

Markets in financial instruments: extending the transposition deadline for Member States and the compliance date for firms

2005/0111(COD) - 13/12/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Piia-Noora **KAUPPI** (EPP-ED, FI) and made several amendments to the Commission's proposal. In a new recital, Parliament indicated that it should have an equal role in supervising the way in which the Commission exercises its executive role in order to reflect the legislative powers of the European Parliament under Article 251 of the Treaty. Parliament and Council should have the opportunity of evaluating the conferral of implementing powers on the Commission within a determined period. Parliament felt, therefore, that it is appropriate to limit the period during which the Commission may adopt implementing measures. Comitology provisions were amended in order to align them with those adopted in the Capital Adequacy directive. Accordingly, Parliament should be given a period of three months from the first transmission of draft amendments and implementing measures to allow it to examine them and to give its opinion. However, in urgent and duly justified cases, it should be possible to shorten that period. If, within that period, a resolution is adopted by the European Parliament, the Commission should re-examine the draft amendments or measures. On 1 April 2008 at latest the application of the directive's provisions requiring the adoption of technical rules, amendments and decisions shall be suspended. Acting on a proposal from the Commission, the European Parliament and the Council may renew the provisions concerned in accordance with the procedure laid down in Article 251 of the Treaty and, to that end, they shall review them prior to the 1 April 2008.

Furthermore:

- the report and review deadlines were extended by 6 months;
- the proposed deadline of 30 October 2006 for repealing Directive 93/22/EEC was delayed until 1 November 2007;
- the deadline for transposition by the Member States was extended from 30 October 2006, as proposed by the Commission, to 31 January 2007. The provisions under Member States' national law should be applied as from 1 November 2007;
- the deadlines laid down under the transitional arrangements were extended by 6 months. Moreover, a new clause stipulated that "any existing system falling under the definition of an MTF operated by a market operator of a regulated market" should, at the request of that market operator, be authorised as an MTF provided that it complies with equivalent rules on authorisation and operation required by the directive and that the request is made within 18 months after 1 November 2007;
- A new paragraph states that none of the implementing measures enacted may change the essential provisions of the Directive.