

Financial Regulatory Developments Focus



In this week's newsletter, we provide a snapshot of the principal US, European and global financial regulatory developments of interest to banks, investment firms, broker-dealers, market infrastructure providers, asset managers and corporates.

[Click here](#) if you wish to access our Financial Regulatory Developments website.

In this Issue (please click on any title to go directly to the corresponding discussion):

Bank Prudential Regulation & Regulatory Capital	2
US Federal Deposit Insurance Corporation Chairman Delivers Speech at The Clearing House Annual Conference	2
US Federal Deposit Insurance Corporation Updates Frequently Asked Questions on Brokered Deposits	2
European Banking Authority Consults on Draft Regulatory Technical Standards for Additional Criteria for Preferential Treatment for Intragroup Liquidity	2
Basel Committee on Banking Supervision Publishes Interim Impact Analysis on Fundamental Review of Trading Book	2
Bank Structural Reform	3
US Regulatory Agencies Issue Two New Volcker Rule FAQs	3
Competition.....	3
UK Regulator Launches Asset Management Market Study	3
Consumer Protection	4
Financial Conduct Authority Proposes Amending its Guidance on Delaying Disclosure of Inside Information	4
Corporate Governance.....	4
Review on Failure of HBOS plc Published By UK Regulators.....	4
Final Report on the Enforcement Actions Following the Failure of HBOS Published.....	5
Credit Ratings	5
European Securities and Markets Authority Discussion Paper on Validation and Review of Credit Rating Agencies' Methodologies	5
Cyber Security	5
Remarks by US Deputy Secretary of the Treasury Sarah Bloom Raskin at The Clearing House Annual Conference.....	5
Derivatives	6
European Securities and Markets Authority Protocol on Operation of Market in Financial Instruments Directive Database.....	6
European Securities and Markets Authority Will Not Extend Grace Period for Exemption from Providing Collateralized Bank Guarantees	6
Enforcement.....	6
Luxembourg Referred to European Court of Justice for Failure to Implement EU Legislation on Reducing Reliance on Credit Ratings.....	6
Financial Services	6
US Securities and Exchange Commission Propose to Enhance Transparency and Oversight of Alternative Trading Systems.....	6
US Federal Reserve Board Governor Delivers Speech on Central Counterparty Clearing	7
Financial Stability Board Publishes Finalized Standards for Global Securities Financing Data Collection	7
Funds.....	7
US Federal Reserve Board Governor Delivers Speech on Nonbank Financial Intermediation.....	7
Recovery & Resolution	8
US Federal Reserve Presidents Deliver Speeches at The Clearing House Annual Conference	8
International Swaps and Derivatives Association Announces Revised Resolution Stay Protocol	8
People.....	8
Sanket Bulsara Named Deputy General Counsel for US Securities and Exchange Commission's Appellate Litigation and Adjudication Groups	8
Marc Wyatt Named Director of US Security and Exchange Commission's Office of Compliance Inspections and Examinations	8
Upcoming Events	9
Upcoming Consultation Deadlines	9

Bank Prudential Regulation & Regulatory Capital

US Federal Deposit Insurance Corporation Chairman Delivers Speech at The Clearing House Annual Conference

On November 18, 2015, US Federal Deposit Insurance Corporation Chairman, Martin J. Gruenberg, gave a speech at The Clearing House annual conference regarding progress the FDIC has made in implementing the Dodd-Frank Act's framework for the orderly failure of large, complex, Systemically Important Financial Institutions. With respect to providing feedback to the largest financial institutions on their living will submissions, the Chairman described certain specific actions that firms have been asked to address in their resolution plans, including requiring firms to place a greater focus on reducing the interconnectedness between legal entities and provide greater detail in the public portions of the resolution plans. He also discussed the progress the FDIC has made in: (i) facilitating the orderly resolution of a SIFI under its Title II Orderly Liquidation Authority; and (ii) cross-border coordination on resolution. The Chairman echoed similar remarks made in his speeches at the Peterson Institute for International Economics in May 2015 and at the FDIC Banking Research Conference in September 2015.

The text is available at: <https://www.fdic.gov/news/news/speeches/spnov1815.html>.

US Federal Deposit Insurance Corporation Updates Frequently Asked Questions on Brokered Deposits

On November 13, 2015, the FDIC updated its Frequently Asked Questions regarding brokered deposits. FDIC regulations typically prohibit the acceptance of brokered deposits by FDIC-insured depository institutions that are not well capitalized. The updated FAQs contain revised responses on various topics relating to identifying, accepting and reporting brokered deposits, including but not limited to: (i) the circumstances under which certain business professionals that refer clients to a bank will be considered deposit brokers; (ii) examples of programs that would not be considered brokered deposit programs; and (iii) situations in which contract and dual employees would not be classified as deposit brokers by the FDIC. The FDIC is soliciting comments on the updated document until December 28, 2015.

The FAQs in "Clean" and "Track Changes" format are available at:

<https://www.fdic.gov/news/news/financial/2015/fil15051a.pdf>; and

<https://www.fdic.gov/news/news/financial/2015/fil15051b.pdf>.

European Banking Authority Consults on Draft Regulatory Technical Standards for Additional Criteria for Preferential Treatment for Intragroup Liquidity

On November 18, 2015, the European Banking Authority launched a consultation on draft Regulatory Technical Standards to specify additional criteria for preferential treatment in calculating the Liquidity Coverage Requirement for cross-border intragroup liquidity flows, as required under the Capital Requirements Regulation. The CRR observes that there can at times be a need for intra-group financial support in a case where an institution experiences liquidity difficulties and finds itself under conditions of stress. The draft RTS, amongst other things, specify how liquidity providers and receivers can display a low liquidity risk profile, by for example, a liquidity provider monitoring the liquidity position of the receiver on a daily basis. The draft RTS also detail the binding agreements and commitments that are required for credit and liquidity between group entities. Comments on the consultation are due by January 13, 2016.

The consultation and draft RTS are available at: <http://www.eba.europa.eu/documents/10180/1275118/EBA-CP-2015-22+CP+on+cross-border-flows+within+a+group+or+an+IPS.pdf>.

Basel Committee on Banking Supervision Publishes Interim Impact Analysis on Fundamental Review of Trading Book

On November 18, 2015, the Basel Committee on Banking Supervision published an interim impact analysis of its fundamental review of the trading book. The analysis used data from 44 banks and assesses the impact of the revisions proposed in previous consultations carried out in 2013 and 2014. The analysis found, amongst other things, that:

(i) change in market risk capital charges would produce an increase of 4.7% in the overall Basel III minimum capital requirement; (ii) that such change leads to a 2.3% increase when the bank with the largest value of market risk-weighted assets is excluded from the sample; and (iii) in comparison with the current market risk framework, the standard proposed would result in a weighted average increase of 74% in aggregate market risk capital. The Basel Committee expects to finalize the review before the end of 2015.

The analysis is available at: <http://www.bis.org/bcbs/publ/d346.pdf>.

Bank Structural Reform

US Regulatory Agencies Issue Two New Volcker Rule FAQs

On November 20, 2015, the US Federal Reserve Board, Office of the Comptroller of the Currency, FDIC, Securities and Exchange Commission and Commodity Futures Trading Commission (collectively, the Agencies) released two new Frequently Asked Questions in respect of the Volcker Rule. FAQ 19 relates to a banking entity's residual market-making positions following termination of its market-making business. FAQ 20 clarifies the applicability of the Volcker Rule's so-called "Super 23A" provisions to covered transactions entered into before and after the Volcker Rule's conformance period. FAQ 19 refers to situations where a banking entity terminates its market-making business and holds residual positions from its prior market-making activities. The FAQ states that the banking entity may hold and dispose of such residual market-making positions, provided that: (i) the banking entity hedges the risks of any such positions in accordance with the requirements of the Volcker Rule's risk-mitigating hedging exemption; and (ii) the banking entity sells or unwinds the residual market-making positions as soon as commercially practicable. In the event that a banking entity holds residual market-making positions but does not hedge the risks of such positions, the subsequent sales of those residual positions would generally be considered proprietary trading under the Volcker Rule. FAQ 20 clarifies that on and after July 21, 2015, the general conformance period date for complying with the Volcker Rule, a banking entity and any of its affiliates are generally prohibited from entering into a "Super 23A" covered transaction with a covered fund or with any other covered fund that is controlled by such fund, where the banking entity serves as investment manager, investment adviser, sponsor to the covered fund, or relies on the Volcker Rule's asset management exemption for organizing and offering the covered fund. Additionally, the Agencies will treat any increase in the amount, extension of maturity or adjustment to the interest-rate or other material term of an existing extension of credit as entry into a covered transaction for purposes of the "Super 23A" restrictions. Further, a banking entity should evaluate whether any transaction guarantees, assumes or otherwise insures the obligations or performance of the covered fund (or of any covered fund in which such covered fund invests) in violation of the requirements of the exemption for organizing and offering covered funds. The conformance period for investments in and relationships with legacy covered funds (where investments were made in, or relationships were established with, such covered funds prior to December 31, 2013), currently ends on July 21, 2016. The Agencies expect a banking entity to engage in good faith efforts to conform to the "Super 23A" restrictions by the end of the conformance period.

The Volcker Rule FAQs are available at: <http://www.federalreserve.gov/bankinforeg/volcker-rule/faq.htm>.

Competition

UK Regulator Launches Asset Management Market Study

On November 18, 2015, the Financial Conduct Authority launched its market study into asset management by publishing the Terms of Reference for the study. The FCA announced its intention to conduct the study in its 2015/2016 business plan following feedback it received during the wholesale sector competition review. The Terms of Reference state that the FCA will investigate three core areas: (i) how asset managers compete to deliver value; (ii) are asset managers willing and able to control costs and quality along the value chain; and (iii) how investment consultants affect competition for institutional asset management. The FCA will also be looking at whether there are any barriers to

innovation that prevent investors from obtaining better results. The Terms of Reference are not being formally consulted on but the FCA will accept comments received by December 18, 2015 on them and the issues raised. An interim report is expected to be published in summer 2016 setting out preliminary conclusions and possibly remedies to address any identified issues. The final report is expected in early 2017.

The Terms of Reference are available at: <http://www.fca.org.uk/static/documents/market-studies/ms15-02-1.pdf>.

Consumer Protection

Financial Conduct Authority Proposes Amending its Guidance on Delaying Disclosure of Inside Information

On November 20, 2015, the FCA published proposals to amend its guidance on when an issuer can delay disclosure of inside information under the FCA's Disclosure and Transparency Rules. Under the UK market abuse regime, which includes the transposition of the EU Market Abuse Directive, an issuer can delay disclosing inside information to protect its legitimate interest subject to certain conditions being met. FCA guidance on when an issuer might have a legitimate interest states that there are unlikely to be other circumstances where a delay would be justified except in relation to impending developments, the provision of liquidity by a central bank to the issuer or a member of its group and the non-exhaustive list of examples included in the DTR, which are taken from MAD. The FCA is proposing to delete that guidance. As a result of recent case law, stakeholders have highlighted to the FCA that issuers are concerned that more information should be considered inside information than was previously thought to be the case. However, the ability of the issuer to delay disclosure of that information is constrained by the FCA's guidance which goes further than the EU requirements. Under the Market Abuse Regulation, which comes into effect in the UK on July 1, 2016, the European Securities and Markets Authority must issue guidelines on an issuer's legitimate interest, including a non-exhaustive indicative list of examples. The FCA therefore does not intend to define a list of legitimate interests at this time. Responses to the FCA's consultation are due by February 20, 2016.

The consultation paper is available at: <http://www.fca.org.uk/static/documents/cp15-38.pdf>.

Corporate Governance

Review on Failure of HBOS plc Published By UK Regulators

On November 19, 2015, the final Review on the failure of HBOS plc was published by the Prudential Regulation Authority and the FCA. The Review assesses the strategy adopted by HBOS, how HBOS failed (focusing on asset quality, reliance on wholesale funding and capital), the role of management, governance and the culture of HBOS and the Financial Services Authority's (the UK regulator at the time of the failure of HBOS) regulatory approach. The HBOS group was formed by the merger of the former Halifax Building Society and Bank of Scotland.

Recommendations include: (i) a bank's Board is responsible for ensuring a firm has a sustainable business model and for embedding the principle of safety and soundness in a firm's culture. The Review notes that directors will have specific accountabilities for this under the Senior Managers Regime from March 7, 2016; (ii) the non-executive directors of a bank must have diverse experience and the capacity to challenge key business issues; (iii) senior managers should proactively seek to identify threats to the safety and soundness of their firm and notify the regulators when issues arise; (iv) regulators must be willing and able to intervene where necessary, free from undue influence; (v) the UK regulators should understand the scope of oversight provided by a local regulator for globally active banks to understand the extent of the reliance that they can place on local regulatory authorities; and (vi) UK regulators should be aware of potential conflicts of interest arising from the composition of their boards.

The Review and related documents are available at:

<http://www.bankofengland.co.uk/publications/Pages/news/2015/086.aspx>.

Final Report on the Enforcement Actions Following the Failure of HBOS Published

On November 19, 2015, the final Report into the Financial Services Authority's enforcement actions following the failure of HBOS plc, prepared by Andrew Green Q.C., was published by the PRA and FCA. The Report assesses the reasonableness of the scope of the FSA's enforcement investigations in relation to the failure of HBOS from October 1, 2008 to September 12, 2012 and concludes that the scope was not reasonable, that the FSA's decision-making process was materially flawed and that the FSA should have conducted a wider investigation or series of investigations into the conduct of the HBOS Corporate Division and Mr. Cummings, CEO of the Corporate Division at the relevant time.

Recommendations include: (i) the regulators should have a system for pre-referral decision-making through which they identify and record the potential individuals that could be the subject of enforcement action related to an event/s, including reasons. One individual at the regulator/s should be made responsible for the pre-referral decision-making process; (ii) there should be an on-going dialogue between Supervision and Enforcement, including discussions on the appropriateness of the scope of the investigation and any decisions should be recorded; (iii) the Memorandum of Appointment of Investigators issued to individuals by the regulators should include a summary of the potential breaches and an explanation of the matters that give rise to those alleged breaches; and (iv) the minutes of a regulators' Executive Committee meetings should be subject to review and approval. The Report also recommends that the PRA and FCA consider whether to investigate other former senior managers at HBOS with a view to prohibition proceedings.

The report is available at: <http://www.bankofengland.co.uk/pradocuments/publications/reports/agreenreport.pdf>.

Credit Ratings

European Securities and Markets Authority Discussion Paper on Validation and Review of Credit Rating Agencies' Methodologies

On November 17, 2015, ESMA published a discussion paper seeking views on the validation and review of Credit Rating Agencies' methodologies and on quantitative and qualitative techniques used as part of the validation of CRA methodologies, as required under the Credit Rating Agency Regulation. The CRA Regulation requires CRAs to use rigorous, systematic and continuous methodologies based on historical experience. The discussion paper sets out validation practices in the credit rating industry and notes the good practices perceived by ESMA in its recent supervisory investigation on validation. The discussion paper also seeks views on how CRA methodologies are deemed to be good predictors of credit worthiness and what CRAs should do to meet the requirements under the CRA Regulation to ensure that systemic credit rating anomalies identified through back-testing are addressed in the appropriate way. Responses are due by February 19, 2016.

The discussion paper is available at: <https://www.esma.europa.eu/news/ESMA-consults-validation-and-review-CRAs%20methodologies>.

Cyber Security

Remarks by US Deputy Secretary of the Treasury Sarah Bloom Raskin at The Clearing House Annual Conference

On November 17, 2015, US Deputy Secretary of the Treasury, Sarah Bloom Raskin, delivered a speech at The Clearing House annual conference discussing cybersecurity and resiliency in the financial services sector. Raskin emphasized the need for greater cooperation among financial sectors and governments globally in order to mitigate cybersecurity threats. She also stressed the importance of financial institutions embedding cybersecurity into their risk management and control procedures, practicing basic "cyber hygiene" by bolstering the resiliency of computer systems and preparing a recovery playbook for significant cyber incidents.

The speech is available at: <http://www.treasury.gov/press-center/press-releases/Pages/jl0276.aspx>.

Derivatives

European Securities and Markets Authority Protocol on Operation of Market in Financial Instruments Directive Database

On November 16, 2015, ESMA published a Protocol on the operation of its online Market in Financial Instruments Directive database. The database publishes the results obtained from calculations made by national regulators in connection with shares admitted to trading on a regulated market. The calculations relate to, amongst other things, average daily turnovers and number of transactions. The information aims to provide market participants with appropriate information enabling them to recognize liquid shares and make determinations on waivers for pre-trade transparency requirements and delayed post-trade publication. The information must be made available by national regulators under MiFID and forms part of the MiFID market transparency regime. The Protocol sets out the responsibilities and tasks to be carried out by ESMA and national regulators and also provides practical and technical guidance as to how calculations should be made.

The Protocol and MiFID database are available at: <http://www.esma.europa.eu/content/Protocol-operation-ESMA-MiFID-Database-final>; and <http://mifiddatabase.esma.europa.eu>.

European Securities and Markets Authority Will Not Extend Grace Period for Exemption from Providing Collateralized Bank Guarantees

On November 19, 2015, ESMA announced that it was not going to further extend the exemption for non-financial counterparties from the obligation to provide collateralized bank guarantees for their energy derivatives cleared by EU CCPs. Therefore, from March 15, 2016, CCPs authorized under the European Market Infrastructure Regulation must fully collateralize commercial bank guarantees used to cover transactions in derivatives relating to electricity or natural gas produced. Non-financial counterparties have had a three-year grace period to ensure that they will be able to comply with the collateral obligations under EMIR which requires CCPs to only accept highly liquid collateral with minimal credit and market risk.

The ESMA announcement is available at: <http://www.esma.europa.eu/news/ESMA-will-not-exempt-collateralisation-bank-guarantees-energy-derivatives-under-EMIR?t=326&o=home>.

Enforcement

Luxembourg Referred to European Court of Justice for Failure to Implement EU Legislation on Reducing Reliance on Credit Ratings

On November 19, 2015, the European Commission announced that it had referred Luxembourg to the Court of Justice of the EU for failing to transpose the EU Directive on reducing over-reliance on credit ratings into national legislation. The Directive was due to be transposed by all EU Member States by December 21, 2014. The referral follows a written notice served on Luxembourg by the Commission in January 2015 and an Opinion filed in June 2015. According to the Directive, investors should not overly rely on credit ratings when assessing the risks related to investments made by institutions for occupational retirement provision, Undertakings for the Collective Investment in Transferable Securities and Alternative Investment Funds.

The announcement is available at: http://europa.eu/rapid/press-release_IP-15-6010_en.htm.

Financial Services

US Securities and Exchange Commission Propose to Enhance Transparency and Oversight of Alternative Trading Systems

On November 18, 2015, the SEC proposed rules that would require Alternative Trading Systems that trade stocks listed on national securities exchanges, including “dark pools”, to make certain detailed disclosures regarding their operations and the activities of their broker-dealer operators and affiliates. The proposed Form ATS-N would, among other things, require disclosure of: (i) information regarding trading by the broker-dealer operator and its affiliates on the ATS; (ii)

the types of orders and market data used on the ATS; and (iii) the ATS' execution and priority procedures. The proposed rules would make Form ATS-N disclosures publicly available on the SEC's website. The SEC will accept public comment on the proposal for 60 days after its publication in the Federal Register.

The text of the SEC proposed rule is available at: <http://www.sec.gov/rules/proposed/2015/34-76474.pdf>.

US Federal Reserve Board Governor Delivers Speech on Central Counterparty Clearing

On November 17, 2015, US Federal Reserve Board Governor, Jerome H. Powell, delivered a speech at The Clearing House annual conference discussing progress made in strengthening CCPs and expanding central clearing for repurchase agreement markets. Governor Powell touted global regulatory efforts to strengthen CCP resiliency, but noted that there is still work to be done due to the concentrated risks inherent to CCPs. His remarks focused largely on repurchase agreement transactions, where he enumerated the benefits of executing these transactions through a CCP. He noted that the use of a CCP provides market participants with greater transparency into potential risks by aggregating and standardizing market data. Additionally, CCPs may stabilize the financial system in the event of a defaulting counterparty by transferring defaulting positions to solvent parties, or otherwise managing such defaults, thereby reducing the risk of "fire sales" by non-defaulting counterparties. Finally, Governor Powell noted the risk-sharing benefits of utilizing CCPs. He concluded by urging regulators to consider implementing greater clearing solutions in markets with highly liquid assets, such as repurchase agreement trading for government and agency securities.

The speech is available at: <http://www.federalreserve.gov/newsevents/speech/powell20151117a.htm>.

Financial Stability Board Publishes Finalized Standards for Global Securities Financing Data Collection

On November 18, 2015, the Financial Stability Board published its finalized standards and processes for global securities financing data collection and aggregation. The report sets out the data that national regulators are to report as aggregates to the FSB, for financial stability purposes. The standards, amongst other things, define the data elements for repurchase agreements, securities lending and margin lending that national regulators will be asked to report to the FSB. The report also sets out recommendations for national regulators on the collection of data from market participants, so that timely and comprehensive visibility into trends and developments in these markets can be obtained.

The FSB's standards and processes are available at: <http://www.financialstabilityboard.org/wp-content/uploads/FSB-Standards-for-Global-Securities-Financing-Data-Collection.pdf>.

Funds

US Federal Reserve Board Governor Delivers Speech on Nonbank Financial Intermediation

On November 17, 2015, US Federal Reserve Board Governor, Daniel K. Tarullo, delivered a speech at the Brookings Institution discussing the need to carefully regulate nonbank financial intermediation activities. He emphasized the importance of having a non-uniform, multi-dimensional approach to the regulation of the various forms of nonbank intermediaries, given the "constantly changing and largely unrelated set of intermediation activities pursued by very different types of financial market actors". He also stated that regulators should identify and assess the specific risks applicable to each particular institution, noting that not all nonbank financial entities or activities pose material threats to financial stability. Although Governor Tarullo noted that the growth of shadow banking in recent years has been modest, he cautioned specifically about the risks to financial stability that could result from heavy reliance on short-term credit providers and the use of "highly volatile funding structures outside of the regulated sector".

The speech is available at: <http://www.federalreserve.gov/newsevents/speech/tarullo20151117a.htm>.

Recovery & Resolution

US Federal Reserve Presidents Deliver Speeches at The Clearing House Annual Conference

On November 18, 2015, US Federal Reserve Bank of New York President, William C. Dudley, and US Federal Reserve Bank of Cleveland President, Loretta Mester, delivered speeches at The Clearing House annual conference. Dudley noted that much progress has been made toward eradicating the notion that firms are “too big to fail” but work remains to be done to ensure large institutions will fail in an orderly manner without necessitating taxpayer bailout. He touted the Federal Reserve Board’s recent issuance of a proposed rule to establish long-term debt and total loss-absorbing capacity requirements for US global systemically important banks, but remarked that institutions need to further simplify legal structures in order to ensure that they remain operational in times of stress. Mr. Dudley also justified the Federal Reserve Board’s history of implementing rules that are more restrictive than international standards, citing that the US financial system is typically more complex, thereby requiring greater oversight. Ms. Mester’s speech focused on initiatives aimed at improving the US payment systems speed, efficiency and security. She stressed the importance of collaboration between the Federal Reserve Board and the private-sector industry players in order to foster payment-system improvement. She also discussed the roles of two new task forces created by the Federal Reserve, one focused on faster payments and the other on the security of payments.

The text of Mr. Dudley’s speech is available at: <https://www.newyorkfed.org/newsevents/speeches/2015/dud151118>.

The text of Ms. Mester’s speech is available at: <https://www.clevelandfed.org/en/newsroom-and-events/speeches/sp-20151118-us-payment-system-improvement-and-the-federal-reserve.aspx>.

International Swaps and Derivatives Association Announces Revised Resolution Stay Protocol

On November 12, 2015, the International Swaps and Derivatives Association re-launched the ISDA Resolution Stay Protocol. The new Protocol, called the ISDA 2015 Universal Resolution Stay Protocol, was developed in coordination with the Financial Stability Board. The ISDA 2015 Universal Resolution Stay Protocol includes an annex covering securities financing transactions, developed by ISDA with the International Capital Market Association, the International Securities Lending Association and the Securities Industry and Financial Markets Association. 21 financial institutions have adhered to the new Protocol and ISDA expects more to do so. By adhering to the Protocol, relevant parties are able to amend the terms of Protocol Covered Agreements and opt in to existing and forthcoming resolution regimes, ensuring that cross-border derivatives and securities financing transactions are covered by statutory stays on cross-default and early termination rights under the US Bankruptcy Code, should a counterparty enter into resolution.

The Protocol is available at: <http://assets.isda.org/media/ac6b533f-3/5a7c32f8.pdf>.

People

Sanket Bulsara Named Deputy General Counsel for US Securities and Exchange Commission’s Appellate Litigation and Adjudication Groups

On November 13, 2015, the SEC named Sanket J. Bulsara as the Deputy General Counsel for Appellate Litigation and Adjudication.

Marc Wyatt Named Director of US Security and Exchange Commission’s Office of Compliance Inspections and Examinations

On November 12, 2015, the SEC named Marc Wyatt Director of its Office of Compliance Inspections and Examinations and leader of its National Exam Program.

Upcoming Events

December 2, 2015: Federal banking agencies outreach meeting as part of regulatory review under the Economic Growth and Regulatory Paperwork Reduction Act of 1996.

December 11, 2015: European Central Bank public hearing on use of Options and Discretions by EU Member States and national regulators under CRD IV (registration closes: November 18, 2015).

December 14, 2015: European Commission conference on impact of the CRR and CRD on Bank Financing of the Economy.

December 15, 2015: EBA public hearing on proposed Guidelines on anti-money laundering and countering the financing of terrorism (registration closes: November 24, 2015).

December 18, 2015: EBA public hearing on draft RTS on cross-border intragroup liquidity flows (registration closes: November 27, 2015).

January 5, 2016: EBA public hearing on draft Guidelines on communication between national regulators supervising credit institutions and their auditors (registration closes: December 15, 2015).

January 13, 2016: EBA public hearing on disclosure of confidential information in summary or collective form under the Bank Recovery and Resolution Directive (registration closes: December 23, 2015).

January 18, 2016: EBA public hearing on common procedures for information exchange between national regulators on proposed acquisitions and increases of qualifying holdings (registration closes: January 4, 2016).

January 25, 2016: ESMA open hearing on validation and review of CRA methodologies.

Upcoming Consultation Deadlines

December 7, 2015: FCA Consultation on Part III of Implementation of UCITS V Directive.

December 7, 2015: PRA and FCA Consultation on Regulatory References.

December 7, 2015: Committee on Payments and Market Infrastructures Consultation on Correspondent Banking Reforms.

December 16, 2015: ECB Consultation on use of Options and Discretions under CRD IV.

December 17, 2015: HM Treasury consultation on legislative amendments to implement the Undertakings for Collective Investments in Transferable Securities V Directive.

December 18, 2015: FCA Asset Management Market Study.

December 22, 2015: FCA and HM Treasury Consultation on Public Financial Guidance.

December 22, 2015: FCA and HM Treasury Call for Input on Improving Access to Financial Advice for Consumers.

December 24, 2015: ESMA consultation on RTS for the European Single Electronic Format under the Transparency Directive.

December 27, 2015: ESMA Consultation on Indirect Clearing under EMIR and MiFIR.

December 28, 2015: FDIC FAQs on Brokered Deposits.

January 6, 2016: European Commission Consultation on EU Covered Bond Framework.

- January 6, 2016: European Commission Consultation on EU Venture Capital Investment Funds Regulation and European Social Entrepreneurships Funds Regulation.
- January 13, 2016: EBA Consultation on draft RTS on cross-border intragroup liquidity flows.
- January 14, 2016: European Commission consultation on the impact of the maximum remuneration ratio between variable to fixed remuneration and the overall efficiency of remuneration rules.
- January 15, 2016: PRA Consultation on Implementation of Ring Fencing for Core UK Financial Services and Activities.
- January 18, 2016: PRA Consultation on Identifying Other Systemically Important Institutions.
- January 22, 2016: EBA Consultation on draft guidelines on application of definition of default under the CRR.
- January 22, 2016: European Supervisory Authorities Consultation on Anti Money Laundering Guidelines.
- January 27, 2016: EBA consultation on draft Guidelines for disclosure of confidential information under the BRRD.
- January 28, 2016: EBA Consultation on draft Guidelines on treatment of CVA risk under SREP.
- February 1, 2016: Federal Reserve Board TLAC and related requirements proposal.
- February 4, 2016: FCA Consultation on Implementation of Market Abuse Regulation.
- February 5, 2016: Basel Committee Consultation on capital requirements for simple, transparent and comparable securitizations.
- February 10, 2016: EBA Consultation on common procedures for information exchange between national regulators on proposed acquisitions.
- February 12, 2016: Basel Committee Consultation on TLAC Holdings.
- February 19, 2016: ESMA Discussion Paper on Validation and Review of CRA Methodologies.
- February 20, 2016: FCA Consultation on Amending Guidance on Delaying Disclosure of Inside Information.

This newsletter is intended only as a general discussion of these issues. It should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired. If you wish to receive more information on the topics covered in this publication, you may contact your usual Shearman & Sterling representative or any of the following:

Contacts



BARNEY REYNOLDS
T: +44 20 7655 5528
barney.reynolds@shearman.com
London



REENA AGRAWAL SAHNI
T: +1 212 848 7324
reena.sahni@shearman.com
New York



RUSSELL D. SACKS
T: +1 212 848 7585
rsacks@shearman.com
New York



THOMAS DONEGAN
T: +44 20 7655 5566
thomas.donegan@shearman.com
London



DONNA M. PARISI
T: +1 212 848 7367
dparisi@shearman.com
New York



NATHAN J. GREENE
T: +1 212 848 4668
ngreene@shearman.com
New York



GEOFFREY B. GOLDMAN
T: +1 212 848 4867
geoffrey.goldman@shearman.com
New York



JOHN ADAMS
T: +44 20 7655 5740
john.adams@shearman.com
London



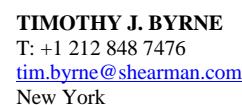
AZAD ALI
T: +44 20 7655 5659
azad.ali@shearman.com
London



CHRISTINA BROCH
T: +1 202 508 8028
christina.broch@shearman.com
Washington, DC



MARTYNA BUDZYNSKA
T: +44 20 7655 5816
martyna.budzynska@shearman.com
London



TIMOTHY J. BYRNE
T: +1 212 848 7476
tim.byrne@shearman.com
New York



JAMES CAMPBELL
T: +44 20 7655 5570
james.campbell@shearman.com
London



AYSURIA CHANG
T: +44 20 7655 5792
aysuria.chang@shearman.com
London



TOBIA CROFF
T: +39 02 0064 1509
tobia.croff@shearman.com
Milan



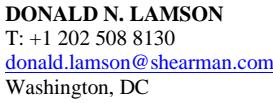
ANNA DOYLE
T: +44 20 7655 5978
anna.doyle@shearman.com
London



SYLVIA FAVRETTA
T: +1 202 508 8176
sylvia.favretto@shearman.com
Washington, DC



MAK JUDGE
T: +65 6230 8901
mak.judge@shearman.com
Singapore



DONALD N. LAMSON
T: +1 202 508 8130
donald.lamson@shearman.com
Washington, DC



HERVÉ LETRÉGUILLY
T: +33 1 53 89 71 30
hletreguilly@shearman.com
Paris



OLIVER LINCH
T: +44 20 7655 5715
oliver.linch@shearman.com
London



BEN MCMURDO
T: +44 207 655 5906
ben.mcmurdo@shearman.com
London



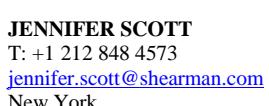
JENNIFER D. MORTON
T: +1 212 848 5187
jennifer.morton@shearman.com
New York



BILL MURDIE
T: +44 20 7655 5149
bill.murdie@shearman.com
London



BRADLEY K. SABEL
T: +1 212 848 8410
bsabel@shearman.com
New York



JENNIFER SCOTT
T: +1 212 848 4573
jennifer.scott@shearman.com
New York



KOLJA STEHL
T: +49 69 9711 1623
kolja.stehl@shearman.com
Frankfurt / London



ELLERINA TEO
T: +44 20 7655 5070
ellerina.teo@shearman.com
London

ABU DHABI | BEIJING | BRUSSELS | DUBAI | FRANKFURT | HONG KONG | LONDON | MENLO PARK | MILAN | NEW YORK | PARIS
ROME | SAN FRANCISCO | SÃO PAULO | SAUDI ARABIA* | SHANGHAI | SINGAPORE | TOKYO | TORONTO | WASHINGTON, DC

This memorandum is intended only as a general discussion of these issues. It should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired.

599 Lexington Avenue | New York | NY | 10022-6069

Copyright © 2015 Shearman & Sterling LLP. Shearman & Sterling LLP is a limited liability partnership organized under the laws of the State of Delaware, with an affiliated limited liability partnership organized for the practice of law in the United Kingdom and Italy and an affiliated partnership organized for the practice of law in Hong Kong.

*Abdulaziz Allassaf & Partners in association with Shearman & Sterling LLP