



Council of the  
European Union

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#### COVER NOTE

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From: General Secretariat of the Council  
date of receipt: 25 April 2017  
To: Delegations

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Subject: COM(2016)799 - Council ST 5623/17 + ADD 1 REV 1 - Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union  
- Consultation of the European Central Bank (ECB) and reply received

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Delegations will find a copy of the letter sent to the European Central Bank in view of the consultation as regards COM(2016)799 - Council ST 5623/17 ADD1 REV1 - Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union, as well as a copy of the reply received from the European Central Bank.

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10378/17

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**Council of the European Union**  
**General Secretariat**  
General and Institutional Policy  
*Deputy Director-General*

Mr Mario DRAGHI  
President of the European Central Bank  
Postfach 10 20 31  
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Federal Republic of Germany

Brussels, 13 -03- 2017

Sir,

On 14 December 2016 the Commission submitted to the Council a **proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union [2016/0400 (COD)]**.

The Council decided on 13 March 2017 to consult the European Central Bank on this proposal **[COM(2016) 799 final]** and has instructed me to forward this request for consultation to you.

The Council has also decided to consult the European Economic and Social Committee and the Committee of the Regions.

The Council would be grateful if the European Central Bank could kindly submit its opinion as soon as possible.

Yours faithfully,

For the Secretary General

Jim CLOOS

Annex : 5623/17 + ADD 1

IM 06383 2017  
15.06.2017



EUROPEAN CENTRAL BANK  
EUROSYSTEM

ECB-RESTRICTED

Yves Mersch  
Member of the Executive Board

Mr Jim Cloos  
Deputy Director General  
Council of the European Union  
General Secretariat/ General and Institutional Policy  
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24 April 2017

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Your reference: SGS17 02247

Dear Mr Cloos,

Thank you for your letter of 13 March 2017, requesting an Opinion on the proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Article 290 and 291 of the Treaty on the Functioning of the European Union (TFEU) [2016/0400 (COD)].

According to Article 127 (4) of the TFEU the ECB is required to be consulted on any proposed Union act in its fields of competence. It is understood that the sole purpose of the proposed regulation is to adapt the Union legal acts contained in the annex to the proposed regulation to Articles 290 and 291 TFEU by eliminating outdated references to the regulatory procedure with scrutiny and applying procedures - regular and urgent - that will be added to each and every adapted legal act. The proposed regulation does not otherwise have any material impact on the Union legal acts contained in its annexes.

Based on the foregoing, the ECB does not consider that the proposed regulation falls within the ECB's fields of competence. Hence, also in view of the principle of procedural economy, the ECB considers that issuing an ECB Opinion on this particular occasion is not warranted.

Thank you for consulting the ECB on this matter. The ECB remains confident that the Council will continue to consult the ECB on matters falling within the ECB's fields of competence.

Yours sincerely,

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