

2017-10-11

## Reasoned opinion from the Riksdag

The Riksdag has examined the Commission's proposals to amend (EU) Regulation no. 1095/2010 concerning the establishment of a European supervisory authority (European Securities and Markets Authority) and to amend (EU) Regulation no. 648/2012 concerning the procedures for, and the authorities that are to participate in, the authorisation of central counterparties as well as the requirements for approving central counterparties from third countries (KOM(2017) 331).

The Riksdag is essentially positively disposed to appropriate supervisory arrangements for central counterparties in the EU and third countries. Given that central counterparties in the EU and third countries are growing in importance in the financial system, there may be grounds for reviewing the regulatory framework promoting supervisory convergence and reducing the risks to the financial stability of the EU. However, like the Government, the Riksdag considers that the Commission's proposal contains provisions that are excessively far-reaching in terms of achieving the aims of the proposal.

The Commission's proposal contains explicit requirements for consent from Esma and relevant central banks as part of the supervisory process. The Riksdag's assessment is that the consent requirement along with the process to obtain such consent would create an ineffective supervisory structure, and the Riksdag also questions whether the proposed measures will lead to the aims of the proposal being achieved.

The Riksdag also feels that the Commission's proposal does not take due consideration of existing tools to promote supervisory convergence within the EU. Competent authorities from various countries are represented in the Colleges of Supervisors, and they can influence any decisions taken. In certain situations, Esma is also able to resolve disputes by way of binding mediation.

The Riksdag also notes that the Commission's proposal concerning supervision of central counterparties in third countries would in practice mean introducing a requirement for central counterparties of systemic importance located in third countries to relocate to the EU. The Riksdag feels that an analysis is lacking of the consequences of implementing such a relocation requirement, which is a measure it considers to be extremely far-reaching.

The Commission proposes giving relevant central banks a mandate to supervise central counterparties. The Riksdag is uncertain about this and feels that the Commission has not sufficiently justified the need for these powers. The Riksdag questions whether they are necessary in terms of achieving the aims of the proposal.

In light of these objections, the Riksdag considers the Commission's proposal to conflict with the subsidiarity principle.

The Riksdag also notes that the Commission has submitted a proposal during the ongoing subsidiarity check, which amends the examined proposal concerning amended regulations for supervising central counterparties in the EU and third countries. However, the Riksdag's assessment is that the proposed amendment does not alter the Riksdag's standpoint in relation to the subsidiarity principle.

Additionally, the Riksdag has also taken note of the ECB's recommendation to amend Article 22 in the bank's statute and notes that the recommendation exposes an undesirable consequence of the Commission's proposal KOM(2017) 331.