



Council of the  
European Union

Brussels, 2 February 2017  
(OR. en)

5773/17

EF 16  
ECOFIN 55  
DELECT 17

#### 'I/A' ITEM NOTE

---

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. Cion doc.:	C(2017) 149 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 20.1.2017 correcting Delegated Regulation (EU) 2016/2251 of 4 October 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty =intention not to raise objections to a delegated act

---

1. On 20 January 2017 the Commission submitted the abovementioned 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 the ESA Regulations<sup>2</sup>. The Council has one month, i.e. until 20 February 2017 to object to it.

---

<sup>1</sup> Doc. 5511/17 EF 9 ECOFIN 33 DELACT 15

<sup>2</sup> Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC, Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC and 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. 12–119.

2. During the silence procedure within the framework of the Working Party on Financial Services, which expired on 1 February 2017, no delegation indicated an intention to object to the delegated act.
  3. It is therefore suggested that Coreper invites the Council at a forthcoming meeting 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 the ESA Regulations.
-