



## EACT

### Monthly Report on Regulatory Issues

*Date issued: 7 October 2016*



Hrvatska udruga  
korporativnih rizničara  
Croatian Association of  
Corporate Treasurers





This report has been designed for, and with the support of, the above National Treasury Associations. Its purpose is to provide information about European financial regulation impacting corporate treasurers.

Despite all efforts, some information in this report could contain errors or be subject to interpretation. The EACT or National Treasury Associations should not be held liable.

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## Executive Summary

Topic and summary of content and EACT position	Latest developments
<p><b><u>European Market Infrastructure Regulation (EMIR):</u></b></p> <ul style="list-style-type: none"> <li>• Regulation to push derivatives trading on exchanges</li> <li>• Corporates' hedging transactions exempted from clearing obligation but subject to reporting, portfolio reconciliation, portfolio compression and dispute resolution obligations</li> </ul>	<ul style="list-style-type: none"> <li>• <b>The Commission adopted the Regulatory Technical Standards for margining of non-centrally cleared OTC derivatives</b></li> </ul>
<p><b><u>CRD / Basel:</u></b></p> <ul style="list-style-type: none"> <li>• International and EU-level rules on capital, liquidity and leverage requirements for banks</li> </ul>	<ul style="list-style-type: none"> <li>• <b>The Basel Committee is conducting work to review the way banks calculate risk-weighted assets, and intends to finalise the work by the end of the year. European banks have fiercely opposed the draft rules, as they say it would increase their capital requirements</b></li> <li>• <b>The European Commission is expected to issue a legislative proposal for CRD V / CRR II by the end of the year in order to implement the leverage ratio, the Net Stable Funding Ratio (NSFR) and Total Loss-Absorbing Capacity (TLAC). The current design of the NSFR, with a 20% add-on for derivative transactions, could lead to significant price increases for derivative products.</b></li> </ul>
<p><b><u>Money Market Funds (MMF) Regulation:</u></b></p> <ul style="list-style-type: none"> <li>• European Commission proposal to regulate MMFs includes e.g. a mandatory capital</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Trilgues are ongoing</b></li> </ul>



<p>buffer for CNAV funds, ban on external credit ratings and limitations to instruments in which MMFs can invest in</p> <ul style="list-style-type: none"> <li>• The proposal was adopted by the Commission in September 2013. The Parliament has now agreed on its position (which relaxes some of the requirements in the original Commission proposal) but the Council still needs to agree on its position.</li> <li>• EACT position concentrates on the importance of ensuring the availability MMFs (both CNAV and VNAV) and arguing against the ban of credit ratings</li> </ul>	
<p><b><u>Financial Transaction Tax (FTT):</u></b></p> <ul style="list-style-type: none"> <li>• A proposal to tax a large variety of equity and bond transactions in 11 EU Member States under the ‘enhanced cooperation’ approach</li> <li>• The proposal has been subject to widespread criticism (including its legality) and it is expected that should an FTT be implemented at any stage, it would be much more restricted in scope than originally proposed</li> <li>• EACT strongly opposed as FTT amounts to a tax on the real economy</li> </ul>	<ul style="list-style-type: none"> <li>• <b>No progress has been reported</b></li> </ul>
<p><b><u>Financial Benchmark Regulation:</u></b></p> <ul style="list-style-type: none"> <li>• Proposal of the Commission to regulate the administration and the contribution to financial benchmarks</li> <li>• Would impose mandatory contributions to certain benchmarks (EURIBOR and LIBOR) and would impose liability for those contributions in certain cases</li> <li>• EACT position will underline the importance of contract continuity and coherence of EU action with international developments</li> </ul>	<ul style="list-style-type: none"> <li>• <b>ESMA is consulting on the draft RTSs for the Benchmark Regulation</b></li> </ul>
<p><b><u>Bank Structural Separation (Barnier / Liikanen rule)</u></b></p> <ul style="list-style-type: none"> <li>• Proposal of the Commission to ban proprietary trading and to have the possibility of separating banks’ other trading activities into a separate entity; separation would not be automatically forced but bank supervisors would have to decide case by case. The planned Regulation would only apply to the biggest banks.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>The Parliament ECON Committee has not progressed towards an agreement, and Commissioner Dombrovskis will meet with ECON members to try to re-start the negotiations</b></li> </ul>



**List of ongoing consultations / surveys / studies:**

Title	Website	Deadline
EBA consultation on strong customer authentication and secure communications under PSD2	<a href="#">Consultation paper</a>	12 October
ESMA consultation on the trading obligation for derivatives under MiFIR	<a href="#">Consultation page</a>	21 November 2016
ESMA consultation on draft RTSs and ITSs under the Securities Financing Transactions Regulation and amendments to related EMIR RTSs	<a href="#">Consultation page</a>	30 November 2016
ESMA consultation on draft technical standards under the Benchmark Regulation	<a href="#">Consultation page</a>	2 December 2016

**Note: For ease of reading, updates compared to the previous report are in bold font.**

<b>OTC Derivatives - European Market Infrastructure Regulation (EMIR)</b>		
<b>Content and legislative status</b>	<b>Latest developments</b>	<b>Issues from treasury perspective / EACT position</b>
<p>EMIR was adopted on 4 July 2012 and entered into force on 16 August 2012. It requires the central clearing of all standardised OTC derivatives contracts, margins for non-centrally cleared contracts and the reporting of all derivatives contracts to trade repositories.</p> <p>EMIR contains different start dates for the various obligations and the obligations for NFC- (portfolio compression, trade reporting) are already in place. Central clearing should gradually start as of April 2016, with NFC+s having a three-year phase-in period.</p>	<p><b>EMIR review:</b></p> <ul style="list-style-type: none"> <li>• The Commission is still expected to propose a targeted legislative review of EMIR, although the recent resignation of Commissioner Hill is expected to delay the work slightly; one of the areas that the Commission is looking into in the review is the reporting burden on NFCs</li> </ul> <p><b>ESMA/ EBA/ Commission:</b></p> <ul style="list-style-type: none"> <li>• The Commission adopted the <a href="#">Regulatory Technical Standards</a> on the rules for margin for non-centrally cleared transactions. The Parliament and the Council now have three-month objection period after which the rules will be published in the Official Journal (if no objections are raised by the co-legislators). The rules will enter into force 20 days after the publication in the Official Journal and the implementation of the rules will start one month after the entry into force.</li> <li>• The <a href="#">Regulatory Technical Standards</a> on the central clearing of interest rate derivatives were published in the Official Journal on 1 December. The clearing</li> </ul>	

### OTC Derivatives - European Market Infrastructure Regulation (EMIR)

obligation will be phased in according to the following timetable:

- Category 1 (FCs and NFCs that are direct members of a CCP): 21 June 2016
- Category 2 (FCs and Alternative Investment Funds not included in category 1): 21 December 2016
- Category 3 (FCs and Alternative Investment Funds not included in categories 1 and 2 and with a low level of activity in OTC derivatives): 21 June 2017
- Category 4 (all NFC+s not included in the above categories): 21 December 2018

**Key documents:**

- [EMIR Regulation](#)
- All relevant texts (RTSs, ITSs etc.) are available on the Commission [EMIR website](#)

<b>Money Market Funds (MMFs) Regulation</b>		
<b>Content and legislative status</b>	<b>Latest developments</b>	<b>Issues from treasury perspective / EACT position</b>
<p>The Commission proposal for Regulation would impose amongst others the following:</p> <ul style="list-style-type: none"> <li>• A requirement on CNAV MMFs to have a cash “buffer” equivalent to 3 percent of their assets</li> <li>• binding rules on the types of assets MMFs can invest in</li> <li>• limits on how much business MMFs can do with a single counterparty, and restrictions on short selling</li> <li>• A ban for MMFs to solicit external ratings</li> </ul> <p>The Parliament ECON Committee did not reach a compromise on the text. The work will therefore continue in the autumn under the new Parliament. The new ECON committee is not likely to re-start the work on the file before September-October at the earliest. A new Rapporteur will have to be appointed as the previous Rapporteur (Said El Khadraoui) was not re-elected.</p>	<ul style="list-style-type: none"> <li>• <b>The trilogue negotiations are ongoing and the Slovak Presidency would like to see and agreement on the file before the end of the year.</b></li> <li>• The main elements of the Council’s <a href="#">negotiating position</a> relevant to treasurers are: <ul style="list-style-type: none"> <li>• Two specific types of CNAV funds would be allowed to continue to operate in the EU: i) funds that invest 99,5% of their assets in government debt and ii) funds that have specific investor base outside the EU</li> <li>• Introduction of a new category of funds, Low Volatility NAV funds (LVNAVs), similarly to the Parliament’s position. However the Council proposes no ‘sunset clause’ to these funds but an evaluation of their functioning after five years. Current CNAV funds would have to convert to LVNAV funds within two years</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• It should be ensured that LVNAV funds can have same day liquidity</li> <li>• Sunset clause on LVNAV funds which would make fund managers reluctant to offer such a product</li> </ul>



### Money Market Funds (MMFs) Regulation

	<p>from the entry into force (or become CNAV funds as described above)</p> <ul style="list-style-type: none"> <li>• Both LVNAVs and CNAVs would have to have liquidity fees and redemption gates in place</li> <li>• The main elements of the Parliament position are as follows: <ul style="list-style-type: none"> <li>○ CNAV funds would be allowed in two cases only: those with retail investors only (not open for subscription by corporates) and those which invest in EU government debt</li> <li>○ In addition to this a new category of funds will be created called Low Volatility NAV funds which would also be allowed to show a stable share price. These funds would be allowed to use amortised cost accounting only for assets of maturity up to 90 days.</li> <li>○ For both CNAV funds and LVNAV funds there will be redemption gates and fees.</li> </ul> </li> </ul>	
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### Money Market Funds (MMFs) Regulation

- External credit ratings would be allowed, contrarily to what was originally proposed by the Commission

**Key documents:**

- [Commission proposal for regulating MMFs](#)
- [IOSCO Policy Recommendations for MMFs](#)
- [Parliament position on MMFs](#)



<b>Financial Transaction Tax (FTT)</b>		
<b>Content and legislative status</b>	<b>Latest developments</b>	<b>Issues from treasury perspective / EACT position</b>
<p>Council agreed to the “enhanced cooperation” procedure between 11 Member States (Belgium, Germany, Estonia, Greece, Spain, France, Italy, Austria, Portugal, Slovenia and Slovakia) at the end of January.</p> <p>The Commission issued a <a href="#">proposal for a Directive</a> on 14 February 2013 (see also the <a href="#">press release</a> and the <a href="#">Questions &amp; Answers</a>).</p> <p>The new proposal is based on the previous text presented in 2011 with some amendments and to have the following main aspects:</p> <ul style="list-style-type: none"> <li>• The scope of instruments covered is very broad including shares and bonds at 0.1% and derivatives at 0.01%. CFDs, equity derivatives, depository receipts, money market instruments, structured products are also covered. The applicable rates are minimum harmonized rate levels paving the way for individual countries to possibly adopt higher levels. Furthermore, cascade effects could make the effective rate higher as the transactions would be taxed separately from different market participants at different stages.</li> <li>• The FTT would cover the purchase and sale of the financial instrument before netting and settlement and it would be applied on the basis of a</li> </ul>	<ul style="list-style-type: none"> <li>• <b>No substantial progress in the negotiations has been reported. The finance ministers of the ten participating Member States will discuss FTT in the margins of the ECOFIN meeting mid-October, which is the latest deadline set for achieving an agreement. Belgium, Slovenia and Slovakia are reported to be potentially wanting to drop out from the enhanced cooperation.</b></li> </ul>	

<b>Financial Transaction Tax (FTT)</b>		
<b>Content and legislative status</b>	<b>Latest developments</b>	<b>Issues from treasury perspective / EACT position</b>
<p>combination of the residence principle and the location of the where the financial instrument is issued.</p> <ul style="list-style-type: none"> <li>• The proposal also provides for implementing acts regarding uniform collection methods of the FTT and the participating countries would have to adopt appropriate measures to prevent tax evasion, avoidance and abuse.</li> <li>• There will be an exemption for primary market transactions (i.e. subscription/issuance).</li> </ul> <p>The extra-territorial impact of the FTT could be very wide due to the design of the tax: an FTT Zone financial institution's branches worldwide will be subject to the FTT on all of their transactions and non-FTT Zone financial institutions will be taxed for transactions with parties in the FTT Zone, and whenever they deal in securities issued by an FTT zone entity.</p> <p><b>Key documents:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Commission proposal</a></li> <li>• <a href="#">Commission Impact Assessment; Summary of Impact Assessment</a></li> <li>• <a href="#">EACT position paper</a></li> </ul>		

<b>Financial benchmarks</b>		
<b>Content and legislative status</b>	<b>Latest developments</b>	<b>Issues from treasury perspective / EACT position</b>
<p><u>Benchmark Regulation:</u></p> <p>The Benchmark Regulation aims to improve governance, transparency and calculation methodology for financial benchmarks. The Regulation requires benchmark administrators to obtain authorisation from their competent authority and adhere to different requirements, e.g. concerning internal governance and benchmark methodology. Benchmark contributors will have to make mandatory contributions in some cases (to critical benchmarks) and will have to respect a code of conduct. Users (such as corporates) will only be able to use EU authorized benchmarks. Concerning non-EU benchmarks, these may be used in the EU only if they are based in jurisdictions deemed equivalent by the EU, have been recognised by a Member State or have been endorsed by an EU administrator.</p> <p>The final compromise text of the Benchmark Regulation was adopted in December 2015 but still needs to be published in the Official Journal and will be of application 18 months thereafter.</p> <p><u>Review of LIBOR and EURIBOR:</u></p> <p>Libor and Euribor administrators are reforming the</p>	<p><b>ESMA is <a href="#">consulting</a> on the draft technical standards for the Benchmark Regulation. The consultation runs until 2 December.</b></p> <p>The Benchmark Regulation was published in the <a href="#">Official Journal</a>. The Regulation will apply as of January 2018.</p> <p>The Commission has adopted the first <a href="#">Implementing Regulation</a> establishing a list of critical benchmarks pursuant to the Benchmark Regulation. EURIBOR is the only listed critical benchmark for the moment.</p> <p>The LIBOR administrator ICE published its <a href="#">Roadmap</a> for ICE LIBOR. The main points in the Roadmap of relevance to corporate treasurers are as follows:</p> <ul style="list-style-type: none"> <li>LIBOR will use a 'waterfall' of submission methodologies to ensure that LIBOR panel banks use real transaction data where possible on one</li> </ul>	

<b><u>Financial benchmarks</u></b>		
<b>Content and legislative status</b>	<b>Latest developments</b>	<b>Issues from treasury perspective / EACT position</b>
<p>benchmarks, more information on the <a href="#">EMMI website</a> (euribor) and <a href="#">ICE website</a> (libor)</p>	<p>hand and on the other hand ensure that LIBOR will continue to be published regardless of activity levels on a particular day. ICE states that the planned measures are unlikely to cause issues of legal continuity.</p> <ul style="list-style-type: none"> <li>• Transactions with corporations as counterparties to a bank's funding transactions are included in the list of eligible transactions but only for maturities greater than 35 calendar days. Transactions will be used with no premium or discount to adjust the transacted prices.</li> <li>• Transactions from an expanded list of funding centres will be used</li> <li>• Publication time will remain 11.45 London time; the collection window will be the period since the previous submission. The transactions from the previous day will be volume-weighted lower compared to weighting of transactions from the same day.</li> <li>• Minimum transaction size will be:</li> </ul>	



<b><u>Financial benchmarks</u></b>		
<b>Content and legislative status</b>	<b>Latest developments</b>	<b>Issues from treasury perspective / EACT position</b>
	overall minimum thresholds of USD / EUR / GBP / CHF 10m (or JPY 1,000m)	
<b>Key documents:</b> <a href="#">Benchmark Regulation</a>		

<b>Regulation on structural measures improving the resilience of EU credit institutions (structural separation of banks)</b>		
<b>Content and legislative status</b>	<b>Latest developments</b>	<b>Issues from treasury perspective / EACT position</b>
<p>The Commission has adopted a proposal for Regulation, which contains the following main aspects:</p> <ul style="list-style-type: none"> <li>• Banning of proprietary trading</li> <li>• Potential separation of certain trading activities (market making, OTC derivatives trading, complex securitized products etc.) The banking supervisor would monitor banks' activities and could require a separation of these activities into a separate entity.</li> </ul> <p>The Regulation would apply only to the biggest banks, i.e. those deemed to be of global systemic importance or those exceeding 30 billion euros in total assets and trading activities either exceeding 70 billion euros or 10% of the bank's total assets.</p> <p>The Commission adopted its proposal on 29 January which will be subject to the ordinary legislative procedure. According to the proposal the proprietary trading ban would apply as of 1 January 2017 and the separation of other trading activities as of 1 July 2018.</p>	<p><b>The Parliament ECON Committee has not progressed towards an agreement, but Commissioner Dombrovskis has expressed the wish to discuss the file with ECON members in order to re-start the negotiations.</b></p> <p>The Council has already adopted its <a href="#">negotiating position</a>. The Council position proposes substantial changes to the original Commission proposal, and would apply only to banks deemed of global systemic importance or banks that exceed certain thresholds for trading etc. The Council position includes amongst others the following:</p> <ul style="list-style-type: none"> <li>• Mandatory separation of proprietary trading</li> <li>• Other trading activities would be subject to an assessment by competent supervisors who could request a separation to a trading unit or additional prudential measures, if risks are considered excessive.</li> </ul>	<ul style="list-style-type: none"> <li>• Impact on market-making</li> <li>• Impact on the availability of OTC derivatives as core (retail) institutions would not be able to offer OTC derivatives to their non-financial customers</li> <li>• Impact on pricing</li> </ul>





**Regulation on structural measures improving the resilience of EU credit institutions (structural separation of banks)**

- As advocated by the EACT, non-cleared OTC derivatives would not be part of the activities subject to a possible separation.

**Key documents:**

- [Text of the proposal](#)
- Impact assessment:
  - [Executive Summary](#)
  - [Full text](#)



### Regulation on reporting and transparency of securities financing transactions

Content and legislative status	Latest developments	Issues from treasury perspective / EACT position
<p>SFTR aims to reduce risks and improve the transparency linked to securities financing transactions (includes repos, reverse repos and stock lending). All transactions should be reported to a central database (similarly to EMIR with the details to be defined by ESMA). This obligation applies to both financial and non-financial counterparties.</p> <p>The regulation also imposes increased transparency and conditions on rehypothecation (reuse of collateral by the collateral-taker for their own purposes)</p>	<p><b>ESMA is consulting on the <a href="#">Regulatory Technical Standards</a> for SFTR until 30 November.</b></p> <p>The SFT Regulation was published in the Official Journal. The reporting regime will be put in place gradually, from May 2018 to February 2019.</p>	
<p><b>Key documents:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Text of the Regulation in the Official Journal</a></li> </ul>		



Capital Markets Union		
Content and legislative status	Latest developments	Issues from treasury perspective / EACT position
<p>The Capital Markets Union (CMU) is a plan of the European Commission that aims to create deeper and more integrated capital markets in the 28 Member States of the EU.</p> <p>With the CMU, the Commission will explore ways of reducing fragmentation in financial markets, diversifying financing sources, strengthening cross border capital flows and improving access to finance for businesses, particularly SMEs.</p> <p>The CMU is a multi-year project and is likely to include a variety of legislative and non-legislative measures. The short-term actions include work on securitisation, Prospectus Directive and private placements. The longer term work includes actions on company, insolvency, securities and tax laws.</p> <p>As part of the CMU Action Plan, the Commission proposed in November to review the <a href="#">Prospectus Directive</a> (the prospectus regime defines the format and the content of the legal document that has to be drafted by companies wishing to raise funds on capital markets by issuing securities (shares, bonds) that are offered to the public or are admitted to trading on a regulated market). The aim of the Commission is to streamline the prospectus regime and to make the issuance of shares and bonds easier for companies. The main changes compared to the current regime are as follows:</p> <ul style="list-style-type: none"> <li>the new regime will take the form of a Regulation, which aims at harmonising national differences in application and</li> </ul>	<p><b>CMU:</b></p> <ul style="list-style-type: none"> <li><b>The Commission issued a <a href="#">communication</a> on CMU. The communication contains few new proposals or elements but highlights amongst other the following:</b> <ul style="list-style-type: none"> <li><b>The need to step up efforts and finalise the first CMU measures (legislative proposals on securitisation, prospectus)</b></li> <li><b>Next phase of CMU actions: Commission plans to issue a proposal on business restructuring as well as on the debt-equity bias. Further work is planned regarding reforms for sustainable finance where the Commission is planning to establish an expert</b></li> </ul> </li> </ul>	

## Capital Markets Union

implementation

- “passporting” prospectuses from one Member State to another to become easier
- thresholds for exemption are increased: no prospectus would be needed if the securities offering is between 500 000 and 10 million euros
- stricter rules concerning the length and the content of the summary
- limits to the section concerning risk (risks listed can only be ‘material and specific to the issuer and securities’)
- lighter regime for secondary issuances

group to develop a comprehensive European strategy on green finance.

- **The Parliament adopted a [resolution](#) on access to finance for SMEs and increasing the diversity of SME funding in a Capital Markets Union**

### Prospectus review:

- **The Parliament adopted its [report](#) on the Prospectus review. The Parliament position includes certain positive developments from corporates’ perspective, such as less stringent requirements regarding the disclosure of risk factors and regarding the prospectus summary. The trilogues are expected to start at the end of October.**

The Council reached a [general approach](#) on the Prospectus file. The Council’s approach would maintain the current

### Capital Markets Union

waiver for producing a prospectus for companies selling securities in denominations of €100,000 or more, contrarily to what the Commission had proposed. Other elements of relevance to treasurers :

- the summary would be limited to six pages, cross references to other parts of the prospectus would be prohibited
- there would be no obligation to allocate risks according to materiality and probability of occurrence in the summary (as was discussed by the Council); however the risk factors would be limited to 10

Key documents:

- [Commission CMU website](#) (all relevant documents are available here)

Credit Rating Agencies		
Content and legislative status	Latest developments	Issues from treasury perspective / EACT position
<p>ESMA consulted on competition, choice and conflicts of interests in the credit rating industry. This consultation starts the formal review of the CRA Regulation currently in place and ESMA is expected to draft a report to the Commission in the autumn with its recommendations. The Commission could then propose a legislative review in 2016.</p>	<p>ESMA <a href="#">published</a> its technical advice and a report to the Commission on the regulation of credit rating agencies. ESMA does not seem to make specific recommendations on issues such as mandatory rotation of agencies and business model. ESMA also published a report on reducing mechanistic reliance on credit ratings, and recommends that rather than removing all references to credit ratings in EU and national legislation, future action should focus on improving information, data and tools so that rating users can carry out their own assessments, therefore reducing mechanistic reliance on ratings. Based on the ESMA report and other inputs, the Commission is due to report at the beginning of next year on the CRA Regulation to the Parliament and the Council.</p>	
<p>Key documents:</p> <ul style="list-style-type: none"> <li>• <a href="#">ESMA consultation page</a></li> </ul>		



Payments Package		
Content and legislative status	Latest developments	Issues from treasury perspective / EACT position
<p><b>Revision of the Payment Services Directive (PSD):</b> The main changes introduced by PSD2 are the following:</p> <ul style="list-style-type: none"> <li>• Banning of surcharging on payment cards covered by the MIF Regulation</li> <li>• Inclusion of third-party payment service providers in the scope</li> <li>• Extension of the scope of the PSD e.g. where at least the payer's PSP is acting from within the EEA / extension to all currencies</li> </ul> <p><b>Regulation on card interchange fees:</b> The Regulation will impose mandatory caps for card interchange fees: for debit card payments, the cap will be 0.2% for crossborder transactions and 0.2% of weighted average for national payments; for credit cards the cap will be 0.3% of the transaction value.</p>	<p><b>The EBA is consulting on Regulatory Technical Standards on strong customer authentication on secure communication under PSD2. The consultation runs until 12 October 2016.</b></p> <p><b>The draft RTSs proposed by the EBA would mandate the use of strong customer authentication when initiating credit transfers and card payments or when simply accessing an account for information purposes (the sole use of risk-based or targeted authentication would not be permitted).</b></p>	
<p>Key documents:</p> <ul style="list-style-type: none"> <li>• <a href="#">Payment Services Directive 2</a></li> </ul> <p><a href="#">Regulation on interchange fees for card-based payment transactions</a></p>		



Transatlantic Trade and Investment Partnership (TTIP)		
Content and legislative status	Latest developments	Issues from treasury perspective / EACT position
<p>Trade agreement currently being negotiated between the EU and the US. The aim is to remove trade barriers (tariffs, unnecessary regulations, restrictions on investment etc.) in a wide range of economic sectors. Financial services have been included in the negotiations, however the main counterparties in the US (Treasury, Fed, CFTC) whereas the EU is in favour of covering financial services in the agreement. It is not clearly defined as yet what the negotiations regarding financial services will cover, but issues such as making substituted compliance / equivalence work better, formalisation of the existing dialogue and market access could be on the table.</p>	<p>At the end of April the EU published a '<a href="#">state of play</a>' document on the TTIP negotiations. It states that discussions on financial services continue, the focus being on establishing a framework for regulatory cooperation.</p>	<ul style="list-style-type: none"> <li>• Preserving existing exemptions (CVA in CRD IV)</li> <li>• Ensuring regulatory convergence</li> </ul>
<p><b>Key documents:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Commission TTIP website</a></li> <li>• <a href="#">Commission negotiating position on financial services</a></li> </ul>		





<b>SEPA</b>		
<b>Content and legislative status</b>	<b>Latest developments</b>	<b>Issues from treasury perspective / EACT position</b>
<p>The Commission proposed a period of six months (until 1 August 2014) during which non-SEPA formats would still be allowed. The Regulation will have retroactive effect as from 31 January 2014. However, national authorities' approaches to this extension seem to have some differences. Regarding SEPA governance, the ECB has established the <a href="#">European Retail Payments Board</a> (ERPB) which replaces the former SEPA Council.</p>		
<p><b>Key documents:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">SEPA Regulation</a></li> <li>• <a href="#">Regulation 248/2014 amending the SEPA migration deadline</a></li> <li>• <a href="#">ECB website on national SEPA migration plans</a></li> </ul>		



<b>Markets in Financial Instruments (MiFID / MiFIR 2)</b>		
<b>Content and legislative status</b>	<b>Latest developments</b>	<b>Issues from treasury perspective / EACT position</b>
<p>MiFIR / MiFID 2 have been adopted and currently Level 2 measures are being developed by ESMA.</p>	<p>The Council officially approved the delay of entry into force of MiFID/R 2 to January 2018 (<a href="#">Council press release</a>; <a href="#">MiFID text amending the dates</a>; <a href="#">MiFIR text amending the dates</a>)</p> <p>As part of postponing the entry into force date, it has been clarified that non-financial companies using Multilateral Trading Facilities (MTFs) for their hedging transactions will continue to benefit from the exemption for dealing on won account, and will therefore not have to be MiFID-licensed.</p>	
<p>Key documents:</p> <ul style="list-style-type: none"> <li>• <a href="#">MiFIR text</a></li> <li>• <a href="#">MiFID text</a></li> </ul>		

Basel III / CRD IV		
Content and legislative status	Latest developments	Issues from treasury perspective / EACT position
Legislation on bank capital, liquidity and leverage	<ul style="list-style-type: none"> <li>• <b>Commissioner Dombrovskis has <a href="#">stated</a> that EU would not implement “Basel 4” reforms – i.e. the Basel Committee’s plans to limit the use of banks’ internal models in the calculation of credit risk, and the use of standard capital floors – if these requirements lead to significant increases of required capital for EU banks. The Basel Committee is still aiming at finalizing the framework by the end of the year.</b></li> <li>• <b>The Commission is planning to issue a CRD V/ CRR II legislative proposal by the end of the year. This package would include the implementation of the leverage ratio, Net Stable Funding Ratio and Total Loss-Absorbing Capacity.</b></li> </ul>	
Key documents: <ul style="list-style-type: none"> <li>• <a href="#">Commission CRD IV website</a></li> </ul>		



Country-by-country reporting		
Content and legislative status	Latest developments	Issues from treasury perspective / EACT position
<p>Commission adopted a legislative proposal on corporate tax transparency for multinational companies. The proposal applies to both EU and non-EU multinationals operating in the EU with global revenues exceeding 750 million euros per year. The proposal would amend the current Accounting Directive and would oblige these companies to disclose publicly information on profits made and taxes paid on a country by country basis both for EU countries and for tax jurisdictions that do not abide by tax good governance standards (tax havens) and on an aggregated basis for other jurisdictions.</p>	<p>Commission adopted the proposal and it will now be subject to the co-decision process by the Parliament and the Council</p>	
<p>Key documents:</p> <ul style="list-style-type: none"> <li>• <a href="#">Text of the proposal</a></li> </ul>		



**Legislative initiative**

**Timeline of next steps and actions**



	immediate	2016	2017	2018 and beyond
<b>EMIR</b>		Clearing obligation to gradually start mid 2016	Rules for margining non-centrally cleared OTC derivative transactions to be applied as of mid 2017	
<b>FTT</b>		Negotiations	Negotiations	Probable implementation (if any) likely not to take place before 2017/2018
<b>CRD IV</b>				
<b>MiFID / MiFIR</b>	Level 2 measures under development			Entry into force
<b>Benchmarks</b>	Level 2 measures under development			Entry into force
<b>Bank structural separation</b>		European Parliament to formulate its position - to be followed by trialogue negotiations	European Parliament to formulate its position - to be followed by trialogue negotiations	
<b>PSD II</b>			Entry into force two years after adoption	