

THE EU FINANCIAL SERVICES LEGISLATIVE PIPELINE SEPTEMBER 2023

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#### THE EU FINANCIAL SERVICES LEGISLATIVE PIPELINE

The race is on to agree the remaining proposals in the EU financial services legislative pipeline before the 2024 institutional changeover



So far, during the 2019-24 European Commission

## The Commission has proposed:

- 42 legislative acts on financial services (18 legislative packages; 25 regulations; 17 directives) and
- 10 legislative acts on cross-cutting issues particularly relevant to financial services (3 regulations; 7 directives).

#### The Parliament and the Council:

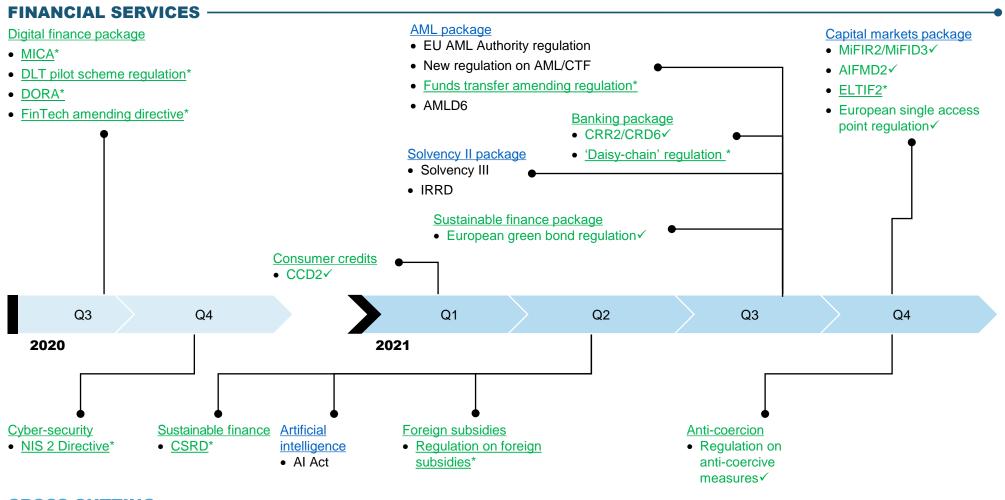
- have adopted 11 legislative acts on financial services proposed by the previous (2014-19) Commission
- have adopted 10 acts and agreed or provisionally agreed the text of 11 other acts out of the 52 legislative proposals of the current Commission and
- continue work on the other 31 legislative proposals of the current Commission (and 1 proposal carried over from the 2014-19 Commission).

#### **During the remaining term of the 2019-24 Commission:**

- Work to agree the outstanding proposals will intensify in the lead up to the Parliament elections in June 2024 and the next Commission taking office in October 2024 (although some proposals may be carried over to be agreed under the next Parliament and Commission).
- The Commission may also still submit additional proposals as it continues to work on other delayed and future measures.

#### THE EU FINANCIAL SERVICES LEGISLATIVE PIPELINE

#### **LEGISLATIVE PROPOSALS 2020-21**



#### **CROSS-CUTTING**

#### **Notes**

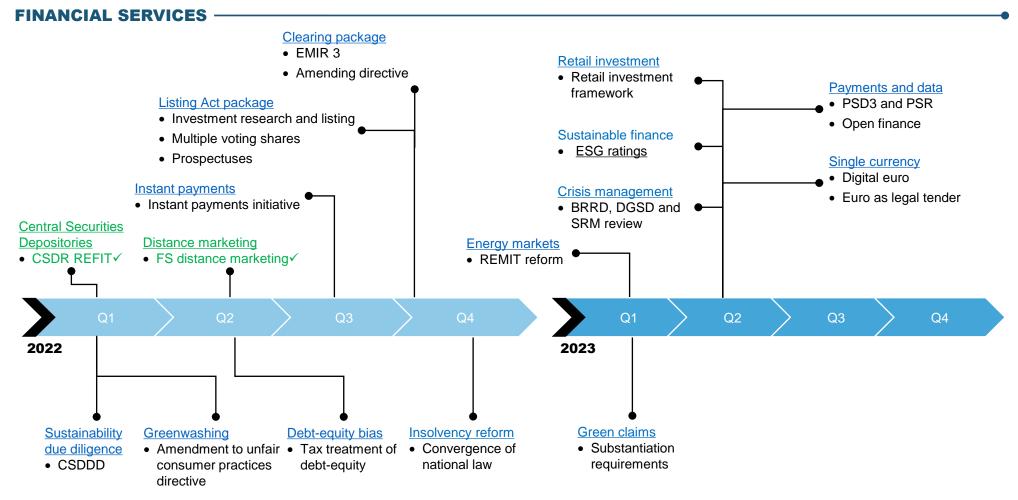
Timeline shows 'Level 1' legislative proposals on financial services and related cross-cutting issues made by the 2019-24 Commission, by the date of the legislative proposal. See Annex 1.

√Text subsequently (provisionally) agreed by the Parliament and the Council (but act not yet adopted). \*Act now adopted and published in the Official Journal (see Annex 2).

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 2022-23



#### **CROSS-CUTTING**

#### **Notes**

The latest tentative Commission agenda (here) indicates that the Commission currently has no plans to add to the financial services legislative pipeline in Q3 2023.

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.

For more information on the EU legislative process, see our Topic Guide, <u>EU legislative process explained</u>, on our <u>Financial Markets Toolkit</u> and our briefing, <u>EU financial services legislation – how long is the EU legislative process</u>? (January 2022).





## PENDING LEGISLATIVE PROPOSALS ON **FINANCIAL SERVICES**

	Legislative proposal	СОМ	COD	Date
	Financial services			
Release	Proposal for a Regulation amending the Single Resolution Mechanism Regulation to establish a European Deposit Insurance Scheme (on hold)	<u>(2015) 586</u>	2015/0270	24/11/2015
Release	Proposal for a Regulation on the law applicable to the third-party effects of assignments of claims	<u>(2018) 96</u>	2018/0044	12/03/2018
	Proposal for a Directive on the accelerated extrajudicial enforcement of collateral (on hold)*	<u>(2018) 135</u>	2018/0063B	14/03/2018
Release	Proposal for a Regulation on sovereign bond-backed securities (on hold)	<u>(2018) 339</u>	2018/0171	24/05/2018
<u>Digital finance</u> <u>package</u>	Proposal for a Regulation on Markets in Crypto-assets (MICA) (adopted – see Annex 2)	(2020) 593	2020/0265	24/09/2020
	Proposal for a Regulation on a pilot regime for market infrastructures based on DLT (adopted – see Annex 2)	(2020) 594	2020/0267	24/09/2020
	Proposal for a Regulation on digital operational resilience for the financial sector (DORA) (adopted – see Annex 2)	(2020) 595	2020/0266	24/09/2020
	Proposal for a FinTech amending directive (adopted – see Annex 2)	(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

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

	Legislative proposal	СОМ	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) (Adopted – see Annex 2)	(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 (IRRD)	(2021) 582	2021/0296	22/09/2021

	Legislative proposal	СОМ	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 2)	<u>(2021) 665</u>	2021/0343	27/10/2021

	Legislative proposal	СОМ	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) (Adopted – see Annex 2)	(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

	Legislative proposal	СОМ	COD	Date
	Financial services (continued)			
Release	Proposal for a Regulation amending the Central Securities Depository Regulation (CSDR REFIT)✓	(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

	Legislative proposal	СОМ	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
Energy market transparency package	Proposal for a Regulation amending the Regulation on Energy Market Transparency and Integrity (REMIT) and the Regulation establishing the Agency for the Cooperation of Energy Regulators (ACER) to improve the Union's protection against market manipulation in the wholesale energy market	(2023) 147	2023/0076	14/03/2023
Crisis management and deposit insurance package	Proposal for a Regulation amending the Single Resolution Mechanism Regulation as regards early intervention measures, conditions for resolution and funding of resolution action	(2023) 226	2023/0111	18/04/2023
	Proposal for a Directive amending the Bank Recovery and Resolution Directive as regards early intervention measures, conditions for resolution and financing of resolution action	(2023) 227	2023/0112	18/04/2023

	Legislative proposal	СОМ	COD	Date
	Financial services (continued)			
Crisis management and deposit insurance package (continued)	Proposal for a Directive amending the Deposit Guarantee Schemes Directive as regards the scope of deposit protection, use of deposit guarantee schemes funds, cross-border cooperation, and transparency	(2023) 228	<u>2023/0115</u>	18/04/2023
	Proposal for a Directive amending the Bank Recovery and Resolution Directive and the Single Resolution Mechanism Regulation as regards certain aspects of the minimum requirement for own funds and eligible liabilities ('daisy chain' regulation)	(2023) 229	2023/0113	18/04/2023
Retail investment strategy package	Proposal for a Regulation amending the PRIIPs Regulation as regards the modernisation of the key information document	(2023) 278	2023/0166	24/05/2023
	Proposal for an 'omnibus' Directive amending existing EU Directives as regards the Union retail investor protection rules	(2023) 279	2023/0167	24/05/2023
Sustainable finance package	Proposal for a Regulation on the transparency and integrity of Environmental, Social and Governance (ESG) rating activities	(2023) 314	2023/0177	13/06/2023
Payment services and data access package	Proposal for a Regulation on a framework for Financial Data Access	(2023) 360	2023/0205	28/06/2023
	Proposal for a Directive on payment services and electronic money services in the Internal Market (PSD3)	(2023) 366	2023/0209	28/06/2023
	Proposal for a Regulation on payment services in the internal market (PSR)	(2023) 367	2023/0210	28/02/2023

	Legislative proposal	СОМ	COD	Date
	Financial services (continued)			
Single currency package	Proposal for a Regulation on the legal tender of euro banknotes and coins	(2023) 364	2023/0208	28/06/2023
	Proposal for a Regulation on the provision of digital euro services by payment services providers incorporated in Member States whose currency is not the euro	(2023) 368	2023/0211	28/06/2023
	Proposal for a Regulation on the establishment of the digital euro	(2023) 369	2023/0212	28/06/2023

	Legislative proposal	СОМ	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 2)	(2020) 823	2020/0359	16/12/2020
Release	Proposal for a Directive as regards corporate sustainability reporting (CSRD) (adopted – see Annex 2)	(2021) 189	2021/0104	21/04/2021
Release	Proposal for a Regulation laying down harmonised rules on artificial intelligence (Al Act)	(2021) 206	2021/0106	21/04/2021
Release	Proposal for a Regulation on foreign subsidies distorting the internal market (adopted – see Annex 2)	(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
Release	Proposal for a Directive on substantiation and communication of explicit environmental claims (Green Claims Directive)	(2023) 166	2023/0085	22/03/2023



## ANNEX 2: 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
Regulation as regards the requirements pertaining to the investment policies and operating conditions of European long-term investment funds and the scope of eligible investment assets, the portfolio composition and diversification requirements and the borrowing of cash and other fund rules (ELTIF2)	2023/606	25/11/2021	20/03/2023
Regulation on information accompanying transfers of funds and certain crypto-assets*	2023/1113	24/09/2020	09/06/2023
Regulation on markets in crypto-assets (MICA)*	2023/1114	24/09/2020	09/06/2023



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	Consultation outcome Commission report	28/06/2023 28/06/2023
Review of the Directive on financial collateral arrangements	Consultation outcome	28/06/2023
Improving transparency of the secondary markets for non-performing loans	Consultation outcome	06/12/2021
EU banking sector – review of macroprudential rules to limit systemic risk	Call for evidence Consultation outcome	01/12/2021 01/06/2022
Review of the Money Markets Funds Regulation	ESMA opinion Targeted consultation	16/02/2022 08/02/2022
Review of the Benchmarks Regulation	Consultation outcome	09/01/2023
Mortgage credit – review of EU rules	EBA advice Consultation outcome	24/06/2022 25/04/2022
Review of implementation of the Shareholders Rights Directive 2 (SRD2)	Call for evidence	11/10/2022
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)	Consultation outcome	17/12/2021
Corporate reporting – improving its quality and enforcement	Consultation outcome	05/07/2022
Withholding taxes – new EU system to avoid double taxation	Consultation outcome	04/08/2022

Notes: This table shows selected legislative proposals under consideration. This list does not purport to be comprehensive.

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