



Council of the
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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	5465/23
Subject:	Progress on financial services legislative files

Delegations will please find attached information from the Presidency concerning the state of play of legislative proposals in the field of financial services.

PROGRESS ON KEY FINANCIAL SERVICES LEGISLATIVE FILES

16 May 2023

Colours are used as follows to reflect the stage for each file:
Review (of Commission proposal) in the Council WP ongoing
Trilogues to start
Trilogues ongoing
Finalisation ongoing

No	File	Presented by the Commission	State of play
1	<p>Regulation establishing an European Deposit Insurance Scheme (EDIS)</p> <p><i>Aim: to create a European Deposit Insurance Scheme to complement and gradually replace existing national deposit guarantee funds.</i></p>	November 2015	<ul style="list-style-type: none"> Review in the Council WP ongoing
2	<p>NPLs: Directive on accelerated extrajudicial collateral enforcement mechanism</p> <p><i>Aim: to establish an accelerated extrajudicial collateral enforcement procedure (AECE).</i></p>	March 2018	<ul style="list-style-type: none"> Negotiating mandate on 27 November 2019
3	<p>Sovereign Bond-backed Securities (SBBS)</p> <p><i>Aim: to enable a market demand-led development of Sovereign Bond-Backed Securities (SBBSs) and to support further integration and diversification within the EU's financial sector, leading to a stronger and more resilient Economic and Monetary Union.</i></p>	May 2018	<ul style="list-style-type: none"> Review in the Council WP ongoing
4	<p>Fintech: Markets in Crypto-assets (MiCA)</p> <p><i>Aim: to provide an EU harmonised framework for the issuance, and provision of services related to crypto-assets, as well as to ensure the proper functioning of crypto-asset markets while ensuring investor protection, market integrity and financial stability.</i></p>	September 2020	<ul style="list-style-type: none"> Negotiating mandate on 24 November 2021 Provisional agreement reached with the EP on 30 June 2022 Final Council adoption on 16 May 2023
5	<p>Sustainable Finance: European Green Bond Regulation (EuGB)</p> <p><i>Aim: to lay the foundation for a common framework of rules regarding the use of the designation 'European green bond' or 'EuGB' for bonds that pursue environmentally sustainable objectives within the meaning of Regulation (EU) 2020/852 (Taxonomy Regulation).</i></p>	July 2021	<ul style="list-style-type: none"> Negotiating mandate on 13 April 2022 Provisional agreement reached with the EP on 28 February 2023
6	<p>AML: Agency Regulation</p> <p><i>Aim: establishing a new European Anti Money Laundering Authority ("AMLA") to transform AML/CFT supervision in the EU and to enhance cooperation among Financial Intelligence Units (FIUs).</i></p>	July 2021	<ul style="list-style-type: none"> Review in the Council WP ongoing Partial negotiating mandate on 29 June 2022 Trilogues ongoing

No	File	Presented by the Commission	State of play
7	AML: Rulebook Regulation <i>Aim: The Single EU Rulebook for AML/CFT will harmonise AML/CFT rules across the EU, including, for example, more detailed rules on Customer Due Diligence, Beneficial Ownership and the powers and task of supervisors and Financial Intelligence Units (FIUs).</i>	July 2021	<ul style="list-style-type: none"> Negotiating mandate on 7 December 2022 Trilogues ongoing
8	AML: Rulebook Directive <i>Aim: to replace AML Directives 4 and 5, updating and supplementing those elements which are not transferred to the new AML rulebook regulation.</i>	July 2021	<ul style="list-style-type: none"> Negotiating mandate on 7 December 2022 Trilogues ongoing
9	AML: transfer of funds Regulation <i>Aim: to recast the existing regulation to extend its scope to transfers of crypto-assets.</i>	July 2021	<ul style="list-style-type: none"> Negotiating mandate on 1 December 2021 Provisional agreement reached with the EP on 29 June 2022 Final Council adoption on 16 May 2023
10	Solvency Directive - amendment <i>Aim: to update the Solvency framework as regards proportionality, quality of supervision, reporting, long-term measures, macro-prudential tools, sustainability risks, group and cross-border supervision.</i>	September 2021	<ul style="list-style-type: none"> Negotiating mandate on 17 June 2022
11	Insurance Recovery and Resolution (IRR) <i>Aim: to introduce a recovery and resolution framework in the insurance sector.</i>	September 2021	<ul style="list-style-type: none"> Negotiating mandate on 20 December 2022
12	Basel III implementation: amendments to Capital Requirements Regulation <i>Aim: to implement outstanding elements of the "Basel III" Agreement, including on the output floor and updates to credit risk and market risk rules, while taking into account EU specificities, as well as include some other non-Basel related updates.</i>	October 2021	<ul style="list-style-type: none"> General Approach adopted on 8 November 2022 Trilogues ongoing
13	Basel III implementation: amendments to Capital Requirements Directive <i>Aim: to include additional rules on environmental, social and governance (ESG) risks, supervisory powers and process, and a new framework for third-country branches.</i>	October 2021	<ul style="list-style-type: none"> General Approach adopted on 8 November 2022 Trilogues ongoing
14	CMU package: European Single Access Point (ESAP) <i>Aim: to set-up a European Single Access Point for company data that gathers and makes available financial and sustainability related information to capital market participants, thereby increasing market transparency.</i>	November 2021	<ul style="list-style-type: none"> Negotiating mandate on 29 June 2022 Trilogues ongoing
15	CMU package: Amendments to the Markets in Financial Instruments Directive & Regulation (MiFID/MiFIR) <i>Aim: to provide for a European consolidated tape for trading and post trading data, thereby increasing market transparency.</i>	November 2021	<ul style="list-style-type: none"> Negotiating mandate on 20 December 2022 Trilogues ongoing

No	File	Presented by the Commission	State of play
16	<p>CMU package: Amendments to the Alternative Investment Fund Directive (AIFMD)</p> <p><i>Aim: to harmonise the rules around loan-originating funds (debt funds), in order to facilitate lending to real economy.</i></p>	November 2021	<ul style="list-style-type: none"> • Negotiating mandate on 17 June 2022 • Trilogues ongoing
17	<p>Review of Central Securities Depositories Regulation (CSDR)</p> <p><i>Aim: make securities settlements in the EU safer and more efficient by amending settlement discipline, cross-border provision of services, supervisory cooperation, provision of banking-type ancillary services and requirements for third-country central securities depositories.</i></p>	March 2022	<ul style="list-style-type: none"> • Negotiating mandate on 20 December 2022 • Trilogues ongoing
18	<p>Instant Payments Regulation</p> <p><i>Aim: The proposal aims to ensure that instant payments in euro are affordable, secure, and processed without hindrance. It amends the SEPA Regulation and the Regulation on cross border payments.</i></p>	October 2022	<ul style="list-style-type: none"> • Review in the Council WP ongoing
19	<p>EMIR/CCP review: Regulation</p> <p><i>Aim: increase the safety and attractiveness/efficiency of Union CCPs by improving their efficiency, encouraging clearing in the Union and enhancing the cross-border consideration of risks.</i></p>	December 2022	<ul style="list-style-type: none"> • Review in the Council WP ongoing
20	<p>EMIR/CCP review: Directive</p> <p><i>Aim: ensure that credit institutions, investment firms and their competent authorities adequately monitor and mitigate the concentration risk arising from exposures towards Tier 2 CCPs which offer services of substantial systemic importance and eliminating counterparty risk limits for derivative transactions that are centrally cleared by a CCP authorised or recognised in accordance with Regulation (EU) No 648/2012.</i></p>	December 2022	<ul style="list-style-type: none"> • Review in the Council WP ongoing
21	<p>Listing Act: proposal for a Regulation amending the Prospectus Regulation, Market Abuse Regulation, and the Markets in Financial Instruments Regulation</p> <p><i>Aim: make public capital markets in the Union more attractive for companies and to facilitate access to capital for small and medium-sized enterprises. The proposal seeks to streamline the rules applicable to companies going through a listing process and companies already listed on EU public markets with an aim to simplify it for the companies and to reduce excessive bureaucratic procedures, while preserving a sufficient degree of transparency, investor protection and market integrity.</i></p>	December 2022	<ul style="list-style-type: none"> • Review in the Council WP ongoing
22	<p>Listing Act: proposal for a Directive amending the Markets in Financial Instruments Directive and repealing the Listing Directive</p> <p><i>Aim: make public capital markets in the Union more attractive for companies and to facilitate access to capital for small and medium-sized enterprises. The proposal seeks to streamline the rules applicable to companies going through a listing process and companies already listed on EU public markets with an aim to simplify it for the companies and to reduce excessive bureaucratic procedures, while preserving a sufficient degree of transparency, investor protection and market integrity.</i></p>	December 2022	<ul style="list-style-type: none"> • Review in the Council WP ongoing

No	File	Presented by the Commission	State of play
23	<p>Crisis Management and Deposit Insurance (CMDI): Regulation on early intervention measures, conditions for resolution and funding of resolution action</p> <p><i>Aim: To further strengthen the EU resolution framework by harmonising early intervention measures, the public interest assessment for resolution procedures, the least cost test and the use of DGS funds within the banking union</i></p>	April 2023	<ul style="list-style-type: none"> • Review in the Council WP to start
24	<p>Crisis Management and Deposit Insurance (CMDI): Directive on early intervention measures, conditions for resolution and financing of resolution action</p> <p><i>Aim: To further strengthen the EU resolution framework by harmonising early intervention measures, the public interest assessment for resolution procedures, the least cost test and the use of DGS funds.</i></p>	April 2023	<ul style="list-style-type: none"> • Review in the Council WP to start
25	<p>Crisis Management and Deposit Insurance (CMDI): Directive on the scope of deposit protection, use of deposit guarantee schemes funds, cross-border cooperation, and transparency</p> <p><i>Aim: To operationalise and further harmonise the conditions for the usage of DGS funds in resolution, to further clarify the scope of deposit protection as well as its cross-border aspects.</i></p>	April 2023	<ul style="list-style-type: none"> • Review in the Council WP to start
26	<p>Crisis Management and Deposit Insurance (CMDI): Directive on certain aspects of the minimum requirement for own funds and eligible liabilities</p> <p><i>Aim: To ensure the effectiveness of the resolution framework in certain groups.</i></p>	April 2023	<ul style="list-style-type: none"> • Review in the Council WP to start