

| Basic information   |                     |
|---|---------------------|
| <b>2006/0293(COD)</b><br><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Directive                      | Procedure completed |
| Undertakings for collective investment in transferable securities (UCITS):<br>implementing powers conferred on the Commission |                     |
| Repealed by <a href="#">2008/0153(COD)</a>  |                     |
| <b>Subject</b><br><br>2.50.03 Securities and financial markets, stock exchange, CIUTS, investments                            |                     |

| Key players                   |  |  |                                    |
|-------------------------------|--|--|------------------------------------|
| European Parliament           | <b>Committee responsible</b><br><br><span style="border: 1px solid red; padding: 2px;">ECON</span> Economic and Monetary Affairs | <b>Rapporteur</b><br><br>BERÈS Pervenche (PSE) | <b>Appointed</b><br><br>13/02/2007 |
| Council of the European Union | <b>Council configuration</b><br><br>Environment  | <b>Meetings</b><br><br>2856                    | <b>Date</b><br><br>2008-03-03      |
| European Commission           | <b>Commission DG</b><br><br>Economic and Financial Affairs   | <b>Commissioner</b><br><br>ALMUNIA Joaquín     |                                    |

| Key events |   |  |         |
|------------|---|--|---------|
| Date       | Event   | Reference  | Summary |
| 22/12/2006 | Legislative proposal published                          | COM(2006)0926<br> | Summary |
| 17/01/2007 | Committee referral announced in Parliament, 1st reading |  |         |
| 11/06/2007 | Vote in committee, 1st reading                          |  | Summary |
| 15/06/2007 | Committee report tabled for plenary, 1st reading        | A6-0239/2007   |         |
| 10/07/2007 | Decision by Parliament, 1st reading                     | T6-0299/2007   | Summary |
| 10/07/2007 | Results of vote in Parliament                           |                   |         |
| 03/03/2008 | Act adopted by Council after Parliament's 1st reading   |  |         |
| 11/03/2008 | Final act signed  |  |         |
| 11/03/2008 | End of procedure in Parliament                          |  |         |
| 19/03/2008 | Final act published in Official Journal                 |  |         |

| Technical information      |  |
|----------------------------|--|
| Procedure reference        | 2006/0293(COD)   |
| Procedure type             | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype          | Legislation  |
| Legislative instrument     | Directive  |
| Amendments and repeals     | Repealed by <a href="#">2008/0153(COD)</a>                     |
| Legal basis                | EC Treaty (after Amsterdam) EC 047-p2                          |
| Stage reached in procedure | Procedure completed  |
| Committee dossier          | ECON/6/44439   |

| Documentation gateway   |  |   |            |                         |
|---|--|---|------------|-------------------------|
| European Parliament   |  |   |            |                         |
| Document type   | Committee  | Reference                                     | Date       | Summary                 |
| Committee draft report  |  | PE388.707                                     | 15/05/2007 |                         |
| Committee report tabled for plenary, 1st reading/single reading |  | A6-0239/2007                                  | 15/06/2007 |                         |
| Text adopted by Parliament, 1st reading/single reading          |  | T6-0299/2007                                  | 10/07/2007 | <a href="#">Summary</a> |
| Council of the EU   |  |   |            |                         |
| Document type   | Reference  |   | Date       | Summary                 |
| Draft final act   | 03689/2007/LEX   |   | 11/03/2008 |                         |
| European Commission   |  |   |            |                         |
| Document type   | Reference  |   | Date       | Summary                 |
| Legislative proposal  | COM(2006)0926<br> |   | 22/12/2006 | <a href="#">Summary</a> |
| Other institutions and bodies                                   |  |   |            |                         |
| Institution/body  | Document type  | Reference                                     | Date       | Summary                 |
| ECB   | European Central Bank: opinion, guideline, report  | CON/2006/0057<br>OJ C 031 13.02.2007, p. 0001 | 12/12/2006 | <a href="#">Summary</a> |

| Additional information |          |      |  |
|------------------------|----------|------|--|
| Source                 | Document | Date |  |
| National parliaments   | IPEX     |      |  |

## Final act

Directive 2008/0018  
OJ L 076 19.03.2008, p. 0042

[Summary](#)

## Undertakings for collective investment in transferable securities (UCITS): implementing powers conferred on the Commission

2006/0293(COD) - 22/12/2006 - Legislative proposal

**PURPOSE:** to amend Council Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) by introducing a reference to the new regulatory procedure with scrutiny (comitology).

**PROPOSED ACT:** Directive of the European Parliament and of the Council.

**CONTENT:** Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument when it considers that the draft exceeds the implementing powers provided for in the basic instrument, or that the draft is incompatible with the aim or the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

Lastly, in accordance with the abovementioned statement, the Commission is proposing to repeal any provisions of these instruments that provide for a time-limit on the delegation of implementing powers to the Commission.

## Undertakings for collective investment in transferable securities (UCITS): implementing powers conferred on the Commission

2006/0293(COD) - 10/07/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report drafted by Pervenche BERÈS (PES, FR) on the proposal for a directive amending Council Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS), as regards the implementing powers conferred on the Commission.

## Undertakings for collective investment in transferable securities (UCITS): implementing powers conferred on the Commission

2006/0293(COD) - 12/12/2006 - European Central Bank: opinion, guideline, report

The ECB has decided to submit an opinion concerning the proposed Directive on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS). It is doing so on its own initiative.

To recall, the main purpose of the proposed implementing Directive is to clarify the meaning and scope of certain definitions under the UCITS Directive in order to ensure its uniform application throughout the EU and to improve the functioning of the UCITS product passport. Since implementation of the draft Directive is linked to the implementation of the euro area monetary policy the ECB has the authority to deliver an opinion based on Article 105(4) of the Treaty establishing the European Community.

The European short-term securities market is the least integrated money market in the EU. The ECB, therefore, follows with particular attention market led initiatives that seek to enhance the integration and transparency of short-term securities markets in Europe.

The ECB is dissatisfied that the implementing measure is being proposed as a Directive. The ECB states: a proposed implementing measure in the form of a Regulation, containing detailed provisions capable of direct application to all UCITS, would be more appropriate and better placed to remedy the current uneven application of some general principles contained in the UCITS Directive – such as the rules on the eligibility of money market instruments.

The ECB also makes a number of specific comments that relate to:

- **disclosure and information requirements:** In general, the ECB considers that for the smooth and efficient functioning of the market it is important that standardised and adequate information, as well as standardised statistics, are accessible to market participants;
- **the inclusion of money market instruments issued by a Member State's local or regional authority that are not guaranteed by the Member State** : The ECB asks the Commission to consider deleting references to local, regional and federal authorities, as well as public international bodies, in order to treat all such public entities in the same way;
- **the need for reliable statistics on the issue of issuance programmes:** The ECB asks that references to "or other data enabling an appropriate assessment of the credit risks related to the investment in such instruments be deleted.
- **the control of information by an appropriately qualified third party:** The ECB considers that the introduction of unspecified information control mechanisms by "an appropriately qualified third party" into the proposed Directive would seem to approximate the information requirements for **money market instrument** with those for **formal prospectuses**. The ECB considers that prospectus requirements appear to be exhaustively covered by the Prospectus Directive, under which money market instruments are exempted from the definition of securities. The ECB, therefore, proposes that this provision be dropped altogether;
- **information on the issue of issuance programme or on the legal and financial situation of the issuer prior to the issue of money market instruments:** The ECB suggests that all money market instruments issued by either the ECB or a Member State central bank should be excluded from the application of this provision.
- **The definition of "money market instruments as instrument normally dealt in on the money market" (Article 3(2):** The ECB suggests that the Commission should return to solutions proposed in earlier drafts, whereby the maturity period of one year is set "without prejudice to any additional delay for settlement as provided for in the issue or the issuance programme".

## Undertakings for collective investment in transferable securities (UCITS): implementing powers conferred on the Commission

2006/0293(COD) - 11/03/2008 - Final act

**PURPOSE:** to amend Directive 85/611/EC relating to UCITS by introducing a reference to the new regulatory procedure with scrutiny (comitology).

**LEGISLATIVE ACT:** Directive 2008/18/EC of the European Parliament and of the Council amending Council Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS), as regards the implementing powers conferred on the Commission.

**CONTENT:** to recall, Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision. This may include deleting some of those elements or supplementing the instrument, by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument in cases where:

- the draft may exceed the implementing powers provided for in the basic instrument;
- the draft is incompatible with the aim or the content of that instrument; or
- the draft fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on the nature of the implementing powers conferred on the Commission and the specificity of each sector.

The purpose of this act, therefore, is to amend EU legislation relating to the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS), by introducing the new *regulatory procedure with scrutiny*.

**ENTRY INTO FORCE:** 20 March 2008.