ARGA в международном регуляторном диалоге

Отчёт об участии в консультациях | Сентябрь 2026 года

В сентябре 2026 года Asylum Research & Global Assistance (ARGA) подготовила и направила позиции по 16 консультациям европейских и британских органов. В центре этой работы - защита сбережений и инвестиций, прозрачность бизнеса, безопасность использования данных и справедливость судебных решений.

Публичные консультации позволяют представить предложения в тот момент, когда правила ещё обсуждаются. Для ARGA это возможность вынести на уровень регуляторной политики вопросы, от которых зависит положение конкретного человека: сможет ли он вернуть свои деньги, исправить ошибочные сведения, добиться рассмотрения жалобы или защититься от несоразмерного решения.

Во всех ответах организация последовательно отстаивала проверку фактов, понятные обязанности участников и доступ к эффективной защите. Ни сложность финансовой системы, ни цифровизация, ни задача ускорить процедуру не должны лишать человека возможности быть услышанным.

1. Прозрачность международных финансовых операций

В консультации Европейского управления по ценным бумагам и рынкам (ESMA) по статье 7d EMIR рассмотрена отчётность о клиринге - системе расчётов и обеспечения исполнения финансовых сделок.

ARGA поддержала ежегодное раскрытие сведений и разграничение европейских и иностранных компаний внутри группы. Предложено заранее установить единые правила проверки данных, исправления ошибок и перехода к новым требованиям. Пробелы в исторических сведениях должны обозначаться прямо: отсутствие информации не означает отсутствия риска.

Качество такой отчётности важно для устойчивости финансового рынка. Регулятору необходимо видеть реальные зависимости между участниками, чтобы существенные риски не терялись в сложной структуре международных операций.

2. Понятная информация для инвесторов

Другая консультация ESMA посвящена проспектам ценных бумаг - документам, на основании которых инвестор оценивает компанию и принимает решение о вложении средств.

ARGA предложила последовательно раскрывать существенные риски, прогнозы прибыли и сделки со связанными сторонами. Противоречия между проспектом и отчётностью компании необходимо объяснять, а для иностранных эмитентов обеспечивать сопоставимую прозрачность. Объединение и упрощение требований не должно приводить к утрате значимых сведений.

Для инвестора это вопрос осознанного выбора. Понятный документ помогает увидеть реальные условия вложения денег и отличить обоснованный прогноз от привлекательного обещания.

3. Надёжные данные для возврата банковских вкладов

В консультации Европейского банковского управления (EBA/CP/2026/14) рассмотрен обмен сведениями между банками, системами гарантирования вкладов и уполномоченными органами.

ARGA предложила различать ошибку в документах, спор о получателе и законное ограничение выплаты. Эти ситуации требуют разных решений, понятных оснований и возможности исправить сведения. Отдельное внимание уделено людям, сменившим адрес или документы, а также тем, кому недоступен единственный цифровой канал связи.

При проблемах банка качество данных напрямую влияет на доступ человека к деньгам. Предложения ARGA направлены на то, чтобы техническое несовпадение не превращалось в необоснованный отказ и затяжную неопределённость.

4. Право вкладчика понимать свою защиту

Консультация EBA/CP/2026/13 касается информирования вкладчиков о гарантиях, выплатах, приостановлениях и изменениях в обслуживающем банке.

ARGA предложила сохранять основные условия защиты в самом информационном документе, обеспечивать доступные форматы и ясно объяснять дальнейшие действия при задержке выплаты. При слиянии банков или смене системы гарантирования человеку необходимо отдельно сообщать об изменении покрытия и возможной утрате части защиты.

Формальное уведомление имеет ценность только тогда, когда его можно понять и использовать. Особенно это важно для людей без финансовой подготовки, с языковыми барьерами или ограниченным доступом к интернету.

5. Защита денег, размещённых через посредников

В консультации EBA/CP/2026/15 рассмотрены выплаты по средствам клиентов, которые находятся на банковских счетах через посреднические организации.

ARGA предложила обеспечить надёжный учёт конечных владельцев и заранее определить, кто отвечает за сведения и перечисление возмещения. Ошибка в имени или документе должна приводить к проверке, а не к автоматической утрате права. При выплате через посредника нужны защита от необоснованных удержаний, отслеживание движения денег и работающий механизм жалоб.

Практический смысл позиции - сохранить связь между деньгами и их настоящим владельцем. Чем сложнее цепочка посредников, тем важнее, чтобы клиент понимал, с кого требовать исполнения обязательств.

6. Готовность системы гарантирования к кризису

Консультация EBA/CP/2026/12 посвящена тому, как системы гарантирования вкладов инвестируют свои средства и обеспечивают их доступность для выплат.

ARGA поддержала приоритет сохранности денег и возможности своевременно ими воспользоваться. Предложено учитывать взаимосвязанные риски, проверять доступ к средствам в стрессовых условиях и сохранять контроль при передаче управления внешней организации.

Для вкладчика важна реальная способность системы выплатить возмещение в сложный момент. Размер накопленного фонда сам по себе недостаточен, если деньги нельзя быстро использовать. Поэтому качество управления резервами является частью защиты сбережений.

7. Корпоративная прозрачность в интересах общества

В британской консультации Modernising Corporate Reporting рассмотрены упрощение отчётности компаний и переход к цифровому раскрытию информации.

ARGA поддержала сокращение дублирования при сохранении сведений, значимых для инвесторов, работников и затрагиваемых сообществ. Организация выступила против безусловного удаления информации о правах человека, экологических и коррупционных рисках только потому, что их финансовое влияние ещё не доказано. Отдельный акцент сделан на прозрачности платежей добывающих компаний государствам и полноценном участии акционеров в цифровых собраниях.

Открытая отчётность позволяет оценивать последствия решений бизнеса. Она помогает замечать проблемы до того, как они оборачиваются потерями для инвесторов, сотрудников и общества.

8. Борьба с контрафактом на основе доказательств

Для подготовки Европейской комиссией Counterfeit and Piracy Watch List 2027 ARGA представила позицию о распространении контрафакта через онлайн-торговлю, небольшие отправления и сборку продукции вблизи рынка сбыта.

Предложено устанавливать роль продавцов, платёжных сервисов, складов и доставки на основании конкретных фактов. Жалобу правообладателя следует отличать от установленного нарушения, учитывать ответ оператора и результаты исправления ситуации. Необходима также возможность оспорить ошибочную блокировку.

Такой подход позволяет добиваться более точного правоприменения: выявлять связанные схемы распространения подделок и одновременно защищать добросовестных предпринимателей от необоснованных обвинений и потери доступа к рынку.

9. Доступ к правосудию в международных патентных спорах

Вклад ARGA в подготовку европейского отчёта о защите интеллектуальных прав в третьих странах посвящён Китаю и спорам о патентах, необходимых для использования технических стандартов.

Предложено проверять практическую реализацию объявленной отмены политики запретов на ведение параллельных судебных разбирательств за рубежом. Основные критерии - доступность судебных решений, возможность представить доводы и обжаловать ограничения. Оценка должна учитывать как подтверждённые проблемы, так и положительные изменения.

Для международного бизнеса предсказуемая судебная защита имеет прямое значение. Компания должна иметь возможность отстаивать свои права в компетентном суде, а решения о рисках страны должны опираться на актуальные факты.

10. Ответственность таможенных посредников

В консультации британской налоговой и таможенной службы HMRC рассмотрены обязательная регистрация таможенных посредников и требования к их деятельности.

ARGA поддержала прозрачный допуск к работе при понятных критериях и доступной процедуре для небольших компаний. Предложено различать серьёзные нарушения и исправимые ошибки, обеспечивать мотивированные решения и возможность пересмотра. При ограничении работы посредника важно сохранять доступ клиентов к документам и возможность продолжить законные поставки, включая гуманитарные грузы.

Надёжный посредник имеет значение для всей цепочки поставок. Регистрация должна помогать выбирать ответственного исполнителя и защищать клиентов, сохраняя условия для добросовестной конкуренции.

11. Эффективное рассмотрение финансовых жалоб

В консультации британского Управления по финансовому регулированию и надзору (FCA CP26/32) ARGA рассмотрела раскрытие статистики жалоб, устранение дублирующей отчётности и изменение процедуры рассмотрения жалоб в Lloyd’s.

Организация поддержала упрощение при сохранении доступа к независимому рассмотрению спора. Клиент должен понимать сроки ответа, ответственную сторону и право обращения к финансовому омбудсмену. Статистика должна позволять сравнивать практику организаций, не раскрывая личности заявителей и не смешивая количество жалоб с числом доказанных нарушений.

Для человека, столкнувшегося с финансовой проблемой, работающая процедура жалобы - реальный инструмент защиты. Её качество определяется возможностью получить своевременный, обоснованный ответ и добиться пересмотра решения.

12. Ответственное использование данных в исследованиях

В консультации UK Statistics Authority рассмотрены правила аккредитации исследователей, проектов и организаций, работающих с данными в рамках Digital Economy Act 2017.

ARGA поддержала оценку общественной пользы, защиту конфиденциальности и понятные условия доступа. Предложено учитывать опыт исследователей вне университетов и прозрачно оценивать иностранные квалификации. При использовании ИИ необходимо контролировать утечки и возможность установить личность человека по обезличенным данным. Решения об ограничении аккредитации должны быть обоснованными и доступными для обжалования.

Данные позволяют проводить общественно значимые исследования, но требуют ответственного обращения. Особую ценность имеют гарантии для уязвимых групп, которым могут навредить как раскрытие личности, так и необоснованные выводы о сообществе в целом.

13. Прозрачная ответственность в корпоративном страховании

Консультация FCA CP26/29 посвящена кэптивным страховым компаниям - страховщикам, созданным для обслуживания рисков собственной корпоративной группы.

ARGA поддержала соразмерный режим при ясных границах допустимой деятельности. Передача риска и привлечение внешнего управляющего не должны скрывать ответственность за выплаты, информирование и жалобы. Предложено контролировать конфликты интересов, сохранять ответственность руководства и проверять планы непрерывности работы.

Даже внутри крупной группы страховая защита должна быть понятной и исполнимой. При изменении структуры бизнеса или сбое у управляющего лица, имеющие право на выплату, не должны оставаться без ясного ответа о том, кто исполнит обязательства.

14. Индивидуальная ответственность в миграционных делах

В консультации Совета по назначению наказаний Англии и Уэльса (Sentencing Council) рассмотрены миграционные преступления, включая создание опасности для людей при морском пересечении границы.

ARGA предложила оценивать реальную роль человека, его понимание происходящего, степень контроля и наличие принуждения или эксплуатации. Кратковременное управление судном либо непонимание действий спасателей не должны автоматически определять степень ответственности. Необходимы перевод, учёт травмы и возможность оспорить сведения. Вопросы законности обвинения и применимых оснований защиты должны разрешаться до назначения наказания.

Для ARGA это одно из наиболее близких к её правозащитному профилю направлений. Цена неточной оценки здесь особенно высока: обстоятельства спасения, уязвимость и давление со стороны других лиц могут иметь решающее значение для судьбы человека.

15. Справедливость как приоритет развития судебной практики

В консультации по стратегии Sentencing Council на 2027-2030 годы ARGA рассмотрела оценку действующих руководств, исследования, равное обращение и информирование общества.

Предложено уделить внимание современному рабству, эксплуатации и доступу к сведениям об уязвимости человека. При автоматизированном анализе судебных материалов важно проверять точность: отсутствие упоминания обстоятельства не доказывает его отсутствия в деле. Рекомендовано привлекать организации, работающие с мигрантами, беженцами, пострадавшими от торговли людьми и людьми с инвалидностью.

Участие в обсуждении стратегии позволяет ставить вопросы о том, какие проблемы получат внимание в ближайшие годы. Для ARGA важно, чтобы оценка судебной практики учитывала положение людей, которым труднее добиться полноценного участия в процессе.

16. Защита несовершеннолетних и пострадавших от эксплуатации

В консультации Sentencing Council по поправкам к руководствам 2026 года рассмотрены вовлечение в преступную деятельность, положение несовершеннолетних, сочетание наказаний и возмещение жертвам торговли людьми.

ARGA поддержала учёт эксплуатации как обстоятельства, уменьшающего ответственность вовлечённого лица. Для несовершеннолетних приоритет должен сохраняться за специальными правилами, учитывающими развитие и благополучие ребёнка. Упрощённая подготовка сведений для суда не должна скрывать травму или инвалидность. Возмещение жертвам рабства и торговли людьми должно учитывать физические и психологические страдания наряду с денежными потерями.

Эти предложения направлены на более точное понимание причин и последствий произошедшего. Они помогают поставить в центр обсуждения реальную степень ответственности и потребность пострадавшего в восстановлении нарушенных прав.

Значение и результаты участия

Сентябрьская работа расширила участие ARGA в обсуждении правил, затрагивающих финансовую защищённость, предпринимательство и права человека. Подготовленные позиции связывают технические вопросы регулирования с их повседневными последствиями: доступом к деньгам, достоверной информации, справедливой процедуре и возмещению причинённого вреда.

Программа была дополнена шестью консультациями FCA, UK Statistics Authority и Sentencing Council. По всем шести получены официальные подтверждения получения ответов. Это документально подтверждённое участие ARGA в публичных консультационных процедурах ведущих британских органов, в рамках которых организация представила конкретные предложения по защите прав и совершенствованию правил.

Для ARGA такое участие - последовательная работа над условиями, в которых права человека и добросовестного бизнеса могут быть защищены на практике. Значение этой работы состоит в возможности своевременно представить регуляторам обоснованные предложения и поставить вопросы о гарантиях защиты ещё на стадии обсуждения будущих решений.

EMIR Article 7d Reporting — ARGA response

Name of the company / organisation	Asylum Research & Global Assistance (ARGA)
Activity	Stakeholder
Are you representing an association?	Yes
Country / Region	France

Q1. Do stakeholders agree with ESMA's assessment of data availability under existing reporting frameworks?

<ESMA_QUESTION_TCCR_1>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_TCCR_1>

Q2. Do stakeholders agree with ESMA's proposal to require annual reporting by the last business day of January, covering the preceding calendar year? If not, please explain your reasoning, including any operational constraints or alternative timelines.

<ESMA_QUESTION_TCCR_2>

ARGA supports annual reporting as a proportionate baseline and recognises the value of timely supervisory information. Before fixing the January deadline, ESMA should test whether smaller reporting entities can complete reliable year-end validation within that period. Publish the validation rules and a clear correction process in advance. ARGA submits a policy view and does not provide evidence from an operational reporting system or propose an alternative date without such evidence.

<ESMA_QUESTION_TCCR_2>

Q3. Do stakeholders agree with ESMA's proposed transitional application mechanism? In particular, do stakeholders consider that the proposed arrangements provide sufficient time to prepare for the first reporting cycle while ensuring timely availability of the information?

<ESMA_QUESTION_TCCR_3>

ARGA supports a preparation period of at least six months after entry into force. The first submission should distinguish the separate reporting years as proposed. ESMA should publish worked examples and explain how entities should report historical data that cannot reliably be reconstructed, including how to flag limitations and seek guidance. Missing observations should not be silently treated as zero. Guidance and technical specifications should be stable early enough for implementation; additional historical reporting cycles should be assessed for proportionality and data quality.

<ESMA_QUESTION_TCCR_3>

Q4. Do stakeholders agree with ESMA's proposed approach to the categorisation of instruments for the purposes of Article 7d reporting, based on recital 17, the classes of instruments covered by T1-CCP recognition and the corresponding asset classes? If not, would stakeholders prefer the use of the ISO 10962 Classification of Financial Instruments (CFI), or another approach, to identify both the type of instrument and the associated asset class? Please explain your reasoning, including any implications in terms of data availability and reporting burden.

<ESMA_QUESTION_TCCR_4>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_TCCR_4>

Q5. Do stakeholders agree with the proposed methodology for calculating average values cleared over one year, based on aggregate month-end average positions, with a breakdown by Union currency and asset class? Please explain your views, including any implications for data availability, operational feasibility or reporting burden.

<ESMA_QUESTION_TCCR_5>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_TCCR_5>

Q6. Do stakeholders agree that, for the purposes of Article 7d(1)(c), initial margin provides a more meaningful and proportionate indicator of exposure to recognised third country CCPs than variation margin, and with the proposal to report margins at a less granular level than average values cleared, in particular by reporting initial margin per CCP recognised under Article 25?

<ESMA_QUESTION_TCCR_6>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_TCCR_6>

Q7. Do stakeholders also agree with ESMA's proposal to calculate reported initial margin as the average of month end observations over the reporting year? Alternatively, would either (i) the average of quarter end observations or (ii) the reporting of quarter end observations individually provide a more proportionate and operationally feasible approach?

<ESMA_QUESTION_TCCR_7>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_TCCR_7>

Q8. To what extent is it operationally feasible to obtain, provide and report initial margin information for the purposes of Article 7d reporting? ESMA would particularly welcome views from reporting entities, clearing members and other stakeholders involved in the reporting chain on the level of aggregation at which such information is available, the effort required to extract such information, and any associated implementation costs or operational burden.

<ESMA_QUESTION_TCCR_8>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_TCCR_8>

Q9. Do stakeholders agree with ESMA's proposal to adopt Option B (distinguishing between EU and non-EU entities within a group) as the baseline level of granularity for consolidated reporting under Article 7d(1)(b)? If not, which of the alternative options (Option A — fully consolidated reporting, or Option C — full entity-level breakdown) would stakeholders prefer, and for what reasons?

<ESMA_QUESTION_TCCR_9>

ARGA supports Option B as the baseline. The distinction between EU and non-EU entities adds relevant information about dependencies while avoiding routine full entity-level reporting. Common rules should identify the consolidation perimeter, treatment of changes within the year and prevention of double counting. Authorities should retain the ability, within their legal powers, to seek justified additional detail where a material concentration or anomaly requires investigation. This policy preference does not constitute a quantified assessment of implementation costs.

<ESMA_QUESTION_TCCR_9>

Q10. What are the operational implications and implementation costs of Options A, B and C, including data availability and any additional allocation or aggregation logic required?

<ESMA_QUESTION_TCCR_10>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_TCCR_10>

Q11. Do stakeholders agree with ESMA's proposal to require reporting under Article 7d in CSV format? If not, do stakeholders consider that another format would be more appropriate? Please explain your reasoning, including any implications in terms of operational feasibility, implementation costs or data processing. In addition, ESMA would welcome evidence on whether the proposed CSV format would materially reduce implementation complexity relative to alternative formats, including from the perspective of smaller reporting entities.

<ESMA_QUESTION_TCCR_11>

ARGA supports CSV in principle for a limited annual dataset. Its usefulness depends on a precise public schema covering encoding, delimiters, decimal representation, permitted codes, missing values, versioning and validation rules. ESMA should provide valid and invalid examples, accessible validation feedback and a clear process for corrected submissions. Secure transmission and access controls remain necessary regardless of file format. ARGA does not have operational evidence to quantify savings compared with XML or another format.

<ESMA_QUESTION_TCCR_11>

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

Automatic reply: ARGA consultation response — ESMA12-2121844265-6008 — online CAPTCHA failure

1 message

Info ESMA <info@esma.europa.eu> 21 September 2026 at 17:32
To: Ekaterina Khomutinnikova <ekaterina@arga.world>

Dear Sender,

Thank you for your message and interest in ESMA. Your input is highly valued, and we have taken note of the points raised. ESMA endeavours to reply within two months to factual queries received.

More information on ESMA's investor protection work is available on our webpage: https://www.esma.europa.eu/investor-corner/.

You will find an overview of answers to previous questions relating to the application and implementation of legislative acts within ESMA's remit on our dedicated webpage: https://www.esma.europa.eu/questions-and-answers.

Please note that ESMA does not provide legal or investment advice. We are also aware that ESMA's name and logo are falsely used to promote frauds and scams. These aim to illegally obtain money directly or through the request for personal details. If you have
received such communication, we encourage you to cease all interactions with your correspondent and to report your case to domestic law enforcement authorities (such as your local police force).

Best regards,
ESMA

Prospectus disclosure requirements

ARGA consultation response | 21 September 2026

Response to ESMA32-753890202-3085 from Asylum Research & Global Assistance (ARGA), a French association. This submission addresses selected questions from a transparency and investor-protection perspective. Questions not listed are left unanswered.

Question 2: consistency with the management report

ARGA supports Guideline 1. Material inconsistencies should be identified precisely and explained close to the affected information or through clear cross-references. An investor should be able to distinguish a historical statement from an updated assessment without reconstructing the chronology. Reconciliation should focus on information necessary for an informed investment decision and should not require rewriting an otherwise valid historical management report.

Question 3: impracticability

The examples in the paper concerning changes in accounting frameworks and information becoming outdated illustrate the need for targeted explanations. ARGA does not submit additional evidence of actual issuer cases. ESMA should require identification of the specific inconsistency, the efforts made to resolve it, the reason resolution is impracticable and the implications for interpretation. A generic statement of impracticability should not replace a usable explanation or obscure a material information gap.

Questions 4–5: issuers without a management report

ARGA supports Guideline 2 and equivalent investor protection for European and foreign issuers. Reusing an existing equivalent report can be proportionate, provided the prospectus includes the material information necessary for an informed decision. A concise mapping to the relevant information would help readers and supervisors identify omissions without imposing an entirely new management report. The final text should align the references to the applicable prospectus provisions: the opening sentence cites Article 14(2), while the following paragraph and discussion refer to Article 15a(2).

Question 6: profit forecasts

ARGA supports the proposed substance-over-form approach and clear identification of forecasts and their assumptions. Readers should be able to distinguish forecasts from general trends and objectives, including where an alternative performance measure indirectly conveys expected profitability. Examples should make clear how the financial period and assumptions affect interpretation. Disclaimers should not neutralise a statement that substantively meets the definition. Consistent supervisory application and accessible examples can reduce uncertainty without weakening investor protection.

Questions 9–10: related-party transactions

ARGA supports removing duplicative guidance and clarifying the applicable definition through IAS 24 or an equivalent third-country framework as proposed. The final guidance should make clear that deletion of the former guideline does not remove the underlying disclosure obligations. Where different permissible frameworks are used, the issuer should identify its framework and explain material definitional differences where necessary to understand the disclosed transactions. Approval-process disclosure should remain clear where relevant, while avoiding additional requirements without a legal basis.

Question 11: consolidation of risk-factor guidance

ARGA supports incorporating the risk-factor guidance into a single set of prospectus guidelines. Publish a clear correspondence table between old and new numbering, identify substantive changes separately from editorial changes and provide a coherent application date. Consolidation should preserve the focus on specific and material risks, clear language and meaningful prioritisation, rather than encourage generic risk lists. Stable links and accessible formats would help smaller issuers and investors use the consolidated guidance.

Sergey KHRABRYKH

President, Asylum Research & Global Assistance (ARGA)

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

Automatic reply: ARGA consultation response — ESMA32-753890202-3085 — online CAPTCHA failure

1 message

Info ESMA <info@esma.europa.eu> 21 September 2026 at 17:33
To: Ekaterina Khomutinnikova <ekaterina@arga.world>

Dear Sender,

Thank you for your message and interest in ESMA. Your input is highly valued, and we have taken note of the points raised. ESMA endeavours to reply within two months to factual queries received.

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received such communication, we encourage you to cease all interactions with your correspondent and to report your case to domestic law enforcement authorities (such as your local police force).

Best regards,
ESMA

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

Acknowledgement of receipt

2 messages

Info ESMA <info@esma.europa.eu> 21 September 2026 at 17:32
To: Ekaterina Khomutinnikova <ekaterina@arga.world>

Dear sender,

Thank you for your message and interest in ESMA. Your input is highly valued, and we have taken note of the points raised. ESMA endeavours to reply within two months to factual queries received.

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Best regards,
ESMA

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To: Ekaterina Khomutinnikova <ekaterina@arga.world>

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Best regards,
ESMA

Information exchange between credit institutions, DGSs and designated authorities

ARGA consultation response | 21 September 2026

EBA/CP/2026/14. Submitted by Asylum Research & Global Assistance (ARGA), a French association. These comments address the selected policy questions below from the perspective of depositor protection, accessibility and accountability. ARGA does not provide operational data or cost estimates from a credit institution or deposit guarantee scheme.

Question 2: uncertainty, restrictions and client funds

Reporting should distinguish uncertainty about entitlement, incomplete records and a legal restriction on payment. These situations require different verification and communication procedures. Clear reason codes, review dates and correction routes would reduce the risk of an administrative data problem being treated as final ineligibility. Client funds records should support identification of the persons entitled to reimbursement. Data collection and access should remain necessary and proportionate. Applicable anti-money laundering, counter-terrorist financing and sanctions requirements must be respected; reporting guidance should explain how pending verification is recorded without prejudging its outcome.

Question 3: depositor contact details

A usable contact record should support more than one communication channel where available, identify the latest update and allow correction. Reliance on a single postal address or digital channel can disadvantage people who have moved, including displaced persons, and people with limited digital access. Institutions should offer practical assistance to update information without collecting unrelated sensitive data. Communication preferences and accessibility needs should be handled with appropriate safeguards.

Questions 5 and 6: formats and procedures

National flexibility should be accompanied by a common minimum data dictionary, clear definitions, validation rules and mapping guidance. This can preserve existing infrastructure while making records consistently interpretable. Secure transmission, acknowledgement of receipt, actionable error feedback, named responsibilities and escalation arrangements should form a minimum procedural baseline. Periodic transfer tests and business continuity arrangements are preferable to discovering incompatibilities during a payout event.

Question 7: maximum three-working-day deadline

Timely information is essential to reimbursement. A maximum of three working days should be supported by clear rules on receipt of requests, the relevant working-day calendar, required data and secure delivery. Readiness should be tested with institutions of different sizes. A process should identify missing or disputed records promptly while allowing reliable available information to be used where legally appropriate. ARGA cannot quantify implementation costs or confirm operational feasibility; the final assessment should use institution and DGS testing evidence.

Questions 8 and 9: reporting to EBA and publication

Reporting should support comparison of DGS readiness, payouts and use of funds through consistent definitions, reference dates and transparent revisions. Reuse of existing reliable information can limit duplication. Public statistics should be timely, accessible and machine-readable at a level of aggregation that protects depositors and confidential information. Publication should explain coverage and limitations so that differences between schemes are not mistaken for differences in performance without context.

Sergey KHRABRYKH

President, Asylum Research & Global Assistance (ARGA)

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

ARGA response and request for email acceptance - EBA/CP/2026/14

1 message

Ekaterina Khomutinnikova <ekaterina@arga.world> 21 September 2026 at 17:26
To: eba.consultation@eba.europa.eu

Dear EBA consultation team,

Please find attached the response of Asylum Research & Global Assistance (ARGA) to EBA/CP/2026/14 concerning information exchange between credit institutions, dgss and designated authorities. The document identifies the questions addressed.

We have verified our contact email but have not completed the online submission process. We are contacting the consultation address identified on the form to request acceptance of the attached response by email, or assistance with an alternative submission route. Please confirm receipt and whether the response has been registered for this consultation.

The response is submitted on behalf of ARGA, represented by Sergey KHRABRYKH, President. Please use ekaterina@arga.world for correspondence.

Kind regards,
Ekaterina Khomutinnikova
For Asylum Research & Global Assistance (ARGA)

C05_ARGA_EBA_Information_Exchange_letterhead.pdf
119K

Information provided to depositors

ARGA consultation response | 21 September 2026

EBA/CP/2026/13. Submitted by Asylum Research & Global Assistance (ARGA), a French association. These comments address the selected policy questions below from the perspective of depositor protection, accessibility and accountability. ARGA does not provide operational data or cost estimates from a credit institution or deposit guarantee scheme.

Question 1: information sheet

ARGA supports a short introduction explaining the purpose of the sheet and any action the depositor needs to take. Essential information should follow in a predictable order, using plain language and clearly identifying the responsible deposit guarantee scheme. Testing should include people with limited financial literacy, disabilities and limited proficiency in the language of the document. A concise sheet should still allow users to understand material limits and conditions of protection.

Question 2: moving footnotes to a website

Moving supplementary detail online can improve readability, but essential qualifications affecting coverage or access to repayment should remain in the sheet. Links should lead directly to the relevant information and be stable, dated and accessible. Depositors should be able to obtain the supplementary information in a durable, accessible format and on paper where needed. A website-only approach should not prevent a person without reliable internet access from understanding their protection.

Question 3: visual identity and format flexibility

Limited branding and technical adjustments are reasonable if mandatory content, order, prominence and legibility remain consistent. Branding should not obscure the distinction between the institution and the DGS. Where the delivered sheet is not data-extractable, the equivalent accessible version should be directly available without extra authentication or a burdensome search. Image-only documents should not become the practical default for users of assistive technology.

Questions 4 and 5: information on client funds

ARGA supports general explanations of protection for funds held through intermediaries and relevant information in failure communications. The information should distinguish the account holder from the person ultimately entitled to repayment, explain who supplies client records and identify the contact point for missing or disputed records. It should avoid suggesting that all funds held by an intermediary are automatically covered, and explain relevant conditions and the next steps for clients.

Question 6: suspensions

General website information should be supplemented by an accessible route for individual enquiries. Replies should identify the reason and status of a suspension as far as legally permitted, information needed from the depositor, the next review step and available complaint or review routes. Published service standards and interim updates would give practical meaning to a requirement to reply in due course, while preserving lawful restrictions on disclosure.

Questions 7 and 8: communication after unavailability

Coordinated publication by the relevant authorities and consistent wording supplied to the institution can reduce confusion. Communication should explain when it was updated, what depositors should do, expected next steps and how to recognise official contacts. Coordination should not delay essential notices. Telephone and other accessible assistance should complement websites.

Questions 9 to 13: mergers and DGS membership changes

ARGA supports prior coordination of proposed wording with the DGS and timely notification of membership changes by competent authorities. Depositors should receive clear information on the effective date, responsible scheme, any effect on aggregation or coverage, and relevant actions, deadlines and rights. People who may lose coverage should receive prominent, specific notice. Communications should be retained in a durable form and assistance should be available to explain individual circumstances.

Sergey KHRABRYKH

President, Asylum Research & Global Assistance (ARGA)

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

ARGA response and request for email acceptance - EBA/CP/2026/13

1 message

Ekaterina Khomutinnikova <ekaterina@arga.world>
To: eba.consultation@eba.europa.eu

21 September 2026 at 17:26

Dear EBA consultation team,

Please find attached the response of Asylum Research & Global Assistance (ARGA) to EBA/CP/2026/13 concerning information provided to depositors. The document identifies the questions addressed.

We have verified our contact email but have not completed the online submission process. We are contacting the consultation address identified on the form to request acceptance of the attached response by email, or assistance with an alternative submission route. Please confirm receipt and whether the response has been registered for this consultation.

The response is submitted on behalf of ARGA, represented by Sergey KHRABRYKH, President. Please use ekaterina@arga.world for correspondence.

Kind regards,
Ekaterina Khomutinnikova
For Asylum Research & Global Assistance (ARGA)

C06_ARGA_EBA_Depositor_Information_letterhead.pdf
120K

DGS payouts of client funds deposits

ARGA consultation response | 21 September 2026

EBA/CP/2026/15. Submitted by Asylum Research & Global Assistance (ARGA), a French association. These comments address the selected policy questions below from the perspective of depositor protection, accessibility and accountability. ARGA does not provide operational data or cost estimates from a credit institution or deposit guarantee scheme.

Question 1: identification of clients

Identification arrangements should enable the DGS to establish the person entitled to reimbursement, the amount attributable to that person and the relevant account relationship using reliable, reconcilable records. Responsibilities for maintaining and supplying those records should be clear before a failure. Procedures should accommodate documented changes of name, address or identity documents, with lawful verification and correction routes. A mismatch should prompt proportionate review rather than automatically extinguish an otherwise valid entitlement.

Question 2: information sharing before failure

A proportionate approach could combine a common data specification, maintained records and periodic readiness tests with more intensive reporting where risk or data quality warrants it. Reusing existing reliable records and secure standardised transfers can reduce duplicate requests. Tests should check whether client balances can actually be reconciled and supplied within the required timeframe. Lower routine reporting burdens should not remove the capacity to identify clients promptly when a payout is needed.

Question 3: repayment route

The choice between direct payment to clients and payment through the account holder should prioritise timely, traceable access by the entitled clients. Relevant considerations should include the reliability of client records, the operational capacity and financial position of the intermediary, segregation arrangements and the ability to verify onward payment. Where payment through the account holder is used, safeguards should prevent diversion, inappropriate deductions or avoidable delay. Clients need a clear contact point and a workable remedy if onward payment fails.

Question 4: preventing multiple payouts

A common reconciliation process should link the beneficiary, relevant deposit and payment status across the direct and intermediary routes, while applying the statutory rules on coverage and aggregation. Name-only matching risks both missed duplicates and false matches. Appropriate identifiers, audit trails and controlled correction procedures are preferable. A suspected duplicate should be reviewed promptly and should not automatically block unrelated, verified entitlements. Necessary sharing of personal data should be secure and limited to the payout purpose.

Question 5: application after 24 months

A 24-month implementation period should be supported by early specifications, intermediate readiness milestones and realistic end-to-end testing involving institutions, intermediaries and DGSs. ARGA cannot assess the technical delivery effort empirically. Any final timetable should use evidence from those participants, while avoiding an extended period in which clients remain exposed to known recordkeeping gaps. Practical guidance can improve readiness before the application date.

Question 6: accessible communication and accountability

Clients should receive understandable information about who is responsible, which documents may be needed, expected next steps and available complaints or review routes. Alternative communication channels should support people facing language, disability or digital access barriers. Reporting on delays and recurring data problems, in aggregate and without identifying clients, would help authorities assess whether the framework delivers effective protection.

Sergey KHRABRYKH

President, Asylum Research & Global Assistance (ARGA)

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

ARGA response and request for email acceptance - EBA/CP/2026/15

1 message

Ekaterina Khomutinnikova <ekaterina@arga.world> 21 September 2026 at 17:27
To: eba.consultation@eba.europa.eu

Dear EBA consultation team,

Please find attached the response of Asylum Research & Global Assistance (ARGA) to EBA/CP/2026/15 concerning dgs payouts of client funds deposits. The document identifies the questions addressed.

We have verified our contact email but have not completed the online submission process. We are contacting the consultation address identified on the form to request acceptance of the attached response by email, or assistance with an alternative submission route. Please confirm receipt and whether the response has been registered for this consultation.

The response is submitted on behalf of ARGA, represented by Sergey KHRABRYKH, President. Please use ekaterina@arga.world for correspondence.

Kind regards,
Ekaterina Khomutinnikova
For Asylum Research & Global Assistance (ARGA)

C07_ARGA_EBA_Client_Funds_letterhead.pdf
120K

Investment of available financial means

ARGA consultation response | 21 September 2026

EBA/CP/2026/12. Submitted by Asylum Research & Global Assistance (ARGA), a French association. These comments address the selected policy questions below from the perspective of depositor protection, accessibility and accountability. ARGA does not provide operational data or cost estimates from a credit institution or deposit guarantee scheme.

Question 1: cash with the central bank or treasury

Treating qualifying cash separately from the diversification assessment of the remaining portfolio can prevent a large cash balance from masking concentration elsewhere. The approach should explain the relevant exposure categories and calculation consistently. An exemption should not be understood as removing the need to assess operational access, transfer arrangements and availability when funds are required. These comments do not propose altering the legal eligibility of the assets concerned.

Question 2: investment strategy standards

ARGA supports minimum standards that connect investment decisions to the DGS obligation to make funds available when needed. The strategy should document objectives, permitted exposures, risk limits, approval responsibilities and the arrangements for review and escalation. Capital preservation and timely liquidity should guide the assessment of returns. Proportionality can simplify procedures for smaller schemes without removing clear accountability or an evidenced assessment of risk.

Questions 3 and 4: diversification criteria

A non-exhaustive set of criteria should encourage assessment of correlated exposures, including connections between issuers and counterparties, currencies and relevant markets. Different instruments should not automatically be treated as diversified when they depend on the same underlying source of risk. Alternative criteria should be documented, demonstrably appropriate to the portfolio and subject to independent challenge and periodic review. Flexibility should not become an unexplained exemption from managing concentration.

Question 5: liquidity as the main driver

ARGA supports selecting eligible low-risk assets in light of the timing and scale of potential funding needs. Eligibility alone should not substitute for assessing liquidity in stressed conditions. Strategy reviews should consider simultaneous pressures on markets and participating institutions, settlement timing, currency needs and plausible delays. Assumptions should be recorded and challenged using suitable scenarios. ARGA does not recommend numerical portfolio limits without relevant empirical evidence.

Question 6: converting assets into liquidity

Conversion capacity should be operationally tested, with attention to legal documentation, collateral eligibility, haircuts, counterparty capacity and settlement arrangements. Access through repos or other permitted mechanisms should not be counted as dependable merely because an agreement exists. Contingency plans should consider stressed market conditions and the possibility that the same event creates both payout needs and reduced funding access. Mechanisms should fit the risk assessment and should be periodically reassessed.

Question 7: governance where implementation is delegated

Delegation should preserve the responsible body’s oversight and access to information. Written mandates should define permitted activity, reporting, conflicts of interest, compliance with limits and escalation of breaches. The responsible body should be able to challenge decisions, audit performance and activate continuity or exit arrangements. Public aggregate reporting can explain governance and risk management without revealing confidential positions or information that could impair execution.

Sergey KHRABRYKH

President, Asylum Research & Global Assistance (ARGA)

Modernising Corporate Reporting

ARGA consultation response | 21 September 2026

Submitted on behalf of Asylum Research & Global Assistance (ARGA), a French association. This response addresses selected policy questions. It does not provide company-level cost estimates or claim operational experience as a reporting business.

Questions 1–2: objectives and users

ARGA supports a simpler, coherent and proportionate reporting framework providing decision-useful information to current and potential investors and creditors. Flexibility should be supported by clear accountability for materiality judgements. Simplification should also preserve access to information needed by workers, affected communities and civil society to scrutinise significant corporate impacts, whether in the annual report or in an effective complementary reporting channel.

Question 11: group eligibility for exemptions

A risk-based extension of exemptions may be appropriate for ordinary non-regulated group companies. Eligibility should not follow automatically from an entity being small where it holds client assets, provides material guarantees or creates significant risks for a regulated group. Clear criteria should distinguish entity-specific information from information adequately covered by consolidated accounts and preserve necessary supervisory access.

Questions 18–21: the strategic report

ARGA supports expressly recognising potential investors and creditors and a proportionate baseline covering the business model, performance, resources and relationships, strategy and risks. Disclosures should explain material dependencies, concentrations and legal exposures where relevant to understanding the business. Directors should explain significant judgements and changes rather than reproduce generic descriptions. Comparable core information and coherent links between narrative and financial statements should remain available.

Question 22: environmental, social and governance disclosures

ARGA does not support blanket removal of the specified disclosures solely because an impact is judged not financially material, without first assessing resulting accountability gaps. Significant human rights, employee, environmental and corruption-related impacts can matter to affected people before they affect enterprise value. Government should identify the information to be retained, its users and an accessible reporting channel. Clear thresholds and coordination with other requirements can reduce duplication while retaining meaningful information and a concise explanation of materiality decisions.

Questions 23–24: scope and subsidiaries

For Question 23, ARGA favours option a, with requirements scaled to size and complexity. Comparable large businesses should not escape appropriate transparency solely because of their ownership form. For Question 24, a subsidiary exemption should require freely accessible parent reporting that adequately covers the subsidiary, identifies the entities covered and does not obscure significant local risks. Regulated entities and other public-interest situations require particular caution where entity-level information remains necessary.

Question 31: assurance transparency

Users should be able to identify which information has been assured, by whom, to what standard and at what level. Scope, exclusions and material limitations should be stated clearly, so that limited assurance or assurance over selected information is not mistaken for an audit of the entire report. A short standardised assurance statement could improve comparability.

Questions 45–46: electronic communications and virtual meetings

Digital delivery should preserve effective notice, accessibility and shareholder participation. Shareholders should have clear delivery preferences, a workable response to failed delivery, a free paper alternative where needed and downloadable records. Virtual meetings should provide equivalent opportunities to receive information, ask questions and vote, with accessible authentication, clear rules for technical failures and appropriate postponement or remedies when a serious outage prevents participation. These protections should be tested with users who face digital access barriers.

Questions 51–52: information on websites

Dynamic supporting information may be suitable for a website, but the annual report should remain intelligible as a complete record for its reporting period. Material information should not be displaced into an untracked, changing webpage. Any permitted web disclosures should have stable links, dated and archived versions, clear approval responsibility, accessible and machine-readable formats, and transparent corrections. Retention should be aligned with statutory reporting records and relevant legal limitation needs, with free access throughout the required period.

Question 55: Reporting Gateway

Gateway decisions should include a published rationale, consultation with affected users, assessment of distributional effects and a timetable for evaluation. Benefits to accountability and prevention should be considered even when difficult to monetise. New obligations should reuse existing data where suitable, align definitions and identify the precise information gap they address. Review should test whether simplification improves usability as well as reducing preparation costs.

Asylum Research&Global Assistance

Question 56: payments to governments

ARGA disagrees with outright revocation of the Reports on Payments to Governments Regulations 2014 without an equivalent accessible and reliable disclosure mechanism. The review findings justify examining design, use and enforcement, but anti-bribery prohibitions do not themselves provide public payment data. Reliance on EITI should be tested against coverage gaps, including jurisdictions outside that initiative. Government should consider proportionate improvements to project, country and government identifiers, usable publication and data quality, coordinate overlapping disclosures, and evaluate outcomes after targeted outreach. Any replacement should preserve the information needed to scrutinise extractive-sector payments.

Sergey KHRABRYKH

President, Asylum Research & Global Assistance (ARGA)

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

ARGA response — Modernising Corporate Reporting

1 message

Ekaterina Khomutinnikova <ekaterina@arga.world> 21 September 2026 at 16:56
To: mcr.review@businessandtrade.gov.uk

Dear Modernising Corporate Reporting team,

Please find attached the response of Asylum Research & Global Assistance (ARGA) to the Modernising Corporate Reporting consultation. The PDF contains selectable, machine-readable text and answers the numbered questions identified in the document.

The submission is made on behalf of ARGA, represented by Sergey KHRABRYKH, President. ARGA consents to publication of the attached response and its organisation name. Please use this email address for correspondence and keep individual contact details out of the published response.

Please acknowledge receipt.

Kind regards,
Ekaterina Khomutinnikova
For Asylum Research & Global Assistance (ARGA)
ekaterina@arga.world

C11_ARGA_Modernising_Corporate_Reporting_letterhead.pdf
122K

Asylum Research&Global Assistance

ARGA contribution on trends in counterfeiting

Counterfeit and Piracy Watch List 2027 | Question F.1
21 September 2026

Scope of this contribution

ARGA recommends that the 2027 Watch List examine how online sales, fragmented deliveries and assembly near destination markets interact. Our contribution to question F.1 concerns patterns requiring investigation and safeguards for evaluating them. We do not nominate a particular service or marketplace for inclusion, and we provide no private case files or original seizure dataset.

Evidence and its limits

The OECD and EUIPO report Mapping Global Trade in Fakes 2025 describes distribution through small parcels, exploitation of online platforms and logistics, and localisation through separate components or packaging assembled close to destination markets. Its quantitative analysis principally uses 2021 customs seizure data. Those observations provide a published baseline; they do not establish the prevalence of a practice in 2026 or prove misconduct by any individual service. [1]

Fragmentation across services

The Watch List should investigate whether the sale, payment, fulfilment and delivery of a reported counterfeit product are spread across services in ways that conceal the responsible trader. A submission should identify the observed role of each service and the evidence linking it to the transaction. Merely providing a general-purpose tool should not be treated as proof that a provider facilitates substantial infringement.

Small consignments and assembly near the market

ARGA recommends examining repeated small consignments and the movement of components and packaging as parts of a connected distribution process where evidence supports that connection. Investigators should distinguish the origin of a product, transit points, assembly location and the seller's establishment. A destination or transit address alone should not determine responsibility. Ordinary spare parts, lawful parallel activity and legitimate small traders require careful differentiation from infringing conduct.

What current evidence should show

For the 2027 edition, request dated examples from a defined recent observation period, a transparent sampling method, the relevant intellectual property right and territory, and the basis for identifying infringement. Record whether a conclusion comes from a rights holder allegation, a test purchase, an administrative action or a final judgment. Identify missing information and test whether a reported pattern persists after remediation. Historical aggregate seizure findings should not be converted into current platform-specific allegations.

Measures and safeguards

Where a pattern is substantiated, recommendations should address the particular weakness: reliable identification of commercial sellers, a usable notice process, preservation of relevant transaction records and cooperation with competent authorities through lawful channels. Retention and disclosure should be limited to the information needed for those purposes. Assessment should also examine the effectiveness of counter-notices, correction of mistaken listings and safeguards against abusive complaints.

Fair assessment of service responses

ARGA recommends recording the operator's response alongside the concern, assessing the evidence for remedial measures and providing a clear route for correcting or updating the record. Metrics should capture recurrence of substantiated infringement and the handling of erroneous reports, rather than rewarding takedown volume alone. The Watch List should maintain a clear distinction between a risk assessment intended to prompt improvement and a legal finding about a provider.

Reference

[1] OECD/EUIPO (2025), Mapping Global Trade in Fakes 2025: Global Trends and Enforcement Challenges, published 7 May 2025, executive summary. https://doi.org/10.1787/94d3b29f-en

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

ARGA contribution — Counterfeit and Piracy Watch List 2027 — Question F.1

1 message

Ekaterina Khomutinnikova <ekaterina@arga.world>
To: TRADE-COUNTERFEIT-AND-PIRACY-WATCH-LIST@ec.europa.eu
21 September 2026 at 16:15

Dear Consultation Team,

Please accept the attached contribution of Asylum Research & Global Assistance (ARGA) to question F.1 of the Counterfeit and Piracy Watch List 2027 consultation.

The contribution addresses patterns involving online sales, small consignments and assembly near destination markets, together with recommendations for evaluating current evidence and service responses. It draws on the OECD/EUIPO 2025 report and expressly identifies the age and limits of its underlying data. ARGA does not nominate an individual service or marketplace for listing.

We have been unable to complete the EUSurvey submission workflow in this session. No contribution has been successfully submitted through the questionnaire. We are therefore transmitting the attachment before the consultation deadline and ask that you confirm whether it can be accepted through this channel or advise how to complete submission.

Respondent: Asylum Research & Global Assistance (ARGA)
Type: French association / NGO; RNA W641013804
Representative: Sergey KHRABRYKH, President
Organisation size category: Small (10 to 49 employees)
Country: France
Contact email: ekaterina@arga.world

ARGA consents to publication of the attached substantive contribution under its organisational name. Please use the contact email for consultation administration.

Please acknowledge receipt and confirm acceptance for the consultation.

Yours faithfully,
Sergey KHRABRYKH
President
Asylum Research & Global Assistance (ARGA)

C13_ARGA_counterfeit_trends_2026-09-21.pdf
46K

Asylum Research&Global Assistance

Name of the country/countries (in order of priority)
China. This contribution by Asylum Research & Global Assistance (ARGA) concerns access to remedies in cross-border standard essential patent litigation. We recommend monitoring implementation of the announced withdrawal of the anti-suit injunction policy. We do not propose a comparative Priority 1, 2 or 3 ranking on this limited evidence. Date: 21 September 2026.
Legal provisions (title, number of the legal instrument and the relevant articles) that the respondent considers to be in conflict with international norms and standards in the field of IP or that create problems with regard to the respondent's IP right.
The relevant measure is the unwritten anti-suit injunction policy considered in WTO dispute DS611, rather than a newly identified statutory provision. The European Commission reported on 1 April 2026 that the WTO appeal arbitrator found that policy inconsistent with TRIPS and that China subsequently announced its withdrawal. We do not allege that the withdrawn policy remains in force. This response identifies a question for implementation monitoring and does not make a separate finding about any current Chinese legal provision.
Practical challenges, limitations, restrictions or discrepancies (procedures, backlogs, deterrent effect of sanctions, lack of expertise, delays, corruption, lack of political will, lack of awareness, etc.) that negatively impact IP protection and enforcement.
ARGA recommends testing whether parties can in practice seek remedies concerning non-Chinese patents in the competent jurisdictions without measures that defeat those rights. Monitoring should examine the accessibility of relevant judicial notices and decisions, opportunities to be heard, reasons for interim measures, and practical routes to challenge them. These are proposed review criteria; ARGA provides no new case evidence of post-withdrawal restrictions.
Systemic problems identified in the area of intellectual property in the country concerned, including information on the level of counterfeiting and piracy or the level of cooperation between enforcement authorities and rightholders.
No independent estimate of counterfeiting or piracy, and no general assessment of Chinese enforcement capacity, is offered. The concern addressed here is narrower: how to verify that a change to an unwritten judicial policy is implemented consistently. Individual decisions should be assessed on their facts and legal basis. A cross-border patent dispute alone is not evidence of abuse.
Concrete examples illustrating the weaknesses and ineffectiveness of the administrative mechanisms in the area of IPR (i.e., IP offices, customs, police, judiciary, etc.).
The documented example is the DS611 dispute described in the Commission publication cited below. The Commission records an arbitral award of 21 July 2025 and a subsequent Chinese notice of 23 September 2025. We offer no additional first-hand cases or allegations against individual courts, officials or businesses.

Any action or measure taken by the respondent to address the identified problems and the outcome of such efforts.
This contribution is based on review of the public Commission account. ARGA does not claim to have litigated DS611, represented its parties, conducted an empirical survey or taken case-specific remedial action in relation to the policy.
Specific suggestions on how the identified problems could be addressed by the EU.
The EU should publish implementation benchmarks and seek verifiable information about the operation of the withdrawal, including publication and accessibility of relevant judicial guidance. Monitoring should record improvements as well as substantiated continuing concerns, distinguish historic measures from present practice, and offer the authorities concerned an opportunity to respond. Any priority assessment should explain the evidence, observation period and limits of the findings. Separate disputes involving standard essential patents should be analysed separately. Technical dialogue should promote reasoned decisions, effective review and predictable access to lawful remedies for all parties. Broad restrictions on legitimate commerce should not be inferred from an isolated dispute.
Progress made by the countries listed over the last 2 years (e.g. new legislation, administrative decisions, reorganisation, institutional reforms, new IP strategies, training programmes, cooperation with rightholders, etc.).
The Commission reports that China announced withdrawal of the policy and that the relevant Supreme People's Court notice became accessible from outside China after technical issues were resolved. This is a material positive development. The same publication says the Commission will continue monitoring compliance. ARGA recommends that the 2027 report expressly acknowledge this change while assessing subsequent implementation. Source: European Commission, 1 April 2026, Following WTO ruling favourable to EU, China announces withdrawal of its anti-suit injunction policy. https://policy.trade.ec.europa.eu/news/following-wto-ruling-favourable-eu-china-announces-withdrawal-its-anti-suit-injunction-policy-2026-04-01_en

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

ARGA contribution — State of intellectual property in third countries 2027

1 message

Ekaterina Khomutinnikova <ekaterina@arga.world> 21 September 2026 at 16:14
To: TRADE-THIRDCOUNTRYREPORT@ec.europa.eu

Dear Consultation Team,

Please accept the attached contribution of Asylum Research & Global Assistance (ARGA) to the targeted consultation on the state of intellectual property in third countries for the 2027 report.

The completed Commission submission form addresses China, with a narrow focus on implementation monitoring following the announced withdrawal of the anti-suit injunction policy addressed in WTO dispute DS611. ARGA does not propose a comparative Priority 1, 2 or 3 ranking and does not submit new allegations about current conduct.

We were able to fill the EUSurvey questionnaire but could not complete its file-upload step. No contribution has been successfully submitted through that questionnaire. We are therefore sending the response before the consultation deadline and ask that you confirm whether it can be accepted through this channel or advise how to complete submission.

Respondent: Asylum Research & Global Assistance (ARGA)
Type: French association / NGO; RNA W641013804
Representative: Sergey KHRABRYKH, President
Organisation size category: Small (10 to 49 employees)
Country: France
Contact email: ekaterina@arga.world

ARGA consents to publication of the attached substantive contribution under its organisational name. Please use the contact email for consultation administration.

Please acknowledge receipt and confirm acceptance for the consultation.

Yours faithfully,
Sergey KHRABRYKH
President
Asylum Research & Global Assistance (ARGA)

C14_ARGA_China_IP_response_2026-09-21.docx
16K

Customs intermediaries mandatory registration

ARGA consultation response | Questions 7–13
21 September 2026

Dear Customs Intermediaries Policy Team,

Please find below the response of Asylum Research & Global Assistance (ARGA), a French association (RNA W641013804), to Customs intermediaries: introduction of Mandatory Registration.

ARGA submits its own institutional policy views as a civil-society organisation. This response does not claim to represent a specified number of customs intermediaries or traders and does not present a survey of their operational experience. We address questions 7–13 from the perspective of proportionate regulation, transparent administration and access to effective remedies. We are not providing movement volumes, staffing figures or estimated compliance costs.

Representative: Sergey KHRABRYKH, President
Contact for this response: ekaterina@arga.world
Correspondence address: 15 Avenue Frémont, 06200 Nice, France

Question 7 — Benefits and challenges

ARGA supports registration in principle if it establishes a clear baseline of accountability and enables traders to verify whether an intermediary is authorised to act. Its effectiveness should be assessed against reductions in harmful conduct, rather than registration totals alone.

The main design challenge is preventing a compliance safeguard from becoming an unnecessary barrier to entry. Application requirements should be clear, accessible to smaller operators, and limited to information necessary for the stated purpose. HMRC should reuse reliable information it already holds, allow correction of mismatched records, and publish expected processing times. Registration should not be presented as a guarantee of service quality or protection against all losses.

Question 8 — Scope

The boundary should turn on the activity undertaken: making, amending or otherwise managing customs declarations for another trader. Clear examples should distinguish representation from advice, software provision and the discharge of an operator's own obligations. Mixed businesses should be covered for their intermediary activities without bringing unrelated services within the regime.

HMRC should clarify the treatment of subcontracting, group structures and persons acting through another intermediary. Responsibility should follow actual control and the work performed, so that outsourcing cannot obscure accountability. The treatment of overseas intermediaries should be explicit, objectively justified and workable, with equivalent evidence accepted where appropriate. Nationality or place of establishment should not substitute for an assessment of compliance risk.

Question 9 — Minimum requirements

Suitability criteria should use published definitions and distinguish serious or persistent misconduct from isolated, promptly corrected errors. Tax compliance checks should distinguish unpaid liabilities from amounts subject to an unresolved dispute or a compliant payment arrangement.

Relevant criminal offences should be defined by their connection to the responsibilities of an intermediary. Decisions should consider seriousness, recency and applicable rehabilitation rules, rather than treating any adverse record as an automatic permanent exclusion.

HMRC should explain whose conduct is assessed within a legal entity and how changes in ownership or responsible personnel are handled. Insolvency-related criteria should distinguish demonstrated inability to safeguard client interests from a restructuring process in which compliant operations remain possible, where the law permits that distinction.

Automated checks should support decisions, with a meaningful route to human review when records are incomplete, disputed or incorrectly matched. Additional requirements should follow an assessment of necessity and cost; registration should avoid duplicating equivalent checks under another regime.

Question 10 — Enforcement

ARGA supports graduated enforcement with published criteria. Except where urgent action is justified by a concrete risk, an intermediary should receive notice of the concern, the material reasons, a reasonable opportunity to respond, and a proportionate period to remedy it.

Suspension should have a defined scope, reasons and review date. An urgent restriction should be followed by prompt review. Review and appeal routes should be practical and clearly communicated, including the position of ongoing declarations while a decision is challenged.

Measures should also protect affected traders: provide safe arrangements for transferring work, retrieving records and maintaining continuity of lawful shipments. Where feasible, restrictions should target the problematic activity rather than disabling all operations. Deliberate fraud, serious risks and persistent non-compliance warrant a stronger response than an inadvertent administrative lapse.

Question 11 — Transition

A transition should begin only when final requirements, guidance and a functioning application process are available. A provisional planning range of six to twelve months would allow staged onboarding and correction of records; the final duration should be tested against processing capacity and evidence from operators, especially smaller businesses.

Existing operators that apply on time should ordinarily be able to continue while HMRC determines their application, subject to targeted action against identified serious risks. Publish milestones, provide reminders, and test the process with different business sizes before compulsory system restrictions begin. Technical failures attributable to the implementation should not automatically produce sanctions.

Question 12 — Unintended consequences

Potential risks to test include concentration of the market if fixed compliance costs fall disproportionately on small operators, price increases for traders, bottlenecks at renewal or initial registration, and disruption when an intermediary is suspended. These are prospective risks, not findings based on ARGA operational data.

The impact assessment should consider time-sensitive goods and humanitarian consignments alongside ordinary trade. Continuity arrangements should facilitate lawful substitution of an intermediary without weakening customs controls. HMRC should monitor application times, refusals, appeals, corrected errors and market exits, disaggregated where useful by business size, and adjust implementation if avoidable disruption emerges.

Question 13 — Further design considerations

A searchable register should show the intermediary's legal identity, current registration status and any operative restriction necessary for a trader's decision. It should avoid publishing unnecessary personal data or untested allegations. Status changes should be updated promptly.

A clear complaints route, accessible guidance and model information for trader–intermediary engagements would complement registration. Traders should be told the scope of the service, responsibilities for information supplied, fees, record-access arrangements and complaint options.

ARGA recommends a published evaluation after implementation, using outcome measures and stakeholder feedback. The evaluation should examine both prevention of harmful conduct and the cost, accessibility and fairness of the registration process.

This response refers to the proposals and question numbering in the official consultation: https://www.gov.uk/government/consultations/introduction-of-mandatory-registration-for-customs-intermediaries/customs-intermediaries-introduction-of-mandatory-registration

The substantive response may be published under ARGA's name. Please omit the correspondence address and contact email from any public version; they are supplied for consultation administration.

Please acknowledge receipt of this response.

Yours faithfully,
Sergey KHRABRYKH
President
Asylum Research & Global Assistance (ARGA)
Contact: ekaterina@arga.world

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

ARGA response — Customs intermediaries: introduction of Mandatory Registration

1 message

Ekaterina Khomutinnikova <ekaterina@arga.world> 21 September 2026 at 16:04
To: customsintermediariesconsultation@hmrc.gov.uk

Dear Customs Intermediaries Policy Team,

Please find below the response of Asylum Research & Global Assistance (ARGA), a French association (RNA W641013804), to "Customs intermediaries: introduction of Mandatory Registration".

ARGA submits its own institutional policy views as a civil-society organisation. This response does not claim to represent a specified number of customs intermediaries or traders and does not present a survey of their operational experience. We address questions 7–13 from the perspective of proportionate regulation, transparent administration and access to effective remedies. We are not providing movement volumes, staffing figures or estimated compliance costs.

Representative: Sergey KHRABRYKH, President
Contact for this response: ekaterina@arga.world
Correspondence address: 15 Avenue Frémont, 06200 Nice, France

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https://www.gov.uk/government/consultations/introduction-of-mandatory-registration-for-customs-intermediaries/customs-intermediaries-introduction-of-mandatory-registration

The substantive response may be published under ARGA's name. Please omit the correspondence address and contact email from any public version; they are supplied for consultation administration.

Please acknowledge receipt of this response.

Yours faithfully,
Sergey KHRABRYKH
President
Asylum Research & Global Assistance (ARGA)
Contact: ekaterina@arga.world

FCA CP26/32 - Complaints and redress

ARGA consultation response | 21 September 2026

Submitted by Asylum Research & Global Assistance (ARGA), a French association. This response addresses selected questions on proportionality, transparency and access to effective remedies. It does not provide firm-level cost estimates or claim operational experience as a regulated financial institution.

Question 5.1: duplicate reporting of redress

Yes. ARGA supports removing the duplicate Consumer Credit Return data point where the information is already required through the Claims Management Companies return. A single authoritative reporting route can reduce inconsistent figures and unnecessary work without reducing supervisory visibility. Implementation guidance should clearly identify the retained return and the treatment of corrections, so that removing duplication does not inadvertently create a reporting gap.

Question 5.2: publication by payment services and e-money firms

Yes. The definition should expressly include payment services and e-money firms within the relevant complaints publication requirements, consistently with the existing policy and applicable threshold. Comparable information helps consumers and civil society identify recurring problems across providers, including problems affecting access to accounts and payments. Published data should use clear definitions, explain coverage and limitations, and distinguish complaint volumes from findings that a complaint was justified. Where suitable contextual measures already exist, they can help users avoid misleading comparisons between firms of different sizes. Corrections should be transparent and individual complainants should not be identifiable.

Question 6.1: single-stage complaints handling at Lloyd's

ARGA supports the proposed move in principle, provided that simpler handling preserves effective access to independent review. The final response deadline and Financial Ombudsman referral rights should be clearly explained from the start, including to customers requiring accessible communications or assistance. Managing agents should retain clear ownership of the complaint, provide reasoned responses and maintain complete records. Lloyd's residual intervention arrangements should remain effective and understandable. During transition, complaints should not be lost, restarted or delayed because responsibility changes. Although the proposal is treated as a minor change, a proportionate review of timeliness, Ombudsman referrals and outcomes for vulnerable complainants would help detect whether removal of the internal review stage creates practical disadvantages.

Sergey KHRABRYKH

President, Asylum Research & Global Assistance (ARGA)

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

Online response form submission for CP26/32

1 message

FCA CP26-32 <no-reply@fcamail.org.uk> 21 September 2026 at 17:53
To: ekaterina@arga.world

Thank you for your submission. Your responses are given below:

Your response

Please add any comments on this Consultation Paper below. Please number your responses when using this form:
ARGA response to FCA CP26/32

Submitted by Asylum Research & Global Assistance (ARGA), a French association. This response addresses selected questions on proportionality, transparency and access to effective remedies. It does not provide firm-level cost estimates or claim operational experience as a regulated financial institution.

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Sergey KHRABRYKH
President
Asylum Research & Global Assistance (ARGA)

Your details

Company
Asylum Research & Global Assistance (ARGA)

Name
Sergey KHRABRYKH

Position
President

Address

15 Avenue Frémont, Nice, France

Postcode
06200

Telephone
+33758496227

Email
ekaterina@arga.world

In what capacity are you responding?
other

Please check one of the boxes below:
I do not consent to being publicly named as a respondent to this consultation and wish that information be kept confidential

Please check one of the boxes below:
I do not consent to my response being made available to the public and wish it to be kept confidential

Reference
2109264341296

CP26/32 response form

Thank you for your submission.

Back to form

Research accreditation criteria

ARGA consultation response | 21 September 2026

Response to the UK Statistics Authority consultation on proposed changes to research accreditation criteria under the Digital Economy Act 2017. The five answers below correspond to Questions 5–9 in the online form. The selected option for each is Yes.

Question 5: clarity of the criteria

Yes. Asylum Research & Global Assistance (ARGA), a French association, supports the overall structure. We respond from a civil society perspective and do not claim accreditation or operational experience within this scheme. The distinction between processors, researchers and projects is useful. A short application checklist for each role, a glossary and a table linking requirements to acceptable evidence would improve usability. Guidance should distinguish binding conditions from examples and explain how proportionality is assessed. A dated change log and implementation timetable would help applicants understand which requirements apply to an application or renewal. Please also check internal cross-references, including the link between the staff record requirement in paragraph 16.2 and the relevant competence and training provisions.

Question 6: principles for sharing information

Yes, broadly. The framework connects access with public interest, accredited participants, lawful processing and protection against disclosure. A plain-language explanation should emphasise that accreditation alone does not authorise every proposed use or guarantee access to every dataset. Applicants should be able to trace the purpose, data required, responsible parties, access restrictions and output checks for each project. Worked examples should explain how necessity, proportionality and ethical assessment interact, including when a project should use less detailed data. Guidance should explain the UK location requirement clearly and how an applicant can challenge an erroneous location-related access restriction through the processor, without bypassing security controls.

Question 7: processors

Yes. Supporting guidance should specify a proportionate evidence baseline and explain how existing assurance can be reused without weakening scrutiny. Published policies should explain safeguards meaningfully while excluding technical details that would expose security weaknesses. Incident procedures should identify reporting channels, the minimum initial information and arrangements for subsequent updates. For AI-enabled tools, require documented assessment of confidentiality, re-identification and unintended data transmission risks, approved uses and accountable human oversight. Service standards should cover reasons for delay and an escalation route as well as headline processing times. Guidance on suspension should distinguish urgent protective action from remediable shortcomings, provide written reasons and explain representations, appeal deadlines and who reviews the decision. A continuity plan should address lawful preservation or transfer of project records and data when a processor ceases operating. Broad grounds relating to trust or disrepute should be applied to evidenced conduct relevant to accreditation, with proportionate decisions.

Question 8: researchers

Yes. Explain how applicants can evidence applied research experience outside universities, including work in civil society, and how relevant qualifications obtained abroad are assessed. Common standards should be maintained without unnecessary institutional barriers. Provide accessible training, clear assessment criteria, renewal reminders and a practicable route to correct minor application errors. For provisional accreditation, specify the supervision plan, permitted activities, review points and responsibilities of both the supervisor and applicant. Explain the exceptional process for limiting public-register information where publication would create a substantiated personal safety risk, including the minimum information needed and the decision process. Suspension notices should identify reasons, immediate obligations, appeal arrangements and how inaccurate information shared with processors will be corrected. Researchers should have a safe route to report concerns without legitimate criticism of the scheme itself being treated as misconduct.

Question 9: research projects

Yes. Guidance should help applicants explain who is expected to benefit, who could be harmed and how uncertainty will be evaluated. For research concerning vulnerable or marginalised populations, assess risks of stigmatisation and harmful group inferences as well as identification of individuals; involve affected communities where appropriate and feasible. Provide examples of how to justify dataset scope, linkage, retention and less intrusive alternatives. Set out which changes to purpose, methods, data or team require notification or renewed approval. Publication plans should include accessible summaries, limitations and correction arrangements, and address negative or inconclusive findings. Any delay or omission permitted on public-interest grounds should have recorded reasons and a review date. Clarify the process for orderly closure, retention or deletion and appeal if project accreditation ends, while preserving the prohibition on research access where the necessary accreditations are absent.

Sergey KHRABRYKH

President, Asylum Research & Global Assistance (ARGA)

Gmail

Ekaterina Khomutinnikova <ekaterina@arga.world>

Response received - Response ID: ANON-4B3V-3D4B-C

1 message

ONS External Affairs <no-reply@mail1.citizenspace.com> 21 September 2026 at 17:57
To: ekaterina@arga.world

Thank you for your response.

Your response ID is ANON-4B3V-3D4B-C. Please have this ID available if you need to contact us about your response. If you would like to download a PDF copy of your responses, please click the link below, or copy and paste it into your browser's address bar.

https://consultations.ons.gov.uk/uk-statistics-authority/digital-economy-act-2017-consultation/consultation/my_response?user_id=ANON-4B3V-3D4B-C&key=8db40efd80923cc974e05b1c3c7b88790ef7824c

This link is unique to you. Please save this email and do not forward it on to anyone else, as it provides access to view all the answers you have submitted.

This email address is not monitored. Contact details can be found on the activity overview page at https://consultations.ons.gov.uk/uk-statistics-authority/digital-economy-act-2017-consultation/

Digital Economy Act 2017 - Consultation Regarding Proposed Changes to Research Accreditation Criteria

Page 5 of 5

Closes 23 Oct 2026

Your response has been submitted

Your response ID is ANON-4B3V-3D4B-C. Please have this ID available if you need to contact us about your response.

A receipt for your response has been emailed to you from the address **no-reply@mail1.citizenspace.com** with the subject "**Response received - Response ID: ANON-4B3V-3D4B-C**". If it doesn't appear in your inbox within a couple of minutes, please check your "spam" or "junk" folder.

Download a copy of your response (PDF)
This link expires in 3 minutes at 17:00

Thank you for your response.

FCA CP26/29 - Captive insurance

ARGA consultation response | 21 September 2026

Submitted by Asylum Research & Global Assistance (ARGA), a French association. This response addresses selected conduct, governance and accountability questions from a civil society perspective. It does not claim experience operating a captive insurer or provide actuarial or firm-level cost evidence.

Question 1: permitted activities and restrictions

ARGA supports a carefully bounded regime. Guidance should make it straightforward to determine eligibility before a contract is written and throughout its life, including after a group restructuring or change in the insured party's status. Provide worked examples for complex arrangements involving connected businesses and multiple beneficiaries. A label or group connection should not obscure who bears the ultimate risk. For business placed through a fronting insurer, responsibilities for claims, communications and complaints should remain clear to the people entitled to protection. The regulators should explain how an identified scope breach is corrected without leaving existing claimants uncertain about responsibility. We do not propose adding categories of permitted business without evidence about the resulting risks.

Question 3: application of Handbook requirements

ARGA supports tailoring requirements to the restricted business model, subject to effective enforcement of that boundary. The final policy should explain how the protections applicable to a fronting insurer continue to operate when risk is reinsured to a captive. Firms and affected parties need a clear account of the applicable complaint and compensation routes, without suggesting that the captive itself provides protections which are disapplied. Practical guidance should explain what happens if the business model ceases to satisfy the conditions for the tailored regime, including notification, remediation and treatment of existing contracts. The proposed safeguards for outsourced management are welcome. Their effectiveness should be assessed through evidence of oversight and access to records, not merely the presence of standard clauses.

Question 4: governance and accountability

ARGA agrees in principle with proportionate governance and identifiable senior responsibility. Where a manager's employee holds the senior management role, oversight should include a credible route for independent challenge and escalation of conflicts. Board records should show how significant conflicts were considered and resolved. Staff should be able to raise concerns through a channel that does not depend solely on the person or provider concerned. The continuity arrangements envisaged by the draft rules should be practical and periodically tested, covering absence of the responsible individual, failure of the manager and termination of the management contract. Guidance or model contractual provisions could help smaller applicants establish usable access, cooperation and transfer arrangements while preserving responsibility at the captive's board.

Question 5: supervision and notifications

ARGA supports a proportionate approach centred on material-event notifications, provided the FCA can test whether firms are identifying and reporting relevant events. Guidance should include examples of material operational failures, conflicts and changes affecting eligibility, with clear reporting channels and expectations for follow-up information. Information already available to the PRA should be reused where suitable, with clear responsibility for supervisory follow-up. A targeted sample review after implementation could test missed notifications, effectiveness of outsourced oversight and the treatment of affected claimants. The evaluation should consider actual conduct outcomes and service continuity alongside market entry. If evidence reveals a recurring information gap, any additional reporting should be narrowly designed around that gap and avoid duplicating existing returns.

Sergey KHRABRYKH

President, Asylum Research & Global Assistance (ARGA)

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Ekaterina Khomutinnikova <ekaterina@arga.world>

Online response form submission for CP26/29

1 message

FCA CP26-29 <no-reply@fcamail.org.uk> 21 September 2026 at 17:59
To: ekaterina@arga.world

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Your response

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ARGA response to FCA CP26/29

Submitted by Asylum Research & Global Assistance (ARGA), a French association. This response addresses selected conduct, governance and accountability questions from a civil society perspective. It does not claim experience operating a captive insurer or provide actuarial or firm-level cost evidence.

Question 1: permitted activities and restrictions
ARGA supports a carefully bounded regime. Guidance should make it straightforward to determine eligibility before a contract is written and throughout its life, including after a group restructuring or change in the insured party's status. Provide worked examples for complex arrangements involving connected businesses and multiple beneficiaries. A label or group connection should not obscure who bears the ultimate risk. For business placed through a fronting insurer, responsibilities for claims, communications and complaints should remain clear to the people entitled to protection. The regulators should explain how an identified scope breach is corrected without leaving existing claimants uncertain about responsibility. We do not propose adding categories of permitted business without evidence about the resulting risks.

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Sergey KHRABRYKH
President
Asylum Research & Global Assistance (ARGA)

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In what capacity are you responding?
other

Please check one of the boxes below:
I do not consent to being publicly named as a respondent to this consultation and wish that information be kept confidential

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CP26/29 response form

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Immigration offences consultation

ARGA consultation response | 21 September 2026

Submitted by Asylum Research & Global Assistance (ARGA), a French association, represented by Sergey KHRABRYKH, President. This response offers a civil society and human rights perspective on selected questions. It does not present a statistical study or claim experience practising as an English criminal sentencing lawyer.

Question 5: risks of unequal outcomes

The principal risk is that outward behaviour is treated as a reliable measure of culpability without sufficient examination of context. Handling a boat briefly, misunderstanding a rescue instruction or delayed disclosure of coercion can have different explanations. The guideline should require an individual assessment of the person’s knowledge, available choices and contribution to the danger. Race, nationality or immigration status should not be treated as a substitute for evidence of culpability. Courts should have reliable interpretation and sufficient information about trauma, disability and exploitation before drawing adverse inferences. These are potential risks requiring safeguards and monitoring; ARGA does not claim that the consultation establishes discriminatory outcomes.

Question 6: evidence about existing disparities

ARGA does not have a validated dataset establishing existing sentencing disparities for these offences. The information gaps identified by the Council justify improving data quality and evaluating outcomes after implementation. Comparisons should account for relevant case characteristics, disclose uncertainty and protect individuals against identification from small groups.

Question 7: accessible and informed participation

Guidance should prompt early identification of interpretation, communication and disability-related needs, including trauma-related difficulties in giving a coherent account. Relevant information should be obtained through suitable pre-sentence reports or other reliable evidence, with the person able to understand and challenge it. A lack of documents, unfamiliarity with the legal system or an account initially affected by fear should not automatically be treated as dishonesty or lack of remorse. Consider the combined effects of vulnerability, age and caring responsibilities. Public explanations of the final guideline should be accessible to affected communities and organisations assisting them.

Question 8: legal safeguards and implementation

The final guidance should clearly distinguish questions of criminal liability and any applicable defence from the later assessment of sentence. Evidence suggesting trafficking, coercion or a protection claim may require legal issues to be resolved before sentencing; treating it only as mitigation must not substitute for that assessment. Decisions should give intelligible reasons for the selected categories and adjustments, and avoid counting the same conduct repeatedly. A review after implementation should examine whether the guideline is being applied consistently and whether access to interpretation and relevant vulnerability evidence is effective. ARGA offers policy recommendations rather than conclusions about any individual prosecution.

Question 9: culpability in sea-crossing offences

The proposed distinction between degrees of responsibility should be supported by examples showing how knowledge, intention, practical control and the circumstances of an emergency affect the assessment. Steering away from a rescue should not automatically establish the highest culpability where the person did not understand that assistance was being offered or had no meaningful control over the manoeuvre. The court should examine reliable evidence of what the person understood and could reasonably do. Coercion, exploitation, attempts to prevent immediate harm and instructions imposed by others should be considered at the appropriate stage. Brief control of a boat can be relevant, but duration alone should neither establish nor exclude a lower level of responsibility.

Question 10: assessment of harm

The assessment should distinguish actual injury from exposure to a risk and explain the evidential basis for attributing the relevant harm to the person being sentenced. A grave outcome for the crossing as a whole should not remove the need to assess the individual offence. Serious psychological injury should be recognised on reliable evidence, without assumptions based on whether an affected person has been able to obtain a formal diagnosis. Avoid using the same injury or risk both to select a harm category and to increase the sentence again without a distinct reason.

Sergey KHRABRYKH

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Ekaterina Khomutinnikova <ekaterina@arga.world>

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UK Ministry of Justice <no-reply@mail1.citizenspace.com> 21 September 2026 at 18:16
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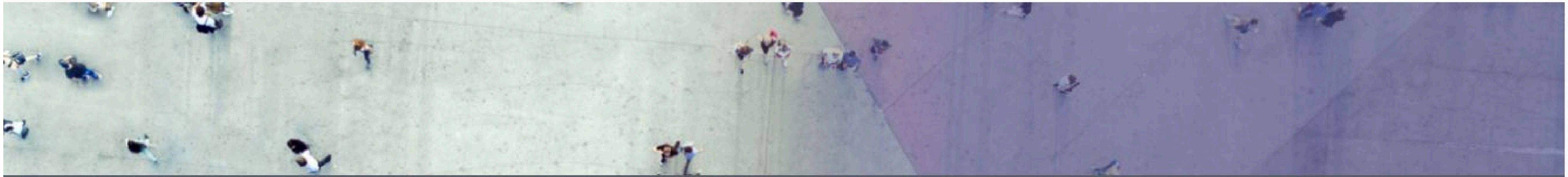

Immigration Offences Consultation

Closes 30 Sep 2026

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Sentencing Council strategic objectives 2027–2030

ARGA consultation response | 21 September 2026

Submitted by Asylum Research & Global Assistance (ARGA), a French association, represented by Sergey KHRABRYKH, President. This response offers a civil society and human rights perspective on selected questions. It does not present a statistical study or claim experience practising as an English criminal sentencing lawyer.

Question 5: evaluation and maintenance

Yes. ARGA supports a stronger focus on whether existing guidelines deliver fair, proportionate and consistent outcomes. Publish a prioritised evaluation schedule, identify evidence gaps and state how findings lead to revisions. Preserve capacity to address urgent legal changes and credible evidence of unequal treatment. Evaluation should examine practical access to relevant evidence and participation, as well as the distribution of sentences.

Question 6: proposed projects

The proposed revision concerning mental disorders, developmental disorders and neurological impairments is particularly valuable. It should address access to suitable evidence and communication support without treating a diagnostic label as a substitute for individual assessment. Work on fines should consider actual ability to pay and the cumulative burden of financial orders. New technology-related guidelines should distinguish individual knowledge, control, coercion and harm. These are policy priorities; ARGA is not presenting a dataset ranking the prevalence of sentencing problems.

Question 8: research and use of automated analysis

Study how interpretation, communication difficulties, trauma and access to suitable reports affect the information available at sentencing. For natural language processing of sentencing remarks, validate results against human-reviewed samples and publish error rates and limitations, including performance for less common case types. A factor not mentioned in a transcript must not automatically be treated as absent from the case. Keep analytical tools separate from recommendations about individual sentences. Data linking should use necessary information only, clear access controls and safeguards against identifying people in published small groups.

Question 10: evaluation priorities

The proposed programme is reasonable, but ARGA recommends bringing an evaluation of the modern slavery guidelines into the 2027–2030 workplan if feasible. Examine whether exploitation and coercion are recognised consistently and whether the harm experienced by victims is properly reflected. Publish the criteria and resource implications when sequencing this work against other evaluations. This recommendation reflects the importance of the safeguards involved, rather than a claim that ARGA has measured defects in the present guidelines.

Question 11: equality and participation

ARGA supports better demographic evidence and wider engagement. Publish data completeness, uncertainty and relevant case characteristics alongside comparisons. Analysis of guilty pleas may improve understanding, but should also consider whether access to advice, interpretation or timely evidence affects plea decisions. The engagement plan should include people with lived experience and organisations assisting refugees, migrants, victims of trafficking and people with disabilities. Offer accessible formats and practical ways to contribute without requiring disclosure of sensitive personal histories.

Question 13: explaining apparent disparities

Yes, where the evidence remains useful and its limitations are clear. Date the findings, explain what the analysis does and does not establish, and distinguish association from a demonstrated cause. Pair the information with practical prompts to check assumptions, obtain necessary evidence and give reasons for individual decisions. It should not encourage automatic sentence adjustments based on group membership. Set a review date and clearly flag findings that have become outdated.

Question 14: groups to engage

Include organisations supporting refugees and migrants, trafficking survivors, people with disabilities, young people and defendants' families, alongside victims' organisations and legal professionals. Community interpreters and advice organisations can help identify points that are routinely misunderstood. Recruit across different locations and levels of digital access, and avoid assuming that a single organisation represents every experience within a community.

Question 15: accessible public information

Prioritise short plain-language explanations of the sentencing process, accessible web pages and printable summaries that advice organisations can reuse. Test comprehension with intended users, including people who use interpretation or assistive technology. Explain the different roles of Parliament, the Council and the courts, and distinguish maximum penalties from the sentence in an individual case. Show how consultation feedback changed a guideline. Measure whether people understand the material, rather than relying only on page views.

Question 16: delivery and accountability

Attach a realistic annual workplan to the strategy, with named organisational responsibilities, milestones and a short public progress account. Explain delays and changes in priorities. Protect the quality and independence of evidence within the applicable governance arrangements. ARGA submits these recommendations as a civil society association and does not claim to speak for the judiciary or to provide a representative survey of affected people.

Sergey KHRABRYKH

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Ekaterina Khomutinnikova <ekaterina@arga.world>

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Sentencing Council Strategic Objectives 2027-2030

Page 10 of 10

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Miscellaneous amendments to sentencing guidelines 2026

ARGA consultation response | 21 September 2026

Submitted by Asylum Research & Global Assistance (ARGA), a French association, represented by Sergey KHRABRYKH, President. This response offers a civil society and human rights perspective on selected questions. It does not present a statistical study or claim experience practising as an English criminal sentencing lawyer.

Question 11: restrictions during bail

ARGA supports the proposed recognition of significant restrictions of liberty under a non-qualifying curfew. The explanation should encourage an individual assessment of the actual restrictions, their duration and their practical effect, with clear reasons for any adjustment. An illustration could distinguish this assessment from automatic statutory credit, without suggesting that only exceptional cases qualify. Reliable information about the conditions should be available to both the court and the person concerned, with interpretation or communication support where necessary.

Question 12: verification reports

The distinction between a verification report and a pre-sentence report should be prominent. A short interview should not lead to a case being treated as low complexity simply because disability, trauma, exploitation or communication difficulties have not yet been identified. Include a prompt to consider whether further information or a pre-sentence report is needed when such issues arise. People should be able to understand and correct factual information and receive suitable interpretation. Record why the chosen report is adequate for the decision and consider whether the proposed requirements are realistically achievable.

Question 13: grooming, exploitation and maturity

ARGA supports both recognising responsibility for exploiting others and recognising reduced culpability where a person has been groomed into offending. The assessment should consider the actual control, dependence, threats, deception and choices available to each person, including where roles overlap. The reference to ages 18–25 should expressly be illustrative rather than an upper limit on recognising exploitation. Relevant vulnerability may arise at other ages. Digital contact alone is not proof of grooming, and apparent cooperation or delayed disclosure does not exclude it. The proposed addition concerning maturity is useful; examples should cover online and in-person influence without assuming all young adults have the same capacities. Avoid counting the same exploitation twice. Where the evidence raises an applicable defence or other issue affecting criminal liability, mitigation must not substitute for resolving that issue first.

Question 14: more than one punitive element

ARGA supports clarifying how the guilty plea reduction applies to each punitive element, subject to the stated exception where a less severe type of sentence already reflects the plea. A short worked example would improve consistency. The proposed guidance against normally combining a fine with a community order containing punishment is welcome. Any departure should have clear reasons and an assessment of the overall burden, actual means, caring responsibilities and ability to comply. Requirements serving rehabilitation should be suitable for the individual and should not become unnecessarily onerous because several measures are combined.

Question 15: children and young people

ARGA supports placing the youth-specific guidance and relevant links prominently at the beginning. Make the sequence particularly clear: the court starts with the child-focused framework, and the limited later reference to an adult guideline must not turn an adult starting point into the default. Accessible cross-links and brief examples should preserve the individual assessment of development, maturity, communication needs and welfare. Test the revised presentation with youth justice practitioners and organisations supporting children, including children who need interpretation or disability-related adjustments.

Question 19: reparation for slavery and trafficking

ARGA supports making clear that reparation can address physical and psychological suffering and interference with daily life, as well as financial loss. A lack of lost earnings must not by itself end consideration of reparation. The guidance should help courts obtain suitable evidence without treating the absence of a formal diagnosis as proof that suffering did not occur. Provide interpretation and a sensitive process for gathering relevant information, avoid unnecessary repeated retelling, and explain decisions in accessible terms. Preserve the stated eligibility rules, the need for reasons where no order is made, and the safeguards against overlapping compensation. Monitor whether the clarification improves meaningful access to reparation, including for victims who face language or documentation barriers.

Sergey KHRABRYKH

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Ekaterina Khomutinnikova <ekaterina@arga.world>

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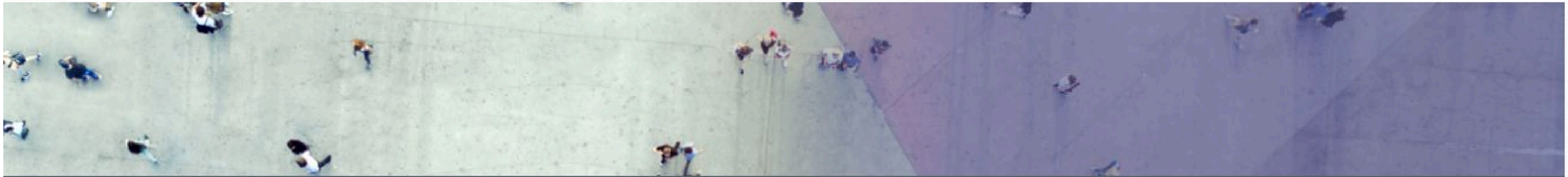

Miscellaneous amendments to sentencing guidelines 2026

Page 21 of 21

Closes 2 Dec 2026

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