



Brussels, 10 November 2022  
(OR. en)

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ECOFIN 1092  
DELECT 195

#### 'I/A' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 2)/Council

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No. prev. doc.: 13783/22  
No. Cion doc.: C(2022) 7413 final

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 18.10.2022 amending the regulatory technical standards laid down in Delegated Regulation (EU) 149/2013 as regards the value of the clearing threshold for positions held in OTC commodity derivative contracts and other OTC derivative contracts

*- Intention not to raise objections to a delegated act*

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1. The Commission notified on 18 October 2022 the above-mentioned delegated act to the Council in accordance with the procedure set out in Article 290 of the Treaty on the Functioning of the European Union and with Article 10(4), third subparagraph, of Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories, in conjunction with Articles 10 to 14 of 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).

2. In accordance with Article 13(1) of Regulation (EU) No 1095/2010, the Council has three months, i.e. until 19 January 2023 to object to the delegated act mentioned above.
  3. In the consultation of the Financial Services Attachés Working Party, which ended on 10 November 2022, no delegation indicated an intention to object to the delegated act.
  4. In view of the above, COREPER is invited to recommend that the Council confirm that it 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, if the European Parliament also confirms that it has no intention to object to the delegated act, the delegated act shall be published and enter into force in accordance with Article 13(2), second subparagraph, of Regulation (EU) No 1095/2010.
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