022 laying down **implementing technical standards** for the application of Directive 2014/65/EU of the European Parliament and of the Council with regard to the **format** in which **branches of third-country firms and competent authorities** have to **report the information** referred to in Article 41(3) and (4) of that Directive, [ENG](#)
- 19.07.2022 Publication of **Joint ESMA and EBA Guidelines** on the assessment of the **suitability of members of the management body and key function holders** under Directive 2013/36/EU and Directive 2014/65/EU, [ENG](#)
- 19.07.2022 ESMA publishes **new Q&As** [on MiFIR data reporting](#), [on MiFID II and MiFIR market structures topics](#), and [on SFTR data reporting](#), [ENG](#)
- 20.07.2022 ESMA publishes an [article](#) on the **development of key retail risk indicators (RRIs) for the EU single market**, [ENG](#)
- 21.07.2022 ESMA and EBA published [Final Report](#) on joint EBA and ESMA Guidelines on **common procedures and methodologies for the supervisory review and evaluation process (SREP) for investment firms**, [ENG](#)
- 21.07.2022 EBA publishes **final regulatory products to harmonise the supervisory review and evaluation process of investment firms**, [ENG](#)

- 26.07.2022 Commission Delegated Regulation (EU) 2022/1299 of 24 March 2022 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to **regulatory technical standards specifying the content of position management controls by trading venues**, [ENG](#)
- 26.07.2022 Commission Delegated Regulation (EU) 2022/1300 of 24 March 2022 amending Implementing Regulation (EU) 2017/1093 laying down implementing technical standards with regard to the **format of position reports by investment firms and market operators**, [ENG](#)
- 26.07.2022 Commission Delegated Regulation (EU) 2022/1302 of 20 April 2022 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to **regulatory technical standards for the application of position limits to commodity derivatives and procedures for applying for exemption from position limits**, [ENG](#)
- 29.07.2022 EBA publishes its **final guidelines on the criteria for the exemption of investment firms from liquidity requirements in accordance with Investment Firms Regulation**, [ENG](#)
- 29.07.2022 AFME **comments on Draft MiFIR report**, [ENG](#)

Capital markets

General

- 01.07.2022 ESMA publishes practical guide on national rules on **notifications of major holdings under the Transparency Directive**, [ENG](#)
- 05.07.2022 FSMA publishes newsletter on amended [ESMA Guidelines](#) on the delay in the **disclosure of inside information** and interactions with **prudential supervision** under the Market Abuse Regulation, [ENG](#)
- 08.07.2022 ICMA publishes [response](#) to **IOSCO discussion paper**, [ENG](#)
- 14.07.2022 EU Official Journal: publication of Commission Implementing Regulation (EU) 2022/1210 of 13 July 2022 laying down **implementing technical standards** for the application of Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to the **format of insider lists** and their updates, [ENG](#)
- 15.07.2022 ESMA publishes **final report** on revision to guidelines and recommendations on the **scope of the CRA Regulation**, [ENG](#)
- 21.07.2022 ESMA publishes [peer review report](#) on the **scrutiny and approval procedures of prospectuses** by competent authorities, [ENG](#)

Securitization Regulation

- 15.07.2022 EBA updates its **Single Rulebook Q&A** on the **securitization regulation**, see:
- Question [2020_5532](#) (on weighted average life calculation for credit card receivables without fixed repayment scheme)

26.07.2022 Commission Delegated Regulation (EU) 2022/1301 of 31 March 2022 amending the regulatory technical standards laid down in Delegated Regulation (EU) 2020/1226 as regards the **information to be provided in accordance with the STS notification requirements for on-balance-sheet synthetic securitisations**, [ENG](#)

Asset management

Belgium

15.07.2022 FSMA publishes Communication FSMA_2022_23 on ESMA Guidelines on **stress test scenarios under the Money Market Funds Regulation**, [NL](#) / [FR](#)

19.07.2022 Belgian Official Gazette: publication of the Law of 5 July 2022 containing **various financial provisions**, amending the Law of 2 August 2022 on the supervision of the financial sector and financial services, the Law of 3 August 2012 on UCITS, the Law of 19 April 2014 on AIF(M)s, and the Law of 11 July 2018 on the Deposit and Consignment Office , [NL](#) / [FR](#)

EU

08.07.2022 ESMA publishes report on **penalties and measures** imposed under the **AIFMD** in 2021, [ENG](#)

08.07.2022 ESMA publishes report on **penalties and measures** imposed under the **UCITS Directive** in 2021, [ENG](#)

20.07.2022 ESMA publishes **Q&A on the application of the UCITS directive**, [ENG](#)

20.07.2022 ESMA publishes **Q&A on the application of AIFMD**, [ENG](#)

AML, Terrorist Financing and Cyber-security

Belgium

06.07.2022 FSMA publishes press release on **new dashboard covering investment fraud and unlawful offers of financial products and services**, [ENG](#)

EU

19.07.2022 EU Official Journal: publication of Council Implementing Regulation (EU) 2022/1230 of 18 July 2022 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific **restrictive measures directed against certain persons and entities** with a view to **combating terrorism**, and repealing Implementing Regulation (EU) 2022/147, [ENG](#)

19.07.2022 EU Official Journal: publication of Council Decision (CFSP) 2022/1241 of 18 July 2022 **updating the list of persons, groups and entities** subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to **combat terrorism**, and repealing Decision (CFSP) 2022/152, [ENG](#)

Market Infrastructure and derivatives

- 05.07.2022 ESMA publishes the [results](#) of its fourth **stress test exercise of Central Counterparties** (CCPs), [ENG](#)
- 08.07.2022 ESMA announces [update](#) on the way forward for **third-country CCPs** whose **applications for recognition** under EMIR were **suspended**, [ENG](#)
- 19.07.2022 ESMA publishes [annual peer review](#) of **EU CCP supervision**, [ENG](#)
- 25.07.2022 ESMA publishes list of **third-country markets** considered as **equivalent** to a regulated market in the Union for the purposes of the definition of **OTC derivatives**, [ENG](#)

Agenda

- 06.09.2022 Deadline for providing feedback on the **draft report** by the Platform on Sustainable finance on **minimum safeguards**, [ENG](#)
- 07.09.2022 Deadline for responding to EBA's [consultation](#) on Guidelines to resolution authorities on the publication of their approach to implementing the **bail-in tool**, [ENG](#)
- 08.09.2022 Deadline for responding to EBA's [consultation](#) on draft RTS on the **identification of a group of connected clients** (GCC), [ENG](#)
- 09.09.2022 Deadline for responding to ESMA's [consultation](#) on **notifications for cross-border marketing and management of AIFs and UCITS**, [ENG](#)
- 09.09.2022 Deadline for responding to ESMA's consultation on guidelines on **standard forms, formats and templates** to apply for permission to operate a **DLT market infrastructure**, [ENG](#)
- 09.09.2022 Deadline for responding to ESMA's [consultation](#) on **amendments to the RTS under the Benchmarks Regulation** covering the form and content of an application for recognition, [ENG](#)
- 09.09.2022 Deadline for responding to ESMA's [consultation](#) on a possible amendment to **CSDR cash penalty process for cleared transactions**, [ENG](#)
- 16.09.2022 Deadline for responding to EBA's [call for expression of interest](#) to expand its **reserve list for the Banking Stakeholder Group**, [ENG](#)
- 16.09.2022 Deadline for responding to ESMA's [call for expression of interest to be included in the reserve list](#) of **candidates** who can be appointed to the current **Securities and Markets Stakeholder Group**, [ENG](#)
- 28.09.2022 Deadline for responding to EBA's [consultation](#) on its draft technical standards on **homogeneity of underlying exposures in simple, transparent and standardized securitisations**, [ENG](#)
- 30.09.2022 Deadline for responding to ESMA's [call for evidence](#) on **pre-hedging**, [ENG](#)

- 30.09.2022 Deadline for responding to ESMA's [consultation](#) exploring the **extension of the scope** of both the **Clearing Obligation** and the **Derivatives Trading Obligation**, [ENG](#)
- 30.09.2022 Deadline for responding to BCBS's second [consultation](#) on the **prudential treatment of cryptoasset exposures**, [ENG](#)
- 07.10.2022 Deadline for responding to ESMA's [consultation](#) on reviewed guidelines on **MiFID II product governance** guidelines, [ENG](#)
- 07.10.2022 Deadline for responding to EIOPA's consultation on the supervisory statement on **differential pricing practices** in **non-life insurance** lines of business, [ENG](#)
- 28.10.2022 Deadline for responding to EBA's [consultation](#) on its **supervisory handbook for the validation of internal rating based systems**, [ENG](#)
- 31.10.2022 Deadline for responding to EBA's [consultation](#) on **revised Guidelines on methods for calculating contributions to deposit guarantee schemes**, [ENG](#)

DISCLAIMER

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