


Procedure file


Basic information

DEA - Delegated acts procedure	2022/2908(DEA)	Procedure completed - delegated act enters into force
Temporary emergency measures on collateral requirements		
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
	 Economic and Monetary Affairs	 TINAGLI Irene	26/10/2022

Key events

21/10/2022	Non-legislative basic document published	C(2022)07536	
24/10/2022	Initial period for examining delegated act 3 month(s)		
09/11/2022	Committee referral announced in Parliament		
21/11/2022	Delegated act not objected by Council		
24/11/2022	Results of vote in Parliament		
24/11/2022	Decision by Parliament	T9-0415/2022	Summary

Technical information

Procedure reference	2022/2908(DEA)
Procedure type	DEA - Delegated acts procedure
Procedure subtype	Examination of delegated act
Legal basis	Rules of Procedure EP 0111-p6
Stage reached in procedure	Procedure completed - delegated act enters into force
Committee dossier	ECON/9/10421

Documentation gateway

Non-legislative basic document		C(2022)07536	21/10/2022	EC	
Recommendation for early non-objection of delegated act		B9-0491/2022	17/11/2022	EP	
Text adopted by Parliament, single reading		T9-0415/2022	24/11/2022	EP	Summary

Temporary emergency measures on collateral requirements

The European Parliament decided not to object to the Commission Delegated Regulation of 21 October 2022 amending the regulatory technical standards laid down in Delegated Regulation (EU) No 153/2013 as regards temporary emergency measures on collateral requirements.

The Delegated Regulation amending Commission Delegated Regulation (EU) No 153/2013 temporarily adapts the list of eligible collateral that may be deposited with EU CCPs to include non-collateralised bank guarantees and public guarantees for a period of 12 months.

Parliament recalls that recent political and market developments have led to significant price and volatility increases on energy markets, which have triggered substantial margin increases by central counterparties (CCPs) to cover the related exposures. These margin increases have created liquidity strains on non-financial counterparties (NFCs), which typically have fewer and less liquid assets to meet margin requirements, forcing them to either reduce their positions or leave them improperly hedged, exposing them to further price variations.

On 13 September 2022, the Commission requested that ESMA consider whether the applicable Level 2 provisions, in particular the Commission Delegated Regulation (EU) No 153/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council (EMIR) with regards to requirements for central counterparties, should be temporarily amended to alleviate some of the burden faced by NFCs, while keeping the overarching goal of EMIR of preserving financial stability.

In its response of 22 September 2022, ESMA indicated that only uncollateralised commercial bank guarantees should be considered for temporary and limited amendments under certain conditions.

In its final report, ESMA proposed draft regulatory technical standards including amendments to temporarily expand the pool of eligible collateral to uncollateralised bank guarantees for non-financial counterparties acting as clearing members and to public guarantees for all types of counterparties.

Parliament considers that the delegated regulation should enter into force as a matter of urgency in order to alleviate the increased liquidity pressure on non-financial counterparties trading on gas and electricity regulated markets and clearing via Union-based CCPs.