Basic information

2016/2930(DEA) DEA - Delegated acts procedure	Procedure completed - delegated act enters into force
OTC derivatives, central counterparties and trade repositories: risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty Supplementing 2010/0250(COD) **Subject** 2.50.03 Securities and financial markets, stock exchange, CIUTS, investments 2.50.08 Financial services, financial reporting and auditing 2.50.10 Financial supervision	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ECON Economic and Monetary Affairs		

Key events

Date	Event	Reference	Summary
04/10/2016	Non-legislative basic document published	C(2016)06329	
06/10/2016	Committee referral announced in Parliament		
06/10/2016	Initial period for examining delegated act 3 month(s)		
26/10/2016	Decision by Parliament	T8-0410/2016	Summary
21/11/2016	Delegated act not objected by Council		

Technical information

Procedure reference	2016/2930(DEA)
Procedure type	DEA - Delegated acts procedure
Procedure subtype	Examination of delegated act
Amendments and repeals	Supplementing 2010/0250(COD)
Legal basis	Rules of Procedure EP 0114-p6
Stage reached in procedure	Procedure completed - delegated act enters into force
Committee dossier	ECON/8/08064

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Recommendation for early non-objection of delegated act		B8-1124/2016	19/10/2016	
Text adopted by Parliament, single reading		T8-0410/2016	26/10/2016	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	C(2016)06329	04/10/2016	
Document attached to the procedure	C(2016)7575	21/11/2016	
Document attached to the procedure	C(2016)7577	22/11/2016	
Document attached to the procedure	C(2017)1146	17/02/2017	
Document attached to the procedure	C(2019)3258	26/04/2019	
Document attached to the procedure	C(2019)4993	02/07/2019	
Document attached to the procedure	C(2020)0178	13/01/2020	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

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

2016/2930(DEA) - 26/10/2016 - Text adopted by Parliament, single reading

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.