

C L I F F O R D
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THE EU FINANCIAL SERVICES LEGISLATIVE PIPELINE
JANUARY 2023

CONTENTS

THE EU FINANCIAL SERVICES LEGISLATIVE PIPELINE

Introduction	3
Timeline	4
ANNEX 1:	
Pending legislative proposals on financial services	6
ANNEX 2:	
Legislative proposals on financial services scheduled for H1 2023	14
ANNEX 3:	
Delayed and possible future legislative proposals on financial services	16
ANNEX 4:	
Legislative acts on financial services adopted during 2019-24 Commission	18
CONTACTS	21

THE EU FINANCIAL SERVICES LEGISLATIVE PIPELINE

The Commission continues to add to the EU financial services legislative pipeline but progress is slow on agreeing existing proposals

So far, during the 2019-24 European Commission

The Commission has proposed:

- 28 legislative acts on financial services (12 legislative packages; 16 regulations; 12 directives) and
- 9 legislative acts on cross-cutting issues particularly relevant to financial services (3 regulations; 6 directives).

The Parliament and the Council:

- have adopted 11 legislative acts on financial services proposed by the previous (2014-19) Commission
- have adopted 7 acts and agreed the text of 4 other acts out of the 37 legislative proposals of the current Commission and
- continue work on the other 26 legislative proposals of the current Commission (and 1 proposal carried over from the 2014-19 Commission).

During the remaining term of the 2019-24 Commission:

- The Commission is scheduled to submit 8 additional proposals on financial services and related cross-cutting issues in H1 2023.
- The Commission may submit additional proposals as it continues to work on other delayed and future proposals.
- Work to agree proposals will intensify in the lead up to the Parliament elections in mid-2024 and the new Commission in October 2024.

THE EU FINANCIAL SERVICES LEGISLATIVE PIPELINE

LEGISLATIVE PROPOSALS 2020-2022

FINANCIAL SERVICES

Digital finance package

- MICA ✓
- DLT pilot scheme regulation*
- DORA*
- FinTech amending directive*

AML package

- EU AML Authority regulation
- New regulation on AML/CTF
- Funds transfer amending regulation ✓
- AMLD6

Capital markets package

- MiFIR2/MiFID3
- AIFMD2
- ELTIF2 ✓
- Single European access point regulation

Clearing package

- EMIR 3
- Amending directive

Listing Act package

- Investment research and listing
- Multiple voting shares
- Prospectuses

Banking package

- CRR2/CRD6
- 'Daisy-chain' regulation*

Sustainable finance package

- European green bond regulation

Solvency II package

- Solvency III
- IRRD

Consumer credits

- CCD2✓

Instant payments

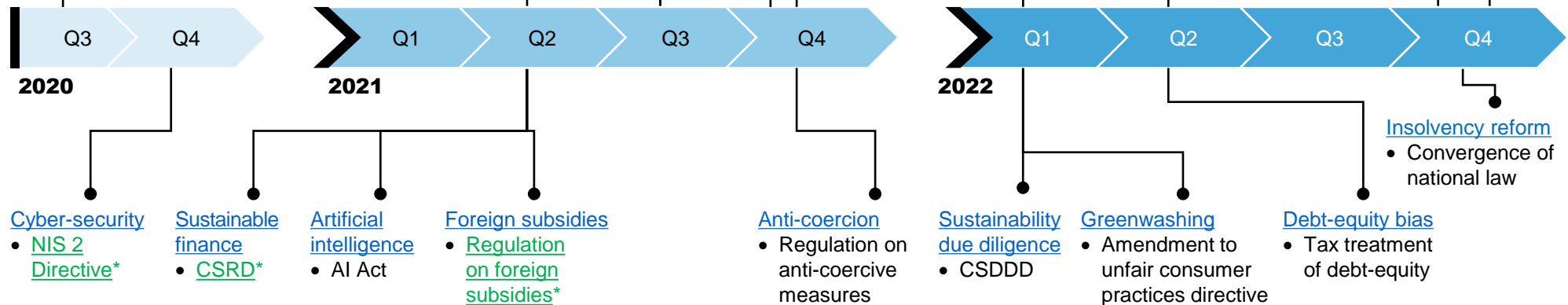
- Instant payments initiative

Central Securities Depositories

- CSDR2

Distance marketing

- FS distance marketing



CROSS-CUTTING

Notes:

Timeline shows 'Level 1' legislative proposals on financial services and related cross-cutting issues made by the 2019-24 Commission, by the date of the legislative proposal. See Annex 1.

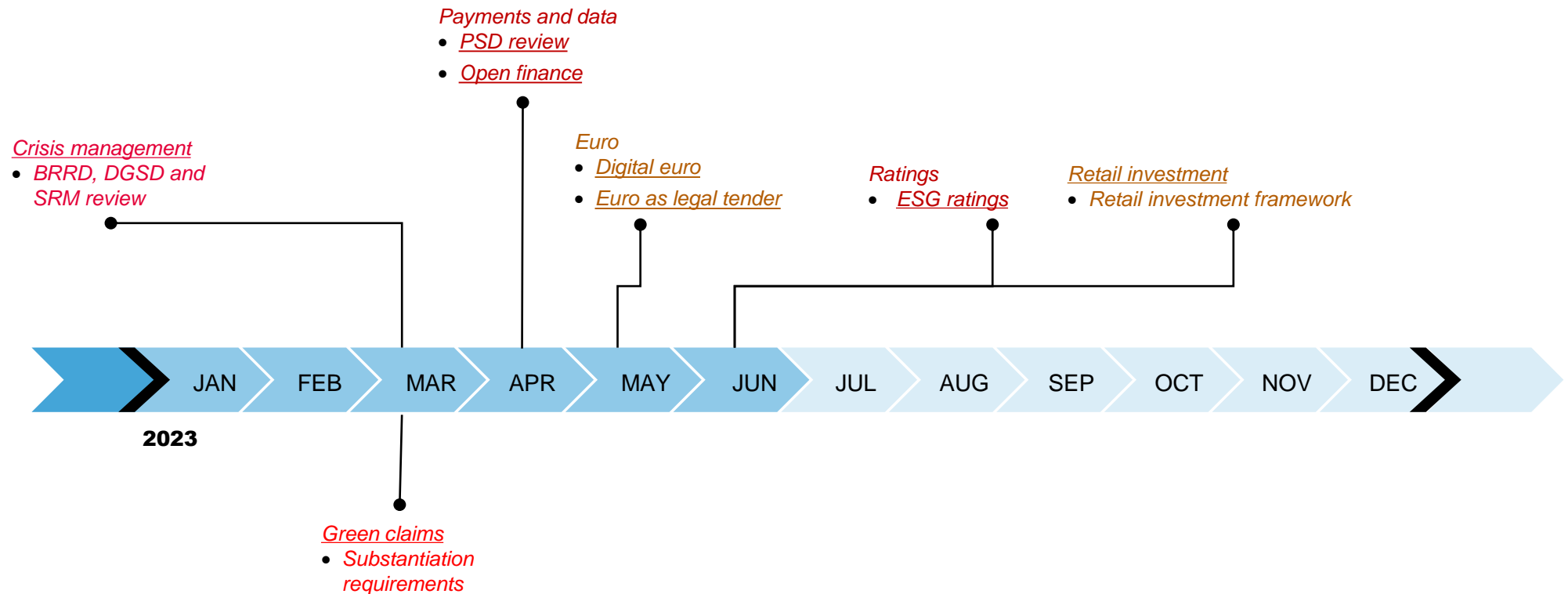
✓Text subsequently agreed by the Parliament and the Council (but act not yet adopted). *Act now adopted and published in the Official Journal.

One proposal carried over from the 2014-19 Commission is still pending (and is not on hold): the 2018 proposal for a regulation on the law applicable to the third-party effects of assignments of claims.

THE EU FINANCIAL SERVICES LEGISLATIVE PIPELINE

LEGISLATIVE PROPOSALS SCHEDULED FOR H1 2023

FINANCIAL SERVICES



CROSS-CUTTING

Notes
 Timeline shows 'Level 1' legislative proposals on financial services and related cross-cutting issues scheduled to be made in H1 2023, by the expected date of the legislative proposal. See tentative Commission agenda for H1 2023 ([here](#)) and Annex 2. See Annex 3 for additional delayed and possible future legislative proposals on financial services that the Commission may submit to the Parliament and the Council and Annex 4 for legislative acts on financial services adopted during the 2019-24 Commission. For more information on the legislative process, see our briefing, [EU financial services legislation – how long is the EU legislative process?](#) (January 2022) and our Topic Guide, [EU legislative process explained](#), on our [Financial Markets Toolkit](#).



**ANNEX 1: PENDING LEGISLATIVE PROPOSALS
ON FINANCIAL SERVICES**

PENDING LEGISLATIVE PROPOSALS ON FINANCIAL SERVICES

	Legislative proposal	COM	COD	Date
	Financial services			
Release	Proposal for a Regulation amending the Single Resolution Mechanism Regulation to establish a European Deposit Insurance Scheme (on hold)	(2015) 586	2015/0270	24/11/2015
Release	Proposal for a Regulation on the law applicable to the third-party effects of assignments of claims	(2018) 96	2018/0044	12/03/2018
	Proposal for a Directive on the accelerated extrajudicial enforcement of collateral (on hold)*	(2018) 135	2018/0063B	14/03/2018
Release	Proposal for a Regulation on sovereign bond-backed securities (on hold)	(2018) 339	2018/0171	24/05/2018
Digital finance package	Proposal for a Regulation on Markets in Crypto-assets (MICA) ✓	(2020) 593	2020/0265	24/09/2020
	Proposal for a Regulation on a pilot regime for market infrastructures based on DLT (adopted – see Annex 4)	(2020) 594	2020/0267	24/09/2020
	Proposal for a Regulation on digital operational resilience for the financial sector (DORA) (adopted – see Annex 4)	(2020) 595	2020/0266	24/09/2020
	Proposal for a FinTech amending directive (adopted – see Annex 4)	(2020) 596	2020/0268	24/09/2020
Sustainable finance package	Proposal for a Regulation on European green bonds	(2021) 391	2021/0191	06/07/2021

PENDING LEGISLATIVE PROPOSALS ON FINANCIAL SERVICES (CONTINUED)

	Legislative proposal	COM	COD	Date
	Financial services (continued)			
Consumer credits	Proposal for a Directive on consumer credits replacing the consumer credit directive ✓	(2021) 347	2021/0171	30/06/2021
AML package	Proposal for a Regulation establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism	(2021) 421	2021/0240	20/07/2021
	Proposal for a Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing	(2021) 420	2021/0239	20/07/2021
	Proposal for a Regulation on information accompanying transfers of funds and certain crypto-assets (recast) ✓	(2021) 422	2021/0241	20/07/2021
	Proposal for a Directive on the mechanisms to be put in place by the Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing	(2021) 423	2021/0250	20/07/2021
Solvency II review	Proposal for a Directive amending Solvency II as regards proportionality, quality of supervision, reporting, long-term guarantee measures, macro-prudential tools, sustainability risks, group and cross-border supervision	(2021) 581	2021/0295	22/09/2021
	Proposal for a Directive establishing a framework for the recovery and resolution of insurance and reinsurance undertakings (IRR-D)	(2021) 582	2021/0296	22/09/2021

PENDING LEGISLATIVE PROPOSALS ON FINANCIAL SERVICES (CONTINUED)

	Legislative proposal	COM	COD	Date
	Financial services (continued)			
Banking package	Proposal for a Directive amending the Capital Requirements Directive as regards supervisory powers, sanctions, third-country branches, and environmental, social and governance risks (CRD6)	(2021) 663	2021/0341	27/10/2021
	Proposal for a Regulation amending the Capital Requirements Regulation as regards requirements for credit risk, credit valuation adjustment risk, operational risk, market risk and the output floor (CRR3)	(2021) 664	2021/0342	27/10/2021
	Proposal for a Regulation amending the Capital Requirements Regulation and the Bank Recovery and Resolution Directive as regards the prudential treatment of G-SIIs with a multiple point of entry resolution strategy and a methodology for the indirect subscription of instruments eligible for meeting MREL (daisy-chain regulation) (adopted – see Annex 4)	(2021) 665	2021/0343	27/10/2021

PENDING LEGISLATIVE PROPOSALS ON FINANCIAL SERVICES (CONTINUED)

	Legislative proposal	COM	COD	Date
	Financial services (continued)			
Capital markets package	Proposal for a Directive amending the Markets in Financial Instruments Directive (MiFID3)	(2021) 726	2021/0384	25/11/2021
	Proposal for a Regulation amending the Markets in Financial Instruments Regulation as regards enhancing market data transparency, removing obstacles to the emergence of a consolidated tape, optimising the trading obligations and prohibiting receiving payments for forwarding client orders (MiFIR2)	(2021) 727	2021/0385	25/11/2021
	Proposal for a Directive amending the Alternative Investment Fund Managers Directive and the UCITS Directive as regards delegation arrangements, liquidity risk management, supervisory reporting, provision of depositary and custody services and loan origination by alternative investment funds (AIFMD2)	(2021) 721	2021/0376	25/11/2021
	Proposal for a Regulation amending the European Long-term Investment Funds Regulation as regards the scope of eligible assets and investments, the portfolio composition and diversification requirements, the borrowing of cash and other fund rules and as regards requirements pertaining to the authorisation, investment policies and operating conditions of European long-term investment funds (ELTIF2) ✓	(2021) 722	2021/0377	25/11/2021
	Proposal for a Regulation on establishing a European single access point providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability	(2021) 723	2021/0378	27/11/2021

PENDING LEGISLATIVE PROPOSALS ON FINANCIAL SERVICES (CONTINUED)

	Legislative proposal	COM	COD	Date
	Financial services (continued)			
Release	Proposal for a Regulation amending the Central Securities Depository Regulation (CSDR2)	(2022) 120	2022/0074	16/3/2022
Release	Proposal for a Directive amending the Consumer Rights Directive concerning financial services contracts concluded at a distance and repealing the Distance Marketing Directive	(2022) 204	2022/0147	11/05/2022
Release	Proposal for a Regulation amending the Regulation on euro credit transfers and direct debits and the Regulation on cross-border payments in euro as regards instant credit transfers in euro	(2022) 546	2022/0341	26/10/2022
Clearing package	Proposal for a Regulation amending EMIR, the Capital Requirements Regulation and the Money Markets Funds Regulation as regards measures to mitigate excessive exposures to third-country central counterparties and improve the efficiency of Union clearing markets	(2022) 697	2022/0403	07/12/2022
	Proposal for a Directive amending the UCITS Directive, Capital Requirements Directive and Investment Firms Directive as regards the treatment of concentration risk towards central counterparties and the counterparty risk on centrally cleared derivative transactions	(2022) 698	2022/0404	07/12/2022

PENDING LEGISLATIVE PROPOSALS ON FINANCIAL SERVICES (CONTINUED)

	Legislative proposal	COM	COD	Date
	Financial services (continued)			
Listing package	Proposal for a Directive amending MiFID to make public capital markets in the Union more attractive for companies and to facilitate access to capital for small and medium-sized enterprises	(2022) 760	2022/0405	07/12/2022
	Proposal for a Directive on multiple-vote share structures in companies that seek the admission to trading of their shares on an SME growth market	(2022) 761	2022/0406	07/12/2022
	Proposal for a Regulation amending the Prospectus Regulation, Market Abuse Regulation and MiFIR to make public capital markets in the Union more attractive for companies and to facilitate access to capital for small and medium-sized enterprises	(2022) 762	2022/0411	07/12/2022

PENDING LEGISLATIVE PROPOSALS ON FINANCIAL SERVICES (CONTINUED)

	Legislative proposal	COM	COD	Date
	Cross-cutting			
Release	Proposal for a Directive on measures for a high common level of cybersecurity across the Union (NIS2) (adopted – see Annex 4)	(2020) 823	2020/0359	16/12/2020
Release	Proposal for a Directive as regards corporate sustainability reporting (CSRD) (adopted – see Annex 4)	(2021) 189	2021/0104	21/04/2021
Release	Proposal for a Regulation laying down harmonised rules on artificial intelligence (AI Act)	(2021) 206	2021/0106	21/04/2021
Release	Proposal for a Regulation on foreign subsidies distorting the internal market (adopted – see Annex 4)	(2021) 223	2021/0114	05/05/2021
Release	Proposal for a Regulation on the protection of the Union and its Member States from economic coercion by third countries	(2021) 775	2021/0406	08/12/2021
Release	Proposal for a Directive on corporate sustainability due diligence (CSDDD)	(2022) 71	2022/0051	23/02/2022
Release	Proposal for a Directive on empowering consumers for the green transition (greenwashing)	(2022) 143	2022/0092	30/03/2022
Release	Proposal for a Directive on laying down rules on a debt-equity bias reduction allowance and on limiting the deductibility of interest for corporate income tax purposes	(2022) 216	2022/0154	11/05/2022
Release	Proposal for a Directive harmonising certain aspects of insolvency law	(2022) 702	2022/0408	07/12/2022

Notes: *Originally part of the proposal for a Directive on credit purchasers, credit servicers and recovery of collateral. ✓ Text agreed by the Parliament and the Council but not yet adopted.



**ANNEX 2: LEGISLATIVE PROPOSALS ON FINANCIAL SERVICES
SCHEDULED FOR H1 2023**

LEGISLATIVE PROPOSALS ON FINANCIAL SERVICES SCHEDULED FOR H1 2023

Expected	Proposal	Last action(s)	Date(s)
	Financial services		
08/03/2022	Banking Union – review of the bank crisis management & deposit insurance framework (BRRD, DGSD, SRMR review)	Public consultation Targeted consultation	25/02/2021 26/01/2021
05/04/2022	Retail investment – new package of measures to increase consumer participation in capital markets	Call for evidence	03/05/2022
24/05/2022	A digital euro for the EU	Targeted consultation Call for evidence	14/06/2022 05/04/2022
24/05/2022	Clarifying the legal tender status of euro banknotes and coins	None	
13/06/2022	Regulation on environmental, social and governance ratings	Call for evidence	04/04/2022
28/06/2022	Payment services – review of EU rules	Public consultation Targeted consultation	10/05/2022 10/05/2022
28/06/2022	Open finance framework – enabling data sharing and third-party access in the financial sector	Public consultation	10/05/2022
	Cross-cutting		
22/03/2022	Environmental performance of products & businesses – substantiating claims	Public consultation	27/08/2020

Notes: See tentative Commission agenda for H1 2023 [here](#).



**ANNEX 3: DELAYED AND POSSIBLE FUTURE LEGISLATIVE PROPOSALS
ON FINANCIAL SERVICES**

DELAYED AND POSSIBLE FUTURE LEGISLATIVE PROPOSALS ON FINANCIAL SERVICES

Proposal	Last actions	Date
Financial services		
Review of the Market Abuse Regulation (MAR)	ESMA report	24/09/2020
Review of the Directive on settlement finality in payment and securities settlement systems	Targeted consultation	12/02/2021
Review of the Directive on financial collateral arrangements	Targeted consultation	17/02/2021
Improving transparency of the secondary markets for non-performing loans	Targeted consultation	16/06/2021
EU banking sector – review of macroprudential rules to limit systemic risk	Call for evidence Targeted consultation	01/12/2021 30/11/2021
Review of the Money Markets Funds Regulation	ESMA opinion Targeted consultation	16/02/2022 08/02/2022
Review of the Benchmarks Regulation	Targeted consultation	20/05/2022
Mortgage credit – review of EU rules	EBA advice Public consultation	24/06/2022 22/11/2021
Review of implementation of the Shareholders Rights Directive 2 (SRD2)	Call for evidence	11/10/2022
Review of the Regulation on wholesale market integrity and transparency (REMIT)	Public consultation	23/01/2023
Cross-cutting		
Cross-border investment within the EU – clarifying and supplementing EU rules	Public consultation	26/05/2020
Unlawful extra-territorial sanctions – a stronger EU response (amendment of the Blocking Statute)	Public consultation	09/09/2021
Corporate reporting – improving its quality and enforcement	Call for evidence	01/12/2021
Withholding taxes – new EU system to avoid double taxation	Public consultation	01/04/2022

Note: This table shows selected legislative proposals under consideration but not included in the Commission's tentative agenda for H1 2023. This list does not purport to be comprehensive.



**ANNEX 4: LEGISLATIVE ACTS ON FINANCIAL SERVICES
ADOPTED DURING 2019-24 COMMISSION**

LEGISLATIVE ACTS ON FINANCIAL SERVICES ADOPTED DURING 2019-24 COMMISSION

Legislative act	EU legal act no.	Legislative proposal	OJ Publication
Proposed by 2014-19 Commission			
Regulation on the establishment of a framework to facilitate sustainable investment	2020/852	24/05/2018	22/06/2020
Regulation amending CRR as regards certain adjustments in response to the COVID-19 pandemic	2020/873	28/04/2020	26/06/2020
Regulation on European crowdfunding service providers for business	2020/1503	08/03/2018	20/10/2020
Directive on crowdfunding	2020/1504	08/03/2018	20/10/2020
Regulation on central counterparty resolution	2021/23	28/11/2016	22/01/2021
Regulation amending the Benchmark Regulation as regards the exemption of certain third-country spot foreign exchange benchmarks and the designation of replacements for certain benchmarks in cessation	2021/168	24/07/2020	12/02/2021
Directive amending MiFID2 on information requirements, product governance and position limits to help the recovery from the COVID-19 pandemic	2021/338	24/07/2020	26/02/2021
Regulation amending CRR as regards adjustments to the securitisation framework to support the economic recovery in response to the COVID-19 crisis	2021/558	24/07/2020	06/04/2021
Regulation amending the Securitisation Regulation to support the economic recovery in response to the COVID-19 crisis	2021/557	24/07/2020	06/04/2021
Directive amending the Directive relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability	2021/2118	24/05/2018	02/12/2021
Directive on credit servicers and credit purchasers	2021/2167	14/03/2018	18/12/2021

LEGISLATIVE ACTS ON FINANCIAL SERVICES ADOPTED DURING 2019-24 COMMISSION

(CONTINUED)

Legislative act	EU legal act no.	Legislative proposal	OJ Publication
Proposed by 2019-24 Commission			
Regulation on a pilot regime for market infrastructures based on DLT*	2022/858	24/09/2020	02/06/2022
Regulation amending the Capital Requirements Regulation and the Bank Recovery and Resolution Directive as regards the prudential treatment of G-SIIs with a multiple point of entry resolution strategy and a methodology for the indirect subscription of instruments eligible for meeting MREL (daisy-chain regulation)†	2022/2036	27/10/2021	25/10/2022
Directive on corporate sustainability reporting (CSRD)	2022/2464	21/04/2021	16/12/2022
Regulation on foreign subsidies distorting the internal market	2022/2560	05/05/2021	23/12/2022
Regulation on digital operational resilience for the financial sector*	2022/2554	24/09/2020	27/12/2022
Directive on measures for a high common level of cybersecurity across the Union (NIS2)	2022/2555	16/12/2020	27/12/2022
Directive amending other Directives on financial services as regards digital operational resilience for the financial sector (fintech amending directive)*	2022/2556	24/09/2020	27/12/2022

*Part of September 2020 digital finance package. †Part of October 2021 banking package.
THE EU FINANCIAL SERVICES LEGISLATIVE PIPELINE

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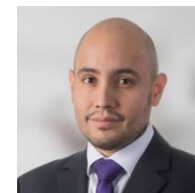
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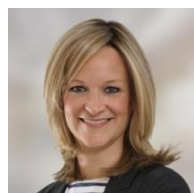


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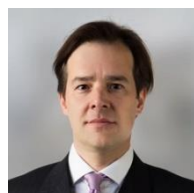
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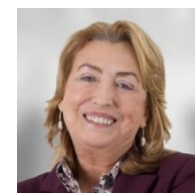
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