

III

(Preparatory acts)

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 4 October 2017

on a proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority) and amending Regulation (EU) No 648/2012 as regards the procedures and authorities involved for the authorisation of CCPs and requirements for the recognition of third-country CCPs

(CON/2017/39)

(2017/C 385/03)

Introduction and legal basis

On 22 August 2017 and 15 September 2017 respectively, the European Central Bank (ECB) received requests from the Council of the European Union and the European Parliament for an opinion on a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority) and amending Regulation (EU) No 648/2012 as regards the procedures and authorities involved for the authorisation of central counterparties (CCPs) and requirements for the recognition of third-country CCPs ⁽¹⁾ (hereinafter the 'proposed regulation').

The ECB's competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union since the proposed regulation contains provisions affecting: (1) the basic tasks of the European System of Central Banks (ESCB) to define and implement monetary policy and to promote the smooth operation of payment systems pursuant to the first and fourth indents of Article 127(2) of the Treaty; (2) the ESCB's task to contribute to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system pursuant to Article 127(5) of the Treaty; and (3) the tasks conferred upon the ECB concerning the prudential supervision of credit institutions pursuant to Articles 127(6) of the Treaty, within the limits of Article 1 of Council Regulation (EU) No 1024/2013 ⁽²⁾. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

General observations

The ECB strongly supports the initiative set out in the Commission's proposal to enhance the role of the relevant members of the ESCB, as central banks of issue of the currencies of financial instruments cleared by CCPs, in the process for the supervision of Union CCPs and the recognition of third-country CCPs. The ECB strongly welcomes and supports the proposal that the Eurosystem, as the central bank of issue of the euro, should play a more meaningful role with respect to Union and third-country CCPs. This is justified due to the risks that could potentially be posed by the malfunctioning of a CCP, or by certain actions taken by a CCP in the area of risk management, to the performance of the basic tasks to be carried out through the Eurosystem, in particular the definition and implementation of the monetary policy of the Union and the promotion of the smooth operation of payment systems. These risks could ultimately impact upon the pursuit of the Eurosystem's primary objective of maintaining price stability pursuant to Article 127(1) of the Treaty.

Disturbances affecting CCPs can have an impact on the Eurosystem's primary objective through several channels. For example, such disturbances can affect the liquidity position of euro area credit institutions, potentially disrupting the

⁽¹⁾ COM(2017)331 final.

⁽²⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).

smooth functioning of euro area payment systems. This could lead to increased demand for central bank liquidity and possible challenges in implementing the Eurosystem's single monetary policy. In addition, such disturbances can impair the functioning of financial market segments that are key to the transmission of monetary policy, including euro-denominated markets for securities financing transactions and interest rate derivatives contracts.

Significant developments at both global and European level are expected to increase the risks posed by CCPs to the smooth operation of payment systems and implementation of the single monetary policy. First, central clearing has become increasingly cross-border in nature and systemically important. For this reason, the Commission has already brought forward its proposal for a regulation of the European Parliament and of the Council on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, and (EU) 2015/2365 ⁽¹⁾. Second, the withdrawal of the United Kingdom (UK) from the Union will have a major impact on the Eurosystem's ability to carry out its tasks as central bank of issue for the euro. At present, certain CCPs established in the UK clear significant volumes of euro-denominated transactions. Thus, a significant disturbance affecting a major UK CCP could have severe consequences for the stability of the euro. The Eurosystem's ability to monitor and manage the risks posed by UK CCPs will be adversely affected if UK CCPs are no longer subject to the regulatory and supervisory framework for Union CCPs under Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽²⁾.

The proposed regulation envisages an enhanced role for the Eurosystem as central bank of issue for the euro in the framework under Regulation (EU) No 648/2012. In order to ensure that the Eurosystem can carry out this role, it is of utmost importance that it has the relevant powers under the Treaty and the Statute of the European System of Central Banks and of the European Central Bank (the 'Statute of the ESCB'). For this reason, the ECB should be granted regulatory competence over clearing systems for financial instruments, in particular CCPs, by means of an amendment to Article 22 of the Statute of the ESCB. The conferral of regulatory powers on the ECB is without prejudice to Article 12.1 of the Statute of the ESCB, which states that 'to the extent deemed possible and appropriate and without prejudice to the provisions of this Article, the ECB shall have recourse to the national central banks (NCBs) to carry out operations which form part of the tasks of the ESCB'. This includes the tasks of the Eurosystem, as the central bank of issue of the euro. Therefore, the ECB adopted Recommendation ECB/2017/18 of the European Central Bank ⁽³⁾ on 22 June 2017.

Where the ECB recommends that the proposed regulation is amended, specific drafting proposals are set out in a separate technical working document accompanied by an explanatory text to this effect. The technical working document is available in English on the ECB's website.

Specific observations

1. *Voting arrangements in supervisory colleges*
 - 1.1. As the ECB has noted previously with regard to colleges, where the Eurosystem central banks, which together form the 'central bank of issue' for the euro, are represented in the college by the ECB or an NCB, and the prudential supervision of credit institutions that are significant CCP clearing members is performed by the ECB, separate votes should be attached to these two functions. On the same occasion, the ECB also stressed that these two functions are distinct, as is reflected in the legal and operational separation between the ECB's monetary policy and prudential supervisory roles ⁽⁴⁾. Thus, the ECB strongly welcomes the fact that the proposed regulation addresses this issue, ensuring that separate votes are attached to these two functions.

⁽¹⁾ COM(2016) 856 final.

⁽²⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

⁽³⁾ Recommendation ECB/2017/18 of 22 June 2017 for a Decision of the European Parliament and of the Council amending Article 22 of the Statute of the European System of Central Banks and of the European Central Bank (OJ C 212, 1.7.2017, p. 14).

⁽⁴⁾ See paragraph 2.1.2 of Opinion CON/2017/38 of the European Central Bank of 20 September 2017 on a proposal for a regulation of the European Parliament and of the Council on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, and (EU) 2015/2365, not yet published in the Official Journal. All ECB opinions are published on the ECB's website at: www.ecb.europa.eu See also the ECB response to the Commission consultation on the review of the European Market Infrastructure Regulation (EMIR) dated 2 September 2015, available on the ECB's website at: www.ecb.europa.eu

1.2. The ECB therefore welcomes the provisions of the proposed regulation amending the relevant provisions of Regulation (EU) No 648/2012. First, Article 18(2) of Regulation (EU) No 648/2012 is amended to set out that the college will, among others, comprise (a) the permanent members of the CCP Executive Session; (b) the competent authorities responsible for the supervision of the clearing members of the CCP which are established in the three Member States with the largest contributions to the default fund of the CCP, including, where relevant, the ECB in accordance with Council Regulation (EU) No 1024/2013⁽¹⁾; and (c) the central banks of issue of the most relevant Union currencies of the financial instruments cleared. Second, Article 19(3) of Regulation (EU) No 648/2012 is amended to specify that where the ECB is a member of the college pursuant to the various points of Article 18(2) of the same Regulation, it will have a maximum of two votes in colleges up to and including 12 members; and a maximum of three votes for colleges with more than 12 members⁽²⁾.

2. *The requirement to obtain the consent of the central bank of issue regarding certain draft decisions*

2.1. The proposed regulation requires that the competent authorities must submit draft decisions regarding Union CCPs to the relevant central banks of issue before adopting any decision regarding the granting and withdrawal of authorisation, extension of services, and prudential requirements for liquidity risk controls, collateral requirements, settlement, and approval of interoperability arrangements⁽³⁾. Competent authorities must obtain the consent of the central bank of issue in respect of any aspect of those decisions relating to the carrying out of their monetary policy tasks. Where the central bank of issue proposes amendments, the competent authority may only adopt the decision as amended; and where the central bank of issue objects to a draft decision, the competent authority may not adopt that decision. Likewise, the proposed regulation requires that with regard to recognised Tier 2 third-country CCPs, the European Securities and Markets Authority (ESMA) must submit draft decisions to the central bank of issue before adopting any decisions regarding liquidity risk controls, collateral requirements, settlement, approval of interoperability arrangements, as well as margin requirements⁽⁴⁾. ESMA must likewise obtain the consent of the central bank of issue in respect of any aspect of those decisions relating to the carrying out of their monetary policy tasks. Where the central bank of issue proposes amendments, ESMA may only adopt the decision as amended; and where the central bank of issue objects to a draft decision, ESMA may not adopt that decision. The ECB strongly welcomes the role envisaged for the central banks of issue under the proposed regulation, which will enable the members of the ESCB to have meaningful and effective involvement in decision-making on matters of direct relevance to the fulfilment of the basic tasks of the ESCB under the Treaties, and the achievement of its primary objective of maintaining price stability. The ECB has a number of comments in this regard.

2.2. First, where the proposed regulation clarifies that the consent of the central bank of issue must be obtained 'in respect of any aspect of those decisions relating to the carrying out of their monetary policy tasks', it should be emphasised that this phrase is intended to clarify the monetary policy context in which the central bank of issue carries out its role and the purpose the role fulfils. The same is true with regard to the reference to the compliance of third-country Tier 2 CCPs with any requirements of the central bank of issue 'in the carrying out of their monetary policy tasks'⁽⁵⁾. This phrase should be read in conjunction with recital 7 of the proposed regulation. It should be emphasised that this phrase is not intended to grant discretion to the competent authorities or to ESMA to determine whether or not the consent of the central bank of issue should be sought on particular draft decisions, nor is it intended to grant discretion as to whether proposed amendments or objections to the draft decision by the central bank of issue are followed. In this respect, it should be noted that the Eurosystem enjoys broad discretion to define and implement monetary policy. This has been recognised by the Court of Justice of the European Union⁽⁶⁾ and is imperative to ensure the independence of the ECB and NCBs, in accordance with Article 130 of the Treaty. In the interests of clarity and legal certainty, a new recital should be added to the proposed regulation to reflect this point.

2.3. Second, with regard to which draft decisions should be subject to the consent of the central bank of issue, the ECB considers that the proposed regulation should ensure the involvement of the central bank of issue regarding certain further key aspects of CCP risk management. The ECB considers that in relation to both Union and third-country CCPs, the consent of the central bank of issue should also be required regarding draft decisions taken in respect of

⁽¹⁾ See Article 2(3) of the proposed regulation.

⁽²⁾ See Article 2(4) of the proposed regulation.

⁽³⁾ Article 2(7) of the proposed regulation adds a new Article 21a(2).

⁽⁴⁾ Article 2(10) of the proposed regulation adds a new Article 25b(2).

⁽⁵⁾ Article 2(9) of the proposed regulation introduces a new Article 25(2b)(b).

⁽⁶⁾ Paragraph 68 of *Gauweiler and others*, C-62/14, ECLI:EU:C:2015:400; and paragraph 68 of *Accorinti and Others v ECB*, T-79/13, ECLI:EU:T:2015:756.

the CCP's margin requirements (Article 41). This is important for the central bank of issue because of the crucial links between liquidity risk management, which is at the core of the central bank of issue's focus, and the margin processes applied by a CCP. For example, the arrangements regarding intra-day margin collection have a significant effect on the CCP's ability to obtain resources to meet its liquidity needs when they fall due. Margin processes and procedures, including rules regarding the adjustment of margin levels in times of market stress, can also have significant implications in terms of procyclicality: if improperly managed, they can create serious liquidity pressure on clearing members, potentially impairing the central bank of issue's ability to implement its monetary policy objectives.

Moreover, the proposed regulation should provide that the consent of the central bank of issue is required for decisions regarding the review of models, stress testing and back testing for the validation of the models and parameters adopted by the CCP to calculate its margin requirements, default fund contributions, collateral requirements and other risk control measures under Article 49 of Regulation (EU) No 648/2012. This is important for the central bank of issue, because decisions under Article 49 may have direct consequences for the CCP's compliance with the procedural and substantive requirements under Regulation (EU) No 648/2012 in relation to which the central bank of issue must otherwise give its consent. For example, a change to the CCP's methodology for stress testing the adequacy of its collateral requirements would have a direct impact on the CCP's observance of the obligations in relation to collateral under Article 46 of Regulation (EU) No 648/2012.

In the separate technical working document accompanying this opinion, the ECB sets out specific drafting proposals regarding the types of decisions on which the consent of the central bank of issue should be required.

2.4. Third, the ECB notes that the competent authorities have a certain margin of appreciation as to whether changes proposed by a CCP should be subject to decisions under Article 15 of Regulation (EU) No 648/2012, with regard to the extension of activities and services not covered by the initial authorisation, or decisions under Article 49 with regard to the review of models, stress testing and back testing. If the competent authority considers that the changes proposed by CCPs do not comprise the extension of business to 'additional services or activities' or are not 'significant changes' to the models and parameters, such changes are not subject to decisions under Articles 15 and 49 respectively. In order to build a common Union supervisory culture and ensure consistent supervisory practices, ESMA recently published an opinion⁽¹⁾ on the common indicators for additional products and services under Article 15 and for significant changes under Article 49. The ECB takes the view that observance of the criteria set out in the ESMA opinion will be essential in order to ensure the consent of the relevant central banks of issue is sought in all cases where such consent is required. Thus, the ECB proposes that the guidance provided by ESMA regarding the interpretation of these articles should be made binding. To this end, ESMA should develop it as draft regulatory technical standards, which the Commission should then adopt in the form of a delegated act. For this purpose, the ECB sets out specific drafting proposals in the separate technical working document accompanying this opinion.

3. *Review and evaluation*

3.1. The proposed regulation amends Article 21 of Regulation (EU) No 648/2012, to provide that the competent authorities, in cooperation with ESMA, will review the arrangements, strategies, processes and mechanisms implemented by CCPs to comply with Regulation (EU) No 648/2012, and evaluate the risks to which CCPs are, or might be, exposed. The amended Article 21 also provides that the CCPs will be subject to on-site inspections in which ESMA staff will be invited to participate. In addition, the competent authority is obliged to forward to ESMA any information received from the CCPs and to request from the relevant CCP any information sought by ESMA that it cannot provide.

3.2. The review and evaluation process, as amended by the proposed regulation, will serve the key purpose of ensuring that CCPs comply with Regulation (EU) No 648/2012 on an ongoing basis. The ECB considers that the consultation of the central bank of issue in the review and evaluation process, where deemed necessary by the competent authority to ensure that the central bank of issue can fulfil its role under the proposed regulation, would be an important corollary to the requirements under Article 21a(2). The ability to contribute to the review carried out by competent authorities, in cooperation with ESMA, would enable the central bank of issue to ensure CCPs are not generating risks for the fulfilment of the basic tasks of the Eurosystem under the Treaties, and the achievement of its primary objective of maintaining price stability.

⁽¹⁾ ESMA Opinion of 15 November 2016 on common indicators for new products and services under Article 15 and for significant changes under Article 49 of EMIR (ESMA/2016/1574), available on ESMA's website at www.esma.europa.eu

3.3. In the separate technical working document accompanying this opinion, the ECB sets out specific drafting proposals regarding the consultation of the central bank of issue in the review and evaluation process under Article 21.

4. *The ECB's advisory role regarding draft delegated and implementing acts*

4.1. It is worth recalling that Commission draft delegated and implementing acts qualify as 'proposed Union acts' within the meaning of Articles 127(4) and 282(5) of the Treaty. Both delegated and implementing acts constitute Union legal acts. The ECB should be consulted in due time on any draft Union acts, including draft delegated and implementing acts, falling within its fields of competence. The obligation to consult the ECB was clarified by the European Court of Justice in *Commission v ECB* ⁽¹⁾, with reference to the ECB's functions and expertise. In light of the fact that safe and efficient financial market infrastructures, in particular clearing systems for financial instruments, are essential for the fulfilment of the basic tasks of the ESCB under Article 127(2) of the Treaty, and the pursuit of its primary objective of maintaining price stability under Article 127(1) of the Treaty, the ECB should be duly consulted on delegated and implementing acts adopted under Regulation (EU) No 648/2012. While the obligation to consult the ECB derives directly from the Treaty, in order to ensure clarity, this requirement should also be reflected in a recital of the proposed regulation. Having regard to the importance of delegated and implementing acts as part of the development of Union financial services legislation, the ECB will exercise its advisory role on matters within the ECB's competence taking fully into account the timelines for adoption of these acts and the need to ensure the smooth adoption of implementing legislation ⁽²⁾.

4.2. Moreover, in respect of a number of elements of the proposed regulation, in addition to the consultation of the ECB, the involvement, at an early stage, of the relevant members of the ESCB in the development of draft regulatory and implementing technical standards, delegated and implementing acts could be particularly useful, and should be specifically provided for.

4.3. First, several provisions of the proposed regulation refer to the role of the central bank of issue. As noted in paragraph 2, these include situations where the consent of the central bank of issue is required for certain decisions taken by the competent authorities or by ESMA. Moreover, reference is made to situations where the central bank of issue must provide ESMA with written confirmation that a Tier 2 third-country CCP complies with any requirements imposed by that central bank of issue ⁽³⁾, and to where ESMA concludes, in agreement with the relevant central bank of issue, that a CCP is of 'substantial systemic importance' ⁽⁴⁾. In order to determine which central bank of issue should participate, the proposed regulation contains cross-references to Article 18(2)(h) of Regulation (EU) No 648/2012, which specifies that the college will consist of 'the central banks of issue of the most relevant Union currencies of the financial instruments cleared'. The Commission is empowered to adopt a delegated act, on the basis of draft regulatory technical standards developed by ESMA, specifying the conditions under which the Union currencies referred to in Article 18(2)(h) are to be considered as the most relevant. Accordingly, in 2013 it adopted Commission Delegated Regulation (EU) No 876/2013 ⁽⁵⁾, which may now need to be revised and updated, to ensure the appropriate involvement of the central banks of issue of the currencies of the non-euro area Member States, taking into account the influence that disruptions in the functioning of CCPs may have on such currencies. The development of draft regulatory technical standards by ESMA for this purpose should be carried out in close cooperation with the relevant members of the ESCB. Furthermore, the delegated act should only be adopted after formal consultation of the ECB. The ECB also suggests that, in the interests of legal certainty, a cross-reference to Article 18(2)(h) of Regulation (EU) No 648/2012 should also be introduced in the provisions of the proposed regulation that refer only to the 'relevant central bank of issue'.

4.4. Second, the proposed regulation introduces a new Article 25(2a), which provides that ESMA will determine whether a third-country CCP is systemically important or likely to become systemically important for the financial stability of the Union or for one or more of its Member States, referred to as a 'Tier 2 CCP'. It sets out the criteria

⁽¹⁾ *Commission v ECB*, C-11/00, ECLI:EU:C:2003:395, in particular paragraphs 110 and 111. In paragraph 110, the Court of Justice clarified that the obligation to consult the ECB is intended 'essentially to ensure that the legislature adopts the act only when the body has been heard, which, by virtue of the specific functions that it exercises in the Community framework in the area concerned and by virtue of the high degree of expertise that it enjoys, is particularly well placed to play a useful role in the legislative process envisaged'.

⁽²⁾ See paragraph 2 of Opinion CON/2015/10, paragraph 2 of Opinion CON/2012/77, paragraph 4 of Opinion CON/2012/5, paragraph 8 of Opinion CON/2011/44, and paragraph 4 of Opinion CON/2011/42.

⁽³⁾ Article 2(9) of the proposed regulation introduces a new Article 25(2b)(b).

⁽⁴⁾ Article 2(9) of the proposed regulation introduces a new Article 25(2c).

⁽⁵⁾ Commission Delegated Regulation (EU) No 876/2013 of 28 May 2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on colleges for central counterparties (OJ L 244, 13.9.2013, p. 19).

that ESMA must take into account in making its determination and provides that the Commission will adopt a delegated act to further specify these criteria. In order to ensure the appropriate involvement of central banks of issue in the elaboration of the relevant criteria, the development of this delegated act by the Commission should be carried out in close cooperation with the relevant members of the ESCB.

5. *Third-country CCPs of 'substantial systemic importance'*

The proposed regulation introduces a new Article 25(2c), which sets out that ESMA, 'in agreement' with the relevant central banks of issue, may conclude that a CCP is of such substantial systemic importance that it should not be recognised. The ECB understands that 'in agreement' means that ESMA may not, without first having obtained the approval of the relevant central banks of issue, recommend that the Commission should adopt an implementing act confirming that that CCP should not be recognised.

6. *Cooperation and exchange of information between the CCP Executive Session and the supervisory colleges*

The ECB notes that the CCP Executive Session does not include all members of the supervisory colleges, and does not include the European Systemic Risk Board (ESRB). The supervisory college consists not only of the competent authorities supervising the CCP, but also of the supervisors of the entities on which the operations of that CCP might have an impact, in particular selected clearing members, trading venues, interoperable CCPs and central securities depositories. The ESRB is responsible for the macro-prudential oversight of the financial system within the Union. In order to ensure that the ESRB and the supervisory college members which are not also members of the CCP Executive Session have all the relevant information necessary for the purpose of carrying out their tasks, it is crucial that there is an obligation to exchange information between the CCP Executive Session and the ESRB and the other supervisory college members which are not members of the CCP Executive Session. The information exchanged with the ESRB and the supervisory college should be complete, and should include the information available to the CCP Executive Session which is necessary for the ESRB and the supervisory college members to carry out their respective tasks. Likewise, information regarding third-country CCPs should be exchanged with the ESRB and the relevant competent authorities listed in Article 25(3) of Regulation (EU) No 648/2012, where this is necessary for the purpose of carrying out their tasks.

7. *The ECB as a non-voting member of the ESMA Board of Supervisors*

The ECB notes that the proposed regulation amends Regulation (EU) No 1095/2010 of the European Parliament and of the Council⁽¹⁾ to include the Head and Directors of the CCP Executive Session as non-voting members of the ESMA Board of Supervisors⁽²⁾. The ECB strongly welcomes this arrangement, which ensures that the guidelines, recommendations and other practical instruments and convergence tools developed by the ESMA Board of Supervisors take into account the perspective and expertise of the Head and Directors of the CCP Executive Session. However, the ECB considers that it is also vital for the ECB be included as a non-voting member of the ESMA Board of Supervisors, to ensure effective cooperation, coordination and exchange of information between central banks and supervisory authorities, and to ensure that the guidelines, recommendations and other practical instruments and convergence tools developed by the ESMA Board of Supervisors take into account the ECB's perspective and expertise⁽³⁾. This is relevant not only with regard to CCPs, but with regard to other financial market participants, including central securities depositories and trade repositories. For this reason, the ECB recommends that it should also become a non-voting member of the ESMA Board of Supervisors.

8. *Interaction with the proposed regulation on a framework for the recovery and resolution of central counterparties*

The ECB fully supports the Commission's assessment in the explanatory memorandum to the proposal that the adjustments and enhancements to supervision will also need to be appropriately reflected in the proposed regulation on a framework for the recovery and resolution of CCPs. The ECB agrees that targeted modifications may be necessary to take into account the new role of the CCP Executive Session in colleges under Regulation (EU)

⁽¹⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

⁽²⁾ Article 1(4) of the proposed regulation adds a new point (f) to Article 40(1) of Regulation (EU) No 1095/2010.

⁽³⁾ See Opinion CON/2010/5. See also the ECB contribution to the European Commission's consultation on the operations of the European Supervisory Authorities, published on 7 July 2017, available on the ECB's website at www.ecb.europa.eu

No 648/2012 and subsequently in resolution colleges. The ECB would see merit in promoting the consistency and effective interaction of recovery and resolution plans across CCPs, and in monitoring and mitigating their aggregate risk implications for financial stability in the Union. The ECB would support that during the finalisation of the proposed regulation, the Commission, the Council and the European Parliament consider a potential role of the CCP Executive Session in this context ⁽¹⁾.

Done at Frankfurt am Main, 4 October 2017.

The President of the ECB

Mario DRAGHI

⁽¹⁾ See paragraph 1.4 of Opinion CON/2017/38.