

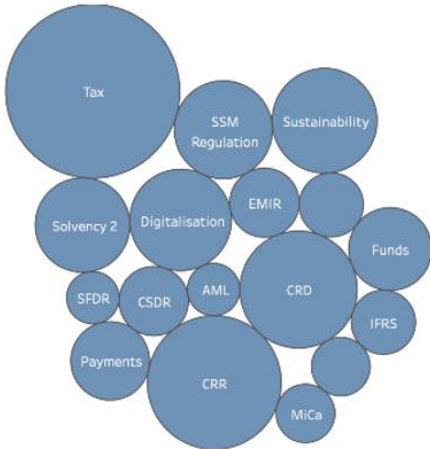
Monitoring Report

Please find attached the monitoring report for **January 2024**. This report aims to provide you with a summary analysis of the potential impact of new developments on your business. We are limiting the monthly report to developments that we have identified as having a potentially medium or high risk impact (with all lower risk developments intentionally omitted). Should you wish a full report please do not hesitate to contact us.

What is the origin of the documents reviewed?



What are the important tendencies?



| Date       | What is this about? | What is the title of the document?  | What do you need to know?   | Risk   |
|------------|---------------------|---|---|--------|
| 29/01/2024 | Company law         | BE Wet tot wijziging van het Wetboek van vennootschappen en verenigingen wat de openbaarmaking van informatie over de inkomstenbelasting door bepaalde vennootschappen en bijkantoren betreft | <p>The Law amends the Companies and Associations Code as regards disclosure of income tax information by certain companies and branches. It is the transposition of EU Directive 2021/2101 amending Directive 2013/34/EU as regards the disclosure of income tax information by certain companies and branches.</p> <ul style="list-style-type: none"> <li>This transposition means that companies with a turnover of more than EUR 750 million will have to prepare and disclose an income tax information report.</li> <li>The same applies to non-European ultimate parent companies operating economically in Belgium with one or more major subsidiaries or major branches.</li> </ul> | Medium |

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| Competition | EU | Proposal for a regulation of the European Parliament and of the Council on the screening of foreign investments in the Union and repealing Regulation (EU) 2019/452 of the European Parliament and of the Council   | <p>The proposal for Regulation relates to the screening of foreign investments in the Union and aims to repeal Regulation (EU) 2019/452 of the European Parliament and of the Council.</p> <ul style="list-style-type: none"> <li>▪ The proposed amendments aim to ensure that all Member States have a screening mechanism that allows the assessment of transactions before they are completed.</li> <li>▪ The proposal also addresses key shortcomings in the effectiveness and efficiency of the cooperation mechanism identified in the evaluation of the current Regulation.</li> </ul>  | Medium |
| CRR         | EU | Commission Delegated Regulation (EU) 2024/397 of 20 October 2023 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards on the calculation of the stress scenario risk measure | <p>The Regulation supplements Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards on the calculation of the stress scenario risk measure.</p> <ul style="list-style-type: none"> <li>▪ According to the Basel framework, the regulatory extreme scenario of future shock should be the one leading to the maximum loss that may occur due to a change in the non-modellable risk factor.</li> <li>▪ It is therefore specified what institutions should consider as maximum loss in cases where the maximum loss is not finite.</li> </ul>  | High   |
| Payments    | BE | Wet houdende diverse bepalingen inzake economie. – Erratum  | <p>The Erratum of the Law relating to various economic provisions has been published.</p> <ul style="list-style-type: none"> <li>▪ Amongst others, the Erratum provides the following in relation to bundled sales: "<i>The conditional reduction on the cost of the credit, and in particular on the borrowing rate, granted in the context of a bundled sale is allowed only for one of the insurances referred to in Article VII.146, § 1, second paragraph, without necessarily being an attached contract, and for a payment account referred to in Article I.9, 8°. The conditional reduction shall be offered separately for each condition and laid down in the credit agreement. The creditor or, where applicable, the credit intermediary may not impose an intermediary for the</i></li> </ul> | High   |

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|            |           |    |   | <i>designated service provider on the consumer in order to retain the conditional reduction of a bundled sale at the conclusion of the credit agreement. Under a conditional reduction, the creditor is obliged to maintain the reduced rate of the credit agreement at no additional cost if the consumer exercises his right to change to a service provider of his choice after the first third of the total term of his credit agreement."</i>   |        |
| 26/01/2024 | Insurance | BE | Wetsontwerp betreffende de termijnen en de sancties voor de verzekeringsprestaties - Aangenomen tekst   | <p>This adopted draft Law will amend the time limits and penalties for insurance benefits because currently, compensation for damages is linked to deadlines only in some insurance branches is linked to time limits.</p> <ul style="list-style-type: none"> <li>▪ The Law will introduce the obligation for the insurer to respond to provide a reasoned reply when an insured submits a claim whose coverage by the insurance contract is disputed by the insurer.</li> <li>▪ If no reasoned reply is given within the three-month period referred to in the first paragraph the insurer shall automatically have to pay a lump sum of 300 euros.</li> </ul>  | High   |
| 19/01/2024 | Payments  | BE | Wetsvoorstel tot wijziging van het Wetboek van economisch recht en van de wet van 18 september 2017 tot voorkoming van het witwassen van geld en de financiering van terrorisme en tot beperking van het gebruik van contanten, teneinde bankuitsluiting tegen te gaan. | <p>The Bill proposes to introduce three new requirements.</p> <ul style="list-style-type: none"> <li>▪ First, credit institutions will have to justify in writing to the FPS Economy their decision to refuse to open or close a bank account. The FPS Economy will assess the reason(s) given. If these are not sufficient in the eyes of the FPS Economy, then the bank will be obliged to open or maintain the bank account. The costs are borne by the credit institutions.</li> <li>▪ Second, a company will be entitled for basic banking services as soon as it can establish it can establish that at least two credit institutions have refused to bank account by at least two credit institutions (as opposed to three at present).</li> <li>▪ Third, the aim is to eliminate all discrimination in terms of access to basic banking services. The proposed law therefore aims to enable Belgian citizens residing abroad (including outside EU territory) access to basic banking services.</li> </ul> | Medium |

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|            | Payments |    | Wetsvoorstel tot wijziging van het Wetboek van economisch recht houdende het invoegen van een motivatieplicht voor banken bij weigering of afsluiting van toegang tot een bankrekening voor ondernemingen. | <p>The Bill provides for the obligation on credit institutions to justify any refusal to open a bank account or any termination of an existing customer relationship notified to a company.</p> <ul style="list-style-type: none"> <li>▪ Credit institutions must communicate this reasoning expressly and in writing to the FPS Economy.</li> <li>▪ The FPS Economy ensures that the bank's decision is decision is individual, objective, non-discriminatory and proportionate. If necessary, it can reverse the decision.</li> <li>▪ The decision of the FPS Economy is binding and communicated to both the credit institution and the company concerned. In the event of the bank's decision being overturned, the bank is obliged, to allocate a bank account to the company.</li> <li>▪ If the FPS Economy confirms the bank's decision, the company may still submit a request for basic banking services.</li> </ul>  | Medium |
| 18/01/2024 | CRD      | BE | Transversale analyse door de NBB van het beloningsbeleid en de beloningspraktijken van kredietinstellingen – bevindingen en aanbevelingen  | <p>The NBB published a communication on cross-sectional analysis of remuneration policies and practices of credit institutions in which it shares its findings and recommendations.</p> <ul style="list-style-type: none"> <li>▪ The NBB has carried out a cross-sectional analysis of the remuneration policies and practices of 8 credit institutions (relating to amounts paid in 2023 for the performance year 2022).</li> <li>▪ Overall, it emerges that the credit institutions in the sample comply with the most important statutory and regulatory prudential requirements on remuneration (identification of "Identified Staff", maximum ratio between fixed and variable remuneration, deferral of variable remuneration, variable remuneration in the form of financial instruments, etc.).</li> <li>▪ However, the analysis revealed a number of areas for attention, and the NBB recommends that credit institutions:             <ol style="list-style-type: none"> <li>1) check whether their severance pay systems comply with the relevant statutory rules;</li> </ol> </li> </ul> | High   |

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|            |                |    |  | <ul style="list-style-type: none"> <li>2) ensure compliance with the prudential conditions governing the classification of allowances, sign-on bonuses and retirement benefits as fixed remuneration;</li> <li>3) provide greater detail in their remuneration policies on how performance indicators relating to environmental, social and governance (ESG) risks and to risk culture are assessed in practice;</li> <li>4) continue to develop measures for monitoring the gender pay gap; and</li> <li>5) increase the granularity of group remuneration policies in order to centralise all applicable local and sectoral specificities.</li> </ul> <ul style="list-style-type: none"> <li>▪ The NBB expects financial institutions covered by this Communication to implement these recommendations <b><u>immediately</u></b>.</li> </ul> |        |
| 17/01/2024 | Digitalisation | EU | Final Report on Draft Implementing Technical Standards on the standard templates for the purposes of the register of information in relation to all contractual arrangements on the use of ICT services provided by ICT third-party service providers under Article 28(9) of Regulation (EU) 2022/2554 – EBA | <p>The ESAs published the first set of final draft technical standards under the DORA aimed at enhancing the digital operational resilience of the EU financial sector by strengthening financial entities’ ICT and third-party risk management and incident reporting frameworks.</p> <p>This draft ITS specifies the standard templates for the purposes of the register of information in relation to all contractual arrangements on the use of ICT services provided by ICT third-party service providers under Article 28(9) of DORA.</p>  | Medium |
|            | Digitalisation | EU | Final report on Draft Regulatory Technical Standards specifying the criteria for the classification of ICT related incidents, materiality thresholds for major incidents and significant cyber threats under Regulation (EU) 2022/2554 – EBA   | This draft ITS under DORA specifies: the classification criteria for ICT-related incidents or, as applicable, operational or security payment-related incidents; Materiality thresholds for determining major incidents; The criteria and materiality thresholds for determining significant cyber threats; and the criteria for competent authorities (CAs) for assessing the relevance of incidents to CAs in other Member States and the details of the incidents to be shared with other CAs.  | Medium |
|            | Digitalisation | EU | Final report on Draft Regulatory Technical Standards to further harmonise ICT risk management tools, methods, processes and  | This draft ITS under DORA further harmonises ICT risk management tools, methods, processes and policies as mandated under Articles 15 and 16(3) of DORA.   | Medium |

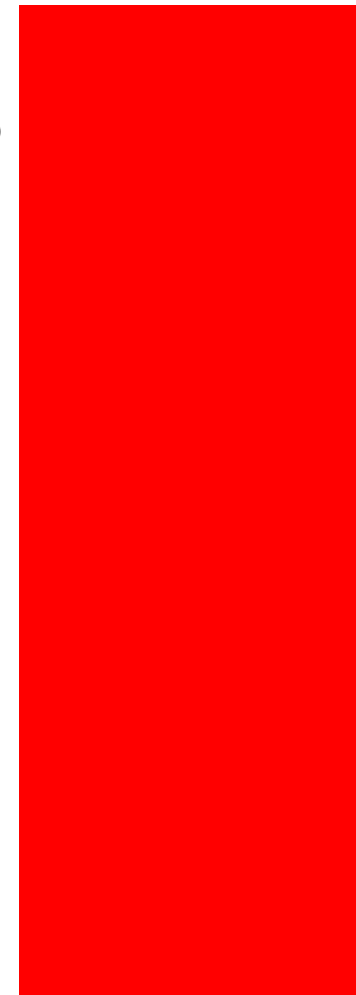
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|            |                       |    | policies as mandated under Articles 15 and 16(3) of Regulation (EU) 2022/2554 – EBA   |  |        |
|            | Digitalisation        | EU | Final report on Draft Regulatory Technical Standards to specify the detailed content of the policy in relation to the contractual arrangements on the use of ICT services supporting critical or important functions provided by ICT third-party service providers as mandated by Regulation (EU) 2022/2554 – EBA   | This draft ITS under DORA specifies the detailed content of the policy in relation to the contractual arrangements on the use of ICT services supporting critical or important functions provided by ICT third-party service providers as mandated by DORA.  | Medium |
| 16/01/2024 | AML                   | EU | Guidelines amending Guidelines EBA/2021/02 on customer due diligence and the factors credit and financial institutions should consider when assessing the money laundering and terrorist financing risk associated with individual business relationships and occasional transactions ('The ML/TF Risk Factors Guidelines') under Articles 17 and 18(4) of Directive (EU) 2015/849 - Final Report | EBA extended its Guidelines on money laundering (ML) and terrorist financing (TF) risk factors (and mitigating measures) to crypto-asset service providers (CASPs).  | High   |
| 15/01/2024 | Financial Supervision | BE | Wet houdende diverse financiële bepalingen van 20 december 2023   | <p>This Law amends multiple matters falling within the competences of National Bank of Belgium, the FSMA, the SFPI and the FPS Finance.</p> <p>These matters include:</p> <ul style="list-style-type: none"> <li>Clarifying the obligation of the receiver or liquidator to pay on behalf of all account holders/clients to exercise their claim for restitution in case of bankruptcy or concurrence on behalf of an institution maintaining the accounts ensuring more effective protection of investors in financial instruments.</li> <li>A number of amendments to give effect to: 1° Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a</li> </ul> | High   |

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framework for the recovery and resolution of central counterparties; 2° Regulation (EU) 2022/858 of the European Parliament and of the Council of 30 May 2022 on a pilot regime for market infrastructures based of distributed ledger technology; and 3° Regulation (EU) 2019/1238 of the European Parliament and of the Council of 20 June 2019 on a pan-European personal pension product (hereinafter referred to as the 'PEPP Regulation').

- It also provides for new rules pertaining to the Sanctions Committee of the NBB.
- The legislation applicable to dormant assets is amended to allow the competent federal government department to allow the national register number of the tenants of dormant safes to register and process to be used in the context of the legal procedure applicable to dormant safes the amount of the realised property attributable to a national register number and thus smoothen the procedure flow.
- The amendments also provide for compliance of the applicable legislation on the protection of personal data.
- To the General Administration of Customs and Excise will be granted a secure electronic access right granted to the data of the register maintained by the Deposit and Consignment Office and to do so in the same manner as other administrations of the FPS Finance.
- Finally, various amendments will be made to the financial legislation in order to implement the provisions of the coalition agreement regarding the so-called banking oath.



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| IFD/IFR | BE | Wijziging van de prudentiële vereisten en invoering van een nieuw rapporteringsschema in verband met die vereisten  | <p>The FSMA has published a communication informing the industry of</p> <ul style="list-style-type: none"> <li>The entry into force, on 1 January 2024, of new provisions with prudential requirements for the management companies of UCIs and AIFs.</li> <li>The introduction of a new survey for monitoring compliance with these new provisions as a result of the two new FSMA regulations of 15 November 2023 applicable to management companies of (alternative) collective investment undertakings.</li> </ul>  | High   |
| MiFIR   | EU | Commission Delegated Regulation (EU) 2023/944 of 17 January 2023 amending and correcting the regulatory technical standards laid down in Delegated Regulation (EU) 2017/587 as regards certain transparency requirements applicable to transactions in equity instruments (Text with EEA relevance) | <p>The Commission Delegated Regulation 2023/944 of 17 January 2023 amending and correcting the regulatory technical standards laid down in Delegated Regulation (EU) 2017/587 as regards certain transparency requirements applicable to transactions in equity instruments has been published.</p> <p>The Regulation has further specified the details to be disclosed by trading venues, APAs and consolidated tape providers when they report reference data and quantitative data to ESMA and competent authorities, as well as the content of the data requests.</p> | Medium |
| MiFIR   | EU | Commission Delegated Regulation (EU) 2023/945 of 17 January 2023 amending the regulatory technical standards laid down in Delegated Regulation (EU) 2017/583 as regards certain transparency requirements applicable to transactions in non-equity instruments (Text with EEA relevance)            | <p>The Commission Delegated Regulation (EU) 2023/945 of 17 January 2023 amending the regulatory technical standards laid down in Delegated Regulation (EU) 2017/583 as regards certain transparency requirements applicable to transactions in non-equity instruments has been published.</p> <p>The format under which certain characteristics of commodity and freight derivatives are reported has been further specified.</p>   | Medium |



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| <p>Taxonomy</p> | <p>EU Commission Notice on the interpretation and implementation of certain legal provisions of the Disclosures Delegated Act under Article 8 of EU Taxonomy Regulation on the reporting of Taxonomy-eligible and Taxonomy-aligned economic activities and assets (second Commission Notice)</p>   | <p>The Commission published their second Notice on the interpretation and implementation of certain legal provisions of the Disclosures Delegated Act under Article 8 of the EU Taxonomy Regulation on the reporting of Taxonomy-eligible and Taxonomy-aligned economic activities and assets.</p> <ul style="list-style-type: none"> <li>▪ The purpose of this Notice is to provide further interpretative and implementation guidance to these non-financial undertakings in the form of replies to Frequently Asked Questions (FAQs) on the reporting under the Disclosures Delegated Act.</li> <li>▪ They do not extend in any way the rights and obligations deriving from such legislation nor do they introduce any additional requirements for the operators concerned and competent authorities.</li> </ul>  | <p>High</p> |
| <p>Taxonomy</p> | <p>Commission Notice on the interpretation and implementation of certain legal provisions of the EU Taxonomy Climate Delegated Act establishing technical screening criteria for economic activities that contribute substantially to climate change mitigation or climate change adaptation and do no significant harm to other environmental objective</p> | <p>The Commission published a Notice on the interpretation and implementation of certain legal provisions of the EU Taxonomy Climate Delegated Act establishing technical screening criteria for economic activities that contribute substantially to climate change mitigation or climate change adaptation and do no significant harm to other environmental objective.</p> <ul style="list-style-type: none"> <li>▪ This Notice complements previous guidance provided by DG Financial Stability, Financial Services and Capital Markets Union '<i>FAQs: How should financial and non-financial undertakings report Taxonomy-eligible economic</i>' and the Commission Notice on the interpretation of certain legal provisions of the Disclosures Delegated Act under Article 8 of EU Taxonomy Regulation on the reporting of eligible economic activities and assets.</li> <li>▪ This Notice contains technical clarifications responding to FAQs on the technical screening criteria set out in the Climate Delegated Act and its purpose is to facilitate the effective application of the Climate Delegated Act.</li> <li>▪ It does not address the many questions and proposals regarding the reasoning and evidence for the choice of criteria. On these issues, the Commission points out that the impact assessment accompanying the Climate</li> </ul> | <p>High</p> |

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|            |                |    |   | Delegated Act contains further explanations on the development of this Act, notably on the reasoning and the balance between the requirements of the Taxonomy Regulation for setting the technical screening criteria.   |        |
| 08/01/2024 | Sustainability | EU | Commission Delegated Regulation (EU) 2023/2772 of 31 July 2023 supplementing Directive 2013/34/EU of the European Parliament and of the Council as regards sustainability reporting standards | <p>Commission Delegated Regulation 2023/2772 was adopted setting out the first set of European Sustainability Reporting Standards (“ESRS”) under the Corporate Sustainability Reporting Directive (CSRD).</p> <ul style="list-style-type: none"> <li>The standards cover the full range of environmental, social, and governance issues, including climate change, biodiversity and human rights.</li> <li>They provide information for investors to understand the sustainability impact of the companies in which they invest. They also take account of discussions with the International Sustainability Standards Board (ISSB) and the Global Reporting Initiative (GRI) in order to ensure a very high degree of interoperability between EU and global standards and to prevent unnecessary double reporting by companies.</li> <li>The reporting requirements will be phased in over time for different companies with the first Companies having to start reporting under ESRS starting from 2025.</li> </ul> | High   |
|            | Tax            | BE | Wetsontwerp tot wijziging van het Wetboek van de belasting over de toegevoegde waarde wat de invoering van de verplichting tot elektronische facturering betreft.                             | The Bill makes amendments to the Code of Value Added Tax to introduce a practically universal obligation to issue structured electronic invoices between taxpayers enables automatic and electronic processing thereof.  | Medium |
| 04/01/2024 | SSM Regulation | EU | ECB to stress test banks' ability to recover from cyberattack   | <p>The European Central Bank (ECB) will conduct a cyber resilience stress test on 109 directly supervised banks in 2024.</p> <ul style="list-style-type: none"> <li>The exercise will assess how banks respond to and recover from a cyberattack, rather than their ability to prevent it. Under the stress test scenario, the cyberattack succeeds in disrupting the bank's daily business operations. Banks will then test their response and recovery measures, including activating emergency</li> </ul>   | Medium |

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|            |     |    |   | <p>procedures and contingency plans and restoring normal operations.</p> <ul style="list-style-type: none"> <li>Supervisors will subsequently assess the extent to which banks can cope under such a scenario. As part of the exercise, 28 banks will undergo an enhanced assessment for which they will submit additional information on how they coped with the cyberattack. This sample covers different business models and geographies to provide a meaningful reflection of the euro area banking system and ensure there is efficient coordination with other supervisory activities.</li> </ul> |        |
| 02/01/2024 | Tax | BE | Wet houdende diverse fiscale bepalingen (1) | <p>The Law of 22 December 2023 containing various amending provisions relating to miscellaneous taxes has been published in the Belgian State Gazette.</p> <p>This Law includes various provisions relating to various taxes, income tax, excise duty, value added tax and miscellaneous value added tax and various legislation relating to mortgage matters.</p>  | Medium |
|            | Tax | BE | Wet houdende diverse fiscale bepalingen (1) | <p>The Law of 28 December 2023 containing various amending provisions relating to miscellaneous taxes has been published in the Belgian State Gazette.</p> <p>This Law includes various provisions in relation to the Code on miscellaneous levies and taxes (WDRT), the Inheritance Tax Code, the Code of Registration, Mortgage, and Court Duties, income taxes, customs and excise, as well as procedural and collection matters.</p> <p>It also contains the taxation rules on the bonds with a maturity of 1 year issued by the Belgian state between 1 September and 31 December 2023.</p>        | Medium |

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Readers should note that a large number of developments has been intentionally omitted to increase the readability of this newsletter. Although we have assessed omitted developments as generally presenting a lower risk, any such development may nevertheless have an important and/or immediate impact depending on each client's specific activities or business. The FinReg monitoring should therefore be read as non-comprehensive and indicative only and cannot replace legal advice on the basis of a client's specific activities and business. Liedekerke also offers the comprehensive monitoring tool RegDetect on a subscription basis. Please feel free to contact us at [regdetect@liedekerke.com](mailto:regdetect@liedekerke.com) should you wish more information or set up a demo.