

## **Asset Management & Investment Funds - Monthly update - January 2023**

Hello and welcome to the A&L Goodbody Soundbite Series. My name is Nollaig Greene and I am a Knowledge Lawyer in the Asset Management and Investment Funds team. I'm going to summarise our January 2023 Regulatory Bulletin.

In it, we cover both Irish domestic developments and EU developments relevant to the asset management and investment funds space. You can find more detail in our monthly bulletin on our website. On the domestic side, the Central Bank clarified its requirements for UCITS publishing PRIIPs KIDs and for raves that produce PRIIPs KIDs.

Access to information on the central registers of beneficial ownership remains restricted to designated persons and competent authorities. We expect future beneficial ownership rules to reflect the recent ECJ judgement.

In company law, the interim period of the company's Miscellaneous Provisions COVID-19 Act 2020 has been extended to 31 December 2023. This will permit companies to hold their annual general meetings and general meetings by electronic means.

The Central Bank planned to begin a themed inspection of ETFs in Q1 2023 with a view to mapping the ETF ecosystem in Ireland. The Central Bank issued a chair letter titled Protecting Consumers in a Changing Economic Landscape.

And in EU developments, updates to SFDR Level 2 product disclosure templates are expected by 1 February 2023. Two Commission draft notices with frequently asked questions on the Taxonomy Regulation were published on the Disclosures Delegated Act and on the Taxonomy Climate Delegated Act.

ESMA published draft RTS and ITS for cross-border marketing and management of investment funds and the cross-border provision of services by fund managers under the UCITS Directive and the AIFMD.

ESMA published a report on the EU eco-label for retail funds. The corporate sustainability reporting directive must be transposed by member states by 6 July 2024. The ESAS published an updated Q&A on the PRIIPS KID. The joint ESAS supervisory statement concerning the performance scenarios in the PRIIPS KID no longer applies.

ESMA updated its AIFMD Q&A to look at whether managers of SPACs are subject to AIFMD. An EU directive concerning gender balance on boards for listed companies must be transposed by member states by end 2024.

ESMA published a peer review report on national competent authorities handling a firm's relocation to the EU in the context of Brexit. ESMA published guidelines for reporting under AMIR to apply from 29 April 2024.

The EU Commission began the process to adopt an adequacy decision for the EU-US data privacy framework. A regulation on digital operation resilience for the financial sector, known as DORA, came into force in January 2023. The related directive must be transposed by 17 January 2025.

ESMA published its fifth annual report on the cost and performance of EU retail investment products. ESMA published its strategy for 2023 to 2028 and its 2023 annual work programme.

ESG disclosures are important. This year we'll see a peer review on the depository obligations under the UCITS directive and AIFMD, focusing on the oversight and safekeeping functions of depositories.

ESMA also plans to launch a peer review on delegation and outsourcing. And we expect an updated list of high-risk third countries for AML-CFD. And that's our January summary. My email address is [ngreene@algoodbody.com](mailto:ngreene@algoodbody.com).

Thank you.