

FINANCIAL MARKETS LAW COMMITTEE ("FMLC")

BANKING SCOPING FORUM

TERMS OF REFERENCE

Background and Remit

The Financial Markets Law Committee ("FMLC") established the Banking Scoping Forum following the European Commission's publication of a Banking Reform Package in November 2016 which proposed fundamental changes to E.U. legislation on bank resolution and bank capital.

The Forum continues to provide a space for discussion of current and future issues of legal uncertainty related to the wholesale banking sector, including the loan market, the U.K.'s regulatory perimeter and various other complexities affecting large financial institutions. The Forum's membership includes in-house counsel from banks and lawyers in private practice.

The Forum may examine issues arising under the current regulatory framework as well as future proposals. In this capacity, it may consider any or all of English, European, international and foreign law.

The Forum supports the FMLC's radar function by liaising with legal and financial experts from both the public and private sectors in order to ascertain areas of legal uncertainty.

The Forum will make recommendations as to the FMLC's work on banking sector issues. The final decision on these matters rests with the Committee.

Conduct of Business

Members of the Forum should meet at least every quarter but may, if it is deemed necessary, meet more regularly. A Forward Schedule, containing meeting dates for the year, will be circulated at the beginning of every year.

Members of the Forum act in a purely personal capacity. The names of the institutions that they ordinarily represent may be mentioned for information purposes only.

For reasons of diversity of perspective, inclusion and practicality, any one organisation should not have multiple colleagues (i.e. more than a maximum of two) with membership of the Forum.

Non-members may be invited to attend meetings as guest speakers. For reasons of continuity and accountability, the participation of non-members *qua ad hoc* observers are usually permitted. This rule does not apply to individuals from regulatory authorities and international standard setting bodies, who may be invited to attend Forum meetings to ensure transparency.

Registered Charity Number: 1164902

"FMLC" and "Financial Markets Law Committee" are terms used to describe a committee appointed by Financial Markets Law Committee, a limited company ("Company"). Registered office: City of London, PO Box 270, Guildhall, London EC2P 2EJ. Registered in England and Wales with number: 8733443

Issues for the FMLC/Output

The Forum will not itself have any *vires* to initiate projects or pass resolutions affecting the FMLC. Where a substantive issue of legal uncertainty is raised by members of the Scoping Forum, this may be proposed by the Secretariat to the FMLC as a topic which may require further action. The Committee may then establish working groups and undertake further work on the issue.

Moderators

The Moderators of the Scoping Forum will be chosen on a rotational basis.

Secretariat

The Secretariat will support the Moderator and the Forum during meetings, as well as manage Forum-related communications outside meetings. The Secretariat will help draft and circulate meeting agenda and related documents in advance of Forum meetings. Members are encouraged to suggest agenda items through the Secretariat.

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