EBA concerns

AIFMD and UCITS framework addresses all of the concerns raised in the consultation, as illustrated in the table below:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **EBA concerns** | **Provisions addressing these concerns** | **AIFMD** | **UCITS Directive** | **MMF specific** | **Upcoming regulation** |
| *Run risk and/or liquidity problems* | Risk management, liquidity management requirement, gates and liquidity fees, | Article 16 of AFMD (2011/61/EU), Section 4 of Regulation 231/2013 | Directive 2010/43/UE | CESR/ESMA guidelines on MMF: WAM and WAL requirements  (ESMA/2014/110 and CESR 10-049) | MMF regulation that will bring the ESMA guidelines into a regulation |
| *Interconnectivity and spillovers* | Counterparty limits, risk management requirements | Article 15 of AFMD (2011/61/EU), Section 3 of Regulation 231/2013 | Directive 2009/65, Directive 2010/43/UE |  | MMF regulation |
| *Excessive leverage and procyclicality* | Limits on leverage, disclosure on leverage, | Article 22 to 25 of AFMD (2011/61/EU) | Directive 2009/65 Directive 2010/43/UE  CESR guidelines 10-788 | Limits of use of derivatives in CESR/ESMA guidelines on MMF (ESMA/2014/110 and CESR 10-049) | MMF regulation that will bring the ESMA guidelines into a regulation |
| *Opaqueness and complexity* | Reporting to investors, reporting to regulators, supervision of managers and depositaries | Article 22 to 24 and article 26 of AFMD (2011/61/EU) | RÈGLEMENT (UE) No 583/2010 DE LA COMMISSION  du 1er juillet 2010 |  | MMF regulation that will bring the ESMA guidelines into a regulation |