



17 April 2020

COVID 19: Central Bank of Ireland Announces Flexibility Measures for Certain Regulated Firms

Introduction

In a Markets Update published earlier today, the Central Bank of Ireland (the “Central Bank”) has **announced** a number of flexible measures for investment firms, fund service providers, funds and other market participants in recognition of the challenges facing these entities as a result of COVID 19.

Extension of filing deadlines

Below is a table outlining the extensions granted by the Central Bank in respect of regulatory filings which must be made by certain regulated firms and funds.

The Central Bank notes that where an entity is in a position to meet existing reporting deadlines notwithstanding COVID19, it should continue to do so. It has also noted that all other reports and returns which have not been identified below should be filed with the Central Bank within the existing reporting timeframes.

It is worth highlighting at the outset that the extensions afforded by the Central Bank are time-limited and will only apply where the relevant period-end falls within the “Applicable Period” below. The extension granted also varies depending on the filing in question.

Readers should be aware that where an investment fund is not able to file its periodic reports within the usual regulatory timeframes and seeks to rely on the extended reporting timeframe set out below, it must notify the Central Bank and inform investors as soon as practicable of the delay. Such notification should

include the reasons for such delay and where possible, the estimated publication date.¹

Firm Type	Filing Type	Extension Granted	Applicable Period
UCITS Funds	Annual Statements	2 months	Year-end occurring on or after 31 December 2019 but before 1 April 2020
UCITS Funds	Annual Statements	1 month	Year-end occurring on or after 1 April 2020 but before 1 May 2020
UCITS Funds	Semi-Annual Statements	1 month	Period-end occurring on or after 31 January 2020 but before 1 April 2020
AIF Funds	Annual Statements	2 months	Year-end occurring on or after 31 December 2019 but before 1 April 2020
AIF Funds	Annual Statements	1 month	Year-end occurring on or after 1 April 2020 but before 1 May 2020
AIF Funds ²	Semi-Annual Statements	1 month	Period-end occurring on or after 31 January 2020 but before 1 April 2020

¹ The Central Bank has noted that where financial statements are usually published via a website, notification of the delay in publishing the financial statements as a result of COVID 19 should also be published via that website.

² Retail Alternative Investment Funds are required under Section 5 of Chapter 1 of the Central Bank's AIF Rulebook to publish semi-annual financial statements. Qualifying Investor Alternative Investment Funds (or QIAIFs) established as unit trusts or common contractual funds are also required to publish semi-annual financial statements under Section 5 of Chapter 2 of the Central Bank's AIF Rulebook

UCITS Management Company, AIFM, AIF Management Company, Investment Firms and Depositaries ³	Annual Audited Accounts	2 months	Submissions falling due from April 2020 to July 2020
UCITS Management Company, AIFM, AIF Management Company Investment Firms and Depositaries ⁴	Management/Interim Accounts	1 month	Reporting Dates March 2020 to May 2020
UCITS Management Company, AIFM, AIF Management Company, Investment Firms and Depositaries	Related Party Annual Confirmation	2 months	Submissions falling due from April 2020 to July 2020
UCITS Management Company, AIFM, AIF Management Company and Depositaries	Minimum Capital Requirement	1 month	Reporting dates March 2020 to May 2020
Fund Administrators	Own Funds Requirement	1 month	Reporting Dates March 2020 to May 2020
CRD IV Investment Firms and CRR Investment Firms	(i) COREP Own Funds Report (ii) Leverage Reporting	1 month	Reporting dates March to May 2020

³ This applies to depositaries who fall within the scope of paragraphs (a)(ii) of the definition of "Fund Service Provider" in Regulation 2(1) of the Central Bank Investment Firms Regulations. This will include any depositary who is authorised under Section 10 of the Investment Intermediaries Act to carry out custodial operations involving the safekeeping and administration of investment instruments.

⁴ In the case of investment firms, this includes the filing of management accounts (Budget v Actual)

	(iii) Asset Encumbrance		
	(iv) Large Exposures		
CRD IV Exempt FOR Firm	COREP Report	1 month	Reporting dates March to May 2020
CRD IV Exempt Firm and IIA Non-Retail Investment Business Firms	Capital Adequacy Statement	1 month	Reporting dates March to May 2020

Client Asset and Investor Money Requirements Assurance Reports

Where any investment firm or fund service provider which has the permission to hold client assets or investor money cannot comply with the filing deadlines applicable to assurance reports (which detail the arrangements in place for safeguarding client assets or investor money) as a result of COVID 19, the Central Bank has confirmed that it will grant an extension of two months from the date on which the filing should have been made for any report falling due from April 2020 to July 2020. Affected firms wishing to avail of this extension period should liaise with their usual contact in the Client Asset Specialist Team in the Central Bank or via CAST@centralbank.ie explaining the rationale for relying on the extension and where possible the estimated submission date.

CRD IV/CRR MiFID Investment Firms: Pillar 3 Reports

If an investment firm which is required under CRD IV or CRR to publish Pillar 3 reports is unable to publish such reports within applicable timeframes, it should advise the Central Bank of this delay, the reasons for this delay and where possible the estimated publication date. The Central Bank also urges such firms to consider whether any additional Pillar 3 disclosures on prudential information should be made in the relevant report in order to “properly convey the risk profile of the firm” as a result of challenges caused by COVID 19.

Risk Mitigation Programmes for Investment Firms and Fund Service Providers

Where an investment firm or fund service provider is required to submit information or documentation to the Central Bank within a specific timeframe detailed in a risk mitigation programme (“RMP”) issued by the Central Bank to the relevant entity and is unable to meet the relevant deadline as a result of COVID 19, it should engage with its Central Bank supervisor outlining the reasons why it is not in a position to meet the deadline set down in the RMP. The Central Bank will then assess whether such deadlines should be extended on a case-by-case basis.

Other Measures

In its announcement, the Central Bank noted that it will require “additional targeted information” to be submitted by funds, investment firms and fund service providers during the COVID19 emergency. It expects regulated entities to “continue to engage constructively” and to respond to any request for additional information in as timely a manner as possible.

The Central Bank has confirmed that it will apply the emergency measures announced by ESMA in light of COVID 19 which are listed on its webpage⁵.

The Central Bank has confirmed that it is delaying updates to its domestic regulatory policy frameworks applicable to investment firms, fund service providers and funds in light of COVID 19. It has also confirmed that it will not publish its feedback statement to [Consultation Paper 130](#) which deals with the treatment, correction and redress of errors in investment funds, at this juncture.

Conclusion

As discussed in our [client briefing](#) earlier this month, the past month has seen national and European regulators take exceptional measures in order to give entities which have been impacted by COVID 19 some much needed flexibility and support to allow them navigate their businesses through these uncharted waters. The additional measures announced by the Central Bank today should provide Irish regulated firms and funds some additional breathing space during this very challenging time.

Should you require any further information or assistance, please do not hesitate to contact your usual Dillon Eustace contact.

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⁵ <https://www.centralbank.ie/regulation/markets-update/article/markets-update-issue-3-2020/central-bank-of-ireland/central-bank-sets-out-areas-where-regulatory-flexibility-will-be-allowed-as-regards-requirements-applicable-to-securities-markets-investment-management-and-investment-firms-in-light-of-the-challenges-posed-by-covid-19>