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Taxonomy Regulation: EU Commission begins expert consultations on draft Delegated Act covering nuclear and gas activities

The EU Commission has begun consultations with the Platform on Sustainable Finance and the Member States Expert Group (MSEG) on Sustainable Finance on the draft text of an EU Taxonomy complementary Delegated Act covering natural gas and nuclear activities.

The objective of the proposed draft Delegated Act, which has not been formally made public, is to include these energy sources in the EU Taxonomy. In addition, the EU Commission intends to amend the Taxonomy Disclosures Delegated Act so that investors can identify whether projects include gas or nuclear activities, and to what extent, so that they can make informed choices.

The MSEG and the Platform on Sustainable Finance have until 12 January 2022 to submit their contributions to the EU Commission.

Once the Delegated Act is adopted by the EU Commission later in January 2022, it will be subject to scrutiny by the EU Parliament and Council for a period of four months.

EU Commission to designate statutory replacement rates for certain sterling and Japanese yen LIBOR

The EU Commission has announced that it intends to adopt implementing acts to designate replacement rates for certain sterling LIBOR and Japanese yen LIBOR in Q1 2022.

This follows the UK Financial Conduct Authority (FCA)'s announcement to allow all contracts (except cleared derivatives) to use synthetic versions of sterling and Japanese yen LIBOR until the end of 2022. It also takes into consideration the recommendations of the Euro Risk Free Rates Working Group to designate statutory replacement rates for sterling LIBOR and Japanese yen LIBOR, with the aim of ensuring full legal certainty beyond 2022.

The EU Commission is expected to collect feedback on the two draft Implementing Acts before adopting them. From the date the implementing acts apply, the statutory replacement rates will replace contractual references to certain sterling LIBOR and Japanese yen LIBOR rates.

ESMA consults on amendments to MiFIR transparency and data reporting RTS to reflect use of DLT

The European Securities and Markets Authority (ESMA) has published a call for evidence on amendments to MiFIR transparency and data reporting regulatory technical standards (RTS) to reflect the use of distributed ledger technology (DLT).

The EU Commission's proposed regulation on a pilot regime for market infrastructures based on DLT requires ESMA to assess whether the RTS developed under MiFIR on pre- and post-trade transparency and data reporting requirements need to be amended to ensure they appropriately reflect securities issued, traded and recorded on DLT.

In particular, the call for evidence seeks stakeholder feedback on the need to amend the following RTS on transparency requirements:

- RTS 1 (equity transparency);
- RTS 2 (non-equity transparency); and
- RTS 3 (double volume cap and provision of data);

and the following RTS on data reporting requirements:

- RTS 22 (transaction reporting);
- RTS 23 (reference data);
- RTS 24 (order record keeping); and
- RTS 25 (clock synchronisation).

Comments are due by 4 March 2022. If, following feedback, amendments to the RTS are deemed necessary, ESMA will consult on proposals before submitting the final draft RTS to the EU Commission for adoption.

MiFID2: ESMA publishes guidance on appropriateness and execution-only requirements

ESMA has published a report setting out feedback and final guidelines following its consultation on proposed guidance regarding certain aspects of the MiFID2 appropriateness and execution-only requirements.

Under MiFID2, investment firms providing non-advised services are required to request information on the knowledge and experience of clients to assess whether an investment service or product is appropriate for them. The execution-only framework provides an exemption to this assessment in certain instances, including in instances where a firm has issued a warning to the client that the investment has been deemed inappropriate.

The new guidelines are intended to enhance clarity and foster convergence in the application of the appropriateness and execution-only requirements. They cover:

- the information firms should provide clients regarding the purpose of the appropriateness assessment;
- the arrangements firms should have in place to ensure they understand their clients and the investment products;
- the information that should be collected from clients (following the proportionality principle), and the steps firms should take to ensure this information is reliable and up-to-date;

- the process for assessing client information for legal entities or groups;
- the arrangements firms should have in place to ensure clients are matched with appropriate products;
- the form and content firms should use for warnings to ensure they are effective;
- the requirements for record-keeping;
- the arrangements firms should have in place to assess whether an appropriateness assessment or a suitability assessment should be performed; and
- the processes firms should have in place to ensure appropriateness requirements are monitored and followed.

The guidelines will be translated into the EU official languages and published on ESMA's website, after which national competent authorities will have two months in which to notify ESMA whether they already comply or intend to comply with the guidance. The guidelines will apply six months after their publication.

Cross-border distribution of funds: ESMA publishes letter on reverse solicitation

ESMA has published a letter responding to the EU Commission's request for support in relation to its report on reverse solicitation required under the Regulation on the cross-border distribution of funds (CBDF).

In particular, the letter sets out some key findings following a survey conducted among national competent authorities (NCAs) on the use of reverse solicitation by asset managers and the impact on passporting activities, including that:

- almost all NCAs have no readily available information on the use of reverse solicitation either via asset managers or investor associations, which can be explained by the fact that under EU law asset managers are not subject to any obligation to report any information on subscriptions stemming from it; and
- several NCAs believe that reverse solicitation is used in practice to circumvent the rules of third-country and EU passport regimes, which raises concerns in terms of investor protection and an unlevel playing field.

ESMA therefore suggests, among other things, that if there is willingness to fill the information gap, consideration be given to the introduction of new EU wide reporting requirements on reverse solicitation.

MAR: ESMA publishes guidelines on delayed disclosure

ESMA has published its final report on the amendment of the Market Abuse Regulation (MAR) guidelines on delay in the disclosure of inside information and interactions with prudential supervision.

The MAR guidelines provide a non-exhaustive and indicative list of legitimate interests that are likely to be prejudiced by immediate disclosure of inside information and a list of situations where delay of disclosure is likely to mislead the public, and have been updated to include:

- additions to the legitimate interest list, namely the case where institutions intend to carry out redemptions, reductions and repurchases of own funds,

pending regulatory authorisation, and the case of draft supervisory review and evaluation process (SREP) decisions or preliminary information related thereto; and

- a separate section clarifying that Pillar 2 capital requirements (P2R) are highly likely to meet the definition of inside information under MAR, and that Pillar 2 capital guidance (P2G) may be inside information whenever assessed as price sensitive, and a list of cases where P2G is expected to be price sensitive.

The guidelines will be applicable two months after translations are published on the ESMA website.

EBA publishes opinion on impact of unwarranted de-risking

The European Banking Authority (EBA) has published its opinion on the scale and impact of de-risking in the EU and has identified steps for competent authorities to take unwarranted de-risking.

De-risking refers to decisions taken by financial institutions not to provide services to customers in certain risk categories. De-risking can be a legitimate risk management tool but it can also be a sign of ineffective money laundering (ML) and terrorist financing (TF) risk management.

The EBA reached out to competent authorities and external stakeholders to assess the scale and impact of de-risking, and to better understand why institutions decide to de-risk particular categories of customers instead of managing the risks associated with such relationships. The EBA's findings suggest that de-risking has a detrimental impact on the achievement of the EU's objectives, in particular in relation to fighting financial crime effectively and promoting financial inclusion, competition and stability in the single market.

The EBA considers that its regulatory guidance on how to manage ML/TF risks should help avert unwarranted de-risking. To further complement this guidance, the EBA has identified a number of steps that competent authorities, the EU Commission and the co-legislators could take. In particular, the EBA encourages competent authorities to engage more actively with institutions that de-risk and with users of financial services that are particularly affected by de-risking, to raise mutual awareness of their respective rights and responsibilities. The EBA also advises the EU Commission to clarify, in the Payment Account Directive (PAD), the interaction between AML/CFT requirements and the right to open and use a payment account with basic features, and to take advantage of the forthcoming review of the Payment Services Directive (PSD2) to ensure more convergence in the way payment institutions access credit institutions' payment accounts services.

The EBA has emphasised that it is committed to following-up with competent authorities on the actions they have taken to tackle unwarranted de-risking going forward.

FCA publishes notices on sterling and Japanese yen LIBOR

The Financial Conduct Authority (FCA) has issued notices under Article 23C and Article 23D of the UK Benchmarks Regulation (BMR) on the

calculation and permitted legacy use of six sterling and Japanese yen LIBOR settings.

The notices are in substantially the same form as their draft versions.

In September 2021, the FCA published a notice under Article 23A(10)(b) of the BMR designating 1-month, 3-month and 6-month sterling LIBOR and 1-month, 3-month and 6-month Japanese yen LIBOR (together the Article 23A LIBOR Versions) as Article 23A benchmarks effective from 00:01 on 1 January 2022. The FCA has updated its BMR webpage to confirm that these six LIBOR settings are now permanently unrepresentative.

Supervised entities are prohibited from using the Article 23A LIBOR Versions unless permitted to do so by a notice from the FCA under Article 23C of the BMR. The FCA has issued a notice under Article 23C permitting all legacy use of the Article 23A LIBOR Versions by supervised entities other than in Cleared Derivatives (whether directly or indirectly cleared).

The FCA has also issued a notice under Article 23D requiring ICE Benchmark Administration Limited (IBA) to change the way in which the Article 23A LIBOR Versions are determined.

PRIIPs: FCA publishes update on UCITS exemption

The FCA has published a statement on the extension of the exemption for undertakings for the collective investment in transferable securities (UCITS) funds from the requirement to provide a key information document (KID) under the UK Packaged Retail and Insurance-based Investment Products (PRIIPs) Regulation.

The statement follows the making of the PRIIPs (UCITS Exemption) (Amendment) Regulations 2021 (SI 2021/1149), which extended the exemption by five years to 31 December 2026, and sets out the FCA's intentions:

- to make consequential amendments to Article 18 of the onshored PRIIPs regulatory technical standards (RTS) and associated Handbook guidance to reflect the new end date; and
- not to take enforcement action against firms for breaches of the requirement to provide a PRIIPs KID if they provide a UCITS key investor information document (KIID).

BaFin publishes new general decree regarding CET1 instruments for cooperative banks

The German Federal Financial Supervisory Authority (BaFin) has published a new general decree that regulates the extent to which shares in cooperative banks issued after 28 June 2013 may be classified as common equity instruments. In addition, it also specifies the conditions under which the repayments of credit balances based on terminated cooperative shares are authorised in advance.

The regulatory framework is provided by the Capital Requirements Regulation (CRR) and the supplementary Delegated Regulation (EU) No 241/2014 issued by the EU Commission in respect of capital adequacy requirements. While the previous general decree expired at the end of 2021, the new general decree is valid until the end of 2022.

The scope of application is limited to cooperative banks that are not subject to direct supervision by the European Central Bank (ECB).

BaFin applies updated ESMA guidelines on enforcement of financial information

BaFin has announced that, as of 1 January 2022, it is applying the German language version of ESMA's updated guidelines on enforcement of financial information.

ESMA's aim in updating its guidelines was to standardise the enforcement of accurate and complete financial information across Europe in order to prevent regulatory arbitrage and increase investor protection.

The updated guidelines are intended to achieve further harmonisation in the EEA in particular in the following areas: the way issuers are selected for balance sheet control audits, the period within which all issuers under the jurisdiction of a supervisory authority should be audited and the way in which the audits are conducted. The changes became effective on 1 January 2022.

BaFin issues general decree on permission to call, redeem, repay or repurchase eligible liabilities instruments

BaFin has issued a general decree granting certain institutions the permission to call, redeem, repay or repurchase eligible liabilities instruments prior to the date of their contractual maturity with effect from 28 December 2021.

The general decree is based on Article 77 paragraph 2 in connection with Article 78a paragraph 1 sub-paragraph 2 of the CRR and replaces the preceding general decree announced by BaFin on 27 December 2020, which was limited to one year.

In the new general decree, BaFin has adjusted the scope of application based on the European Banking Authority (EBA)'s draft regulatory technical standards on own funds and eligible liabilities, which the EBA published on 26 May 2021.

In particular, the new general decree is addressed to all institutions as defined in Article 4 (1) no. 3 of the CRR,

- that fall within the scope of Article 2 of Regulation (EU) No. 806/2014 (SRM) or section 1 of the German Recovery and Resolution Act (Sanierungs- und Abwicklungsgesetz, SAG);
- which do not fall within the competence of the Single Resolution Board (SRB) pursuant to Article 7 (2), (4)(b) and (5) SRM; and
- in respect of which no decision establishing minimum requirement for own funds and eligible liabilities within the meaning Article of 7 (3) in conjunction with Article 12 (3) SRM or section 49 SAG has been issued by the date of notification of this general ruling

and relates to the following instruments:

- instruments of eligible liabilities as defined in Article 72b CRR;
- liabilities that meet the requirements of Article 12c SRM or section 49b SAG or of Article 12g (2)(a) SRM or section 49f (2) no. 1 SAG and can therefore be taken into account under the minimum requirements for own funds and eligible liabilities; and
- all other instruments and liabilities for the termination, redemption, repayment or repurchase of which prior permission from the resolution

authority is required in accordance with Article 77 (2) CRR before their contractual maturity.

BaFin extends authorisation of deferred trade publication

BaFin has issued three general decrees extending the authorisation of deferred publication of the details of transactions within the framework of post-trade transparency. Transactions in financial instruments can thus continue to be published later than is generally required under the MiFIR. The general decrees, which are based on Article 11 MiFIR, apply from 3 January 2022, thereby tying in with the corresponding previous general decrees that expired on 2 January 2022.

In particular, the general decrees are the following:

- a general decree on the authorisation of deferred publication of transactions in non-equity instruments on trading venues operated by an investment services firm;
- a general decree on the authorisation of deferred publication of over-the-counter (OTC) transactions in non-equity instruments by investment services firms; and
- a general decree on the authorisation of deferred publication of transactions in equity instruments on trading venues operated by an investment services firm.

A separate authorisation of deferred publication of OTC transactions in equity instruments is still not intended. These are covered by the authorisation for trading venues under MiFIR. Trading venues that fall under the supervision of BaFin must obtain BaFin's approval before making use of the authorisation of deferred publication.

The general decrees apply for six months until 3 July 2022.

BaFin publishes circular on further requirements for own LGD estimates

BaFin has published its circular 16/2021, which contains further requirements for own loss given default (LGD) estimates under the internal ratings based approach (IRB approach). Under this approach, institutions use internal ratings to determine the capital requirements for their credit risk.

By way of the circular, BaFin incorporates the additional requirements of the EBA for own LGD estimates in its administrative practice, in particular the guidelines for the estimation of LGD appropriate to an economic downturn (Downturn LGD Estimation, EBA/GL/2019/03) and the guidelines on credit risk mitigation for institutions applying the IRB approach with own estimates of LGDs (EBA/GL/2020/05).

The circular applies to institutions that use the IRB approach with the permission of BaFin.

CSSF issues regulation on systemically important institutions authorised in Luxembourg

The Luxembourg financial sector supervisory authority, the Commission de Surveillance du Secteur Financier (CSSF), has issued a regulation (21-04) concerning systemically important institutions (SSIs) authorised in Luxembourg.

The regulation identifies seven SSIs authorised in Luxembourg, all qualifying as other systemically important institutions (O-SIIs). There is no global systemically important institution (G-SII) authorised in Luxembourg.

Five of these institutions qualify as O-SIIs based on the score obtained by application of the EBA standard methodology, i.e. exceeding the threshold laid down in accordance with the relevant EBA guidelines (EBA/GL/2014/10).

Another institution is identified as an O-SII based on the relevant authority's judgement and the score obtained by application of the enriched methodology. This classification is justified by the importance of this institution for the investment fund sector and its role as depositary bank for undertakings for collective investment (UCI).

Finally, another institution qualifies as an O-SII by application of the prudential judgement and due to its score, which falls below the relevant threshold but remains very close to it. The identification of this institution is justified by its role as market infrastructure.

The authorised SIIs in Luxembourg are Banque et Caisse d'Epargne de l'Etat Luxembourg, Banque Internationale à Luxembourg, BGL BNP Paribas, Clearstream Banking S.A., J.P. Morgan Bank Luxembourg S.A., RBC Investor Services Bank S.A., and Société Générale Luxembourg.

The regulation maintains the capital buffer rates for these O-SIIs, except for J.P. Morgan Bank Luxembourg S.A. and Société Générale Luxembourg, set on 1 January 2021 by CSSF regulation 20-07, which is abrogated by the new regulation.

The regulation entered into force on 1 January 2022.

CSSF issues regulation on setting of countercyclical buffer rate

The CSSF has issued a new regulation (21-05) on the setting of the countercyclical buffer rate for the first quarter of 2022.

The regulation follows the Luxembourg Systemic Risk Committee's recommendation of 29 November 2021 (CRS/2021/007) and maintains the countercyclical buffer rate for relevant exposures located in Luxembourg at 0.50% for the first quarter of 2022.

The regulation entered into force on 27 December 2021.

CSSF issues circular on criteria for assessing exceptional cases when institutions exceed large exposure limits and time and measures to return to compliance

The CSSF has issued Circular 22/791 on the application of the European Banking Authority (EBA) guidelines specifying the criteria to assess the exceptional cases when institutions exceed the large exposure limits of Article 395(1) of the CRR and the time and measures to return to compliance pursuant to Article 396(3) CRR, dated 15 September 2021 (EBA/GL/2021/09).

The purpose of the circular is to inform (i) all credit institutions designated as less significant institutions under the Single Supervisory Mechanism, (ii) all CRR investments firms and (iii) all Luxembourg branches of credit institutions or CRR investment firms incorporated in a third country that the CSSF applies the guidelines and has integrated them into its administrative practice and

regulatory approach in order to promote supervisory convergence in this field at EU level.

The circular provides certain details on the guidelines, including in particular (i) the information to be provided when reporting a breach of the large exposure limits and (ii) the measures to be taken to ensure the timely return to compliance.

The circular also sets out the criteria that the CSSF will use (i) to assess the exceptional cases and where it will allow an institution to exceed the limits, and (ii) to determine the appropriate timeframe for an institution to return to compliance with the large exposure limits and the measures to be taken to ensure the timely return to compliance with those limits.

The circular applies with immediate effect as of its publication.

CSSF issues communiqué on ESRB recommendation on use of LEI for identification of legal entities

The CSSF has issued a communiqué on the European Systemic Risk Board (ESRB) recommendation on the use of legal entity identifier (LEI) codes for the identification of legal entities (ESRB/2020/12).

The recommendation was issued on 24 September 2020 and is intended to promote the adoption and use of LEI codes for all legal entities involved in financial transactions, especially in the context of reporting and public disclosures.

The CSSF encourages all legal entities involved in financial transactions (as defined in Regulation (EU) No 549/2013 on the European system of national and regional accounts in the European Union, i.e. the net acquisition of financial assets or the net incurrence of liabilities for each type of financial instrument) that are within its supervisory remit and that have not been required to have an LEI in the context of existing national or European legislation to obtain and maintain an LEI.

The CSSF has also requested that supervised entities identify themselves through an LEI, if available, when communicating with and reporting to the CSSF.

China issues regulatory measures on IT outsourcing risk of banking and insurance institutions

The China Banking and Insurance Regulatory Commission (CBIRC) has issued the Regulatory Measures on Information Technology Outsourcing Risk of Banking and Insurance Institutions, which took effect on 30 December 2021. The measures implement part of the PRC Data Security Law and the PRC Personal Information Protection Law in the banking and insurance sectors. In addition to setting out multi-layer internal governance requirements for information technology outsourcing arrangements of banking and insurance institutions (in-scope institutions), the measures also include the following requirements:

- enhanced protection for important data and personal information – the measures are intended to protect important data and personal information (PI) by requiring that: (i) outsourcing arrangements in relation to important data and client sensitive PI are considered as important outsourcing arrangements, which are treated differently from normal outsourcing arrangements and subject to heightened regulatory requirements; (ii) whether service providers have access to important data and client PI is

one of the key due diligence items; and (iii) whether there is any risk of leaking important data and client PI is one of the key risks to be managed by in-scope institutions;

- due diligence and documentation requirement for outsourcing arrangements – for important outsourcing arrangements, the measures require in-scope institutions to conduct due diligence and enter into contracts that satisfy the requirements set out under the measures. In particular, the CBIRC has reminded in-scope institutions to comply with additional data laws for outsourcing arrangements involving storing, processing and analysing information on a cross-border basis;
- ongoing monitoring and risk mitigation plans – in-scope institutions are required to monitor outsourcing arrangements on an ongoing basis. In addition, in-scope institutions should prepare risk control/mitigation/transfer plans to manage the potential risk in relation to important outsourcing arrangements which may, if disrupted, significantly affect business continuity; and
- reporting obligation to CBIRC – an in-scope institution shall (i) report to CBIRC 20 working days prior to entering into any agreement for important outsourcing arrangements and submit the required application materials; and (ii) report material risk incidents to CBIRC within the timeline prescribed by CBIRC or within 24 hours if there is no clear prescription, including important data/personal information breach incidents, disruption to key business or destruction of data; business discontinuance of service provided to multiple banking and insurance institutions at the same time; abnormal disruption or termination of important outsourcing arrangements; significant loss of client money by in-scope institutions arising out of misconduct of service providers and/or cyber-attack; and significant non-compliance of service providers.

Regulatory Measures on Information Technology Outsourcing Risk of Banking and Insurance Institutions

HKMA publishes SPM module on climate risk management

The Hong Kong Monetary Authority (HKMA) has published a new supervisory policy manual (SPM) module on climate risk management as a non-statutory guideline.

The SPM module is intended to provide guidance to authorised institutions on the key elements of climate-related risk management. It also sets out the HKMA's approach to, and expectations in, reviewing authorised institutions' climate-related risk management.

Unless otherwise specified, the HKMA will allow a twelve-month period, i.e. by end 2022, for the implementation of the requirements set out in the SPM module. Separately, the HKMA may approach individual authorised institutions to understand their work plan and progress during the period.

HKMA publishes results of pilot climate risk stress test

The HKMA has published the results of its pilot climate risk stress test (CRST), which was launched in January 2021 with a view to assessing the climate resilience of the banking sector as a whole and facilitating the capability building of participating banks for measuring climate risks. Participating banks assessed their climate risk exposures under three

scenarios, namely a physical risk scenario involving a worsening climate situation and two scenarios envisaging orderly and disorderly transitions to a low-emission economy.

The CRST results showed that, under extreme scenarios, climate risks could potentially cause significant adverse impacts on the banking sector and that banks need to take early actions to manage them. However, the overall assessment indicated that the banking sector remained resilient to climate-related shocks given the strong capital buffers built up by banks over the years.

In light of the CRST results, the participating banks have developed plans to strengthen their climate strategies and risk governance frameworks. Measures taken by the banks include the incorporation of a broader range of climate risk factors into their risk assessment frameworks and strategic allocation of additional resources to climate resilient activities.

The HKMA has indicated that it will continue to support the industry in capability building and enhance the CRST framework having regard to the lessons learnt from the pilot exercise. It will also explore ways to help the industry overcome major gaps revealed by the pilot exercise, particularly those concerning data availability and assessment methodologies. The HKMA intends to undertake another CRST in two years' time.

HKMA provides update on reform of interest rate benchmarks

The HKMA has issued a circular providing an update on interest rate benchmark reform. The HKMA notes that authorised institutions (AIs) have made substantial progress in migrating from LIBOR to alternative reference rates and have managed to remediate the vast majority of contracts referencing those LIBOR settings that will cease to be published in 2022. For those AIs with outstanding contracts requiring remediation before the end of 2021, the HKMA advises them to complete the residual contract re-negotiation work as soon as practicable.

The HKMA also reminds AIs not to enter into new LIBOR contracts after the end of 2021. In situations where AIs expect their customers to have foreign currency financing needs in early 2022, they should approach the customers early and assist them in making suitable financing arrangements.

With respect to reporting, the HKMA plans to switch the reporting frequency of the survey on interest rate benchmark reform from monthly back to quarterly from January 2022, to reduce the reporting burden on AIs. Consequently, the next reporting position after December 2021 will be March 2022. The HKMA requests AIs to keep up the momentum in transitioning away from the remaining LIBOR settings before 30 June 2023.

MAS revises notices on submission of statistics and returns by banks and merchant banks

The Monetary Authority of Singapore (MAS) has revised its existing Notice 610 and Notice 1003, which provide for the submission of statistics and returns by banks and merchant banks respectively.

The Notices have been revised to remove transitional provisions set out in paragraph 12 and paragraph 9 of Notice 610 and Notice 1003 respectively. The transitional provisions related to the applicability of the version of the Notices dated 8 May 2013 that were in force immediately before 1 July 2021.

The revised MAS Notices 610 and 1003 are effective from 31 January 2022.

MAS revises guidelines on licensing, registration and conduct of business for fund management companies

The MAS has revised its existing guidelines on licensing, registration and conduct of business for fund management companies (FMCs), which set out the eligibility criteria, application procedures as well as the ongoing business conduct requirements for licensed FMCs (LFMCs), venture capital fund managers (VCFMs), and registered FMCs (RFMCs).

The guidelines have been revised to make an amendment to the provision relating to minimum professional indemnity insurance (PII) coverage for retail LFMCs set out under Table A3-1 of Appendix 3 to the guidelines. In particular, the revised guidelines provide that a copy of the PII should be made available to the MAS upon request.

RECENT CLIFFORD CHANCE BRIEFING

The UK's new national security screening regime is now in full effect

A new national security screening regime came into effect on 4 January 2022 which gives the Government the power to assess certain transactions for national security risks. The new rules apply if there is a 'change of control' in relation to a wide range of entities or assets and impose mandatory filing obligations for certain investments in entities with specified activities in sensitive sectors.

This briefing paper discusses the regime.

https://www.cliffordchance.com/briefings/2022/01/the-uk-s-new-national-security-screening-regime-is-now-in-full-e.html

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