



Brussels, 3 September 2020  
(OR. en)

10342/20

EF 199  
ECOFIN 757  
DELECT 114

## 'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	C(2020)4891 - ST 9648/20, C(2020)4892 - ST 9651/20, C(2020)4895 - ST 9657/20+ADD1
Subject:	<ul style="list-style-type: none"><li>· COMMISSION DELEGATED REGULATION of 14.7.2020 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to fees charged by the European Securities and Markets Authority to central counterparties established in third countries</li><li>· COMMISSION DELEGATED REGULATION of 14.7.2020 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to the criteria that ESMA should take into account to determine whether a central counterparty established in a third-country is systemically important or likely to become systemically important for the financial stability of the Union or of one or more of its Member States</li><li>· COMMISSION DELEGATED REGULATION of 14.7.2020 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to the minimum elements to be assessed by ESMA when assessing third-country CCPs' requests for comparable compliance and the modalities and conditions of that assessment</li></ul> <p>- <i>Intention not to raise objections to delegated acts</i> - <i>Decision to use written procedure</i></p>

1. The Commission notified on 14 July 2020 the above-mentioned delegated acts 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 82(5) 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, read in conjunction with Articles 25(2a), 25a(3) and 25d(3) of that Regulation.

2. In accordance with Article 82(6) of Regulation (EU) No 648/2012, the Council has three months, i.e. until 15 October 2020 to object to the delegated acts mentioned above. During the consultations in the framework of the Working Party on Financial Services, which expired on 2 September 2020, one delegation announced that it intends to object to Commission Delegated Regulation supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to the criteria that ESMA should take into account to determine whether a central counterparty established in a third-country is systemically important or likely to become systemically important for the financial stability of the Union or of one or more of its Member States (ST 9651/20, C(2020) 4892), while no delegation indicated an intention to object to the other two delegated acts in question. There is sufficient support among delegations for approval of early non-objection for all three delegated acts.
3. In view of the above, COREPER is invited to:
  - recommend that the Council confirm that it has no intention to object to any of the delegated acts 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 acts, the delegated acts shall be published and enter into force in accordance with the second subparagraph of Article 82(6) of Regulation (EU) No 648/2012;
  - decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision 2020/430, that the Council will use the written procedure to confirm it has no intention to object.