

OTC derivatives, central counterparties and trade repositories: risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty

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The European Parliament decided to **raise no objections** to the Commission Delegated Regulation of 4 October 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty.

As a reminder, [Regulation \(EU\) No 648/2012](#) of the European Parliament and of the Council (European Market Infrastructure Regulation – EMIR) lays down clearing and bilateral risk-management requirements for over-the-counter (OTC) derivative contracts, reporting requirements for derivative contracts and uniform requirements for the performance of activities of central counterparties (CCPs) and trade repositories.

EMIR provides that the European Supervisory Authorities (ESAs) which include the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA), the European Securities and Markets Authority (ESMA), shall develop common draft regulatory technical standards (RTSs) specifying the risk-management procedures.

The ESAs submitted the draft RTSs to the Commission on 8 March 2016. The Commission notified the ESAs on 28 July 2016 of its intention to endorse the draft RTSs subject to a number of changes. The ESAs submitted a formal opinion and revised draft RTSs to the Commission on 8 September 2016. The Commission adopted the delegated regulation on 4 October 2016.

The scrutiny period provided for under the EBA, EIOPA and ESMA Regulations is three months from the date of notification of the RTSs; this scrutiny period therefore expires on 4 January 2017.

Parliament recalled that the calendar of implementation of the margin requirements for non-centrally cleared derivatives was agreed at international level within the Basel Committee on Banking Supervision (BCBS) and the International Organisation of Securities Commissions (IOSCO).

Members considered that the Union, while having missed the agreed date of 1 September 2016 for the first stage of implementation, can still have its rules in place in time for the second deadline of 1 March 2017, when a large number of financial counterparties and non-financial groups should start exchanging margins.

Therefore, Parliament considered that an **early non-objection should therefore be declared as soon as possible** with a view to allowing the Union to fulfil its international commitment and to allowing counterparties to prepare for the new requirements with sufficient prior notice.