



Von der Leyen Commission

The European Parliament is expected to confirm Ursula von der Leyen and her College of Commissioners on Wednesday 27 November, allowing the new European Commission to take office on 1 December.

MiFID II review

Speaking at a conference of the Federation of European Securities Exchanges on 12 November, Tilman Lueder, Head of the Securities Markets Unit at DG FISMA, said that the European Commission’s review of MiFID II may formally begin with a public consultation as soon as January. The European Commission could then decide whether to proceed in stages, starting with a narrowly cast set of tweaks to MiFID II, or consider a more comprehensive set of changes.

UK CCPs will get extended EU recognition

European Commission Vice-President Valdis Dombrovskis [said](#) on 15 November that the European Commission will prolong its temporary equivalence recognition beyond the current expiration date of March 30. The decision will be made after the Von der Leyen Commission takes office on 1 December.

I. ACTIVE PRIORITIES

Brexit	
<i>CMCE priorities: Ancillary activity test, access to UK and EU trading venues, CCPs and TRs</i>	
Latest developments & CMCE action	Next steps
European Commission Vice-President Valdis Dombrovskis said on 15 November that the European Commission will prolong its temporary equivalence recognition beyond the current expiration date of March 30. The decision will be made after the Von der Leyen Commission takes office on 1 December.	12 December 2019 – General election

<p>On the political front, Prime Minister Boris Johnson and Labour leader Jeremy Corbyn held on Tuesday 19 November their first televised debate ahead of the December 12 election.</p> <p>Regarding the appointment of a UK commissioner, the UK argues it cannot make a significant international appointment in a run up to an election. However, the European Commission launched an infringement procedure against the UK on 13 November over its refusal to nominate a candidate. London has until Friday to respond to it. After the UK responds, the Council must approve an updated list of 27 commissioners before the European Parliament can give its consent in Strasbourg next week.</p>	
<h2>MiFID II</h2>	
<p><i>CMCE priorities: AA exemption, position limits, reporting, physical forwards</i></p>	
<h3>Latest developments & CMCE action</h3>	<h3>Next steps</h3>
<p>Speaking at a conference of the Federation of European Securities Exchanges on 12 November, Tilman Lueder, Head of the Securities Markets Unit at DG FISMA, said that the European Commission's review of MiFID II may formally begin with a public consultation as soon as January. The European Commission could then decide whether to proceed in stages, starting with a narrowly cast set of tweaks to MiFID II, or consider a more comprehensive set of changes.</p> <p>ESMA launched on 5 November its consultation on MiFID II review report on position limits and position management, which will close on 8 January 2020. Based on a revised timeline agreed with the European Commission, ESMA will be delivering its advice to the European Commission's report by 31 March 2020.</p> <p>CMCE action A CMCE response to the ESMA call for evidence on position limits and position management in commodity derivatives was submitted on 5 July, and was published by ESMA on 12 July with all the responses it received to the call for evidence.</p> <p>Samina Anwar met with Tilman Lueder, Head of the Securities Markets Unit at DG FISMA, on 2 October to discuss position limits. A meeting with ESMA will be organised in the course of January 2020 to discuss the same issue.</p> <p>CMCE is currently preparing its response to the ESMA consultation on position limits.</p>	<p>8 January 2020 – ESMA consultation on position limits closes</p> <p>January 2020 – Deadline for ESMA to provide input to the European Commission on MiFID II/MiFIR review report on C6 energy derivatives contracts</p> <p>30 March 2020 – Deadline for ESMA to provide input to the European Commission on MiFID II/MiFIR review report on position limits and reporting</p>
<h2>EMIR</h2>	
<p><i>CMCE priorities: reporting, risk mitigation for uncleared trades, calculation of NFC's positions</i></p>	
<h3>Latest developments</h3>	<h3>Next steps</h3>
<p>ESMA updated on 2 October its Q&As on EMIR. They clarify:</p>	

<ul style="list-style-type: none"> • OTC Question 2(h) on when counterparties that start taking positions in OTC derivatives need to notify the relevant NCAs and ESMA; • OTC Question 4 on whether counterparties not subject to the clearing obligation should also obtain representation; • OTC Question 13 on how a counterparty should determine whether an entity established in a third country would be an FC+/- or NFC+/- if it was established in the Union; • TR Question 14 on how the derivatives should be reported in the scenario where a Clearing Member defaults and a CCP temporarily assumes both sides of the outstanding transactions; • TR Question 17 on how to populate the fields Trading Venue and Compression for derivatives reported at position level; and • TR Question 53 on how to report derivatives based on €STR and other benchmarks that are not explicitly captured by the EMIR ITS. 	
Benchmarks	
<i>CMCE priorities: commodity benchmarks, critical benchmarks, third-country equivalence</i>	
Latest developments & CMCE action	Next steps
<p>The Council adopted on 8 November at ministerial level the low-carbon benchmarks regulation. The text will be signed in Strasbourg in the week of 25 November and will then be published in the EU Official Journal.</p> <p>The European Commission published on 11 October a consultation on the review of the benchmark regulation, which will close on 6 December.</p> <p>CMCE action Prior to the launch of a formal consultation process, CMCE provided the FCA on 23 September with a written input on the Senior Managers and Certification Regime (SM&CR), which will apply from 7 December 2020 to UK authorised BM administrators.</p> <p>CMCE is currently preparing its response to the European Commission's consultation on the review of the benchmark regulation. The next call will take place on 27 November.</p>	<p>Week of 25 November 2019 – Signature of the low-carbon benchmarks regulation in the EP plenary</p> <p>6 December 2019 – European Commission consultation on the review of the benchmark regulation closes</p> <p>7 December 2020 – Application of the SM&CR regime to benchmark administrators</p>

II. WATCHING BRIEF

IFR
<i>CMCE priorities: commodity dealer IF regime, scope of class I, changes to MiFID II/MiFIR third-country regime</i>

Latest developments & CMCE action		Next steps
<p>The Council adopted on 8 November at ministerial level the IFR/IFD texts. They will be signed in Strasbourg in the week of 25 November and will then be published in the EU Official Journal.</p>		<p>Week of 25 November 2019 – Signature of IFR/IFD in the EP plenary</p>
MAR		
<i>CMCE priorities: Insider dealing, MM indicators</i>		
Latest developments & CMCE action		Next steps
<p>ESMA published on 3 October a consultation on MAR review. This follows a formal request of the European Commission to ESMA in March 2019 for technical advice on the report to be submitted by the European Commission under Article 38 of MAR. The consultation will close on 29 November. Based on the feedback received, ESMA intends to submit the final report to the European Commission in the spring of 2020.</p> <p>CMCE action CMCE is currently coordinating with FIA to answer ESMA's consultation on MAR review. The next call will take place on 25 November.</p>		<p>29 November 2019 – ESMA consultation on MAR review closes</p> <p>Spring 2020 – ESMA to submit the final report providing technical to the European Commission on MAR review</p>
SFTR		
<i>CMCE priorities: reporting obligations</i>		
Latest developments & CMCE action		Next steps
<p>There were no significant developments in the past two weeks.</p>		<p>Q4 2019 - ESMA to publish a final report on the guidelines on reporting under SFTR</p> <p>11 January 2021 – Reporting go-live for non-financial counterparties</p>
Other relevant developments		
International role of the euro	<p>There were no significant developments in the past 2 weeks.</p>	<p>Autumn 2019 – European Commission to report on the results of the consultation on the international role of the euro</p>

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