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P9_TA(2021)0233

Non-objection to a delegated act: Supplementing Directive 2013/36/EU with regard to the identification of staff whose professional activities have a material impact on the institutions' risk profile

European Parliament decision to raise no objections to the Commission delegated regulation of 25 March 2021 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards setting out the criteria to define managerial responsibility, control functions, material business units and a significant impact on a material business unit's risk profile, and setting out criteria for identifying staff members or categories of staff whose professional activities have an impact on the institution's risk profile that is comparably as material as that of staff members or categories of staff referred to in Article 92 (3) of that Directive (C(2021)01906 — 2021/2618(DEA))

(2022/C 15/39)

The European Parliament,

— having regard to the Commission delegated regulation (C(2021)01906),

— having regard to the Commission's letter of 26 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 10 May 2021,

— having regard to Article 290 of the Treaty on the Functioning of the European Union,

— having regard to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC ([1]) (CRD), and in particular Articles 94(2) and 148(5) thereof,

— having regard to the draft set of regulatory technical standards submitted by the European Supervisory Authority (European Banking Authority) (EBA) on 18 June 2020 pursuant to Article 10(1) of Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision No 2009/78/EC ([2]),

— 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 in accordance with CRD, the EBA was to deliver a draft for the delegated regulation by 28 December 2019; whereas the EBA published the draft on 18 June 2020; whereas the Commission, in its draft delegated regulation, made certain drafting changes as compared to the draft submitted by the EBA, and the EBA confirmed on 16 December 2020 that those drafting changes did not constitute a change to the policy or legal content of the draft as approved by the EBA Board of Supervisors and that they would therefore not object to the Commission proceeding with the adoption of the draft, including those changes, without seeking a formal EBA opinion;

B. whereas the delegated regulation was impacted by the negotiations on Directive (EU) 2021/338 of the European Parliament and of the Council of 16 February 2021 amending Directive 2014/65/EU as regards information requirements, product governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis ([3]), which was published on 26 February 2021 and revised the empowerment of the EBA to ensure that investment firms currently subject to the CRD, which will

([1]) OJ L 176, 27.6.2013, p. 338.
([2]) OJ L 331, 15.12.2010, p. 12.
([3]) OJ L 68, 26.2.2021, p. 14.

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fall under Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU [4] (IFD) by 26 June 2021, do not need to comply with the delegated regulation because for those investment firms, a separate delegated regulation under the IFD will be adopted; whereas the scrutiny period for the delegated regulation is due to end on 25 June 2021;

C. whereas the delegated regulation should enter into force as a matter of urgency to provide the legal clarity and certainty that competent authorities and credit institutions need in order to properly identify material risk takers based on the CRD framework that entered into application on 28 December 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.

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[4] OJ L 314, 5.12.2019, p. 64.