

COVID-19 Regulatory Actions and Developments

EU/UK Investment Firms

The European Securities and Markets Authority (ESMA)

Date: September 30, 2020

FCA Publishes Statement on Further Temporary Measures for 10% Depreciation Notifications

The original measure on 10% depreciation notifications, effective on March 31, 2020, has been extended with some amendments. The FCA will not take action against a firm who has breached COBS 16A.4.3 EU if the firm has complied with the four requirements within the statement. The extension of this approach will last 6 months, ending on March 30, 2021.

Link to external source: [click here](#)

Date: September 30, 2020

FCA Issues Dear CEO Letters on Adequate Client Assets Arrangements

The FCA published letters to the CEOs of certain firms on the maintenance of adequate client assets arrangements, highlighting the impact of the COVID-19 pandemic and the UK's withdrawal from the EU. The FCA stressed that senior management should carefully consider how the measures discussed apply to their firm's arrangements, including ensuring it maintains an accurate and up to date CASS Resolution Pack and suitable oversight of relevant third parties (including due diligence).

Link to external sources: [click here](#) and: [click here](#)

Date: September 17, 2020

ESMA Renews Reporting Requirement of Net Short Position Holders

The European Securities and Markets Authority (ESMA), renewed its decision to temporarily require holders of net short positions in shares traded on a European Union (EU) regulated market to report to relevant EU financial regulators positions reaching or exceeding a reduced threshold of 0.1% (instead of the usual threshold of 0.2%). The measure takes effect from September 18, 2020, and expires December 18, 2020. Net short positions crossing the 0.1% threshold on December 18 are to be disclosed to the relevant EU financial regulators no later than 15:30 CET on December 19, 2020.

[External Link](#)

[Decision Link](#)

Date: August 28, 2020

ESMA Finalises COVID-19 Report on Further Postponing CSDR Settlement Discipline

ESMA has published a final report on draft regulatory technical standards (RTS) definitively postponing the date of entry into force of the Commission Delegated Regulation (EU) 2018/1229 (RTS on settlement discipline), to 1 February 2022. The postponement was requested by the European Commission and is due to the impact of the pandemic on the implementation of regulatory projects and information technology deliveries by Central Securities Depositories and a wide range of market participants.

[External Link](#)

Date: August 27, 2020

ESMA to update Guidelines on Stress Test Scenarios under MMFR

ESMA confirmed that the guidelines (Guidelines) on stress test scenarios under the Money Market Funds Regulation (MMFR) will be updated to include a modification of the risk parameters to reflect market developments related to the COVID-19 crisis. Pending the update, 2019 Guidelines continue to apply. ESMA expects to publish the 2020 update of the guidelines in Q4 2020.

[External Link](#)

Date: July 28, 2020

ESMA Statement on its Intention to Postpone the CSDR Settlement Discipline Regime

At the request of the European Commission, ESMA confirms in this statement that it is working on a proposal to delay the entry into force of the Central Securities Depositories Regulation ("CSDR") settlement discipline regime until February 1, 2022 due to the impact of the COVID-19 pandemic.

[External Link](#)

Date: July 13, 2020

ESMA Publishes Results on Third Stress Test Exercise Regarding CCPs

ESMA confirmed in the latest stress test exercise the overall resilience of EU CCPs to common shocks and multiple defaults for credit, liquidity and concentration stress risks. ESMA also noted that EU CCPs remained resilient during the COVID-19 pandemic, despite the increased market volatility and operational risk.

[External Link](#)

Date: July 9, 2020

ESMA Statement on the MMF Regulation

ESMA published a statement on the provision of external support under Article 35 of the Money Market Funds ("MMF") Regulation. The statement is designed to provide clarity to managers of MMFs after the adverse events caused by the COVID-19 pandemic.

[External Link](#)

Date: June 15, 2020

ESMA Publishes Revised 2020 Annual Work Programme

As a result of the ongoing COVID-19 related disruptions, ESMA published a revised version of its 2020 Annual Work Programme, which explains that ESMA is reprioritising its current work and future mandates to help the financial services sector effectively respond to the pandemic.

[External Link](#)

Date: June 11, 2020

ESMA Short Selling Update in Light of the Ongoing COVID-19 Pandemic

ESMA has renewed its decision requiring net short position holders of shares traded on an EU regulated market to temporarily report positions of 0.1% and above to their EU financial regulator. This measure shall apply from June 17, 2020 for a period of three months..

[External Link](#)

Date: May 20, 2020

ESMA Calls for Transparency on the Effects of COVID-19 in Half-Yearly Financial Reports

ESMA published a statement addressing the impact of the COVID-19 pandemic on the half-yearly financial reports of listed issuers. ESMA recommended, amongst other things, that such issuers should make use of the time permitted under their respective national laws to ensure their reports contain relevant, up-to-date and reliable information.

[External Link](#)

Date: May 18, 2020

ESMA Publishes Statement on the Non-Renewal and Early Termination of European Short Selling Bans

ESMA notes that the national competent authorities in Austria, Belgium, France, Greece and Spain chose not to renew their emergency restrictions on short selling, and that the Italian regulator decided to pre-emptively terminate its equivalent emergency restrictions (which were otherwise due to expire on June 18). All such short selling measures therefore expire at midnight on May 18.

[External Link](#)

Date: May 14, 2020

ESMA Statement Supporting ESRB's actions to Address COVID-19 Related Systemic Vulnerabilities

ESMA published a statement supporting the European Systemic Risk Board's ("ESRB") recommendations that EU financial regulators should undertake focused supervisory engagement with investment funds that have significant exposure to less liquid assets, such as corporate debt and real estate.

[External Link](#)

Date: May 14, 2020

ESMA Highlights a Potential Decoupling of Financial Market Performance and Underlying Economic Activity in its Risk Dashboard

ESMA published its first complete risk dashboard for 2020, which maintains the very high risk levels noted in its previous assessments following the outbreak of COVID-19. ESMA notes that there is potential for a decoupling of financial market performance and underlying economic activity, which could possibly lead to further risk and market corrections in the EU.

[External Link](#)

Date: May 13, 2020

ESMA Report on Rating Collateralised Loan Obligations

ESMA published a thematic report on the challenges for credit rating collateralised loan obligations ("CLO") in the EU. The report identifies ESMA's main supervisory concerns for this asset class, which includes the internal organisation of credit rating agencies, their interactions with CLO issuers, operational risks, rating methodologies, and the need for thorough analysis of CLOs. The report also highlights the impact that COVID-19 may have on CLO methodologies.

[External Link](#)

Date: May 4, 2020

ESMA Publishes Joint RTS on Amendments to the Bilateral Margin Requirements under EMIR

The European Supervisory Authorities (“ESAs”), of which ESMA is a member, published joint draft regulatory technical standards (“RTS”) relating to a one-year deferral of the two implementation phases of the bilateral margin requirements for non-centrally cleared OTC derivatives under the European Markets Infrastructure Regulation. Counterparties with an aggregate average notional amount of non-centrally cleared derivatives above €50 billion will become subject to the requirement to exchange initial margin from September 1, 2021, while covered counterparties with an aggregate average notional amount of non-centrally cleared derivatives above €8 billion will become subject to the requirement from September 1, 2022.

[External Link](#)

Date: April 17, 2020

ESMA Publishes New Q&A on Alternative Performance Measures (“APMs”) in the Light of COVID-19

ESMA has issued a Q&A to provide guidance to issuers on the application of its guidelines on APMs. The Q&A encourages issuers to be cautious when adjusting or using new APMs and invites issuers to provide certain narrative information on such APMs.

[External Link](#)

Date: April 15, 2020

ESMA Issues Positive Opinions on Short Selling Ban Extensions

ESMA has published positive opinions on the extension of short selling bans by the Austrian FMA, Belgian FSMA, French AMF, Greek HCMC and Spanish CNMV. Each of the bans have been extended to May 18, 2020.

[External Link](#)

Date: April 9, 2020

ESMA Statement on the Postponement of Publication Dates for Annual Non-Equity Transparency Calculations and Quarterly SI Data

Despite ESMA's earlier statement on March 27, 2020, ESMA has now postponed the publication of the annual non-equity transparency calculations, originally due on April 30, until July 15, 2020, and their application from June 1, 2020 to September 15, 2020. ESMA has also postponed the publication of the quarterly systematic internalizer regime data calculation, originally due on May 1, 2020, until August 1, 2020, which will now apply from September 15, 2020.

[External Link](#)

Date: April 9, 2020

ESMA Extends MiFID II/MiFIR Transparency Review Report Consultation

ESMA has further delayed the response date for the consultation on the MiFID/MiFIR review report on the transparency regime for non-equity instruments and the trading obligation for derivatives from May 17, 2020 to June 14, 2020.

[External Link](#)

Date: April 9, 2020

ESMA Statement on Coordinated Action Regarding Benchmarks External Audit Requirements

ESMA expects EU financial regulators not to prioritize their supervisory action against benchmark administrators and supervised contributors relating to the timeliness of external audit requirements where such audits are carried out by September 30, 2020.

[External Link](#)

Date: March 31, 2020

ESMA Clarifies Best Execution Reports under MiFID

ESMA published a statement to clarify the obligation for execution venues and investment firms to publish best execution reports under MiFID II and to encourage national competent authorities of the various EU Member States not to prioritize supervisory action against execution venues and firms for failure to meet the originally-applicable deadlines. Execution venues which were unable to publish their required best execution reports due by March 31, 2020, must now publish them as soon as reasonably practicable and no later than June 30, 2020. Investment firms required to publish best execution reports by April 30, 2020, must now do so on or before June 30, 2020.

[External Link](#)

Date: March 27, 2020

ESMA Confirms Application Date of Equity Transparency Calculations

ESMA determined not to delay application of the transparency calculations for equity instruments under MiFID II and MiFIR beyond April 1, 2020.

[External Link](#)

Date: March 27, 2020

ESMA Publishes Guidance on Financial Reporting Deadlines

ESMA published a statement acknowledging that issuers may struggle to prepare financial reports in light of the COVID-19 pandemic. As a result, national competent authorities in the various EU Member States should apply their forbearance powers towards issuers who need to delay publication of financial reports beyond the ordinarily-applicable statutory deadline. Issuers, however, are expected to keep their investors informed of any expected publication delay.

[External Link](#)

Date: March 26, 2020

ESMA Statement on Reporting Obligations under SFTR during the COVID-19 Pandemic

ESMA revised its public statement regarding the reporting requirements and registration of EU Trade repositories ("TRs") under the EU Securities Financing Transactions Regulation ("SFTR"), which were due to apply from April 13, 2020. According to ESMA, from April 13, 2020, until July 13, 2020, national competent authorities of the various EU Member States should not prioritize their supervisory action towards entities which are subject to the reporting obligations under the SFTR. ESMA also stated that, while it does not deem it necessary to register any TRs ahead of April 13, 2020, all such TRs should be registered by July 13, 2020.

Revised statement [available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is available [here](#) and [here](#)

Date: March 25, 2020

ESMA Publishes Guidance on Accounting Implications of the COVID-19 Pandemic

ESMA published a statement on the accounting implications of support and relief measures taken by EU governments to address the economic consequences of COVID-19. The statement provides guidance to issuers and auditors on the application of IFRS 9 in light of such support and relief measures.

[External Link](#)

Date: March 20, 2020

ESMA Statement on MiFID II Telephone Recording Requirements during the COVID-19 Pandemic

ESMA issued a statement clarifying how credit institutions and investment firms can comply with their telephone recording obligations under MiFID II. Where firms are unable to record such conversations, they are expected to consider alternative steps to mitigate any risk and to use all possible efforts to ensure that any such alternative measures remain temporary and that normal telephone recording controls are restored as soon as possible.

[External Link](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: March 20, 2020

ESMA Statement on MiFIR Tick-Size Regime and the COVID-19 Pandemic

ESMA published a statement on the impact of COVID-19 on the implementation of the tick-size regime for systematic internalizers ("SIs") in EU financial markets. ESMA expects national competent authorities of the various EU Member States not to prioritize their supervisory actions relating to the new tick-size regime from March 26, 2020, until June 26, 2020.

[External Link](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: March 20, 2020

ESMA extends consultations response dates

ESMA extended the response date for all ongoing consultations with a closing date on, or after, March 16, 2020, for a period of four weeks.

[External Link](#)

Date: March 16, 2020

Short Selling Updates

ESMA lowered the net short position reporting threshold for shares under the EU Short Selling Regulation from 0.2% to 0.1%, with further reports required where each incremental 0.1% threshold is passed thereafter, both upwards and downwards.

[External Link](#)

Date: March 11, 2020

ESMA Recommendation to Financial Market Participants in Light of the COVID-19 Pandemic

ESMA issued a statement recommending actions that EU financial market participants should take as a result of the COVID-19 pandemic, including the use of business contingency plans, disclosure by issuers of any relevant significant information under the Market Abuse Regulation, transparency by issuers of the actual and potential impacts of the COVID-19 pandemic, and the application of ordinary-course risk management requirements by asset

[External Link](#)

Financial Conduct Authority (FCA)

Date: October 20, 2020

NEW! *FCA Updates Statement on Firms' Complaint Handling during COVID-19*

The FCA updated its statement, originally published on May 1, 2020, instructing firms on how to handle complaints during the COVID-19 pandemic. The FCA stressed that firms have had sufficient time to adjust to new ways of working caused by the pandemic and emphasized that a failure to comply with any FCA complaint handling requirements should only arise under exceptional circumstances. If a firm is facing difficulties complying with the requirements, it should inform its supervisory contact and notify the FCA of the steps being taken to manage and respond to its non-compliance. The FCA intends to review the statement again by the end of April 2021.

Link to external source: [click here](#)

Date: October 12, 2020

FCA Publishes a Speech on Market Abuse during COVID-19

The FCA published a speech by Julia Hoggett, Director of Market Oversight, highlighting the FCA's concerns regarding market abuse during the COVID-19 pandemic. The FCA stressed the need for firms to adapt their surveillance procedures to align with the risks caused by the pandemic and ensure the submission of adequate suspicious transaction and order reports when unusual or anomalous activity is detected or suspected.

Link to external source: [click here](#)

Date: August 20, 2020

FCA Publishes Regulation Round-Up with Statements on Disclosures and the Handling of Complaints during COVID-19

The FCA praised firms for their management of disclosures during the COVID-19 pandemic and encouraged them to continue to design innovative disclosures that facilitate consumer understanding. The FCA also referred to an updated statement concerning how firms should handle complaints, including its expectation that delays in responding to complaints should only arise as a result of exceptional coronavirus-related circumstances.

[External Link](#) and [External Link](#)

Date: August 18, 2020

FCA Publishes Statement on Accounting for Lease Modifications

The FCA announced temporary relief for issuers who choose to use the amended International Financial Reporting Standard for rent concessions granted during the COVID-19 pandemic. The FCA confirmed that this measure is effective for reporting periods after June 1, 2020 for those COVID-19-related rent concessions that reduce lease payments due on or before June 30, 2021.

[External Link](#)

Date: August 12, 2020

FCA Publishes Dear CEO Letter on Increased Client Money Balances

The FCA states that a firm's relevant senior manager should consider whether the firm needs to hold client money balances which are unlikely to be reinvested, or whether it would be in the clients' better interests for such balances to be returned. Firms should communicate with clients about increased money balances and return to their clients any client money balances that are unlikely to be reinvested in the short term.

[External Link](#)

Date: July 17, 2020

FCA Consultation on Extending the Implementation Deadlines for the Certification Regime and Conduct Rules

To ensure the deadlines for the Senior Managers and Certification Regime remain consistent, the FCA is consulting on extending the following deadlines from December 9, 2020 to March 31, 2021: (i) the date the Conduct Rules come into force, (ii) the deadline for submission of information about Directory Persons to the FS Register, and (iii) changing references in the rules to the deadline for assessing Certified Persons as fit and proper as such deadline has already been delayed by HM Treasury until March 31, 2021.

[External Link](#)

Date: July 16, 2020

FCA Statement on its Collaboration with the City of London Corporation to Drive Economic Recovery

The FCA and the City of London Corporation will collaborate on a pilot 'digital sandbox' to support innovative firms tackling challenges caused by the Covid-19 pandemic.

[External Link](#)

Date: July 10, 2020

FCA Statement on its Annual Report, Accounts and Public Meeting

In light of the COVID-19 pandemic, the FCA announced that it will delay laying before the UK Parliament its annual report and accounts for 2019-20 until September 30, 2020. The FCA also noted that its annual public meeting is expected to take place virtually on a to-be-determined date in September.

[External Link](#)

Date: July 1, 2020

FCA Speech on Building a Financial Regulatory System Suitable for the UK in the 'New Era'

The FCA notes that, amongst other topics, the general regulatory agenda is transitioning away from a COVID-19 pandemic crisis response to supporting economic recovery.

[External Link](#)

Date: June 30, 2020

FCA Extends Senior Managers & Certification Regime ("SM&CR") Implementation Periods for Solo-Regulated Firms

The FCA published a statement announcing a delay to the deadline for solo-regulated firms to have undertaken their first assessment of the fitness and propriety of their Certified Persons from December 9, 2020 to March 31, 2021.

[External Link](#)

Date: June 30, 2020

FCA Statement on Approved Persons Regime ("APR")

The FCA published a statement setting out its expectations to help benchmark administrators and firms using appointed representative arrangements apply the APR during the COVID-19 pandemic.

[External Link](#)

Date: June 26, 2020

FCA Extends Certain Regulatory Reporting Deadlines

The FCA announced that it will provide firms with a two-month extension to the deadlines for certain regulatory returns that fall due up to and including September 30, 2020.

[External Link](#)

Date: June 3, 2020

FCA COVID-19 Financial Resilience Survey

The FCA has published a statement requesting that around 13,000 FCA-regulated firms complete a short survey to help the FCA obtain a more accurate view of firms' financial resilience as a result of the COVID-19 pandemic. The survey will be sent to firms between June 4 and 8, 2020.

[External Link](#)

Date: May 27, 2020

FCA Publishes COVID-19 Focussed Primary Market Bulletin No. 28

In the bulletin, the FCA provides statements on temporary relief for the timing of the publication of half yearly financial reports, market practice on 'going concern' assessments, and conflicts of interest and shareholder engagement.

[External Link](#)

Date: May 27, 2020

FCA Publishes Market Watch 63 Newsletter

The FCA's newsletter discusses its market conduct expectations in the context of increased capital-raising events and transaction reporting issues in light of the COVID-19 pandemic.

[External Link](#)

Date: May 27, 2020

FCA Statement on Continuing Professional Development ("CPD") during the COVID-19 Pandemic

The FCA announces that it expects firms to continue to put in place effective and consistent CPD measures, but recognises that in these exceptional circumstances firms can defer individual's CPD to the next CPD year.

[External Link](#)

Date: May 27, 2020

FCA Q&A on Delaying Annual Company Accounts and Half Yearly Financial Reports

The FCA answered questions relating to the delay of annual company accounts and half yearly financial reports during the COVID-19 pandemic. In particular, the FCA clarifies which type of companies can benefit from these measures.

[External Link](#)

Date: May 14, 2020

FCA Statement on the UK Corporate Insolvency and Governance Bill

The FCA published a statement commenting on certain impacts on the financial services sector of the planned Corporate Insolvency and Governance Bill (which aims to help businesses affected by the COVID-19 pandemic). The FCA notes that certain measures will not be available for some financial services firms and contracts, including company moratoriums, the suspension of ipso facto (termination) clauses and the temporary suspension of wrongful trading provisions.

[External Link](#)

Date: May 13, 2020

FCA Update Regarding LIBOR Transition

The FCA and PRA have announced that they will resume full supervisory engagement with dual regulated firms on their LIBOR transition progress from June 1, 2020, including data reporting at the end of Q2 in light of the PRA and FCA suspended transition data reporting at the end of Q1 for dual regulated firms and the Bank of England's Financial Stability Report on May 7, 2020 regarding the impact of COVID-19.

[External Link](#)

Date: May 13, 2020

FCA Statement on How Firms Should Handle Post and Paper Documents

The FCA expects firms to continue to comply with the requirements for post and paper-based processes, but understands that certain firms may not be able to fully comply during COVID-19. Where this is the case, affected firms should notify the FCA. The FCA also expects firms to provide general updates on how they will treat incoming and outgoing post, and cheques, through its website and other public channels.

[External Link](#)

Date: May 7, 2020

Regulatory Initiatives Grid Launched

The Financial Services Regulatory Initiatives Forum, comprised of the Bank of England, PRA, FCA, Payment Systems Regulator, Competition and Markets Authority, and HM Treasury, launched a new initiative, the Regulatory Initiatives Grid (the "Grid"), to help financial firms prepare for upcoming regulatory work. The launch of the Grid was brought forward due to the COVID-19 pandemic. The Grid sets out the planned timetable for major initiatives, including the transition from LIBOR and the introduction of financial services legislation post Brexit.

[External Link](#)

Date: May 6, 2020

FCA Statement on Absent Senior Managers

The FCA has published a modification by consent allowing solo-regulated firms to apply to extend the maximum period, from 12 weeks to 36 weeks, that such firms can arrange cover for an absent senior manager. Where granted, the modification can remain in place until April 30, 2021.

[External Link](#)

Date: April 29, 2020

FCA Statement on LIBOR Timeline

Following discussions with the Working Group on Sterling Risk-Free Reference Rates, the FCA published a joint statement with the Bank of England maintaining the position that firms cannot rely on LIBOR being published after the end of 2021, despite any impacts of the COVID-19 pandemic. The Working Group has made a number of LIBOR transition recommendations to the FCA.

[External Link](#)

Date: April 27, 2020

FCA and PRA Statements on HM Treasury's Amendments to the UK's CBILS, CLBILS and BBL Schemes

HM Treasury has amended the coronavirus business interruption loan scheme ("CBILS") and the new bounce back loan ("BBL") scheme to support small businesses. In response, the FCA notes that certain FCA Handbook creditworthiness rules and customer due diligence procedures for lenders may be relaxed in some limited instances in connection with the CBILS. The PRA's statement considers whether guarantees provided by the Secretary of State for Business, Energy and Industrial Strategy under the amended CBILS and the coronavirus large business interruption loan scheme ("CLBILS") are eligible for recognition as unfunded credit risk mitigation under the Capital Requirement Regulation.

[External Link](#)

Date: April 25, 2020

FCA Updates Key Workers Website after expansion of COVID-19 Testing

The FCA notes that, after the expansion of coronavirus testing in England to include self-isolating essential workers showing symptoms, only those financial services workers previously identified as essential workers should seek testing at this time.

[External Link](#)

Date: April 22, 2020

FCA Publishes Webpage on Changes to Regulatory Reporting

The FCA introduced a number of temporary measures to assist firms with their regulatory reporting requirements during the COVID-19 pandemic. The FCA has extended the submission date for certain regulatory returns and waived the administrative fee for late returns for small or medium-size businesses until June 30, 2020.

[External Link](#)

Date: April 21, 2020

FCA Webpage on Financial Advisers' Professional Indemnity Insurance ("PII")

The FCA published a new webpage setting out its position on the impact of the COVID-19 pandemic on financial advisers' PII. Following the FCA's conversations with the International Underwriting Association, it understands that PII cover remains available in the market and the COVID-19 pandemic is not preventing insurers from undertaking the renewals process. The FCA continues to require firms to have PII policies in place in accordance with its rules, to support their ability to meet liabilities as they fall due and protect their consumers.

[External Link](#)

Date: April 20, 2020

FCA Provides for an Extension on the Time Limit for Obtaining Appropriate Qualifications

While the FCA still expects firms to ensure that all employees have the skills, knowledge and expertise needed to discharge their responsibilities, the FCA has announced that it has no intention of taking action against firms that are not able to ensure that an employee has attained an appropriate qualification within the usually required 48 months because the relevant examinations were cancelled or postponed. Affected employees now have an additional 12 months to complete the appropriate qualifications.

[External Link](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: April 20, 2020

FCA Announcement on Wet-Ink Signatures

The FCA has clarified that firms may use electronic signatures for all interactions with the FCA, but it also notes that firms should consider the legal position of the validity of electronic signatures when liaising with the FCA.

[External Link](#)

Date: April 8, 2020

FCA Publishes Statement of Policy on Listed Companies and Recapitalization Issuances

The FCA introduced a series of measures aimed at assisting companies in raising new share capital in response to the COVID-19 pandemic while retaining an appropriate degree of investor protection. These include measures relating to smaller share issues, shorter form prospectuses, working capital statements and general meeting requirements.

[External Link](#)

Date: April 8, 2020

FCA Welcomes BCBS and IOSCO Delay to Initial Margin Requirements for Non-Centrally Cleared Derivatives

The Basel Committee on Banking Supervision and the International Organization of Securities Commissions published a joint statement announcing a one-year deferral of the September 2020 and September 2021 phase-ins of the global initial margin requirements for non-centrally cleared derivatives.

[External Link](#)

Date: April 6, 2020

FCA Publishes Revised COVID-19 Statement

The FCA issued a revised statement on its joint efforts with the Bank of England and HM Treasury to engage with firms, trade associations and industry bodies to understand the pressures they are facing as a result of the COVID-19 pandemic. This work includes actively reviewing the contingency plans of a wide range of firms. In particular, while the FCA has no objection in principle to staff working from home or from alternative sites, it expects that firms will, for example, use recorded lines when trading and give staff access to any compliance support they may need.

[Available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: April 3, 2020

Expectations of firms under the Senior Managers and Certification Regime in Light of the COVID-19 Pandemic

The FCA announced its expectations of solo-regulated firms, and jointly announced its expectations of dual-regulated firms with the Bank of England and the UK's Prudential Regulation Authority ("PRA"), on the Senior Managers and Certification Regime during the COVID-19 pandemic. The statements provide firms with some temporary reliefs under the Regime, but also outline expected ongoing compliance obligations.

FCA Solo-regulated firms statement [available here](#)

FCA Dual-regulated firms statement [available here](#)

BoE dual-regulated firms statement [available here](#)

Date: March 31, 2020

FCA Information for Firms on COVID-19 Response Webpage

The FCA updated its COVID-19 response webpage to state that it continues to monitor the spread of the virus and is prepared to take any necessary steps to ensure customers are protected and markets continue to function well. The FCA is in regular contact with firms to assess their current position and expects them to take reasonable steps to ensure they are prepared to meet the challenges COVID-19 poses to customers and staff. The new webpage also sets out the FCA's responses on a variety of discrete regulatory and compliance topics.

[Available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: March 29, 2020

FCA Uploads New Webpage on Work-Related Travel and Responsibilities of Senior Managers

The FCA launched a webpage in which it stated that the COVID-19 pandemic constitutes a public health emergency and further noted that only those workers who cannot work from home should continue to travel to and from work. The FCA went on to clarify that each firm's Senior Manager (or equivalent) is responsible for identifying which employees are unable to perform their jobs from home and must instead travel to the office or business continuity site. The FCA also set out its expectations of which sorts of work would not require travel to the office or face-to-face meetings.

[External Link](#)

Date: March 27, 2020

FCA and PSR Respond to the CMA's Guidance on Business Cooperation under Competition Law.

Both the FCA and the UK's Payment Systems Regulator ("PSR") supported the UK's Competition and Markets Authority's guidance on its approach to business cooperation under competition law. Both regulators will take a consistent approach to their competition law enforcement activity, which should not impede firms from working together to provide essential services to consumers during the COVID-19 pandemic. At the same time, the FCA and the PSR will not tolerate conduct that exploits the situation and harms consumers.

FCA statement [available here](#)

Date: March 27, 2020

Short Selling Updates

In a statement, the FCA announced that it continues to monitor market and short selling activity closely. The statement provides that aggregate net short selling activity reported to the FCA is low as a percentage of total market activity and there is no evidence that short selling has driven the recent market falls. In the FCA's updated statement, it noted that it will be ready to receive notifications at the new, lower 0.1% net short threshold set by ESMA from April 6, 2020.

[Available here](#) and [Available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: March 27, 2020

Joint Statement by the FCA, FRC and PRA on Actions to Support Capital Markets

The FCA, the UK's Financial Reporting Council ("FRC") and the PRA announced certain actions to ensure information flow to investors and to support the continued functioning of the UK's capital markets, including a two-month delay in publishing audited annual financial reports, overcoming challenges in obtaining audit evidence and assessing expected loss provisions under IFRS 9.

FCA statement [available here](#)

BoE statement is [available here](#)

Date: March 26, 2020

FCA Delay Annual Company Accounts

The FCA announced that it will grant listed companies an extra two months (from four to six months) following their financial year-end to publish their audited annual financial reports.

[External Link](#)

Date: March 26, 2020

FCA Updates Webpage on Approach to SFTR Reporting Requirements

The FCA updated its webpage on the EU Securities Financing Transactions Regulation ("SFTR") to support ESMA's updated statement of March 26, 2020 in relation to their supervisory approach during COVID-19.

[Available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: March 26, 2020

FCA's Expectations on Financial Resilience for FCA Solo-Regulated Firms

The FCA published a statement announcing its desire for firms to continue operating during the COVID-19 pandemic and stating its intention to provide regulatory flexibility to firms. The FCA went on to note that capital and liquidity buffers are there to be used in times of stress and that firms should ensure the sound management of their financial resources, including where appropriate accepting government assistance in meeting debts through this period.

[External Link](#)

Date: March 25, 2020

Impact of COVID-19 on Firms' LIBOR Transition Plans

The FCA, Bank of England ("BoE") and members of the Working Group on Sterling Risk-Free Reference Rates ("Working Group") concluded that firms must not rely on LIBOR being published after the end of 2021, even in light of the COVID-19 pandemic. There has, however, been an impact on the timing of some aspects of the transition programs of many firms and some interim transition milestones. The FCA, BoE and Working Group will continue to monitor and assess the impact of the COVID-19 pandemic on transition timelines with a view to updating market participants as soon as possible.

[External Link](#)

Date: March 20, 2020

FCA and PRA Publish Guidance on Key Financial Workers Critical to COVID-19 Response

The FCA and the PRA separately published guidance on steps that firms should take in identifying key workers in the financial services industry, which is defined to include those who are essential to the provision of financial services to the real economy or to financial stability. The identification of key workers should also include those associated with critical outsource partners, which may not be financial services firms.

FCA statement [available here](#)

BoE statement is [available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Other Regulatory

Date: August 14, 2020

EBA Updates its Work Programme for 2020

The EBA has published its updated annual work programme for 2020 to reflect changes made in response to the COVID-19 pandemic.

[External Link](#)

Date: August 11, 2020

EBA Publishes Guidance on CRR Adjustments

The EBA published a revised version of its Implementing Technical Standards on supervisory reporting under its “quick fix” amendments to the Capital Requirements Regulation (“CRR”), together with further guidelines on the disclosure and supervisory reporting requirements. The documents provide clarity for market participants applying certain adjustments under the CRR amendments introduced as a result of the COVID-19 pandemic.

[External Link](#)

Date: August 7, 2020

EBA Publishes FAQs on its Reporting and Disclosure Guidelines

On June 2, 2020, the EBA introduced guidelines on the reporting and disclosure of exposures subject to measures applied in response to the COVID-19 pandemic. The EBA has now provided a set of FAQs in section 4 of its “Report on the Implementation of Selected COVID-19 Policies” to assist supervisors and credit institutions when implementing the guidelines.

[External Link](#)

Date: July 28, 2020

PRA Statement on Dividend Payments and Share Buybacks Beyond 2020

The PRA confirms that it will undertake an assessment by the end of this year of firms’ post-2020 distribution plans in respect of dividend payments and share buybacks.

[External Link](#)

Date: July 28, 2020

PRA Statement on EBA Guidelines on Reporting and Disclosure

The PRA has published guidance for firms subject to its supervision regarding the EBA Guidelines on COVID-19 disclosures, including certain disclosure templates.

[External Link](#)

Date: July 9, 2020

EBA Statement on Resolution Planning

The EBA published a statement designed to re-affirm the importance of resolution planning in times of uncertainty. The focus of the statement is on ensuring that the current COVID-19 pandemic situation is effectively taken into account by resolution authorities.

[External Link](#)

Date: July 7, 2020

EBA Report on the Implementation of the Prudential Framework

The EBA published a report to clarify the application of the prudential framework that was introduced as a result of the COVID-19 pandemic. The report focusses on guidelines on moratoria and operational risk.

[External Link](#)

Date: June 30, 2020

PRA Statement on Regulatory Reporting and Disclosure Amendments

The PRA stated that any of its previously announced delays to submitting certain regulatory returns shall no longer apply, and firms should therefore submit future regulatory reporting requirements on time.

[External Link](#)

Date: June 26, 2020

PRA Statement on Regulatory Reporting and Disclosure Amendments

The PRA stated that any of its previously announced delays to submitting certain regulatory returns shall no longer apply, and firms should therefore submit future regulatory reporting requirements on time.

[External Link](#)

Date: June 24, 2020

PRA Statement on the Implementation of the EBA Data Reporting and Public Information Guidelines (“Guidelines”)

Following the EBA's Guidelines published on June 2, 2020, the PRA now confirms that the supervisory reporting elements of the Guidelines do not extend to UK credit institutions. However, the PRA is still considering how to apply the disclosure elements of the Guidelines and will provide further details on this topic in due course.

[External Link](#)

Date: June 2, 2020

PRA Statement on Electronic Signatures

The PRA published a statement confirming that firms may use electronic signatures in relation to the submission of forms and other regulatory documents delivered to the PRA.

[External Link](#)

Date: June 2, 2020

EBA Guidelines to Address Gaps in Reporting Data and Public Information

The EBA published guidance setting out new reporting and disclosure requirements for institutions in respect of their exposures subject to COVID-19 related mitigating measures. These guidelines aim to assist market participants with their understanding of institutions' risk profiles and the asset quality on their balance sheets.

[External Link](#)

Date: May 29, 2020

PRA Q&A on Property Valuations under the Capital Requirements Regulation ("CRR")

In light of the COVID-19 pandemic, the PRA answered questions from firms in relation to the requirements under the CRR for commercial and residential property valuations. In particular, the PRA addresses questions around physical inspections, obtaining reliable property valuations and determining appropriate approaches to suspended or unreliable house price indices.

[External Link](#)

Date: May 26, 2020

ECB Publishes 2020 Bi-Annual Financial Stability Review

In the report, the ECB provides an overview of the potential risks to financial stability in the EU. The report notes that EU banks are well capitalised, but are nonetheless likely to face significant losses and further pressure to profitability as a result of the COVID-19 pandemic.

[External Link](#)

Date: May 25, 2020

EBA Publishes Preliminary Assessment of the Impact of the COVID-19 Pandemic on the EU Banking Sector

The EBA notes that banks entered the COVID-19 pandemic with strong capital and liquidity buffers, and managed the pressure on operational capacities when using their contingency plans. Despite the negative impact that the COVID-19 pandemic will likely have on asset quality, banks should be in a position to withstand any potential forthcoming credit losses.

[External Link](#)

Date: May 22, 2020

BoE Publishes Update on the Contingent Term Repo Facility (“CTRF”)

The BoE confirmed that it will discontinue three-month CTRF operations at the end of May 2020, but will continue to offer one-month term CTRF operations on a weekly basis until the end of June 2020.

[External Link](#)

Date: May 22, 2020

PRA Statement on Regulatory Capital and IFRS Requirements

The PRA published a statement that provides further information on the application of regulatory capital and International Financial Reporting Standard 9 requirements to payment holidays granted or extended to address the challenges of the COVID-19 pandemic.

[External Link](#)

Date: May 19, 2020

ECB Publishes Results of Survey on Credit Terms and Conditions in Securities Financing and OTC Derivative Markets

From the results of the survey, the ECB noted that credit terms and conditions remained broadly unchanged but are expected to tighten significantly in the next reference period due to the ongoing COVID-19 pandemic. The ECB also explained that financing collateralised by euro-denominated securities has continued to decline, whilst valuation disputes have significantly increased.

Press Release available here: [External Link](#)

Report available here: [External Link](#)

Date: May 7, 2020

PRA Statement on the Prioritisation of Critical Functions

The PRA sets out a number of measures to help firms maintain their safety and soundness, and deliver the critical functions that they provide to the economy. The statement covers, among other things, advice around climate change, the LIBOR transition and guidance on the calculation of the 12-month period used for stressed VAR.

[External Link](#)

Date: May 7, 2020

PRA Statement on Pillar 2A Capital Requirements

In response to the COVID-19 pandemic, the PRA announced that it is setting all Pillar 2A requirements as a nominal amount, instead of a percentage of total risk weighted assets.

[External Link](#)

Date: May 7, 2020

Bank of England and PRA Statement on Resolution Measures

The Bank of England and PRA published a joint statement announcing changes to resolution measures aimed at alleviating operational burdens on PRA-regulated firms. The announcement includes an update on the minimum requirement for own funds and eligible liabilities.

[External Link](#)

Date: May 7, 2020

BoE Publishes its Interim Financial Stability Report and Quarterly Monetary Policy Report

The BoE published an interim financial stability report setting out its view of the performance of the UK's financial system during the COVID-19 pandemic and the outlook for the UK's financial stability, including its assessment of the resilience of the UK financial system. The BoE has also published its quarterly monetary policy report that sets out its response to the COVID-19 pandemic in relation to the BoE's interest rate and the UK's level of inflation. In the financial stability report, the BoE has advised that while there may be a need for short-term reprioritisation, market participants should remain focused on the continued importance of removing reliance on Libor by the end of 2021.

The financial stability report is available here: [External Link](#)

The monetary policy report is available here: [External Link](#)

Date: May 4, 2020

EBA Press Release on an Additional EU-Wide Transparency Measure

The EBA launched an additional EU-wide transparency measure that will, by the beginning of June, provide market participants with updated information on the financial condition of EU banks. The information will be taken from data provided by banks to the EBA in December 2019, and will cover banks' capital positions, financial assets, financial liabilities, risk exposure amounts, sovereign exposures and asset quality.

[External Link](#)

Date: May 4, 2020

PRA Statement on the Bounce Back Loan Scheme

The PRA published a statement that sets out its observations on credit risk mitigation eligibility and the leverage ratio treatment of loans under the UK Government's Bounce Back Loan Scheme ("BBLs"). For example, the PRA has confirmed that the BBLs guarantee provided by the Secretary of State can be recognised as unfunded credit risk protection.

[External Link](#)

Date: April 30, 2020

ECB Press Release on Amending Interest Rates

The ECB has announced a number of measures to recalibrate targeted lending operations to further support the EU economy. Key changes include a reduction in the interest rate on all targeted longer-term refinancing operations by 25 basis points to -0.5% from June 2020 to June 2021, and for banks meeting the lending threshold of 0% introduced on March 12, 2020, the interest rate can be as low as -1%.

[External Link](#)

Date: April 30, 2020

ECB Announcement Regarding New Longer-Term Refinancing Operations

The ECB has introduced seven additional longer-term refinancing operations to ensure liquidity support for the EU financial system. These measures are intended to contribute to preserving the smooth functioning of European money markets by providing an effective backstop after the expiry of the longer-term bridge refinancing operations that have been conducted since March 2020.

[External Link](#)

Date: April 28, 2020

EC Adopts a New Set of Measures in Response to the COVID-19 Pandemic.

The European Commission ("EC") introduced a new set of measures to facilitate bank lending to support the EU economy and help mitigate the impact of the COVID-19 pandemic. The approach generally relaxes the EU's accounting and prudential rules; for example, European banks will benefit from a temporary measure that amends their obligations under the EU's Capital Requirements Regulation when calculating capital ratios and loan-loss provisions.

[External Link](#)

Date: April 27, 2020

FCA and PRA Statements on HM Treasury's Amendments to the UK's CBILS, CLBILS and BBL Schemes

HM Treasury has amended the coronavirus business interruption loan scheme ("CBILS") and the new bounce back loan ("BBL") scheme to support small businesses. In response, the FCA notes that certain FCA Handbook creditworthiness rules and customer due diligence procedures for lenders may be relaxed in some limited instances in connection with the CBILS. The PRA's statement considers whether guarantees provided by the Secretary of State for Business, Energy and Industrial Strategy under the amended CBILS and the coronavirus large business interruption loan scheme ("CLBILS") are eligible for recognition as unfunded credit risk mitigation under the Capital Requirement Regulation.

[External Link](#)

Date: April 22, 2020

ECB Announces Measures to Mitigate the Impact of Possible Rating Downgrades on Collateral Availability

In light of the COVID-19 pandemic, the ECB adopted a number of temporary measures to mitigate the effect on the availability of collateral due to possible rating downgrades. The measures aim to ensure that banks have sufficient assets available to participate in liquidity-providing operations in the EU and to continue the provision of funding to the Eurozone economy.

[External Link](#)

Date: April 22, 2020

EBA Provides Further Guidance on Flexibility in Relation to Market Risk

To mitigate the impact of the COVID-19 pandemic on market risk prudential requirements, the EBA proposed amending its standards on prudent valuation by introducing the use of a 66% aggregation factor to be applied until December 31, 2020 and to delay reporting of the first FRTB-SA figures to September, 2021. The EBA also published a statement on additional supervisory measures and the application of the prudential framework on targeted aspects in the area of market risk.

[External Link](#)

Date: April 22, 2020

BoE Statement on Increase to APF Gilt Lending Limits

The BoE announced that it has increased the proportion of gilts held in the asset purchase facility ("APF") that are made available to the UK Debt Management Office (the "DMO") to use in its market operations and for the DMO's standing and special repo facilities. The BoE will more than double the total percentage of the APF's gilt holdings available each day, which will facilitate an additional £30 billion of lending to the market by the DMO.

[External Link](#)

Date: April 20, 2020

PRA Q&A on the Usability of Liquidity and Capital Buffers

In light of the COVID-19 pandemic, the BoE's PRA published a Q&A on liquidity and capital buffers for all firms to which the Capital Requirements Directive IV applies. This includes the PRA's views on the usability of liquidity and capital buffers, how these buffers will support the economy and the expected period required to restore the buffers.

[External Link](#)

Date: April 9, 2020

PRA Decision on Systemic Risk Buffer Rates

In light of the COVID-19 pandemic, the PRA, with the support of the Financial Policy Committee, issued a decision to maintain the systemic risk buffer rates for ring-fenced banks and large building societies at the rate set in December 2019. The PRA will next reassess these rates in December 2021.

[External Link](#)

Date: April 3, 2020

ECB Updated its FAQ on Certain Supervisory Measures

The European Central Bank ("ECB") published FAQs on supervisory measures in reaction to the COVID-19 pandemic, including: relief measures regarding asset quality deterioration and non-performing loans; relief measures regarding the operational aspects of supervision; and relief measures regarding capital and liquidity requirements.

[External Link](#)

Date: April 3, 2020

Joint PRA and HMT statement on the delay to implementation of the Basel 3.1 standards

The PRA and the HM Treasury (UK) published a statement welcoming the one-year delay to the implementation of Basel 3.1 standards, which was announced by the Group of Central Bank Governors and Heads of Supervision in order to provide operational capacity to banks and supervisors to meet the financial stability challenges of the COVID-19 pandemic.

[External Link](#)

Date: March 25, 2020

EBA Provides Clarity to Banks and Consumers on the Application of the EU Prudential Framework

The EBA published a statement to explain a number of additional interpretative aspects on the functioning of the prudential framework in relation to the classification of loans in default, the identification of forborne exposures, and the accounting treatment of the credit risk of exposures under IFRS 9.

[External Link](#)

Date: March 20, 2020

ECB Coordinated Central Bank Action to Further Enhance the Provision of US Dollar Liquidity

The ECB, the Bank of Canada, the Bank of England, the Bank of Japan, the Federal Reserve and the Swiss National Bank announced coordinated measures to enhance the provision of liquidity via the standing US dollar liquidity swap line arrangements by offering seven-day US dollar operations on a daily basis until at least the end of April and continuing to offer weekly operations with 84-day maturity. The daily operations began on March 23, 2020 and will remain in place for as long as appropriate to support the smooth functioning of US dollar funding markets.

[External Link](#)

Date: March 20, 2020

ECB and Danmarks Nationalbank reactivate swap line to provide euro liquidity

The ECB reactivated its swap line with the Danish central bank (Danmarks Nationalbank) from March 20, 2020 and increased the size of the swap line from €12 billion to €24 billion, which will remain in place for as long as necessary.

[External Link](#)

Date: March 20, 2020

BoE Announces Supervisory and Prudential Policy Measures to Address the Challenges of COVID-19

The Bank of England ("BoE") and PRA announced a number of measures to alleviate operational burdens on PRA-regulated firms and BoE-regulated financial market infrastructures ("FMIs") due to the COVID-19 pandemic, which include cancelling its 2020 annual stress test for eight major UK banks and buildings societies and postponing, where appropriate, non-critical data requests, on-site visits and deadlines for PRA-regulated firms and BoE-regulated FMIs.

[External Link](#)

Date: March 19, 2020

ECB response to the COVID-19 Pandemic

In a statement, the President of the ECB, Christine Lagarde, summarized the recent measures taken by the ECB to mitigate the economic fallout of the COVID-19 pandemic, including in particular the ECB's new Pandemic Emergency Purchase Programme.

[External Link](#)

Date: March 18, 2020

ECB announces €750 billion Pandemic Emergency Purchase Programme (PEPP)

The ECB launched its new PEPP, a temporary asset purchase programme of private and public sector securities, to counter the serious risks to the monetary policy of, and overall outlook for, the Eurozone posed by the COVID-19 pandemic.

[External Link](#)

Date: March 12, 2020

ECB Measures to Support Bank Liquidity Conditions and Money Market Activity

The ECB announced a series of additional longer-term refinancing operations to safeguard liquidity to support banks and to safeguard money market conditions.

[External Link](#)
