

2018 No. 1115

EXITING THE EUROPEAN UNION

FINANCIAL SERVICES

**The Financial Regulators' Powers (Technical Standards etc.)
(Amendment etc.) (EU Exit) Regulations 2018**

Made - - - - *25th October 2018*

Coming into force in accordance with regulation 1

The Treasury, in exercise of the powers conferred by section 8 of, and paragraph 1 of Schedule 4 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018^(a), makes the following Regulations:

A draft of these Regulations has been approved by a resolution of each House of Parliament in accordance with paragraphs 1 and 12 of Schedule 7 to the European Union (Withdrawal) Act 2018.

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Financial Regulators' Powers (Technical Standards etc.) (Amendment etc.) (EU Exit) Regulations 2018.

(2) These Regulations come into force on the day after the day on which they are made.

PART 2

EU Exit Instruments

Interpretation

2. For the purpose of this Part—

- (a) the “appropriate regulator” in relation to—
 - (i) the EU Regulations specified in Part 1 of the Schedule, is the FCA;
 - (ii) the EU Regulations specified in Part 2 of the Schedule, is the PRA;

^(a) 2018 c.16.

- (iii) the EU Regulations specified in Part 3 of the Schedule, is the Bank of England;
- (iv) the EU Regulations specified in Part 4 of the Schedule, is both the FCA and the PRA;
- (v) the EU Regulations specified in Part 5 of the Schedule, is both the FCA and the Bank of England;
- (vi) the EU Regulation specified in Part 6 of the Schedule, is the Payment Systems Regulator;
- (vii) EU-derived provisions, means whichever of the FCA, the PRA or the Bank of England made the provisions,
and for the purposes of this paragraph, reference to EU Regulations includes a reference to part of an EU Regulation;
- (b) “authorised persons” and “PRA-authorised persons” have the meaning given in sections 31(2) and 2B(5) respectively of the Financial Services and Markets Act 2000(a);
- (c) “central counterparty” has the meaning given in section 313 of the Financial Services and Markets Act 2000(b);
- (d) “central securities depository” has the meaning given in section 417 of the Financial Services and Markets Act 2000(c);
- (e) “the EMIR regulation” means Regulation (EU) 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories(d);
- (f) “EU-derived provisions” means rules and other enactments made by the FCA, the PRA or the Bank of England which fall within the definition of “EU-derived domestic legislation” within the meaning of section 2(2) of the European Union (Withdrawal) Act 2018;
- (g) “EU Exit instrument” means an instrument in writing made in accordance with regulation 3(1);
- (h) “FCA” means the Financial Conduct Authority;
- (i) “PRA” means the Prudential Regulation Authority;
- (j) “Payment Systems Regulator” means the body established under section 40 of the Financial Services (Banking Reform) Act 2013(e);
- (k) “regulators” mean the FCA, the PRA, the Bank of England and the Payment Systems Regulator;
- (l) “specified EU Regulations” mean the EU Regulations or parts of EU Regulations forming part of retained EU law which are specified in the Schedule;
- (m) a person is connected with another person in the circumstances set out in section 165(11) of the Financial Services and Markets Act 2000(f).

Delegation

3.—(1) The appropriate regulator (and, in the case of an EU Regulation specified in Part 4 or 5 of the Schedule, either appropriate regulator) may by an instrument in writing make such provision as the regulator considers appropriate to prevent, remedy or mitigate—

- (a) any failure of the specified EU Regulations or of EU-derived provisions to operate effectively, or

(a) Section 2B was substituted, with the rest of Part 1A for Part 1 by section 6(1) of the Financial Services Act 2012 (c.21).
(b) The definition of “central counterparty” was inserted by S.I. 2013/504.
(c) The definition of “central securities depository” was inserted by S.I. 2017/1064. There are other amendments to s.417 of the Financial Services and Markets Act 2000 which are not relevant to these Regulations.
(d) OJ L201, 27.7.2012, p.1 as last amended by Commission Regulation (EU) 2017/979, OJ L148, 10.6.2017, p.1.
(e) 2013 c.33.
(f) Section 165(11) was amended by paragraph 1 of Schedule 12 to the Financial Services Act 2012 (c.21).

(b) any other deficiency in the specified EU Regulations or EU-derived provisions, arising from the withdrawal of the United Kingdom from the EU.

(2) Where the PRA and the FCA, or the FCA and the Bank of England are the appropriate regulator in relation to an EU Regulation neither may make an EU Exit instrument which amends that EU Regulation unless—

- (a) the other regulator has been consulted on the proposal to divide the EU Regulation into two parts in accordance with regulation 4(6); or
- (b) if the EU Regulation is not being divided, the other regulator consents to any amendments being made.

(3) Section 8(2), (3)(a), (4), (6)(b), (7), (8) and (9) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (“the 2018 Act”) and any regulations made under section 8(3)(b) apply to the power in paragraph (1) as if—

- (a) references to retained EU law were references to the specified EU Regulations or to EU-derived provisions;
- (b) references to the Minister were references to the appropriate regulator;
- (c) references to regulations under section 8(1) were references to EU Exit instruments made under this regulation.

(4) An EU Exit instrument may not—

- (a) make provision falling within section 8(6)(a) of the 2018 Act;
- (b) confer any power to legislate by means of orders, rules, regulations or any other subordinate instrument;
- (c) amend any legislation other than the specified EU Regulations or EU-derived provisions.

Division of responsibilities

4.—(1) This regulation applies if—

- (a) either condition A, B or C is satisfied; and
- (b) condition D is satisfied.

(2) Condition A is that the PRA proposes to exercise the power in regulation 3 to modify an EU Regulation specified in Part 4 of the Schedule, and the PRA—

- (a) proposes, in modifying the EU Regulation, to make separate provision for—
 - (i) PRA-authorized persons (within the meaning of section 2B(5) of the Financial Services and Markets Act 2000);
 - (ii) persons connected to them; or
 - (iii) a specified category of persons within paragraph (i) or (ii), or
- (b) considers that the EU Regulation may need to be modified to make such provision in future (whether under the power in regulation 3 or otherwise).

(3) Condition B is that the Bank of England proposes to exercise the power in regulation 3 to modify an EU Regulation specified in Part 5 of the Schedule, and the Bank of England—

- (a) proposes, in modifying the EU Regulation, to make separate provision for—
 - (i) central counterparties;
 - (ii) central securities depositories;
 - (iii) financial counterparties or non-financial counterparties within the meaning of the EMIR regulation; or
 - (iv) a specified category of persons within paragraph (i), (ii) or (iii), or
- (b) considers that the EU Regulation may need to be modified to make such provision in future (whether under the power in regulation 3 or otherwise).

(4) Condition C is that the FCA proposes to exercise the power in regulation 3 to modify an EU Regulation specified in Part 4 or Part 5 of the Schedule, and the FCA—

- (a) proposes, in modifying the EU Regulation, to make separate provision for—
 - (i) persons regulated solely by the FCA;
 - (ii) persons connected to them; or
 - (iii) a specified category of persons within paragraph (i) or (ii), or
- (b) considers that the EU Regulation may need to be modified to make such provision in future (whether under the power in regulation 3 or otherwise).

(5) Condition D is that the initiating regulator considers that the separate provision referred to in paragraph (2), (3) or (4) (as the case may be) can most appropriately be made using the procedure set out in paragraph (6).

(6) If this regulation applies, the initiating regulator must when making the proposed EU Exit instrument—

- (a) amend the EU Regulation to divide it into two Parts—
 - (i) by re-designating the existing text as the first Part with the title of the EU Regulation followed by “(FCA)” as its heading; and
 - (ii) so as to secure the insertion of a second Part which repeats the text of the first Part and which has as its heading the title of the EU Regulation followed by—
 - (aa) “(PRA)”, where the EU Regulation is in Part 4 of the Schedule, or
 - (bb) “(Bank of England)”, where the EU Regulation is in Part 5 of the Schedule; and
- (b) insert a provision at the beginning of each Part identifying the persons to whom that Part is to apply;
- (c) make the modifications referred to in the opening words of conditions A, B or C (as the case may be) to the first Part of the EU Regulation (where the initiating regulator is the FCA) or to the second Part of the EU Regulation (where the initiating regulator is the PRA or the Bank of England).

(7) The initiating regulation must consult with the other appropriate regulator in relation to the EU Regulation in question on the provision referred to in paragraph (6)(b).

(8) In this regulation, “the initiating regulator”—

- (a) if condition A (but not condition C) is satisfied, means the PRA;
- (b) if condition B (but not condition C) is satisfied, means the Bank of England;
- (c) if condition C is satisfied (whether or not condition A or B is also satisfied), means the FCA.

(9) Where an EU Regulation has been amended by an EU Exit Instrument pursuant to paragraph (6)—

- (a) the first Part of the EU Regulation is to be treated as falling within Part 1 of the Schedule; and
- (b) the second Part of the EU Regulation is to be treated as falling within—
 - (i) Part 2 of the Schedule, where the EU Regulation originally fell within Part 4 of the Schedule; or
 - (ii) Part 3 of the Schedule, where the EU Regulation originally fell within Part 5 of the Schedule;
- (c) neither the first Part nor the second Part of the EU Regulation may be modified by any regulator (under the power in regulation 3 or otherwise) which is not the appropriate regulator for that Part.

Procedure

5.—(1) Before a regulator other than the PRA makes any EU Exit instrument which applies to PRA-authorized persons or persons connected to them, or which may affect the exercise of the PRA’s functions under or by virtue of the Financial Services and Markets Act 2000 (“the Act”), the regulator must consult the PRA.

(2) Before a regulator other than the FCA makes any EU Exit instrument which applies to authorized persons who are not PRA-authorized persons, persons connected with them, recognised investment exchanges within the meaning of section 285 of the Act, or any other person which the FCA is responsible for regulating under the Act or under retained EU law, or which may affect the exercise of the FCA’s functions under or by virtue of the Act, the regulator must consult the FCA.

(3) Before a regulator other than the Bank of England makes any EU Exit instrument which—

- (a) applies to a central counterparty, to a financial counterparty or a non-financial counterparty within the meaning of the EMIR regulation or to a central securities depository; or
- (b) may affect the exercise of the Bank of England’s functions under or by virtue of the Act, the Banking Act 2009, or retained EU law,

the regulator must consult the Bank of England.

(4) An EU Exit instrument may only be made if it has been approved by the Treasury.

(5) The Treasury may only approve an EU Exit Instrument if the Treasury considers that the EU Exit instrument makes appropriate provision to prevent, remedy or mitigate—

- (a) any failure of retained EU law to operate effectively, or
- (b) any other deficiency in retained EU law,

arising from the withdrawal of the United Kingdom from the EU.

(6) An EU Exit instrument must be provided to the Treasury as soon as it has been made.

(7) An EU Exit instrument must be published by the regulator which made it in the way appearing to that regulator to be best calculated to bring it to the attention of the public.

PART 3

Standards Instruments

Amendment of the Bank of England Act 1998

6. In Schedule 6A to the Bank of England Act 1998(a), in paragraph 17(9)—

(a) after paragraph (f), insert—

“(fa)making technical standards in accordance with Chapter 2A of Part 9A of that Act(b);”

(b) after paragraph (g), insert—

“(h) making EU Exit instruments under the Financial Regulators’ Powers (Technical Standards) (Amendment etc.) (EU Exit) Regulations 2018.”.

Amendment of the Financial Services and Markets Act 2000

7.—(1) The Financial Services and Markets Act 2000 is amended as follows.

(2) In section 1A(6)(c)—

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- (a) 1998 c.11. Schedule 6A was inserted by the Bank of England and Financial Services Act 2016 (c.14).
 - (b) Chapter 2A is inserted into Part 9A of the Financial Services and Markets Act 2000 by regulation 7(8) of these Regulations.
 - (c) Section 1A was substituted, with the rest of Part 1A, for Part 1 of the Financial Services and Markets Act 2000, by section 6(1) of the Financial Services Act 2012 (c.21).

- (a) at the end of paragraph (ca)(a), omit “or”;
- (b) at the end of paragraph (d), insert—
 - “or
 - (e) regulations made by the Treasury under section 8 of the European Union (Withdrawal) Act 2018.”.
- (3) In section 1B(6), after paragraph (a), insert—
 - “(aa) its function of making technical standards in accordance with Chapter 2A of Part 9A;”.
- (4) In section 2AB(b), in subsection (3)—
 - (a) at the end of paragraph (c), omit “or”;
 - (b) at the end of paragraph (d), insert—
 - “or
 - (e) regulations made by the Treasury under section 8 of the European Union (Withdrawal) Act 2018.”
- (5) In section 2J(1), after paragraph (a), insert—
 - “(aa) its function of making technical standards in accordance with Chapter 2A of Part 9A;”.
- (6) In section 137A (the FCA’s general rules), at the end, insert—
 - “(6) The FCA’s general rules may not modify, amend or revoke any retained direct EU legislation (except retained direct EU legislation which takes the form of FCA rules).”
- (7) In section 137G (the PRA’s general rules), at the end, insert—
 - “(6) The PRA’s general rules may not modify, amend or revoke any retained direct EU legislation (except retained direct EU legislation which takes the form of PRA rules).”
- (8) After section 138O, insert—

“CHAPTER 2A
TECHNICAL STANDARDS

Technical standards

138P.—(1) This Chapter applies where a power for the FCA, the PRA, the Bank of England, or any combination of them to make technical standards is substituted for the power of an EU entity to make EU tertiary legislation (“the original EU power”) by regulations made under section 8 of the European Union (Withdrawal) Act 2018.

- (2) The power to make technical standards includes power to modify, amend or revoke—
 - (a) any technical standards made by the regulator under that power;
 - (b) any EU tertiary legislation made by an EU entity under the original EU power which forms part of retained EU law.

(3) Where power to make a technical standard for the same purposes (as set out in the provision creating the power) and applying to the same persons or class of persons has been given to more than one regulator, no regulator may exercise the power without the consent of the other regulator or regulators.

(4) Before a regulator makes a technical standard in which another regulator has an interest, it must consult the other regulator.

- (5) For the purposes of subsection (4)—

(a) Paragraph (ca) was inserted into section 1A by S.I. 2013/1773.
 (b) Section 2AB was substituted, with section 2A, for section 2A by the Bank of England and Financial Services Act 2016 (c.14), section 12.

- (a) the PRA has an interest in a technical standard which—
 - (i) applies to PRA-authorized persons or other persons connected to them, or
 - (ii) may affect the exercise of the PRA’s functions under or by virtue of this Act or under retained EU law;
 - (b) the FCA has an interest in all technical standards which a regulator or the Payment Systems Regulator has power to amend;
 - (c) the Bank of England has an interest in technical standards which—
 - (i) apply to central counterparties, to financial counterparties or non-financial counterparties within the meaning of the EMIR regulation or to central securities depositories, or
 - (ii) may affect the exercise of the Bank’s functions under or by virtue of this Act, the Banking Act 2009 or retained EU law.
- (6) For the purposes of this Chapter—
- (a) “EU tertiary legislation” has the meaning given in section 20 of the European Union (Withdrawal) Act 2018;
 - (b) “regulator” means the FCA, the PRA or the Bank of England;
 - (c) a person is connected with another person in the circumstances set out in section 165(11).

Standards instruments

138Q.—(1) The power to make technical standards is to be exercised by the regulator by making an instrument under this section (a “standards instrument”).

(2) A standards instrument must specify the provision under which the instrument is being made.

(3) To the extent that a standards instrument does not comply with subsection (2), it is void.

(4) A standards instrument must be published by the regulator making the instrument in the way appearing to the regulator to be best calculated to bring it to the attention of the public.

(5) The Treasury must lay before Parliament a copy of each standards instrument made under this section.

(6) The regulator making the instrument may charge a reasonable fee for providing a person with a copy of a standards instrument.

Treasury approval

138R.—(1) A standards instrument may be made only if it has been approved by the Treasury.

(2) The Treasury may refuse to approve a standards instrument if subsection (3) or (5) applies.

(3) This subsection applies if it appears to the Treasury that the instrument would—

- (a) have implications for public funds (within the meaning of section 78(2) of the Banking Act 2009); or
- (b) prejudice any current or proposed negotiations for an international agreement between the United Kingdom and one or more other countries, international organisations or institutions.

(4) For the purposes of subsection (3), “international organisations” includes the European Union.

(5) This subsection applies if it appears to the Treasury that they may direct the regulator not to make the standards instrument under section 410 (international obligations).

(6) The Treasury must notify the regulator in writing whether or not they approve a standards instrument within four weeks after the day on which that instrument is submitted to the Treasury for approval (“the relevant period”).

(7) Provision of a draft standards instrument to the Treasury for consultation does not amount to submission of the instrument for approval.

(8) If the Treasury do not approve the instrument, they must—

- (a) set out in the notice given under subsection (6) the Treasury’s reasons for not approving the instrument;
- (b) lay before Parliament—
 - (i) a copy of that notice;
 - (ii) a copy of any statement made by the regulator as to its reasons for wishing to make the instrument.

(9) If the Treasury do not give notice under subsection (6) before the end of the relevant period, the Treasury is deemed to have approved the standards instrument.

Application of Chapters 1 and 2

138S.—(1) The sections listed in subsection (2) apply, subject to the modifications specified in that subsection, to—

- (a) technical standards made by the FCA or the PRA as they apply to rules made by the FCA or the PRA;
- (b) technical standards made by the Bank of England, as they apply to rules made by the Bank under this Act in accordance with paragraph 10(1), (3) and (4) of Schedule 17A(a) to this Act.

(2) The sections referred to in subsection (1) are—

- (a) section 137T (general supplementary powers)(b), as if—
 - (i) the reference in paragraph (a) to authorised persons were a reference to persons,
 - (ii) the reference in paragraph (b) to rules included a reference to technical standards;
- (b) section 138C (evidential provisions);
- (c) section 138E (limit on effect of contravening rules);
- (d) section 138F (notification of rules);
- (e) section 138H (verification of rules), treating the reference in subsection (2)(c) to section 138G(4) of the Act as a reference to section 138Q(4);
- (f) section 138I (consultation by the FCA), as if—
 - (i) subsection (1)(a) were omitted, and
 - (ii) references to making rules were references to submitting a standards instrument to the Treasury for approval;
- (g) section 138J (consultation by the PRA), as if—
 - (i) subsection (1)(a) were omitted, and

(a) Schedule 17A was inserted into the Financial Services and Markets Act 2000 by Schedule 7 to the Financial Services Act 2012 (c.21).

(b) Section 137T was substituted, with the rest of Part 9A (sections 137A to 141A) for Part X of the Financial Services and Markets Act 2000 by section 24(1) of the Financial Services Act 2012.

- (ii) references to making rules were references to submitting a standards instrument to the Treasury for approval;
 - (h) section 138K (consultation: mutual societies);
 - (i) section 138L (consultation: general exemptions), as if references to making rules were references to submitting a standards instrument to the Treasury for approval.”
- (9) In Schedule 1ZA(a)—
- (a) in paragraph 8(3), after paragraph (e), insert—
 - “(f) making technical standards in accordance with Chapter 2A of Part 9A;
 - (g) making EU Exit instruments under the Financial Regulators’ Powers (Technical Standards) (Amendment etc.) (EU Exit) Regulations 2018.”;
 - (b) in paragraph 23(2)(a), after “(ca)” insert “and (e)”.
- (10) In Schedule 1ZB, in paragraph 31(2)(a), for “other Acts” substitute “other enactments”.
- (11) In Schedule 17A—
- (a) in paragraph 10, after sub-paragraph (4), insert—
 - “(5) Rules made by the Bank under any provision made by or under this Act may not modify, amend or revoke any retained direct EU legislation (except retained direct EU legislation which takes the form of rules made by the Bank).”;
 - (b) in paragraph 36—
 - (i) at the end of sub-paragraph (2)(b), omit “and”;
 - (ii) after sub-paragraph (b), insert—
 - “(ba) its functions under or as a result of regulations made under section 8 of the European Union (Withdrawal) Act 2018; and”.

Amendment of the Banking Act 2009

8. In section 244 (Immunity) of the Banking Act 2009(b), in subsection (2)(c), after “Markets Act 2000” insert “, of its functions under or as a result of regulations made under section 8 of the European Union (Withdrawal) Act 2018”.

Amendment of the Financial Services Act 2012

- 9.** In section 85 of the Financial Services Act 2012—
- (a) in subsection (4), after paragraph (f)(c), insert—
 - “(g) making technical standards in accordance with Chapter 2A of Part 9A of FSMA 2000;
 - (h) making EU Exit instruments under the Financial Regulators’ Powers (Technical Standards) (Amendment etc.) (EU Exit) Regulations 2018.”;
 - (b) in subsection (5), after paragraph (e), insert—
 - “(f) making technical standards in accordance with Chapter 2A of Part 9A of FSMA 2000;
 - (g) making EU Exit instruments under the Financial Regulators’ Powers (Technical Standards) (Amendment etc.) (EU Exit) Regulations 2018.”.

(a) Schedule 1ZA and 1ZB were substituted for Schedule 1 to the Financial Services and Markets Act 2000 (c.8) by Schedule 3 to the Financial Services Act 2012.

(b) 2009 c.1. Section 244(2)(c) was amended by paragraph 3 of Schedule 2 to the Financial Services Act 2012, and S.I. 2014/3329.

(c) Paragraph (f) was inserted by paragraph 17 of Schedule 3 to the Pension Schemes Act 2015 (c.8).

Amendment of the Financial Services (Banking Reform) Act 2013

- 10.**—(1) The Financial Services (Banking Reform) Act 2013 (“the Act”) is amended as follows.
- (2) In section 39(10) (overview), for “96 and 97” substitute “96 to 97D”.
- (3) In section 71 (meaning of “compliance failure”)—
- (a) at the end of paragraph (a), omit “or”;
 - (b) at the end of paragraph (b), insert—
“; or
 - (c) comply with rules made by the Regulator under paragraph 9A of Schedule 4.”.
- (4) After section 97 (Reports), insert—

“Technical Standards

Technical standards

97A.—(1) This section, section 97B, section 97C and section 97D apply where a power for the Payment Systems Regulator to make technical standards is substituted for the power of an EU entity to make EU tertiary legislation (the “original EU power”) by regulations made under section 8 of the European Union (Withdrawal) Act 2018.

- (2) The power to make technical standards includes power to modify, amend or revoke—
- (a) any technical standards made by the Payment Systems Regulator under that power;
 - (b) any EU tertiary legislation made by an EU entity under the original EU power which forms part of retained EU law.

(3) Before making any technical standards in which the FCA, the PRA or the Bank of England has an interest (within the meaning of section 138P(5) of the Financial Services and Markets Act 2000), the Payment Systems Regulator must consult the regulator concerned.

(4) For the purposes of this section, “EU tertiary legislation” has the meaning given in section 14 of the European Union (Withdrawal) Act 2018.

Standards instruments

97B.—(1) The power to make technical standards is to be exercised by the Payment Systems Regulator by making an instrument under this section (a “standards instrument”).

(2) A standards instrument must specify the provision under which the instrument is being made.

(3) To the extent that a standards instrument does not comply with subsection (2), it is void.

(4) A standards instrument must be published by the Payment Systems Regulator in the way appearing to the regulator to be best calculated to bring it to the attention of the public.

(5) The Treasury must lay before Parliament a copy of each standards instrument made under this section.

(6) The Payment Systems Regulator may charge a reasonable fee for providing a person with a copy of a standards instrument.

Treasury approval

97C.—(1) A standards instrument may be made only if it has been approved by the Treasury.

(2) The Treasury may refuse to approve a standards instrument if subsection (3) applies.

(3) This subsection applies if it appears to the Treasury that the instrument would—

- (a) have implications for public funds (within the meaning of section 78(2) of the Banking Act 2009); or
 - (b) prejudice any current or proposed negotiations for an international agreement between the United Kingdom and one or more other countries, international organisations or institutions.
- (4) For the purposes of subsection (3), “international organisations” includes the European Union.
- (5) The Treasury must notify the Payment Systems Regulator in writing whether or not they approve a standards instrument within four weeks after the day on which that instrument is submitted to the Treasury for approval (“the relevant period”).
- (6) Provision of a draft standards instrument to the Treasury for consultation does not amount to submission of the instrument for approval.
- (7) If the Treasury do not approve the instrument, they must—
- (a) set out in the notice given under subsection (5) the Treasury’s reasons for not approving the instrument;
 - (b) lay before Parliament—
 - (i) a copy of that notice;
 - (ii) a copy of any statement made by the Payment Systems Regulator as to its reasons for wishing to make the instrument.
- (8) If the Treasury do not give notice under subsection (5) before the end of the relevant period, the Treasury is deemed to have approved the standards instrument.

Application of section 104 of this Act and Part 9A of the Financial Services and Markets Act 2000

97D.—(1) Section 104 (consultation in relation to generally applicable requirements) applies to making technical standards as it applies to imposing a generally applicable requirement within the meaning of section 104(1), as if—

- (a) in subsection (3)(c) the reference to the Payment Systems Regulator’s duties under section 49 were a reference to the Payment Systems Regulator’s duties under regulation 3(2) and (4) of the Payment Card Interchange Fee Regulations 2015 (“the 2015 Regulations”);
 - (b) in subsection (10), the reference to regulated payment systems were a reference to regulated persons within the meaning of regulation 2(1) of the 2015 Regulations.
- (2) The provisions of the Financial Services and Markets Act 2000 listed in subsection (3) apply to technical standards made by the Payment Systems Regulator as they apply to rules made by the FCA subject to the modifications specified in subsection (3).
- (3) The provisions referred to in subsection (2) are—
- (a) section 137T (general supplementary powers) (ignoring paragraph (b));
 - (b) section 138E (limit on effect of contravening rules) (ignoring subsection (3));
 - (c) section 138F (notification of rules) (ignoring subsection (2));
 - (d) section 138H (verification of rules) (treating the reference in subsection (2)(c) to section 138G(4) of the Act as a reference to section 97B(4)).”
- (5) In Schedule 4—
- (a) in paragraph 5(3), after paragraph (b), insert—
 - “(c) making technical standards in accordance with section 97A; and
 - (d) making EU Exit instruments under the Financial Regulators’ Powers (Technical Standards) (Amendment etc.) (EU Exit) Regulations 2018.”;
 - (b) in paragraph 9, in the heading, insert at the end “(participants in regulated payment systems)”;

(c) after paragraph 9, insert—

“Funding (regulated persons)

9A.—(1) For the purposes mentioned in sub-paragraph (2), the Regulator may make rules requiring regulated persons within the meaning of regulation 2(1) of the Payment Card Interchange Fee Regulations 2015(a) to pay to the Regulator specified amounts or amounts calculated in a specified way.

(2) The purpose is to meet the expenses incurred, or expected to be incurred, by the Regulator in connection with any functions conferred on it by virtue of regulations made under the European Union (Withdrawal) Act 2018.

(3) Before making any rules under this paragraph, the Regulator must consult the FCA and the Treasury.

(4) In this paragraph “specified” means specified in the rules.

(5) The sections listed in sub-paragraph (6) apply, subject to the modifications specified in that sub-paragraph, to rules made by the Regulator under this paragraph as they apply to rules made by the FCA.

(6) The sections referred to in sub-paragraph (5) are—

- (a) section 137T (general supplementary powers) as if the reference in paragraph (a) to authorised person were a reference to regulated persons;
- (b) section 138A (modification or waiver of rules) as if the reference to the regulator’s objectives were a reference to the payment systems objectives of the Regulator (within the meaning of section 49);
- (c) section 138B (publication of directions under section 138A);
- (d) section 138E (limits on effects of contravening rules), ignoring subsection (3);
- (e) section 138F (notification of rules), ignoring subsection (2);
- (f) section 138G (rule-making instruments);
- (g) section 138H (verification of rules).”

Amendments of the Payment Card Interchange Fee Regulations 2015

11.—(1) The Payment Card Interchange Fee Regulations 2015 are amended as follows.

(2) In regulation 3—

(a) in paragraph (2)—

(i) for sub-paragraph (a), substitute—

“(a) determine whether regulated persons comply in the United Kingdom with obligations, prohibitions and restrictions imposed on them by—

(i) the interchange fee regulation, read together with regulations 22 (weighted average interchange fees for domestic debit card transactions) and 23 (exemption from maximum interchange fees for certain three party payment card schemes); or

(ii) a technical standard made under section 97A of the 2013 Act”;

(b) in paragraph (5)—

(i) at the end of sub-paragraph (a), omit “and”;

(ii) at the end of sub-paragraph (b), insert—

“(c) the function of making technical standards under section 97A of the 2013 Act; and

(a) S.I. 2015/1911.

- (d) the function of making EU Exit instruments under the Financial Regulators’ Powers (Technical Standards) (Amendment etc.) (EU Exit) Regulations 2018.”

*Mike Freer
Rebecca Harris*

25th October 2018

Two of the Lords Commissioners of Her Majesty’s Treasury

SCHEDULE

Regulation 2

PART 1

EU Regulations for which the FCA is the appropriate regulator

Alternative Investment Funds Managers Directive

1. Commission Delegated Regulation (EU) 694/2014 supplementing Directive 2011/61/EU of the European Parliament and of the Council with regard to regulatory technical standards determining types of alternative investment fund managers(**a**).

Credit rating agencies regulation

2. Commission Delegated Regulation (EU) 447/2012 of 21 March 2012 supplementing Regulation (EC) 1060/2009 of the European Parliament and of the Council on credit rating agencies by laying down regulatory technical standards for the assessment of compliance of credit rating methodologies(**b**).

3. Commission Delegated Regulation (EU) 449/2012 of 21 March 2012 supplementing Regulation (EC) 1060/2009 of the European Parliament and of the Council with regard to regulatory technical standards on information for registration and certification of credit rating agencies(**c**).

4. Commission Delegated Regulation (EU) 2015/1 of 30 September 2014 supplementing Regulation (EC) 1060/2009 of the European Parliament and of the Council with regard to regulatory technical standards for the periodic reporting on fees charged by credit rating agencies for the purpose of ongoing supervision by the European Securities and Markets Authority(**d**).

5. Commission Delegated Regulation (EU) 2015/2 of 30 September 2014 supplementing Regulation (EC) 1060/2009 of the European Parliament and of the Council with regard to regulatory technical standards for the presentation of the information that credit rating agencies make available to the European Securities and Markets Authority(**e**).

6. Commission Delegated Regulation (EU) 2015/3 of 30 September 2014 supplementing Regulation (EC) 1060/2009 of the European Parliament and of the Council with regard to regulatory technical standards on disclosure requirements for structured finance instruments(**f**).

European Markets Infrastructure Regulation

7. Commission Implementing Regulation (EU) 1248/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of applications for registration of trade

(a) OJ L183, 24.6.2014, p.18.
(b) OJ L140, 30.5.2012, p.14.
(c) OJ L140, 30.5.2012, p.32.
(d) OJ L2, 6.1.2015, p.1.
(e) OJ L2, 6.1.2015, p.24.
(f) OJ L2, 6.1.2015, p.57.

repositories according to Regulation (EU) 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories(a).

8. Commission Delegated Regulation (EU) 150/2013 of 19 December 2012 supplementing Regulation (EU) 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository(b).

9. Commission Delegated Regulation (EU) 151/2013 of 19 December 2012 supplementing Regulation (EU) 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data(c).

European Social Entrepreneurship Fund Regulation

10. Commission Implementing Regulation (EU) 594/2014 of 3 June 2014 laying down implementing technical standards with regard to the format of the notification according to Article 17(1) of Regulation (EU) 346/2013 of the European Parliament and of the Council on European social entrepreneurship funds(d).

European Venture Capital Funds Regulation

11. Commission Implementing Regulation (EU) 593/2014 of 3 June 2014 laying down implementing technical standards with regard to the format of the notification according to Article 16(1) of Regulation (EU) 345/2013 of the European Parliament and of the Council on European venture capital funds(e).

Insurance Distribution Directive

12. Commission Implementing Regulation (EU) 2017/1469 of 11 August 2017 laying down a standardised presentation format for the insurance product information document(f).

Market Abuse Regulation

13. Commission Implementing Regulation (EU) 2016/347 of 10 March 2016 laying down implementing technical standards with regard to the precise format of insider lists and for updating insider lists in accordance with Regulation (EU) 596/2014 of the European Parliament and of the Council(g).

14. Commission Implementing Regulation (EU) 2016/378 of 11 March 2016 laying down implementing technical standards with regard to the timing, format and template of the submission of notifications to competent authorities according to Regulation (EU) 596/2014 of the European Parliament and of the Council(h).

15. Commission Implementing Regulation (EU) 2016/523 of 10 March 2016 laying down implementing technical standards with regard to the format and template for notification and public disclosure of managers' transactions in accordance with Regulation (EU) 596/2014 of the European Parliament and of the Council(i).

16. Commission Delegated Regulation (EU) 2016/908 of 26 February 2016 supplementing Regulation (EU) 596/2014 on the European Parliament and of the Council laying down regulatory technical standards on the criteria, the procedure and the requirements for establishing an accepted

(a) OJ L352, 21.12.2012, p.30.
(b) OJ L52, 23.2.2013, p.25.
(c) OJ L52, 23.2.2013, p.33.
(d) OJ L165, 4.6.2014, p.44.
(e) OJ L165, 4.6.2014, p.41.
(f) OJ L209, 12.8.2017, p.19.
(g) OJ L65, 11.3.2016, p.49.
(h) OJ L72, 17.3.2016, p.1.
(i) OJ L88, 5.4.2016, p.19.

market practice and the requirements for maintaining it, terminating it or modifying the conditions for its acceptance(a).

17. Commission Delegated Regulation (EU) 2016/909 of 1 March 2016 supplementing Regulation (EU) 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the content of notifications to be submitted to competent authorities and the compilation, publication and maintenance of the list of notifications(b).

18. Commission Delegated Regulation (EU) 2016/957 of 9 March 2016 supplementing Regulation 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the appropriate arrangements, systems and procedures as well as notification templates to be used for preventing, detecting and reporting abusive practices or suspicious orders or transactions(c).

19. Commission Delegated Regulation (EU) 2016/958 of 9 March 2016 supplementing Regulation (EU) 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the technical arrangements for objective presentation of investment recommendations or other information recommending or suggesting an investment strategy and for disclosure of particular interests or indications of conflicts of interest(d).

20. Commission Implementing Regulation (EU) 2016/959 of 17 May 2016 laying down implementing technical standards for market soundings with regard to the systems and notification templates to be used by disclosing market participants and the format of the records in accordance with Regulation (EU) 596/2014 of the European Parliament and of the Council(e).

21. Commission Implementing Regulation (EU) 2016/960 of 17 May 2016 supplementing Regulation (EU) 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the appropriate arrangements, systems and procedures for disclosing market participants conducting market soundings(f).

22. Commission Delegated Regulation (EU) 2016/1052 of 8 March 2016 supplementing Regulation (EU) 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the conditions applicable to buy-back programmes and stabilisation measures(g).

23. Commission Implementing Regulation (EU) 2016/1055 of 29 June 2016 laying down implementing technical standards with regard to the technical means for appropriate public disclosure of inside information and for delaying the public disclosure of inside information in accordance with Regulation (EU) 596/2014 of the European Parliament and of the Council(h).

24. Commission Implementing Regulation (EU) 2017/1158 of 29 June 2017 laying down implementing technical standards with regards to the procedures and forms for competent authorities exchanging information with the European Securities Market Authority(i).

Markets in financial instruments directive

25. Commission Implementing Regulation (EU) 2016/824 of 25 May 2016 laying down implementing technical standards with regard to the content and format of the description of the functioning of multilateral trading facilities and organised trading facilities and the notification to the European Securities and Markets Authority according to Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments(j).

(a) OJ L153, 10.6.2016, p.3.

(b) OJ L153, 10.6.2016, p.13.

(c) OJ L160, 17.6.2016, p.1.

(d) OJ L60, 17.6.2016, p.15.

(e) OJ L160, 17.6.2016, p.23.

(f) OJ L160, 17.6.2016, p.29.

(g) OJ L173, 30.6.2016, p.34.

(h) OJ L173, 30.6.2016, p.47.

(i) OJ L167, 30.6.2017, p.22.

(j) OJ L137, 26.5.2016, p.10.

26. Commission Delegated Regulation (EU) 2017/566 of 18 May 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards for the ratio of unexecuted orders to transactions in order to prevent disorderly trading conditions(**a**).

27. Commission Delegated Regulation (EU) 2017/568 of 24 May 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the admission of financial instruments to trading on regulated markets(**b**).

28. Commission Delegated Regulation (EU) 2017/569 of 24 May 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the suspension and removal of financial instruments from trading(**c**).

29. Commission Delegated Regulation (EU) 2017/570 of 26 May 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards for the determination of a material market in terms of liquidity in relation to notifications of a temporary halt in trading(**d**).

30. Commission Delegated Regulation (EU) 2017/571 of 2 June 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards on the authorisation, organisational requirements and the publication of transactions for data reporting services providers(**e**).

31. Commission Delegated Regulation (EU) 2017/573 of 6 June 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on requirements to ensure fair and Non-discriminatory co-location services and fee structures(**f**).

32. Commission Delegated Regulation (EU) 2017/574 of 7 June 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the level of accuracy of business clocks(**g**).

33. Commission Delegated Regulation (EU) 2017/575 of 8 June 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards concerning the data to be published by execution venues on the quality of execution of transactions(**h**).

34. Commission Delegated Regulation (EU) 2017/576 of 8 June 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the annual publication by investment firms of information on the identity of execution venues and on the quality of execution(**i**).

35. Commission Delegated Regulation (EU) 2017/578 of 13 June 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards specifying the requirements on market making agreements and schemes(**j**).

36. Commission Delegated Regulation (EU) 2017/584 of 14 July 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying organisational requirements of trading venues(**k**).

(a) OJ L87, 31.3.2017, p.84.

(b) OJ L87, 31.3.2017, p.117.

(c) OJ L87, 31.3.2017, p.122.

(d) OJ L87, 31.3.2017, p.124.

(e) OJ L87, 31.3.2017, p.126.

(f) OJ L87, 31.3.2017, p.145.

(g) OJ L87, 31.3.2017, p.148.

(h) OJ L87, 31.3.2017, p.152.

(i) OJ L87, 31.3.2017, p.166.

(j) OJ L87, 31.3.2017, p.183.

(k) OJ L87, 31.3.2017, p.350.

37. Commission Delegated Regulation (EU) 2017/586 of 14 July 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the exchange of information between competent authorities when cooperating in supervisory activities, on-the-spot verifications and investigations**(a)**.

38. Commission Delegated Regulation (EU) 2017/588 of 14 July 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards on the tick size regime for shares, depositary receipts and exchange-traded funds**(b)**.

39. Commission Delegated Regulation (EU) 2017/591 of 1 December 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the application of position limits to commodity derivatives**(c)**.

40. Commission Delegated Regulation (EU) 2017/592 of 1 December 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the criteria to establish when an activity is considered to be ancillary to the main business**(d)**.

41. Commission Implementing Regulation (EU) 2017/953 of 6 June 2017 laying down implementing technical standards with regard to the format and the timing of position reports by investment firms and market operators of trading venues pursuant to Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments**(e)**.

42. Commission Implementing Regulation (EU) 2017/980 of 7 June 2017 laying down implementing technical standards with regard to standard forms, templates and procedures for cooperation in supervisory activities, for on-site verifications, and investigations and exchange of information between competent authorities in accordance with Directive 2014/65/EU of the European Parliament and of the Council**(f)**.

43. Commission Implementing Regulation (EU) 2017/981 of 7 June 2017 laying down implementing technical standards with regard to standard forms, templates and procedures for the consultation of other competent authorities prior to granting an authorisation in accordance with Directive 2014/65/EU of the European Parliament and of the Council**(g)**.

44. Commission Implementing Regulation (EU) 2017/988 of 6 June 2017 laying down implementing technical standards with regard to standard forms, templates and procedures for cooperation arrangements in respect of a trading venue whose operations are of substantial importance in a host Member State**(h)**.

45. Commission Implementing Regulation (EU) 2017/1005 of 15 June 2017 laying down implementing technical standards with regard to the format and timing of the communications and the publication of the suspension and removal of financial instruments pursuant to Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments**(i)**.

46. Commission Delegated Regulation (EU) 2017/1018 of 29 June 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards specifying information to be notified by investment firms, market operators and credit institutions**(j)**.

(a) OJ L87, 31.3.2017, p.382.
(b) OJ L87, 31.3.2017, p.411.
(c) OJ L87, 31.3.2017, p.479.
(d) OJ L87, 31.3.2017, p.492.
(e) OJ L144, 7.6.2017, p.12.
(f) OJ L148, 10.6.2017, p.3.
(g) OJ L148, 10.6.2017, p.16.
(h) OJ L149, 13.6.2017, p.3.
(i) OJ L153, 16.6.2017, p.1.
(j) OJ L155, 17.6.2017, p.1.

47. Commission Implementing Regulation (EU) 2017/1093 of 20 June 2017 laying down implementing technical standards with regard to the format of position reports by investment firms and market operators(**a**).

48. Commission Implementing Regulation (EU) 2017/1110 of 22 June 2017 laying down implementing technical standards with regard to the standard forms, templates and procedures for the authorisation of data reporting services and related notifications pursuant to Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments(**b**).

49. Commission Implementing Regulation (EU) 2017/1111 of 22 June 2017 laying down implementing technical standards with regard to procedures and forms for submitting information on sanctions and measures in accordance with Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments(**c**).

50. Commission Delegated Regulation (EU) 2017/1943 of 14 July 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards on information and requirements for the authorisation of investment firms(**d**).

51. Commission Implementing Regulation (EU) 2017/1944 of 13 June 2017 laying down implementing technical standards with regard to standard forms, templates and procedures for the consultation process between relevant competent authorities in relation to the notification of a proposed acquisition of a qualifying holding in an investment firm in accordance with Directives 2004/39/EC and 2014/65/EU of the European Parliament and of the Council(**e**).

52. Commission Implementing Regulation (EU) 2017/2382 of 14 December 2017 laying down implementing technical standards with regard to standard forms, templates and procedures for the transmission of information in accordance with Directive 2014/65/EU of the EU Parliament and of the Council(**f**).

Markets in financial instruments regulation

53. Commission Delegated Regulation (EU) 2016/2020 of 26 May 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on criteria for determining whether derivatives subject to the clearing obligation should be subject to the trading obligation(**g**).

54. Commission Delegated Regulation (EU) 2016/2022 of 14 July 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards concerning the information for registration of third-country firms and the format of information to be provided to the clients(**h**).

55. Commission Delegated Regulation (EU) 2017/572 of 2 June 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards on the specification of the offering of pre-and post-trade data and the level of disaggregation of data(**i**).

56. Commission Delegated Regulation (EU) 2017/577 of 13 June 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on the volume cap mechanism and the provision of information for the purposes of transparency and other calculations(**j**).

(a) OJ L158, 21.6.2017, p.16.

(b) OJ L162, 23.6.2017, p.3.

(c) OJ L162, 23.6.2017, p.14.

(d) OJ L276, 26.10.2017, p.4.

(e) OJ L276, 26.10.2017, p.12.

(f) OJ L340, 20.12.2017, p.6.

(g) OJ L313, 19.11.2016, p.2.

(h) OJ L313, 19.11.2016, p.11.

(i) OJ L87, 31.3.2017, p.142.

(j) OJ L87, 31.3.2017, p.174.

57. Commission Delegated Regulation (EU) 2017/579 of 13 June 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on the direct, substantial and foreseeable effect of derivative contracts within the Union and the prevention of the evasion of rules and obligations(**a**).

58. Commission Delegated Regulation (EU) 2017/580 of 24 June 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the maintenance of relevant data relating to orders in financial instruments(**b**).

59. Commission Delegated Regulation (EU) 2017/583 of 14 July 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on transparency requirements for trading venues and investment firms in respect of bonds, structured finance products, emission allowances and derivatives(**c**).

60. Commission Delegated Regulation (EU) 2017/585 of 14 July 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the data standards and formats for financial instrument reference data and technical measures in relation to arrangements to be made by the European Securities and Markets Authority and competent authorities(**d**).

61. Commission Delegated Regulation (EU) 2017/587 of 14 July 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on transparency requirements for trading venues and investment firms in respect of shares, depositary receipts, exchange-traded funds, certificates and other similar financial instruments and on transaction execution obligations in respect of certain shares on a trading venue or by a systematic internalise(**e**).

62. Commission Delegated Regulation (EU) 2017/590 of 28 July 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the reporting of transactions to competent authorities(**f**).

63. Commission Delegated Regulation (EU) 2017/2194 of 14 August 2017 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to package orders(**g**).

Mortgage Credit Directive

64. Commission Delegated Regulation (EU) 1125/2014 of 19 September 2014 supplementing Directive 2014/17/EU of the European Parliament and of the Council with regard to regulatory technical standards on the minimum monetary amount of the professional indemnity insurance or comparable guarantee to be held by credit intermediaries(**h**).

Packaged Retail and Insurance-Based Investment Products

65. Commission Delegated Regulation (EU) 2017/653 of 8 March 2017 supplementing Regulation (EU) 1286/2014 of the European Parliament and of the Council on key information documents for packaged retail and insurance-based investment products (PRIIPs) by laying down regulatory technical standards with regard to the presentation, content, review and revision of key

(a) OJ L87, 31.3.2017, p.189.
(b) OJ L87, 31.3.2017, p.193.
(c) OJ L87, 31.3.2017, p.229.
(d) OJ L87, 31.3.2017, p.368.
(e) OJ L87, 31.3.2017, p.387.
(f) OJ L87, 31.3.2017, p.449.
(g) OJ L312, 28.11.2017, p.1.
(h) OJ L305, 24.10.2014, p.1.

information documents and the conditions for fulfilling the requirement to provide such documents(a).

Payment Services Directive

66. Commission Delegated Regulation (EU) 2017/2055 of 23 June 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for the cooperation and exchange of information between competent authorities relating to the exercise of the right of establishment and the freedom to provide services of payment institutions(b).

67. Article 30 (3) and (5) of Commission Delegated Regulation 2018/389 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for strong customer authentication and common secure open standards of communication(c).

Prospectus Directive

68. Commission Delegated Regulation (EU) 382/2014 of 7 March 2014 supplementing Directive 2003/71/EC of the European Parliament and of the Council with regard to regulatory technical standards for publication of supplements to the prospectus(d).

69. Commission Delegated Regulation (EU) 2016/301 of 30 November 2015 supplementing Directive 2003/71/EC of the European Parliament and of the Council with regard to regulatory technical standards for approval and publication of the prospectus and dissemination of advertisements and amending Commission Regulation (EC) 809/2004(e).

Short Selling Regulation

70. Commission Delegated Regulation (EU) 826/2012 of 29 June 2012 supplementing Regulation (EU) 236/2012 of the European Parliament and of the Council with regard to regulatory technical standards on notification and disclosure requirements with regard to net short positions, the details of the information to be provided to the European Securities and Markets Authority in relation to net short positions and the method for calculating turnover to determine exempted shares(f).

71. Commission Implementing Regulation (EU) 827/2012 of 29 June 2012 laying down implementing technical standards with regard to the means for public disclosure of net position in shares, the format of the information to be provided to the European Securities and Markets Authority in relation to net short positions, the types of agreements, arrangements and measures to adequately ensure that shares or sovereign debt instruments are available for settlement and the dates and period for the determination of the principal venue for a share according to Regulation (EU) 236/2012 of the European Parliament and of the Council on short selling and certain aspects of credit default swaps(g).

72. Commission Delegated Regulation (EU) 919/2012 of 5 July 2012 supplementing Regulation (EU) 236/2012 of the European Parliament and of the Council on short selling and certain aspects of credit default swaps with regard to regulatory technical standards for the method of calculation of the fall in value for liquid shares and other financial instruments(h).

(a) OJ L100, 12.4.2017, p.1.

(b) OJ L294, 11.11.2017, p.1.

(c) OJ L69, 13.3.2018, p.23.

(d) OJ L111, 15.4.2014, p.36.

(e) OJ L58, 4.3.2016, p.13.

(f) OJ L251, 18.9.2012, p.1.

(g) OJ L251, 18.9.2012, p.11.

(h) OJ L274, 9.10.201, p.16.

Transparency Directive

73. Commission Delegated Regulation (EU) 2015/761 of 17 December 2014 supplementing Directive 2004/109/EC of the European Parliament and of the Council with regard to certain regulatory technical standards on major holdings(**a**).

74. Commission Delegated Regulation (EU) 2016/1437 of 19 May 2016 supplementing Directive 2004/109/EC of the European Parliament and of the Council with regard to regulatory technical standards on access to regulated information at Union level(**b**).

Undertakings for Collective Investment in Transferable Securities

75. Commission Implementing Regulation (EU) 584/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards the form and content of the standard notification letter and UCITS attestation, the use of electronic communication between competent authorities for the purpose of notification, and procedures for on-the-spot verifications and investigations and the exchange of information between competent authorities(**c**).

76. Commission Implementing Regulation (EU) 2016/1212 of 25 July 2016 laying down implementing technical standards with regard to standard procedures and forms for submitting information in accordance with Directive 2009/65/EC of the European Parliament and of the Council(**d**).

77. Commission Delegated Regulation (EU) 2017/2417 of 17 November 2017 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on the trading obligation for certain derivative(**e**).

PART 2

EU Regulations for which the Prudential Regulation Authority is the appropriate regulator

Capital Requirements Directive

78. Commission Delegated Regulation (EU) 1222/2014 of 8 October 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for the specification of the methodology for the identification of global systemically important institutions and for the definition of subcategories of global systemically important institutions(**f**).

Capital Requirements Regulation

79. Commission Implementing Regulation (EU) 2015/233 of 13 February 2015 laying down implementing technical standards with regard to currencies in which there is an extremely narrow definition of central bank eligibility pursuant to Regulation (EU) No 575/2013 of the European Parliament and of the Council(**g**).

80. Commission Implementing Regulation (EU) 2015/2344 of 15 December 2015 laying down implementing technical standards with regard to currencies with constraints on the availability of

(a) OJ L120, 13.5.2015, p.2.

(b) OJ L234, 31.8.2016, p.1.

(c) OJ L176, 10.7.2010, p.16.

(d) OJ L199, 26.7.2016, p.6.

(e) OJ L343, 22.12.2017, p.48.

(f) OJ L330, 15.11.2014, p.27.

(g) OJ L39, 14.2.2015, p.11.

liquid assets in accordance with Regulation (EU) No 575/2013 of the European Parliament and of the Council(a).

81. Commission Delegated Regulation (EU) 2016/709 of 26 January 2016 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards specifying the conditions for the application of the derogations concerning currencies with constraints on the availability of liquid assets(b).

82. Commission Delegated Regulation (EU) 2017/208 of 31 October 2016 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for additional liquidity outflows corresponding to collateral needs resulting from the impact of an adverse market scenario on an institution's derivatives transactions(c).

83. Commission Delegated Regulation (EU) 2017/1230 of 31 May 2017 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards further specifying the additional objective criteria for the application of a preferential liquidity outflow or inflow rate for cross-border undrawn credit or liquidity facilities within a group or an institutional protection scheme(d).

Central Securities Depositories Regulation

84. Articles 8 to 42 of the Commission Delegated Regulation (EU) 2017/390 of 11 November 2016 supplementing Regulation (EU) 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards on certain prudential requirements for central securities depositories and designated credit institutions offering banking-type ancillary services(e).

Institutions for Occupational Pension Provision Directive

85. Commission Implementing Regulation (EU) 643/2014 of 16 June 2014 laying down implementing technical standards with regard to the reporting of national provisions of prudential nature relevant to the field of occupational pension schemes according to Directive 20013/41/EC of the European Parliament and of the Council(f).

Solvency II

86. Commission Implementing Regulation (EU) 2015/460 of 19 March 2015 laying down implementing technical standards with regard to the procedure concerning the approval of an internal model in accordance with Directive 2009/138/EC of the European Parliament and of the Council(g).

87. Commission Implementing Regulation (EU) 2015/461 of 19 March 2015 laying down implementing technical standards with regard to the process to reach a joint decision on the application to use a group internal model in accordance with Directive 2009/138/EC of the European Parliament and of the Council(h).

88. Commission Implementing Regulation (EU) 2015/462 of 19 March 2015 laying down implementing technical standards with regard to the procedures for supervisory approval to establish special purpose vehicles, for the cooperation and exchange of information between supervisory authorities regarding special purpose vehicles as well as to set out formats and templates for information to be reported by special purpose vehicles in accordance with Directive 2009/138/EC of the European Parliament and of the Council(i).

(a) OJ L330, 16.12.2015, p.26.
(b) OJ L125, 13.5.2016, p.1.
(c) OJ L33, 8.2.2017, p.14.
(d) OJ L177, 8.7.2017, p.7.
(e) OJ L65, 10.3.2017, p.9.
(f) OJ L177, 17.6.2014, p.34.
(g) OJ L76, 20.3.2015, p.13.
(h) OJ L76, 20.3.2015, p.19.
(i) OJ L76, 20.3.2015, p.23.

89. Commission Implementing Regulation (EU) 2015/498 of 24 March 2015 laying down implementing technical standards with regard to the supervisory approval procedure to use undertaking-specific parameters in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**a**).

90. Commission Implementing Regulation (EU) 2015/499 of 24 March 2015 laying down implementing technical standards with regard to the procedures to be used for granting supervisory approval for the use of ancillary own-fund items in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**b**).

91. Commission Implementing Regulation (EU) 2015/500 of 24 March 2015 laying down implementing technical standards with regard to the procedures to be followed for the supervisory approval of the application of a matching adjustment in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**c**).

92. Commission Implementing Regulation (EU) 2015/2011 of 11 November 2015 laying down implementing technical standards with regard to the lists of regional governments and local authorities, exposures to whom are to be treated as exposures to the central government in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**d**).

93. Commission Implementing Regulation (EU) 2015/2012 of 11 November 2015 laying down implementing technical standards with regard to the procedures for decisions to set, calculate and remove capital add-ons in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**e**).

94. Commission Implementing Regulation (EU) 2015/2013 of 11 November 2015 laying down implementing technical standards with regard to standard deviations in relation to health risk equalisation systems in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**f**).

95. Commission Implementing Regulation (EU) 2015/2014 of 11 November 2015 laying down implementing technical standards with regard to the procedures and templates for the submission of information to the group supervisor and for the exchange of information between supervisory authorities in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**g**).

96. Commission Implementing Regulation (EU) 2015/2015 of 11 November 2015 laying down implementing technical standards on the procedures for assessing external credit assessments in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**h**).

97. Commission Implementing Regulation (EU) 2015/2016 of 11 November 2015 laying down the implementing technical standards with regard to the equity index for the symmetric adjustment of the standard equity capital charge in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**i**).

98. Commission Implementing Regulation (EU) 2015/2017 of 11 November 2015 laying down implementing technical standards with regard to the adjusted factors to calculate the capital requirement for currency risk for currencies pegged to the euro in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**j**).

(a) OJ L79, 25.3.2015, p.8.

(b) OJ L79, 25.3.2015, p.12.

(c) OJ L79, 25.3.2015, p.18.

(d) OJ L295, 12.11.2015, p.3.

(e) OJ L295, 12.11.2015, p.5.

(f) OJ L295, 12.11.2015, p.9.

(g) OJ L295, 12.11.2015, p.11.

(h) OJ L295, 12.11.2015, p.16.

(i) OJ L295, 12.11.2015, p.18.

(j) OJ L295, 12.11.2015, p.21.

99. Commission Implementing Regulation (EU) 2015/2450 of 2 December 2015 laying down implementing technical standards with regard to the templates for the submission of information to the supervisory authorities according to Directive 2009/138/EC of the European Parliament and of the Council(**a**).

100. Commission Implementing Regulation (EU) 2015/2451 of 2 December 2015 laying down implementing technical standards with regard to the templates and structure of the disclosure of specific information by supervisory authorities in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**b**).

101. Commission Implementing Regulation (EU) 2015/2452 of 2 December 2015 laying down implementing technical standards with regard to the procedures, formats and templates of the solvency and financial condition report in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**c**).

102. Commission Implementing Regulation (EU) 2016/1630 of 9 September 2016 laying down implementing technical standards with regard to the procedures for the application of the transitional measure for the equity risk sub-module in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**d**).

103. Commission Implementing Regulation (EU) 2016/1800 of 11 October 2016 laying down implementing technical standards with regard to the allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps in accordance with Directive 2009/138/EC of the European Parliament and of the Council(**e**).

PART 3

EU Regulations for which the Bank of England is the appropriate regulator

Bank Recovery and Resolution Directive

104. Commission Implementing Regulation (EU) 2016/962 of 16 June 2016 laying down implementing technical standards with regard to the uniform formats, templates and definitions for the identification and transmission of information by competent authorities and resolution authorities to the European Banking Authority according to Directive 2014/59/EU of the European Parliament and of the Council(**f**).

105. Commission Implementing Regulation (EU) 2016/1066 of 17 June 2016 laying down implementing technical standards with regard to procedures, standard forms and templates for the provision of information for the purpose of resolution plans for credit institutions and investment firms pursuant to Directive 2014/59/EU of the European Parliament and of the Council(**g**).

106. Articles 22 to 32, 37 to 41 and 50 to 109 of Commission Delegated Regulation (EU) 2016/1075 of 23 March 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges(**h**).

(a) OJ L347, 31.12.2015, p.1.
(b) OJ L347, 31.12.2015, p.1224.
(c) OJ L347, 31.12.2015, p.1285.
(d) OJ L243, 10.9.2016, p.1.
(e) OJ L275, 12.10.2016, p.19.
(f) OJ L160, 17.6.2016, p.35.
(g) OJ L181, 6.7.2016, p.1.
(h) OJ L184, 8.7.2016, p.1.

107. Commission Delegated Regulation (EU) 2016/1400 of 10 May 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the minimum elements of a business reorganisation plan and the minimum contents of the reports on the progress in the implementation of the plan(a).

108. Commission Delegated Regulation (EU) 2016/1401 of 23 May 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms with regard to regulatory technical standards for methodologies and principles on the valuation of liabilities arising from derivatives(b).

109. Commission Delegated Regulation (EU) 2016/1450 of 23 May 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the criteria relating to the methodology for setting the minimum requirement for own funds and eligible liabilities(c).

110. Commission Delegated Regulation (EU) 2016/1712 of 7 June 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms with regard to regulatory technical standards specifying a minimum set of the information on financial contracts that should be contained in the detailed records and the circumstances in which the requirement should be imposed(d).

111. Commission Implementing Regulation (EU) 2018/308 of 1 March 2018 laying down implementing technical standards for Directive 2014/59/EU of the European Parliament and of the Council with regard to formats, templates and definitions for the identification and transmission of information by resolution authorities for the purposes of informing the European Banking Authority of the minimum requirement for own funds and eligible liabilities(e).

112. Commission Delegated Regulation (EU) 2018/344 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the criteria relating to the methodologies for valuation of difference in treatment in resolution(f).

113. Commission Delegated Regulation (EU) 2018/345 of 14 November 2017 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the criteria relating to the methodology for assessing the value of assets and liabilities of institutions or entities(g).

Central Securities Depositories Regulation

114. Articles 1 to 7 of, and the Annex to, Commission Delegated Regulation (EU) 2017/390 of 11 November 2016 supplementing Regulation (EU) 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards on certain prudential requirements for central securities depositories and designated credit institutions offering banking-type ancillary services(h).

115. Commission Delegated Regulation (EU) 2017/391 of 11 November 2016 supplementing Regulation (EU) 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards further specifying the content of the reporting on internalised settlements(i).

(a) OJ L228, 23.8.2016, p.1.
(b) OJ L228, 23.8.2016, p.7.
(c) OJ L237, 3.9.2016, p.1.
(d) OJ L258, 24.9.2016, p.1.
(e) OJ L60, 2.3.2018, p.7.
(f) OJ L67, 9.3.2018, p.3.
(g) OJ L67, 9.3.2018, p.8.
(h) OJ L65, 10.3.2017, p.9.
(i) OJ L65, 10.3.2017, p.44.

116. Commission Delegated Regulation (EU) 2017/392 of 11 November 2016 supplementing Regulation (EU) 909/2014 with regard to regulatory technical standards on authorisation, supervisory and operational requirements for central securities depositories(**a**).

117. Commission Implementing Regulation (EU) 2017/393 of 11 November 2016 laying down implementing technical standards on the templates and procedures for the reporting and transmission of information on internalised settlements in accordance with Regulation (EU) 909/2014 of the European Parliament and of the Council(**b**).

118. Commission Implementing Regulation (EU) 2017/394 of 11 November 2016 laying down implementing technical standards with regard to standard forms, templates and procedures for authorisation, review and evaluation of central securities depositories, for the cooperation between authorities of the home Member State and the host Member State, for the consultation of authorities involved in the authorisation to provide banking-type ancillary services, for access involving central securities depositories, and on the format of the records to be maintained by central securities depositories in accordance with Regulation (EU) 909/2014 of the European Parliament and of the Council(**c**).

European Markets Infrastructure Regulation

119. Commission Implementing Regulation (EU) 1249/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of the records to be maintained by central counterparties according to Regulation (EU) 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories(**d**).

120. Commission Delegated Regulation (EU) 152/2013 of 19 December 2012 supplementing Regulation (EU) 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on capital requirements for central counterparties(**e**).

121. Commission Delegated Regulation (EU) 153/2013 of 19 December 2012 supplementing Regulation (EU) 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties(**f**).

122. Commission Delegated Regulation (EU) 876/2013 of 28 May 2013 supplementing Regulation (EU) 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on colleges for central counterparties(**g**).

123. Commission Implementing Regulation (EU) 484/2014 of 12 May 2014 laying down implementing technical standards with regard to the hypothetical capital of a central counterparty according to Regulation (EU) 648/2012 of the European Parliament and of the Council(**h**).

PART 4

EU Regulations for which both the PRA and FCA are appropriate regulators

Bank Recovery and Resolution Directive

124. Commission Implementing Regulation (EU) 2016/911 of 9 June 2016 laying down implementing technical standards with regard to the form and the content of the description of group financial support agreements in accordance with Directive 2014/59/EU of the European

(a) OJ L65, 10.3.2017, p.48.
(b) OJ L65, 10.3.2017, p.116.
(c) OJ L65, 10.3.2017, p.145.
(d) OJ L352, 21.12.2012, p.32.
(e) OJ L52, 23.2.2013, p.37.
(f) OJ L52, 23.2.2013, p.41.
(g) OJ L244, 13.9.2013, p.19.
(h) OJ L138, 13.5.2014, p.57.

Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms(a).

125. Articles 1 to 21, 33 to 36, 42 to 49 Commission Delegated Regulation (EU) 2016/1075 of 23 March 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges(b).

Capital Requirements Directive

126. Commission Delegated Regulation (EU) 524/2014 of 12 March 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the information that competent authorities of home and host Member States supply to one another(c).

127. Commission Delegated Regulation (EU) 527/2014 of 12 March 2014 supplementing Directive (EU) No 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the classes of instruments that adequately reflect the credit quality of an institution as a going concern and are appropriate to be used for the purposes of variable remuneration(d).

128. Commission Delegated Regulation (EU) 530/2014 of 12 March 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards further defining material exposures and thresholds for internal approaches to specific risk in the trading book(e).

129. Commission Delegated Regulation (EU) 604/2014 of 4 March 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards with respect to qualitative and appropriate quantitative criteria to identify categories of staff whose professional activities have a material impact on an institution's risk profile(f).

130. Commission Implementing Regulation (EU) 620/2014 of 4 June 2014 laying down implementing technical standards with regard to information exchange between competent authorities of home and host Member States, according to Directive 2013/36/EU of the European Parliament and of the Council(g).

131. Commission Implementing Regulation (EU) 650/2014 of 4 June 2014 laying down implementing technical standards with regard to the format, structure, contents list and annual publication date of the information to be disclosed by competent authorities in accordance with Directive 2013/36/EU of the European Parliament and of the Council(h).

132. Commission Implementing Regulation (EU) 710/2014 of 23 June 2014 laying down implementing technical standards with regard to conditions of application of the joint decision process for institution-specific prudential requirements according to Directive 2013/36/EU of the European Parliament and of the Council(i).

(a) OJ L153, 10.6.2016, p.25.
(b) OJ L184, 8.7.2016, p.1.
(c) OJ L148, 20.5.2014, p.6.
(d) OJ L148, 20.5.2014, p.21.
(e) OJ L148, 20.5.2014, p.50.
(f) OJ L167, 6.6.2014, p.30.
(g) OJ L172, 12.6.2014, p.1.
(h) OJ L185, 25.6.2014, p.1.
(i) OJ L188, 27.6.2014, p.19.

133. Commission Implementing Regulation (EU) 926/2014 of 27 August 2014 laying down implementing technical standards with regard to standard forms, templates and procedures for notifications relating to the exercise of the right of establishment and the freedom to provide services according to Directive 2013/36/EU of the European Parliament and of the Council(**a**).

134. Commission Delegated Regulation (EU) 1151/2014 of 4 June 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the information to be notified when exercising the right of establishment and the freedom to provide services(**b**).

135. Commission Delegated Regulation (EU) 1152/2014 of 4 June 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the identification of the geographical location of the relevant credit exposures for calculating institution-specific countercyclical capital buffer rates(**c**).

136. Commission Delegated Regulation (EU) 2016/98 of 16 October 2015 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for specifying the general conditions for the functioning of colleges of supervisors(**d**).

137. Commission Implementing Regulation (EU) 2016/99 of 16 October 2015 laying down implementing technical standards with regard to determining the operational functioning of the colleges of supervisors according to Directive 2013/36/EU of the European Parliament and of the Council(**e**).

138. Commission Implementing Regulation (EU) 2016/2070 of 14 September 2016 laying down implementing technical standards for templates, definitions and IT-solutions to be used by institutions when reporting to the European Banking Authority and to competent authorities in accordance with Article 78(2) of Directive 2013/36/EU of the European Parliament and of the Council(**f**).

139. Commission Delegated Regulation (EU) 2017/180 of 24 October 2016 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for benchmarking portfolio assessment standards and assessment-sharing procedures(**g**).

140. Commission Implementing Regulation (EU) 2017/461 of 16 March 2017 laying down implementing technical standards with regard to common procedures, forms and templates for the consultation process between the relevant competent authorities for proposed acquisitions of qualifying holdings in credit institutions as referred to in Article 24 of Directive 2013/36/EU of the European Parliament and of the Council(**h**).

Capital Requirements Regulation

141. Commission Implementing Regulation (EU) 2013/1423 of 20 December 2013 laying down implementing technical standards with regard to disclosure of own funds requirements for institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council(**i**).

142. Commission Delegated Regulation (EU) 2014/183 of 20 December 2013 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council on prudential

(a) OJ L254, 28.8.2014, p.2.
(b) OJ L309, 30.10.2014, p.1.
(c) OJ L309, 30.10.2014, p.5.
(d) OJ L21, 28.1.2016, p.2.
(e) OJ L21, 28.1.2016, p.21.
(f) OJ L328, 2.12.2016, p.1.
(g) OJ L29, 3.2.2017, p.1.
(h) OJ L72, 17.3.2017, p.57.
(i) OJ L355, 31.12.2013, p.60.

requirements for credit institutions and investment firms, with regard to regulatory technical standards for specifying the calculation of specific and general credit risk adjustments(a).

143. Commission Delegated Regulation (EU) 2014/241 of 7 January 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for own funds requirements for institutions(b).

144. Commission Delegated Regulation (EU) 2014/523 of 12 March 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for determining what constitutes the close correspondence between the value of an institution's covered bonds and the value of the institution's assets(c).

145. Commission Delegated Regulation (EU) 2014/525 of 12 March 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the definition of market(d).

146. Commission Delegated Regulation (EU) 2014/526 of 12 March 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for determining proxy spread and limited smaller portfolios for credit valuation adjustment risk(e).

147. Commission Delegated Regulation (EU) 2014/528 of 12 March 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for non-delta risk of options in the standardised market risk approach(f).

148. Commission Delegated Regulation (EU) 2014/529 of 12 March 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for assessing the materiality of extensions and changes of the Internal Ratings Based Approach and the Advanced Measurement Approach(g).

149. Commission Implementing Regulation (EU) 2014/602 of 4 June 2014 laying down implementing technical standards for facilitating the convergence of supervisory practices with regard to the implementation of additional risk weights according to Regulation (EU) No 575/2013 of the European Parliament and of the Council(h).

150. Commission Delegated Regulation (EU) 2014/625 of 13 March 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council by way of regulatory technical standards specifying the requirements for investor, sponsor, original lenders and originator institutions relating to exposures to transferred credit risk(i).

151. Commission Implementing Regulation (EU) 2014/680 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council(j).

152. Commission Implementing Regulation (EU) 2014/945 of 4 September 2014 laying down implementing technical standards with regard to relevant appropriately diversified indices according to Regulation (EU) No 575/2013 of the European Parliament and of the Council(k).

153. Commission Implementing Regulation (EU) 1030/2014 of 29 September 2014 laying down implementing technical standards with regard to the uniform formats and date for the disclosure of

(a) OJ L57, 27.2.2014, p.3.

(b) OJ L74, 14.3.2014, p.8.

(c) OJ L148, 20.5.2014, p.4.

(d) OJ L148, 20.5.2014, p.15.

(e) OJ L148, 20.5.2014, p.17.

(f) OJ L148, 20.5.2014, p.29.

(g) OJ L148, 20.5.2014, p.36.

(h) OJ L166, 5.6.2014, p.22.

(i) OJ L174, 13.6.2014, p.16.

(j) OJ L191, 28.6.2014, p.1.

(k) OJ L265, 5.9.2014, p.3.

the values used to identify global systemically important institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council(a).

154. Commission Delegated Regulation (EU) 2014/1187 of 2 October 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council as regards regulatory technical standards for determining the overall exposure to a client or a group of connected clients in respect of transactions with underlying assets(b).

155. Commission Delegated Regulation (EU) 2015/585 of 18 December 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the specification of margin periods of risk(c).

156. Commission Delegated Regulation (EU) 2015/1555 of 28 May 2015 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the disclosure of information in relation to the compliance of institutions with the requirement for a countercyclical capital buffer in accordance with Article 440(d).

157. Commission Delegated Regulation (EU) 2015/1556 of 11 June 2015 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the transitional treatment of equity exposures under the IRB approach(e).

158. Commission Implementing Regulation (EU) 2015/2197 of 27 November 2015 laying down implementing technical standards with regard to closely correlated currencies in accordance with Regulation (EU) No 575/2013 of the European Parliament and of the Council(f).

159. Commission Implementing Regulation (EU) 2016/100 of 16 October 2015 laying down implementing technical standards specifying the joint decision process with regard to the application for certain prudential permissions pursuant to Regulation (EU) No 575/2013 of the European Parliament and of the Council(g).

160. Commission Delegated Regulation (EU) 2016/101 of 26 October 2015 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for prudent valuation under Article 105(14)(h).

161. Commission Implementing Regulation (EU) 2016/200 of 15 February 2016 laying down implementing technical standards with regard to disclosure of the leverage ratio for institutions, according to Regulation (EU) No 575/2013 of the European Parliament and of the Council(i).

162. Commission Implementing Regulation (EU) 2016/1646 of 13 September 2016 laying down implementing technical standards with regard to main indices and recognised exchanges in accordance with Regulation (EU) No 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms(j).

163. Commission Implementing Regulation (EU) 2016/1799 of 7 October 2016 laying down implementing technical standards with regard to the mapping of credit assessments of external credit assessment institutions for credit risk in accordance with Articles 136(1) and 136(3) of Regulation (EU) No 575/2013 of the European Parliament and of the Council(k).

(a) OJ L284, 30.9.2014, p.14.

(b) OJ L324, 7.11.2014, p.1.

(c) OJ L98, 15.4.2015, p.1.

(d) OJ L244, 19.9.2015, p.1.

(e) OJ L244, 19.9.2015, p.9.

(f) OJ L313, 28.11.2015, p.30.

(g) OJ L21, 28.1.2016, p.45.

(h) OJ L21, 28.1.2016, p.54.

(i) OJ L39, 16.2.2016, p.5.

(j) OJ L245, 14.9.2016, p.5.

(k) OJ L275, 12.10.2016, p.3.

164. Commission Implementing Regulation (EU) 2016/1801 of 11 October 2016 on laying down implementing technical standards with regard to the mapping of credit assessments of external credit assessment institutions for securitisation in accordance with Regulation (EU) No 575/2013 of the European Parliament and of the Council**(a)**.

165. Commission Delegated Regulation (EU) 2017/72 of 23 September 2016 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards specifying conditions for data waiver permissions**(b)**.

166. Commission Delegated Regulation (EU) 2017/2295 of 4 September 2017 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for disclosure of encumbered and unencumbered assets**(c)**.

167. Commission Delegated Regulation (EU) 2018/171 of 19 October 2017 on supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the materiality threshold for credit obligations past due.**(d)**

168. Commission Delegated Regulation (EU) 2018/728 of 24 January 2018 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for procedures for excluding transactions with non-financial counterparties established in a third country from the own funds requirement for credit valuation adjustment risk**(e)**.

European Markets Infrastructure Regulation

169. Commission Delegated Regulation (EU) 2016/2251 of 4 October 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty**(f)**.

Financial Conglomerates Directive

170. Commission Delegated Regulation (EU) 342/2014 of 21 January 2014 supplementing Directive 2002/87/EC of the European Parliament and of the Council and Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the application of the calculation methods of capital adequacy requirements for financial conglomerates**(g)**.

171. Commission Delegated Regulation (EU) 2015/2303 of 28 July 2015 supplementing Directive 2002/87/EC of the European Parliament and of the Council with regard to regulatory technical standards specifying the definitions and coordinating the supplementary supervision of risk concentration and intra-group transactions**(h)**.

Markets in Financial Instruments Directive

172. Commission Delegated Regulation (EU) 2017/589 of 19 July 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the organisational requirements of investment firms engaged in algorithmic trading**(i)**.

173. Commission Implementing Regulation (EU) 2017/1945 of 19 June 2017 laying down implementing technical standards with regard to notifications by and to applicant and authorised

(a) OJ L275, 12.10.2016, p.27.
(b) OJ L10, 14.1.2017, p.1.
(c) OJ L329, 13.12.2017, p.6.
(d) OJ L32, 6.2.2018, p.1.
(e) OJ L123, 18.5.2018, p.1.
(f) OJ L3440, 15.12.2016, p.9.
(g) OJ L100, 3.4.2014, p.1.
(h) OJ L326, 11.12.2015, p.34.
(i) OJ L87, 31.3.2017, p.417.

investment firms according to Directive 2014/65/EU of the European Parliament and of the Council(a).

174. Commission Delegated Regulation (EU) 2017/1946 of 11 July 2017 supplementing Directives 2004/39/EC and 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for an exhaustive list of information to be included by proposed acquirers in the notification of a proposed acquisition of a qualifying holding in an investment firm(b).

PART 5

EU Regulations for which the appropriate regulator is both the FCA and the Bank of England

Markets in Financial Instruments Regulation

175. Commission Delegated Regulation (EU) 2017/581 of 24 June 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards on clearing access in respect of trading venues and central counterparties(c).

176. Commission Delegated Regulation (EU) 2017/582 of 29 June 2016 supplementing Regulation (EU) 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards specifying the obligation to clear derivatives traded on regulated markets and timing of acceptance for clearing(d).

177. Commission Delegated Regulation (EU) 2017/2154 of 22 September 2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements(e).

European Markets Infrastructure Regulation

178. Commission Implementing Regulation (EU) 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories(f).

179. Commission Delegated Regulation (EU) 148/2013 of 19 December 2012 supplementing Regulation (EU) 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories(g).

180. Commission Delegated Regulation (EU) 149/2013 of 19 December 2012 supplementing Regulation (EU) 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP(h).

181. Commission Delegated Regulation (EU) 285/2014 of 13 February 2014 supplementing Regulation (EU) 648/2012 of the European Parliament and of the Council with regard to

(a) OJ L276, 26.10.2017, p.22.
(b) OJ L276, 26.10.2017, p.32.
(c) OJ L87, 31.3.2017, p.212.
(d) OJ L87, 31.3.2017, p.224.
(e) OJ L304, 21.11.2017, p.6.
(f) OJ L352, 21.12.2012, p.20.
(g) OJ L52, 23.2.2013, p.1.
(h) OJ L52, 23.2.2013, p.11.

regulatory technical standards on direct, substantial and foreseeable effect of contracts within the Union and to prevent the evasion of rules and obligations(a).

182. Commission Delegated Regulation (EU) 2015/2205 of 6 August 2015 supplementing Regulation (EU) 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation(b).

183. Commission Delegated Regulation (EU) 2016/592 of 1 March 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation(c).

184. Commission Delegated Regulation (EU) 2016/1178 of 10 June 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation(d).

PART 6

EU Regulations for which the Payment Systems Regulator is the appropriate regulator

Interchange Fee Regulation

185. The Commission Delegated Regulation (EU) 2018/72 of 4 October 2017 supplementing Regulation (EU) 2015/751 of the European Parliament and of the Council on interchange fees for card-based payment transactions with regard to regulatory technical standards establishing the requirements to be complied with by payment card schemes and processing entities to ensure the application of independence requirements in terms of accounting, organisation and decision-making process(e).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8 of, and paragraph 1 of Schedule 4 to, the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. Part 2 of the Regulations delegates the Treasury's powers under section 8 of the European Union (Withdrawal) Act 2018 to the Financial Conduct Authority, the Prudential Regulation Authority, the Bank of England and the Payment Systems Regulator ("the regulators") to enable the regulators to remove deficiencies in those binding technical standards identified in the Schedule to the Regulations. The delegation is subject to the restrictions set out in regulation 3(4).

Part 3 of the Regulations amends the Financial Services and Markets Act 2000 and the Financial Services (Banking Reform) Act 2013 to provide for the way in which the regulators are to exercise legislative functions of EU bodies which may be transferred to them under the European Union (Withdrawal) Act 2018. It also makes consequential amendments to the Payment Card Interchange Fee Regulations 2015.

An impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector will be available from HM Treasury, 1 Horse Guards Road, London SW1A 2HQ and published alongside this instrument at www.legislation.gov.uk.

(a) OJ L85, 21.3.2014, p.1.
(b) OJ L314, 1.12.2015, p.13.
(c) OJ L103, 19.4.2016, p.5.
(d) OJ L195, 20.7.2016, p.3.
(e) OJ L13, 18.1.2018, p.1.

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