



Plenary sitting

B9-0265/2021

12.5.2021

RECOMMENDATION FOR A DECISION

pursuant to Rule 111(6) of the Rules of Procedure

to raise no objections to the Commission delegated regulation of 24 March 2021 amending Delegated Regulations (EU) No 1003/2013 and (EU) 2019/360 as regards the annual supervisory fees charged by the European Securities and Markets Authority to trade repositories for 2021 (C(2021)1874 – 2021/2617(DEA))

Committee on Economic and Monetary Affairs

Member responsible: Irene Tinagli

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Draft European Parliament decision to raise no objections to the Commission delegated regulation of 24 March 2021 amending Delegated Regulations (EU) No 1003/2013 and (EU) 2019/360 as regards the annual supervisory fees charged by the European Securities and Markets Authority to trade repositories for 2021 (C(2021)1874 – 2021/2617(DEA))

The European Parliament,

- having regard to the Commission delegated regulation (C(2021)1874),
 - having regard to the Commission’s letter of 25 March 2021 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 11 May 2021,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories¹ (EMIR), and in particular Articles 72(3) and 82(6) thereof,
 - having regard to Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012², and in particular Articles 11(2) and 30(5) thereof,
 - having regard to Rule 111(6) of its Rules of Procedure,
 - having regard to the recommendation for a decision of the Committee on Economic and Monetary Affairs,
 - having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 111(6) of its Rules of Procedure, which expired on [18 May] 2021,
- A. whereas the European Securities and Markets Authority (ESMA) authorises trade repositories and supervises their compliance with the relevant regulatory requirements; whereas trade repositories pay ESMA a one-off registration fee and an annual supervisory fee; whereas since 1 January 2021, the Union’s trade repositories landscape has changed significantly because only two out of the four trade repositories that were based in the United Kingdom before 1 January 2021 have transferred their business to the Union to continue to provide their services in the Union by establishing new entities in the Union, which has made the existing fees calculation methodology incompatible

¹ OJ L 201, 27.7.2012, p. 1.

² OJ L 337, 23.12.2015, p.1.

with the prevailing principles regarding the calculation of fees;

- B. whereas to ensure that all Union trade repositories pay supervisory fees which are proportionate to their actual turnover in the Union in 2021, a new article is included in each of the two delegated regulations to provide a specific reference period for the calculation of applicable turnover to be used in the calculation of annual fees paid by trade repositories to ESMA in 2021, in order to better reflect the changes that the Union's trade repositories landscape is experiencing;
- C. whereas the delegated regulation should enter into force as a matter of urgency to provide Union trade repositories with a reliable legal basis for their operations and the necessary clarity for their budget planning, and to minimise as much as possible any potential impact on their activity arising from the different calculation compared to 2020;
 - 1. Declares that it has no objections to the delegated regulation;
 - 2. Instructs its President to forward this decision to the Council and the Commission.