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EU Commission adopts RTS under revised ELTIF Regulation

The EU Commission has adopted a Delegated Regulation setting out regulatory technical standards (RTS) under the revised European Long-Term Investment Fund (ELTIF) Regulation.

The RTS set out the circumstances in which the use of financial derivative instruments for hedging purposes is considered as solely serving the purpose of hedging the risks inherent to the investments of an ELTIF. They also set out the criteria to be used by ELTIF managers to determine the minimum holding period, the minimum information to be provided by the manager of an ELTIF to the competent authority of the ELTIF, and the requirements to be fulfilled by an ELTIF in relation to its redemption policy and liquidity management tools.

CRR3: EBA consults on amending ITS on joint decision process for internal model authorisation

The European Banking Authority (EBA) has launched a consultation on amending the implementing technical standards (ITS) on the joint decision process for internal model authorisation under the Capital Requirements Regulation (CRR3).

The draft amending ITS remove the reference to the advanced measurement approach (AMA) to reflect the reduced scope of application for internal models under CRR3, where the possibility to apply the approaches set out in the existing ITS no longer exist for operational risk. They also reflect the updated references to the ITS and RTS on the general conditions and operational functioning of supervisory colleges under the Capital Requirements Directive (CRD).

Comments are due by 16 October 2024. A public hearing is scheduled on 18 September 2024.

CRR3: EBA releases statement on operational application for credit risk modelling

The EBA has published a statement clarifying the operational application of the CRR3 in the area of credit risk modelling.

In the statement, the EBA welcomes the entry into force of the new Banking Package, which implements the final Basel III framework into EU regulation. It also sets its expectations that institutions should:

- communicate to competent authorities the targeted model landscape, in particular following the migration of exposures to the foundation approach (F-IRB) and standard approach;
- assess and categorise changes coming from the implementation of CRR3 that impact the performance of a rating system according to the EU Commission's Delegated Regulation on materiality of changes to the IRB approach, although they should not consider changes coming from the implementation of CRR3 that do not impact the performance of a rating system; and
- share with competent authorities an implementation plan on the foreseen modelling updates that are linked to future EBA supervisory products.

CRD4: EBA reports on derogations on remuneration pay out to staff

The EBA has published a report on the application of derogations to the deferral and pay out of remuneration to identified staff under Articles 94(3) and (5) the CRD4.

The report aims to assess the implementation and application of derogations within the EU and their impact on the costs and the risk alignment of variable remuneration to the risk profile of the institutions and on the ability to recruit and retain staff. The EBA has found that, among other things:

- derogations under Article 94(3)(a) have not been implemented consistently, derogations under Article 94(3)(b) have been implemented by all Member States, and derogations under Article 94(5) have not been applied;
- institutions believe the availability of institutional derogations in smaller institutions and subsidiaries have a positive impact on their ability to recruit staff; and
- institutions that do not benefit from institutional derogations have additional costs due to the need to renegotiate fixed remuneration as they complete with institutions benefiting from the derogations.

DORA: ESAs establish systemic cyber incident coordination framework

The European Supervisory Authorities (ESAs) comprising the EBA, the European Insurance and Occupational Pensions Authority (EIOPA) and the European Securities and Markets Authority (ESMA), have announced their intention to establish the EU systemic cyber incident coordination framework (EU-SCICF), in the context of the Digital Operational Resilience Act (DORA), over the coming months.

The aim of the EU-SCICF is to facilitate an effective financial sector response to a cyber incident that poses a risk to financial stability, by strengthening the coordination among financial authorities and other relevant bodies in the EU as well as with key actors at international level.

The ESAs plan to begin the implementation of the framework by setting up:

- the EU-SCICF Secretariat, supporting the functioning of the framework;
- the EU-SCICF Forum, working on testing and maturing the functioning; and
- the EU-SCICF Crisis Coordination, facilitating the coordination of actions by the participating authorities during a crisis.

The ESAs intend to report any legal and other operational hurdles encountered during the initial set up to the EU Commission. Further development of the framework will be subject to the availability of resources and other measures taken by the EU Commission.

DORA: ESAs publish second package of final draft technical standards and guidelines

The ESAs have published a second package of policy products under the DORA.

The package consists of:

- final draft RTS and ITS on reporting major incidents and significant cyber threats;
- final RTS on the harmonisation of conditions enabling the conduct of the oversight activities, specifying elements related to threat led penetration tests, on the criteria for determining the composition of the joint examination team; and
- guidelines on the estimation of aggregated costs/losses caused by major ICT-related incidents, and oversight cooperation.

The ITS and RTS have been submitted to the Commission for adoption.

The ESAs intend to publish remaining RTS on subcontracting in due course.

EBA consults on independent valuers for resolution purposes handbook

The EBA has launched a consultation on its draft handbook on independent valuers for resolution purposes.

The draft handbook provides best practices, high-quality methodologies and processes for the selection and appointment of independent valuers for resolution purposes, as well as examples of the application of these methodologies in some scenarios. It also identifies some types of safeguards or measures which could be put in place to mitigate the effects of the potential conflict of interest or circumstances hampering the independence of the valuer.

The draft handbook is structured in a chronological order, covering actions before, during and after the appointment of the independent valuer. Among other things, the draft handbook covers:

- preparatory arrangements, such as market research, framework contracts and internal procedures;
- the assessment of the valuer's independence and the application; and
- the maintenance of policies and procedures to identify and manage conflicts of interest, after the appointment of the independent valuer.

Comments are due by 19 September 2024. The EBA intends to publish the final report and version of the handbook before the end of 2024.

EBA reports on application of gender-neutral remuneration policies

The EBA has published a report on the application of gender-neutral remuneration policies by institutions and investment firms.

This follows the issuance of guidelines by the EBA on gender-neutral remuneration policies for institutions and investment firms on 31 December 2021 and 30 April 2022 respectively.

The EBA reports that the industry faces no major hurdles in adopting and implementing gender-neutral remuneration policies, but some entities have not yet adopted remuneration policies that explicitly contain measures to ensure that remuneration is awarded gender neutrally and that this aspect is monitored over time. The report indicates that 85% of institutions and 62.6% of investment firms monitor the representation of women and that 79.9% of institutions and 60.6% of investment firms regularly review the gender pay gap. The EBA states that measures should be taken to ensure compliance with the monitoring required under its guidelines.

Despite some progress made by the industry, the EBA observes that a gender pay-gap persists and that monitoring and transparency on equal opportunities and equal pay could be further improved. The persistence of a gender pay gap indicates that further work is needed to ensure equal opportunities and that there are biases that require further attention.

The EBA emphasises the importance of the consistent implementation of gender-neutral remuneration policies across all financial institutions.

MiCA: ESAs consult on cryptoasset classification guidelines

The ESAs have launched a consultation on proposed guidelines relating the classification of cryptoassets under the Markets in Cryptoassets Regulation (MiCA).

The draft guidelines contain a standardised test, as well as templates for explanations and legal opinions that provide descriptions of the regulatory classification of cryptoassets. In particular, they state that:

- the white paper for the issuance of asset-referenced tokens (ARTs), which contains comprehensive information about the cryptoasset, must be accompanied by a legal opinion that explains the classification of the cryptoasset. Among other things, it must state that it is not an electronic

money token (EMT) or a cryptoasset that could be considered excluded from the scope of MiCA; and

- the white paper for cryptoassets that are not ARTs or EMTs under MiCA must be accompanied by an explanation of their classification, specifically that they are not EMTs, ARTs or cryptoassets excluded from the scope of MiCA.

Comments are due by 12 October 2024.

MiCA: EBA consults on data reporting guidelines for supervision and significance assessments

The EBA has published a consultation on draft guidelines on reporting requirements to assist competent authorities (CAs) and the EBA in performing their duties under the MiCA.

Issuers of ARTs and certain EMTs are required to report specific information under Article 22 of MiCA. However, the data points submitted in this reporting have been deemed insufficient to allow CAs and the EBA to complete their supervisory activities under Titles III and IV of MiCA. These activities include the supervision of issuers' compliance with own funds and liquidity requirements and the assessment of significance.

The EBA is therefore seeking feedback on draft guidelines which set out templates that ART and EMT issuers should use to provide CAs and the EBA with the required additional information. These templates comprise information on number of holders, market capitalisation and composition of the reserve of assets, transactions per day, own funds, liquidity, and entities involved in the custody, operation, or distribution of the tokens. The guidelines also include common templates and instructions that issuers should use to collect data from relevant cryptoasset service providers (CASPs).

Comments are due by 15 October 2024.

MiFID2: ESMA consults on firms' order execution policies

ESMA has launched a consultation on draft technical standards specifying the criteria for how investment firms establish and assess the effectiveness of their order execution policies. The proposed technical standards are intended to foster investor protection by enhancing investment firms' order execution.

ESMA is seeking input on:

- the establishment of an investment firm's order execution policy. This includes the classification of financial instruments in which firms execute client orders and the initial selection of venues for the order execution policy;
- the investment firm's procedures to monitor and regularly assess the effectiveness of its order execution arrangements and order execution policy;
- the investment firm's execution of client orders through own account dealing; and
- how an investment firm should deal with client instructions.

Comments are due by 16 October 2024.

BCBS makes targeted adjustments to its standard on IRRBB

The Basel Committee on Banking Supervision (BCBS) has finalised its targeted adjustments to its 2016 standard on interest rate risk in the banking book (IRRBB).

The adjustments are consistent with commitments in the IRRBB standard to periodically update their calibration. According to the Committee, the changes are needed to address problems with how the current methodology captures interest rate changes during periods when rates are close to zero. Targeted adjustments have also been made to the current methodology used to calculate shocks, including:

- expanding the time series used in the calibration from December 2015 to December 2023;
- replacing the global shock factors with local shock factors calculated directly for each currency using the averages of absolute changes in interest rates calculated over a rolling six-month period;
- moving from a 99th percentile value in determining the shock factor to a 99.9th percentile value, to maintain sufficient conservatism in the proposed recalibration; and
- reducing the rounding of the interest rate shocks from a multiple of 50 basis points to a multiple of 25 basis points.

The revised standard should be implemented by 1 January 2026.

BCBS publishes disclosure framework for banks' cryptoasset exposures and amendments to cryptoasset standard

The BCBS has published its final disclosure framework for banks' cryptoasset exposures and targeted amendments to its cryptoasset standard.

This follows a consultation published in October 2023 on the BCBS's proposal for minimum disclosure requirements. The final disclosure framework includes a set of standardised tables and templates covering banks' cryptoasset exposures. These require banks to disclose qualitative information on their cryptoasset-related activities and quantitative information on the capital and liquidity requirements for their cryptoasset exposures. The use of common disclosure requirements is intended to enhance information availability and support market discipline.

The BCBS launched a consultation on amendments to its cryptoasset prudential standard in December 2023. The targeted amendments are intended to further promote a consistent understanding of the standard, particularly regarding the criteria for stablecoins to receive a preferential Group 1b regulatory treatment. Various other technical amendments clarify other aspects of the standard.

Both standards have an implementation date of 1 January 2026.

FSB consults on data flows and cross-border payments

The Financial Stability Board (FSB) has launched a consultation on its proposed recommendations to promote greater alignment in data frameworks related to cross-border payments and consistency in the regulation and

supervision of bank and non-bank payment service providers. The two reports take forward priority actions under the G20 Roadmap to address legal, supervisory and regulatory frictions in cross-border payments to help achieve the quantitative targets in 2027.

The proposed recommendations to promote greater alignment and interoperability in data frameworks related to cross-border payments include:

- addressing identified frictions from data frameworks that pose significant challenges to improving the cost, speed, transparency and accessibility of cross-border payments; and
- establishing a forum comprising public-sector stakeholders covering payments, anti-money laundering and countering the financing of terrorism, sanctions, and data privacy and protection.

The proposed recommendations to strengthen consistency in regulating and supervising banks and non-banks providing cross-border payment services include:

- ensuring quality and consistency in the legal, regulatory and supervisory regimes of payment services providers (PSPs); and
- promote greater alignment between regimes applicable to banks and non-banks in their cross-border payment activities.

Comments are due by 9 September 2024.

King's Speech July 2024: UK Government's legislative plans announced

His Majesty the King's speech has been delivered in the Houses of Parliament setting out the UK Government's agenda for the coming session.

In relation to financial services, the Government plans to bring forward:

- a Budget Responsibility Bill, which is intended to ensure that any Government making significant and permanent tax and spending changes will be subject to an independent assessment by the Office for Budget Responsibility (OBR);
- a Bank Resolution (Recapitalisation) Bill, which would introduce a new mechanism to allow the Bank of England (BoE) to use funds provided by the banking sector to cover certain costs associated with resolving a failing banking institution and achieving its sale in whole or in part. The Bill is designed in particular to respond more effectively to small bank failures by expanding the statutory function of the Financial Services Compensation Scheme (FSCS), allowing the FSCS to recover the funds provided by charging levies on the banking sector, and giving the BoE an express ability to require a bank in resolution to issue new shares;
- a Draft Audit Reform and Corporate Governance Bill to strengthen audit and corporate governance, including by replacing the Financial Reporting Council with a new regulator – the Audit, Reporting and Governance Authority;
- a Pension Schemes Bill intended to foster a private pensions market that encourages consolidation and focuses on value and outcomes for members; and

- a National Wealth Fund Bill, which will align the UK Infrastructure Bank and the British Business Bank under a new National Wealth Fund.

Bank Resolution (Recapitalisation) Bill laid before Parliament

HM Treasury (HMT) has published a document providing a summary of the feedback it received, as well as the Government's planned final policy, following its consultation on proposals to amend the UK's special resolution regime for banking institutions.

The consultation, which was launched in January 2024, proposed granting the BoE greater flexibility to manage small bank failures effectively. Specifically, it proposed introducing a new mechanism that could be used alongside the existing stabilisation powers to meet costs that might arise when smaller banks are placed into resolution. Under this mechanism, the BoE would be permitted to use funds provided by the Financial Services Compensation Scheme (FSCS) as needed in the event of a failure, and subsequently by a levy on the banking sector, to cover costs associated with a resolution.

Overall, respondents were supportive of the proposals set out in the consultation and the Government has decided to proceed with the approach largely as consulted upon, although, following stakeholder feedback, it has decided to exclude credit unions from the requirement to contribute to the costs of recapitalisation.

The proposals will be implemented by the Bank Resolution (Recapitalisation) Bill, which has been laid before Parliament. The Bill:

- amends the Financial Services and Markets Act (FSMA) 2000 to expand the statutory functions of the FSCS and enable the FSCS to provide the required funds to the BoE and recover the funds through levies;
- provides the BoE with the ability to require a bank under resolution to issue new shares, facilitating the BoE's use of the funds provided by the FSCS to meet a failing bank's recapitalisation costs; and
- makes a number of technical amendments to FSMA 2000 and the Banking Act 2009 to support the measures outlined above and ensure FSCS funds in resolution can be used effectively.

FSMA 2023: BoE consults on contracts subject to statutory tear up in CCP resolution

The BoE has launched a consultation on its approach to determining commercially reasonable payments for contracts subject to a statutory tear up in central counterparty (CCP) resolution, under its new powers granted by the FSMA 2023.

The regime introduced under FSMA 2023 allows the BoE and HMT to terminate, or tear up, one or more contracts cleared by a failing CCP in the affected clearing service. The BoE intends to conduct a partial tear up of contracts cleared by the clearing service to limit the number of contracts affected. Depending on the value of each contract being torn up, the BoE would require either:

- the CCP to make a commercially reasonable payment representing the value of the terminated contract to the clearing member who is a party to the terminated contract; or

- the clearing member to make a commercially reasonable payment representing the value of the contract to the CCP.

The consultation paper sets out how the BoE intends to determine what a commercially reasonable payment is and addresses the use of alternative pricing methods for generating a commercially reasonable price in a statutory tear up.

Comments are due by 4 October 2024.

FSMA 2023: BoE consults on addressing impediments to CCP resolvability

The BoE has launched a consultation on its power to direct UK-based CCPs to address impediments to effective exercise of resolvability powers under the FSMA.

The aim of the paper is to set out the context of the new power and to consult on the BoE's draft statement of policy, which sets out the process for the giving of directions, the types of impediments to which the power may apply and the BoE's approach to the use of the power in the context of its statutory stabilisation objectives.

It sets out five objectives of the BoE in requiring a CCP to address impediments to resolvability, including:

- protecting and enhancing the stability of the UK financial system, including through preventing contagion and maintaining market discipline;
- protecting and enhancing public confidence in the UK financial system;
- maintaining the continuity of CCP clearing services;
- protecting public funds; and
- avoiding interfering with property rights in contravention of a Convention right within the meaning of the Human Rights Act 1998.

The BoE is seeking particular feedback on the process for the BoE's use of the power, the timing for the BoE's use of the power and the respective timescales for engagement once the BoE identified any impediment to resolvability or uses its power to direct a CCP to address them.

Comments are due by 18 October 2024.

FCA consults on guidance on treatment of politically exposed persons

The Financial Conduct Authority (FCA) has launched a consultation (GC24/2) on proposed amendments to its guidance for firms on applying a proportionate and risk-based approach to UK Politically Exposed Persons (PEPs), their relatives and close associates for anti-money laundering purposes (FG17/6).

The FCA has conducted a review on how firms are treating PEPs and found that most firms did not subject PEPs to excessive or disproportionate checks, and none would deny them an account based on their status. However, the FCA states that all firms could improve and that they should:

- ensure their definition of a PEP, family member or close associate is tightened to the minimum required by law and not go beyond that;

- review the status of PEPs and their associates promptly once they leave public office;
- communicate to PEPs effectively and in line with the Consumer Duty, explaining the reasons for their actions where possible;
- effectively consider the actual level of risk posed by the customer, and ensure that information requests are proportionate to those risks; and
- improve the training offered to staff who deal with PEPs.

In a small number of cases, the FCA is instigating an independent and more detailed review of firms' practices.

Although the FCA has found that its guidance generally remains appropriate, it proposes amendments to FG17/6 to:

- reflect the new legal starting point that UK PEPs should be treated as lower risk;
- make clear that non-executive board members of civil service departments should not be treated as PEPs solely for that reason; and
- give greater flexibility in who can approve or sign off PEP relationships within firms.

The FCA states that, where improvements have been identified, firms should implement those changes now and not wait for the final updated guidance to be published.

Comments on GC24/2 are due by 18 October 2024.

Overseas Funds Regime: FCA publishes feedback and final rules

The FCA has published a policy statement (PS24/7) setting out its response to feedback received on its December 2023 consultation paper (CP23/26) on proposed rules and guidance to implement the Overseas Funds Regime (OFR).

The OFR, legislated by the UK Government in 2021, is a streamlined process to recognise overseas collective investment schemes based on principles of equivalence. This means jurisdictions can be approved if they offer adequate co-operation arrangements between the FCA and relevant national competent authorities (NCAs) and provide equivalent investor protection outcomes to comparable UK-authorised schemes.

The new Handbook rules and guidance to support the implementation of the OFR will come into force on 31 July 2024.

On 30 January 2024, the UK Government announced the first equivalence decision, granting equivalence to Undertakings for Collective Investment in Transferable Securities (UCITS) established and authorised in states in the European Economic Area (EEA), including EU Member States. This allows these EEA UCITS to apply to the FCA for recognition to market to UK retail investors. Many of these UCITS are currently accessing the UK market through the Temporary Marketing Permissions Regime (TMPR), which is due to end in December 2025 but can be extended.

The FCA is working to open the gateway for EEA UCITS to apply for OFR recognition later this year. Further equivalence determinations under the OFR will also allow the FCA to recognise those funds in the future.

PSR and FCA consult on big tech and digital wallets

The Payments Systems Regulator (PSR) and FCA have launched a joint call for information (CP24/9) on the benefits and risks digital wallets bring to people and businesses.

The paper notes that the use of digital wallets has grown rapidly in recent years, with digital wallets becoming an increasingly important touchpoint between big tech firms and UK consumers.

The PSR and the FCA are looking to gather focused information and evidence on:

- the range of benefits that digital wallets bring for service users;
- whether there are any features that mean payments do not work as well as they could for consumers and/or businesses;
- their role in unlocking the potential of account-to-account payments and how they could impact competition between payment systems; and
- whether digital wallets could raise any significant competition, consumer protection or market integrity issues, either now or in the future.

Comments are due by 13 September. The regulators intend to provide an update by Q1 2025.

Ministry of Finance publishes draft Ordinance on countercyclical capital buffer rate

The Ministry of Finance has published a draft Ordinance on the countercyclical capital buffer rate. The aim of the draft is to determine the level of the countercyclical buffer rate, in accordance with the resolution of the Financial Stability Committee (KSF) of 14 June 2024 on the level of the countercyclical buffer rate.

The KSF's recommendation will be implemented in two stages. The first stage is the draft ordinance, under which the countercyclical buffer rate will be set at 1%. The second stage will be completed 12 months later, by raising the countercyclical buffer rate to the target value of 2%.

Polish Financial Supervision Authority adopts recommendation on long-term financing ratio

The Polish Financial Supervision Authority (KNF) has adopted a recommendation on the long-term financing ratio, the purpose of which is to reduce the risk associated with the current structure of financing mortgage loans and to change this structure by increasing the share of long-term debt instruments in banks' liabilities in relation to the value of mortgage loans granted.

Among other things, the KNF expects banks to maintain a long-term financing ratio at a level of at least 40% from the end of 2026.

The recommendation is addressed to domestic banks, excluding cooperative banks that are participants in the institutional protection system, bridge

institutions, banks with an implemented recovery plan and banks under restructuring.

Hong Kong Government publishes consultation conclusions on proposal to implement regulatory regime for stablecoin issuers

The Financial Services and the Treasury Bureau (FSTB) and the Hong Kong Monetary Authority (HKMA) have jointly published the conclusions to their December 2023 consultation on legislative proposals to implement a regulatory regime for fiat-referenced stablecoin (FRS) issuers in Hong Kong.

According to the FSTB and the HKMA, a majority of respondents agreed that with the increased prevalence and evolving development of virtual assets, a regulatory regime should be introduced for FRS issuers, with a view to facilitating proper management of the potential monetary and financial stability risks, as well as providing transparent and suitable guardrails. The proposed regulatory requirements and implementation arrangements received general support from respondents, with some further enhancements suggested in the submissions.

As the next step, the FSTB and the HKMA are preparing a bill to implement the regulatory proposal and plan to introduce the bill into the Legislative Council later this year. The HKMA will in due course issue licensing and supervisory guidelines to facilitate applicants' understanding of, and compliance with, the relevant requirements.

SFC publishes consultation conclusions on implementation of uncertified securities market in Hong Kong

The Securities and Futures Commission (SFC) has published the conclusions to its October 2023 and March 2023 consultations on the proposed subsidiary legislation, code, and guidelines for implementing an uncertificated securities market (USM) in Hong Kong.

In March 2023, the SFC issued a consultation paper on proposed subsidiary legislation for implementing the USM in Hong Kong. Subsequently, in October 2023, the SFC issued another consultation paper on a proposed code and guidelines to supplement the subsidiary legislation and proposed further amendments to the Stamp Duty Ordinance.

In response to market feedback, the SFC proposes a 5-year timeline in its consultation conclusions as follows:

- to implement the USM regime towards the end of 2025, subject to completing the legislative process;
- companies whose laws are compatible with the regime will have to transition to the new regime in batches by the end of 2030; and
- a more detailed timeline will be set to ensure an orderly transition.

In terms of next steps, the SFC plans to:

- conduct a separate consultation on the maximum levels of certain USM-related fees;
- engage with issuers, investors and other market participants to facilitate their understanding of the new regime, its impact, and the steps needed to

participate, together with Hong Kong Exchanges and Clearing Limited and the Federation of Share Registrars Limited; and

- continue working on the guidelines for issuers which will highlight the preparatory steps needed for issuers to participate in the USM, and their subsequent ongoing obligations.

Anti-Money Laundering and Other Matters Bill moved for first reading in Singapore Parliament

The Anti-Money Laundering and Other Matters Bill has been moved for its first reading in the Singapore Parliament.

The Bill seeks to:

- enhance the ability of law enforcement agencies to pursue and prosecute money laundering (ML) offences by enhancing levers for prosecution of ML cases arising from criminal conduct abroad – the prosecution needs only to prove beyond a reasonable doubt that the money launderer knew or had reasonable grounds to believe he was dealing with criminal proceeds, designating serious foreign environmental crimes as ML predicate offences, and enabling cross-agency data sharing to enhance the detection of ML, terrorism financing and proliferation financing;
- clarify and improve processes to deal with seized or restrained properties linked to suspected criminal activities by allowing the Court to order the sale of seized or restrained properties, and deal with seized properties linked to suspects who have absconded, and
- align Singapore's anti-money laundering and countering the financing of terrorism framework for casino operators with the Financial Action Task Force standards.

The Bill proposes amendments to the following Acts:

- Casino Control Act 2006;
- Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992;
- Criminal Procedure Code 2010;
- Criminal Procedure (Miscellaneous Amendments) Act 2024;
- Free Trade Zones Act 1966;
- Goods And Services Tax Act 1993;
- Income Tax Act 1947;
- Regulation of Imports and Exports Act 1995; and
- Organised Crime Act 2015.

When passed, the Anti-Money Laundering and Other Matters Act 2024 will come into operation on a date that the Minister appoints by notification in the Gazette.

MAS publishes Sustainability Report 2023/2024

The Monetary Authority of Singapore (MAS) has published the Sustainability Report 2023/2024, which sets out the MAS' strategy on climate resilience and environmental sustainability to strengthen the resilience of the financial sector

to environmental risks, develop a vibrant sustainable finance ecosystem, build a climate-resilient investment portfolio, and incorporate sustainable practices within the organisation.

Amongst other things, the MAS notes the following key highlights:

- towards developing a climate-resilient financial sector, the MAS issued a set of consultation papers proposing Guidelines on Transition Planning for banks, insurers, and asset managers. The Guidelines are expected to be finalised in the later part of 2024, plans to conduct climate scenario analysis on physical risks with financial institutions; and is working with Singapore Exchange Regulation (SGX RegCo) on implementing mandatory International Sustainability Standards Board-aligned Climate Related Disclosures for listed issuers; and
- towards ensuring a vibrant sustainable finance ecosystem, the MAS published the Singapore-Asia Taxonomy, published the Singapore Code of Conduct for ESG Rating and Data Product Providers, launched the Transition Credits Coalition and pilot projects, announced Financing Asia's Transition – Partnership blended finance initiative, introduced Gprnt digital platform, and launched the Sustainable Finance Jobs Transformation Map.

CFTC capital comparability orders published in Federal Register

The Commodity Futures Trading Commission (CFTC) has published four comparability determinations in the Federal Register. Pursuant to the determinations, non-US nonbank swap dealers subject to prudential regulation by the Financial Services Agency of Japan, the National Banking and Securities Commission of Mexico and the Mexican Central Bank, the European Central Bank (ECB), or the UK Prudential Regulation Authority (PRA) may satisfy certain Commodity Exchange Act capital and financial reporting requirements by being subject to, and complying with, comparable capital and financial reporting requirements under the respective foreign jurisdiction's laws and regulations, subject to specified conditions.

The determinations were approved by the CFTC on 24 June 2024 and have gone into effect upon their publication in the Federal Register.

RECENT CLIFFORD CHANCE BRIEFINGS

ESG ratings and ESG data – regulation and practical issues in the equity and debt capital markets

As sustainable investing continues to become more mainstream globally, ESG ratings and data products play an increasingly central role in the sustainable finance ecosystem.

Provision of these products has been largely unregulated and action to address well known concerns has become a priority for standard setters and securities market regulators across the globe.

This briefing paper discusses the ESG ratings and ESG data, with a focus on equity and debt capital markets.

https://www.cliffordchance.com/briefings/2024/07/esg-ratings-and-esg-data--regulation-and-practical-issues-in-the.html

10 key takeaways - How does the 'once in a generation' new UK listing regime benefit listed companies and potential IPO candidates?

On 11 July 2024, the FCA published the long-anticipated new UK listing rules (FCA Policy Statement 24/6) following a series of consultation papers. The final rules are broadly in line with the most recent draft on which the FCA consulted, save in a number of respects. The new rules represent a radical departure from the regime that has been in place for the past 30+ years and restructure the UK listing regime by simplifying it into a single listing category, streamlining eligibility for companies seeking to list in the UK and reducing the burden of ongoing obligations for listed companies. The new rules will take effect on 29 July 2024.

This briefing paper setting out 10 key takeaways on how the new listing regime will impact:

- companies considering an IPO or a secondary listing in London;
- companies already listed in London;
- investment banks acting as a listing sponsor on UK transactions.

https://www.cliffordchance.com/briefings/2024/07/10-key-takeaways-how-does-the-once-in-a-generation-new-uk.html

Reforms to UK listing regime taking effect on 29 July

With effect from 29 July 2024, the FCA is introducing a radically restructured UK listing regime to make it more straightforward to list in London. The package of reforms also has the potential to reduce the complexity involved in maintaining a listing in the UK and make it simpler for listed companies to participate in transformative M&A and be more competitive in auction processes. The continuing obligations to which companies admitted to the single commercial companies regime are subject have been modified.

This briefing paper discusses the key practical impacts of the reforms, including a comparison of the final UK Listing Rules against the historic premium and standard listing rules.

https://www.cliffordchance.com/briefings/2024/07/reforms-to-uk-listing-regime-taking-effect-on-29-july-key-prac.html

How Purdue may impact cross-border bankruptcy filings, including the use of Chapter 15

It is clear that the US Supreme Court's ruling striking down nonconsensual third-party releases in *Harrington v. Purdue Pharma* will have a meaningful impact on larger Chapter 11 cases, as such releases have become common if not essential to larger restructurings. What may be less apparent is that the ruling is also likely to encourage more multi-national companies to file bankruptcy outside of the United States as a number of popular foreign bankruptcy regimes permit nonconsensual third-party releases. Once a company files for bankruptcy in one of these countries, the company could then use another part of the Bankruptcy Code, Chapter 15, to recognize and effectuate the foreign bankruptcy relief in the US, including with respect to any third-party releases approved by the foreign court. This circuitous route to obtaining relief that *Purdue* now prohibits under Chapter 11 is possible because the *Purdue* ruling focuses on the statutory text of Chapter 11,

sidestepping other constitutional and due process issues that might have implicated Chapter 15's public policy exception.

This briefing paper discusses the case and its impact on cross-border bankruptcy filings.

https://www.cliffordchance.com/briefings/2024/07/how-purdue-may-impact-cross-border-bankruptcy-filings--including.html

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