

## NEWSLETTER MARZO 2021



1. EBA - ADVISES THE COMMISSION ON KPIS FOR TRANSPARENCY ON INSTITUTIONS' ENVIRONMENTALLY SUSTAINABLE ACTIVITIES, INCLUDING A GREEN ASSET RATIO .....2
2. EBA LAUNCHES PUBLIC CONSULTATION ON DRAFT TECHNICAL STANDARDS ON PILLAR 3 DISCLOSURES OF ESG RISKS.....2
3. EBA PUBLISHES FINAL REVISED GUIDELINES ON MONEY LAUNDERING AND TERRORIST FINANCING RISK FACTORS ..2
4. EBA HIGHLIGHTS KEY MONEY LAUNDERING AND TERRORIST FINANCING RISKS ACROSS THE EU .....3
5. EBA ISSUES NEW SUPERVISORY REPORTING AND DISCLOSURES FRAMEWORK FOR INVESTMENT FIRMS .....3
6. EBA REPORTS ON THE MONITORING OF THE LCR IMPLEMENTATION IN THE EU .....3
7. EBA CONSULTS ON CHANGES TO ITS GUIDELINES ON RISK-BASED AML/CFT SUPERVISION.....4
8. ESAs CONSULT ON TAXONOMY-RELATED PRODUCT DISCLOSURES.....4
9. EBA CONSULTS ON ITS REVISED GUIDELINES ON RECOVERY PLAN INDICATORS.....4
10. EBA LAUNCHED PUBLIC CONSULTATION ON REGULATORY TECHNICAL STANDARDS ON DISCLOSURE OF INVESTMENT POLICY BY INVESTMENT FIRMS .....5
11. ESA - THE EUROPEAN SUPERVISORY AUTHORITIES ISSUE A REPORT ON THE APPLICATION OF THEIR GUIDELINES ON COMPLAINTS-HANDLING .....5
12. ESMA PROPOSES AMENDMENTS TO MIFIR TRANSACTIONS AND REFERENCE DATA REPORTING REGIMES.....5
13. CONSOB - COMUNICATO STAMPA - CONSULENZA FINANZIARIA: IN ARRIVO LA SEMPLIFICAZIONE DELLA FORMAZIONE E DELL'AGGIORNAMENTO PROFESSIONALE DEL PERSONALE A CONTATTO CON I RISPARMIATORI E GLI INVESTITORI RETAIL - CONSOB VARA LE MODIFICHE AL REGOLAMENTO INTERMEDIARI .....6
14. CONSIGLIO NAZIONALE DEI DOTTORI COMMERCIALISTI E DEGLI ESPERTI CONTABILI - LINEE GUIDA PER LA VALUTAZIONE DEL RISCHIO, ADEGUATA VERIFICA DELLA CLIENTELA, CONSERVAZIONE DEI DOCUMENTI, DEI DATI E DELLE INFORMAZIONI AI SENSI DEL D. LGS. 231/2007 (COME MODIFICATO DAL D. LGS. 4 OTTOBRE 2019, N. 125 E DAL D. L. 16 LUGLIO 2020, N. 76) .....6
15. UIF - NEWSLETTER N. 3 – 2021 - EMERGENZA COVID-19: AGGIORNAMENTO SULLE MISURE NAZIONALI E INTERNAZIONALI DI PREVENZIONE DEL RICICLAGGIO .....7

\* \* \*

**tema srl**

Viale Luigi Majno, 18 - 20129 Milano, Italia

p.iva 06745060969 - tel. +39 02 8723 7659 - fax: +39 02 87237660 - email: [compliance@temaconsulenza.eu](mailto:compliance@temaconsulenza.eu) - [www.temaconsulenza.eu](http://www.temaconsulenza.eu)

Newsletter | Marzo 2021

### **1. EBA - ADVISES THE COMMISSION ON KPIS FOR TRANSPARENCY ON INSTITUTIONS' ENVIRONMENTALLY SUSTAINABLE ACTIVITIES, INCLUDING A GREEN ASSET RATIO**

*1 marzo 2021*

The European Banking Authority (EBA) published today an Opinion in response to the Commission's call for advice on KPIs and related methodology for the disclosure by credit institutions and by investment firms of information on how and to what extent their activities qualify as environmentally sustainable in accordance with the EU Taxonomy. In the advice, the EBA underlines the importance of the green asset ratio, supported by other KPIs, as a key means to understand how institutions are financing sustainable activities and meeting the Paris agreement targets.

<https://www.eba.europa.eu/eba-advises-commission-kpis-transparency-institutions%E2%80%99-environmentally-sustainable-activities>

### **2. EBA LAUNCHES PUBLIC CONSULTATION ON DRAFT TECHNICAL STANDARDS ON PILLAR 3 DISCLOSURES OF ESG RISKS**

*1 marzo 2021*

The European Banking Authority (EBA) published today a consultation paper on draft implementing technical standards (ITS) on Pillar 3 disclosures on Environmental, Social and Governance (ESG) risks. The draft ITS put forward comparable disclosures that show how climate change may exacerbate other risks within institutions' balance sheets, how institutions are mitigating those risks, and their green asset ratio on exposures financing taxonomy-aligned activities, such as those consistent with the Paris agreement goals.

<https://www.eba.europa.eu/eba-launches-public-consultation-draft-technical-standards-pillar-3-disclosures-esg-risks>

### **3. EBA PUBLISHES FINAL REVISED GUIDELINES ON MONEY LAUNDERING AND TERRORIST FINANCING RISK FACTORS**

*1 marzo 2021*

The EBA published today its final revised Guidelines on ML/TF risk factors. The revisions take into account changes to the EU Anti Money Laundering and Counter Terrorism Financing (AML/CFT) legal framework and address new ML/TF risks, including those identified by the EBA's implementation reviews. In addition to strengthening financial institutions' risk-based approaches to AML/CFT, the revision supports the development of more effective and consistent supervisory approaches where evidence suggested that divergent approaches continue to exist. The Guidelines are central to the EBA's work to lead, coordinate and monitor the fight against money laundering and terrorist financing.

<https://www.eba.europa.eu/eba-publishes-final-revised-guidelines-money-laundering-and-terrorist-financing-risk-factors>

#### **4. EBA HIGHLIGHTS KEY MONEY LAUNDERING AND TERRORIST FINANCING RISKS ACROSS THE EU**

*3 marzo 2021*

The European Banking Authority (EBA) today published its biennial Opinion on risks of money laundering and terrorist financing (ML/TF) affecting the European Union's financial sector. The ML/TF risks identified by the EBA include those that are applicable to the entire financial system, for instance the use of innovative financial services, while others affect specific sectors, such as de-risking. The list also includes ML/TF risks that emerge from wider developments such as the COVID-19 pandemic that has an impact on both firms' AML/CFT compliance and competent authorities' supervision. The Opinion, therefore, sets out recommendations to competent authorities aimed at closing these gaps.

<https://www.eba.europa.eu/eba-highlights-key-money-laundering-and-terrorist-financing-risks-across-eu>

#### **5. EBA ISSUES NEW SUPERVISORY REPORTING AND DISCLOSURES FRAMEWORK FOR INVESTMENT FIRMS**

*5 marzo 2021*

The European Banking Authority (EBA) published today its final draft Implementing Technical Standards (ITS) on the supervisory reporting and disclosures of investment firms. These final draft ITS, which are part of the phase 1 mandates of the EBA roadmap on investment firms, will ensure a proportionate implementation of the new prudential framework for investment firms taking into account the different activities, sizes and complexity of investments firms.

<https://www.eba.europa.eu/eba-issues-new-supervisory-reporting-and-disclosures-framework-investment-firms>

#### **6. EBA REPORTS ON THE MONITORING OF THE LCR IMPLEMENTATION IN THE EU**

*15 marzo 2021*

The European Banking Authority (EBA) published today its second Report on the monitoring of liquidity coverage ratio (LCR) implementation in the EU. This Report, which complements the one published on 12 July 2019, highlights areas in which further guidance is deemed useful for banks and supervisors in order to foster a common understanding and harmonisation of the application of the liquidity standard across the EU, as well as to reduce some level playing field issues. The EBA will continue regularly monitoring the implementation of the LCR for EU banks and will update these reports on an ongoing basis to set out its observations and provide further guidance, where necessary.

<https://www.eba.europa.eu/eba-reports-monitoring-lcr-implementation-eu>

## **7. EBA CONSULTS ON CHANGES TO ITS GUIDELINES ON RISK-BASED AML/CFT SUPERVISION**

*17 marzo 2021*

The European Banking Authority (EBA) launched today a public consultation on changes to its Guidelines on Risk-Based Supervision of credit and financial institutions' compliance with anti-money laundering and countering the financing of terrorism (AML/CFT) obligations. The proposed changes address the key obstacles to effective AML/CFT supervision that the EBA has identified during its review of the existing Guidelines, including the effective use of different supervisory tools to meet the supervisory objectives. The Guidelines are central to the EBA's mandate to lead, coordinate and monitor the EU financial sector's fight against money laundering and terrorist financing. The consultation runs until 17 June 2021.

<https://www.eba.europa.eu/eba-consults-changes-its-guidelines-risk-based-amlcft-supervision>

## **8. ESAS CONSULT ON TAXONOMY-RELATED PRODUCT DISCLOSURES**

*17 marzo 2021*

The three European Supervisory Authorities (EBA, EIOPA and ESMA – ESAs) have today issued a Consultation Paper seeking input on draft Regulatory Technical Standards (RTS) regarding disclosures of financial products investing in economic activities that contribute to an environmental investment objective. These economic activities are defined by the EU Regulation on the establishment of a framework to facilitate sustainable investment (Taxonomy Regulation).

<https://www.eba.europa.eu/esas-consult-taxonomy%E2%80%93related-product-disclosures>

## **9. EBA CONSULTS ON ITS REVISED GUIDELINES ON RECOVERY PLAN INDICATORS**

*18 marzo 2021*

The European Banking Authority (EBA) published today a consultation paper on its revised Guidelines on recovery plan indicators. While maintaining overall stability to the current recovery plan indicators framework, the revised Guidelines provide additional guidance on indicators' calibration, monitoring and breaches notifications. The amendments aim at strengthening the quality of recovery indicators framework and contributing to effective crisis preparedness of institutions.

<https://www.eba.europa.eu/eba-consults-its-revised-guidelines-recovery-plan-indicators>

## **10. EBA LAUNCHED PUBLIC CONSULTATION ON REGULATORY TECHNICAL STANDARDS ON DISCLOSURE OF INVESTMENT POLICY BY INVESTMENT FIRMS**

*31 marzo 2021*

The European Banking Authority (EBA) published today a consultation paper on draft regulatory technical standards (RTS) on disclosure of investment policy by investment firms. The draft RTS put forward comparable disclosures that should help stakeholders understand investment firms' influence over the companies in which they have voting rights and the impact of investment firms' policies on aspects such as the governance or management of those companies.

<https://www.eba.europa.eu/eba-launched-public-consultation-regulatory-technical-standards-disclosure-investment-policy>

## **11. ESA - THE EUROPEAN SUPERVISORY AUTHORITIES ISSUE A REPORT ON THE APPLICATION OF THEIR GUIDELINES ON COMPLAINTS-HANDLING**

*31 marzo 2021*

The Joint Committee of the three European Supervisory Authorities (EBA, EIOPA and ESMA - ESAs) published today a Report on the application of their Guidelines on complaints-handling. The Report concludes that the Guidelines have contributed to a consistent approach to complaints-handling across the banking, insurance and securities sectors and have resulted in better outcomes for consumers.

<https://www.eba.europa.eu/european-supervisory-authorities-issue-report-application-their-guidelines-complaints-handling>

## **12. ESMA PROPOSES AMENDMENTS TO MIFIR TRANSACTIONS AND REFERENCE DATA REPORTING REGIMES**

*30 marzo 2021*

The final report contains recommendations and possible legislative amendments to MiFID II/MiFIR with a view to simplifying the current reporting regimes whilst ensuring quality and usability of the reported data. It aims to achieve this through:

- The replacement of the trading on a trading venue (TOTV) concept with the SI approach for OTC derivatives, taking into account the conclusions of ESMA's Final Report on the transparency regime for non-equity instruments and the trading obligation for derivatives;
- The removal of the short sale indicator;
- The alignment with reporting regimes such as MAR, EMIR and the Benchmark Regulation;
- The reliance on international standards, including LEIs, ISINs and CFIs; and
- The inclusion of three additional data elements with a view to harmonise the way they are reported and avoid inconsistent and duplicative reporting of the same information at the national level. In particular, these are indicators for:

- Buyback programs;
- Information on MiFID II client categories; and
- Transactions pertaining to aggregated orders.

<https://www.esma.europa.eu/file/112371/download?token=J3BihcuP>

### **13. CONSOB - COMUNICATO STAMPA - CONSULENZA FINANZIARIA: IN ARRIVO LA SEMPLIFICAZIONE DELLA FORMAZIONE E DELL'AGGIORNAMENTO PROFESSIONALE DEL PERSONALE A CONTATTO CON I RISPARMIATORI E GLI INVESTITORI RETAIL - CONSOB VARA LE MODIFICHE AL REGOLAMENTO INTERMEDIARI**

*12 marzo 2021*

Consob ha diramato sul proprio sito istituzionale, in data 11 marzo 2021, il Comunicato stampa avente ad oggetto: “Consulenza finanziaria: in arrivo la semplificazione della formazione e dell'aggiornamento professionale del personale a contatto con i risparmiatori e gli investitori retail - Consob vara le modifiche al regolamento intermediari”.

[https://www.consob.it/documents/46180/46181/cs\\_20210311.pdf/615d830a-2b19-4cc5-9f8e-3c2c8a4ce8b8](https://www.consob.it/documents/46180/46181/cs_20210311.pdf/615d830a-2b19-4cc5-9f8e-3c2c8a4ce8b8)

### **14. CONSIGLIO NAZIONALE DEI DOTTORI COMMERCIALISTI E DEGLI ESPERTI CONTABILI - LINEE GUIDA PER LA VALUTAZIONE DEL RISCHIO, ADEGUATA VERIFICA DELLA CLIENTELA, CONSERVAZIONE DEI DOCUMENTI, DEI DATI E DELLE INFORMAZIONI AI SENSI DEL D. LGS. 231/2007 (COME MODIFICATO DAL D. LGS. 4 OTTOBRE 2019, N. 125 E DAL D. L. 16 LUGLIO 2020, N. 76)**

*9 marzo 2021*

In data 9 marzo 2021 il Consiglio Nazionale dei Dottori Commercialisti e degli Esperti Contabili ha emanato in pubblica consultazione il documento “Linee Guida per la valutazione del rischio, adeguata verifica della clientela, conservazione dei documenti, dei dati e delle informazioni ai sensi del D. Lgs. 231/2007 (come modificato dal D. Lgs. 4 ottobre 2019, n. 125 e dal D. L. 16 luglio 2020, n. 76)”, predisposto anche grazie ai contributi e le osservazioni dell’Associazione Bancaria Italiana (ABI), dell’Associazione Italiana Trasparenza e Anticorruzione (AITRA) e dell’Associazione dei componenti degli Organismi di Vigilanza ex D. Lgs. 231/2001 (AOdV231).

Il documento, che contiene numerose indicazioni ed esemplificazioni per la corretta attuazione della normativa antiriciclaggio negli studi professionali, costituisce un aggiornamento delle Linee Guida elaborate nel 2019 alla luce delle Regole Tecniche CNDCEC.

<https://commercialisti.it/documents/20182/1324415/Allegato+-+informativa+27-2021.pdf/50489c11-7b93-41f9-8e8d-c3ee1074a65c>

## **15. UIF - NEWSLETTER N. 3 – 2021 - EMERGENZA COVID-19: AGGIORNAMENTO SULLE MISURE NAZIONALI E INTERNAZIONALI DI PREVENZIONE DEL RICICLAGGIO**

*19 marzo 2021*

Il 19 marzo 2021 l'Unità di Informazione Finanziaria per l'Italia ha pubblicato la newsletter n. 3 del 2021, avente ad oggetto l'emergenza pandemica da COVID-19 e l'aggiornamento sulle misure nazionali e internazionali di prevenzione del riciclaggio.

In un contesto economico che ha visto e vede tuttora l'accentuarsi delle tensioni finanziarie e la debolezza del tessuto economico, UIF è impegnata nell'identificare i nuovi rischi di riciclaggio e di finanziamento del terrorismo connessi con la pandemia e nel condividerne la conoscenza con gli operatori economici e finanziari per favorire l'emersione e la valutazione di possibili sospetti. La newsletter n. 3 si focalizza, in particolare su:

Le segnalazioni "COVID-19": dati aggiornati

I dati aggiornati rilevano 2.257 segnalazioni direttamente collegate al contesto pandemico (su 113.187 segnalazioni ricevute nello scorso anno) e un forte aumento degli importi delle operazioni prospettate ma non eseguite, riferibili principalmente a tentativi di truffe nell'ambito dell'emergenza sanitaria. Le SOS connesse alla pandemia provengono per la maggior parte dal mondo bancario e postale (2.128 segnalazioni)

La Comunicazione UIF dell'11 febbraio 2021

<https://uif.bancaditalia.it/pubblicazioni/newsletter/2021/newsletter-2021-3/newsletter-21-3.pdf>

Ufficio Studi Tema Srl