

IFD/IFR timelines

Key dates under Investment Firms Directive (2019/2034) and Investment Firms Regulation (2019/2033)]

- IFD and IFR Published: 5 December 2019
- Entry into force (EIF): 25 December 2019
- Applicability: 18 months after EIF

There are four phases of implementation

- Phase one: by December 2020
- Phase two: by June 2021
- Phase three: by December 2021
- Phase four: between December 2021 and June 2025

Directive/ regulation art.	Type of measure	Explanation	Deadline
1. Thresholds for Investment Firms (IFs) subject to Capital Requirements Regulations (CRR)			
IFD 5(6)	Regulatory Technical Standards (RTS)	EBA to submit draft RTS to the Commission which specify the criteria for subjecting certain IFs to the CRR (total value of consolidated assets equals or greater than €5bn)	26 December 2020
IFR 55(5)	RTS	EBA to prepare draft RTS to specify the obligation to provide information to National Competent Authorities (NCAs) to monitor capital thresholds (€5bn)	26 December 2020
CRD 8a(6)	RTS	RTS on the information to be provided for the authorisation of a credit institution	26 December 2020
CRD 8a(6)	RTS	RTS on the calculation of the thresholds (€30bn) to be a credit institution	26 December 2020
2. Capital requirements and composition			
IFR 13(4)	RTS	EBA to prepare draft RTS to supplement the calculation of the fixed overheads requirement	26 December 2020
IFR 15(5)	RTS	EBA to prepare draft RTS to specify the methods for measuring the K-factors	26 December 2020
IFR 15(5)	RTS	EBA to prepare draft RTS on the definition of segregated account to ensure the protection of client money in the event of failure of an IF	26 December 2020
IFR 15(5)	RTS	EBA to prepare draft RTS to specify adjustments to the K-DTF coefficients	26 December 2020

Directive/ regulation art.	Type of measure	Explanation	Deadline
IFR 23(3)	RTS	EBA to prepare draft RTS to specify the calculation of the amount of the total margin and the method of calculation of K-CMG	26 December 2020
IFR 9(4)	List	EBA to prepare a list to monitor and eligible own funds instruments and funds for class three firms. The list is to be published for the first time on 26 December 2020	26 December 2020 (first time)
IFD 42(6)	RTS	EBA to submit draft RTS to specify how the liquidity risk for IFs is to be measured	26 June 2021
IFR 43(4)	Guidelines	EBA to develop guidelines to specify the criteria when exempting Article 12(1) IFs (class three) from the liquidity requirements	June 2022 (expected)
IFD 37(4)	Guidelines	EBA to develop guidelines with benchmarks on how IFs are to use internal models	June 2022 (expected)
IFR 7(5)	RTS	EBA to prepare draft RTS specifying the details of the scope and methods for prudential consolidation of an investment firm group	26 December 2020
3. Reporting and disclosure			
IFR 54(3)	Implementing Technical Standards (ITS)	EBA to prepare ITS on supervisory reporting, specifying the formats and reporting dates and definitions to be applied	26 December 2020 (consultation paper on draft ITS in May 2020 (IFs expected to submit first data with reference date as of September 2021. Disclosure requirements applicable from 26 June 2021)
IFR 52(3)	RTS	EBA to prepare RTS to specify templates for investment policy disclosures	26 June 2021 (consultation paper on draft ITS in November 2020)
IFR 49(2)	RTS	EBA to prepare ITS to specify templates for own funds disclosures	26 June 2021 (consultation paper on draft ITS in May 2020)
4. Remuneration and governance			
IFD 26(4)	Guidelines	EBA to issue guidelines on the application of governance arrangements	Q1 2021
IFD 30(4)	RTS	EBA to submit draft RTS to specify appropriate criteria to identify the categories of staff whose professional activities have a material impact on IF's risk profile	26 June 2021 (legal deadline) October 2020 (expected)
IFD 32(8)	RTS	EBA to submit draft RTS to specify the classes of instruments for variable remunerations convertible into Common Equity Tier one	26 June 2021 (legal deadline) October 2020 (expected)
IFD 34(2)	Guidelines	EBA to issue guidelines on benchmarking of remuneration practices and the gender pay gap	Q4 2021

Directive/ regulation art.	Type of measure	Explanation	Deadline
IFD 34(3)	Guidelines	EBA to issue guidelines of sound remuneration policies	Q4 2021
IFD 34(4)	Others	EBA to publish supervisory information on high earners (the EBA may issue guidelines to facilitate data collection)	Q4 2021
5. Supervisory convergence and supervisory review and Pillar two			
IFD 13(7)	RTS	EBA to prepare RTS on information exchange between NCAs in different Member States	26 June 2021
IFD 13(8)	ITS	EBA to publish draft ITS to establish standard forms, templates and procedures for supervisory information sharing	26 June 2021
IFD 48 (8)	RTS	EBA to publish RTS on how colleges of supervisors exercise their tasks	26 June 2021
IFD 40(6)	RTS	EBA to prepare draft RTS on Pillar two add-ons (setting out how to measure risk)	26 June 2021
IFD 45(2)	Others	EBA to publish aggregated information received from NCAs for supervisory review and evaluation process (SREP) on its website	Q4 2022
IFD 45(2)	Others	EBA to report to European Parliament and Council on degree of convergence of the application of the IFD across Member States	Q4 2022
IFD 45(2)	GS	EBA to publish guidelines on procedures and methodologies for the SREP and provide them to NCAs	Q4 2022
IFD 57(4)	ITS	EBA to publish draft ITS to determine the format, structure, content lists and annual publication date (on laws, discretions, SREP and sanctions)	26 June 2021
6. Environmental, social and governance (ESG) exposure			
IFD 35	Report	EBA to prepare a report on technical criteria related to exposures with substantial ESG objectives for the SREP	26 December 2021 (discussion paper expected in Q2/Q3 2020 seeking stakeholder feedback)*
IFR 34(2)	Report	EBA to prepare a report on the prudential treatment of assets exposed to activities associated with ESG objectives	26 December 2021 (the EBA expresses doubt about meeting this deadline, notes the conflict with similar mandate in CRR with deadline in 2025. Expects to publish discussion paper between 2022-2024 and report thereafter.)

*impacted by COVID-19

Disclaimer: A&L Goodbody 2020. The contents of this document are limited to general information and not detailed analysis of law or legal advice and are not intended to address specific legal queries arising in any particular set of circumstances.