



Council of the European Union
General Secretariat

Brussels, 14 April 2021

CM 2673/21

EF
ECOFIN
PROCED

COMMUNICATION

WRITTEN PROCEDURE

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Subject: **COMMISSION DELEGATED REGULATION (EU) .../... of 25.3.2021 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards setting out the criteria to define managerial responsibility, control functions, material business units and a significant impact on a material business unit's risk profile, and setting out criteria for identifying staff members or categories of staff whose professional activities have an impact on the institution's risk profile that is comparably as material as that of staff members or categories of staff referred to in Article 92(3) of that Directive**

START OF WRITTEN PROCEDURE with reply by Monday 19 April 2021, 12h00, by e-mail to
ecomp1b.finserv.secretariat@consilium.europa.eu

- Intention not to raise objection to a delegated act

Following the decision of the Permanent Representatives Committee (Part 2) of 14 April 2021 to make use of the written procedure in relation to the above-mentioned Commission Delegated Regulation¹, Delegations are hereby invited to respond whether they agree that the Council raises no objection to Commission Delegated Regulation of 25.3.2021 supplementing Directive

¹ Doc. 7554/1/21 REV 1.

2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards setting out the criteria to define managerial responsibility, control functions, material business units and a significant impact on a material business unit's risk profile, and setting out criteria for identifying staff members or categories of staff whose professional activities have an impact on the institution's risk profile that is comparably as material as that of staff members or categories of staff referred to in Article 92(3) of that Directive as set out in doc. 7375/21, and that the Commission and the European Parliament are to be informed thereof.

This means that, if the European Parliament also confirms that it has no intention to object to this delegated act, it shall be published and enter into force in accordance with Article 13(2) of Regulation (EU) No 1093/2010² in conjunction with Article 94(2) of Directive 2013/36/EU³.

Please answer "YES", "NO" or "ABSTENTION".

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

Replies by e-mail to ecomp1b.finserv.secretariat@consilium.europa.eu must reach the General Secretariat of the Council by **Monday 19 April 2021 at 12h00**.

² 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 (OJ L 331 15.12.2010, p. 12).

³ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176 27.6.2013, p. 338).