



Brussels, 9 September 2020

CM 3492/20

EF
ECOFIN

COMMUNICATION

WRITTEN PROCEDURE

Contact: PEDICEK Matej

Tel./Fax: +3222815127

Matej.Pedicek@consilium.europa.eu

Subject: **START OF WRITTEN PROCEDURE with reply by Friday 11 September 2020, 12h00, by e-mail to emir-ccp@consilium.europa.eu**

- **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**
- **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**
- **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**

- Intention not to raise objections to a delegated act

Following the decision of the Permanent Representatives Committee (Part 2) on 9 September 2020 to use the written procedure in relation to the above-mentioned Commission Delegated Regulations, please state whether you agree to confirm that the Council has no intention to object to:

1. 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, as set out in doc. 9648/20, 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 that delegated act, it shall be published and enter into force in accordance with Article 82(6) of Regulation (EU) No 648/2012.

2. 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, as set out in doc. 9651/20, 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 that delegated act, it shall be published and enter into force in accordance with Article 82(6) of Regulation (EU) No 648/2012.

3. 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, as set out in doc. 9657/20 + ADD 1, 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 that delegated act, it shall be published and enter into force in accordance with Article 82(6) of Regulation (EU) No 648/2012.

Please answer "YES", "NO" or "ABSTENTION" to all three questions above.

Any unilateral statements should be made at the same time as answering the above questions.

Replies by e-mail to emir-ccp@consilium.europa.eu must reach the General Secretariat of the Council by **Friday 11 September 2020 at 12h00.**
