

Public Consultation on DRSP criteria for derogation

This consultation paper is published to seek stakeholders' input on ESMA's proposals for technical advice to the Commission on delegated acts relating to the criteria to identify those ARMs and APAs that, by way of derogation from Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments, on account of their limited relevance for the internal market, are subject to authorisation and supervision by a competent authority of a Member State.

ESMA invites comments on all matters in this paper and in particular on the specific questions summarised in Annex 1. Comments are most helpful if they:

1. respond to the question stated;
2. indicate the specific question to which the comment relates;
3. contain a clear rationale; and
4. describe any alternatives ESMA should consider.

ESMA will consider all comments received by **4 January 2021**.

All contributions should be submitted online at www.esma.europa.eu under the heading 'Your input – Consultations'.

Publication of responses

All contributions received will be published following the close of the consultation, unless you request otherwise. Please clearly and prominently indicate in your submission any part you do not wish to be publicly disclosed. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure. A confidential response may be requested from us in accordance with ESMA's rules on access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by ESMA's Board of Appeal and the European Ombudsman.

Croatia: EIB and HBOR unlock EUR 142.5 million credit line for SMEs



- EIB and HBOR create a new EUR 142.5 million credit line to support faster recovery of Croatian SMEs from COVID-19;
- The credit line supports SMEs to maintain liquidity, continue with

investments and sustain jobs and comes as a part of a EUR 400 million package for Croatian SMEs agreed with HBOR

Croatian small and medium enterprises will benefit from a new EUR 142.5 million credit line agreed between the European Investment Bank (EIB) and Croatian Bank for Reconstruction and Development (HBOR) signed today in Zagreb and Luxembourg. This is the second tranche of a EUR 400 million package for SMEs agreed between the EU bank and HBOR.

The credit line will support companies looking for more affordable financing to maintain liquidity, support investments and sustain jobs, and fuel faster recovery of the national economy from the COVID-19 pandemic.

Since the beginning of operations in Croatia, the EIB has supported the economic and social development of Croatia with € 6.71 billion invested in the country. The EU Bank has supported Croatian SMEs by unlocking new sources of finances worth close to € 3.75 billion.

EIB Vice President responsible for EIB activities in Croatia, Dario Scannapieco, said: *“The EIB continues to support Croatia grow and develop faster, this time by making sure SMEs can continue to fuel faster recovery of the national economy from the COVID-19 pandemic. I am very proud at the speed of the EIB and HBOR support in Croatia, since this is the second operation signed since the beginning of the pandemic in March 2020 unlocking more than EUR 240 million in more affordable loans to the country’s SMEs and Mid-Caps.”*

President of the Management Board of HBOR, Tamara Perko, said: The Loan is intended for the provision of affordable loans to small and medium-sized enterprises in need of funds for maintaining liquidity, preserving jobs and further investing for the purpose of ensuring faster recovery from the consequences of the crisis caused by the COVID-19 pandemic. This Contract is another confirmation of our good cooperation with the EIB and represents an additional source of funding for granting loans at favourable terms and conditions and continued reduction of interest rates charged to entrepreneurs who employ people under the age of 30.”

This operation is also a part of the EIB Jobs for Youth Initiative, under which the EU Bank extends terms that are more favorable to companies creating jobs for young people. The Initiative tackles youth unemployment as one of the biggest social and economic challenges for Croatia and Europe alike.

This is the second COVID-19 recovery support package agreed between the EIB and HBOR in Croatia since the beginning of the pandemic in March 2020. In October, the EIB signed a EUR 100 million loan for the faster recovery of Croatian SMEs and Mid-Caps from the pandemic. The two operation alone created new sources of financing for SMEs and Mid-Caps worth more than EUR 240 million.

The EIB in Croatia:

To date the EIB has supported the economic and social development of Croatia by investing € 6,71 billion in operations covering the most important sectors

of Croatia's economy, including transport, the environment, energy infrastructure, manufacturing and services. Another key component of EIB activities in Croatia is support for SMEs and Mid-Caps through creation of long-term financing options in cooperation with local financial institutions. To date, the EIB supported Croatian SMEs by unlocking new sources of finances worth close to € 3,75 billion.

EU Justice and Home Affairs agencies put focus on digitalisation

JUSTICE AND HOME AFFAIRS
AGENCIES NETWORK

#digitalisation

"The benefits of digitalisation are many but so too are the potential fundamental rights risks. By working together as agencies we learn from each other capitalising on the advantages, building on shared experiences, which is the hallmark of this Justice and Home Affairs agencies network."

Michael O'Flaherty
FRA Director

Eurojust President Mr Ladislav Hamran said: *"Seven months ago the JHA agencies were unexpectedly faced with the enormous challenge of providing support to EU Member States in the completely new reality of a pandemic. I am genuinely impressed by how rapidly we adapted to digital working environments while making sure that the cooperation amongst our agencies continued as before. Now we have to take stock of what we have learned from this experience and move towards even greater digitalisation of our operational methods in the future."*

All JHA agencies have been able to continue their operational activities during the COVID-19 pandemic with the help of readily available digital and online communication tools. The pandemic has given new insights into how these virtual ways of working can be optimised and, by sharing their experiences and best practices, the agencies now aim to make optimal use of existing capacities and expertise. At the same time, the increasingly

important role of Artificial Intelligence in the agencies' operational activities calls for closer cooperation in this field to ensure that AI development and deployment does not negatively impact fundamental rights.

"The benefits of digitalisation are many but so too are the potential fundamental rights risks," said FRA Director Michael O'Flaherty. "By working together as agencies we learn from each other capitalising on the advantages, building on shared experiences, which is the hallmark of this Justice and Home Affairs agencies network."

Following today's discussions, the Heads of JHA agencies agreed to draw up a list of upcoming challenges and opportunities for joint initiatives in the field of digitalisation. Aware of the resources that future digitalisation measures will inevitably require, they called upon the EU institutions to make sure that adequate funding is available.

Eurojust chaired today's meeting and has made digitalisation a priority for the coming years. In close cooperation with the European Commission, the agencies will work towards the full digitalisation of judicial cooperation in the EU. With interoperability, secure online communication channels and innovative technologies as its key ingredients, this Digital Criminal Justice project is expected to also benefit other JHA agencies and help streamline interagency cooperation.

[Remarks by President Charles Michel after the video conference of the members of the European Council on 19 November 2020](#)



Before discussing COVID-19, I would like to give you a brief update on the MFF. As you know, in July, we agreed by unanimity the MFF and the recovery package. We need to stay united on this. This financial package is essential for our economic recovery. We need to implement it as soon as possible.

Chancellor Merkel gave us an update on the state of play of the ongoing discussion following the last trilogue with Parliament. On the mechanism on conditionality, the vast majority of Member States agree with the compromise on the table. Some Member States have indicated that they are not able to support the majority. We will continue the discussions to find an acceptable solution to all.

On terrorism. We expressed our solidarity towards France and Austria. We will

never shy away from defending our values and promoting our freedoms. And we will continue to fight the ideology of hatred, including online. It's crucial for us to look at the role of online platforms and set a stricter framework.

We will revert to this issue in December. We look forward to the commission's proposal on this, the Digital Services Act, which we expect in December.

COVID-19 in Europe remains serious and concerning and we are monitoring the situation closely. That's why today we continued our discussions to assess the current situation and coordinate our efforts. We have seen promising signs since our last meeting, but we remain cautious and vigilant. We cannot let down our guard.

We discussed again 3 important issues: testing, vaccines and the lifting of restrictive measures and coordination.

First, on testing. We discussed how to develop a common EU-approach for the use of rapid antigen tests. Those tests are complementary to PCR tests in our testing strategies. We need to work towards mutual recognition of tests and their results. For rapid tests, this is based on common criteria guaranteeing their performance. We also discussed national testing strategies and exchanged best practices.

Second, on vaccines. The results of recent trials are encouraging. Future vaccines are within reach, and we need to be ready. We agreed to speed up the preparations of national vaccination plans to ensure vaccines are available and affordable to all EU citizens, once authorised.

We welcome that Member States and the Commission have already finalized several Advance Purchase Agreements. There will be, we know that, logistical challenges like storage, transport and the number of doses. And another challenge will be communication. The number of people distrustful of vaccines is growing, and we must clearly communicate their value.

Finally, we had a discussion on the lifting of restrictions. We need to learn past lessons and be cautious when we lift restrictions. It should be gradual and regressive. We all want to celebrate the end of year holidays but safely. Let's ring in the New Year safely.

COVID-19 has a devastating human cost. There are family and friends behind all the numbers and statistics. Let's never forget that. That is why we are working 24/7 to defeat this virus. Let's continue to stand together, work together, and support each other. We will follow up at our next European Council meeting in December.

[Visit the meeting page](#)

Council approves conclusions on the EU Action Plan on Human Rights and Democracy 2020-2024



The Council has approved conclusions on the EU Action Plan on Human Rights and Democracy 2020-2024. The Action Plan sets out the EU's **level of ambition and priorities** in this field in its relations with all third countries.

With this Action Plan, the Council reaffirms the EU's **strong commitment to further advancing universal values for all**.

The conclusions acknowledge that while there have been leaps forward, there has also been a **pushback** against the universality and indivisibility of human rights. The ongoing **COVID-19 pandemic** and its **socio-economic consequences** have had an increasingly negative impact on all human rights, democracy and rule of law, deepening pre-existing inequalities and increasing pressure on persons in vulnerable situations.

No one should be left behind, no human right ignored. To this end the EU and its member states will use the full range of their instruments, in all areas of external action, to focus on and further strengthen EU's global leadership in the field of human rights and democracy and in the implementation of the EU Action Plan.

Background

In 2012, the EU adopted the Strategic Framework on Human Rights and Democracy which set out the principles, objectives and priorities designed to improve the effectiveness and consistency of EU policy in these areas. To implement the EU Strategic Framework of 2012, the EU has adopted two EU Action Plans (2012-2014 and 2015-2019).

The new Action Plan for 2020-2024 builds on the previous action plans and continues to focus on long-standing priorities such as **supporting human rights defenders** and the **fight against the death penalty**.

By identifying five overarching priorities: (1) protecting and empowering individuals; (2) building resilient, inclusive and democratic societies; (3) promoting a global system for human rights and democracy; (4) new technologies: harnessing opportunities and addressing challenges; and (5) delivering by working together, the Action Plan also reflects the changing context with attention to new technologies and to the link between global environmental challenges and human rights.