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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of delegation of powers to the Commission to adopt implementing measures pursuant to Article 112a of Directive 2009/65/EC of 13 July 2009

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1. Introduction

Directive 2009/65/EC of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) conferred powers on the Commission to adopt delegated acts as referred to in Articles 12, 14, 23, 33, 43, 51, 60, 61, 62, 64, 75, 78, 81, 95 and 111 of this Directive. These powers have been conferred on the Commission for a period of 4 years from 4 January 2011, thus until 4 January 2015.

2. Legal basis for the report

Pursuant to Article 112a of Directive 2009/65/EC the Commission had to draw up a report in respect of these delegated powers at latest 6 months before the end of the 4-year period, thus before 4 July 2014.

3. Exercise of the delegation

The Commission has exercised the empowerments through 4 Implementing Acts adopted on 1 July 2010:

- Commission Regulation (EU) No 583/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards key investor information and conditions to be met when providing key investor information or the prospectus in a durable medium other than paper or by means of a website

- Commission Regulation (EU) No 584/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards the form and content of the standard notification letter and UCITS attestation, the use of electronic communication between competent authorities for the purpose of notification, and procedures for on-the-spot verifications and investigations and the exchange of information between competent authorities

- Commission Directive 2010/42/EU of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards certain provisions concerning fund mergers, master-feeder structures and notification procedure

- Commission Directive 2010/43/EU of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards organisational requirements, conflicts of interest, conduct of business, risk management and content of the agreement between a depositary and a management company

The below table shows which acts contain the implementing measures adopted under the specific empowerments:

Empowerments in Directive 2009/65/EU	Implementing Act; Article
Article 12	Implemented in chapters 2 and 3, articles 4 to 21 of Directive 2010/43/EU.
Article 14	Implemented in chapters 2, 3 and 4, articles 4 to 29 of Directive 2010/43/EU.
Article 23	Implemented in chapter 5, articles 30 to 37 of Directive 2010/43/EU.
Article 33	Implemented in chapter 5, articles 30 to 37 of Directive 2010/43/EU.
Article 43	Implemented in chapter 2, articles 3 to 7 of Directive 2010/42/EU.
Article 51	Implemented in chapter 6, articles 38 to 45 of Directive 2010/43/EU.
Article 60	Implemented in chapter 3, articles 8 to 23, 25 and 28 of Directive 2010/42/EU
Article 61	Implemented in chapter 3, articles 24 and 26 of Directive 2010/42/EU
Article 62	Implemented in chapter 3, article 27 of Directive 2010/42/EU
Article 64	Implemented in chapter 3, article 29 of Directive 2010/42/EU
Article 75	Implemented in Regulation (EU) No. 583/2010.

Article 78	Implemented in Regulation (EU) No. 583/2010.
Article 81	Implemented in Regulation (EU) No. 583/2010.
Article 95	Implemented in chapter 4, articles 30 to 33 of Directive 2010/42/EU
Article 111	Not exercised as it is a "may" Article covering technical amendments to the Directive.

4. Conclusion

With this report the Commission complies with the reporting obligation in Article 112a of Directive 2009/65/EC.

The Commission invites the Council and the European Parliament to take note of this report.