

DENTONS

# Global Financial Markets Regulatory Review

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March 2024

# Editorial note

Dentons is pleased to present the March 2024 edition of the Global Financial Markets Regulatory Review. This regularly published report provides key financial markets regulatory developments as well as other legal developments related to financial markets around the world. Reported items include proposed legislation, rule changes, disciplinary actions, litigation, and other news. The report combines insights from Dentons lawyers with extensive financial markets experience located in major global financial centers.

Because of our international footprint of more than 12,500 people in 160+ locations and 80+ countries, Dentons can service most cross border legal issues faced by global companies, including financial markets litigation and regulatory matters in all major global financial market centers. We hope you will find this report useful, and we look forward to the opportunity to share our expertise with our clients around the world.

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# Key Regulatory Developments in Australia

Source/Date	Brief description
Reserve Bank of Australia (RBA) December 21, 2023	<p><b>RBA sets expectations for tokenisation of payment cards and storage of PANs</b></p> <p>The Reserve Bank of Australia (RBA) released a final set of expectations for the tokenization of payment cards and storage of Primary Account Numbers (PANs), aimed at improving security, efficiency and competition for online card payments.</p> <p>The key expectations are:</p> <ul style="list-style-type: none"><li>• All relevant industry participants should support token portability and token synchronization by the end of June 2025.</li><li>• Merchants and payment service providers that do not meet minimum security requirements relating to the storage of sensitive debit, credit and charge card information must not store customers' PANs after the end of June 2025. These minimum security requirements should be at least compliance with the Payment Card Industry Data Security Standard.</li><li>• The rollout of the eftpos eCommerce core tokenisation service is to be completed by the end of March 2024, with further releases to support token portability and synchronization to follow.</li></ul> <p>More information is available <a href="#">here</a>.</p>
Australian Securities Exchange (ASX) December 19, 2023	<p><b>ASX to explore the development of Australia's first carbon exchange</b></p> <p>The Australian Securities Exchange (ASX) will be working with the Clean Energy Regulator (CER) to undertake exploratory work with the industry and regulators on the development of an Australian carbon exchange. It is intended to operate in a similar way to a securities exchange where Australian carbon credit units (ACCUs) can be traded, cleared and settled.</p> <p>Beginning from 2024, ASX and CER will engage industry to identify a solution that can successfully meet the Australian market's needs and will undertake a feasibility study on delivering that solution. This will include assessing whether the identified solution can be supported under the existing regulatory framework for ACCUs or if changes are required.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Australian Treasury</p> <p>December 15, 2023</p>	<p><b>Treasury consults on financial market infrastructure regulatory reforms</b></p> <p>The Australian government released for consultation draft legislation to strengthen regulatory arrangements for Australia’s financial market infrastructure (FMI).</p> <p>The draft legislation:</p> <ul style="list-style-type: none"> <li>• Empowers the Reserve Bank of Australia (RBA) to intervene and resolve a crisis at a domestic clearing and settlement facility</li> <li>• Empowers the RBA to assist a foreign regulator to resolve an overseas clearing and settlement facility licenced in Australia</li> <li>• Strengthens and streamlines the Australian Securities &amp; Investments Commission’s and the RBA’s licensing, supervisory and enforcement powers over FMIs, and reallocates powers between the minister and regulators to better accord with their respective mandates</li> <li>• Enhances regulator powers over foreign entities operating FMIs with a significant Australian nexus</li> </ul> <p>More information is available <a href="#">here</a>.</p>
<p>Australian government</p> <p>December 10, 2023</p>	<p><b>Higher foreign investment fees for housing</b></p> <p>The Australian government announced changes to foreign investment fees, including:</p> <ul style="list-style-type: none"> <li>• Tripling the fees payable when a foreign person purchases an established residential dwelling</li> <li>• Doubling vacancy fees for all foreign-owned dwellings purchased since May 9, 2017</li> <li>• Strengthening the enforcement regime administered by the Australian Taxation Office</li> <li>• Applying the commercial foreign investment fee schedule for all Build-to-Rent projects from December 14, 2023, onwards</li> </ul> <p>More information is available <a href="#">here</a>.</p>



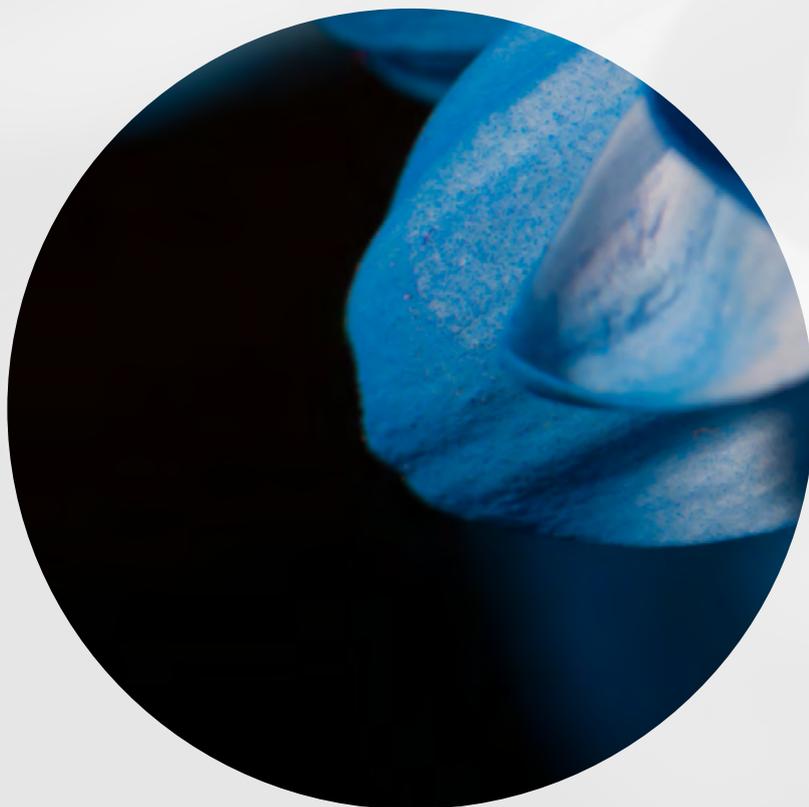
Source/Date	Brief description
<p>Australian Treasury</p> <p>December 8, 2023</p>	<p><b>Treasury consults on payments system modernization (regulation of payment service providers)</b></p> <p>Treasury released a second consultation paper on a licensing framework for payment service providers (PSPs). The proposed reforms are intended to ensure the regulation of payment services is fit-for-purpose and provides consistent regulation based on the activity a PSP performs.</p> <p>The proposed regulatory framework outlined in this paper includes an updated list of payment functions and leverages the Australian financial services framework to regulate PSPs. In addition, the framework proposes:</p> <ul style="list-style-type: none"> <li>• A set of regulatory requirements to facilitate greater access to payment systems</li> <li>• Graduated regulatory requirements for stored-value facilities including payment stablecoins</li> <li>• A framework for industry standard-setting</li> <li>• A new rule-making power to enable the introduction of a mandatory revised ePayments code to provide enhanced consumer protections</li> </ul> <p>More information is available <a href="#">here</a>.</p>
<p>Australian Prudential Regulation Authority (APRA)</p> <p>December 4, 2023</p>	<p><b>APRA maintains current macroprudential policy settings</b></p> <p>The Australian Prudential Regulation Authority (APRA) published its annual update on macroprudential policy outlining the reasons why existing policy settings remain appropriate.</p> <p>Taking into account ongoing cost-of-living pressures, the domestic and global economic outlook and the potential for higher borrowing costs, APRA decided that:</p> <ul style="list-style-type: none"> <li>• The countercyclical capital buffer will remain at 1.0 percent of risk weighted assets so that banks have an additional capital buffer for stress situations.</li> <li>• The mortgage serviceability buffer will be kept at 3 percent to maintain prudent lending standards. It provides an important contingency for new borrowers facing the risks of weaker conditions in the labor market, persistently high inflation and the potential for further increases in borrowing rates.</li> <li>• Capital distribution or lending limits have not been applied given the improvement in new loan quality and the current composition of credit in the economy.</li> </ul> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Australian Treasury</p> <p>November 30, 2023</p>	<p><b>Treasury consults on mandatory industry codes on scams</b></p> <p>The Australian government has committed to introduce new mandatory industry codes to outline the responsibilities of the private sector in relation to scam activity, with a focus on banks, digital communications platforms and telecommunications providers.</p> <p>Treasury and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts released for consultation a discussion paper on the proposed features of the Scams Code Framework, which would introduce obligations for these key sectors to combat scams.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Australian Securities and Investments Commission (ASIC)</p> <p>November 21, 2023</p>	<p><b>ASIC announces 2024 enforcement priorities</b></p> <p>The Australian Securities and Investments Commission (ASIC) announced the following as enforcement priorities for 2024:</p> <ul style="list-style-type: none"> <li>• Enforcement action targeting poor distribution of financial products</li> <li>• Misleading conduct in relation to sustainable finance, including greenwashing</li> <li>• High-cost credit and predatory lending practices to consumers and small businesses</li> <li>• Member services failures in the superannuation sector</li> <li>• Misconduct resulting in the systematic erosion of superannuation balances</li> <li>• Insurance claims handling</li> <li>• Compliance with the reportable situations regime</li> <li>• Conduct impacting small businesses, including small business creditors</li> <li>• Enforcement action targeting gatekeepers facilitating misconduct</li> <li>• Misconduct relating to used-car financing to vulnerable consumers, including brokers, car dealers and finance companies</li> <li>• Compliance with financial hardship obligations</li> <li>• Technology and operational resilience for market operators and market participants</li> </ul> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Australian Parliament</p> <p>November 9, 2023</p>	<p><b>Unfair contract terms reforms commence</b></p> <p>Unfair contract term (UCT) amendments to the <i>Competition and Consumer Act 2010 (Cth) (ACL)</i> and the <i>ASIC Act 2001 (Cth) (ASIC Act)</i> came into force on November 9, 2023.</p> <p>The reforms make UCTs illegal, attracting substantial penalties, with each unfair term forming a separate contravention. The penalties apply to not only terms that are not relied on, but also terms that are “proposed” by a party. To prevent loss or damage, a court can make orders with respect to the whole contract, not just the unfair term.</p> <p>The reforms also expand the class of small business that can rely on UCT protections. To meet the small business threshold, a business must either employ fewer than 100 people or have a turnover of less than A\$10 million for the previous income year. Under the ASIC Act, the UCT regime will only apply to a small business contract if the upfront price payable (excluding interest) for the contract is A\$5 million or less. Under the ACL, the monetary contract threshold has been entirely removed.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Australian Treasury</p> <p>November 2, 2023</p>	<p><b>Treasury consults on Australia’s Sustainable Finance Strategy</b></p> <p>The Australian government released for consultation the Sustainable Finance Strategy, which will support Australia’s pathway to net zero by providing an ambitious and comprehensive framework for reducing barriers to investment into sustainable activities.</p> <p>The strategy’s policy priorities are structured in three key pillars:</p> <ul style="list-style-type: none"> <li>• Pillar 1: Improve transparency on climate and sustainability</li> <li>• Pillar 2: Financial system capabilities</li> <li>• Pillar 3: Australian government leadership and engagement</li> </ul> <p>Each pillar contains a range of proposed tools and policies to support sustainable finance in Australia.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Australian Treasury</p> <p>October 16, 2023</p>	<p><b>Treasury consults on regulation of digital and crypto assets</b></p> <p>The Australian government released for consultation a proposal paper that recommends making crypto exchanges and digital asset platforms subject to existing Australian financial services laws and requiring platform operators to obtain an Australian Financial Services Licence.</p> <p>The proposed regulatory framework would apply to entities providing access to digital assets and holding them for Australians that present similar risks to entities operating in the traditional financial system.</p> <p>The proposal paper recommends requiring digital asset platforms to adhere to minimum standards for holding tokens, standards for custody software and standards when transacting in tokens.</p> <p>Further consultation on exposure draft legislation is planned for 2024.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Attorney-General's Department</p> <p>September 22, 2023</p>	<p><b>Australian government consults on draft reforms to <i>Personal Property Securities Act</i></b></p> <p>The Australian government has released for consultation exposure drafts of the <i>Personal Property Securities Amendment (Framework Reform) Bill 2023</i> (Cth) and new <i>Personal Property Securities Regulations 2023</i> (Cth). The bill amends the <i>Personal Property Securities Act 2009</i> (Cth) (PPS Act) and adopts the majority of recommendations contained in the statutory review of the PPS Act released by government in 2015 (the Whittaker Review).</p> <p>Key amendments include:</p> <ul style="list-style-type: none"> <li>• Reducing the number of collateral classes from nine to six</li> <li>• Removing the concept of chattel paper</li> <li>• Broadening the definition of authorised deposit-taking institution to include authorized foreign banks and the Reserve Bank of Australia</li> <li>• Replacing Chapter 4 of the PPS Act in its entirety with a new Chapter 4 setting out the rules for enforcement of security interests and grantor insolvency</li> </ul> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
Australian Parliament September 5, 2023	<p><b>Financial Accountability Regime legislation passed by Parliament</b></p> <p>The Financial Accountability Regime (FAR) introduced by Parliament imposes a strengthened responsibility and accountability framework for entities in the banking, insurance and superannuation industries and their directors and senior executives. FAR is designed to improve the risk and governance cultures of Australia’s financial institutions.</p> <p>FAR replaces the Banking Executive Accountability Regime and is jointly administered by the Australian Prudential Regulation Authority and the Australian Securities and Investments Commission.</p> <p>FAR will apply to authorized deposit-taking institutions and their authorized non-operating holding companies (NOHCs) on March 15, 2024. It will apply to insurance entities, their licensed NOHCs and superannuation trustees on March 15, 2025.</p> <p>More information is available <a href="#">here</a>.</p>





# Key Regulatory Developments in Europe

## Key Regulatory Developments in the EU

Source/Date	Brief description
European Central Bank (ECB) January 3, 2024	<p><b>ECB to stress-test banks' ability to recover from cyberattacks</b></p> <p>In 2024, the ECB will conduct a cyber resilience stress test on 109 banks under its supervision to assess how banks respond to and recover from a cyberattack. In the stress test scenario, the banks' daily business operations are successfully disrupted by cyberattacks. The banks' response and recovery measures will then be tested, including the activation of emergency procedures and contingency plans and the restoration of normal business operations.</p> <p>Supervisors will discuss the results and lessons learned with each bank as part of the 2024 Supervisory Review and Evaluation Process, which assesses a bank's individual risk profile.</p> <p>More information can be found <a href="#">here</a>.</p>
European Securities and Markets Authority (ESMA) December 19, 2023	<p><b>ESMA publishes articles on climate-risk stress testing and greenwashing</b></p> <p>The European Securities and Markets Authority (ESMA) has published two articles:</p> <ul style="list-style-type: none"><li>(i) On the modeling of climate-related shocks in the fund sector</li><li>(ii) On the financial impact of greenwashing controversies on corporate reputation</li></ul> <p>The first article presents a methodological approach to modeling climate-related shocks in the fund sector that takes into account dynamic effects, such as investor inflows and outflows and portfolio rebalancing by managers. Modeling of climate-related shocks in the fund sector is part of ESMA's work in relation to its climate stress-testing mandate.</p> <p>The second article shows how data on environmental, social and governance (ESG) controversies can be useful to monitor potential reputational risks related to greenwashing. It also describes the challenges associated with using such data, as the number of greenwashing controversies involving large European companies has increased in recent years. The article focuses on companies belonging to three main sectors, including the financial sector.</p> <p>More information can be found <a href="#">here</a>.</p>

Source/Date	Brief description
<p>European Central Bank (ECB)</p> <p>December 19, 2023</p>	<p><b>ECB publishes SREP test results for 2023</b></p> <p>The results of the ECB's Supervisory Review and Evaluation Process (SREP) for 2023 show that the euro-area banking sector remains strong and resilient in 2023. The SREP is an annual process in which the supervisory authorities review banks' risks and establish capital requirements and guidelines for each individual bank.</p> <p>According to the ECB's SREP results, banks had a solid capital and liquidity base on average, which was well above the regulatory requirements. Banks' profitability returned to levels not seen for more than a decade, strengthening their ability to withstand external shocks.</p> <p>However, the weak macroeconomic outlook and tighter financing conditions remain a source of risk for European banks. The rapid rise in interest rates has helped to increase banks' overall profitability, but this effect will fade as they pass on higher interest rates to depositors. At the same time, higher interest rates have contributed to credit, valuation and liquidity risks.</p> <p>More information can be found <a href="#">here</a>.</p>
<p>European Securities and Markets Authority (ESMA)</p> <p>December 15, 2023</p>	<p><b>ESMA to launch and participate in Common Supervisory Action on ESG disclosures for benchmarks administrators</b></p> <p>Together with national competent authorities, EMSA will launch a Common Supervisory Action (CSA) on environmental, social and governance (ESG) disclosures under the Benchmarks Regulation (BMR). The CSA will focus on supervised benchmarks administrators, located in the EU or in a third country, that have acquired an authorization, registration, recognition or endorsement of their benchmarks under the BMR. The goal of the CSA is to assess compliance of the supervised benchmarks administrators with the ESG disclosure requirements under the BMR. In addition, ESMA believes that the CSA will help to increase transparency, combat greenwashing, protect investors and support the development of a credible ESG market.</p> <p>More information can be found <a href="#">here</a>.</p>
<p>European Insurance and Occupational Pensions Authority (EIOPA)</p> <p>December 15, 2023</p>	<p><b>EIOPA consults on value-for-money benchmarks</b></p> <p>The European Insurance and Occupational Pensions Authority (EIOPA) launched a public consultation on its proposed methodology for setting value-for-money benchmarks for unit-linked and hybrid insurance products. The consultation is part of the toolkit EIOPA began developing in 2020 to provide supervisors with additional risk-based tools and enhance their ability to identify products in their markets that may not deliver fair value for money. Until now, supervisory problems have often resulted from the high complexity of these products or the discrepancy between the returns expected by consumers and the benefits received.</p> <p>More information can be found <a href="#">here</a>.</p>

Source/Date	Brief description
<p>European Banking Authority (EBA)</p> <p>December 14, 2023</p>	<p><b>EBA publishes EU Banking Package roadmap</b></p> <p>The European Banking Authority (EBA) published its roadmap on the Banking Package, which implements the final Basel III reforms within the EU. The Banking Package aims to strengthen the prudential framework and ensure a level playing field internationally. It also aims to provide clarity to the industry on how the EBA will develop its mandate implementing the legislation and how it expects to finalize the most significant components before the new rules begin to apply on January 1, 2025.</p> <p>More information can be found <a href="#">here</a>.</p>
<p>European Insurance and Occupational Pensions Authority (EIOPA)</p> <p>December 13, 2023</p>	<p><b>EIOPA consults on prudential treatment of sustainability risks</b></p> <p>The European Insurance and Occupational Pensions Authority (EIOPA) launched a consultation on the prudential treatment of sustainability risks, which is the second phase of the agency’s step-by-step approach to the expected mandate under the Solvency II Directive. The mandate requires EIOPA to assess whether a specific prudential treatment of assets or activities that are significantly linked to, or detrimental to, environmental or social objectives would be warranted.</p> <p>The background to the consultation is the increasing importance of sustainability risks for the investment and insurance activities of insurers. EIOPA is therefore committed to ensuring that the regulatory framework takes these risks into account appropriately, with the aim of protecting consumers and ensuring financial stability.</p> <p>More information can be found <a href="#">here</a>.</p>
<p>European Supervisory Authorities (ESAs)</p> <p>December 4, 2023</p>	<p><b>ESAs put forward amendments to sustainability disclosures for the financial sector</b></p> <p>The three European Supervision Authorities (ESAs)—the European Securities and Markets Authority, the European Banking Authority and the European Insurance and Occupational Pensions Authority—published their final report amending the draft Regulatory Technical Standards to the Delegated Regulation supplementing the Sustainable Finance Disclosure Regulation (SFDR). The ESAs suggest new social indicators, recommend new product disclosures regarding greenhouse gas emissions and propose further technical revisions to the SFDR Delegated Regulation.</p> <p>More information can be found <a href="#">here</a>.</p>

Source/Date	Brief description
<p>European Securities and Markets Authority (ESMA) and European Banking Authority (EBA)</p> <p>October 20, 2023</p>	<p><b>ESMA and EBA publish two joint guidelines under MiCAR</b></p> <p>The EBA and ESMA published a consultation paper on two draft guidelines on the suitability assessment of members of management bodies and shareholders with qualifying holdings in issuers of asset reference tokens (ARTs) and crypto-asset service providers (CASPs).</p> <p>To promote and protect the integrity of the market for crypto-assets and related services and to enhance trust, it is necessary to ensure that the members of the management body of issuers of ARTs and CASPs and the persons who hold or wish to acquire qualifying holdings in them are suitable. The guidance will provide clarity and harmonization on the criteria used to assess the appropriate knowledge, skills and experience of members of the management body; their good repute, honesty and integrity; and whether they are able to devote sufficient time to the performance of their duties.</p> <p>More information can be found <a href="#">here</a>.</p>
<p>European Securities and Markets Authority (ESMA)</p> <p>October 5, 2023</p>	<p><b>ESMA publishes second consultation on MiCAR</b></p> <p>ESMA published a second consultation package, seeking input on proposed rules under the Markets in Crypto-Assets Regulation (MiCAR) covering sustainability indicators for distributed ledgers, disclosures of inside information, technical requirements for white papers, trade transparency measures and record-keeping and business continuity requirements for crypto-asset service providers.</p> <p>More information can be found <a href="#">here</a>.</p>



## Key Regulatory Developments in the Czech Republic

Source/Date	Brief description
Government of the Czech Republic  December 22, 2023	<p><b>Bill amending certain laws in connection with the development of the financial market</b></p> <p>An amendment published on December 29, 2023, in the Collection of Laws as Act No. 462/2023 Coll., with effect from January 1, 2024, introduces new tax support for two products with effect from January 1, 2024: a long-term investment product and long-term care insurance. It also introduces tax support for the use of employee shares. In the context of supplementary pension savings, it allows pension companies to create an “alternative participant fund” as an alternative to existing participant funds with a dynamic investment strategy. At the same time, it is possible to participate in participatory funds (supplementary pension savings) without having to cancel one's participation in so-called transformed funds (supplementary pension insurance), but state aid will only ever be granted for deposits in one type of fund.</p> <p>With effect from July 1, 2024, there are changes in the amount of state contributions to supplementary pension savings and supplementary pension schemes paid based on the participant's monthly contributions. As of this date, persons who have been granted a retirement pension cannot benefit from the state support; however, if they have taxable income (i.e., if they are working pensioners), they can benefit from tax support from the first contributed crown.</p> <p>With effect from September 1, 2024, the regulation of consumer credit will change, with new rules on the reimbursement of reasonable costs in the event of early repayment applying to new contracts or new fixations. The amendments to the Consumer Credit Act also include additions and clarifications to the existing regulation on the assessment of the creditworthiness of the credit applicant.</p> <p>Full text of Act No. 462/2023 Coll. available <a href="#">here</a> (in Czech).</p>

Source/Date	Brief description
<p>Chamber of Deputies of the Czech Republic</p> <p>December 12, 2023</p>	<p><b>Draft on the non-performing loans market</b></p> <p>The draft implements Directive (EU) 2021/2167 of the European Parliament and of the Council of the European Union on credit services and credit purchasers.</p> <p>The draft law on the non-performing loans market brings a comprehensive regulation of the secondary market in bank loans, whose regime is currently not unified in the Czech Republic and is subject to general civil law regulation. The draft law contains public regulation of the administration of non-performing loans and sets out the conditions for such administration, as well as defines the so-called non-performing loan administrator and loan trader. The proposed law aims to ensure greater borrower protection by requiring license from the Czech National Bank for non-performing loan servicer activities.</p> <p>The draft (Parliamentary Paper No. 472.) passed its second reading in the Chamber of Deputies on December 12, 2023, with third reading scheduled for the chamber's 87th meeting.</p> <p>Draft law available <a href="#">here</a> (in Czech).</p>
<p>Government of the Czech Republic</p> <p>November 27, 2023</p>	<p><b>New framework for market infrastructures using distributed ledger technology</b></p> <p>Act No. 324/2023 Coll., amending Act No. 256/2004 Coll., on Capital Market Business, as amended, and Act No. 277/2009 Coll., on Insurance, as amended, was published in the Collection of Laws on November 3, 2023, effective from November 4, 2023. The act adapts Regulation (EU) 2022/858 on a pilot regime for market infrastructures based on distributed ledger technology and amending Regulations (EU) No 600/2014 and (EU) No 909/2014 and Directive 2014/65/EU.</p> <p>The amendment aligns Czech law with the EU regulations, as part of a pilot regime for market infrastructures using distributed ledger technology (DLT). This amendment introduces new licensing regimes for DLT-based market infrastructures, including DLT multilateral trading facilities, settlement systems and trading settlement systems. It also revises the definition of a financial instrument to encompass those held on DLT, thereby clarifying that instruments issued using DLT are covered by investment services regulations.</p> <p>Full text of Act. No. 324/2023 Coll. available <a href="#">here</a> (in Czech).</p>

# Key Regulatory Developments in Germany

Source/Date	Brief description
Federal Financial Supervision Authority (BaFin) December 22, 2023	<p><b>Sustainable finance: New section on BaFin website</b></p> <p>Due to the increasing importance of environmental, social and governance (ESG) issues for the financial sector, the Federal Financial Supervision Authority (BaFin) has published a dedicated section on its website where interested parties can find out about the EU Disclosure Regulation, the EU Taxonomy Regulation, greenwashing and other topics. The main reason for this new section is BaFin's own sustainable finance strategy, which it adopted in July 2023.</p> <p>More information (in German) is available <a href="#">here</a>.</p>
Federal Financial Supervision Authority (BaFin) December 4, 2023	<p><b>Three new circulars on professional suitability and reliability</b></p> <p>The Federal Financial Supervision Authority (BaFin) published three circulars on the professional suitability and reliability of persons who are supervised by BaFin in accordance with the German Insurance Supervision Act (<i>Versicherungsaufsichtsgesetz – VAG</i>). The circulars address members of the management and administrative and supervisory bodies, as well as persons who fulfill key tasks in insurance undertakings.</p> <p>The circulars replace the previous versions from 2018, which had been updated and further developed in the past. Among other things, companies must now set out specific requirement profiles for the positions to be filled and also justify why a candidate is suitable for the position in question.</p> <p>More information (in German) is available <a href="#">here</a>.</p>
Federal Financial Supervision Authority (BaFin) December 1, 2023	<p><b>Interactive information sheet on sustainable financial products</b></p> <p>The Federal Financial Supervision Authority (BaFin), along with other national supervisory authorities and the three European supervisory authorities (the European Securities and Markets Authority, the European Banking Authority and the European Insurance and Occupational Pensions Authority), published an interactive information sheet in all EU languages on sustainable financial products.</p> <p>The information sheet focuses on sustainable financial products and explains technical terms in a simple way. The aim is to help consumers understand how their financial decisions can contribute to a more sustainable future.</p> <p>More information (in German) is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Federal Financial Supervision Authority (BaFin)</p> <p>October 30, 2023</p>	<p><b>BaFin publishes circular on monitoring of banking products</b></p> <p>The Federal Financial Supervision Authority (BaFin) published a circular on the monitoring and governance of banking products in the retail banking business, which must be complied with from May 1, 2024. By way of background, the circular implements the European Banking Authority's guidelines on the supervision and governance of retail banking products. It is aimed at product manufacturers and distributors and sets out how they must monitor banking products and organize their governance. It relates, in particular, to real estate consumer loans, deposit products and payment services.</p> <p>More information (in German) is available <a href="#">here</a>.</p>
<p>Federal Financial Supervision Authority (BaFin)</p> <p>October 10, 2023</p>	<p><b>PSD2/ZAG: BaFin consults on circular on reporting risks in payment transactions</b></p> <p>Under the Services Directive 2 (PSD 2) and the German Supervision Act (<i>Gesetz über die Beaufsichtigung von Zahlungsdienstleistern, ZAG</i>), payment service providers are obliged to report their operational and security-related risks to the Federal Financial Supervision Authority (BaFin). As part of their report, they must assess whether their risk minimization measures and control mechanisms are appropriate. The circular submitted for consultation consists of an attached form that should be used for future notifications to BaFin and deals with the reporting of operational and security-related risks.</p> <p>More information (in German) is available <a href="#">here</a>.</p>
<p>Federal Financial Supervision Authority (BaFin)</p> <p>October 5, 2023</p>	<p><b>New instructions for applications and enquiries to the insurance supervision</b></p> <p>The Federal Financial Supervision Authority (BaFin) has published new information for companies wishing to submit an application or enquiry to the insurance supervision. Companies should familiarize themselves in advance with the legal and supervisory issues relating to their requests. To meet BaFin's new requirements, the most important information in the documents must be clearly recognizable and easy for third parties to understand.</p> <p>More information (in German) is available <a href="#">here</a>.</p>

## Key Regulatory Developments in Italy

Source/Date	Brief description
Bank of Italy December 20, 2023	<p><b>Bank of Italy publishes 44th update to Circular 285 on IRRBB and CSRBB</b></p> <p>The Bank of Italy published the 44th update to Circular No. 285 on supervisory provisions for banks (Circular 285), to incorporate the amendments defined at the European level concerning interest rate risk and credit spreads on banking portfolios (respectively, IRRBB and CSRBB) in accordance with articles 84 and 98, paragraph 5 of Directive 2013/36/EU.</p> <p>More information (in Italian) is available <a href="#">here</a>.</p>
Bank of Italy December 20, 2023	<p><b>Bank of Italy publishes provision on SPV disclosures and statistical requirements</b></p> <p>The Bank of Italy published a provision laying down rules on disclosure and statistical requirements for special purpose vehicles (SPV) involved in securitization transactions.</p> <p>More information (in Italian) is available <a href="#">here</a>.</p>
Consob December 14, 2023	<p><b>Consob launches public consultation on amendments to Issuers Regulation</b></p> <p>Consob launched a public consultation concerning some amendments to the regulation implementing Italian legislative decree No. 58 of February 24, 1998 (Issuers Regulation) aimed at simplifying the procedure concerning prospectuses.</p> <p>In particular, the public consultation deals with changes to the procedure regarding the submission to Consob of applications for approval of prospectuses relating to public offers of shares, bonds and investment fund units as well as admission to trading on a regulated market.</p> <p>Deadline for the submission of comments and observations is January 29, 2024.</p> <p>More information (in Italian) is available <a href="#">here</a>.</p>

Source/Date	Brief description
IVASS  November 23, 2023	<p><b>IVASS launches consultation on precontractual disclosure</b></p> <p>The Institute for the Supervision of Insurance (IVASS) launched consultation on a draft provision concerning amendments to IVASS regulation No. 40 of August 2, 2018, laying down provisions on insurance and reinsurance distribution and to IVASS regulation No. 41 of August 2, 2018, laying down provisions on the disclosure, advertising and implementation of insurance products.</p> <p>In particular, the purpose of the amendments is to strengthen the effectiveness of contractor disclosure, with simplification and rationalization measures at all stages of the relationship with the distributor.</p> <p>More information (in Italian) is available <a href="#">here</a>.</p>
Bank of Italy  November 20, 2023	<p><b>Bank of Italy publishes FAQ on UBO Register</b></p> <p>The Bank of Italy, together with the Ministry of Enterprises and Made in Italy, published an FAQ concerning beneficial ownership and the register of beneficial owners (UBO Register) aimed at providing operators with clarification on beneficial owner identification and reporting of data and beneficial ownership information to the UBO Register, in accordance with article 21 of legislative decree No. 231 of November 21, 2007, and ministerial decree No. 55 of March 11, 2022.</p> <p>More information (in Italian) is available <a href="#">here</a>.</p>
Italian Government  Consob  October 18, 2023	<p><b>Italian government publishes Consob resolution on simple, transparent and standardized securitizations</b></p> <p>Consob provision No. 22833 concerns the adoption of implementation provisions of article 4-septies, paragraph 2, of legislative decree of February 24, 1998, No. 58 on reporting requirements for securitization transactions falling within the scope of Regulation (EU) 2017/2402 for simple, transparent and standardized securitizations.</p> <p>More information (in Italian) is available <a href="#">here</a>.</p>
Bank of Italy  October 13, 2023	<p><b>Bank of Italy publishes note implementing EBA Guidelines on improving resolvability for institutions and resolution authorities</b></p> <p>The Bank of Italy published note No. 36 aimed at the implementation of European Banking Authority (EBA) Guidelines amending Guidelines EBA/GL/2022/01 on improving resolvability for institutions and resolution authorities under articles 15 and 16 of Directive 2014/59/EU to introduce a new section on resolvability testing (EBA/GL/2023/05).</p> <p>More information (in Italian) is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Italian Government</p> <p>October 9, 2023</p>	<p><b>Italian government publishes MEF decree on effectiveness of UBO register</b></p> <p>The Ministry of Enterprises and Made in Italy's decree of September 29, 2023, was published in the Official Gazette, making the register of beneficial owners (UBO register) finally operational in Italy.</p> <p>The obligation to report beneficial ownership data and information concerns:</p> <ul style="list-style-type: none"> <li>• Companies with legal status: limited liability companies, joint-stock companies, limited partnerships with share capital and cooperative companies, including companies with pending bankruptcy proceedings and, in some cases, branch offices of foreign company operating in Italy</li> <li>• Private legal entities: recognized associations and foundations and other private institutions that acquire legal status through recognition by enrollment in the Register of Legal Entities</li> <li>• Trusts having legal effects for tax purposes and trust-like legal institutions established or resident in Italy</li> </ul> <p>More information (in Italian) is available <a href="#">here</a>.</p>
<p>Consob</p> <p>October 2, 2023</p>	<p>Consob publishes notice announcing compliance with POG Guidelines</p> <p>Consob published a notice announcing its intention to comply with the EBA's Guidelines on product oversight and governance arrangements for retail (POG Guidelines), as amended and supplemented from time to time.</p> <p>More information (in Italian) is available <a href="#">here</a> and (in English) <a href="#">here</a>.</p>
<p>Bank of Italy</p> <p>September 6, 2023</p>	<p><b>Bank of Italy publishes note implementing ESMA Guidelines on methods for calculating contributions</b></p> <p>The Bank of Italy published note No. 33 declaring its intention to comply with the EBA final report on Guidelines (revised) on methods for calculating contributions to deposit guarantee schemes under Directive 2014/49/EU repealing and replacing Guidelines EBA/GL/2015/10 (EBA/GL/2023/02).</p> <p>More information (in Italian) is available <a href="#">here</a> and (in English) <a href="#">here</a>.</p>
<p>Consob</p> <p>September 6, 2023</p>	<p><b>Consob publishes amendment to Markets Regulation</b></p> <p>Consob published resolution No. 22804 amending Consob regulation No. 20249 of December 28, 2017, implementing the provisions on markets of legislative decree 58 of February 24, 1998 (Markets Regulation), aimed at aligning the latter with the latest changes in the European regulatory framework.</p> <p>In particular, the areas targeted for amendment include, for example, the scope of application of the Markets Regulation together with the commodity derivatives regulations.</p> <p>More information (in Italian) is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Bank of Italy Consob August 16, 2023</p>	<p><b>Bank of Italy and Consob sign memorandum of understanding with FINMA on international cooperation</b></p> <p>The Bank of Italy and Consob, together with the Swiss financial market supervisory authority (FINMA), signed a non-binding memorandum of understanding intended to facilitate the performance of their respective functions on supervised entities with the aim of ensuring an effective cooperation and the exchange of information between the mentioned authorities.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Bank of Italy August 3, 2023</p>	<p><b>Bank of Italy publishes guidance on AML requirements for private banking activities</b></p> <p>The Bank of Italy published guidance for entities required to implement anti-money laundering (AML) requirements when providing private banking services and activities, which requires intermediaries to establish due diligence procedures appropriate to the characteristics of the private services and retail customers.</p> <p>More information (in Italian) is available <a href="#">here</a>.</p>
<p>Bank of Italy August 2, 2023</p>	<p><b>Bank of Italy publishes guidance for specialized crowdfunding service providers</b></p> <p>The Bank of Italy published a guidance for specialized suppliers of crowdfunding services for businesses. It sets out how these service providers should comply with Regulation (EU) 2020/1503 (Crowdfunding Regulation) and its implementing Italian regulation.</p> <p>More information (in Italian) is available <a href="#">here</a>.</p>
<p>Bank of Italy August 1, 2023</p>	<p><b>Bank of Italy publishes amendments to its guidance on AML organization, procedures and internal controls</b></p> <p>The Bank of Italy published provisions which, through the implementation of the European Banking Authority's guidelines on policies and procedures in relation to compliance management, amend its guidance on anti-money launder (AML) organization, procedures and internal controls of March 16, 2019.</p> <p>In particular, the areas targeted for amendment include, for example, the role of the AML officer, the AML function (together with its outsourcing) and group regulation.</p> <p>More information (in Italian) is available <a href="#">here</a> and <a href="#">here</a>.</p>

# Key Regulatory Developments in the Netherlands

Source/Date	Brief description
Ministry of Finance January 22, 2024	<p><b>Consultation on MiCAR and Information on Crypto-Asset Transfers and Money Transfers Regulation Implementation Decision</b></p> <p>On January 22, 2024, the Ministry of Finance opened consultations on the Markets in Crypto-Assets Regulation (Regulation (EU) 2023/1114, MiCAR) and the Information on Crypto-Asset Transfers and Money Transfers Regulation (Regulation (EU) 2023/1113) Implementation Decision.</p> <p>The deadline for submissions is February 19, 2024.</p> <p>More information (in Dutch) is available <a href="#">here</a>.</p>
Dutch National Bank (DNB) January 16, 2024	<p><b>Consultation on proposed changes to pension funds' reporting statements</b></p> <p>On January 16, 2024, the Dutch National Bank (DNB) opened a consultation on the proposed changes for the pension funds reporting statements.</p> <p>In the context of the Future Pensions Act, the DNB intends to make changes to the reporting set for pension funds. Changes to the quarterly statements were consulted on and finalized at an earlier stage. The amendments from this consultation include:</p> <ul style="list-style-type: none"><li>• The draft decision to amend the Reporting Statement Regulation</li><li>• The appendix to the amended decision, which includes all the annual report statements that are expected to apply from financial year 2024 onwards</li><li>• An explanatory memorandum accompanying the amendment decision, clarifying the changes in the reporting statements</li></ul> <p>The deadline for submissions is February 23, 2024.</p> <p>More information (in Dutch) is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Ministry of Finance</p> <p>December 21, 2023</p>	<p><b>Consultation on climate measures for the financial sector</b></p> <p>On December 21, 2024, the Ministry of Finance opened a consultation on climate measures for the financial sector.</p> <p>The central question in this consultation is whether, and if so what, legal or alternative measures can enhance the contribution of financial institutions to the climate transition, and how these measures could be shaped.</p> <p>Through this consultation, the advantages and disadvantages of potential legislation are being examined, with attention to European developments, the potential impact of climate legislation on the financial sector's financing of Dutch businesses, and its international competitive position. This consultation also explicitly seeks input on possible alternatives to legislation that can strengthen the financial sector's contribution to the energy transition.</p> <p>The deadline for submissions is February 15, 2024.</p> <p>More information (in Dutch) is available <a href="#">here</a>.</p>
<p>Ministry of Finance</p> <p>December 14, 2023</p>	<p><b>Proposal on Dutch DORA Implementation Act</b></p> <p>On December 15, 2023, the Ministry of Finance submitted a proposal on the Dutch Implementation Act of the Digital Resilience Operations Act (DORA Implementation Act).</p> <p>This legislative proposal provides adjustments to the Dutch Financial Supervision Act (WFT) that are necessary for the implementation of Directive (EU) 2022/2556 and the national enforcement of Regulation (EU) 2022/2554 (DORA).</p> <p>The DORA Implementation Act primarily elaborates on already established requirements related to risk management and internal procedures concerning information and computer technology for market operators, operators of multilateral trading facilities, operators of organized trading facilities and investment firms engaged in algorithmic trading.</p> <p>The DORA Implementation Act will provide a detailed explanation of the required capacity for all obligations stemming from the DORA package, including the DORA obligations that will be incorporated into Articles 91n, 30 and 30a of the WFT.</p> <p>More information (in Dutch) is available <a href="#">here</a>.</p>

Source/Date	Brief description
Ministry of Finance  December 8, 2023	<p><b>Consultation on MiCAR Implementation Act</b></p> <p>On December 8, 2023, the Ministry of Finance published its report following the consultation on the draft Implementing Act for Markets in Crypto-Assets Regulation (MiCAR Implementation Act). This implementation act was publicly consulted from July 14 to August 11, 2023. The main points from the Consultation Report are:</p> <ol style="list-style-type: none"> <li>1. Transition period</li> <li>2. Level playing field</li> <li>3. Supervisory authority powers</li> <li>4. Bitcoin and ethereum</li> </ol> <p>More information (in Dutch) is available <a href="#">here</a>.</p>
Financial Markets Authority (AFM)  December 7, 2023	<p><b>New European legislation on crowdfunding in effect</b></p> <p>On December 7, 2023 the Dutch Financial Markets Authority (AFM) published an update on the new European legislation on crowdfunding.</p> <p>Since November 2021, the European Crowdfunding Service Providers Regulation (ECSPR) has been in effect in EU member states. The ECSPR is part of the European Capital Market Union, aiming to harmonize EU capital markets by promoting cross-border activities and investor protection. The transition period ended on November 10, 2023.</p> <p>More information is available <a href="#">here</a>.</p>
Financial Markets Authority (AFM)  December 1, 2023	<p><b>Focus on managing ICT risks from third-party providers</b></p> <p>On December 1, 2023, the Dutch Financial Markets Authority (AFM) issued its second guidance providing insights into the substantive aspects of the Digital Operations Resilience Act (DORA). This edition specifically addresses the management of information and computer technology (ICT) risks from third-party providers. This guidance enables businesses to assess their current standing in this regard and identify any necessary steps to comply with the regulation.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Ministry of Finance</p> <p>November 10, 2023</p>	<p><b>Consultation on Deposit Guarantee Scheme 2024 Amendment Decision</b></p> <p>On November 10, 2023, the Ministry of Finance opened consultation on the Deposit Guarantee Scheme 2024 Amendment Decision.</p> <p>This amendment decision includes various changes to the decision special prudential measures, investor compensation, and deposit guarantee WFT (Bbpm) to improve the implementation of the Deposit Guarantee Scheme. It regulates how the deposit guarantee fund and the Dutch National Bank (DNB) should handle returns on funds accumulated in the deposit guarantee fund and allocate resources in the fund when transferring deposit portfolios from one bank to another or when a bank ceases to be a bank (for example, due to the withdrawal of its license).</p> <p>Adjustments were also made to articles concerning the determination and levying of contributions from banks to the deposit guarantee fund.</p> <p>Finally, the decision includes changes regarding how the DNB must communicate with account holders.</p> <p>More information (in Dutch) is available <a href="#">here</a>.</p>
<p>Dutch National Bank (DNB)</p> <p>October 18, 2023</p>	<p><b>Consultation Q&amp;A and good practices Wwft</b></p> <p>On October 18, 2023 the Dutch National Bank (DNB) opened a consultation on the Q&amp;A and good practices for the Dutch Anti-Money Laundering Act (Wwft) and the Sanction Act 1977 (Sw).</p> <p>With this new policy statement, the DNB's current Wwft and Sw guidelines (DNB Leidraad Wwft en Sw) will be discontinued. Due to the upcoming revision of the Sw by the legislator, this part of the guidelines will not be included in the revision. The DNB will eventually provide a new statement regarding the Sw. As part of the consultation, an additional Q&amp;A document has been included.</p> <p>The period to submit consultations has ended.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Dutch National Bank (DNB)</p> <p>October 4, 2023</p>	<p><b>Judgment in proceedings against the DNB regarding supervision costs for CASPs</b></p> <p>On October 4, 2023, the Dutch National Bank (DNB) published a statement on the judgments in several proceedings against the DNB regarding supervision costs for crypto-asset service providers (CASPs).</p> <p>The verdict of the Court of Rotterdam concerns costs that the DNB billed CASPs for supervision in 2021. In both cases, the CASPs disagreed with the invoiced costs and first filed an objection and then an appeal. In the first judgment, the court declared the CASPs' appeal unfounded. However, in the second judgment, the court ruled in favor of the CASPs.</p> <p>The court determined that the way the DNB evaluates registration requests from CASPs is in violation of the scope of the registration obligation under the Fifth Anti-Money Laundering Directive.</p> <p>According to the court, the costs incurred by the DNB for activities outside the scope of the registration obligation were wrongly passed on to the CASPs in 2021.</p> <p>More information (in Dutch) is available <a href="#">here</a>.</p>
<p>Financial Markets Authority (AFM)</p> <p>October 4, 2023</p>	<p><b>Guidelines on sustainability claims for financial entities and pension administrators</b></p> <p>On October 4, 2023, the Dutch Financial Markets Authority (AFM) published its guidelines on sustainability claims for financial entities and pension administrators.</p> <p>The AFM aims to contribute to increased transparency regarding sustainability claims, providing customers of financial enterprises and participants of pension administrators with a better understanding of the sustainability aspects of products and market participants. The guidelines provide market participants with guidance on the proper fulfillment of open standards for providing information and include overarching principles, further explanations and practical examples.</p> <p>More information (in Dutch) is available <a href="#">here</a>.</p>



Source/Date	Brief description
<p>Ministry of Finance</p> <p>October 3, 2023</p>	<p><b>Proposal on Financial Markets 2024 Amendment Act</b></p> <p>On October 3, 2023, the Ministry of Finance published the proposal on the Financial Markets 2024 Amendment Act.</p> <p>This proposal includes, among other things, a tightening of, and amendments to, the Trust Offices Supervision Act 2018; an extension of the bonus prohibition in the case of state aid; and some changes to prudential supervision of insurers aimed at improving policyholder protection. Additionally, the proposal incorporates several minor amendments and improvements in financial markets legislation.</p> <p>The proposal was submitted to the Dutch Parliament and is expected to enter into force in July 2024.</p> <p>More information (in Dutch) is available <a href="#">here</a>.</p>
<p>Ministry of Finance</p> <p>September 13, 2023</p>	<p><b>Consultation on Financial Markets 2024 Amendment Decision</b></p> <p>On September 13, 2023, the Ministry of Finance opened a consultation on the Amendment Decision Financial Markets 2024.</p> <p>This is a compilation decision in the field of financial markets, encompassing topics that are too small for individual decisions. The key subjects of this decision include:</p> <ol style="list-style-type: none"> <li>1. The treatment of personal injury by insurers</li> <li>2. Appointments in dispute resolution bodies</li> <li>3. Asset-intensive reinsurance</li> <li>4. Appropriate measures in the event of blocking or suspending payment transactions</li> </ol> <p>The period to submit consultations has ended.</p> <p>More information (in Dutch) is available <a href="#">here</a>.</p>
<p>Ministry of Finance</p> <p>August 25, 2023</p>	<p><b>Recovery and Resolution of Insurers Amendment Act</b></p> <p>On August 15, 2023, the Ministry of Finance published the Recovery and Resolution for Insurers Amendment Act.</p> <p>The Amendment Act modifies the Recovery and Resolution of Insurers Act, as implemented in the Dutch Financial Supervision Act, the General Administrative Law Act and the Bankruptcy Act. The Recovery and Resolution of Insurers Act is aligned with the resolution framework for banks (BRRD). With the introduction of BRRD II, some omissions in the resolution legislation for banks were rectified. The Amendment Act extends these adjustments to insurers as well.</p> <p>The Amendment Act entered into force on January 1, 2024.</p> <p>More information (in Dutch) is available <a href="#">here</a>.</p>

## Key Regulatory Developments in Romania

Source/Date	Brief description
Romanian Government December 14, 2023	<p><b>Romanian government regulates standards for “ecological” financial instruments</b> (<i>Emergency Government Ordinance no. 119/2023</i>)</p> <p>The Romanian government adopted new rules and standards for so-called “ecological” financial instruments (including support instruments for financial products, such as loans, guarantees and counter-guarantees, mezzanine investments, etc.) that observe the EU’s taxonomy criteria set out by Regulation (EU) 2020/852.</p> <p>Financial support through environmental financial instruments is restricted to specific economic activities following technical criteria in EU Delegated Regulation 2021/2 establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives.</p> <p>The standards also require, for example, that independent evaluators verify compliance with sustainability principles and assess proposed projects for environmental impact mitigation. The issuance, monitoring and reporting of support through ecological financial instruments are centralized in an information system. Issuers are mandated to prepare pre-issuance information sheets and post-issuance impact reports, to be published on their websites.</p> <p>The Romanian regulation, recently issued, is exclusively in Romanian and can be found <a href="#">here</a>.</p>
National Bank of Romania (NBR) December 11, 2023	<p><b>NBR issues new regulation for Payment Incidents Registry (PIR) (NBR Regulation 7/2023)</b></p> <p>The Payment Incidents Registry, operated by the National Bank of Romania (NBR), manages a database comprising the National Payment Incidents File (FNIP), containing incidents related to checks, promissory notes and bills of exchange, and the National File of Persons at Risk (FNPR), which is automatically fed by FNIP. Reporting entities must provide information on major and minor payment incidents. In case of a major check-related incident leading to a banking restriction, credit institutions must notify the payer to prevent further incidents.</p> <p>The text of the newly issued regulation is provided exclusively in Romanian and can be found <a href="#">here</a>.</p>

Source/Date	Brief description
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Financial Supervisory Authority (FSA)  October 20, 2023	<b>Key changes in investment firm practices implementing ESMA guidelines</b> ( <i>FSA Regulation 12/2023</i> )  The regulation is intended to reflect and implement the European Securities and Markets Authority (ESMA) guidelines on certain aspects of the MiFID II suitability requirements, dated April 3, 2023 (ESMA35-43-3172).  Key features of the regulation include a redefined distinction between active and inactive clients, clarification of investment firm obligations to review business continuity plans and the removal of prudential requirements in light of Law No. 236/2022 on prudential supervision of investment firms. Other aspects involve investment firm reporting, consideration of guarantee letters for funding client accounts and flexibility in margin transactions. The regulation also allows investment firms to withdraw unexecuted orders during a margin call and exempts automatic selling in certain corporate events.  The text of the newly issued regulation (in Romanian) can be found <a href="#">here</a> .
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National Bank of Romania (NBR)  August 7, 2023	<b>NBR amends exchange regulation</b> ( <i>NBR Regulation 6/2023</i> )  The amendments to the Romanian exchange regulation (NBR Regulation No. 4/2005) impose an obligation for certain financial entities to monitor compliance with exchange control requirements.  The monitoring obligations applies to credit institutions, e-money issuers, payment institutions (as well as Romanian branches of such institutions located outside Romania) and non-banking financial institutions. These entities are now required to verify that, subject to applicable exemptions, transactions between Romanian residents are performed in the local Romanian currency (leu).  The text of the recently released regulation (in Romanian) can be found <a href="#">here</a> .
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## Key Regulatory Developments in Spain

Source/Date	Brief description
Bank of Spain December 29, 2023	<b>Resolution of December 28, 2023</b> , the General Secretariat of the Treasury and International Financing, which publishes the legal rate of late payment interest applicable to commercial operations during the first semester of year 2024.  Complete reference to the text is available (in Spanish) <a href="#">here</a> .
Bank of Spain December 29, 2023	<b>Resolution of December 27, 2023</b> , of the Secretary of State for Economy and Business Support, by which the agreement of the Council of Ministers of said date is published, which modifies the Code of Good Practices of Urgent measures for mortgage debtors at risk of vulnerability.  Complete reference to the resolution is available (in Spanish) <a href="#">here</a> .
Official State Gazette December 28, 2023	<b>Royal Decree-Law 8/2023, of December 27, 2023</b> , which adopts measures to address the economic and social consequences derived from the conflicts in Ukraine and the Middle East, as well as to alleviate the effects of the drought.  Complete reference to the text is available (in Spanish) <a href="#">here</a> .
Official State Gazette December 28, 2023	<b>Royal Decree 1180/2023, of December 27, 2023</b> , which modifies Royal Decree 948/2001, of August 3, on investor compensation systems, and the regulations for the development of Law 35/2003, of November 4, of collective investment institutions, approved by Royal Decree 1082/2012, of July 13.  Complete reference to the text is available (in Spanish) <a href="#">here</a> .
Official State Gazette December 12, 2023	<b>Resolution of December 5, 2023</b> , of the General Secretariat of the Treasury and International Financing, by which Annex 1 included in the resolution of July 4, 2017, of the General Secretariat of the Treasury and Financial Policy is updated. It defines the principle of financial prudence applicable to debt operations and derivatives of autonomous communities and local entities is defined.  Complete reference to the text is available (in Spanish) <a href="#">here</a> .
Bank of Spain December 1, 2023	<b>Guidelines on the governance and transparency of revolving credit for institutions subject to Bank of Spain supervision</b>  Complete reference to the text is available (in English) <a href="#">here</a> .
Bank of Spain December 1, 2023	<b>Guidelines on the governance and transparency of revolving credit for institutions subject to Bank of Spain supervision</b>  Complete reference to the text is available (in English) <a href="#">here</a> .

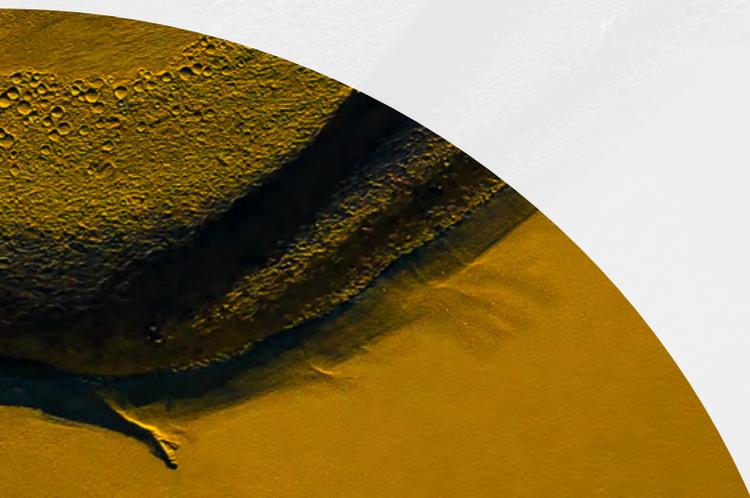
Source/Date	Brief description
Bank of Spain November 11, 2023	<p><b>Circular 3/2023, of October 31, 2023</b>, which modifies Circular 2/2016, of February 2, to credit institutions, on supervision and solvency, which completes the adaptation of the Spanish legal system to Directive 2013/36/EU and Regulation (EU) No. 575/2013, and Circular 1/2022, of January 24, to financial credit establishments, on liquidity, prudential standards and reporting obligations.</p> <p>Complete reference to the text is available (in Spanish) <a href="#">here</a>.</p>
Official State Gazette November 9, 2023	<p><b>Royal Decree 813/2023, of November 8, 2023</b>, on the legal regime of investment services companies and other entities that provide investment services.</p> <p>Complete reference to the regulation is available (in Spanish) <a href="#">here</a>.</p>
Official State Gazette November 9, 2023	<p><b>Royal Decree 814/2023, of November 8, 2023</b>, on financial instruments, admission to trading, registration of negotiable securities and market infrastructures.</p> <p>Complete reference to the regulation is available (in Spanish) <a href="#">here</a>.</p>
Official State Gazette November 9, 2023	<p><b>Royal Decree 815/2023, of November 8, 2023</b>, which implements Law 6/2023, of March 17, on Securities Markets and Investment Services, in relation to the official records of the Spanish Securities Market Commission, cooperation with other authorities and supervision of investment services companies.</p> <p>Complete reference to the regulation is available (in Spanish) <a href="#">here</a>.</p>
Official State Gazette November 9, 2023	<p><b>Royal Decree 816/2023, of November 8, 2023</b>, which modifies the regulations for the development of Law 35/2003, of November 4, on Collective Investment Institutions, approved by Royal Decree 1082/2012, of November 13.</p> <p>Complete reference to the Royal Decree-Law is available (in Spanish) <a href="#">here</a>.</p>
Official State Gazette November 9, 2023	<p><b>Royal Decree 817/2023, of November 8, 2023</b>, which establishes a controlled environment for testing compliance with the proposed regulation of the European Parliament and of the Council of the European Union establishing harmonized standards on artificial intelligence.</p> <p>Complete reference to the Royal Decree-Law is available (in Spanish) <a href="#">here</a>.</p>
Official State Gazette November 3, 2023	<p><b>Resolution of October 18, 2023</b>, of the Secretary of State for Economy and Business Support, which publishes the list of entities that have communicated their adherence to the Code of Good Practices for the viable restructuring of mortgage-backed debts about the habitual residence.</p> <p>Complete reference to the text is available (in Spanish) <a href="#">here</a>.</p>

# Key Regulatory Developments in the United Kingdom

Source/Date	Brief description
Financial Conduct Authority (FCA) December 20, 2023	<p><b>Consultation of the bond and derivative transparency regime</b></p> <p>The Financial Conduct Authority (FCA) is consulting on its proposals that aim to improve the operation of the existing transparency regime by establishing a better balance between the need to support the ability of market participants to offer liquidity, and the need for better and more timely transparency for the market as a whole. This consultation is part of the UK's Wholesale Markets Review, which identified that the current transparency regime had not delivered meaningful transparency and has had limited impact on price formation while imposing a high cost to industry.</p> <p>These proposals include revising the transparency framework for the bond and derivative markets in the UK; clarifying exemptions from post-trade transparency; improving the content of post-trade information; and refining the definition of a systematic internalizer.</p> <p>Any responses must be submitted to the FCA by March 6, 2024.</p> <p>More information is available <a href="#">here</a>.</p>
Financial Conduct Authority (FCA) December 20, 2023	<p><b>Consultation on listing rules reforms</b></p> <p>Following an initial consultation in May 2023, the Financial Conduct Authority (FCA) is consulting on the first tranche of its detailed proposed measures intended to make the UK's listing regime more accessible, effective and competitive.</p> <p>The FCA wants to create a simpler, disclosure-based, listing regime with a single commercial company category to help boost UK growth and competitiveness by making the listing regime more attractive to a wider range of companies, encouraging them to list and grow in the UK. This should also provide greater opportunities for investors, while still keeping high standards of disclosure so shareholders retain the ability to exercise stewardship and other rights to influence company behavior. This also involves a re-balancing of risks by the regulator, to ensure the market overall supports the risk appetite the economy needs.</p> <p>Any responses must be submitted to the FCA by February 16, 2024.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Financial Conduct Authority (FCA)</p> <p>December 20, 2023</p>	<p><b>Insurance Distribution Directive</b></p> <p>The Financial Conduct Authority (FCA) set out the final rules for insurance firms that transfer and replace retained EU law provisions from the Insurance Distribution Directive (IDD). The rule changes will come into force on April 5, 2024.</p> <p>The UK implemented the IDD in 2018. Most of this was done through changes to the FCA Handbook, but some of the requirements were contained in EU delegated regulations that were, at the time, directly applicable, and subsequently are part of retained EU law following the UK's exit from the EU.</p> <p>The FCA's proposals are intended to come into force on the same date that Parliament repeals the retained EU law, and seek to provide continuity of the regulatory regime applying to insurance-related activities. In most cases, the new rules will be a direct copy from the retained EU law, with some minor amends to ensure the wording, style and cross-referencing follow the FCA's Handbook style.</p> <p>More information is available <a href="#">here</a>.</p>

<p>Financial Conduct Authority (FCA)</p> <p>December 14, 2023</p>	<p><b>Retail banking consumer duty multi-firm work</b></p> <p>The Financial Conduct Authority (FCA) has undertaken a desk-based review of 70 product journeys across a range of 47 firms, to evaluate implementation of the consumer duty. These reviews focused on the approach firms followed to develop frameworks, apply methodologies and review the results and outputs of the gap analyses. The review looked at actions firms had taken for customers in financial difficulty, dealing with bank accounts of deceased or incapacitated customers, fraud and security breaches, business current accounts and/or mortgages for debt consolidation.</p> <p>The FCA has published examples of good practice, as well as areas of improvements identified.</p> <p>More information is available <a href="#">here</a>.</p>
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Source/Date	Brief description
<p>Financial Conduct Authority (FCA)</p> <p>December 12, 2023</p>	<p><b>Treatment of retained interest on customers' cash balances</b></p> <p>The Financial Conduct Authority (FCA) has written to investment platforms and self-invested personal pension (SIPP) operators, setting out its concerns regarding how they deal with any interest earned on customers' cash balances.</p> <p>The amount of interest earned by some firms has increased as rates have risen. The FCA recently surveyed 42 firms and found the majority retain some of the interest earned on these cash balances, which may not reasonably reflect the cost to firms of managing the cash. Many also charge a fee to customers for the cash they hold, known as "double dipping."</p> <p>The FCA is concerned these practices may not be providing fair value to customers and may not be understood by consumers or properly disclosed. The practice of "double dipping" has raised concerns with the regulator and firms have been told to cease this.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Financial Conduct Authority (FCA)</p> <p>December 7, 2023</p>	<p><b>New rules to maintain access to cash in increasingly digital world</b></p> <p>There has been significant innovation and change in the way that consumers can make, and businesses accept, payments. This has been driven by innovation in payments and changes in customer behavior.</p> <p>While the increasing range of digital services and payments options can make life easier, for many, the ability to withdraw cash is still vital. Cash remains particularly important for consumers with vulnerable characteristics and many small businesses.</p> <p>The Financial Conduct Authority (FCA) has proposed new rules to maintain reasonable access to cash for personal and business customers across the UK. This follows new powers granted to the FCA by the Financial Services and Markets Act 2023.</p> <p>Under the FCA's proposals, designated banks and building societies will need to assess gaps in access to cash. These assessments need to take into account local factors such as demographics and transport. Where firms identify gaps, they will need to act to address these needs.</p> <p>The consultation is open until February 8, 2024. The FCA expects to finalize the rules by Q3 of 2024.</p> <p>More information is available <a href="#">here</a> and <a href="#">here</a>.</p>

**Source/Date****Brief description**

Financial Conduct Authority (FCA)

December 8, 2023

**Consultation on the advice guidance boundary review**

The Financial Conduct Authority (FCA) is consulting on a joint review with the UK government to examine the regulatory boundary between financial advice and other forms of support. The FCA's Financial Lives Survey found that consumers can find it difficult identifying that they need support, and that when they do, their needs are not being fully met. While not everyone will want or need support, many consumers could be missing out on the value support can provide—a situation commonly known as the "advice gap."

The government and the FCA are seeking views on an advice and guidance framework which consumers can trust, recognizing the complexity faced by consumers in making financial decisions. To achieve this, the FCA wants to build a system that ensures consumers get the help they want, at a time they need it and at a cost that is affordable. The Advice Boundary Review's aim is to design a regulatory system where commercially viable, high-quality models of support can emerge so consumers can access support through regulated channels, taking advantage of new and emerging technologies to enhance consumer experiences and outcomes.

More information is available [here](#).

Financial Conduct Authority (FCA)

December 6, 2023

**Consultation on Updating the Regime for Money Market Funds**

The Financial Conduct Authority (FCA) is consulting on proposals to enhance the resilience of money market funds (MMFs) based in the UK.

MMFs are a type of fund used routinely by investors to place money and have quick access to it when they need it. MMFs pool investors' money and make low-risk investments in high-quality short-term assets. MMFs are subject to regulation to ensure that they can redeem investors' investment and return it to them as cash at short notice. Investments in MMFs are not guaranteed; however, usually MMF investors receive all or almost all of their investment back.

The FCA's proposals are:

1. A significant increase in the minimum proportion of highly liquid assets that all MMF types have to hold. This will ensure that MMFs have enough liquid assets to withstand large amounts of withdrawals over a short period in severe but plausible market stresses.
2. The removal of an existing regulatory requirement for important types of MMF that "links" the levels of liquid assets in those MMFs with the need for the MMF manager to impose or consider imposing tools that, if used, would reduce the ability of investors to get their money back without unanticipated delays or losses.

More information is available [here](#).

**Source/Date****Brief description**

Financial Conduct Authority (FCA)

November 28, 2023

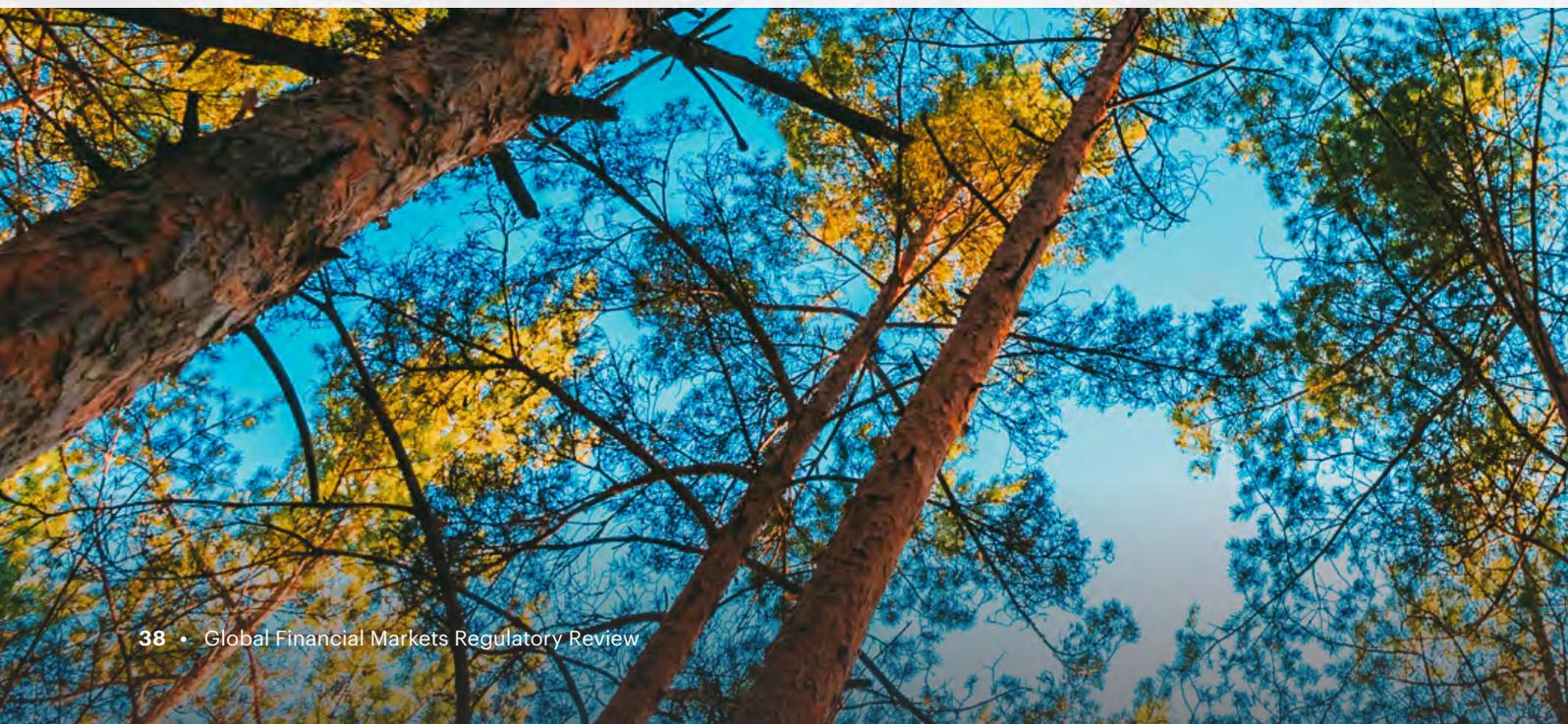
**Sustainability disclosure requirements and investment labels**

The Financial Conduct Authority (FCA) has published a policy statement introducing a package of measures to help consumers navigate the market for sustainable investment products. These measures include:

- An anti-greenwashing rule for all FCA-authorized firms to reinforce that sustainability-related claims must be fair, clear and not misleading
- Naming and marketing rules for investment products, to ensure the use of sustainability-related terms is accurate
- Four labels to help consumers navigate the investment product landscape and enhance consumer trust
- Consumer-facing information to provide consumers with better, more accessible information to help them understand the key sustainability features of a product
- Detailed information targeted at institutional investors and consumers seeking more information in pre-contractual, ongoing product-level and entity-level disclosures
- Requirements for distributors to ensure that product-level information (including the labels) is made available to consumers

The anti-greenwashing rule came into force upon publication of the policy statement. The FCA's consultation on guidance on this rule recently closed and the FCA anticipates publishing the finalized guidance in early 2024. More information on this guidance consultation is available [here](#).

More information is available [here](#).



**Source/Date****Brief description**

Financial Conduct Authority (FCA) and Prudential Regulation Authority (PRA)

November 6, 2023

**Discussion papers on regulating stablecoins**

The Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA) have published discussion papers seeking input on how to develop their regime for fiat-backed stablecoins. This follows Treasury's recent policy statement setting out its intention to define fiat-backed stablecoins in legislation, expecting it to capture those stablecoins that seek to maintain a stable value by reference to a fiat currency, and to hold (in part or wholly) currency as "backing."

Phase one of the proposed regime will bring some activities involving fiat-backed stablecoins within the FCA's perimeter and will impose regulatory requirements on firms, to enhance both consumer protection and market integrity. This will mean that the stablecoin issuer will need to seek authorization from the FCA to issue fiat-backed stablecoins in or from the UK (even if recipients are not in the UK).

The FCA requests comments on the discussion paper by February 6, 2024. It will then start to consult on its more detailed proposals.

More information is available [here](#).

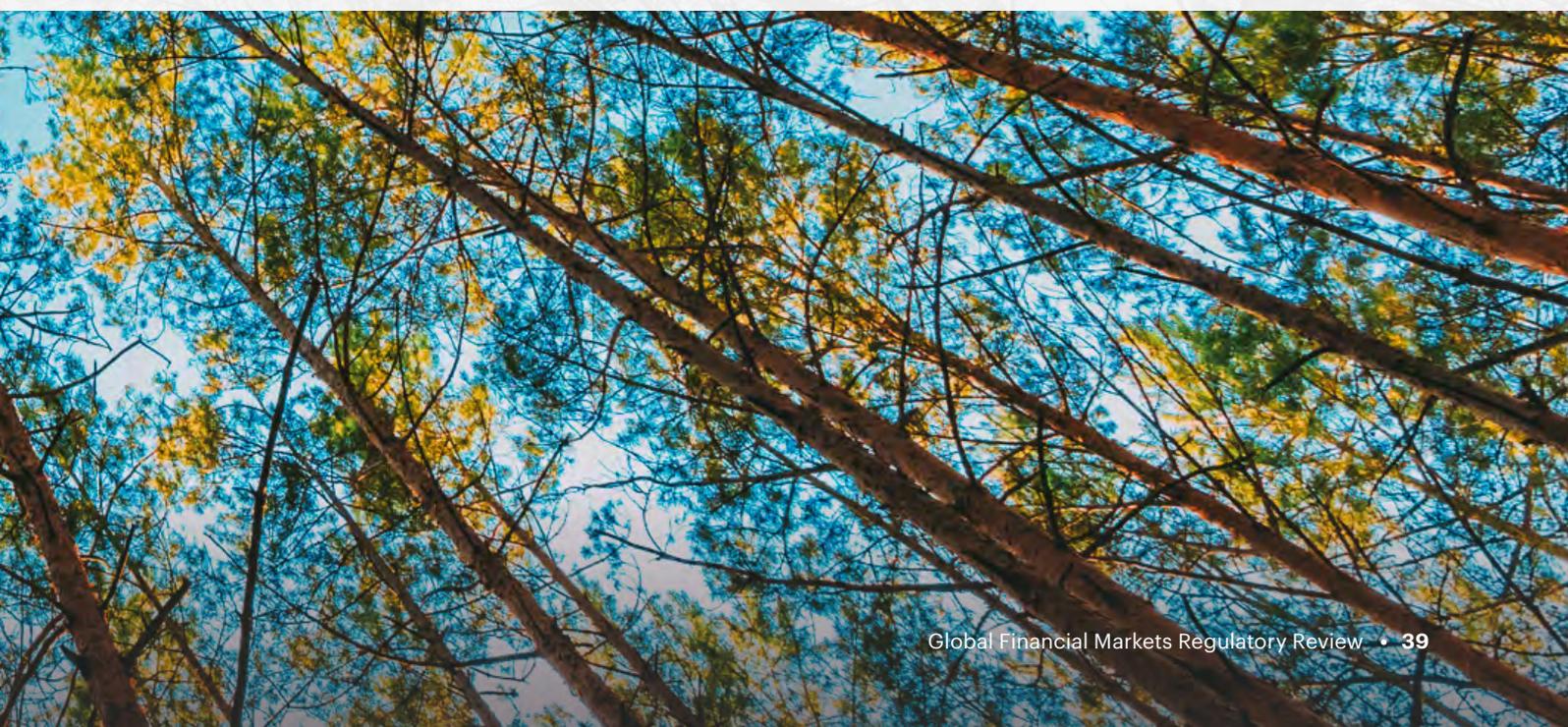
Financial Conduct Authority (FCA)

November 13, 2023

**Multi-firm review of anti-fraud control and complaints handling**

The Financial Conduct Authority (FCA) has undertaken a multi-firm review to evaluate the approach to fraud risk management, with a focus on authorized push payment (APP) fraud. The FCA has published its key findings and provided examples of good practice and areas for improvement, including poor complaints-handling processes. It has also provided its observations across several areas reviewed, such as governance, management information, the use of intelligence and the treatment of vulnerable customers.

More information is available [here](#).



Source/Date	Brief description
<p>Financial Conduct Authority (FCA)</p> <p>November 2, 2023</p>	<p><b>Finalized guidance on crypto asset financial promotions</b></p> <p>The Financial Conduct Authority (FCA) has published its finalized guidance setting out how firms should approach financial promotions for qualifying crypto assets to ensure compliance with the FCA's rules. This follows the final rules on crypto asset financial promotions, which the FCA published in June 2023.</p> <p>The guidance applies to all qualifying crypto assets, focusing particularly on certain types of crypto assets that can cause significant harm to consumers when promoted in a way that is unfair, unclear and misleading. The guidance includes:</p> <ul style="list-style-type: none"> <li>• The scope of the crypto asset financial promotions regime and available exemptions and exclusions.</li> <li>• The interaction between the regime and the consumer duty</li> <li>• The implication of social media</li> <li>• Due diligence to be completed before communicating crypto asset financial promotions</li> <li>• Disclosure requirements.</li> </ul> <p>More information is available <a href="#">here</a>.</p>

Financial Conduct Authority (FCA)

October 30, 2023

**Consultation on rules relating to securitization**

The Financial Conduct Authority (FCA) is consulting on proposed rules to replace the firm-facing provisions from the UK Securitisation Regulation (UKSR), which are being transferred into the FCA Handbook. The current UKSR is retained EU law, which will be replaced by new rules when repealed by Parliament. The FCA does not propose to make any changes to the reporting templates (and so does not anticipate any system changes), but intends to:

- Make the UKSR more proportionate
- Remove barriers to the issuance of, and investment in, securitizations
- Implement such proposals while maintaining appropriate protections for investors and with as minimal additional regulatory and operational cost upon impacted firms as is possible
- Provide a clearer framework within which the market can operate

More information is available [here](#).

Source/Date	Brief description
<p>Financial Conduct Authority (FCA)</p> <p>September 28, 2023</p>	<p><b>Multi-firm review of financial promotions for high-risk investments</b></p> <p>The Financial Conduct Authority (FCA) has undertaken a multi-firm review evaluating how firms offering restricted mass market investments (RMMIs) have complied with new rules on the customer journey. This follows the new requirements for firms promoting high-risk investments (HRIs) to retail clients, which the FCA published in August 2022.</p> <p>The FCA identifies examples of good and poor practice across several areas, including incentives, cooling-off periods, categorization, risk warnings and appropriateness. The FCA intends that firms will reflect on these findings and, where required, modify their own practices.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Financial Conduct Authority (FCA)</p> <p>September 25, 2023</p>	<p><b>Consultation on diversity and inclusion in the financial sector</b></p> <p>The Financial Conduct Authority (FCA) is consulting on its proposed framework to establish minimum standards and give firms a better understanding of what is expected of them in relation to diversity and inclusion from a regulatory standpoint.</p> <p>The FCA considers that greater levels of diversity and inclusion can improve outcomes for markets and consumers. In particular, by helping reduce groupthink, supporting healthy work cultures, improving understanding of and provision for diverse consumer needs and unlocking diverse talent, supporting the competitiveness of the UK's financial services sector.</p> <p>The FCA's proposals include a reporting requirement and intends that this would also help ensure greater consistency and transparency across the sector on firms' approaches to diversity and inclusion.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Financial Conduct Authority (FCA)</p> <p>September 12, 2023</p>	<p><b>Introducing a gateway for firms that approve financial promotions</b></p> <p>The Financial Conduct Authority (FCA) has published its policy paper supporting the new requirement for persons wanting to approve financial promotions on behalf of an unauthorized person, to be authorized by the FCA to do so. Currently, any authorized person can generally approve financial promotions for unauthorized persons. However, the FCA has set out its view that too many non compliant financial promotions are being approved. As a result, there has been harm to consumers who are invited or induced to obtain inappropriate financial products or services.</p> <p>With effect from February 7, 2024, amendments to s. 55NA Financial Services and Markets Act 2000 will impose the new "Financial Promotion Requirement" restricting authorized persons from approving financial promotions unless they have permission to do so (subject to exemptions).</p> <p>More information is available <a href="#">here</a>.</p>

# Key Regulatory Developments in the United States

Source/Date	Brief description
Securities and Exchange Commission (SEC) January 24, 2024	<p><b>SEC adopts rules to enhance investor protections relating to SPACs, shell companies and projections</b></p> <p>The Securities and Exchange Commission (SEC) adopted new rules and amendments to enhance disclosures and provide additional investor protection in initial public offerings (IPOs) by special purpose acquisition companies (SPACs) and in subsequent business combination transactions between SPACs and target companies (de-SPAC transactions).</p> <p>SPAC IPOs and de-SPAC transactions can be used as a means for private companies to enter the public markets. Given the complexity of these transactions, the SEC seeks to enhance investor protection in SPAC IPOs and de-SPAC transactions with respect to the adequacy of disclosure and the responsible use of projections. The rules also address investor protection concerns more broadly with respect to shell companies and blank check companies, including SPACs.</p> <p>The new rules and amendments require, among other things, enhanced disclosures about conflicts of interest, SPAC sponsor compensation, dilution and other information that is important to investors in SPAC IPOs and de-SPAC transactions. The rules also require registrants to provide additional information about the target company to investors that will help investors make more informed voting and investment decisions in connection with a de-SPAC transaction.</p> <p>The rules more closely align the required disclosures and legal liabilities that may be incurred in de-SPAC transactions with those in traditional IPOs. For example, in certain situations, the rules require the target company to sign a registration statement filed by a SPAC (or another shell company) in connection with a de-SPAC transaction. This would make the target company a “co-registrant” and assume responsibility for disclosures in that registration statement. In addition, the rules make the Private Securities Litigation Reform Act of 1995 safe harbor from liability for forward-looking statements unavailable to certain blank check companies, including SPACs.</p> <p>In connection with de-SPAC transactions, the rules include disclosure requirements related to projections, including disclosure of all material bases of the projections and all material assumptions underlying the projections. The rules also update and expand guidance on the use of projections in all SEC filings.</p> <p>More information is available <a href="#">here</a>.</p>

January 1, 2024

**US Corporate Transparency Act takes effect**

As of January 1, 2024, the Corporate Transparency Act (CTA), part of the Anti-Money Laundering Act of 2020, requires “reporting companies” to file with the Treasury Department’s Financial Crimes Enforcement Network (FinCEN) reports containing personal information about the company’s beneficial owners. The reports are intended to help prevent and combat money laundering and other illicit activity in the United States by providing information to law enforcement and national security agencies about the owners of such entities.

Only “reporting companies” are subject to the CTA’s reporting requirements. A “reporting company” includes (1) domestic reporting companies, which include any corporation, limited liability company, limited partnership or similar entity created by filing a document with any US state, territory or Indigenous tribe; and (2) foreign reporting companies, which include any non-US entity that registers to do business with any US state, territory or Indigenous tribe. Trusts (other than trusts created by a filing, such as statutory or business trusts) are themselves not reporting companies.

**Information required to be reported:**

**Reporting company:** Each reporting company must provide the company’s legal name, trade name or “doing business as” name, current address, jurisdiction of formation (or, for a foreign reporting company, the state, territory or tribal jurisdiction where it first registers) and employer identification number (EIN). Foreign reporting companies must provide a foreign tax identification number if they do not have an EIN.

**Beneficial ownership information:** Reporting companies must identify each of their “beneficial owners.” A “beneficial owner” is any individual who, directly or indirectly, exercises “substantial control” over the reporting company; or who “owns” or “controls” at least 25 percent of the “ownership interests” in a reporting company (ownership interests include equity, stock, or voting rights, capital or profit interests, convertible instruments, options and any other instrument, contract or other mechanism used to establish ownership). The regulations provide guidance for “substantial control” and “owns or controls.” For example, an individual has substantial control if such individual exercises a certain degree of power over a reporting company, like serving as a senior officer (e.g., president, chief executive officer, chief financial officer or general counsel) for the company. This definition is broad and can include anyone who has the authority to appoint or remove certain officers or a majority of directors or who has direction or substantial influence over important matters at the reporting company, such as compensation schemes and incentive programs for senior officers. A reporting company can have multiple beneficial owners.

**Company applicants:** Reporting companies formed on or after January 1, 2024, also must identify up to two “company applicants.” The two company applicants include (1) the individual who directly files the document to create or register the reporting company and (2) the individual who is primarily responsible for directing or controlling such filing (if more than one individual participates in the filing).

More information is available [here](#).

Source/Date	Brief description
<p>Commodity Futures Trading Commission (CFTC)</p> <p>December 15, 2023</p>	<p><b>CFTC approves proposed amendments to regulations regarding real-time public reporting and swap data recordkeeping and reporting requirements</b></p> <p>The Commodity Futures Trading Commission (CFTC) announced the approval of a proposed rule to revise CFTC regulations regarding real-time public reporting and swap data recordkeeping and reporting. These proposed measures are part of the agency’s continued efforts towards international data harmonization and to ensure the CFTC continues to receive accurate, complete and high-quality data on swap transactions.</p> <p>The proposed amendments to Parts 43 and 45 would allow a unique product identifier and product classification system (UPI) to be implemented for the Other Commodity asset class. On February 16, 2023, the CFTC issued an order designating a UPI to be used in swap recordkeeping and data reporting for the Interest Rate, Credit, Foreign Exchange and Equity asset classes. Use of the UPI for these four asset classes is expected by no later than January 29, 2024. The proposed revisions allow the UPI to be extended to the Other Commodity asset class in the future, in accordance with CFTC regulations.</p> <p>Additionally, the proposed amendments would modify appendix A to Part 43 and appendix 1 to Part 45 to add certain data elements that will further international harmonization as well as increase data quality, accuracy and standardization.</p> <p>More information is available <a href="#">here</a>.</p>



**Source/Date****Brief description**

Commodity Futures  
Trading Commission  
(CFTC)

November 6, 2023

**Inter-agency working group releases new report on Treasury market resilience efforts**

The Inter-Agency Working Group on Treasury Market Surveillance (IAWG)—which is composed of staff from the US Department of the Treasury, the Board of Governors of the Federal Reserve System, the Federal Reserve Bank of New York, the US Securities and Exchange Commission (SEC) and the US Commodity Futures Trading Commission—issued a staff progress report to provide an additional update on a wide range of significant steps its members have taken to enhance the resilience of the US Treasury market. The IAWG members have, among other steps:

- Announced plans to implement a Treasury buyback program in 2024
- Adopted amendments requiring certain firms that are significantly involved in the proprietary trading of Treasury securities to become members of the Financial Industry Regulatory Authority (FINRA) and report their Treasury transactions to FINRA's Trade Reporting and Compliance Engine (TRACE)
- Approved further enhancements to the public release of data on secondary market transactions in on-the-run Treasury securities
- Adopted changes to SEC Form N-MFP that will provide, among other items, more granular information about activity of money market funds in the Treasury repurchase agreement (repo) market
- Adopted changes to SEC Form PF that will enable better monitoring of the activity of liquidity funds and will draw clearer distinctions between cash and derivatives activity in the Treasury markets
- Adopted rules requiring reporting of the terms of securities lending transactions in a timely manner
- Approved changes that will expand cross-margining between central counterparties that clear cash and derivatives transactions related to Treasury securities and improve the management of member defaults

More information is available [here](#).

Source/Date	Brief description
Securities and Exchange Commission (SEC)  November 2, 2023	<p><b>SEC adopts rules for the registration and regulation of security-based swap execution facilities</b></p> <p>The Securities and Exchange Commission (SEC) adopted new Regulation SE under the Securities Exchange Act of 1934 to create a regime for the registration and regulation of security-based swap execution facilities (SBSEFs). The new regulatory framework was required under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act relating to the over-the-counter derivatives market.</p> <p>The new rule addresses the Exchange Act's trade execution requirement for security-based swaps and the cross-border application of that requirement, implements Section 765 of the Dodd-Frank Act to mitigate conflicts of interest at SBSEFs and national securities exchanges that trade security-based swaps, and promotes consistency between Regulation SE and existing rules under the Exchange Act.</p> <p>In adopting Regulation SE, the SEC has sought to harmonize as closely as practicable with parallel rules of the Commodity Futures Trading Commission that govern swap execution facilities and swap execution generally.</p> <p>More information is available <a href="#">here</a>.</p>



**Source/Date****Brief description**

Commodity Futures  
Trading Commission  
(CFTC)

October 17, 2023

**CFTC releases enforcement advisory on penalties, monitors and admissions**

The Commodity Futures Trading Commission's (CFTC) Division of Enforcement issued an advisory designed to give enforcement staff guidance on future enforcement resolution recommendations to the commission. In particular, the advisory provides guidance on determining whether proposed civil monetary penalties (CMPs) are sufficient; when the imposition of a corporate compliance monitor or consultant is appropriate; what the duties and responsibilities of monitors and consultants should be; and whether admissions should be recommended in a particular enforcement action.

Specifically, the advisory gives staff guidance on the following topics:

**Detering misconduct through appropriate penalties:** The division is recalibrating how it is assessing proposed CMPs to ensure the CMPs are at the level necessary to achieve general and specific deterrence, which may result in the division recommending higher penalties in resolutions than may have been imposed in similar cases previously. The advisory also notes the division will factor recidivism in determining appropriate penalties to recommend to the CFTC and details several of the factors the division will consider in determining whether a person or entity is a recidivist.

**Monitors and consultants – ensuring remediation to reduce likelihood of future misconduct:** The division notes that in cases where it lacks confidence that an entity will remediate misconduct on its own, it will require the resolving entity to engage a third-party approved by the dDivision to assist in remediation. This will include monitors, which are third parties engaged to make recommendations, test those recommendation, and report on the results of their work to the division; and consultants, which are third parties to advise the entities regarding compliance enhancements. Going forward, the division anticipates recommending to the CFTC that a monitor be imposed in cases involving the most significant and/or pervasive compliance and control failures reflecting a lack of sufficient commitment to effective compliance, and a consultant will be recommended in serious but less severe cases.

**Admissions – achieving accountability and deterrence:** Companies and individuals under investigation should no longer assume no-admit, no-deny resolutions are the default. Rather, in each case, the division will discuss with respondents or defendants whether admissions are appropriate. The advisory describes various factors relevant to the determination of whether admissions are appropriate.

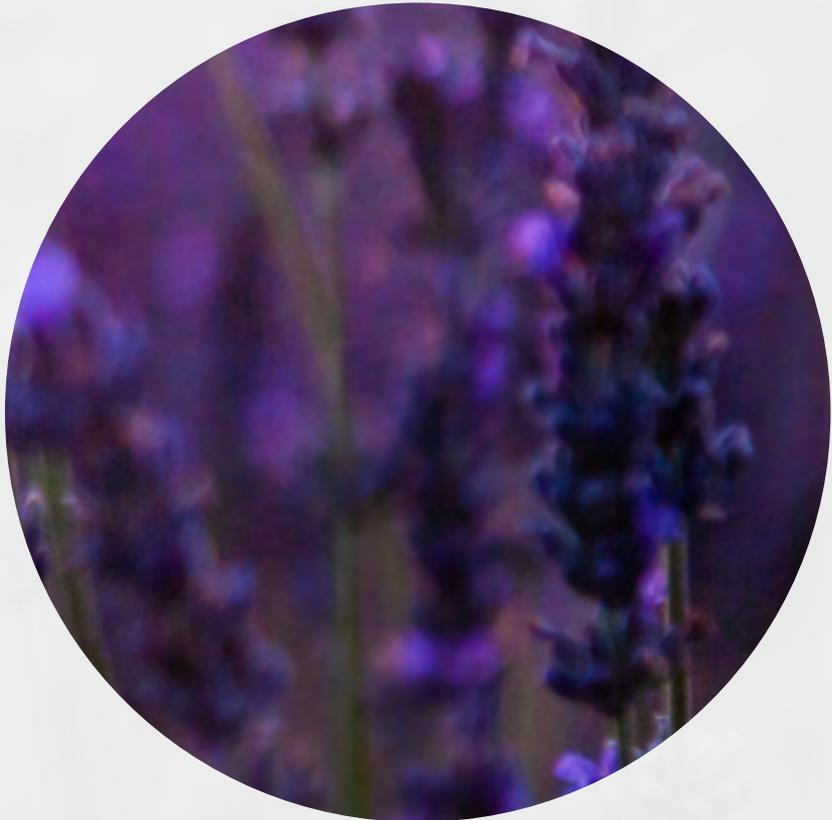
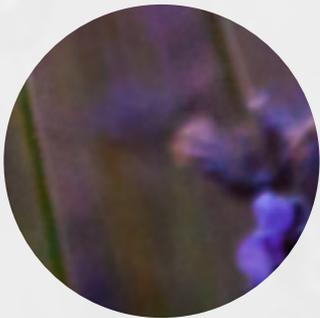
More information is available [here](#).

Source/Date	Brief description
<p>Securities and Exchange Commission (SEC)</p> <p>October 13, 2023</p>	<p><b>SEC adopts rule to increase transparency into short selling and amendment to CAT NMS Plan for purposes of short-sale data collection</b></p> <p>The Securities and Exchange Commission (SEC) adopted new Rule 13f-2 to provide greater transparency to investors and other market participants by increasing the public availability of data related to short sales. Congress directed the SEC in Section 929X of the Dodd-Frank Act of 2010 to promulgate rules to make certain short sale data publicly available.</p> <p>Specifically, Rule 13f-2 will require institutional investment managers that meet or exceed certain thresholds to report on Form SHO specified short position data and short activity data for equity securities. The SEC will aggregate the resulting data by security, thereby maintaining the confidentiality of the reporting managers, and publicly disseminate the aggregated data via EDGAR on a delayed basis. This new data will supplement the short sale data that is currently publicly available.</p> <p>Relatedly, the SEC also adopted an amendment to the National Market System Plan (NMS Plan) governing the consolidated audit trail (CAT). The amendment to the NMS Plan governing the CAT (CAT NMS Plan) will require each CAT reporting firm that is reporting short sales to indicate when it is asserting use of the bona fide market making exception in Rule 203(b)(2)(iii) of Regulation SHO.</p> <p>The compliance date for Rule 13f-2 and Form SHO will be 12 months after the effective date of the adopting release, with public aggregated reporting to follow three months later, and the compliance date for the amendment to the CAT NMS Plan will be 18 months after the effective date of the adopting release.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
Securities and Exchange Commission (SEC)  October 13, 2023	<p><b>SEC adopts rule to increase transparency in the securities lending market</b></p> <p>The Securities and Exchange Commission (SEC) adopted new Rule 10c-1a, which will require certain persons to report information about securities loans to a registered national securities association (RNSA) and require RNSAs to make publicly available certain information that they receive regarding those lending transactions. The rule is intended to increase the transparency and efficiency of the securities lending market.</p> <p>Rule 10c-1a will require certain confidential information to be reported to an RNSA to enhance the RNSA's oversight and enforcement functions. Further, the new rule requires that an RNSA make certain information it receives, along with daily information pertaining to the aggregate transaction activity and distribution of loan rates for each reportable security, available to the public. The Financial Industry Regulatory Authority (FINRA) is currently the only RNSA.</p> <p>The compliance dates for the new rule will be as follows: (1) an RNSA is required to propose rules within four months of the effective date; (2) the proposed RNSA rules are required to be effective no later than 12 months after the effective date; (3) covered persons are required to report information required by the rule to an RNSA starting on the first business day 24 months after the effective date; and (4) RNSAs are required to publicly report information within 90 calendar days of the reporting date.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Securities and Exchange Commission (SEC)</p> <p>October 10, 2023</p>	<p><b>SEC adopts amendments to rules governing beneficial ownership reporting</b></p> <p>The Securities and Exchange Commission (SEC) adopted rule amendments governing beneficial ownership reporting under Sections 13(d) and 13(g) of the Securities Exchange Act of 1934. The amendments update Regulation 13D-G to require market participants to provide more timely information on their positions to meet the needs of investors in today's financial markets.</p> <p>Exchange Act Sections 13(d) and 13(g), along with Regulation 13D-G, require an investor who beneficially owns more than five percent of a covered class of equity securities to publicly file either a Schedule 13D or a Schedule 13G, as applicable. An investor with control intent files Schedule 13D, while Exempt Investors and investors without a control intent, such as Qualified Institutional Investors and Passive Investors, file Schedule 13G.</p> <p>Among other things, the amendments: shorten the deadline for initial Schedule 13D filings from 10 days to five business days and require that Schedule 13D amendments be filed within two business days; generally accelerate the filing deadlines for Schedule 13G beneficial ownership reports (the filing deadlines differ based on the type of filer); clarify the Schedule 13D disclosure requirements with respect to derivative securities; and require that Schedule 13D and 13G filings be made using a structured, machine-readable data language.</p> <p>Further, the adopting release provides guidance regarding the current legal standard governing when two or more persons may be considered a group for the purposes of determining whether the beneficial ownership threshold has been met, as well as how, under the current beneficial ownership reporting rules, an investor's use of certain cash-settled derivative securities may result in the person being treated as a beneficial owner of the class of the reference equity securities.</p> <p>Compliance with the revised Schedule 13G filing deadlines will be required beginning on September 30, 2024. Compliance with the structured data requirement for Schedules 13D and 13G will be required on December 18, 2024. Compliance with the other rule amendments will be required upon their effectiveness.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
Securities and Exchange Commission (SEC)  September 20, 2023	<p><b>SEC approves revised Privacy Act rule</b></p> <p>The Securities and Exchange Commission (SEC) approved a rule to revise its regulations under the Privacy Act, which is the principal law governing the handling of personal information in the federal government. The final rule clarifies, updates and streamlines the SEC’s Privacy Act regulations. In addition, the final rule revises procedural and fee provisions and eliminates unnecessary provisions. The final rule also allows for electronic methods to verify one’s identity and submit Privacy Act requests.</p> <p>The SEC last updated its Privacy Act rules in 2011. The revisions approved today will codify current practices for processing requests made by the public under the Privacy Act. This provides greater clarity regarding the SEC’s process for how individuals can access information pertaining to themselves.</p> <p>Due to the scope of the revisions, the final rule replaces the SEC’s current Privacy Act regulations in their entirety.</p> <p>More information is available <a href="#">here</a>.</p>



# Key Regulatory Developments in Canada

Source/Date	Brief description
Canadian Securities Administrators (CSA) December 14, 2023	<p><b>CSA Notice – amendments to National Instrument 24-101 institutional trade matching and settlement, and changes to Companion Policy 24-101 institutional trade matching and settlement</b></p> <p>The Canadian Securities Administrators (CSA) is adopting amendments to this Instrument and Companion Policy (collectively, “NI 24-101”), which will come into force May 27, 2024. The amendments update the institutional trade matching (ITM) process to reflect the shorter T+1 standard settlement cycle for equity and long-term debt trades, which will also be instituted on May 27, 2024. The amendments change the ITM deadline accordingly and the timing of certain data reporting requirements. The amendments also serve to repeal certain outdated exception reporting requirements.</p> <p>Further information is available <a href="#">here</a>.</p>
Office of the Superintendent of Financial Institutions Canada (OSFI) November 20, 2023	<p><b>OSFI consults on disclosure of federally regulated financial institutions' crypto-asset exposures</b></p> <p>Following on pronouncements in the 2023 federal budget, the Office of the Superintendent of Financial Institutions (OSFI) is consulting on the issue of public disclosure of bank exposures to crypto-assets, in parallel with similar consultations being conducted by the Basel Committee on Banking Supervision (BCBS) in respect of internationally active banks. Specifically, OSFI has posed three questions:</p> <ol style="list-style-type: none"><li>1. What, if any, technical aspects of the BCBS disclosure tables and templates should be amended for banks and insurers in the Canadian context?</li><li>2. What key considerations should be factored in to ensure proportionality of disclosures?</li><li>3. What other considerations raised by the BCBS consultation should be kept in mind in developing Canadian disclosure expectations?</li></ol> <p>Once this consultation is complete, OSFI intends to publish its public disclosure expectations for Canadian banks and insurers. Draft guidelines on public disclosures are expected by fall 2024, with the final guidelines slated to take effect in Q4 2025.</p> <p>Further information is available <a href="#">here</a>.</p>

**Source/Date****Brief description**

Canadian Securities Administrators (CSA) and Canadian Investment Regulatory Organization (CIRO)

November 16, 2023

**CSA/CIRO Staff Notice 23-332 summary of comments and responses to CSA/IIROC Staff Notice 23-329 short selling in Canada**

This notice published the results of the Canadian Securities Administrators' (CSA) and Canadian Investment Regulatory Organization's (CIRO) 2022 request for feedback on the regulation of short selling in Canada. No public consensus exists on the appropriate regulatory framework for short selling. Certain responders suggested only minor amendments to the existing regulatory regime, while others suggested that wholesale reform was in order (with one commenter advocating for an outright ban on short selling).

The CSA and CIRO continue to be of the view that properly regulated short selling contributes to market efficiency, transparency, liquidity and price discovery. While short selling may be used to manipulate markets, this risk can be minimized with appropriate regulation.

Certain areas were identified for further analysis:

- Pre-borrow requirements for broker-dealers
- The possibility of different short sale rules for shares of junior and senior issuers
- The possibility of shortening the timeline for reporting failed trades (currently 10 days after the expected settlement date)
- Increasing transparency by public reporting of short positions and/or prohibiting the use of the "anonymous" broker number by brokers executing short sales
- Introducing mandatory buy-ins or close-outs of short positions

Further information is available [here](#).

Source/Date	Brief description
<p>Canadian Securities Administrators (CSA) and Canadian Investment Regulatory Organization (CIRO)</p> <p>October 12, 2023</p>	<p><b>CSA Staff Notice 31-364 – OBSI Joint Regulators Committee Annual Report for 2022</b></p> <p>This joint notice of the Canadian Securities Administrators (CSA) and Canadian Investment Regulatory Organization (CIRO) serves as the 2022 annual report of their Joint Regulators Committee (JRC), which oversees the Ombudsman for Banking Services and Investments (OBSI). Pursuant to National Instrument 31-103 Registration Requirements, Exemptions and Ongoing Registrant Obligations, OBSI provides independent dispute resolution services for investor complaints against registered dealers and advisers.</p> <p>In 2022, OBSI published its independent evaluation of the investment side of its mandate, which found that OBSI met and exceeded its performance criteria. However, the report highlighted 22 recommendations for improvement, including that OBSI be granted the power to make binding awards as part of the dispute resolution process. The JRC is now collaborating with OBSI to take action in response to the report.</p> <p>OBSI provides the JRC with quarterly reports, which in 2022 revealed several trends. Most notably, firms regularly settled with investors for amounts less than those recommended by OBSI. These low settlements tend to erode confidence in the fairness and effectiveness of the OBSI process. Other trends included the rise in complaints to OBSI regarding restricted dealers dealing in crypto assets (although many of these related to fraud perpetrated by third parties) and a significant decrease in complaints pertaining to order-execution-only dealers.</p> <p>Further information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Canadian Securities Administrators (CSA)</p> <p>September 28, 2023</p>	<p><b>CSA Multilateral Staff Notice 58-316 – Review of Disclosure Regarding Women on Boards and in Executive Officer Positions (Year 9 Review)</b></p> <p>This report highlights the findings of the Canadian Securities Administrators’ (CSA) review of disclosure required by National Instrument 58-101 <i>Disclosure of Corporate Governance Practices</i> regarding women on boards and in executive positions of public companies. The following key trends were identified:</p> <ul style="list-style-type: none"> <li>• The total number of board seats occupied by women continues to increase, currently standing at 27 percent.</li> <li>• 89 percent of issuers had at least one woman on their board.</li> <li>• Issuers with a greater market capitalization tended to have a greater number of women on their boards.</li> <li>• The number of issuers with at least one woman executive continues to increase, currently standing at 71 percent.</li> <li>• However, only five percent of issuers have a woman CEO.</li> <li>• The number of issuers with a policy relating to the representation of women on their board continues to increase, currently standing at 64 percent.</li> </ul> <p>Further information is available <a href="#">here</a>.</p>
<p>Canadian Securities Administrators (CSA)</p> <p>October 5, 2023</p>	<p><b>CSA Staff Notice 21-333 Crypto Asset Trading Platforms: terms and conditions for trading value-referenced crypto assets with clients</b></p> <p>In Canada, value-referenced crypto assets (VRCAs)—colloquially known as “stablecoins”—may constitute securities and/or derivatives. This notice provides further guidance to crypto asset trading platforms (CTPs) on the Canadian Securities Administrators’ (CSA) approach to VRCAs.</p> <p>Absent the written consent of the principal provincial regulator, trading VRCAs is prohibited. Consent will only be granted in respect of VRCAs that replicate the value of a single fiat currency, and where the proposed issuer has set aside a full reserve of that currency. Furthermore, the proposed issuer of the VRCA must file an undertaking with the CSA which, among other things, evidences the commitment of the issuer to take various steps in furtherance of investor protection. Furthermore, CTPs, which permit clients to trade approved VRCAs, are subject to considerable compliance obligations, which are set out in Appendix A of the notice.</p> <p>Further information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Canadian Securities Administrators (CSA)</p> <p>September 28, 2023</p>	<p><b>CSA Notice of Publication – Multilateral Instrument 93-101 Derivatives: Business Conduct; Companion Policy 93-101CP Derivatives: Business Conduct</b></p> <p>The Canadian Securities Administrators (CSA) published the above noted Instrument and Companion Policy (collectively, MI 93-101) in response to the fact that Canada was the only G20 country that had not yet implemented business conduct standards for over-the-counter (OTC) derivatives markets. MI 93-101 serves to protect market participants, reduce risks, improve transparency, increase accountability and promote responsible business conduct.</p> <p>MI 93-101 establishes a robust market conduct regime for OTC derivatives markets, which is harmonized with the regulatory approach of Canada’s International Organization of Securities Commissions partners. MI 93-101 applies to derivatives advisers and dealers, including federally regulated Canadian financial institutions that are in the business of trading or advising in OTC derivatives. MI 93-101 employs a principles-based approach to the regulation of derivatives firms, including requirements that pertain to:</p> <ul style="list-style-type: none"> <li>• Fair dealing</li> <li>• Conflicts of interest</li> <li>• Know your derivatives party</li> <li>• Suitability</li> <li>• Pre-transaction disclosure</li> <li>• Reporting of non-compliance</li> <li>• Compliance</li> <li>• Senior management duties</li> <li>• Recordkeeping</li> <li>• Treatment of derivatives party assets</li> </ul> <p>MI 93-101 takes effect on September 28, 2024. It is anticipated that the British Columbia Securities Commission will adopt similar rules at a later date, at which time MI 93-101 will be converted to a National Instrument.</p> <p>Further information is available <a href="#">here</a>.</p>

Source/Date	Brief description
Canadian Investment Regulatory Organization (CIRO)  2022-2023	<p><b>Annual Report 2022–2023</b></p> <p>The Canadian Investment Regulatory Organization (CIRO) is the new, combined self-regulatory organization (SRO) for all investment dealers and mutual funds dealers in Canada. The two predecessor SROs, the Investment Industry Regulatory Organization of Canada and the Mutual Fund Dealers Association of Canada, amalgamated to continue as the New Self-Regulatory Organization of Canada, effective January 1, 2023, which subsequently changed its name to CIRO on June 1, 2023.</p> <p>CIRO oversees all trading activity on Canada’s debt and equity markets. The first Annual Report provides industry statistics, describes CIRO’s governance structure, and tracks CIRO’s progress on its priorities, including developing a three-year strategic plan; promoting the investor perspective; harmonizing regulation, including consolidating the investment dealer and mutual fund dealer rules; and delivering on its regulatory mandate. CIRO’s financial statements are also provided.</p> <p>Further information is available <a href="#">here</a>.</p>



# Key Regulatory Developments in Hong Kong

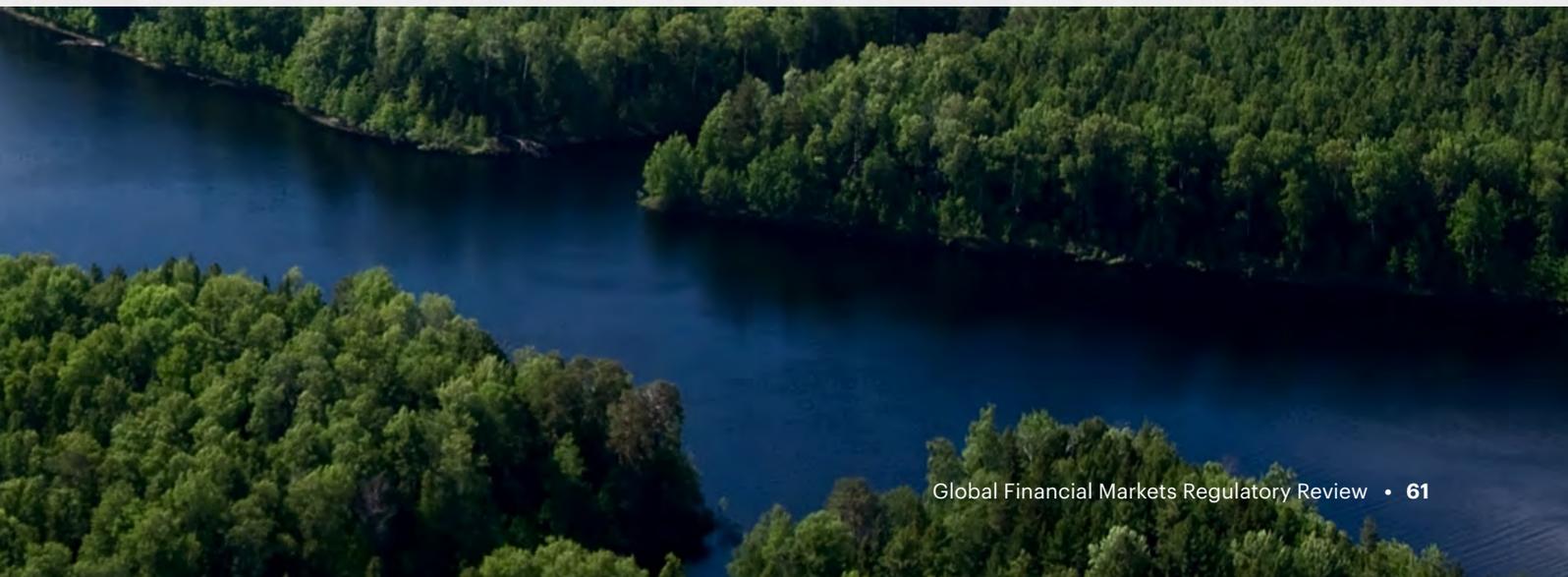
Source/Date	Brief description
Hong Kong Market Misconduct Tribunal December 21, 2023	<p><b>Hong Kong Market Misconduct Tribunal sanctions Mayer Holdings Limited and its former senior management for late disclosure of inside information</b></p> <p>The Market Misconduct Tribunal (MMT) has sanctioned Mayer Holdings Limited (Mayer) and nine of its former senior executives who were found to have failed to disclose inside information as soon as reasonably practicable as required under the Securities and Futures Ordinance (SFO). The sanctions were made following remitted proceedings after the Court of Appeal allowed appeals by Mayer and its directors against an earlier determination by the MMT.</p> <p>In the remitted proceedings, the MMT found that Mayer had no written guidelines and/or internal control policies on the statutory requirements to timely disclose inside information, which resulted in its breach of the disclosure requirement. The MMT also found that the nine former senior executives had not taken all reasonable measures to ensure proper safeguards were put in place to prevent the breach and that their intentional, reckless or negligent conduct had resulted in the breach.</p> <p>The MMT has ordered, among others, that Mayer and the nine former senior executives pay a total fine of HK\$4.65 million.</p> <p>For more information, click <a href="#">here</a>.</p>
Accounting and Financial Reporting Council (AFRC) December 15, 2023	<p><b>AFRC starts inspecting audit working papers located on the Mainland</b></p> <p>The Accounting and Financial Reporting Council (AFRC) has reached a consensus with the Bureau of Supervision and Evaluation (SEB) of the PRC's Ministry of Finance for the SEB to assist the AFRC in obtaining audit working papers located on the Mainland for the purposes of the AFRC's inspection of auditors' procedures and documentation in Hong Kong (the equivalent to US Public Company Accounting Oversight Board and UK Financial Reporting Council inspections).</p> <p>For more information, click <a href="#">here</a>.</p>
Hong Kong Exchanges and Clearing Limited (HKEX) December 15, 2023	<p><b>HKEX signs cooperation agreement with Heilongjiang government</b></p> <p>Hong Kong Exchanges and Clearing Limited (HKEX) announced that it has signed a memorandum of understanding with the People's Government of Heilongjiang Province to strengthen cooperation and to support listings of Heilongjiang companies on Hong Kong's equities market.</p> <p>For more information, click <a href="#">here</a>.</p>

Source/Date	Brief description
<p data-bbox="162 212 427 280">Hong Kong Monetary Authority (HKMA)</p> <p data-bbox="162 311 395 340">December 11, 2023</p>	<p data-bbox="497 212 1398 280"><b>The HKMA organizes Green and Sustainable Banking Conference and announces results of the Green Fintech Competition</b></p> <p data-bbox="497 311 1417 450">The Hong Kong Monetary Authority (HKMA) organized the Green and Sustainable Banking Conference on December 11, 2023. The event brought together around 400 participants from banks, technology firms, regulatory authorities and academia.</p> <p data-bbox="497 481 1393 620">A key objective of the conference is to provide a platform for the banking sector and the technology sector to discuss the role of low-carbon technology and green fintech in the net-zero transition in Hong Kong and the Mainland.</p> <p data-bbox="497 651 895 680">For more information, click <a href="#">here</a>.</p>
<p data-bbox="162 743 435 810">Securities and Futures Commission (SFC)</p> <p data-bbox="162 842 392 871">December 4, 2023</p>	<p data-bbox="497 743 1390 848"><b>SFC reprimands and fines Ruifeng Securities Limited HK\$5.2 million for fund management and account opening failures and suspends its responsible officer</b></p> <p data-bbox="497 880 1398 983">The Securities and Futures Commission (SFC) has reprimanded and fined Ruifeng Securities Limited (RSL) HK\$5.2 million over failures relating to its fund management activities and account opening procedures.</p> <p data-bbox="497 1014 1410 1305">The disciplinary action follows an SFC investigation into RSL when it acted as an investment manager of a Cayman-incorporated fund between July 1, 2019, and December 10, 2020. The investigation found that as of May 2020, RSL invested about 90 percent of the fund's US\$94.5 million net asset value into financial instruments linked to a Mainland property developer even after identifying various downside factors in its own analysis. It had also failed to make adequate disclosure of material information about the fund.</p> <p data-bbox="497 1337 895 1366">For more information, click <a href="#">here</a>.</p>
<p data-bbox="162 1424 400 1529">Accounting and Financial Reporting Council (AFRC)</p> <p data-bbox="162 1561 408 1590">November 30, 2023</p>	<p data-bbox="497 1424 1361 1456"><b>AFRC highlights deficiencies in the audits of licensed corporations</b></p> <p data-bbox="497 1487 1401 1738">The Accounting and Financial Reporting Council (AFRC) has highlighted that more than half of the audits of licensed corporations (those licensed under the Securities and Futures Ordinance) inspected were found to be deficient, particularly on determining whether licensed corporations were in compliance with statutory requirements, including whether licensed corporations had segregated client accounts and renewed their clients' standing authorizations in a timely fashion.</p> <p data-bbox="497 1769 895 1798">For more information, click <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Hong Kong Exchanges and Clearing Limited (HKEX)</p> <p>November 30, 2023</p>	<p><b>Consultation Paper on securities and derivatives trading under severe weather conditions</b></p> <p>Hong Kong Exchanges and Clearing Limited (HKEX) published a Consultation Paper on the proposed operational model and related arrangements for Hong Kong's securities and derivatives markets, for them to remain operational during severe weather conditions. The consultation would last for eight weeks, ending on January 26, 2024.</p> <p>For more information, click <a href="#">here</a>.</p>
<p>Securities and Futures Commission (SFC)</p> <p>November 24, 2023</p>	<p><b>Hong Kong to launch China treasury bond futures</b></p> <p>The Securities and Futures Commission announced that China treasury bond futures contracts will be launched in Hong Kong. Hong Kong Exchanges and Clearing Limited (HKEX) is making preparations for the launch, including proposing amendments to relevant rules. HKEX will announce the details and the launch date as soon as practicable.</p> <p>For more information, click <a href="#">here</a>.</p>
<p>Securities and Futures Commission (SFC)</p> <p>November 23, 2023</p>	<p><b>SFC commences legal proceedings against AMTD Global Markets Limited and its former executives for non-compliance in IPO-related investigations</b></p> <p>The Securities and Futures Commission (SFC) has commenced legal proceedings asking the Court of First Instance to inquire into the circumstances of non-compliance by AMTD Global Markets Limited (AMTD, currently known as orientiert XYZ Securities Limited) and its former executives with the SFC's notices in investigations related to initial public offerings (IPOs).</p> <p>The SFC's investigations related to suspected employment of fraudulent or deceptive schemes and/or disclosure of false or misleading information in the IPOs of certain listed companies where AMTD was involved as bookrunner, lead manager and underwriter.</p> <p>For more information, click <a href="#">here</a>.</p>



Source/Date	Brief description
<p>Securities and Futures Commission (SFC)</p> <p>October 31, 2023</p>	<p><b>Court of Final Appeal unanimously dismisses appeal by suspected overseas manipulators</b></p> <p>The Court of Final Appeal (CFA) has unanimously dismissed the appeal by David Subotic, Sasha Szabo, Eastmore Global, Ltd., Eastmore Management, LLC, Eastmore Holdings, Ltd, and Current Trading, LLC (collectively, the Eastmore Defendants) concerning service out of the jurisdiction that arose from legal proceedings brought by the Securities and Futures Commission (SFC) in a case of alleged false trading.</p> <p>In July 2019, the SFC commenced civil proceedings under section 213 of the Securities and Futures Ordinance (SFO) in the Court of First Instance (CFI) against a group of local and overseas traders and investors (collectively, the Syndicate), including the Eastmore Defendants, who were suspected of manipulating the shares of Ching Lee Holdings Limited through a large and highly organized scheme. The scheme generated around HK\$124.9 million of illicit profit for the Syndicate.</p> <p>The Eastmore Defendants are overseas nationals or entities incorporated outside Hong Kong. The SFC obtained, ex parte interim injunctions freezing assets of the Syndicate, and leave for service out of the jurisdiction on the Eastmore Defendants under certain “gateways” of the Rules of the High Court. The Eastmore Defendants made several applications to challenge the CFI’s leave for the SFC to serve them out of the jurisdiction.</p> <p>For more information, click <a href="#">here</a>.</p>
<p>Insurance Authority (IA)</p> <p>October 26, 2023</p>	<p><b>IA signs memorandum of understanding with ICAC to strengthen cooperation to combat corruption</b></p> <p>The Insurance Authority (IA) and the Independent Commission Against Corruption (ICAC) entered into a memorandum of understanding, which sets out the framework for handling corruption crimes relating to the insurance industry, and strengthens collaboration in areas covering the referral of cases, joint investigations, the exchange of information, and the provision of expert assistance.</p> <p>For more information, click <a href="#">here</a>.</p>



Source/Date	Brief description
<p>Securities and Futures Commission (SFC), Independent Commission Against Corruption (ICAC) and Accounting and Financial Reporting Council (AFRC)</p> <p>October 19, 2023</p>	<p><b>SFC, ICAC and AFRC conduct first tripartite operation against suspected corporate fraud and misconduct</b></p> <p>The Securities and Futures Commission (SFC), the Independent Commission Against Corruption (ICAC) and the Accounting and Financial Reporting Council (AFRC) have conducted the first tripartite operation involving two Hong Kong-listed companies on suspicion that they falsified corporate transactions totaling HK\$193 million (approximately RMB177.56 million). A total of 16 premises were jointly searched by the three agencies.</p> <p>The investigation revealed that the management of the two companies listed on the Stock Exchange of Hong Kong Limited had allegedly conspired with others to falsify corporate transactions purporting that the two listed companies had conducted various transactions with a number of companies in Hong Kong and Mainland China between May 2018 and December 2021, resulting in overstatements of HK\$83.9 million (approximately RMB77.2 million) in their revenue and misstatement of assets in the sum of HK\$109.2 million (approximately RMB100.5 million). Such overstatements and misstatement of assets might lead to disclosure of false or misleading information in the interim results and/or annual reports of the two listed companies.</p> <p>For more information, click <a href="#">here</a>.</p>
<p>Securities and Futures Commission (SFC)</p> <p>September 29, 2023</p>	<p><b>SFC publishes lists of virtual asset-trading platforms</b></p> <p>The Securities and Futures Commission (SFC) published several lists of virtual asset-trading platforms (VATPs) on its website as part of its efforts to disseminate information on VATPs in a clear, transparent and timely manner.</p> <p>For more information, click <a href="#">here</a>.</p>
<p>Hong Kong Exchanges and Clearing Limited (HKEX)</p> <p>September 27, 2023</p>	<p><b>HKEX FINI launches on November 22</b></p> <p>Hong Kong Exchanges and Clearing Limited (HKEX) launched FINI, Hong Kong's new digitalized initial public offering (IPO) settlement platform, on November 22, 2023, replacing the prior CCASS platform. The launch of FINI is a milestone development in the evolution of the city's capital markets. All new listings whose prospectus is published on or after November 22, 2023, will be processed on the FINI platform.</p> <p>For more information, click <a href="#">here</a>.</p>



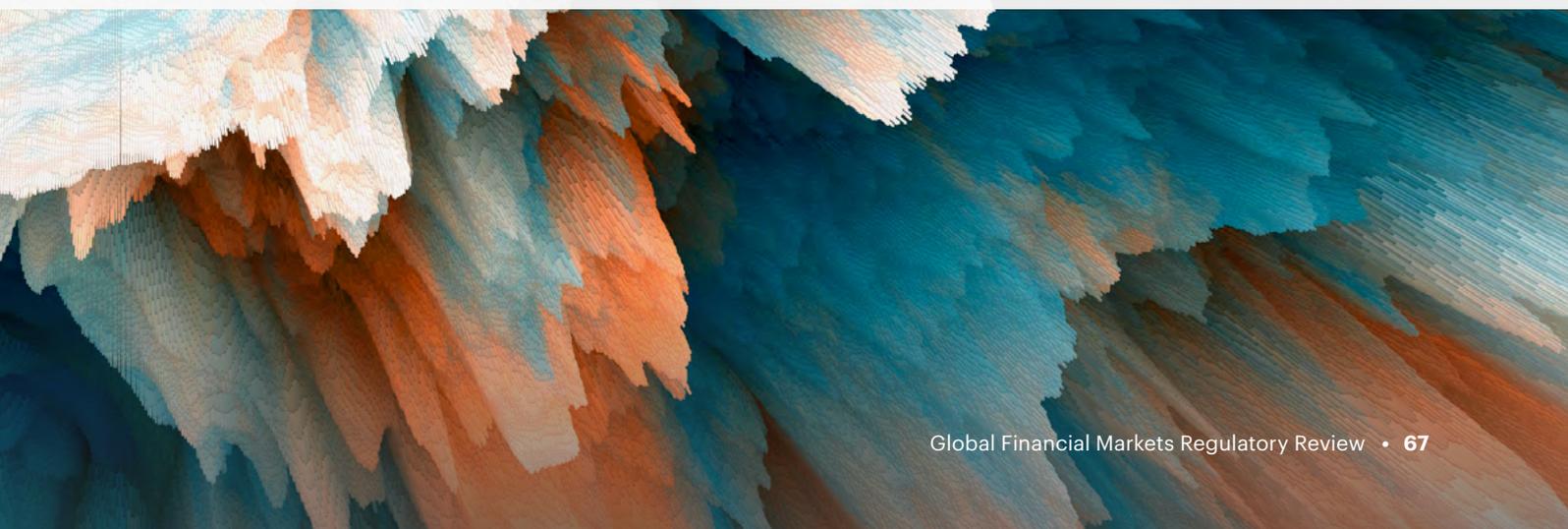
## Key Regulatory Developments in Singapore

Source/Date	Brief description
Monetary Authority of Singapore (MAS) December 7, 2023	<p><b>Singapore and China enhance digital finance and capital markets cooperation</b></p> <p>At the 19th Joint Council for Bilateral Cooperation in Tianjin, the Monetary Authority of Singapore (MAS) announced several new initiatives to expand its financial cooperation with China. These initiatives are:</p> <ul style="list-style-type: none"><li>(a) A cross-border Chinese cryptocurrency (e-CNY) pilot to allow travellers from both countries to use e-CNY for tourism spending in Singapore and China.</li><li>(b) The launch of an exchange-traded funds (ETF) product link between the Singapore Exchange (SGX) and the Shanghai Stock Exchange to open up further collaboration opportunities for fund managers in both markets and increase investors' access to ETF products in each other's markets.</li><li>(c) A Memorandum of Understanding (MOU) between SGX and Guangzhou Futures Exchange to collaborate on information exchange; mutual visits and training; and joint research on products and business areas relating to green development.</li></ul> <p>More information is available <a href="#">here</a>.</p>
Monetary Authority of Singapore (MAS) December 6, 2023	<p><b>MAS publishes code of conduct for providers of ESG rating and data products</b></p> <p>The Monetary Authority of Singapore (MAS) published its finalised Code of Conduct for environmental, social and governance (ESG) rating and data-product providers and an accompanying checklist for such providers to self-attest their compliance to the code. The code aims to establish baseline industry standards for transparency in methodologies and data sources, governance and management of conflicts of interest that may compromise the reliability and independence of the products. The code builds on recommendations for good practices by the International Organisation of Securities Commission. The MAS will continue to monitor developments in the ESG industry and the global regulatory landscape, in considering any further enhancements to the regulatory regime for such providers.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Monetary Authority of Singapore (MAS)</p> <p>December 5, 2023</p>	<p><b>ADB, GEAPP and MAS to establish energy transition acceleration finance partnership in Asia</b></p> <p>The Asian Development Bank (ADB), the Global Energy Alliance for People and Planet (GEAPP) and the Monetary Authority of Singapore (MAS) have announced their intent to establish a blended finance partnership to accelerate energy transition at scale in Asia. They have signed an memorandum of understanding to set up this partnership to mobilize concessional capital from philanthropic and public sectors, de-risk projects and crowd-in private capital from across the world to finance energy transition projects in Asia. Through this partnership, the partners will develop numerous opportunities and deploy innovative and scalable financing structures to drive decarbonization in Asia.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Monetary Authority of Singapore (MAS)</p> <p>December 3, 2023</p>	<p><b>MAS launches world’s first multi-sector transition taxonomy</b></p> <p>The Monetary Authority of Singapore (MAS) has launched the Singapore-Asia Taxonomy for Sustainable Finance, which sets out detailed thresholds and criteria for defining green and transition activities that contribute to climate change mitigation across eight focus sectors: energy; real estate; transportation; agriculture and forestry/land use; industrial; information and communication technology; waste/circular economy; and carbon capture and sequestration. With the taxonomy, there is greater clarity on what constitutes sustainable and transition financing, which also helps to reduce the risk of green or transition washing as financial institutions can identify and disclose how their financed activities and labelled products are aligned with the taxonomy.</p> <p>To enhance interoperability with global taxonomies, the MAS has also commenced an exercise to map the taxonomy to the International Platform for Sustainable Finance’s Common Ground Taxonomy (CGT). Once the mapping is complete, financial institutions and market participants will be able to refer to a common set of definitions under the CGT, which would help increase taxonomy-aligned financing solutions and facilitate sustainable development in markets that the CGT covers.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Monetary Authority of Singapore (MAS)</p> <p>November 23, 2023</p>	<p><b>MAS strengthens regulatory measures for digital payment token services</b></p> <p>The Monetary Authority of Singapore (MAS) has published its final tranche of responses to feedback received on its proposed regulations for digital payment token (DPT) service providers in Singapore. The consulted proposals set out business conduct and consumer access measures to limit potential consumer harm, and also stipulate minimum technology and cyber risk management requirements for DPT service providers. These regulatory measures will be implemented through regulations and guidelines, which will take effect in phases from mid-2024, giving DPT service providers an adequate transitional period to properly implement these measures.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Monetary Authority of Singapore (MAS)</p> <p>November 16, 2023</p>	<p><b>MAS lays foundation for safe and innovative use of digital money in Singapore</b></p> <p>The Monetary Authority of Singapore (MAS) has announced three initiatives to ensure the safe and innovative use of digital money in Singapore:</p> <ul style="list-style-type: none"> <li>(a) A blueprint outlining the technology infrastructure required for a digital Singapore dollar</li> <li>(b) The expansion of digital money trials to examine relevant infrastructure components and commercial models for digital money</li> <li>(c) A plan to issue a “live” central bank digital currency (CBDC) for wholesale settlement</li> </ul> <p>The three forms of digital money that the MAS is promoting are wholesale CBDCs, tokenized bank liabilities and regulated stablecoins.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Monetary Authority of Singapore (MAS)</p> <p>November 16, 2023</p>	<p><b>MAS launches digital platform for seamless ESG data collection and access</b></p> <p>The Monetary Authority of Singapore (MAS) has launched Gprnt, an integrated digital platform that harnesses technology to simplify how the financial sector and real economy collect, access and act upon environmental, social and governance (ESG) data to support their sustainability initiatives. Gprnt is the culmination of the MAS' Project Greenprint, a series of initiatives using data and technology to facilitate a more transparent, trusted and efficient ESG ecosystem to enable green and sustainable finance. Gprnt is currently undergoing live testing with selected banks and small to medium enterprises, and will be progressively rolled out from Q1 2024 onwards. When fully implemented, Gprnt's reporting solution is expected to help companies to automate their ESG reporting process and allow end users to access relevant data to support their sustainability-related decision-making. Gprnt will be managed by a newly created entity, Greenprint Technologies Pte Ltd, which will be set up by the MAS and several strategic partners.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Monetary Authority of Singapore (MAS)</p> <p>November 15, 2023</p>	<p><b>MAS partners with financial industry to expand asset tokenisation initiatives</b></p> <p>The Monetary Authority of Singapore (MAS) has announced that it is working with the financial industry to expand asset tokenization initiatives and develop foundational capabilities to scale tokenized markets. These developments are part of the MAS' Project Guardian, a collaborative initiative with policymakers and the financial industry to test the feasibility of applications in asset tokenization and decentralised finance while managing risks to financial stability and integrity. First, Project Guardian's industry group of 17 financial institutions has initiated five additional industry pilots to test promising asset tokenization use cases. Second, the MAS will be collaborating with international policymakers and the financial industry on several digital infrastructure initiatives to facilitate transactions involving tokenized assets.</p> <p>More information is available <a href="#">here</a>.</p>



Source/Date	Brief description
<p>Monetary Authority of Singapore (MAS)</p> <p>November 14, 2023</p>	<p><b>MAS, IFC and WEF partner to advance digital inclusion in emerging and developing markets</b></p> <p>The Monetary Authority of Singapore (MAS), the International Finance Corporation (IFC) and the World Economic Forum (WEF) have signed an memorandum of understanding to collaborate on initiatives to advance digital inclusion through financial services, with the aim of reducing inequalities for individuals, communities and micro, small and medium-sized enterprises in emerging and developing economies. This partnership will focus on finding ways to better mobilize financing to make digital services more affordable and accessible for these target groups, including developing and promoting guidelines for digital financial inclusion financing instruments.</p> <p>More information is available <a href="#">here</a>.</p>

<p>Monetary Authority of Singapore (MAS)</p> <p>November 14, 2023</p>	<p><b>MAS-led consortium develops AI-powered system to support sustainable finance in real estate sector</b></p> <p>The Monetary Authority of Singapore (MAS) has announced a minimum viable product (MVP), which can assist banks to tap on AI when issuing sustainability-linked loans (SLLs) in the real estate sector. The MVP was developed by an MAS-led consortium, which has finished its first phase of work under Project NovAI, an initiative launched under Singapore’s National AI Programme in Finance, which aims to use AI and data analytics to drive sustainability through financial services. The AI-powered MVP can help banks address key challenges faced when extending SLLs, by facilitating the setting of performance targets for SLLs in the real estate sector to enable a more accurate sustainability assessment; monitoring borrowers’ current sustainability performance against key performance indicators and sustainability performance targets to curb greenwashing; and enhancing the processing of sustainable finance transactions with the use of natural language processing.</p> <p>More information is available <a href="#">here</a>.</p>
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Source/Date	Brief description
<p>Monetary Authority of Singapore (MAS)</p> <p>November 14, 2023</p>	<p><b>MAS, UNDP and partners launch universal trusted credentials initiative for MSME financing</b></p> <p>The Monetary Authority of Singapore (MAS), together with the United Nations Development Programme (UNDP) and several partners, have launched an open global initiative, Universal Trusted Credentials (UTC), to improve micro, small and medium-sized enterprises' (MSME) access to financing. MSMEs account for up to 90 percent of businesses and 70 percent of employment worldwide, but face significant challenges in accessing affordable finance to grow their businesses. These challenges are further compounded when the MSMEs pursue cross-border opportunities. This UTC initiative proposes a framework for the creation of trusted credentials that characterize an MSME's financing worthiness based on traditional and alternative data sets. The initiative will focus on building MSMEs' capacity and improving access to data and financing through collaborations with trusted data providers in key emerging markets, as well as through conducting pilot testing and developing common UTC standards to ensure interoperability internationally.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Monetary Authority of Singapore (MAS)</p> <p>October 30, 2023</p>	<p><b>MAS partners with policymakers in Japan, Switzerland and the United Kingdom to foster responsible digital asset innovation</b></p> <p>The MAS has announced its partnership with the Financial Services Agency of Japan, the Swiss Financial Market Supervisory Authority and the United Kingdom's Financial Conduct Authority to advance digital asset pilots in fixed income, foreign exchange and asset management products. This is a new policymaker group established under the MAS' Project Guardian, which aims to, among others, objectives:</p> <ul style="list-style-type: none"> <li>(a) Advance discussions of the legal, policy and accounting treatment of digital assets</li> <li>(b) Identify potential risks and possible gaps in existing policies and legislation relevant to tokenized solutions</li> <li>(c) Explore the development of common standards for the design of digital asset networks and market best practices across various jurisdictions</li> </ul> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Monetary Authority of Singapore (MAS)</p> <p>October 24, 2023</p>	<p><b>MAS consults on streamlined regulatory framework for fund managers</b></p> <p>The Monetary Authority of Singapore (MAS) has launched a public consultation on its proposal to streamline the regulatory framework for fund managers in Singapore. Specifically, the MAS has proposed that the existing Registered Fund Management Companies (RFMC) regime be repealed, and that existing RFMCs in operation will be approved as Licensed Fund Management Companies (LFMCs) upon application. Currently, RFMCs have similar admission criteria and business conduct requirements as LFMCs that serve only accredited or institutional investors (A/I LFMCs), but RFMCs are subject to lighter requirements in terms of the frequency and granularity of regulatory reporting, given the limits imposed on their assets under management and number of customers. Since the introduction of the RFMC regime in 2012, the business models and risk profiles of RFMCs and A/I LFMCs have increasingly converged, making the regulatory distinction between the two less meaningful. As such, the MAS has proposed to repeal the RFMC regime.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Monetary Authority of Singapore (MAS)</p> <p>October 5, 2023</p>	<p><b>BIS and central banks to explore protocols for embedding policy and regulatory compliance in cross-border transactions</b></p> <p>The Bank of International Settlements (BIS), in partnership with national central bank including the Monetary Authority of Singapore (MAS), has launched Project Mandala. The project seeks to explore the feasibility of encoding jurisdiction-specific policy and regulatory requirements into a common protocol for cross-border use cases, such as foreign direct investment, borrowing and payments. The goal is to ease the policy and regulatory compliance burden of having disparate policy and regulatory frameworks among different jurisdictions by automating compliance procedures, providing real-time transaction monitoring and increasing transparency and visibility around country-specific policies.</p> <p>More information is available <a href="#">here</a>.</p>

**Source/Date****Brief description**

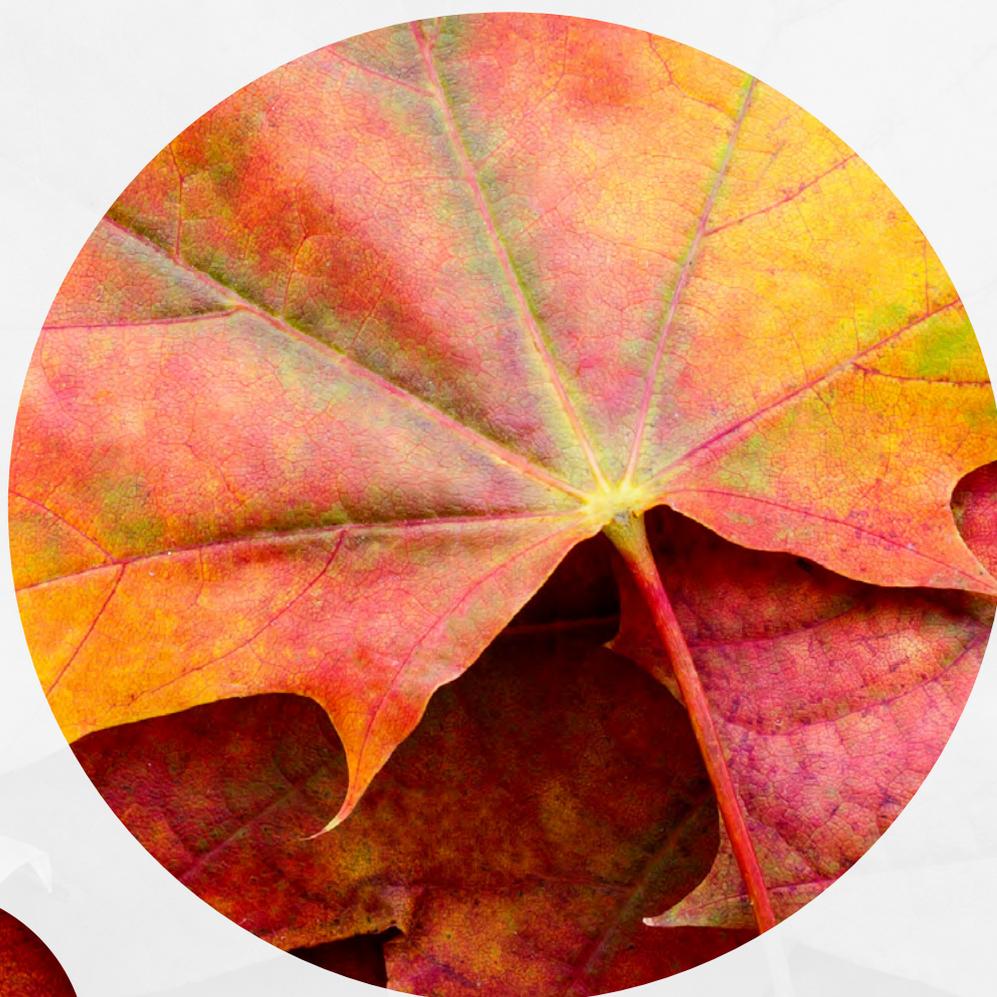
Monetary Authority of Singapore (MAS)

August 25, 2023

**Regional payment connectivity expansion to include State Bank of Vietnam**

The State Bank of Vietnam, the nation's central bank, has officially joined the Regional Payment Connectivity (RPC) initiative. This is an expansion of the Memorandum of Understanding on Cooperation in RPC, which was initiated by the central banks of Indonesia, Malaysia, Philippines, Singapore and Thailand in 2022. The RPC initiative was established to strengthen and enhance collaboration on payment connectivity through the development of more transparent and inclusive cross-border payments. The RPC aims to make inter-country payments more seamless and convenient, allowing individuals and businesses to conduct transactions across the ASEAN region with ease. Moving forward, the RPC may also be expanded to other neighbouring economies and other countries beyond ASEAN.

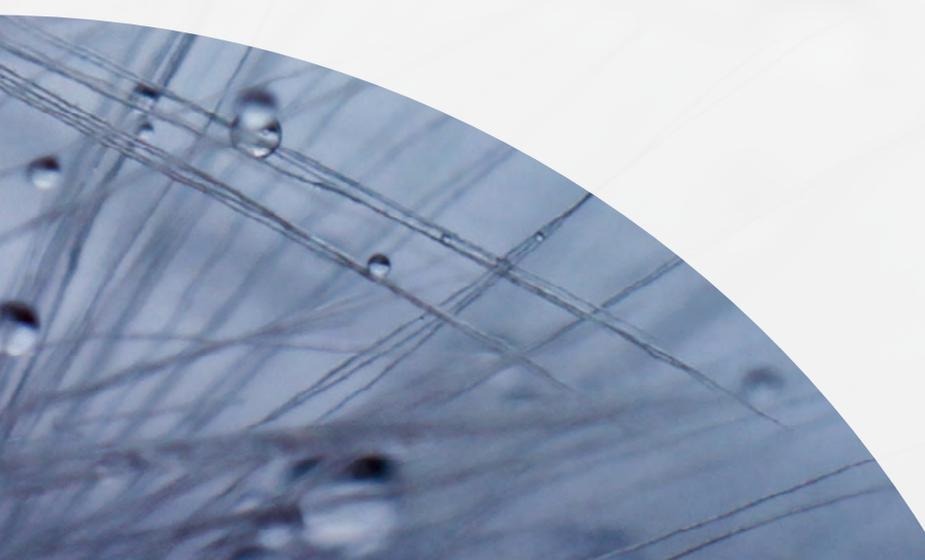
More information is available [here](#).



# Key Regulatory Developments in India

Source/Date	Brief description
Reserve Bank of India (RBI)  January 5, 2024	<p><b>Risk management and inter-bank dealings – hedging of foreign exchange risk</b></p> <p>The Reserve Bank of India (RBI) issued a circular, bearing reference number <i>RBI/2023-24/108 A. P. (DIR Series) Circular No. 13</i>, dated January 5, 2024, introducing Master Direction: Risk Management and Inter-Bank Dealings – Hedging of Foreign Exchange Risk, consolidating the directions contained in the Currency Futures (Reserve Bank) Directions, 2008, and Exchange-Traded Currency Options (Reserve Bank) Directions, 2010.</p> <p>The Master Direction will come into effect from April 5, 2024, replacing the existing directions in Part A (Section I) of the Master Direction – Risk Management and Interbank Dealings (as amended from time to time), and in supersession of the notifications listed in the Annex-II to the circular.</p> <p>More information is available <a href="#">here</a>.</p>
Insurance Regulatory and Development Authority of India (IRDAI)  January 5, 2024	<p><b>Investments in infrastructure debt funds – NBFC</b></p> <p>In a circular bearing reference number <i>IRDAI/F&amp;I/INV/CIR/003/01/2024</i>, the Insurance Regulatory and Development Authority of India (IRDAI) has allowed insurers to make investments in infrastructure debt funds (IDFs) of non-banking financial companies (NBFCs), subject to certain conditions as stipulated in the circular. The circular draws reference to Note 2 of Regulation 9 of IRDAI (Investment) Regulations 2016, emphasizing that investments in IDFs backed by the central government and approved by the IRDAI must be considered for “investments in infrastructure” on a case-by-case basis.</p> <p>The circular is introduced with an aim to facilitate and streamline the investments by insurers in IDF-NBFCs; hence, the requirement of case-by-case approval for an investment in an IDF is done away with.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Securities and Exchange Board of India (SEBI)</p> <p>December 28, 2023</p>	<p><b>Master Circular for online resolution of disputes in the Indian securities market</b></p> <p>The Securities and Exchange Board of India (SEBI), issued a Master Circular bearing reference number <i>SEBI/HO/OIAE/OIAE_IAD-3/P/CIR/2023/195</i>, dated July 31, 2023, and updated on December 28, 2023, pursuant to a gazette notification dated July 3, 2023, issued by SEBI (Alternative Dispute Resolution Mechanism) (Amendment) Regulations, 2023. The circular establishes a common online dispute resolution portal mechanism, which contemplates online conciliation and arbitration and encourages the use of institutional arbitration in India. Disputes in the securities market among investors, listed companies and SEBI-registered entities can now be resolved under this mechanism.</p> <p>The circular came into force in two phases, the first in August 2023 and the second in September 2023.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Securities and Exchange Board of India (SEBI)</p> <p>December 28, 2023</p>	<p><b>Amendments to SEBI regulations with respect to verification of market rumors</b></p> <p>The Securities and Exchange Board of India (SEBI) issued a consultation paper dated December 28, 2023, on Amendments to Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) Regulations, 2015 (LODR Regulations), with respect to verification of market rumours. The first proviso to Regulation 30(11) of LODR Regulations requires the listed entities to verify and confirm, deny or clarify the market rumours pertaining to it in the mainstream media.</p> <p>Earlier, in SEBI circular <i>SEBI/HO/CFD/CFD-PoD-1/P/CIR/2023/162</i>, dated September 30, 2023, this rumour verification requirement was made applicable to top 100 listed entities with effect from February 1, 2024, and to top 250 listed entities with effect from August 1, 2024.</p> <p>More information is available <a href="#">here</a>.</p>

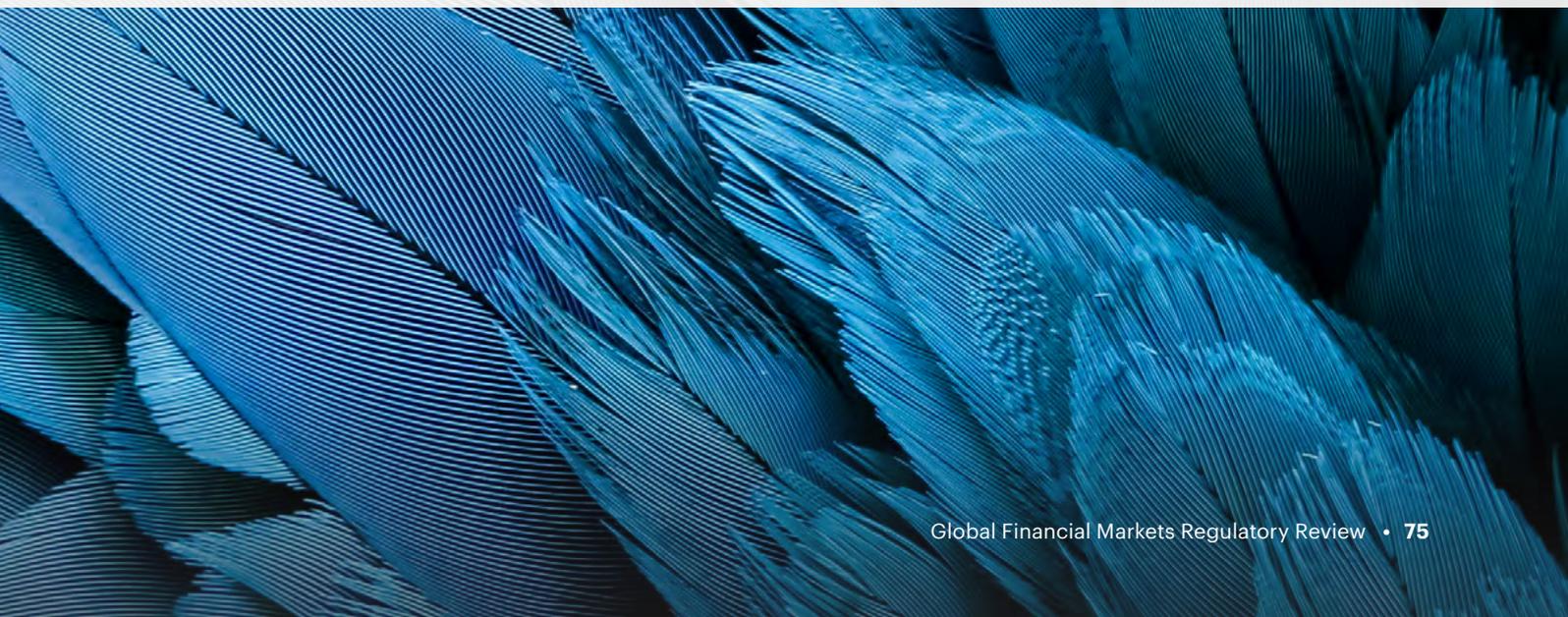


Source/Date	Brief description
<p>Reserve Bank of India (RBI)</p> <p>December 21, 2023</p>	<p><b>Foreign Exchange Management (Manner of Receipt and Payment) Regulations, 2023</b></p> <p>In a notification bearing reference number No. FEMA 14(R)/2023-RB, dated December 21, 2023, the Reserve Bank of India (RBI) issued Foreign Exchange Management (Manner of Receipt and Payment) Regulations, 2023, which will come into effect on the date of their publication in the Official Gazette. These regulations are introduced under Section 47 of the Foreign Exchange Management Act, 1999, and in supersession of <i>Notification No. FEMA 14(R)/2016-RB dated May 02, 2016</i>, except as respects things done or omitted to be done before such supersession.</p> <p>Per the circular, a person resident in India is prohibited to make or receive payment from a person resident outside India, until and unless RBI, on an application made to it, permits such person to make or receive payment under the Foreign Exchange Management Act (save as otherwise provided under the act). Further, a mandate is provided that the transactions between a person resident in India and person resident outside India must be through an authorized bank and authorized person.</p> <p>More information is available <a href="#">here</a>.</p>

<p>Reserve Bank of India (RBI)</p> <p>December 19, 2023</p>	<p><b>Investments in Alternative Investment Funds (AIFs)</b></p> <p>The Reserve Bank of India (RBI) issued a notification bearing reference number RBI/2023-24/90 DOR.STR.REC.58/21.04.048/2023-24, dated December 19, 2023, through which RBI has prohibited certain transactions by regulated entities.</p> <p>This notification intends to curb structures that could be used by regulated entities (including non-banking financial companies) for “evergreening” of loans. Evergreening denotes any practice where financial institutions extend new credit to cover old debts, essentially masking the true status of those loans.</p> <p>More information is available <a href="#">here</a>.</p>
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Source/Date	Brief description
<p>Ministry of Corporate Affairs (MCA)</p> <p>November 9, 2023</p>	<p><b>Limited Liability Partnership (Significant Beneficial Owners) Rules, 2023</b></p> <p>The Ministry of Corporate Affairs (MCA), in a notification dated November 9, 2023, has introduced new rules under the Limited Liability Partnership (Significant Beneficial Owners) Rules, 2023, extending the applicability of Section 90 of the Companies Act, 2013, to limited liability partnerships (LLP). The rules went into effect November 10, 2023.</p> <p>The rules mandate LLPs to prepare and submit the following forms:</p> <ul style="list-style-type: none"> <li>a) Form LLP BEN-1 pertaining to the individuals which qualify as significant beneficial owner (SBO) in the LLP</li> <li>b) Form LLP BEN-4 pertaining to a partner (other than individual) basis the criteria of contribution or other as specified in the rules, rights seeking information in accordance with Section 90(5) of the Companies Act 2013</li> <li>c) Form LLP BEN-3 pertaining to maintenance of a register of all SBOs</li> </ul> <p>More information is available <a href="#">here</a>.</p>

<p>Securities and Exchange Board of India (SEBI)</p> <p>November 8, 2023</p>	<p><b>Procedural framework for dealing with unclaimed amounts</b></p> <p>The Securities and Exchange Board of India (SEBI) introduced a procedural framework for dealing with unclaimed amounts lying with infrastructure investment trusts (InvITs) and real estate investment trusts (REITs), and introduced a manner of claiming such amounts by unitholders in circulars bearing reference numbers SEBI/HO/DDHS/DDHS-RAC-1/P/CIR/2023/178 and SEBI/HO/DDHS/DDHS-RAC-1/P/CIR/2023/177, respectively.</p> <p>The circulars are effective from March 1, 2024.</p> <p>More information is available on InvITs <a href="#">here</a> and on REITs <a href="#">here</a>.</p>
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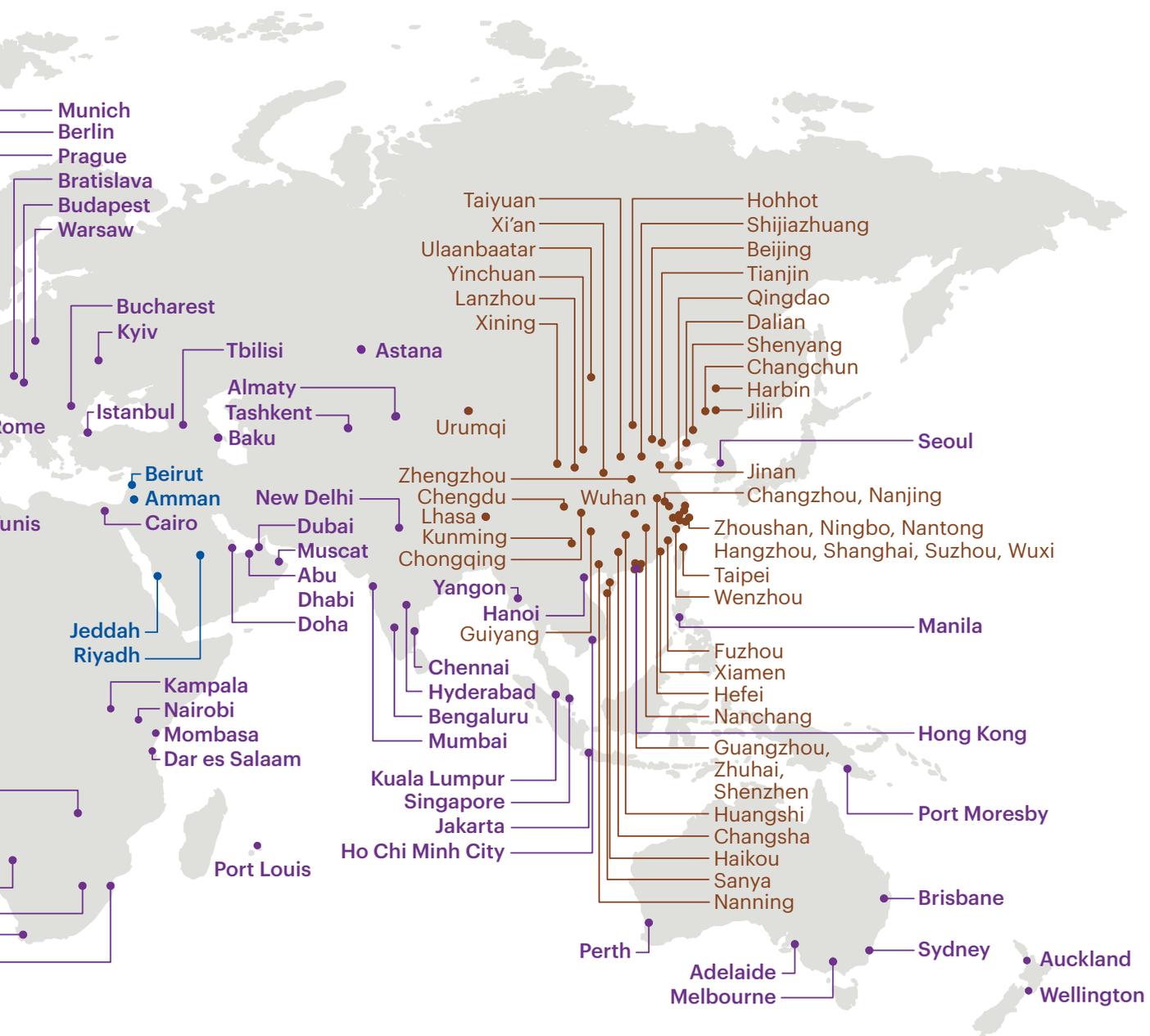
Source/Date	Brief description
<p>Ministry of Corporate Affairs (MCA)</p> <p>October 27, 2023</p>	<p><b>Companies (Prospectus and Allotment of Securities) Second Amendment Rules, 2023</b></p> <p>The Ministry of Corporate Affairs (MCA) issued the Companies (Prospectus and Allotment of Securities) Second Amendment Rules, 2023 dated October 27, 2023. The rules introduce certain amendments to the Companies (Prospectus and Allotment of Securities) Rules, 2014, with respect to the following:</p> <ul style="list-style-type: none"> <li>a) Public companies are mandated to ask the bearers of the share warrants to surrender them, or else get the share warrants converted into dematerialized form and transferred to the Investor Education and Protection Fund.</li> <li>b) Mandatory dematerialization for all private companies, excluding small companies and government companies (i.e., issue of securities in dematerialised form by private companies).</li> </ul> <p>In addition, two new forms, PAS-7 and PAS-8, are inserted.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Reserve Bank of India (RBI)</p> <p>October 19, 2023</p>	<p><b>Master Direction (Non-Banking Company Scale Based Regulation) Directions, 2023</b></p> <p>The Reserve Bank of India (RBI) issued the Master Direction – Reserve Bank of India (Non-Banking Financial Company – Scale Based Regulation) Directions, 2023 on October 19, 2023. The master direction is issued for all non-banking financial companies (NBFCs), in supersession of the existing Non-Banking Financial Company–Non-Systemically Important Non-Deposit Taking (Reserve Bank) Directions, 2016, and the Non-Banking Financial Company–Systemically Important Non-Deposit Taking Company and Deposit Taking Company (Reserve Bank) Directions, 2016.</p> <p>Vide the new master direction, the RBI introduced the concept of a layered approach with incremental obligations being assigned to each layer as the NBFC progresses basis, its asset size, activity and perceived riskiness. The regulatory regime of the NBFCs will comprise four layers: base, middle, upper and top.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Securities and Exchange Board of India (SEBI)</p> <p>October 19, 2023</p>	<p>Revision in the framework for fundraising by issuance of debt securities by large corporations</p> <p>The Securities and Exchange Board of India (SEBI) issued a circular bearing reference number SEBI/HO/DDHS/DDHS-RACPOD1/P/CIR/2023/172, dated October 19, 2023, revising the framework for fund raising by issuance of debt securities by Large Corporates (“LCs”).</p> <p>The framework will be effective under the following schedule:</p> <ul style="list-style-type: none"> <li>• For the LCs, which follow April-March as their financial year: April 01, 2024</li> <li>• For the LCs, which follow January-December as their financial year: January 01, 2024</li> </ul> <p>The Circular will apply to all LCs, which have been defined as all listed entities (except for scheduled commercial banks) and that (a) have their specified securities, debt securities or non-convertible redeemable preference shares listed; (b) have outstanding long-term borrowings of Rs.1,000 crore or above; and (c) have a credit rating of AA, AA+ or AAA.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Securities and Exchange Board of India (SEBI)</p> <p>October 13, 2023</p>	<p><b>Amendments to the guidelines on anti-money laundering (AML) standards and combatting the financing of terrorism (CFT)/obligations of securities market intermediaries</b></p> <p>The Securities and Exchange Board of India (SEBI) amended the Master Circular, bearing reference number SEBI/HO/MIRSD/MIRSD-SEC-5/P/CIR/2023/022 dated February 3, 2023 (as amended on June 16, 2023), through a circular bearing reference number SEBI/HO/MIRSD/SEC-FATF/P/CIR/2023/0170, dated October 13, 2023, in light of the amendments to the Prevention of Money-Laundering (Maintenance of Records) Rules, 2005, and to further enhance the effectiveness of the AML/CFT framework.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Reserve Bank of India (RBI)</p> <p>October 10, 2023</p>	<p><b>Master Direction – Non-Banking Financial Companies Acceptance of Public Deposits (Reserve Bank) Directions, 2016</b></p> <p>The Reserve Bank of India (RBI) updated the provisions of the Master Direction – Non-Banking Financial Companies Acceptance of Public Deposits (Reserve Bank) Directions, 2016, bearing reference number DNBR.PD.002/03.10.119/2016-17.</p> <p>Chapter IV of the master direction pertaining to restrictions on acceptance of public deposits by non-banking financial companies is revised and updated.</p> <p>More information is available <a href="#">here</a>.</p>

Source/Date	Brief description
<p>Securities and Exchange Board of India (SEBI)</p> <p>August 23, 2023</p>	<p><b>Amendments to SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015</b></p> <p>The Securities and Exchange Board of India (SEBI) introduced a new chapter VI-A to the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015, in an amendment dated August 23, 2023. Pursuant to the amendment, additional provisions relating to voluntary delisting of non-convertible debt securities and non-convertible redeemable preference shares (collectively referred to as “non-convertible securities”) by a listed entity are introduced.</p> <p>The newly introduced provisions apply to the voluntary delisting of non-convertible securities, unless the listed entity: (i) has outstanding non-convertible securities from a public issue; (ii) has more than 200 non-convertible securities holders, other than qualified institutional buyers; or (iii) is delisting due to penalties, redemption of such non-convertible securities or a resolution plan under the Insolvency and Bankruptcy Code, 2016.</p> <p>More information is available <a href="#">here</a>.</p>
<p>Securities and Exchange Board of India (SEBI)</p> <p>August 9, 2023</p>	<p><b>Reduction of timeline for filing of initial public offer from T+6 to T+3 Days</b></p> <p>In a circular bearing reference number- SEBI/HO/CFD/TPD1/CIR/P/2023/140, dated August 9, 2023, the Securities and Exchange Board of India (SEBI) reduced the timeline for listing of shares in public issue from existing T+6 days to T+3 days, T being the issue closing date.</p> <p>The provisions of the circular were made applicable on a voluntary basis for public issues opening between September 1, 2023, and November 30, 2023, and are mandatory for public issues opening on or after December 1, 2023.</p> <p>Further, SEBI mandated that the T+3 timeline for listing must be appropriately disclosed in the offer documents of the public issues.</p> <p>More information is available <a href="#">here</a>.</p>







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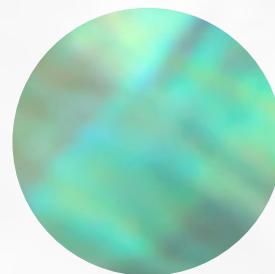
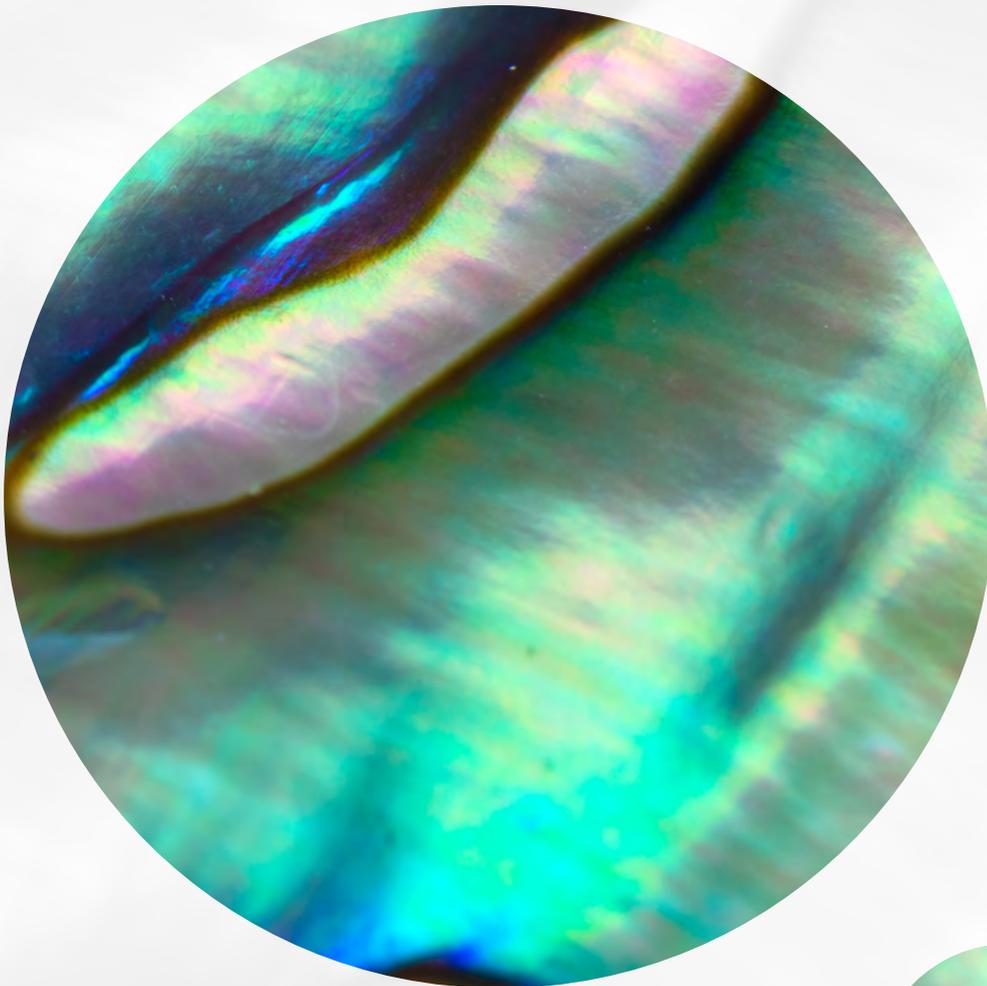
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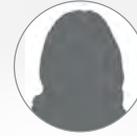
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