

Financial Regulatory Update

May 2024



Please find below our Financial Regulatory Update for May 2024.

With these updates, KPMG Law aims to make your life a little easier by flagging relevant regulatory developments per sector. Because we understand that managing regulatory change is a major business in itself.

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Contact us

If you have any questions please contact Isabelle Blomme, Walter Jacob or Joris Latui.



Isabelle Blomme
Partner
KPMG Law

T: +32 (0)2 708 40 66
E: iblomme@kpmglaw.be



Walter Jacob
Senior Counsel
KPMG Law

T: +32 (0)2 708 38 11
E: wjacob@kpmglaw.be



Joris Latui
Senior Counsel
KPMG Law

T: +32 (0)2 708 38 02
E: jlatui@kpmglaw.be

Artificial intelligence

EU

- 14.05.2024 EBF publishes [press release](#) on the signature of European Social Partners for the **Banking Sector** of the New Joint Declaration on **Employment Aspects of Artificial Intelligence**, [ENG](#)
- 21.05.2024 Council of the European Union approves the **Artificial Intelligence Act**, [ENG](#)
- 23.05.2024 Council of the European Union reaches political agreement on the **use of super-computing for AI development**, [ENG](#)
- 29.05.2024 European Commission establishes **AI Office** to strengthen EU leadership in safe and trustworthy Artificial Intelligence, [ENG](#)
- 30.05.2024 ESMA publishes [public statement](#) providing initial guidance to **firms using artificial intelligence in investment services**, [ENG](#)

Digital finance and crowdfunding

EU

- 02.05.2024 ESMA publishes SMSG [advice](#) on the consultation on **reverse solicitation** and the **qualification of crypto-assets as financial instruments** under MiCAR, [ENG](#)
- 07.05.2024 EBA publishes final **draft technical standards under MiCAR**, [ENG](#)
- 14.05.2024 ESMA updates its **Q&A on MiCAR**, see question [ESMA QA 2181](#) on publication of information by CASPs providing the service of exchange of crypto-assets for funds or other crypto-assets, [ENG](#)
- 18.05.2024 BCBS publishes [report](#) on the implications of the ongoing digitalization of **finance on banks and supervision**, [ENG](#)
- 30.05.2024 EU Official Journal: publication of Commission Delegated Regulation (EU) 2024/1503 of 22 February 2024 supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council (**MiCAR**) by specifying the **fees** charged by **EBA** to **issuers of significant asset-referenced tokens and issuers of significant e-money tokens**, [ENG](#)
- 30.05.2024 EU Official Journal: publication of Commission Delegated Regulation (EU) 2024/1504 of 22 February 2024 supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council (**MiCAR**) by specifying the procedural rules for the exercise of the **power to impose fines or periodic penalty payments** by **EBA** on **issuers of significant asset-referenced tokens and issuers of significant e-money tokens**, [ENG](#)
- 30.05.2024 EU Official Journal: publication of Commission Delegated Regulation (EU) 2024/1506 of 22 February 2024 supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council (**MiCAR**) by specifying certain **criteria for classifying asset-referenced tokens and e-money tokens as significant**, [ENG](#)

30.05.2024 EU Official Journal: publication of Commission Delegated Regulation (EU) 2024/1507 of 22 February 2024 supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council (**MiCAR**) by specifying the **criteria and factors to be taken into account by ESMA, EBA and competent authorities in relation to their intervention powers**, [ENG](#)

Sustainable finance

EU

08.05.2024 EU Official Journal: publication of Directive (EU) 2024/1306 of the European Parliament and of the Council of 29 April 2024 amending Directive 2013/34/EU (**CRD IV**) as regards the **time limits for the adoption of sustainability reporting standards for certain sectors and for certain third-country undertakings**, [ENG](#)

14.05.2024 ESMA publishes final [report](#) containing **Guidelines on funds' names using ESG or sustainability-related terms**, [ENG](#)

21.05.2024 EIOPA publishes its [final report](#) and [opinion](#) on **greenwashing**, [ENG](#)

24.05.2024 Council of the European Union gives its final approval on the **Corporate Sustainability Due Diligence Directive (CSDDD)**, [ENG](#)

28.05.2024 EBF publishes [report](#) of the **C-ESG Risk Roundtable Climate Scenario Workstream**, [ENG](#)

General interest

03.05.2024 Chamber of Representatives: adoption of a [draft law](#) on **various provisions relating to the economy** (I), [NL](#) / [FR](#), amending amongst others:

- Book VII of the Code of Economic Law (regarding the basic banking service for consumers);
- the Law of 22 March 2006 on intermediation in banking services and investment services and the distribution of financial instruments (regarding the supervision by the FSMA); and
- the Law of 4 April 2014 on insurances (regarding several topics).

03.03.2024 Council of Ministers: adoption of the preliminary draft law transposing Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the **resilience of critical entities** and repealing Council Directive 2008/114/EC, [NL](#) / [FR](#)

14.05.2024 Council of the European Union publishes statement by the Eurogroup president on the follow-up to the Eurogroup agreement on the **future of the Capital Markets Union**, [ENG](#)

14.05.2024 Council of the European Union approves conclusion on **financial literacy** aiming to give guidance to the European Commission and the member states on how to improve citizen's knowledge and understanding of finance, [ENG](#)

28.05.2024 ESMA publishes [final report](#) on draft RTS amending the **taxonomy for the European Single Electronic (ESEF)**, [ENG](#)

29.05.2024 NBB publishes addendum to Communication NBB_2022_19 / External functions - new "**external functions**" module on the "NBB Supervision" portal, [NL](#) / [FR](#)

31.05.2024 Belgian Official Gazette: publication of Law of 3 May 2024 on **miscellaneous economic provisions** (I), [NL](#) / [FR](#), amending amongst others:

- Book VII of the Code of Economic Law (regarding the basic banking service for consumers);
- the Law of 22 March 2006 on intermediation in banking services and investment services and the distribution of financial instruments (regarding the supervision by the FSMA); and
- the Law of 4 April 2014 on insurances (regarding several topics).

Banking

Belgium

17.05.2024 Council of Ministers approves a draft royal decree on the **grounds for refusal** in the context of the **basic banking service for businesses**, [NL](#) / [FR](#)

EU

03.05.2024 EU Official Journal: publication of Decision (EU) 2024/1209 of the European Central Bank of 16 April 2024 on **the remuneration of non-monetary policy deposits held with national central banks and the European Central Bank** (ECB/2024/11), [ENG](#)

03.05.2024 EU Official Journal: publication of Guideline (EU) 2024/1210 of the European Central Bank of 16 April 2024 amending Guideline (EU) 2019/671 on **domestic asset and liability management operations by the national central banks** (ECB/2019/7) (ECB/2024/12), [ENG](#)

03.05.2024 EU Official Journal: publication of Guideline (EU) 2024/1211 of the European Central Bank of 16 April 2024 on the **Eurosystem's provision of reserve management services in to central banks and countries located outside the euro area and to international organisations** (ECB/2024/13) (recast), [ENG](#)

03.05.2024 EBA updates its **Single Rulebook Q&A on CRR**, see questions:

- Question [2024_7053](#) on LCR treatment of open maturity reverse repos which can be terminated at any point in time
- Question [2024_7006](#) on vega and curvature risk requirements for positions in instruments without exercisable optionality that are sensitive to vega risk factors

08.05.2024 EBA updates its **Single Rulebook Q&A on CRR**, see question [2024_7024](#) on calculation of the LTV ratio in FinRep, [ENG](#)

13.05.2024 SRB publishes **bi-annual reporting note** to Eurogroup on the SRB's activities, [ENG](#)

14.05.2024 SRB publishes 2024 **MREL policy** and latest **MREL dashboard**, [ENG](#)

30.05.2024 Council of the European Union adopts **Basel III reforms** containing new EU rules to increase banks' resilience to economic shocks, [ENG](#)

30.05.2024 SRB publishes its **multi-annual plan 2024-2028**, [ENG](#)

Lending

Belgium

- 03.05.2024 FPS Economy publishes study on “**buy now, pay later**” system: “the systems of post-payment, a slippery slope towards over-indebtedness?”, [NL](#) / [FR](#)
- 17.05.2024 Council of Ministers approves a draft law to transpose European Directive (EU) 2021/2167 on **credit servicers and credit purchasers** into Belgian law, [NL](#) / [FR](#)

EU

- 03.02.2024 Court of Justice: publication of judgment in case C-348/23 on **unfair terms in mortgage credit agreements** concerning **currency conversion**, [FR](#)
- 30.05.2024 Court of Justice: publication of judgment in case C-176/23 on **unfair terms in consumer credit agreements** concerning amendments made by a seller or supplier to the terms of a consumer credit agreement in order to ensure that that agreement complies with national legislation, [ENG](#)

Payments

Belgium

- 03.05.2024 FPS Economy publishes study on “**buy now, pay later**” system: “the systems of post-payment, a slippery slope towards over-indebtedness?”, [NL](#) / [FR](#)
- 08.05.2024 Febelfin publishes press release on the **IBAN-name verification**, [NL](#) / [FR](#)

EU

- 24.05.2024 EBA publishes [report](#) on the issuance of what is commonly referred to as ‘**virtual IBAN’s**’ (vIBANs), [ENG](#)

Insurance

Belgium

- 03.05.2024 Council of Ministers approves a draft royal decree which sets out the **information the policyholder must provide to the new insurer or insurance intermediary** in the event of **termination of an insurance contract**, [NL](#) / [FR](#)
- 03.05.2024 Belgian Official Gazette: publication of Royal Decree of 9 April 2024 amending the Royal Decree of 1 February 2010 determining the **specific indices referred to in Article 204, § 3** on price and contractual modifications, of the Law of 4 April 2014 on insurance, [NL](#) / [FR](#)
- 16.05.2024 Belgian Official Gazette: publication of the Law of 21 April 2024 amending the Law of 4 April 2014 on **insurance regarding grounds for exclusion related to attempted suicide in non-compulsory health insurance** (I), [NL](#) / [FR](#)

21.05.2024 FSMA publishes **information concerning the company SFAM and companies linked to SFAM and reminds of the prohibition on certain multimedia insurance contracts**, [NL](#) / [FR](#)

EU

02.05.2024 EIOPA publishes [draft RTS](#) adapting the **base euro amounts for professional indemnity insurance and for financial capacity of intermediaries under the IDD**, [ENG](#)

02.05.2024 EIOPA publishes [peer review report](#) on the **supervision of the prudent person principle** under Solvency II, [ENG](#)

02.05.2024 EIOPA publishes the second edition of its **Occupational Pensions Risk Dashboard**, [ENG](#)

06.05.2024 EIOPA publishes monthly technical information on the **symmetric adjustment of the equity capital charge** for Solvency II with reference to the end of April 2024, [ENG](#)

06.05.2024 EIOPA publishes monthly technical information for Solvency II **Relevant Risk-Free Interest Rate Term Structures** – end-April 2024, [ENG](#)

08.05.2024 EIOPA publishes the Commission's [call for advice](#) on the **review** of specific items in the **Solvency II Delegated Regulation**, [ENG](#)

13.05.2024 European Commission publishes Commission Implementing Regulation (EU) .../... laying down technical information for the **calculation of technical provisions and basic own funds for reporting** with reference dates from 31 March 2024 until 29 June 2024 in accordance with [Directive 2009/138/EC](#) of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance, [ENG](#)

14.05.2024 EU Official Journal: publication of Commission Implementing Regulation (EU) 2024/1289 of 13 May 2024 laying down **technical information for the calculation of technical provisions and basic own funds** for reporting with reference dates from 31 March 2024 until 29 June 2024 in accordance with [Directive 2009/138/EC](#) of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance, [ENG](#)

Investment services

EU

16.05.2024 Court of Justice: publication of judgment in case C-695/22 on the **exemption from MiFID II and regulation of a Member State prohibiting and intermediary from transmitting client orders to an investment firm established in another Member State**, [ENG](#)

27.05.2024 ESMA publishes [report](#) on the application of **MiFID II marketing requirements**, [ENG](#)

27.05.2024 ESMA updates its **Q&A on European Crowdfunding Service Providers Regulation**, see questions:

- [ESMA QA 2198](#) on default rate disclosure
- [ESMA QA 2199](#) on risk management framework
- [ESMA QA 2200](#) on prudential requirements
- [ESMA QA 2201](#) on prudential requirements

- 27.05.2024 ESMA updates its **Q&A on MiFIR**, see question [ESMA QA 2204](#) on **reporting of accumulator contracts**, [ENG](#)
- 30.05.2024 ESMA provides [guidance](#) to **firms using artificial intelligence in investment services**, [ENG](#)

Capital markets

General

- 07.05.2024 ICMA publishes [briefing note](#) on **EU Net Stable Funding Ratio (NSFR) and short-term reverse repos**, [ENG](#)
- 15.05.2024 FSMA issues warning to certain issuers regarding **late publication of annual financial report**, [NL](#) / [FR](#)
- 22.05.2024 ESMA publishes [position paper](#) on “**Building more effective and attractive capital markets in the EU**”, [ENG](#)
- 29.05.2024 ESMA issues a [statement](#) reminding issuers about the applicable legislative framework to “**pre-close calls**”, [ENG](#)

Securitization Regulation

- 03.05.2024 EBA updates its **Single Rulebook Q&A on Securitization Regulation**, see questions:
- Question [2023_6743](#) on the application of the retention requirements to situations where the retained exposure is transferred to a third-party after losses associated with the relevant exposure
 - Question [2023_6742](#) on risk retention obligation in case of voluntary liquidation of an AIF acting as retention holder under Article 6(3) of the Securitization Regulation
- 27.05.2024 EBA publishes its final [guidelines](#) on **STS criteria for on-balance-sheet securitization**, [ENG](#)

Asset management

Belgium

- 17.05.2024 Febelfin publishes press release on **undertakings in collective investment sector figures** for 4th quarter 2023, [NL](#) / [FR](#)

EU

- 08.05.2024 ESMA updates its **Q&A on AIFMD** and **Q&A on UCITS** on performance fees, see
- Question [ESMA QA 2174](#);
 - Question [ESMA QA 2176](#);
 - Question [ESMA QA 2173](#);
 - Question [ESMA QA 2175](#).
- 14.05.2024 ESMA publishes final [report](#) containing **Guidelines on funds’ names using ESG or sustainability-related terms**, [ENG](#)

AML, Terrorist Financing and cyber-security

EU

- 02.05.2024 EBA announces that it will start **collecting information on natural persons through its AML/CFT database, 'EuReCA'** from May 2024, [ENG](#)
- 24.05.2024 EBA publishes a [report](#) on the issuance of what is commonly referred to as '**virtual IBANs**' (vIBANs), [ENG](#)
- 30.05.2024 Council of the European Union adopts a **package of [anti-money laundering rules](#)**, [ENG](#)
- 30.05.2024 ESAs publish templates and [tools](#) for voluntary **dry run exercise** to support the **DORA** implementation, [ENG](#)
- 30.05.2024 EU Official Journal: publication of Commission Delegated Regulation (EU) 2024/1502 of 22 February 2024 supplementing Regulation (EU) 2022/2554 of the European Parliament and of the Council (**DORA**) by specifying the **criteria for the designation of ICT third-party service providers as critical for financial entities**, [ENG](#)
- 30.05.2024 EU Official Journal: publication of Commission Delegated Regulation (EU) 2024/1505 of 22 February 2024 supplementing Regulation (EU) 2022/2554 of the European Parliament and of the Council (**DORA**) by determining the **amount of the oversight fees** to be charged by the **Lead Overseer** to **critical ICT third-party service providers** and the way in which those fees are to be paid, [ENG](#)

Market infrastructure and derivatives

- 27.05.2024 ESMA updates its **Q&A on EMIR**, see questions:
- [ESMA QA 2202](#) on reporting of accumulator contracts
 - [ESMA QA 2203](#) on reporting of price field at position level

Agenda

- 15.05.2024 Deadline for responding to SRB's consultation on the **Minimum Bail-in Data Template package**, [ENG](#)
- 17.05.2024 Deadline for responding to EBA's [consultation](#) on draft guidelines on **acquisition, development and construction exposures to residential property** under the standardised approach of credit risk, [ENG](#)
- 18.05.2024 Deadline for responding to ESA's [consultation](#) on regulatory technical standards for **joint examination teams under DORA**, [ENG](#)
- 21.05.2024 Deadline for responding to EBA's [consultation](#) on the new framework for the **business indicator for operational risk as part of the implementation of the EU Banking Package**, [ENG](#)
- 22.05.2024 Deadline for responding to EBA's [consultation](#) on guidelines on **redemption plans under the Markets in Crypto-Assets Regulation**, [ENG](#)
- 04.06.2024 Deadline for responding to EBA's [consultation](#) on draft RTS under CRR3 **on off-balance sheet items under the standardised approach of credit risk**, [ENG](#)

- 07.06.2024 Deadline for responding to BCBS's [consultation](#) on potential measures to address **"window-dressing" behaviour** by some banks in the context of the framework for **global systemically important banks (G-SIB)**, [ENG](#)
- 14.06.2024 Deadline for responding to ESMA's [consultation](#) on draft RTS related to the registration and supervision of **external reviewers** under the **European Green Bond Regulation**, [ENG](#)
- 20.06.2024 Deadline for responding to EIOPA's [consultation](#) on **natural catastrophe risk reassessments in the standard formula**, [ENG](#)
- 21.06.2024 Deadline for responding to ESMA's [consultation](#) on the proposed revisions to [Commission Delegated Regulation \(EU\) 447/2012](#) on RTS for the assessment of compliance of **credit rating methodologies** and Annex I of **Credit Rating Agencies Regulation**, [ENG](#)
- 25.06.2024 Deadline for responding to ESMA's [consultation](#) on the technical standards specifying certain requirements of **MiCA** (3rd package) on detection and prevention of **market abuse, investor protection and operational resilience**, [ENG](#)
- 15.07.2024 Deadline for responding to BCBS's [consultation](#) on the role of climate scenario analysis in strengthening the management and supervision of **climate-related financial risks**, [ENG](#)
- 24.07.2024 Deadline for responding to EBA's [consultation](#) on draft technical standards on the specification of **long and short positions under the derogations for market and counterparty risks**, [ENG](#)
- 07.08.2024 Deadline for responding to ESMA's [Call for Evidence](#) on the **review of the UCITS Eligible Assets Directive (EAD)**, [ENG](#)
- 13.08.2024 Deadline for responding to EBA's [consultation](#) on its draft regulatory technical standards (RTS) under **CRR3** regarding the **equivalent mechanism for unfinished property**, [ENG](#)
- 19.08.2024 Deadline for responding to EBA's [consultation](#) on its draft **Guidelines (GLs) under CRR3 regarding acquisition, development and construction (ADC) exposures to residential property**, [ENG](#)
- 23.08.2024 Deadline for responding to ESMA's [consultation](#) on proposed changes to the rules for **position management controls and position reporting** in the context of the **review of MiFID II**, [ENG](#)
- 28.08.2024 Deadline for responding to ESMA's [consultation](#) on **draft technical standards related to Consolidated Tape Providers (CTPs), other data reporting service providers (DRSPs) and the assessment criteria for the CTP selection procedure under MiFIR**, [ENG](#)
- 28.08.2024 Deadline for responding to ESMA's [consultation](#) on **non-equity trade transparency, reasonable commercial basis (RCB) and reference data under the MiFIR review**, [ENG](#)

DISCLAIMER

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