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Brexit Law – The UK Regulator’s Brexit publications – FCA

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## Binding technical standards and rule-set changes

### The Financial Conduct Authority (FCA)

24 March 2021

#### Rule-set Changes

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
<b>Policy documents on rule-set changes</b>	N/A	<a href="#">Handbook Notice No 82</a> (November 2020)	<a href="#">FCA 2020/73: Prospectus Regulation Rules (Amendment) Instrument 2020</a> (November 2020)	The FCA has now published all instruments in final form.
	N/A	<a href="#">Handbook Notice No 81</a> (October 2020)	<a href="#">FCA 2020/46: Conduct of Business (Cryptoasset Products) (Amendment) and associated Exiting the European Union Amendments Instrument 2020</a> (October 2020)	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
	N/A	Handbook Notice No 80 (September 2020)	<p>FOS 2020/4: EU Exit (“IP completion day” and Time-Related Amendments) Instrument 2020 (October 2020)</p> <p>FCA 2020/60: EU Exit (“IP completion day” and Time-Related Amendments) Instrument 2020 (October 2020)</p> <p>FCA 2020/58 Exiting The European Union: Miscellaneous (Amendments) (No 2) Instrument 2020 (October 2020)</p>	
	CP 20/18: Quarterly Consultation No 29 (September 2020)	Handbook Notice No 83 (December 2020)	FCA 2020/78: Exiting the European Union: Handbook (Amendments) (No 3) Instrument 2020 (December 2020)	
Handbook Notice No 83 (December 2020)		FCA 2020/79: Exiting the European Union: SMCR and APR (Amendments) (No 2) Instrument 2020 (December 2020)		
Handbook Notice No 81 (October 2020)		FCA 2020/67: Fees (Credit Rating Agencies, Trade Repositories And Securitisation Repositories) Instrument 2020 (October 2020)		

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
	N/A	N/A	FOS 2020/1: Exiting the European Union: Deferral of Commencement Instrument 2020 (March 2020)	
	CP 19/33: Quarterly Consultation Paper No 26 (December 2019)	Handbook Notice No 73 (January 2020)	FCA 2020/6: Exiting the European Union: Deferral of Commencement and Miscellaneous Fees Instrument 2020 (January 2020)	
			FCA 2020/7: Exiting the European Union: Implementation Period (Guidance) Instrument 2020 (January 2020)	
	CP 19/33: Quarterly Consultation Paper No 26 (December 2019)	Handbook Notice No 80 (September 2020)	FCA 2020/48: Exiting the European Union: Handbook (Amendments) (No 2) Instrument 2020 (October 2020)	
	N/A	Handbook Notice No 71 (November 2019)	FOS 2019/5: Exiting the European Union: Dispute Resolution: Complaints (Amendments) Instrument 2019 (31 October 2019)	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
	CP 19/27: Quarterly Consultation No 25 (September 2019)	Handbook Notice No 80 (September 2020)	FCA 2020/47: Exiting the European Union: Handbook (Amendments) Instrument 2020 (October 2020)	
	Handbook Notice No 67 (July 2019)  CP 19/16: FCA regulated fees and levies: Rates proposals 2019/20 (April 2019)	PS 19/19: FCA regulated fees and levies 2019/20: Including feedback on CP 19/16 and 'made rules' (July 2019)	FCA 2019/77: Periodic Fees (2019/20) and Other Fees (EU Exit) Instrument 2019 (1 July 2019)	
	CP 19/11: Securitisation (Amendment) (EU Exit) Regulations 2019 and Securitisation Regulations 2018 (proposed changes to DEPP and EG) (March 2019)  CP 19/19 Quarterly Consultation No 24 (June 2019)  (see also CP 18/30 and PS 18/25)	PS 19/15: Securitisation (Amendment) (EU Exit) Regulations 2019 and Securitisation Regulations 2018 (near-final and final rules) (June 2019)  Final instrument published in Handbook Notice No 80.	FCA 2020/57 Exiting The European Union: Securitisation Repositories (DEPP and EG) Instrument 2020 (October 2020).	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
	CP 18/44: Brexit – Regulatory Technical Standards for Strong Customer Authentication and Common and Secure Open Standards of Communication (December 2018)	PS 19/26: Brexit – Regulatory Technical Standards for Strong Customer Authentication and Common and Secure Open Standards of Communication (October 2019)  Final instrument published in Handbook Notice No 82.	FCA 2020/71: Payment Services (Amendment No 2) Instrument 2020 (November 2020)	
	CP 18/34: Regulatory fees and levies: policy proposals for 2019/20 (November 2018)  CP 19/1: Recovering the costs of regulating securitisation repositories after the UK leaves the European Union (January 2019)	PS 19/10: Recovering the costs of regulating credit rating agencies, trade repositories and securitisation repositories after the UK leaves the European Union (March 2019)	Fees (Credit Rating Agencies, Trade Repositories and Securitisation Repositories) Instrument 2019 (29 March 2019)  * This instrument was revoked insofar as it amended FEES 3.2.5G and 3.2.7R, by FCA 2020/67: Fees (Credit Rating Agencies, Trade Repositories And Securitisation Repositories) Instrument 2020 (October 2020).	
	CP 19/2: Brexit and contractual continuity (January 2019)	PS 19/5: FCA Brexit Policy Statement and Transitional Directions (February 2019)	Exiting The European Union: Glossary (Amendments) Instrument 2019 (29 March 2019)	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
	<p>CP 18/29: Temporary permissions regime for inbound firms and funds (October 2018)</p> <p>CP 18/28: Brexit: proposed changes to the Handbook and Binding Technical Standards – first consultation (October 2018)</p> <p>CP 18/36: Brexit: proposed changes to the Handbook and Binding Technical Standards – second consultation (November 2018)</p> <p>CP 18/34: Regulatory fees and levies: policy proposals for 2019/20 (November 2018)</p>		<p>Exiting The European Union: High Level Standards (Amendments) Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: Prudential Sourcebooks (Amendments) Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: Business Standards Sourcebooks (Amendments) Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: Regulatory Processes Sourcebooks (Amendments) Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: Specialist Sourcebooks (Amendments) Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: Listing, Prospectus and Disclosure Sourcebooks (Amendments) Instrument 2019 (29 March 2020)</p>	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
			<p>Exiting The European Union: Regulatory Guides (Amendments) Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: Redress Sourcebooks (Amendments) Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: Miscellaneous (Amendments) Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: Temporary Permission and Financial Services Contracts Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: SMCR and APR (Amendments) Instrument 2019 (29 March 2019) – this was published in its final form, but revoked in December by FCA 2020/79: Exiting the European Union: SMCR and APR (Amendments) (No 2) Instrument 2020 (December 2020)</p>	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
			<p>Credit Rating Agencies (Guidance) Instrument 2019 (29 March 2019)</p> <p>Trade Repositories (Guidance) Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: Fees and Dispute Resolution: Complaints (Amendments) Instrument 2019 (29 March 2019)</p> <p>Exiting The European Union: Gibraltar (General Rules) Instrument 2019 (29 March 2019)</p>	



## BTS Changes

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
<b>Policy documents on BTS changes</b>	N/A	Handbook Notice No 83 (December 2020)	FCA 2020/86: Technical Standards (European Long-Term Investment Fund Regulation) (EU Exit) Instrument 2020 (December 2020)	The FCA has now published all instruments in final form.
			FCA 2020/87: Technical Standards (Miscellaneous Amendments) (EU Exit) Instrument 2020 (December 2020)	
	CP 20/18: Quarterly Consultation No 29 (September 2020)	Handbook Notice No 83 (December 2020)	FCA 2020/80: Technical Standards (Specifying the Information and Details of a Securitisation to be Made Available by the Originator, Sponsor and SSPE) (EU Exit) Instrument 2020 (December 2020)	
			FCA 2020/82 Technical Standards (Format of applications for registration of securitisation repositories) Instrument 2020 (December 2020)	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
			<p>FCA 2020/81: Technical Standards (Specifying the Information to be Provided to Comply with the STS Notification Requirements) (EU Exit) Instrument 2020 (December 2020)</p> <p>FCA 2020/83 Technical Standards (Information to be provided in the application for registration of a securitisation repository) Instrument 2020 (December 2020)</p> <p>FCA 2020/84 Technical Standards (Securitisation repository operational standards for data collection, aggregation, comparison, access and verification of completeness and consistency) Instrument 2020 (December 2020)</p> <p>FCA 2020/85 Technical Standards (Supplementing EMIR with regard to the Clearing</p>	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
			Obligation) (EU Exit) Instrument 2020 (December 2020)	
		Handbook Notice No 84 (January 2021)	FCA 2020/88 Financial Conduct Authority Technical Standards (Capital Requirements Directive and Regulation) (EU Exit) (No 2) Instrument 2020 (December 2020)	
			FCA 2020/89: Technical Standards (Miscellaneous Amendments) (No 2) (EU Exit) Instrument 2020 (December 2020)	
	CP 19/33: Quarterly Consultation Paper No 26 (December 2019)	Handbook Notice No 80 (September 2020)	FCA 2020/55: Technical Standards (Transparency Directive) (EU Exit) (No 2) Instrument 2020 (October 2020)	
		Handbook Notice No 80 (September 2020)	FCA 2020/54: Technical Standards (Securitisation Regulation) (EU Exit) (No 2) Instrument 2020 (October 2020)	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
		Final version published in Handbook Notice No 81.	FCA 2020/56: Technical Standards (Markets in Financial Instruments Regulation) (EU Exit) (No 3) Instrument 2020 (October 2020)	
	CP 19/27: Quarterly Consultation No 25 (September 2019)	Handbook Notice No 80 (September 2020)	FCA 2020/49: Technical Standards (Payment Services Directive) (EU Exit) (No 2) Instrument 2020 (October 2020)	
		Handbook Notice No 80 (September 2020)	FCA 2020/50: Technical Standards (Prospectus Regulation) (EU Exit) Instrument 2020 (October 2020)	
		Handbook Notice No 81 (October 2020)	FCA 2020/51: Technical Standards (Securities Financing Transactions Regulation) (EU Exit) (No 1) Instrument 2020 (October 2020)	
		Handbook Notice No 81 (October 2020)	FCA 2020/52: Technical Standards (Securities Financing Transactions Regulation) (EU Exit) (No 2) Instrument 2020 (October 2020)	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
		Handbook Notice No 80 (September 2020)	FCA 2020/53: Technical Standards (Securitisation Regulation) (EU Exit) Instrument 2020 (October 2020)	
		Handbook Notice No 80 (September 2020)	FCA 2020/59: Technical Standards (Fourth Money Laundering Directive) (EU Exit) Instrument 2020 (October 2020)	
		Handbook Notice No 65 (April 2019)	Technical Standards (European Market Infrastructure Regulations) (EU Exit) (No 4) Instrument 2019 (18 April 2019)	
			Technical Standards (European Market Infrastructure Regulation) (EU Exit) (No 3) Instrument 2019 (18 April 2019)	
			Technical Standards (Markets in Financial Instruments Directive) (EU Exit) (No 3) Instrument 2019 (18 April 2019)	
			Technical Standards (Bank Recovery and Resolution)	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
	<p>CP 19/2: Brexit and contractual continuity (January 2019)</p> <p>CP 18/29: Temporary permissions regime for inbound firms and funds (October 2018)</p> <p>CP 18/28: Brexit: Proposed changes to the Handbook and Binding Technical Standards – first consultation (October 2018)</p> <p>CP 18/36: Brexit: Proposed changes to the Handbook and Binding Technical Standards – second consultation (November 2018)</p> <p>CP 18/34: Regulatory fees and levies: policy proposals for 2019/20 (November 2018)</p>	<p>PS 19/5: FCA Brexit Policy Statement and Transitional Directions (February 2019)</p>	<p>Directive) (EU Exit) Instrument 2019 (18 April 2019)</p> <p>Technical Standards (Financial Conglomerates Directive) (EU Exit) Instrument 2019 (18 April 2019)</p> <p>Technical Standards (Capital Requirements Directive and Regulation) (EU Exit) Instrument 2019 (11 April 2019)</p> <p>Technical Standards (MIFIR Transparency) (EU Exit) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (Markets in Financial Instruments Regulation) (EU Exit) (No 1) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (Markets in Financial Instruments Directive) (EU Exit) (No 1) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (Market Abuse Regulation) (EU Exit) Instrument 2019 (29 March 2019)</p>	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
			<p>Technical Standards (Credit Ratings Agencies Regulation) (EU Exit) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (Alternative Investment Funds Management Directive) (EU Exit) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (European Market Infrastructure Regulation) (EU Exit) (No 1) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (Payment Accounts Directive) (EU Exit) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (European Market Infrastructure Regulations) (EU Exit) (No 2) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (Packaged Retail and Insurance-Based Investment Products Regulation)</p>	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
			(EU Exit) Instrument 2019 (29 March 2019)	
			Technical Standards (Markets in Financial Instruments Regulation) (EU Exit) (No 2) Instrument 2019 (29 March 2019)	
			Technical Standards (Markets in Financial Instruments Directive) (EU Exit) (No 2) Instrument 2019 (29 March 2019)	
			Technical Standards (Long-Term Investment Fund Regulation) (EU Exit) Instrument 2019 (29 March 2019)	
			Technical Standards (Transparency Directive) (EU Exit) Instrument 2019 (29 March 2019)	
			Technical Standards (Insurance Distribution Directive) (EU Exit) Instrument 2019 (29 March 2019)	
			Technical Standards (Short Selling Regulation) (EU Exit) Instrument 2019 (29 March 2019)	



	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
			<p>Technical Standards (Benchmark Regulation) (EU Exit) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (Prospectus Directive) (EU Exit) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (Money Markets Funds Regulation) (EU Exit) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (European Social Entrepreneurship Fund Regulation) (EU Exit) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (Payment Services Directive) (EU Exit) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (Undertakings for Collective Investment in Transferable Securities Directive) (EU Exit) Instrument 2019 (29 March 2019)</p> <p>Technical Standards (European Venture Capital Funds</p>	

	Consultation Paper	Policy Statement/ Handbook Notices	Final Rules	Current status
			Regulation) (EU Exit) Instrument 2019 (29 March 2019)	
	<p>CP 18/44: Brexit – Regulatory Technical Standards for Strong Customer Authentication and Common and Secure Open Standards of Communication (December 2018)</p> <p>CP19/27: Quarterly Consultation No 25 (September 2019)</p>	<p>PS 19/26: Brexit – Regulatory Technical Standards for Strong Customer Authentication and Common and Secure Open Standards of Communication (October 2019)</p> <p>Final version published in Handbook Notice No 82.</p>	FCA 2020/70: Technical Standards on Strong Customer Authentication and Common and Secure Methods of Communication Instrument 2020 (November 2020)	

### Non-Handbook guidance and other non-binding materials

	Publication	Policy Guidance	Current status
Approach to non-Handbook guidance and other non-binding materials	FCA approach to interpreting reporting and disclosure requirements under CRD and CRR BTS after the expiry of the implementation period (December 2020)		

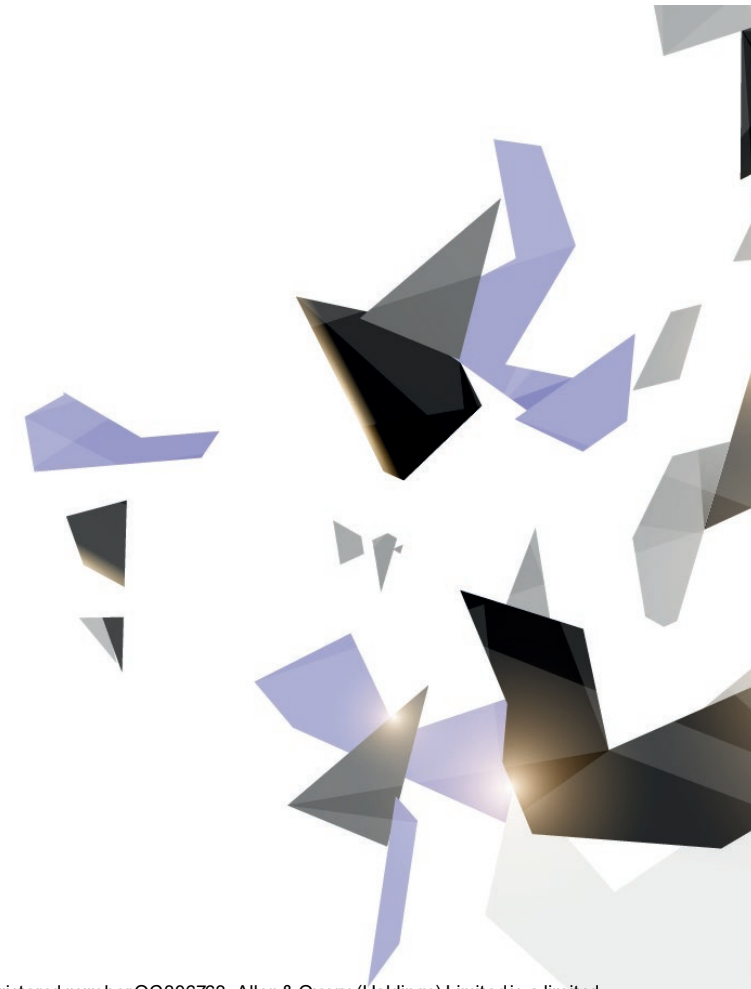
	Publication	Policy Guidance	Current status
	<a href="#">CP 20/20 Our Approach to International Firms</a> (September 2020)		The consultation closed on 27 November 2020. Awaiting policy statement.
	<a href="#">Guide to the FCA Handbook for Post-Brexit Transition</a> (September 2020)		
	<ul style="list-style-type: none"> <li>- <a href="#">Market Watch 64</a> (August 2020)                             <ul style="list-style-type: none"> <li>o Brexit and MIFID transaction reporting</li> <li>o Operation of the MIFID Transparency Regime following the end of the transition period</li> <li>o Industry testing – FCA FIRDS and FITRS</li> </ul> </li> <li>- <a href="#">Market Watch 61</a> (October 2019)                             <ul style="list-style-type: none"> <li>o This edition of Market Watch provides important information to help firms prepare for a possible no-deal Brexit on 31 October.</li> </ul> </li> </ul>		

	Publication	Policy Guidance	Current status
	<p><a href="#">Handbook Notice No 73</a> (January 2020) updated the guidance</p> <p><a href="#">CP 18/36: Brexit: Proposed changes to the Handbook and Binding Technical Standards – second consultation</a> (November 2018)</p>	<ul style="list-style-type: none"> <li>- <a href="#">FCA statement</a> on onshoring updates to FCA Handbook and Technical Standards (December 2020)</li> <li>- <a href="#">Brexit: our approach to non-Handbook guidance where it relates to EU-law or EU derived law</a></li> <li>- <a href="#">Brexit: our approach to EU non-legislative materials</a></li> <li>- <a href="#">Interpretive guide on completing our forms after the UK's withdrawal from the EU</a></li> </ul>	

## Temporary transitional directions

	Consultation Papers/Policy Statements	Final Directions	Policy Guidance	Current status
<b>Temporary transitional directions</b>	<p><a href="#">Brexit: proposed changes to the Handbook and Binding Technical Standards – first consultation (CP18/28)</a></p> <p><a href="#">Brexit – what we expect firms and other regulated persons to do now (February 2019)</a></p> <p><a href="#">PS 19/5: FCA Brexit Policy Statement and Transitional Directions</a></p> <p><a href="#">Statement on how the FCA intends to use the temporary transitional power (including updated list of key requirements and statement on requirements with respect to onshoring changes where the TTP does not apply) (October 2020 and updated on 31 December 2020)</a></p> <p><a href="#">FCA statement on approach to the share trading obligation (November 2020)</a></p>	<p><a href="#">Main FCA Transitional Direction</a></p> <p><a href="#">Annex A – application of the 'standstill' in the Transitional Direction to amendments made in SIs and Exit Instruments amending technical standards</a></p> <p><a href="#">Annex B – application of the 'standstill' in the Transitional Direction to amendments made in the FCA Handbook</a></p> <p><a href="#">FCA Prudential Transitional Direction</a></p> <p><a href="#">FCA Transitional Direction for the Share Trading Obligation</a></p> <p><a href="#">FCA Transitional Direction for the Derivatives Trading Obligation</a></p>	<p><a href="#">FCA Explanatory Note – Main Transitional Directions</a></p> <p><a href="#">FCA Explanatory Note – Share Trading Obligation</a></p> <p><a href="#">FCA Explanatory Note – Derivatives Trading Obligation</a></p> <p>See also <a href="#">FCA's October statement</a> on use of the TTP (updated on 31 December)</p>	<p>The FCA published its final TTP directions on 22 December 2020.</p> <p>The FCA <a href="#">announced</a> the use of its TTP to modify the UK's DTO on 31 December 2020.</p> <p>The FCA's transitional directions entered into force at 11pm on 31 December and apply until 31 March 2022 unless otherwise stated in the directions or varied or revoked. The transitional directions for the share trading obligation and the derivative trading obligation do not state an expiry date and could apply until 31 December 2022 unless varied or revoked.</p>

	<b>Consultation Papers/Policy Statements</b>	<b>Final Directions</b>	<b>Policy Guidance</b>	<b>Current status</b>
	<p>FCA <a href="#">statement on approach to derivative trading obligation</a> (December 2020)</p> <p>See also FCA <a href="#">statement on transitional directions</a> which sets out the full legal effect of the TTP (updated on 29 December)</p> <p>FCA <a href="#">on the review of its approach to the UK's derivatives trading obligation</a> (March 2021)</p>			



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