

SCHEDULES

SCHEDULE 1

EXCLUSION OF CERTAIN INVESTMENT FIRMS FROM THE CAPITAL REQUIREMENTS REGULATION: CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS OF THE CAPITAL REQUIREMENTS (COUNTRY-BY-COUNTRY REPORTING) REGULATIONS 2013

- 48 The Capital Requirements (Country-by-Country Reporting) Regulations 2013 ([S.I. 2013/3118](#)) are amended as follows.
- 49 (1) Regulation 1(2) (interpretation) is amended as follows.
- (2) For the definition of “capital requirements regulation” substitute—
- ““the capital requirements regulation” means [Regulation \(EU\) No. 575/2013](#) of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending [Regulation \(EU\) No. 648/2012](#),”.
- (3) After that definition insert—
- ““FCA investment firm” has the same meaning as in Part 9C of the 2000 Act;
- “financial institution” has the meaning given in Article 4(1)(26) of the capital requirements regulation,”.
- (4) After the definition of “period of account” insert—
- ““Regulated Activities Order” means the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ([S.I. 2001/544](#));
- “relevant FCA investment firm” has the meaning given in paragraph (2A);
- “small and non-interconnected firm” has the meaning given in rules made by the Financial Conduct Authority for the purposes of Part 9C of the 2000 Act,”.
- 50 In regulation 1, after paragraph (2) insert—
- “(2A) For the purposes of these Regulations, an FCA investment firm is “relevant” if—
- (a) it has a branch or subsidiary in a country or territory outside the United Kingdom that is a financial institution, and
- (b) it is not a small and non-interconnected firm,
- subject to paragraphs (2B) and (2C).

- (2B) Where an FCA investment firm which has not been a small and non-interconnected firm for a period becomes a small and non-interconnected firm, it only ceases to be a relevant FCA investment firm once—
- (a) it has been a small and non-interconnected firm for a continuous period of six months, and
 - (b) it has notified the Financial Conduct Authority.
- (2C) Where an FCA investment firm which has been a small and non-interconnected firm for a period determines that it is no longer a small and non-interconnected firm—
- (a) it must notify the Financial Conduct Authority, and
 - (b) it does not become a relevant FCA investment firm until—
 - (i) the end of the period of 12 months beginning with the day on which it made the determination, or
 - (ii) if the notification specifies an earlier date, that date.”
- 51 In regulation 1(3) (interpretation of references to EU legislation), for “any EU regulation,” substitute “any EU regulation other than the capital requirements regulation or to any”.
- 52 (1) Regulation 2 (ongoing reporting obligation) is amended as follows.
- (2) In paragraph (1), after “Institutions” insert “and relevant FCA investment firms”.
 - (3) In paragraph (2), after “institution” insert “or relevant FCA investment firm”.
 - (4) In paragraph (3), for “institution’s period of account” substitute “period of account for the institution or relevant FCA investment firm”.
 - (5) In paragraph (4)—
 - (a) in the opening words, after “institution” insert “or relevant FCA investment firm”, and
 - (b) in sub-paragraph (a), after “institution” insert “or relevant FCA investment firm”.
 - (6) In paragraph (8), after “institution” insert “or relevant FCA investment firm”.
- 53 In regulation 3(1) (interim reporting obligation), after “Institutions” insert “and relevant FCA investment firms”.
- 54 (1) Regulation 4 (group disclosure) is amended as follows.
- (2) In paragraph (1), after “institution” insert “or relevant FCA investment firm”.
 - (3) In paragraph (2), after “institution” insert “or relevant FCA investment firm”.
- 55 (1) Regulation 5 (prior disclosure: prevention of duplication) is amended as follows.
- (2) In paragraph (3)—
 - (a) after “an institution” insert “or relevant FCA investment firm”, and
 - (b) after “the institution” (in both places) insert “or firm”.
 - (3) In paragraph (4)—
 - (a) after “an institution” insert “or relevant FCA investment firm”, and
 - (b) after “the institution” (in both places) insert “or firm”.

- 56 In regulation 6(2) (enforcement)—
- (a) in sub-paragraph (a) omit “which is a PRA-authorised person within the meaning of section 2B(5) of the 2000 Act”, and
 - (b) in sub-paragraph (b), for “any other institution” substitute “a relevant FCA investment firm”.