



Horizon Tracker

The Horizon Tracker provides a snapshot of current, upcoming and proposed legislative and regulatory developments in three key areas; Data Protection, Privacy & Information Technology; Financial Services; Financial Services Risk & Regulatory. It identifies selected legislative initiatives, setting out the current status of each, as of the release of the Government’s Autumn Legislative Programme (13 October 2021), and the next steps for proposed and draft legislation.

Content is provided by Matheson and the Compliance Institute wishes to acknowledge, in particular, the support of the Matheson PSL Faculty.

NAME	LATEST STAGE
DATA PROTECTION, PRIVACY & INFORMATION TECHNOLOGY	
Cybercrime Bill	The bill has yet to be published. Its status is listed as “preparatory work is underway” and it is included under All Other Legislation in the Autumn Legislation Programme.
Online Safety and Media Regulation Bill	Further heads of bill were approved on 18 May 2021 and pre-legislative scrutiny is ongoing. The bill is listed as Priority Legislation in the Autumn Legislation Programme.
Communications (Data, Retention and Disclosure) Bill	The bill is listed under All Other Legislation in the Autumn Legislation Programme. Heads of bill were approved on 10 February 2015 and 3 October 2017. Pre-legislative scrutiny has taken place.
Digital Safety Commissioner Bill 2017	Second Stage, Dáil Éireann completed 30 November 2017. The bill lapsed on the dissolution of the 32nd Dáil but was restored to the Order Paper by way of a motion on 17 September 2020. It remains for the bill sponsor to move a motion that the bill be referred to the relevant Select Committee for consideration at Committee Stage.
Data Protection Act 2018	Section 30 is awaiting commencement
ePrivacy: Proposed Regulation	First reading in the European Parliament and Council.

NAME	LATEST STAGE
Proposed Regulation Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act)	First reading in the European Parliament and Council.
Proposal for a Directive to amend the Council Framework Decision as Regards the Protection of Personal Data	First reading in the European Parliament and Council.
FINANCIAL SERVICES	
CP133 - Consultation on Enhancements to the Central Bank Client Asset Requirements, as contained in the Central Bank Investment Firms Regulations	The consultation closed on 10 March 2021. The Feedback Statement on this consultation paper issued in July 2021. In this document, the Central Bank sets out that it expects to publish the third edition of the Central Bank Investment Firms Regulations in final form with accompanying CAR guidance in Q4 2021-Q1 2022.
Credit Union Restructuring Board (Dissolution) Act 2020	Awaiting commencement orders
EU Consumer Agenda	<p>The Commission adopted the New EU Consumer Agenda on 13 November 2020 and will drive the initiatives announced in same over the coming years. In particular, the Commission intends to:</p> <ul style="list-style-type: none"> introduce a legislative proposal to provide better information on sustainability to consumers in 2021. review the directives on product safety, consumer credit and marketing of financial services. develop an Action Plan with China in 2021 to enhance the safety of products sold online and develop regulatory support, technical assistance and capacity building for EU partner regions including in Africa.
European Commission Action Plan on FinTech	<p>On 2 February 2021 the Commission sent a request for technical advice on digital finance to the ESAs, seeking further advice on, among others, the scope of supervisory parameters and prudential risks related to non-bank lending and clients funds' protection, alongside noting the increasing co-operation of technology companies with financial service providers.</p> <p>In respect of the four strands of the Digital Finance Package, see below for more details on the Digital Euro Project, the Proposal for a Regulation on Markets in Crypto-assets and the Proposal for a Regulation on Digital Operational Resilience for the Financial Sector.</p>
Proposal for a Directive on Distance Marketing of Consumer Financial Services	The Inception Impact Assessment closed on 25 June 2021. On 22 June 2021 the Commission also published a Public Consultation on the same Directive, which closed on 28 September 2021. Commission adoption is planned for Q1 2022.
Proposal for a Regulation on Digital Operational Resilience for the Financial Sector	First reading in the European Parliament and Council.
Proposal for a Regulation on Markets in Crypto-assets	First reading in the European Parliament and Council.
Proposal for a Regulation on the Law Applicable to the Third-Party Effects of Assignments of Claims	First reading in the European Parliament and Council.
Proposed Regulation on EU Standards for 'Green Bonds'	First reading in the European Parliament and Council.
Directive on the Supervisory Framework for Financial Institutions	Point (1) of article 2 was transposed into Irish law on 30 June 2020 by the European Union (Insurance and Reinsurance) (Amendment) Regulations 2020 and the remainder of the directive was transposed by the European Union (Insurance and Reinsurance) (Amendment) Regulations 2021. Member States are required to apply the measures with respect to Article 1 from 1 January 2022.

NAME	LATEST STAGE
Directive on the Prudential Supervision of Investment Firms	This directive was to be transposed by 26 June 2021, apart from measures pertaining to point (5) of article 64 which must be applied from 26 March 2020. The Irish legislation transposing the majority of the directive came into effect on 21 September 2021. The only provision that remains to be transposed into Irish law is Article 62(6) which relates to the requirement for Member States to impose an obligation on certain large systemic investment firms (ie, Class 1 Firms) to re-authorise as credit institutions. The Department of Finance has stated that it will conclude this work, as soon as possible, to establish in legislation a re-authorisation process for those investment firms required to re-authorise as credit institutions.
Directive Amending MiFID II	Member States were required to adopt and publish, by 10 May 2021, the laws, regulations and administrative provisions necessary to comply with the directive. On 10 May 2021, the European Union (Markets in Financial Instruments) (Amendment) Regulations 2021 were published. These regulations apply from 10 November 2021.
Regulation on European Crowdfunding Service Providers for Business	10 November 2021. There will be a transitional period for crowdfunding service providers that are authorised under a Member State's national law to continue to provide crowdfunding services until 10 November 2022 or until they are granted an authorisation referred to in article 12 of the regulation, whichever is sooner. In respect of the amendment to MIFID II, S.I. No. 203/2021, the European Union (Markets in Financial Instruments) (Amendment) Regulations 2021 gives effect to this in Irish Law.
FINANCIAL SERVICES RISK & REGULATORY	
Central Bank Notice of Intention - Amendments to the list of Pre-Approval Controlled Functions	The proposal is open for feedback until 20 October 2021.
Central Bank Publishes Findings of Review into Market Abuse Risks	All market participants must critically assess their MAR framework and put in place a time bound plan to remediate deficiencies and to have that plan discussed and approved at board level by end of December 2021.
CP140 - Cross Industry Guidance on Operational Resilience	09 July 2021. Awaiting feedback statement.
CP138 - Consultation on Cross-Industry Guidance on Outsourcing	26 July 2021. Awaiting feedback statement.
Consumer Credit (Amendment) Bill	General scheme published 21 July 2021. This bill is listed under All Other Legislation in the Autumn Legislation Programme. Pre-legislative scrutiny is yet to be determined.
Central Bank (Individual Accountability Framework) Bill	General Scheme published on 27 July 2021. This bill is listed as priority in the Autumn Legislation Programme. Pre-legislative scrutiny is yet to be determined. This bill is intended to be published by the end of the year.
Consumer Protection (Regulation of Retail Credit and Credit Servicing Firms) Bill 2021	Third Stage, Dáil Éireann.
European Commission Action Plan for a Comprehensive Union Policy on AML / CFT	On 20 July 2021, the Commission published a package of legislative proposals, addressing a number of the pillars included in the action plan. These proposals include: <ul style="list-style-type: none"> Regulation to establish an EU AML Authority;

NAME	LATEST STAGE
(Cont.) European Commission Action Plan for a Comprehensive Union Policy on AML / CFT	<ul style="list-style-type: none"> Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing; Sixth Directive on AML; and Revision of Regulation on transfers of funds to trace transfers of crypto-assets (2015/847/EU). <p>The legislative package will now be discussed by the European Parliament and Council.</p> <p>The AML authority is expected to be operational in 2024 and will start the work of direct supervision once the directive has been transposed.</p>
European Commission Targeted Consultation on Supervisory Convergence and the Single Rulebook	21 May 2021. The CMU Action Plan requires the Commission to review the current framework and steps towards achieving the single rulebook by Q4 2021.
Proposal for a Directive to Prevent the Use of the Financial System for Money Laundering or Terrorist Financing	First reading in the European Parliament and Council.
Proposal for a Directive to Allow Access for Competent Authorities to Bank Account Information	First reading in the European Parliament and Council.
Proposal for a Directive on Consumer Credits	First reading in the European Parliament and Council.
Proposal for a Regulation on Instant Payments	Consultation closed on 23 June 2021, Commission adoption planned for Q1 2022.
Proposal for a Regulation Establishing the Authority for AML / CFT	First reading in the European Parliament and Council.
Proposal for a Regulation on the Prevention of the Use of the Financial System for the Purposes of Money Laundering or Terrorist Financing	First reading in the European Parliament and Council.
Proposal for a Regulation on information accompanying transfers of funds and certain crypto-assets (recast)	First reading in the European Parliament and Council.
Directive Facilitating the Use of Financial and Other Information for the Prevention, Detection, Investigation or Prosecution of Certain Criminal Offences	1 August 2021. Ireland has opted into the directive but no steps have been taken to give effect to its provisions to date.
Directive on Combating Fraud and Counterfeiting of Non-cash Means of Payment	31 May 2021. The Irish Government has not yet indicated when legislation on the transposition of the directive will be introduced.
Regulation on a Framework on the Recovery and Resolution of Central Counterparties	<p>The regulation entered into force on 11 February 2021 and applies from 12 August 2022 with the exception of:</p> <ul style="list-style-type: none"> Article 87(2) which has applied since 11 February 2021; Articles 9(1), 9(2), 9(3), 9(4), 9(6), 9(7), 9(9), 9(10), 9(12), 9(13), 9(16), 9(17), 9(18), 9(19), 10(1), 10(2), 10(3), 10(8), 10(9), 10(10), 10(11), 10(12) and 11 which shall apply from 12 February 2022; Articles 9(14) and 20 which shall apply from 12 February 2023
ESMA Guidelines on Outsourcing to Cloud Service Providers	The guidelines applied from 31 July 2021 to all cloud outsourcing arrangements entered into, renewed, or amended on or after this date and firms should review and amend existing cloud outsourcing arrangements to ensure that they take into account the guidelines by 31 December, 2022.

This material is provided for general information purposes only and does not purport to cover every aspect of the themes and subject matter discussed, nor is it intended to provide, and does not constitute, legal or any other advice on any particular matter.