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Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standards 10 and 12 and International Accounting Standard 28

Delegations will find attached document D044554/01.

Encl.: D044554/01



Brussels, **XXX**
[...](2016) **XXX** draft

D044554/01

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standards 10 and 12 and International Accounting Standard 28

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

of **XXX**

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards¹, and in particular Article 3(1) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008² certain international standards and interpretations that were in existence at 15 October 2008 were adopted.
- (2) On 18 December 2014, the International Accounting Standards Board (IASB) published amendments to International Financial Reporting Standard (IFRS) 10 *Consolidated Financial Statements* and IFRS 12 *Disclosure of Interests in Other Entities* and International Accounting Standard (IAS) 28 *Investments in Associates and Joint Ventures* entitled *Investment Entities: Applying the Consolidation Exception*. The amendments aim to clarify the requirements when accounting for investment entities and provide relief in particular circumstances.
- (3) The amendments to IFRS 10 contain some references to IFRS 9 that at present cannot be applied as IFRS 9 has not been adopted by the Union. Therefore, any reference to IFRS 9 as laid down in the Annex to this Regulation should be read as a reference to IAS 39 *Financial Instruments: Recognition and Measurement*.
- (4) The consultation with the European Financial Reporting Advisory Group confirms that the amendments to IFRS 10, 12 and IAS 28 meet the criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.
- (5) Regulation (EC) No 1126/2008 should therefore be amended accordingly.

¹ OJ L 243, 11.9.2002, p. 1

² Commission Regulation (EC) No 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (OJ L 320, 29.11.2008, p. 1)

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Annex to Regulation (EC) No 1126/2008 is amended as follows:
 - (a) International Financial Reporting Standard (IFRS) 10 *Consolidated Financial Statements* is amended as set out in the Annex to this Regulation;
 - (b) IFRS 12 *Disclosure of Interests in Other Entities* is amended as set out in the Annex to this Regulation;
 - (c) International Accounting Standard (IAS) 28 *Investments in Associates and Joint Ventures* is amended as set out in the Annex to this Regulation.
2. Any reference to IFRS 9 as laid down in the Annex to this Regulation shall be read as a reference to IAS 39 *Financial Instruments: Recognition and Measurement*.

Article 2

Each company shall apply the amendments referred to in Article 1 at the latest, as from the commencement date of its first financial year starting on or after 1 January 2016.

Article 3

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Jean Claude Juncker