

A&O SHEARMAN



Regulatory monitoring

NEWSLETTER
FEBRUARY 2026

Contents

1.	Bank regulation	10
1.1	Prudential regulation	10
a)	General	10
	ESRB: Report on financial stability risks from linkages between banks and the non-bank financial intermediation sector	10
	BCBS: Discussion of recent market developments	10
	BCBS: Report on synthetic risk transfers	10
b)	Solvency/Own funds issues	11
	BaFin: General Administrative Act on the reciprocal recognition of Austria's systemic risk buffer of Austria (<i>Allgemeinverfügung über die reziproke Anerkennung des Systemrisikopuffers Österreich</i>)	11
	EBA: Opinion on the EC's amendments to the final draft RTS on equivalent legal mechanism in accordance with Article 124(14) CRR	11
	EBA: Conclusion of work on legacy instruments monitoring	11
	ECB: Opinion comprising proposals for two Regulations and a Delegated Regulation regarding securitisation	12
	Commission Delegated Regulation (EU) 2026/269 amending Delegated Regulation (EU) 2015/35 as regards technical provisions, long-term guarantee measures, own funds, equity risk, spread risk on securitisation positions, other standard formula capital requirements, reporting and disclosure, proportionality and group solvency	12
	EBA: Final report on Guidelines on proportionate retail diversification methods under Article 123(1) CRR	12
	EBA: Consultation on simplification and assessment of the credit risk framework	13
c)	Securitisation	13
	Commission Delegated Regulation (EU) 2026/269 amending Delegated Regulation (EU) 2015/35 as regards technical provisions, long-term guarantee measures, own funds, equity risk, spread risk on securitisation positions, other standard formula capital requirements, reporting and disclosure, proportionality and group solvency	13
	ECON: Amendments to a draft Regulation amending the CRR on prudential requirements for credit institutions as regards requirements for securitisation exposure	14
	ECB: Opinion comprising proposals for two Regulations and a Delegated Regulation regarding securitisation	14
d)	Risk management/SREP/Pillar 2/Outsourcing/NPL	14

	EBA: Peer review follow-up report on ICT risk assessment under the SREP	14
e)	Internal governance/"Authorised Persons Regime"	15
	EBA/ESMA: Consultation on draft joint Guidelines on the assessment of the suitability of members of the management body and key function holders under CRD VI and MiFID II	15
	ECB: Report on declared time commitment of non-executive directors in the SSM	15
f)	Financial conglomerates	15
	EC: Proposal regarding codification of the Financial Conglomerates Directive	15
g)	Accounting/Prudential filter/Audit	16
	Directive (EU) 2026/470 amending the Audit Directive, Accounting Directive, CSRD and CSDDD as regards certain corporate sustainability reporting and due diligence requirements	16

1.2 Recovery and resolution 16

	EC: Commission Delegated Regulation (EU) .../... amending Delegated Regulation (EU) 2015/63 as regards the calculation of the contributions of certain institutions, the deletion of a risk indicator and procedural modifications	16
	SRB: Update of operational guidance for banks on separability and transferability for transfer tools	17
	SRB: Statement that SRB will not impose SRF levies on banks for 2026	17
	SRB: Public consultation on the Operational Guidance for banks on Business Reorganisation Plan Analysis Reports and quantitative template	17
	FSB: Thematic peer review on public sector backstop funding mechanisms	18

2. Investment firms regulation 19

	EC: Commission Delegated Directive (EU) .../... amending Delegated Directive (EU) 2017/593 as regards the conditions for the provision of third-party execution and research services to investment firms that provide portfolio management or other investment or ancillary services	19
--	---	----

3. Market regulation/Conduct rules 20

3.1 General 20

	BaFin: Consultation 01/2026 regarding a Circular on the administrative practices in takeover law (<i>Konsultation 01/2026 zum Rundschreiben über die Verwaltungspraxis zum Übernahmerecht</i>)	20
	BaFin: Updated notes on applications for reduced fees as per Section 16j(2) of the German Financial Services Supervision Act (<i>Angepasste Hinweise zu Reduzierungsanträgen nach § 16j Abs. 2 FinDAG</i>)	20
	BaFin: Information sheet regarding the submission of an electronic notification of major holdings (<i>Informationsblatt zur Übermittlung einer elektronischen Stimmrechtsmitteilung</i>)	21

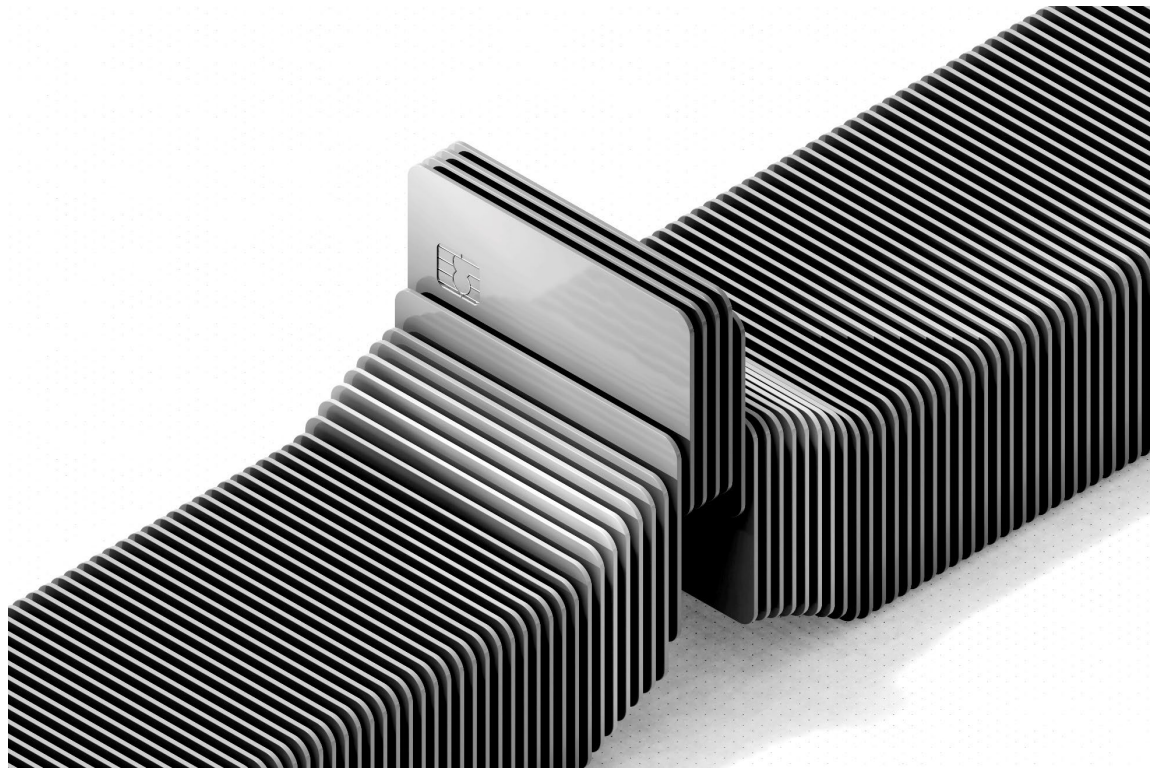
	ECON: Simplified rules for small “mid-cap” companies	21
	FSB: Report on vulnerabilities in government bond-backed repo markets	21
3.2	Benchmarks	22
	Commission Delegated Regulation (EU) 2026/323 amending Delegated Regulation (EU) 2022/805 as regards fees for the supervision by the ESMA of benchmark administrators endorsing third-country benchmarks	22
	EC: Consultation on draft Implementing Regulation regarding exemptions of certain spot FX benchmarks	22
3.3	Capital markets union	23
	Law to Promote Private Investment and the Financial Centre (<i>Gesetz zur Förderung privater Investitionen und des Finanzstandorts – StoFöG</i>)	23
	EC: Consultation on the competitiveness of the EU banking sector	23
	EC: Call for evidence on competitiveness in the single banking market	24
3.4	Consumer protection rules	24
	BaFin: Updated FAQ on the process “consumer protection” regarding the submission for “reporting obligations on the Instant Payment Regulation” (<i>Aktualisierte FAQ zum Fachverfahren „Verbraucherschutz“ – Einreichung „Meldepflichten Verordnung über Echtzeitüberweisungen“</i>)	24
3.5	Market abuse	24
	ESMA: Consultation on MAR Guidelines on delay in the disclosure of inside information	24
3.6	MiFID/MiFIR	25
	BaFin: Partial revocation of the two General Administrative Acts on post-trade transparency for non-equity instruments (<i>Teilwiderruf der Allgemeinverfügung über Nachhandelstransparenz bei Nichteigenkapitalinstrumenten</i>)	25
	Law to Promote Private Investment and the Financial Centre (<i>Gesetz zur Förderung privater Investitionen und des Finanzstandorts – StoFöG</i>)	25
	BaFin: General Administrative Act on the new imposition of position limits for German Power Future (Base) and German Power Option (Base) contracts pursuant to Section 54(1), (5) and Section 56(1)(2) of the Securities Trading Act (<i>Allgemeinverfügung zur Neufestsetzung von Positionslimits für German Power Future (Base) und German Power Option (Base) Kontrakte, § 54 Abs. 1 u. Abs. 5, § 56 Abs. 1 Satz 2 WpHG</i>)	26
	Publication of Commission Delegated Regulation (EU) 2026/482 amending Delegated Regulation (EU) 2017/567 as regards the determination of what constitutes a liquid market for equity instruments, the obligation to provide market data on a reasonable commercial basis, the size specific to the instrument for the purposes of obligations for systematic internalisers, and the definition of and disclosure for post-trade risk reduction services	26

	ESMA: Results of the annual transparency calculations for equity and equity-like instruments	26
	ESMA: Supervisory briefing on algorithmic trading in the EU	27
	ECON: Simplified rules for small “mid-cap” companies	27
	EBA/ESMA: Consultation on draft joint Guidelines on the assessment of the suitability of members of the management body and key function holders under CRD VI and MiFID II	27
	ESMA: Withdrawal of Guidelines on the MiFID II/ MiFIR obligations on market data	27
3.7	Prospectus regulation	28
	EC: Commission Delegated Regulation (EU) .../... amending the RTS laid down in Delegated Regulation (EU) 2019/979 as regards updating the list of data necessary for the classification of prospectuses and the list of information that can be incorporated by reference into prospectuses	28
	ESMA: Statement on the implementation of certain changes to the Prospectus Regulation introduced by the Listing Act	28
	EC: Consultation on Delegated Act amending the Listing Act and Prospectus Regulation	28
3.8	Transparency requirements/Shareholder requirements	29
	ESMA: Q&A on the Transparency Directive	29
	EC: Evaluation and review of the Shareholder Rights Directive	29
4.	Market infrastructure	30
4.1	EMIR	30
	ESMA: Q&A on OTC derivatives, central counterparties and trade repositories (EMIR)	30
	EBA: Decision concerning arrangements for the IMMV function under EMIR for ISDA SIMM	30
	ESMA: Consultation regarding RTS on the requirements for Post-Trade Risk Reduction services for the purpose of the clearing obligation exemption under EMIR	30
	ESMA: Final report on the draft RTS amending Delegated Regulation (EU) 149/2013 to further detail the new EMIR clearing thresholds regime	31
	ESMA: Consultation on draft RTS amending Commission Delegated Regulation (RTS) 153/2013 in relation to public guarantees, public bank guarantees and commercial bank guarantees as collateral and in relation to certain aspects of investment policy and highly secure arrangements for the deposit of financial instruments	32
	ESMA: Supervisory briefing on AAR representativeness obligation	32

EC: Consultation on Delegated Act specifying the fees charged for the validation of pro forma models	32
Commission Delegated Regulation (EU) 2026/305 supplementing EMIR with regard to RTS specifying the operational conditions, the representativeness obligation and the reporting requirements related to the active account requirement	33
5. Anti-money laundering	34
Law to Promote Private Investment and the Financial Centre (<i>Gesetz zur Förderung privater Investitionen und des Finanzstandorts – StoFöG</i>)	34
EC: Draft Delegated Regulations under AMLD6 and AMLR	34
AMLA: Consultation on RTS regarding pecuniary sanctions, administrative measures and periodic penalty payments	34
AMLA: Two consultations on RTS regarding uniform standards for the private sector	35
AMLA: Single Programming Document 2026–2028	35
FATF: Report on cyber-enabled fraud regarding digitalisation, MML/TF and proliferation financing risks	35
FATF: Annual report 2024–2025	36
FATF: Updates regarding high-risk jurisdictions and jurisdictions under increased monitoring	36
6. Payments	37
6.1 Payment services/E-money	37
BaFin: Updated FAQ on the process “consumer protection” regarding the submission for “reporting obligations on the Instant Payment Regulation” (<i>Aktualisierte FAQ zum Fachverfahren „Verbraucherschutz“ – Einreichung „Meldepflichten Verordnung über Echtzeitüberweisungen“</i>)	37
EBA: Opinion on the supervisory priorities at the end of the transition period under the EBA’s No Action letter on the interplay between PSD2 and MiCAR	37
6.2 Payment and settlement systems	38
CPMI: Updated report on harmonised ISO 20022 data requirements for enhancing cross-border payment	38
7. Banking union	39
7.1 Single Supervisory Mechanism (SSM)	39
ECB: Report on declared time commitment of non-executive directors in the SSM	39
8. Institutional supervisory framework	40
EBA: Conclusion of work on legacy instruments monitoring	40
BCBS: Consultation on consolidated Guidelines and sound practices	40

IOSCO: 2026 Work Program	40
FSB: Work programme 2026	41
9. Investment funds	43
9.1 Product regulation	43
a) AIF	43
Publication of Delegated Regulations supplementing the AIFMD and UCITS Directive with regard to RTS specifying the characteristics of liquidity management tools	43
b) UCITS	43
Publication of Delegated Regulations supplementing the AIFMD and UCITS Directive with regard to RTS specifying the characteristics of liquidity management tools	43
9.2 Prudential Regulation	44
a) Compliance	44
BaFin: Updated Circular 07/2015 on the requirements for the appointment of external auditors for real estate and real estate companies (<i>Angepasstes Rundschreiben 07/2015 zu Anforderungen bei der Bestellung externer Bewerter für Immobilien und Immobilien-Gesellschaften</i>)	44
10. Special rules for real estate financing and covered bonds	45
10.1 Covered bonds	45
BaFin: Updated Circular 07/2015 on the requirements for the appointment of external auditors for real estate and real estate companies (<i>Angepasstes Rundschreiben 07/2015 zu Anforderungen bei der Bestellung externer Bewerter für Immobilien und Immobilien-Gesellschaften</i>)	45
11. Special topics	46
11.1 FinTech/Digital finance	46
ESMA: Q&A on MiCAR	46
ESMA: Updated Q&A on the European crowdfunding service providers for business Regulation	46
ESMA: Public Statement on identifying derivatives within the scope of the national product intervention measures on CFDs	46
ECON: Draft report on digital assets	47
ECB: Launch of collaboration with ONCE to ensure digital euro is accessible for everyone	47
EBA: Opinion on the supervisory priorities at the end of the transition period under the EBA's No Action letter on the interplay between PSD2 and MiCAR	47

11.2	AI	48
	ESMA: Supervisory briefing on algorithmic trading in the EU	48
11.3	Sustainable finance	48
	Directive (EU) 2026/470 amending the Audit Directive, Accounting Directive, CSRD and CSDDD as regards certain corporate sustainability reporting and due diligence requirements	48
	EBA/ESMA: Opinions on the draft amended European Sustainability Reporting Standards (ESRS)	48
12.	German Omnibus Acts (<i>Artikelgesetze</i>)	49
	Law to Promote Private Investment and the Financial Centre (<i>Gesetz zur Förderung privater Investitionen und des Finanzstandorts – StoFöG</i>)	49



More information
under reggateway.com

RegGateway

The All-in-One solution for regulatory monitoring & compliance

FEATURES

HORIZON SCANNING/REGULATORY MONITORING

Identify new regulatory developments easily and tailored to the specific type of regulated firm, so that only relevant changes appear.

FINANCIAL REGULATORY LAW SOURCEBOOK

A categorised collection of all laws in the field of financial regulatory law for Europe and Germany (constantly being expanded), which can be compiled as an obligation register and commented on as desired.

IMPLEMENTATION MANAGEMENT

Effective implementation (including tailored impact analysis and gap analysis) of new legislation and agile control using our project management tool (including KPIs).

CHANGE ANALYSIS AND PREVIEW OF RULES

Read the future versions of a law early, including the official explanatory memorandum, and identify any legislative changes.

1. Bank regulation

1.1 PRUDENTIAL REGULATION

a) General

(i) EU

ESRB: Report on financial stability risks from linkages between banks and the non-bank financial intermediation sector

Status: Final

The ESRB published a report on financial stability risks from linkages between banks and the non-bank financial intermediation (NBFI) sector. The report focuses on bank funding from NBFI entities and credit exposure to NBFI entities as well as banks' derivatives exposures to NBFI entities. It finds linkages between banks and the NBFI sector to be significant, and while they do not currently pose acute risks to financial stability, they create important vulnerabilities that could amplify stress in adverse market conditions. Furthermore, these vulnerabilities are highly concentrated in a small number of large euro area global systemically important banks (G-SIBs). Risk-bearing capacity among euro area G-SIBs is key to absorbing shocks in the financial system and preventing the amplification of financial stress.

Date of publication: 12/02/2026

(ii) International

BCBS: Discussion of recent market developments

Status: Final

The BCBS issued a press release following its virtual meeting on 24–25 February, at which it discussed recent market developments and the global banking outlook. With respect to vulnerabilities in government bond-backed repo markets, the BCBS notes that the implementation of its finalised counterparty credit risk management [Guidelines](#), particularly in relation to securities financing transactions and collateral management, should help mitigate these risks but it will monitor implementation progress. Regarding the expedited targeted review of the prudential standards for banks' cryptoasset exposures, an update on progress will be provided later in the year. The BCBS has approved a technical amendment to the standardised approach to operational risk, following its previous [consultation](#), and a response to a frequently asked question on the market risk framework. Both will be published in March.

Date of publication: 25/02/2026

BCBS: Report on synthetic risk transfers

Status: Final

The BCBS published a report on synthetic risk transfer (SRT) transactions. The report is part of the continued monitoring and investigation of the interconnections between banks and non-bank financial intermediaries (NBFIs). The report finds SRT markets have grown rapidly over the last decade, and SRT investors constitute an important

source of capital relief for corporate credit risk. Assets protected by SRTs as a percentage of consolidated total assets of banks in individual jurisdictions range between 0.9% and 1.8%, with an average of about 1.1%.

Date of publication: 17/02/2026

b) Solvency/Own funds issues

(i) Germany

BaFin: General Administrative Act on the reciprocal recognition of Austria's systemic risk buffer of Austria (*Allgemeinverfügung über die reziproke Anerkennung des Systemrisikopuffers Österreich*)

Status: Final

BaFin published a General Administrative Act on the reciprocal recognition of Austria's sectoral systemic risk buffer for partial risk positions of specific loans secured with retail real estate. This measure specifies a capital buffer of 1% for Austrian risk positions above a threshold of EUR100 million. It applies to institutions on consolidated, partially consolidated and individual basis insofar as the volume of their Austrian partial risk positions reach the defined threshold.

Date of publication: 25/02/2026

(ii) EU

EBA: Opinion on the EC's amendments to the final draft RTS on equivalent legal mechanism in accordance with Article 124(14) CRR

Status: Final

The EBA published an opinion and related [letter](#) regarding the European Commission's (EC) proposed amendments to the final draft regulatory technical standards (RTS). These RTS specify what constitutes an equivalent legal mechanism to ensure that a residential property under construction is completed within a reasonable timeframe, for the purposes of risk-weighting requirements under the Capital Requirements Regulation (CRR). The EBA is resisting the EC's proposal to increase the cap on the risk weight applicable to the protection provider from 20% to 30% under the standardised approach, arguing the 20% threshold represents a core prudential safeguard. It also recommends reinstating the requirement that the completion guarantee be required by the law of the Member State where the residential property is being built. In addition, the opinion provides targeted comments on certain drafting changes introduced by the EC, including the treatment of intragroup arrangements and specific provisions relating to enforceability and force majeure. A revised version of the draft RTS reflecting the EBA's recommended drafting adjustments is set out in Annex I to the opinion. The EBA notes that it remains committed to working constructively with the EC to ensure the timely adoption of a robust and legally sound framework.

Date of publication: 26/02/2026

EBA: Conclusion of work on legacy instruments monitoring

Status: Final

The EBA announced that given the extensive work already carried out, it will not prioritise the monitoring of legacy instruments, while maintaining its review of the quality of own funds and eligible liabilities. The EBA is confident that competent authorities will continue to monitor the remaining limited and specific cases on the basis of the guidance

provided, including in its [opinion on the prudential treatment of legacy instruments](#) and its [opinion on legacy instruments: outcome of its implementation](#).

Date of publication: 25/02/2026

ECB: Opinion comprising proposals for two Regulations and a Delegated Regulation regarding securitisation

Status: Draft

The ECB published an opinion on the following three proposals: (i) a proposal for a Regulation amending Regulation (EU) 2017/2402 laying down a general framework for securitisation and creating a specific framework for STS securitisation; (ii) a proposal for a Regulation amending the CRR on prudential requirements for credit institutions as regards requirements for securitisation exposures; and (iii) a draft proposal for a Delegated Regulation amending Delegated Regulation (EU) 2015/61 as regards the eligibility conditions for securitisations in the liquidity buffer of credit institutions.

Date of publication: 23/01/2026

Commission Delegated Regulation (EU) 2026/269 amending Delegated Regulation (EU) 2015/35 as regards technical provisions, long-term guarantee measures, own funds, equity risk, spread risk on securitisation positions, other standard formula capital requirements, reporting and disclosure, proportionality and group solvency

Status: Published in the OJ

Date of entry into force: 10/03/2026

The Commission Delegated Regulation amending Delegated Regulation (EU) 2015/35 as regards technical provisions, long-term guarantee measures, own funds, equity risk, spread risk on securitisation positions, other standard formula capital requirements, reporting and disclosure, proportionality and group solvency was published in the OJ.

Date of publication: 18/02/2026

EBA: Final report on Guidelines on proportionate retail diversification methods under Article 123(1) CRR

Status: Final

The EBA published final Guidelines on proportionate retail diversification methods under Article 123(1) CRR. The Guidelines seek to establish a harmonised and more proportionate framework for assessing whether retail portfolios qualify for the preferential 75% risk weight for retail exposures under the standardised approach for credit risk. Under Basel III, a baseline granularity benchmark of 0.2% applies, meaning that retail portfolios are sufficiently granular if no aggregate exposure to a single counterparty or group of connected clients exceeds 0.2% of the overall retail portfolio.

The [2024 consultation](#) presented two alternatives for assessing diversification, and the final Guidelines confirm the adoption of the “one-step” approach, on the grounds that it is more proportionate and less burdensome than the iterative method that was also proposed. The consultation originally proposed a diversification threshold of 5%, which has been raised to 10%. This means that institutions may exceed the baseline provided that no more than 10% of the eligible retail portfolio exceeds the 0.2% benchmark. The EBA confirmed that it increased the threshold in its final Guidelines to ease the impact on small and medium-sized institutions.

The Guidelines also clarify the treatment of securitised retail exposures, distinguishing between diversification assessments applicable when institutions act as originators and when they act as investors. A limited, temporary derogation for investor institutions is also introduced where obligor-level information is unavailable under the applicable transparency templates.

Date of publication: 13/02/2026

EBA: Consultation on simplification and assessment of the credit risk framework

Status: Consultation

Deadline for the submission of comments: 10/05/2026

The EBA **launched** a discussion paper on the simplification and assessment of the credit risk framework. The discussion paper presents preliminary ideas to streamline and improve the usability, efficiency and coherence of the existing credit risk rules, particularly given the significant number of mandates accumulated under the EU Banking Package. The EBA's **2025 report** sets out principles to assess and strengthen the simplicity and efficiency of the regulatory and supervisory framework and recommends that the EBA conducts a comprehensive review of both the new flow of mandates (i.e. those not yet issued for consultation) and the existing stock (current products from the Single Rulebook). The discussion paper focuses on credit risk as a priority area given the significant accumulation of mandates and considers how a systematic review of these mandates could be organised to ensure that the EBA's future work better supports efficiency and simplicity.

The discussion paper explores potential policy simplifications, consolidation of existing regulatory products and greater alignment of key definitions to enhance navigability of credit risk outputs. It also identifies challenges within specific mandates and suggests methodological improvements for future mandated reports under the Capital Requirements Regulation.

Date of publication: 09/02/2026

c) Securitisation

(i) EU

Commission Delegated Regulation (EU) 2026/269 amending Delegated Regulation (EU) 2015/35 as regards technical provisions, long-term guarantee measures, own funds, equity risk, spread risk on securitisation positions, other standard formula capital requirements, reporting and disclosure, proportionality and group solvency

Status: Published in the OJ

Date of entry into force: 10/03/2026

The Commission Delegated Regulation amending Delegated Regulation (EU) 2015/35 was published in the OJ. For more information, please see section 1.1b) above.

Date of publication: 18/02/2026

ECON: Amendments to a draft Regulation amending the CRR on prudential requirements for credit institutions as regards requirements for securitisation exposure

Status: Final

The ECON published a report with amendments to the draft Regulation amending the CRR on prudential requirements for credit institutions as regards requirements for securitisation exposure.

Date of publication: 06/02/2026

ECB: Opinion comprising proposals for two Regulations and a Delegated Regulation regarding securitisation

Status: Draft

The ECB published an opinion on three proposals. For more information, please see section 1.1b) above.

Date of publication: 23/01/2026

d) Risk management/SREP/Pillar 2/Outsourcing/NPL

(i) EU

EBA: Peer review follow-up report on ICT risk assessment under the SREP

Status: Final

The EBA published a follow-up report to its [2022 peer review](#) on information and communication technology (ICT) risk assessment under the Supervisory Review and Evaluation Process (SREP). The report reviews the recommendations issued to competent authorities in 2022, considering progress made following the application of the Digital Operational Resilience Act (DORA) since January 2025, and the forthcoming integration of the ICT SREP Guidelines into the revised SREP Guidelines under DORA.

The EBA notes substantial progress by competent authorities in strengthening ICT risk supervision, largely driven by DORA's implementation. Improvements include enhanced supervisory capacity and expertise, greater use of horizontal analyses and more systematic application of supervisory tools. ICT risk sub-categories are now embedded across almost all authorities. However, the EBA emphasises that further work and investment are still required to ensure consistent and effective ICT risk supervision across the EU. It encourages authorities to fully integrate ICT risk methodologies and sub-categories into their supervisory processes and to continue efforts to promote supervisory convergence and operational resilience ahead of the forthcoming revised SREP Guidelines.

Date of publication: 23/02/2026

e) Internal governance/"Authorised Persons Regime"

(i) EU

EBA/ESMA: Consultation on draft joint Guidelines on the assessment of the suitability of members of the management body and key function holders under CRD VI and MiFID II

Status: Consultation

Deadline for the submission of comments: 25/05/2026

The EBA and ESMA launched a joint consultation on draft revised Guidelines on the suitability assessments of members of the management body and key function holders at banks and investment firms. This follows the [earlier version](#) published in 2021. The proposed revisions form part of a broader suitability package aimed at harmonising suitability assessments and strengthening supervisory convergence across the EU. The package also reflects new requirements introduced for large institutions by CRD VI and MiFID II. The revised Guidelines cover:

- ♦ the use of ex-ante applications for cases where competent authorities otherwise conduct ex-post assessments;
- ♦ mandatory suitability assessments for certain key roles, including heads of control functions and chief financial officers;
- ♦ the new CRD VI requirements for third-country branches; and
- ♦ the identification of potential money laundering or terrorist financing risks, in order to strengthen the link between suitability assessments and the anti-money laundering and countering the financing of terrorism framework.

The authorities also published an excel spreadsheet covering the scope of the Guidelines, linked in the [press release](#). As part of the overall suitability package, the EBA is also [consulting on draft RTS](#) specifying the documentation and information that large institutions must submit to competent authorities as part of their suitability assessments.

Date of publication: 25/02/2026

ECB: Report on declared time commitment of non-executive directors in the SSM

Status: Final

The ECB published a report on the declared time commitment of non-executive directors in the SSM. This yearly report aims to increase knowledge on the directors' time allocation and to inform the assessments performed by both banks and supervisors.

Date of publication: 11/02/2026

f) Financial conglomerates

(i) EU

EC: Proposal regarding codification of the Financial Conglomerates Directive

Status: Draft

The EC published a proposal for a Directive to codify and replace [Directive 2002/87/EC](#) on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate. The proposal aims to improve legal clarity and accessibility by consolidating the existing framework governing

cross-sectoral supervision of financial conglomerates, including rules on capital adequacy, risk concentration, intra-group transactions, governance, supervisory coordination and cooperation with third-country authorities, into a single, clear and consolidated instrument. It preserves the current supervisory structure, including the role of a designated coordinator, the involvement of the ESAs through the Joint Committee, and the use of delegated and implementing acts for technical adaptations. The codified Directive would repeal Directive 2002/87/EC upon entry into force, while maintaining member state obligations on transposition and application dates under the existing regime.

Date of publication: 17/02/2026

g) Accounting/Prudential filter/Audit

(i) EU

Directive (EU) 2026/470 amending the Audit Directive, Accounting Directive, CSRD and CSDDD as regards certain corporate sustainability reporting and due diligence requirements

Status: Published in the OJ

Date of entry into force: 18/03/2026

Date of application: 19/03/2027

The Directive (EU) 2026/470 amending the EU Corporate Sustainability Reporting Directive (CSRD) and the EU Corporate Sustainability Due Diligence Directive (CSDDD), among others, was published in the OJ. The directive implements the proposals under the [Omnibus I simplification package](#), which aims to streamline sustainability reporting and due diligence obligations for businesses. It follows [Directive \(EU\) 2025/794](#) which implemented the “stop-the-clock” proposal, postponing the application date of certain requirements of the CSRD and CSDDD. The Council of the EU adopted the [final text](#) on 24 February. The directive enters into force on 18 March and member states will have until 19 March 2027 to transpose its provisions into national legislation, except for Article 4 on the level of harmonisation, with which they must comply by 26 July 2028 at the latest.

Date of publication: 26/02/2026

1.2 RECOVERY AND RESOLUTION

(i) EU

EC: Commission Delegated Regulation (EU) .../... amending Delegated Regulation (EU) 2015/63 as regards the calculation of the contributions of certain institutions, the deletion of a risk indicator and procedural modifications

Status: Adopted by the EC

The EC adopted the Delegated Regulation amending Delegated Regulation (EU) 2015/63 on ex-ante contributions to resolution financing arrangements. The amendments align the framework with recent changes to the BRRD, the IFR and the IFD. They also aim to reduce administrative burden and improve proportionality. The amendments include:

- ♦ updates to the definition of “investment firms” and “competent authority”;
- ♦ a simplified contribution methodology for certain Class 2 investment firms (with an option to apply risk-adjusted calculations where this results in a lower contribution);

- ♦ removal of the risk indicator based on own funds and eligible liabilities held in excess of the minimum requirement for own funds and eligible liabilities (MREL). This does not imply that MREL-related aspects will no longer be considered when risk-adjusting the contributions, however;
- ♦ removal of the denominator from the interbank loans and deposits indicator; and
- ♦ a limitation period for requesting restatements and revisions of data submitted to resolution authorities.

The Council and the European Parliament will now scrutinise the delegated regulation. If neither objects, it will be published in the OJ and enter into force on the third day following publication. The amendments are intended to be deemed to have applied from 1 January 2026, except for the simplified methodology for Class 2 investment firms, which will apply from 1 January 2027.

Date of publication: 24/02/2026

(ii) Eurozone

SRB: Update of operational guidance for banks on separability and transferability for transfer tools

Status: Final

The SRB updated its operational guidance on separability and transferability for transfer tools, following the August 2025 [consultation](#). The revised guidance is not intended to introduce new deliverables but to streamline and clarify existing expectations, align with the guidance on resolvability self-assessment and support the shift from resolution planning to operationalisation, testing and crisis preparedness. It is accompanied by an operational framework for transfer playbooks and a new [annex](#) on testing separability and transfer strategies. A feedback statement was published alongside the guidance.

Date of publication: 23/02/2026

SRB: Statement that SRB will not impose SRF levies on banks for 2026

Status: Final

The SRB announced that, for the third consecutive year, it will not impose levies on banks to finance the single resolution fund (SRF). The SRF is an emergency fund that can be called upon in times of crisis. It can be used to ensure the efficient application of resolution tools for resolving failing banks, after other options, such as the bail-in tool, have been exhausted. Having confirmed that the fund's target level remains met as at the end of 2025, the SRB states that unless circumstances change, banks will not be required to make contributions for the coming year, with the target level to be verified again at the beginning of 2027.

Date of publication: 13/02/2026

SRB: Public consultation on the Operational Guidance for banks on Business Reorganisation Plan Analysis Reports and quantitative template

Status: Consultation

Deadline for the submission of comments: 30/03/2026

The SRB [launched](#) a [consultation](#) on its draft Operational Guidance for banks on Business Reorganisation Plan Analysis Reports (BRP AR) and the accompanying quantitative template. Following the implementation of the bail-in tool, institutions are required to prepare and deliver a BRP within one month. To ensure resolution readiness and demonstrate their business reorganisation-related capabilities, banks are requested to prepare a BRP AR in the resolution planning phase.

The consultation forms part of the SRB's shift under the [SRM Vision 2028](#) from resolution planning to operationalisation, resolution testing and crisis readiness. While introducing no new expectations, the draft guidance consolidates and clarifies existing requirements in a single document and is intended to steer banks' work to comply with Principle 7.3 of the [SRB's Expectations for Banks](#). In particular, the guidance further elaborates on governance arrangements for drawing up BRPs, the relevant descriptions of the targeted business model post-reorganisation, the criteria for selecting valid reorganisation measures and the approach for demonstrating post-bail-in long-term viability. The deadline for comments is 30 March. The SRB will meet with the banking industry and other relevant stakeholders on 3 March to address any questions, before the consultation ends. Following the consultation, the SRB will publish the final materials together with the feedback received.

Date of publication: 03/02/2026

(iii) International

FSB: Thematic peer review on public sector backstop funding mechanisms

Status: Final

The FSB [announced](#) that it will conduct a thematic peer review on the implementation of public sector backstop funding mechanisms. The review will evaluate progress by FSB member jurisdictions in implementing [Key Attribute 6](#) (funding of firms in resolution) and the related [guiding principles](#) on temporary funding to support the orderly resolution of global systemically important banks (G-SIBs) and other banks that may be systemically significant or critical in failure ("banks systemic in failure"). A summary terms of reference has been published which details the scope, objectives and process for the review.

The FSB seeks to examine: (i) how financial stability vulnerabilities associated with the liquidity needs of a G-SIB or banks systemic in failure differ across jurisdictions during resolution and how these vulnerabilities are evolving; (ii) the design, credibility and safeguards of public sector backstop funding mechanisms; and (iii) the challenges experienced in addressing resolution funding and its impact on public sector backstop funding mechanisms. The FSB issued a questionnaire to member authorities to collect information and also seeks feedback from financial institutions, industry and consumer bodies, academics and other stakeholders. The deadline for submissions is 31 March, with the peer review report expected to be published in October.

Date of publication: 23/02/2026

2. Investment firms regulation

(i) EU

EC: Commission Delegated Directive (EU) .../... amending Delegated Directive (EU) 2017/593 as regards the conditions for the provision of third-party execution and research services to investment firms that provide portfolio management or other investment or ancillary services

Status: Adopted by the EC

The EC adopted a Delegated Directive amending Delegated Directive (EU) 2017/593 as regards the conditions for the provision of third-party execution and research services to investment firms that provide portfolio management or other investment or ancillary services. To ensure these latest amendments are applied consistently across the EU and to promote research on companies, the Commission should amend Delegated Directive (EU) 2017/5934. In particular, it should revise the rules governing payment methods for research supplied by third parties to investment firms providing portfolio management, other investment or ancillary services. In this context, the Commission has requested technical advice from the ESMA.

Date of publication: 20/02/2026

3. Market regulation/Conduct rules

3.1 GENERAL

(i) Germany

BaFin: Consultation 01/2026 regarding a Circular on the administrative practices in takeover law
(*Konsultation 01/2026 zum Rundschreiben über die Verwaltungspraxis zum Übernahmerecht*)

Status: Consultation

Deadline for the submission of comments: 20/03/2026

BaFin launched a consultation regarding a Circular which aims to provide market participants with information on the administrative practices on takeover bids. It is intended to make their administrative practices more transparent and to simplify the procedures for market participants. It also consolidates earlier publications. The circular does not contain any new requirements for market participants.

Date of publication: 20/02/2026

BaFin: Updated notes on applications for reduced fees as per Section 16j(2) of the German Financial Services Supervision Act (*Angepasste Hinweise zu Reduzierungsanträgen nach § 16j Abs. 2 FinDAG*)

Status: Final

BaFin has updated its notes to apply for a reduction in fees as per Section 16j(2) of the Financial Services Supervision Act (*Finanzdienstleistungsaufsichtsgesetz – FinDAG*). Pursuant to Section 16j(2) FinDAG, certain institutions can apply for the deduction of certain income from the commission revenue that forms the basis of determining BaFin fees in the area of securities trading. The update comprises a technical note that from now on, these applications can be submitted via the MVP portal under the category “submission by auditors and auditor associations” (*Einreichungen durch Wirtschaftsprüfer und Prüfungsverbände*).

The deduction items are only to be taken into account by BaFin if they amount in total to more than one-fifth of the total commission income and the apportionment payer has applied for non-consideration before 1 February of the calendar year following the apportionment year and has proven the existence of the prerequisites by submitting suitable documents. Facts which are submitted or proven late shall not be taken into account. The amounts of the deductions must be proven by a certificate issued by a chartered accountant, a sworn auditor or an auditing company.

Date of publication: 06/02/2026

BaFin: Information sheet regarding the submission of an electronic notification of major holdings (Informationsblatt zur Übermittlung einer elektronischen Stimmrechtsmitteilung)

Status: Final

BaFin published an information sheet regarding the submission of an electronic notification under the specialised procedure for notifications of major holdings with regard to Section 33 et seq. of the German Securities Trading Act (*Wertpapierhandelsgesetz – WpHG*).

Date of publication: 03/02/2026

(ii) EU

ECON: Simplified rules for small “mid-cap” companies

Status: Draft

The ECON announced it has adopted a draft report on the European Commission’s (EC) **Omnibus IV legislative proposal**, adopted in May 2025. This proposes a Directive amending the Markets in Financial Instruments Directive II (MiFID II) and the Critical Entities Resilience Directive to simplify various administrative requirements for a new category of “small mid-cap enterprises” (SMCs), in line with the mitigating measures already available for small and medium-sized enterprises (SMEs). A **draft version** of the report was published in November 2025. Members of the European Parliament (MEPs) seek to define SMCs as companies with fewer than 1,000 employees and either up to EUR200m in turnover or EUR172m in total assets, while the EC proposes 750 employees, EUR150m in turnover and EUR129m in total assets. ECON also wants to ensure that SME support and the “think small first” principle remain intact and that thresholds are reviewed every five years.

ECON’s proposals include:

- ♦ Extending existing SME exemptions from certain General Data Protection Regulation (GDPR) record-keeping obligations to SMCs where processing does not involve high-risk data. Sensitive data such as biometric, health, religious, political or criminal-conviction data remain excluded.
- ♦ Amendments to the Markets in Financial Instruments Directive (MiFID) to define SMCs and enable access to SME growth markets and the benefit of simpler prospectus disclosure rules, in line with the updated **Prospectus Regulation**.

ECON and the civil liberties committees adopted the amendments with strong majorities and authorised inter-institutional negotiations, which are expected to begin once the EP plenary gives its approval in March.

Date of publication: 26/02/2026

(iii) International

FSB: Report on vulnerabilities in government bond-backed repo markets

Status: Final

The FSB **published** a report highlighting vulnerabilities in government bond-backed repurchase agreement (repo) markets with recommendations for authorities to address them. The FSB explains that although repo markets are essential for short-term funding, collateral sourcing and liquidity management across the financial system, their structure can also amplify systemic risk. Identified vulnerabilities include: (i) facilitating the build-up of leverage in the financial system; (ii) the potential for heightened demand and supply imbalances during periods of stress,

particularly if repo lenders are unwilling or unable to provide funding to meet spikes in liquidity demand; and (iii) high concentrations across various dimensions, which could lead to market disruptions in the event of failures.

The measures suggested in response include closing data gaps, strengthening surveillance capabilities and considering the FSB's [recommendations on leverage in non-bank financial intermediation \(NBF\)](#) and the [Global Securities Financing Transactions exercise](#), as well as other relevant international standards, to address vulnerabilities related to liquidity imbalances and leverage.

Date of publication: 04/02/2026

3.2 BENCHMARKS

(i) EU

Commission Delegated Regulation (EU) 2026/323 amending Delegated Regulation (EU) 2022/805 as regards fees for the supervision by the ESMA of benchmark administrators endorsing third-country benchmarks

Status: Published in the OJ

Date of entry into force: 12/02/2026

Commission Delegated Regulation (EU) 2026/323 amending Delegated Regulation (EU) 2022/805 to update the supervisory fee framework for benchmark administrators under the oversight of the ESMA, was published in the OJ. The Delegated Regulation, which was first [adopted](#) on 29 October 2025, follows the expansion of ESMA's supervisory remit under the Benchmarks Regulation (EU) 2016/1011 (BMR) which now includes EU benchmark administrators endorsing third-country benchmarks. The Delegated Regulation updates Delegated Regulation (EU) 2022/805 to include supervisory fees for EU administrators that endorse third-country benchmarks.

Date of publication: 11/02/2026

EC: Consultation on draft Implementing Regulation regarding exemptions of certain spot FX benchmarks

Status: Consultation

Deadline for the submission of comments: 02/03/2026

The EC launched a consultation on a draft Implementing Regulation which introduces a list of certain spot foreign exchange (FX) benchmarks that will be exempt from the requirements under Article 18a of the Benchmark Regulation (BMR). The draft follows the [May 2025 consultation](#) to identify spot FX benchmarks used for hedging in jurisdictions where currencies are not freely convertible and where administrators, often unregulated and based outside the EU, cannot benefit from equivalence under Article 30, nor are incentivised to apply for recognition or endorsement due to costs and limited market benefit. Following consultation feedback, the draft Regulation identifies the following benchmarks as meeting the conditions of Article 18a and therefore to be excluded from the scope of the BMR:

- USD/INR (U.S. dollar/–Indian rupee)
- USD/KRW (U.S. dollar/–Korean won)
- USD/TWD (U.S. dollar/–Taiwan dollar)
- USD/PHP (U.S. dollar/–Philippine peso).

Once adopted, the Regulation will enter into force 20 days after publication in the OJ, allowing continued use of these benchmarks without triggering the third-country requirements under the BMR.

Date of publication: 02/02/2026

3.3 CAPITAL MARKETS UNION

(i) Germany

Law to Promote Private Investment and the Financial Centre (*Gesetz zur Förderung privater Investitionen und des Finanzstandorts – StoFöG*)

Status: Published in the Federal Gazette

Date of entry into force: 10/02/2026

The Law to Promote Private Investment and the Financial Centre (*Standortfördergesetz – StoFöG*) was published in the Federal Gazette. It aims to promote private investment, especially in infrastructure and renewable energies, as well as in smaller companies and start-ups (venture capital) in implementation of the coalition agreement. The draft law is part of the immediate action programme agreed by the federal government on 28 May 2025.

Among others, the law focuses on the following measures to improve the financing conditions of companies and to make the financial sector more competitive: (i) measures improving financing opportunities for small businesses and start-ups; (ii) the promotion of investments by funds in renewable energy and infrastructure; (iii) measures to reduce bureaucracy in the financial market sector without lowering the level of consumer protection, in particular BaFin streamlining supervisory processes; and (iv) location-friendly implementation of EU legal acts regarding capital markets, including the Listing Act, ESAP, and MIFIR Review.

Date of publication: 09/02/2026

(ii) EU

EC: Consultation on the competitiveness of the EU banking sector

Status: Consultation

Deadline for the submission of comments: 19/04/2026

The EC launched a consultation on the competitiveness of the EU banking sector under its Savings and Investments Union strategy, aiming to collect feedback on the EU banking sector's competitiveness and on how the EU's regulatory and supervisory framework can be improved. The consultation seeks feedback on three main areas: (i) banking competitiveness in the EU and globally; (ii) the single market and the banking union; and (iii) complexity and effectiveness of the regulatory framework.

The EC announced that it would publish in Q3 2026 a report assessing the overall situation of the banking system in the single market, including the evaluation of the banking sector's competitiveness. The feedback received on the consultation will inform the EC's 2026 report.

Date of publication: 11/02/2026

EC: Call for evidence on competitiveness in the single banking market

Status: Consultation

Deadline for the submission of comments: 11/03/2026

The EC launched a call for evidence on the competitiveness of the EU banking sector under its Savings and Investments Union strategy, aiming to collect feedback on the EU banking sector's competitiveness and on how the EU's regulatory and supervisory framework can be improved.

The EC explains that persistent regulatory and supervisory fragmentation, including differences in national implementation, the involvement of multiple authorities both at EU and national level, and barriers that constrain an efficient allocation of capital and liquidity across the EU are limiting the competitiveness of EU banks. This presents obstacles to banks operating across borders, resulting in sub-scale business models, higher costs and an uneven playing field compared to global peers. The EC highlights the lack of progress on structural features of the banking union as being regularly identified as one of the main factors holding back banks' competitiveness and further integration of the single market.

The EC announced that it would publish in Q3 2026 a report assessing the overall situation of the banking system in the single market, including the evaluation of the banking sector's competitiveness. The feedback received on the call for evidence will inform the EC's 2026 report.

Date of publication: 11/02/2026

3.4 CONSUMER PROTECTION RULES

(i) Germany

BaFin: Updated FAQ on the process "consumer protection" regarding the submission for "reporting obligations on the Instant Payment Regulation" (Aktualisierte FAQ zum Fachverfahren „Verbraucherschutz“ – Einreichung „Meldepflichten Verordnung über Echtzeitüberweisungen“)

Status: Final

BaFin updated the FAQ on the process "consumer protection" regarding the submission for "reporting obligations on the Instant Payment Regulation". These relate to the scope of the Regulation and technical aspects.

Date of publication: 25/02/2026

3.5 MARKET ABUSE

(i) EU

ESMA: Consultation on MAR Guidelines on delay in the disclosure of inside information

Status: Consultation

Deadline for the submission of comments: 29/04/2026

ESMA launched a consultation on proposed amendments to its Guidelines on delay in the disclosure of inside information, under the MAR. ESMA aims to streamline requirements and reduce administrative burdens for issuers. The proposals aim to align the Guidelines with the changes introduced by the EU Listing Act to ensure compatibility with the new regime. Specifically, under the Act, from June onwards, issuers will no longer be required to immediately disclose inside information relating to protracted processes before those processes are completed. Consequently, ESMA proposes removing the existing references to legitimate interests that are linked to such

protracted processes. It also proposes to introduce additional legitimate interests for delayed disclosure, including where a public authority requests non-disclosure of inside information, where additional time is needed to collect information, or where the issuer is involved in multiple similar procurement processes. ESMA also proposes deleting the section about the “no misleading the public” condition from the Guidelines, reflecting its removal from MAR, and replacing it with the requirement that any delayed disclosure must not contradict the issuer’s most recent public announcement on the same matter. A final report is expected in Q4.

Date of publication: 19/02/2026

3.6 MIFID/MIFIR

(i) Germany

BaFin: Partial revocation of the two General Administrative Acts on post-trade transparency for non-equity instruments (*Teilwiderruf der Allgemeinverfügung über Nachhandelstransparenz bei Nichteigenkapitalinstrumenten*)

Status: Final

BaFin has partially revoked its two General Administrative Acts on post-trade transparency for non-equity instruments. That is because of EU law requirements that will apply as of 2 March 2026 onwards as a result of the amended Delegated Regulation (EU) 2017/583. In particular, the provisions on the deferral of post-trade transparency obligations for bonds, structured finance products and emission certificates will result directly from the requirements of the Regulation. With regard to derivatives, the old requirements will apply in accordance with the transitional provisions under EU law until the Regulation has also been adapted for derivatives.

- ♦ General Administrative Act on the partial revocation of the General Administrative Act on post-trade transparency requirements regarding OTC-transactions with a view to non-equity instruments (*Allgemeinverfügung zum Teilwiderruf der Allgemeinverfügung bezüglich der Nachhandelstransparenzanforderungen für OTC-Geschäfte im Hinblick auf Nichteigenkapitalinstrumente*)
- ♦ General Administrative Act on the partial revocation of the General Administrative Act on post-trade transparency requirements regarding stock exchanges with a view to non-equity instruments (*Allgemeinverfügung zum Teilwiderruf der Allgemeinverfügung bezüglich der Nachhandelstransparenzanforderungen für Handelsplätze im Hinblick auf Nichteigenkapitalinstrumente*)

Date of publication: 27/02/2026

Law to Promote Private Investment and the Financial Centre (*Gesetz zur Förderung privater Investitionen und des Finanzstandorts – StoFöG*)

Status: Published in the Federal Gazette

Date of entry into force: 10/02/2026

The Law to Promote Private Investment and the Financial Centre (*Standortfördergesetz – StoFöG*) was published in the Federal Gazette. For more information, please see section 3.3 above.

Date of publication: 09/02/2026

BaFin: General Administrative Act on the new imposition of position limits for German Power Future (Base) and German Power Option (Base) contracts pursuant to Section 54(1), (5) and Section 56(1)(2) of the Securities Trading Act (*Allgemeinverfügung zur Neufestsetzung von Positionslimits für German Power Future (Base) und German Power Option (Base) Kontrakte, § 54 Abs. 1 u. Abs. 5, § 56 Abs. 1 Satz 2 WpHG*)

Status: Final

Date of entry into force: 20/02/2026

BaFin published a General Administrative Act (*Allgemeinverfügung*), setting position limits for German Power Future (Base) and German Power Option (Base) contracts of the European Energy Exchange (EEX), pursuant to Section 54(1), (5) and Section 56(1)(2) of the Securities Trading Act (*Wertpapierhandelsgesetz – WpHG*). This is due to a significantly high open interest. By way of background, BaFin is required to set position limits for each significant commodity derivative offered on a German trading venue. A commodity derivative is considered significant if its open interest, i.e., the sum of all outstanding net positions, corresponds to at least 300,000 lots on average over a one-year period.

Date of publication: 09/02/2026

(ii) EU

Publication of Commission Delegated Regulation (EU) 2026/482 amending Delegated Regulation (EU) 2017/567 as regards the determination of what constitutes a liquid market for equity instruments, the obligation to provide market data on a reasonable commercial basis, the size specific to the instrument for the purposes of obligations for systematic internalisers, and the definition of and disclosure for post-trade risk reduction services

Status: Published in the OJ

Date of entry into force: 02/03/2026

Date of application: 23/08/2026

The Delegated Regulation (EU) 2026/482 amending Delegated Regulation (EU) 2017/567 as regards RTS on equity transparency requirements under MiFIR was published in the OJ. The amendments follow the EBA's [final report](#) in December 2024 and reflect changes introduced by the [MiFIR review](#) and the amendments to MiFID II. The changes cover: (i) the determination of what constitutes a liquid market for equity instruments, with liquidity assessment now based on the 'market capitalisation' criterion, replacing the previous "free-float" criterion; (ii) the obligation to provide market data on a 'reasonable commercial basis'; (iii) the size specific to the financial instrument for the purposes of obligations for systematic internalisers; and (iv) the definition of, and disclosure for, post-trade risk reduction (PTRR) services.

Date of publication: 27/02/2026

ESMA: Results of the annual transparency calculations for equity and equity-like instruments

Status: Final

ESMA published its latest results of the annual transparency calculations for equity and equity-like instruments, which will apply from 6 April 2026. The calculations made available include: (i) the liquidity assessment as per Articles 1 to 5 of CDR 2017/567; (ii) the determination of the most relevant market in terms of liquidity as per Article 4 of CDR 2017/587 (RTS 1); (iii) the determination of the average daily turnover relevant for the determination of the pre-trade and post-trade large-in-scale thresholds; (iv) the determination of the average value of the transactions

and the related standard market size; and (v) the determination of the average daily number of transactions on the most relevant market in terms of liquidity relevant for the determination of the tick-size regime.

Date of publication: 27/02/2026

ESMA: Supervisory briefing on algorithmic trading in the EU

Status: Final

The ESMA published a supervisory briefing on algorithmic trading under MiFID II. The briefing is intended to support consistent supervision across the EU and focuses on key areas where supervisory practices have diverged, including pre-trade controls, governance arrangements, testing frameworks and the outsourcing of algorithmic trading systems. It offers guidance to investment firms and national supervisors on key concepts and areas such as the structuring of outsourcing arrangements, the interaction between AI and algorithmic trading and targeted guidance on pre-trade controls. The briefing is non-binding and not subject to a 'comply or explain' mechanism. ESMA will continue to monitor market and technological developments and may update the briefing or develop further convergence tools as needed.

Date of publication: 26/02/2026

ECON: Simplified rules for small “mid-cap” companies

Status: Draft

The ECON announced it has adopted a draft report on the European Commission's (EC) [Omnibus IV legislative proposal](#), adopted in May 2025. For more information, please see section 3.1 above.

Date of publication: 26/02/2026

EBA/ESMA: Consultation on draft joint Guidelines on the assessment of the suitability of members of the management body and key function holders under CRD VI and MiFID II

Status: Consultation

Deadline for the submission of comments: 25/05/2026

The EBA and ESMA launched a consultation on the revised joint Guidelines on the assessment of the suitability of members of the management body and key function holders. For more information, please see section 1.1e) above.

Date of publication: 25/02/2026

ESMA: Withdrawal of Guidelines on the MiFID II/ MiFIR obligations on market data

Status: Final

ESMA announced the immediate withdrawal of its [Guidelines on MiFID II/MiFIR obligations](#) relating to market data, on the basis that the clarifications covered in the Guidelines have been incorporated into [RTS](#) which entered into force on 23 November 2025.

Date of publication: 23/02/2026

3.7 PROSPECTUS REGULATION

(i) EU

EC: Commission Delegated Regulation (EU) .../... amending the RTS laid down in Delegated Regulation (EU) 2019/979 as regards updating the list of data necessary for the classification of prospectuses and the list of information that can be incorporated by reference into prospectuses

Status: Adopted by the EC

The EC adopted a Delegated Regulation amending the Prospectus Regulation (EU) 2019/979 to align the prospectus metadata and incorporation-by-reference framework with the reforms introduced by the Listing Act (Regulation (EU) 2024/2809). The regulation updates the machine-readable data required for prospectus classification to reflect the new EU Follow-on Prospectus and EU Growth Issuance Prospectus introduced under the Listing Act. It also removes obsolete references to prospectus types that will cease to apply from 5 March, including the simplified prospectus for secondary issuances and the current EU Growth Prospectus.

Additionally, the regulation updates the list of documents that may be incorporated by reference into a prospectus. This includes documents approved or filed under the former Prospectus Directive (2003/71/EC), as well as optional pre-issuance sustainability disclosures under the European Green Bonds Regulation (EU) 2023/2631. These changes aim to reduce issuer burden while maintaining investor protection. Most provisions will enter into force 20 days after its publication in the OJ, with key operational changes (under Article 1, points (1), (2) and (4)) expected to apply from 10 July.

Date of publication: 23/02/2026

ESMA: Statement on the implementation of certain changes to the Prospectus Regulation introduced by the Listing Act

Status: Final

ESMA published a statement providing practical guidance to national competent authorities (NCAs), issuers and their advisers on the application of the revised Prospectus Regulation (PR) introduced by the EU Listing Act. ESMA clarifies that under the transitional regime in Article 48a of the PR, registration documents and universal registration documents approved or filed up to 4 June fall within scope of the regime and may continue to be used in prospectuses for the duration of their validity period. ESMA notes that these documents will need to continue to be kept up to date via supplements and amendments as the version of the PR in force on the approval or filing of the documents will continue to apply to them.

ESMA also offers guidance on the disclosure to be included in EU Follow-on prospectuses and EU Growth issuance prospectuses pending the application of the forthcoming [Delegated Act amending Commission Delegated Regulation \(EU\) 2019/980](#). ESMA expects NCAs to follow the approach outlined in the statement, enabling issuers and advisers to rely on the guidance.

Date of publication: 18/02/2026

EC: Consultation on Delegated Act amending the Listing Act and Prospectus Regulation

Status: Consultation

Deadline for the submission of comments: 11/03/2026

The EC launched a consultation on a draft Delegated Regulation under the [Listing Act \(EU\) 2024/2809](#). The Listing Act has reformed the EU Prospectus Regulation. The draft Delegated Regulation shortens the prospectuses, sets

out a standardised format and sequence for the information included in them and harmonises and clarifies the scrutiny and approval of prospectuses and related timelines.

Date of publication: 11/02/2026

3.8 TRANSPARENCY REQUIREMENTS/SHAREHOLDER REQUIREMENTS

(i) EU

ESMA: Q&A on the Transparency Directive

Status: Final

ESMA extended and updated its Q&A on the Transparency Directive. It added a [Q&A on the interaction of IFRS 18 and APMs Guidelines](#). It also updated the following four questions: (i) [measures](#) presented simultaneously inside and outside financial statements; (ii) interim [financial statements](#); (iii) the concept of [prominence](#); and (iv) the definition of an [APM](#).

Date of publication: 27/02/2026

EC: Evaluation and review of the Shareholder Rights Directive

Status: Consultation

Deadline for the submission of comments: 06/05/2026

The EC launched a [call for evidence](#) and [consultation](#) seeking views on its planned evaluation and potential review of the Shareholder Rights Directive ([Directive 2007/36/EC](#), as amended by [Directive \(EU\) 2017/828](#)) (SRD). The SRD aims to protect and empower shareholders of listed companies by ensuring they have a say in the companies they invest in, and that their interests are represented and respected. The EC's initiative seeks to reduce fragmentation across EU capital markets and tackle longstanding inefficiencies, administrative burdens and financial costs faced by issuers, investors and intermediaries. The review is framed around potential simplification, digitalisation and streamlining measures to improve the functioning of the single market.

The consultation invites feedback from issuers, share investors (including retail investors), financial intermediaries, other financial market actors, Member State authorities, non-governmental organisations and the general public. In particular, the EC is seeking views on: (i) the challenges and shortcomings of the current SRD; (ii) the existing barriers to the efficient functioning of the market which hold back intra-EU investment; and (iii) the possible solutions and changes to the SRD that would help unlock investment, increase Europe's competitiveness, streamline and digitalise processes, simplify rules and reduce administrative and financial burdens. The evaluation of the SRD will be conducted back-to-back with an impact assessment, which will guide the EC's policy decision and form the basis for a decision on whether the framework should be revised. The EC is expected to adopt a legislative proposal revising the current SRD in Q4.

Date of publication: 11/02/2026

4. Market infrastructure

4.1 EMIR

(i) EU

ESMA: Q&A on OTC derivatives, central counterparties and trade repositories (EMIR)

Status: Final

ESMA updated its Q&A on OTC derivatives, central counterparties and trade repositories (EMIR) by adding the following new questions regarding the active account requirement (AAR): (i) [threshold calculation I](#) and [threshold calculation II](#); (ii) [representativeness obligation I](#) and [representativeness obligation II](#); and (iii) [stress testing](#).

Date of publication: 27/02/2026

EBA: Decision concerning arrangements for the IMMV function under EMIR for ISDA SIMM

Status: Final

The EBA published its decision concerning arrangements for the Initial Margin Model Validation (IMMV) function under EMIR for the International Swaps and Derivatives Association Standard Initial Margin Model (ISDA SIMM). It will start the central validation of the ISDA SIMM on 1 March 2026. The Decision sets out the operational framework governing the EBA's new validation function. This marks a key milestone in the implementation of the EBA's new role as central validator of pro forma models, aimed at ensuring consistent, robust and transparent supervisory oversight of initial margin models across the EU.

Date of publication: 26/02/2026

ESMA: Consultation regarding RTS on the requirements for Post-Trade Risk Reduction services for the purpose of the clearing obligation exemption under EMIR

Status: Final

ESMA launched a consultation on draft RTS specifying the circumstances in which transactions resulting from Post-Trade Risk Reduction (PTRR) services will be exempt from the clearing obligation under EMIR 3. Among other things, the draft RTS establish requirements for the types of services which are eligible for the PTRR exemption (namely compression, portfolio rebalancing and basis risk optimisation), as well as operating conditions for PTRR service providers. The consultation separately considers the PTRR services and transactions to be recorded for the purposes of an exemption from transparency requirements, trading and best execution introduced under the EU Markets in Financial Instruments Regulation (MiFIR) Review (although the MiFIR considerations do not form part of the draft RTS). The deadline for responses is 20 April, after which ESMA expects to submit final draft RTS to the European Commission in Q4.

Date of publication: 26/02/2026

ESMA: Final report on the draft RTS amending Delegated Regulation (EU) 149/2013 to further detail the new EMIR clearing thresholds regime

Status: Final

ESMA published a final report on its draft RTS amending the RTS on the clearing thresholds in Delegated Regulation (EU) No 149/2013, under the EMIR. The amendments reflect changes introduced by EMIR 3, which revise the clearing threshold regime by moving from the exchange-traded derivatives (ETD) versus over-the-counter (OTC) distinction to a methodology based primarily on uncleared OTC transactions. This approach aims to better capture the benefits of central clearing. Under the new framework, financial counterparties (FCs) must calculate both their uncleared positions and aggregate OTC exposure (cleared and uncleared), while non-financial counterparties (NFCs) need only consider their uncleared positions.

In the final report, ESMA sets revised clearing thresholds that focus on uncleared OTC derivatives, while keeping aggregate thresholds for FCs in asset classes subject to the clearing obligation unchanged at EUR3 billion for interest rate derivatives (IRDs) and EUR1bn for credit derivatives.

For uncleared positions, applicable to both FCs and NFCs, the thresholds are:

- EUR2.2bn for IRDs (decrease from current threshold of EUR3bn) (up from EUR1.8bn in the consultation),
- EUR0.8bn for credit derivatives (decrease from current threshold of EUR1bn) (up from EUR0.7bn in the consultation),
- EUR0.7bn for equity derivatives (decrease from current threshold of EUR1bn),
- EUR3bn for foreign exchange derivatives (consistent with current threshold), and
- EUR4bn for commodity and emission allowance derivatives (consistent with current threshold) (up from EUR3bn in the consultation)

(remembering that current thresholds include both cleared and uncleared positions for both FCs and NFCs so the thresholds are not directly comparable).

ESMA states that thresholds that were increased following the consultation reflect recent price developments, inflation and other relevant market factors while ensuring a proportionate coverage of the systemic risk. ESMA has retained five clearing threshold categories, avoiding additional categories or more granular thresholds. In particular, the fifth clearing threshold category will cover only commodity and emission allowance derivatives and it has decided not to introduce more granular commodity sub-thresholds at this stage.

In response to consultation feedback, ESMA also clarified implementation timing, stating that counterparties may apply the new methodology during their usual annual calculation window, typically June, or earlier if they wish to benefit from the new regime. It also confirmed that the hedging exemption cannot be broadened, including for virtual power purchase agreements, as this would require amendments to the Level 1 Regulation. The draft RTS have now been submitted to the European Commission for endorsement, following which they will be subject to adoption.

Date of publication: 25/02/2026

ESMA: Consultation on draft RTS amending Commission Delegated Regulation (RTS) 153/2013 in relation to public guarantees, public bank guarantees and commercial bank guarantees as collateral and in relation to certain aspects of investment policy and highly secure arrangements for the deposit of financial instruments

Status: Consultation

Deadline for the submission of comments: 30/04/2026

ESMA launched a consultation on draft RTS specifying the relevant conditions under which public guarantees, public bank guarantees and commercial bank guarantees may be accepted as collateral under EMIR 3. Specifically, stakeholders, including non-financial counterparties, are requested to share views on: (i) the conditions under which public, public bank and commercial bank guarantees may be accepted as CCP collateral; (ii) the criteria for treating certain debt instruments as eligible under CCP investment policies; and (iii) the highly secure arrangements in which emission allowances posted as margins or default fund contributions can be deposited.

There is no mention of whether letters of credit, which are understood to be the instruments that are most desirable to be used in this context, would count as guarantees for such purposes, although ESMA has previously treated the two terms as synonymous.

Date of publication: 23/02/2026

ESMA: Supervisory briefing on AAR representativeness obligation

Status: Final

ESMA published a supervisory briefing on the representativeness obligation under the active account requirement (AAR), setting out its supervisory expectations for counterparties subject to the AAR. The AAR, under the revised European Markets Infrastructure Regulation (EMIR), requires in-scope counterparties to clear a representative volume of trades through their active accounts at EU central counterparties (CCPs). These trades must cover the most relevant derivative sub-categories and mirror the activity those counterparties currently clear at Tier 2 CCPs.

The briefing provides guidance on how counterparties should identify the most relevant derivatives sub-categories and how they should report trades and comply with related reporting obligations, including a worked example. ESMA states that counterparties subject to the AAR representativeness obligation are expected to follow the guidance to meet their regulatory requirements.

Date of publication: 20/02/2026

EC: Consultation on Delegated Act specifying the fees charged for the validation of pro forma models

Status: Consultation

Deadline for the submission of comments: 12/03/2026

The EC launched a consultation on a draft Delegated Regulation supplementing EMIR 3. The draft Delegated Regulation specifies the fees to be charged by the EBA to counterparties for the validation of pro forma models, and any changes to those models, used by those counterparties to mitigate the risk of their uncleared over-the-counter derivatives portfolios. It also specifies both the one-off fee charged for validating any new pro forma models and the annual fee charged for validating changes to already validated pro forma models.

Date of publication: 12/02/2026

Commission Delegated Regulation (EU) 2026/305 supplementing EMIR with regard to RTS specifying the operational conditions, the representativeness obligation and the reporting requirements related to the active account requirement

Status: Published in the OJ

Date of entry into force: 26/02/2026

Commission Delegated Regulation (EU) 2026/305 supplementing EMIR was published in the OJ. The Delegated Regulation, which was first **adopted** on 29 October 2025, sets out the RTS for the new active account requirement introduced under Article 7a of EMIR 3. The RTS follow the ESMA 2024 **consultation** and specify the operational conditions, the representativeness obligations and the reporting requirements for the active account requirement. In particular, the RTS require CCPs to:

- ♦ Demonstrate operational capability, including appropriate contractual arrangements, policies and procedures, IT connectivity, internal systems and sufficient resources capable of supporting high-volume clearing at short notice.
- ♦ Conduct annual stress testing of the operational conditions of the active account to evidence ongoing operational readiness.
- ♦ Comply with the “representativeness obligation” by following the prescribed methodology for selecting relevant sub-categories of euro- and Polish zloty-denominated interest rate derivatives and short-term interest rate derivatives to be cleared through the active account.
- ♦ Meet periodic reporting obligations, with firms required to report every six months and the first report due six months after the Delegated Regulation enters into force.

Date of publication: 06/02/2026

5. Anti-money laundering

(i) Germany

Law to Promote Private Investment and the Financial Centre (*Gesetz zur Förderung privater Investitionen und des Finanzstandorts – StoFöG*)

Status: Published in the Federal Gazette

Date of entry into force: 10/02/2026

The Law to Promote Private Investment and the Financial Centre (*Standortfördergesetz – StoFöG*) was published in the Federal Gazette. For more information, please see section 3.3 above.

Date of publication: 09/02/2026

(ii) EU

EC: Draft Delegated Regulations under AMLD6 and AMLR

Status: Draft

The EC published two new webpages announcing the forthcoming adoption of two draft Delegated Regulations. The **first**, under Directive (EU) 2024/1640 (AMLD6), will set out the indicators for assessing the gravity of failures by member states to report adequate, accurate and up-to-date information to the central registers, including in cases of repeated failures.

The **second**, under Regulation (EU) 2024/1624 (AMLR), will define the categories of breaches subject to penalties, liable persons, indicators of the gravity of breaches and criteria to consider when setting the level of penalties of beneficial ownership transparency requirements. The texts of both Delegated Regulations have not yet been published and no consultation details have yet been provided. The EC plans to adopt them in Q3.

Date of publication: 13/02/2026

AMLA: Consultation on RTS regarding pecuniary sanctions, administrative measures and periodic penalty payments

Status: Consultation

Deadline for the submission of comments: 09/03/2026

AMLA launched a consultation on draft RTS regarding pecuniary sanctions, administrative measures and periodic penalty payments. This is part of the EU AML package (for more background, you may like to read our article "**The AML revolution: Are you ready?**"). The RTS specify the indicators to assess the gravity of breaches, criteria for determining the level of pecuniary sanctions or applying administrative measures, and a methodology for the imposition of periodic penalty payments, including their frequency. They aim to ensure that the same breach is assessed in the same way by all supervisors in all Member States, and that the resulting enforcement measures are proportionate, effective and dissuasive.

Date of publication: 09/02/2026

AMLA: Two consultations on RTS regarding uniform standards for the private sector

Status: Consultation

Deadline for the submission of comments: 08/05/2026

AMLA launched two consultations regarding uniform standards for the private sector. This is part of the EU AML package (for more background, you may like to read our article [“The AML revolution: Are you ready?”](#)). Draft RTS on customer due diligence (CDD) under Article 28(1) of Regulation (EU) 2024/1624 (AMLR) specify in detail how CDD requirements should be applied, including the information and documents to be collected. Draft RTS also establish the criteria for identifying business relationships, occasional transactions and linked transactions as well as lower thresholds under Article 19(9) of the AMLR, which form the structural basis upon which CDD obligations apply. The criteria in the draft RTS apply to all financial and non-financial obliged entities, with some parts applying universally, while other parts are tailored to specific categories of obliged entities. The AMLA states that public input on these RTS is particularly important to ensure the criteria are effective. It also had the option under the AMLR to set additional, lower CDD thresholds for occasional transactions, which it has chosen not to exercise.

- ♦ [Draft RTS on Customer Due Diligence](#)
- ♦ [Draft RTS on criteria for identifying business relationships, occasional and linked transactions and lower thresholds](#)

Date of publication: 09/02/2026?

AMLA: Single Programming Document 2026–2028

Status: Final

AMLA [published](#) its first Single Programming Document (SPD) for 2026–2028, setting out its strategic priorities and providing transparency on AMLA’s timelines as it transitions to full operational capacity. AMLA’s key objectives include finalising the Single Rulebook, driving supervisory convergence and enhancing cooperation between Financial Intelligence Units (FIUs). These are translated into five workstreams that will shape AMLA’s work in 2026, including delivering regulatory mandates, advancing direct supervision, operationalising the FIU framework, preparing the foundations for indirect supervision and oversight, and developing AMLA’s risk frameworks. The SPD also provides a digital roadmap for 2026–2028 which focuses on three priorities including building state-of-the-art digital solutions, taking over and modernising mission-critical systems, and positioning AMLA as a leader in data analytics and innovation. AMLA also seeks to systematically integrate AI in the development of all its operations. AMLA separately published an [explainer](#) of the SPD and a [list of 2026 mandates](#).

Date of publication: 04/02/2026

(iii) International

FATF: Report on cyber-enabled fraud regarding digitalisation, MML/TF and proliferation financing risks

Status: Final

The FATF published a report on cyber-enabled fraud regarding digitalisation, MML/TF and proliferation financing risks. It examines the evolving threat of cyber-enabled fraud and how jurisdictions can harness the FATF Standards to combat it. In response to increased cyber fraud risks, it outlines the latest emerging risks related to technological innovation and fraud. The paper builds on the FATF’s previous work on the topic, and highlights how countries can

use anti-money laundering and counter-terrorist financing tools to prevent money from reaching fraudsters' hands and recover it when it does.

Date of publication: 24/02/2026

FATF: Annual report 2024–2025

Status: Final

The FATF published its annual report 2024–2025. It sets out how the FATF has worked with the Global Network of more than 200 countries and a range of partners from the public and private sectors to: (i) help countries identify and respond to evolving risks, with reports on online child sexual exploitation, terrorist financing and proliferation financing; (ii) conclude comprehensive evaluations of almost 200 countries' counter-illicit finance systems; (iii) finalise changes on the international requirements on payment transparency (FATF Recommendation 16); and (iv) build trust into the financial system by bringing more people into the formal financial sector (FATF Recommendation 1).

Date of publication: 23/02/2026

FATF: Updates regarding high-risk jurisdictions and jurisdictions under increased monitoring

Status: Final

The FATF published updates on [high-risk jurisdictions](#) and [jurisdictions under increased monitoring](#). There are no changes to the high-risk jurisdictions, although the FATF notes where improvement is still required and confirms it may consider countermeasures if insufficient progress is made by June. For the jurisdictions under increased monitoring, two jurisdictions have been added, bringing the total number of jurisdictions under increased monitoring to 22. The FATF also remarks on improvements for certain jurisdictions and any identified next steps.

Date of publication: 13/02/2026

6. Payments

6.1 PAYMENT SERVICES/E-MONEY

(i) Germany

BaFin: Updated FAQ on the process “consumer protection” regarding the submission for “reporting obligations on the Instant Payment Regulation” (*Aktualisierte FAQ zum Fachverfahren „Verbraucherschutz“ – Einreichung „Meldepflichten Verordnung über Echtzeitüberweisungen“*)

Status: Final

BaFin updated the FAQ on the process “consumer protection” regarding the submission for “reporting obligations on the Instant Payment Regulation”. For more information, please see section 3.4 above.

Date of publication: 25/02/2026

(ii) EU

EBA: Opinion on the supervisory priorities at the end of the transition period under the EBA’s No Action letter on the interplay between PSD2 and MiCAR

Status: Final

The EBA issued an opinion advising NCAs on how to proceed when the transition period (under its No Action letter of 2 June 2025) ends on 2 March. This transition period currently allows cryptoasset service providers (CASPs) to continue providing services involving electronic money tokens (EMTs) that qualify as payment services while submitting, and awaiting the response to, their application for authorisation under PSD2.

The opinion:

- outlines the conditions under which NCAs are advised to allow CASPs to continue providing EMTs that qualify as a payment service after 2 March, while they do not (yet) hold a licence under PSD2;
- advises NCAs to require CASPs that do not meet all of these conditions to discontinue the provision of such EMT services; and
- advises NCAs to cooperate with the relevant NCA under MiCAR and/or other national enforcement authorities to ensure compliance.

The opinion follows the EBA’s No Action letter, which responded to a request from the European Commission to clarify the interplay between PSD2 and MiCAR in relation to CASPs transacting EMTs that qualify as a payment service. The No Action letter allowed CASPs to continue providing these services by requiring a second authorisation under PSD2 not immediately but only after a nine-month transition period. In addition, the letter advised NCAs to consider only a subset of cryptoasset services with EMTs as payment services, thereby reducing the number of CASPs requiring such an authorisation. It also advised NCAs to apply a streamlined authorisation process using information already provided during the CASP authorisation process under MiCAR.

The EBA notes that over 100 CASPs have approached NCAs informally or submitted applications to be authorised as payment service providers since the No Action letter. With application volumes now likely to increase, the EBA is issuing this opinion to advise NCAs how to prioritise their authorisation efforts when the transition period ends.

Date of publication: 12/02/2026

6.2 PAYMENT AND SETTLEMENT SYSTEMS

(i) International

CPMI: Updated report on harmonised ISO 20022 data requirements for enhancing cross-border payment

Status: Final

The CPMI published an updated report on the harmonised ISO 20022 data requirements for enhancing cross-border payments. This is a key milestone under the **G20 roadmap** to improve the speed, cost, accessibility and transparency of cross-border payments. The report, updated from the **previous version** in 2023, reflects updated regulatory and standardisation developments, provides additional clarifications and introduces an updated and expanded data model set out in a separate **technical annex** to allow for more frequent updates in line with the ISO 20022 release schedule. The CPMI confirms that the requirements will be maintained at least until the end of 2027 and has established a joint panel with ISO 20022 global market practice groups to support ongoing maintenance and global adoption.

Date of publication: 26/02/2026

7. Banking union

7.1 SINGLE SUPERVISORY MECHANISM (SSM)

(i) EU

ECB: Report on declared time commitment of non-executive directors in the SSM

Status: Final

The ECB published a report on the declared time commitment of non-executive directors in the SSM. For more information, please see section 1.1e) above.

Date of publication: 11/02/2026



8. Institutional supervisory framework

(i) EU

EBA: Conclusion of work on legacy instruments monitoring

Status: Final

The EBA announced that given the extensive work already carried out, it will not prioritise the monitoring of legacy instruments, while maintaining its review of the quality of own funds and eligible liabilities. For more information, please see section 1.1b) above.

Date of publication: 25/02/2026

(ii) International

BCBS: Consultation on consolidated Guidelines and sound practices

Status: Consultation

Deadline of the submission of comments: 26/06/2026

BCBS launched a consultation on a consolidated version of its Guidelines and sound practices. This version seeks to reorganise existing guidance into a modular structure, replicating the BCBS's current format for the [Basel framework](#). The Guidelines are organised into 13 thematic modules, setting out expectations and practices on specific topics, each of which is divided into further chapters. The BCBS confirms that the consolidation does not introduce new standards or expectations, but removes outdated, duplicative or superseded content, reducing the overall volume of guidance by approximately 75%. Annex 2 to the consultation includes a table of the current Guidelines and sound practices that the BCBS reviewed as part of the consolidation project. It also outlines the proposed recommendation for whether and how each of these documents should be incorporated into the new framework. A [new section](#) on its webpage has also been launched, but is in draft form for feedback. The BCBS seeks feedback on three particular questions: 1) Does the framework effectively remove outdated, superseded and duplicative materials? 2) Does the proposed reorganisation and redrafting achieve the objective of improving clarity and readability without introducing new expectations? 3) Are there particular topics that the BCBS should review more substantively, or areas where further guidance is warranted? The deadline for comments is 26 June.

Date of publication: 26/02/2026

IOSCO: 2026 Work Program

Status: Final

The IOSCO [published](#) its 2026 Work Program, setting out its five strategic priorities for the year:

- ♦ Strengthening financial resilience and market effectiveness – new key initiatives in this field for 2026 include:
 - (i) addressing over-the-counter derivatives reporting fragmentation; (ii) working on the impact of market microstructures on liquidity and of extended trading hours on equity trading venues; (iii) contributing to the Financial Stability Board's (FSB) work on issues of non-bank data availability, use and quality; and
 - (iv) contributing, as necessary, to follow-up work on the issue of leverage in non-bank financial intermediation

(NBFI). IOSCO will also continue to develop work to strengthen the operational resilience of financial market infrastructures (FMIs).

- ♦ Enhancing investor protection – IOSCO will launch a new TechSprint in partnership with the UK Financial Conduct Authority's AI Lab and will explore products such as cryptoasset funds, private credit vehicles and retail-facing derivatives. IOSCO will also continue to engage with platform providers to advocate for restrictions on harmful or fraudulent content and to promote the use of its **I-SCAN tool** (its Enhanced Investor Alerts Portal).
- ♦ The evolution of public and private markets – key initiatives in this field include assessing the growing interconnectedness between private equity activities and the audit sector, contributing to the FSB's deep dive on private credit and researching the functioning of public equity markets.
- ♦ Advancing technological transformation – IOSCO will progress its cryptoasset roadmap, develop a supervisory toolkit on AI and issue guidance for firms on disclosures and governance in relation to AI.
- ♦ Promoting regulatory cooperation and effectiveness – a key priority will be to assist members from emerging markets to build sound and robust capital markets through enhanced capacity building, strengthened partnerships with international financial institutions and direct assistance in addressing identified challenges.

Date of publication: 09/02/2026

FSB: Work programme 2026

Status: Final

The FSB published its 2026 work programme. The FSB states it will continue its mission to promote global financial stability by addressing systemic financial risks and fostering international cooperation. Key priorities for the year include:

- ♦ Vulnerabilities assessments – the FSB will complete a report on private credit and will begin new work on vulnerabilities, possibly including work on foreign exchange derivative markets or private finance.
- ♦ Non-bank financial intermediation (NBFI) – the FSB will work to improve its methodologies to assess vulnerabilities in the non-bank sector as well as work on non-bank leverage and over-the-counter derivatives.
- ♦ Cross-border payments – the FSB will continue to coordinate the implementation of the G20 cross-border payments roadmap by helping jurisdictions with the development of their voluntary, specific and time-bound action plans.
- ♦ Digital innovation and AI – the FSB will continue to monitor developments regarding cryptoassets and will examine issues related to possible stablecoin vulnerabilities. It will also undertake work on sound practices for AI adoption, use and innovation by financial institutions, in close coordination with the standard-setting bodies.
- ♦ Operational resilience – the FSB will focus on public-private sector collaboration to strengthen financial sector-wide capabilities to prepare for major operational disruptions.
- ♦ Modernisation of financial regulation and supervision – the FSB will conduct a stocktake of member initiatives and, informed by the findings, will conduct follow-up work which may promote well-aligned modernisation outcomes around the globe.
- ♦ Crisis preparedness and resolution frameworks – the FSB will conduct a thematic peer review of the implementation of public sector backstop funding mechanisms, facilitate the sharing of practices to enhance operational preparedness for funding in resolution and support authorities in operationalising cross-border bail-in strategies. It will also conduct a strategic review of its crisis preparedness activities to ensure that they remain well aligned with emerging priorities and challenges.
- ♦ Monitoring implementation of agreed reforms – the FSB plans to do this through thematic discussions and the continuation of the thematic and country peer review programme.

The Annex provides an indicative timeline of key FSB publications and external events planned for 2026, with a summary list provided on its [webpage](#).

Date of publication: 03/02/2026



9. Investment funds

9.1 PRODUCT REGULATION

a) AIF

(i) EU

Publication of Delegated Regulations supplementing the AIFMD and UCITS Directive with regard to RTS specifying the characteristics of liquidity management tools

Status: Published in the OJ

Date of entry into force: 19/03/2026

Date of application: 16/04/2026

Two Delegated Regulations with regard to RTS specifying the characteristics of liquidity management tools were published in the OJ, supplementing the AIFMD and the UCITS Directive respectively. They aim to harmonise the characteristics of LMTs across the EU for open-ended AIFs and UCITS, enhancing investor protection and financial stability. The harmonised list of tools, which is set out in the annexes to the Directives, include: suspension of subscriptions, repurchases and redemptions; redemption gates; extension of notice periods; redemption fees; swing pricing; dual pricing; anti-dilution levy; redemption in kind; and side pockets. Under the amended Directives, managers must select at least two appropriate LMTs from this list for potential use, considering the fund's investment strategy, liquidity profile and redemption policy.

- Commission Delegated Regulation (EU) 2026/465 of supplementing the AIFMD with regard to RTS specifying the characteristics of liquidity management tools
- Commission Delegated Regulation (EU) 2026/466 supplementing the UCITS Directive with regard to RTS specifying the characteristics of liquidity management tools

Date of publication: 27/02/2026

b) UCITS

(i) EU

Publication of Delegated Regulations supplementing the AIFMD and UCITS Directive with regard to RTS specifying the characteristics of liquidity management tools

Status: Published in the OJ

Date of entry into force: 19/03/2026

Date of application: 16/04/2026

Two Delegated Regulations with regard to RTS specifying the characteristics of liquidity management tools were published in the OJ, supplementing the AIFMD and the UCITS Directive respectively. For more information, please see section 9.1a) above.

Date of publication: 27/02/2026

9.2 PRUDENTIAL REGULATION

a) Compliance

(i) Germany

BaFin: Updated Circular 07/2015 on the requirements for the appointment of external auditors for real estate and real estate companies (*Angepasstes Rundschreiben 07/2015 zu Anforderungen bei der Bestellung externer Bewerter für Immobilien und Immobilien-Gesellschaften*)

Status: Final

BaFin updated its Circular 07/2015, aiming to clarify the requirements for the appointment of external auditors pursuant to Section 216 of the German Investment Act (*Kapitalanlagegesetz – KAGB*) for real estate and real estate companies under Section 1(19)(22) KAGB. In particular, this Circular is supposed to simplify proof of the requirements in Section 216(2) KAGB. The principles set out in this Circular will also be applied accordingly to the appointment of external auditors for other investment products.

Date of publication: 11/02/2026

10. Special rules for real estate financing and covered bonds

10.1 COVERED BONDS

(i) Germany

BaFin: Updated Circular 07/2015 on the requirements for the appointment of external auditors for real estate and real estate companies (*Angepasstes Rundschreiben 07/2015 zu Anforderungen bei der Bestellung externer Bewerter für Immobilien und Immobilien-Gesellschaften*)

Status: Final

BaFin updated its Circular 07/2015, aiming to clarify the requirements for the appointment of external auditors pursuant to Section 216 of the German Investment Act (*Kapitalanlagegesetz – KAGB*) for real estate and real estate companies under Section 1(19)(22) KAGB. For more information, please see section 9.2a) above.

Date of publication: 11/02/2026

11. Special topics

11.1 FINTECH/DIGITAL FINANCE

(i) EU

ESMA: Q&A on MiCAR

Status: Final

ESMA updated its Q&A on MiCAR by adding the following questions: (i) clarification on withdrawal requirements under Article 75 of MiCAR for CASPs; (ii) calculation of fixed overheads; (iii) interests earned from client funds deposited at credit institutions; (iv) payouts in fiat currency by CASPs in the context of exchange services; (v) overlap between offers of cryptoassets and placing; and (vi) application of Title II requirements to CASPs operating a trading platform for cryptoassets.

Date of publication: 27/02/2026

ESMA: Updated Q&A on the European crowdfunding service providers for business Regulation

Status: Final

ESMA updated its Q&A on the European crowdfunding service providers for business Regulation (ECSPR) by adding a new question on the use of fiduciary (nominee) structures in equity crowdfunding.

Date of publication: 27/02/2026

ESMA: Public Statement on identifying derivatives within the scope of the national product intervention measures on CFDs

Status: Final

ESMA issued a statement reminding firms of their obligations under existing national product intervention measures on contracts for differences (CFDs). The statement is in light of the growing offering of derivatives marketed as “perpetual futures” or “perpetual contracts”, including those providing leveraged exposure to cryptoassets such as Bitcoin.

ESMA emphasises that where such products meet the definition of a CFD, they are likely to fall within the scope of existing intervention measures adopted by national competent authorities and must therefore comply with applicable product intervention requirements. This includes leverage limits, mandatory risk warnings, margin close-out rules, negative balance protection and the prohibition on monetary and non-monetary incentives. The statement further reminds firms that derivatives require a narrowly defined target market and an aligned distribution strategy. Firms should be carrying out appropriateness assessments in accordance with the relevant requirements for complex financial instruments when providing non-advised services, and must identify, prevent and manage any conflicts of interest arising from the offering of these products. While the public statement specifically refers to derivatives marketed as perpetual futures or perpetual contracts, ESMA states that firms should assess whether national product intervention measures apply to all derivatives offered, irrespective of their commercial name.

Date of publication: 24/02/2026

ECON: Draft report on digital assets

Status: Draft

The ECON published a draft report (dated 19 February) on digital assets and challenges for the competitiveness and integrity of the EU's financial system. The report explores the impact of the emergence of digital assets on the financial services sector and what that means for the regulatory framework. It discusses several ongoing risks in the digital assets sector, including, from a macro-prudential standpoint, the need to strengthen data capabilities to better assess financial risks and the interconnectedness of digital assets with the broader financial system. The report also notes the role cryptoassets play in circumventing anti-money laundering/countering the financing of terrorism requirements and sanctions.

It includes a motion for a European Parliament resolution which, among other things, calls on the various European authorities to strengthen the supervisory dialogue on significant multi-function groups (MFGs) and underlines the need to align the MiCAR policy framework for significant non-bank MFGs. It calls on the European Commission to come forward with a legislative proposal urgently to provide legal certainty on stablecoin multi-issuance, and to provide strong prudential safeguards, robust cooperation arrangements, and enhanced crisis management protocols. It also stresses that interoperability is crucial in digital finance, and that legal entity identifier/verifiable legal entity identifier-type approaches should be assessed as infrastructure-grade tools. The EU's dependence on non-EU service providers for DLT infrastructure is also flagged as a matter of 'regret'.

Date of publication: 23/02/2026

ECB: Launch of collaboration with ONCE to ensure digital euro is accessible for everyone

Status: Final

The ECB announced a collaboration with the ONCE Foundation for Cooperation and Social Inclusion of People with Disabilities to ensure that the **proposed digital euro** is accessible to all users, including people with disabilities, older adults and those with limited digital skills. Under the agreement, the ECB will benefit from the foundation's expertise in providing technical advice on accessibility requirements and features for the digital euro application, collaboration on its design and testing accessibility functionalities in early prototypes once available. The collaboration aims to exceed the minimum legal requirements under the **European Accessibility Act**. The ECB intends to embed accessibility considerations from the earliest stages of design and development, ensuring that the application is clear, understandable and easy to navigate. The outcome of this work could also inform user experience requirements for payment service providers.

Date of publication: 18/02/2026

EBA: Opinion on the supervisory priorities at the end of the transition period under the EBA's No Action letter on the interplay between PSD2 and MiCAR

Status: Final

The EBA **issued** an opinion advising NCAs on how to proceed when the transition period (under its **No Action letter** of 2 June 2025) ends on 2 March. For more information, please see section 6.1 above.

Date of publication: 12/02/2026

11.2 AI

(i) EU

ESMA: Supervisory briefing on algorithmic trading in the EU

Status: Final

The ESMA published a supervisory briefing on algorithmic trading under MiFID II. For more information, please see section 3.6 above.

Date of publication: 26/02/2026

11.3 SUSTAINABLE FINANCE

(i) EU

Directive (EU) 2026/470 amending the Audit Directive, Accounting Directive, CSRD and CSDDD as regards certain corporate sustainability reporting and due diligence requirements

Status: Published in the OJ

Date of entry into force: 18/03/2026

Date of application: 19/03/2027

The Directive (EU) 2026/470 amending the EU Corporate Sustainability Reporting Directive (CSRD) and the EU Corporate Sustainability Due Diligence Directive (CSDDD), among others, was published in the OJ. For more information, please see section 1.1g) above.

Date of publication: 26/02/2026

EBA/ESMA: Opinions on the draft amended European Sustainability Reporting Standards (ESRS)

Status: Final

The EBA and ESMA published their respective opinions on the draft amended European Sustainability Reporting Standards (ESRS) developed by the European Financial Reporting Advisory Group (EFRAG). The [opinion by the EBA](#) recognises the progress achieved in simplifying elements of the initial standards while also highlighting key issues that require further attention – most notably, the permanent nature of certain reliefs. In its [opinion](#), ESMA strongly supports the EC's goal of enhancing competitiveness and growth through simplification and burden reduction. On this basis, ESMA welcomes EFRAG's proposed changes to the ESRS and finds room for specific modifications.

Date of publication: 18/02/2026

12. German Omnibus Acts (*Artikelgesetze*)

(i) Germany

Law to Promote Private Investment and the Financial Centre (*Gesetz zur Förderung privater Investitionen und des Finanzstandorts – StoFöG*)

Status: Published in the Federal Gazette

Date of entry into force: 10/02/2026

The Law to Promote Private Investment and the Financial Centre (*Standortfördergesetz – StoFöG*) was published in the Federal Gazette. For more information, please see section 3.3 above.

Date of publication: 09/02/2026

Contact

Financial Services Regulatory/Funds and Asset Management Capital Markets



Dr Alexander Behrens
Key contact / Partner

Tel +49 69 2648 5730
alexander.behrens@aoshearman.com



Dorothee Atwell
Partner

Tel +49 69 2648 5408
dorothee.atwell@aoshearman.com



Sebastian Bruchwitz
Partner

Tel +49 69 2648 5331
sebastian.bruchwitz@aoshearman.com

Stephan Funck
Of Counsel

Tel +49 69 2648 5791
stephan.funck@aoshearman.com



Dr Dang Ngo
Of Counsel

Tel +49 69 2648 5836
dang.ngo@aoshearman.com



Joachim Wuermeling
Of Counsel

Tel +49 69 2648 5956
joachim.wuermeling@aoshearman.com



Martina Stegmaier
Counsel

Tel +49 69 2648 5605
martina.stegmaier@aoshearman.com



Niklas Germayer
Senior Associate

Tel +49 69 2648 5973
niklas.germayer@aoshearman.com



Valeska Karcher
Senior Associate

Tel +49 69 2648 5312
valeska.karcher@aoshearman.com



Ruth Rawas
Senior Associate

Tel +49 69 2648 5616
ruth.rawas@aoshearman.com



Maria-Therese Bless
Associate

Tel +49 69 2648 5844
maria-therese.bless@aoshearman.com



Suzana Cvejic
Associate

Tel +44 20 3088 8012
suzana.cvejic@aoshearman.com



Jonathan Leyendecker
Associate

Tel +49 69 2648 5397
jonathan.leyendecker@aoshearman.com



Julius Brauer
Senior Business Lawyer

Tel +49 69 2648 5504
julius.brauer@aoshearman.com



Dr Daniela Schmitt
Knowledge Counsel

Tel +49 69 2648 5475
daniela.schmitt@aoshearman.com

Oliver Marks
Knowledge Lawyer

Tel +49 69 2648 5461
oliver.marks@aoshearman.com



Lisa Huber
*External Consultant
(Knowledge)*

Tel +49 69 2648 5467
lisa.huber@aoshearman.com

Derivatives, Structured Finance and Financial Services Regulatory



Dr Stefan Henkelmann
Partner

Tel +49 69 2648 5997
stefan.henkelmann@aoshearman.com



Martin Scharnke
Head of ICM Germany

Tel +49 69 2648 5835
martin.scharnke@aoshearman.com

For more information, please contact:

Frankfurt

Große Gallusstraße 14
60315 Frankfurt am Main
Germany

Tel +49 69 2648 5000
Fax +49 69 2648 5800

Global presence

A&O Shearman is an international legal practice with nearly 4,000 lawyers, including some 800 partners, working in 29 countries worldwide. A current list of A&O Shearman offices is available at aoshearman.com/en/global-coverage.

A&O Shearman means Allen Overy Shearman Sterling LLP and/or its affiliated undertakings. Allen Overy Shearman Sterling LLP is a limited liability partnership registered in England and Wales with registered number OC306763. Allen Overy Shearman Sterling (Holdings) Limited is a limited company registered in England and Wales with registered number 07462870. Allen Overy Shearman Sterling LLP (SRA number 401323) and Allen Overy Shearman Sterling (Holdings) Limited (SRA number 557139) are authorised and regulated by the Solicitors Regulation Authority of England and Wales.

The term partner is used to refer to a member of Allen Overy Shearman Sterling LLP or a director of Allen Overy Shearman Sterling (Holdings) Limited or, in either case, an employee or consultant with equivalent standing and qualifications or an individual with equivalent status in one of Allen Overy Shearman Sterling LLP's affiliated undertakings. A list of the members of Allen Overy Shearman Sterling LLP and of the non-members who are designated as partners, and a list of the directors of Allen Overy Shearman Sterling (Holdings) Limited, is open to inspection at our registered office at One Bishops Square, London E1 6AD.

A&O Shearman was formed on 1 May, 2024 by the combination of Shearman & Sterling LLP and Allen & Overy LLP and their respective affiliates (the legacy firms). This content may include material generated and matters undertaken by one or more of the legacy firms rather than A&O Shearman.

© Allen Overy Shearman Sterling LLP 2026. This document is for general information purposes only and is not intended to provide legal or other professional advice. | 0424_CDD76626