



Council of the  
European Union

Brussels, 12 January 2017  
(OR. en)

5094/17

EF 3  
ECOFIN 6  
DELECT 8

#### 'I/A' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. Cion doc.:	C(2016) 7643 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 1.12.2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the criteria to establish when an activity is considered to be ancillary to the main business - intention not to raise objections to a delegated act

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1. The Commission notified on 1 December 2016 the above delegated act<sup>1</sup> to the Council in accordance with the procedure set out in Article 290 TFEU and with Article 11 (2) of Regulation (EU) No 1095/2010<sup>2</sup>. The Council had three months, i.e. until 1 March 2017 to object to it.

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<sup>1</sup> Doc. 15164/16 EF 378 ECOFIN 1155 DELACT 250

<sup>2</sup> Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC; OJ L 331, 15.12.2010, p. 84–119

2. During the silence procedure within the framework of the Working Party on Financial Services, which expired on 11 January 2017, no delegation indicated an intention to object to the delegated act.
  3. It is therefore suggested that Coreper invites the Council to confirm that the Council has no intention to object to the delegated act and that the Commission and the European Parliament are to be informed thereof; this implies that, unless the European Parliament objects to it, the delegated act shall be published and enter into force in accordance with Article 13 (2) of Regulation (EU) No 1095/2010.
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