



## Financial Markets Law Committee (“FMLC”)

### Banking Scoping Forum

Date: Monday 2 March 2020

Time: 2.00pm to 3.30pm

Location: Allen & Overy LLP, One Bishops Square, London, E1 6AD.

#### Attendees:

Dorothy Livingston (Chair)	Herbert Smith Freehills LLP
Thomas Donegan	Shearman & Sterling LLP
Jons Lehmann	Fried, Frank, Harris, Shriver & Jacobson (London) LLP
John McGrath	Dechert LLP
Monica Sah	Clifford Chance LLP
Julia Smithers Excell	White & Case LLP
Ferdisha Snagg	Cleary Gottlieb Steen & Hamilton LLP
Jeremy Stokeld	Linklaters LLP
Stuart Willey	White & Case LLP
Chhavi Sinha	FMLC Secretariat
Katja Trela-Larsen	FMLC Secretariat

#### Regrets:

James Bresslaw	Simmons & Simmons LLP
Clare Dawson	Loan Market Association
Simon Hills	UK Finance
Ian Jameson	Sumitomo Mitsui Banking Corporation Europe Limited
Mark Kalderon	Freshfields Bruckhaus Deringer LLP
Etay Katz	Allen & Overy LLP
Mitja Sirai	FIA

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## Agenda:

1. Introductions
2. Linking in with the FMLC (Katja Trela-Larsen)
3. The Investment Firm Regulation: proposed changes to Article 46 of MiFIR (Dorothy Livingston)
4. ESMA Consultation Paper on Draft Technical Standards on the provision of Investment Services and Activities in the Union by Third-Country Firms under MiFID II/ MiFIR<sup>1</sup> (Dorothy Livingston)
5. Bank for International Settlements Discussion Paper: Designing a prudential treatment for crypto-assets<sup>2</sup> (Dorothy Livingston)
6. Law Commission Consultation on Intermediated Securities—issues in relation to debt securities (Dorothy Livingston)
7. European Commission review of the regulatory framework for investment firms and market operators (Dorothy Livingston)
8. Any other business

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<sup>1</sup> ESMA, *Consultation Paper: Draft technical standards on the provision of investment services and activities in the Union by third-country firms under MiFID II and MiFIR* (31 January 2020), available at: [https://www.esma.europa.eu/sites/default/files/library/esma35-43-2131\\_cp\\_on\\_provision\\_of\\_services\\_by\\_tdfs.pdf](https://www.esma.europa.eu/sites/default/files/library/esma35-43-2131_cp_on_provision_of_services_by_tdfs.pdf)

<sup>2</sup> BIS Basel Committee on Banking Supervision, *Discussion paper: Designing a prudential treatment for crypto-assets* (13 March 2020), available at <https://www.bis.org/bcbs/publ/d490.pdf>