



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.10.2001
COM(2001) 478 final

COMMISSION OPINION

**on a recommendation of the European Central Bank for a Council Regulation
concerning the application of minimum reserve obligations
by the European Central Bank**

COMMISSION OPINION

on a recommendation of the European Central Bank for a Council Regulation concerning the application of minimum reserve obligations by the European Central Bank

In a letter dated 6 April 2001, the Council requested the opinion of the Commission on a recommendation of the European Central Bank (ECB) for a Council Regulation concerning the application of minimum reserve requirements by the ECB. The competence of the Commission to deliver an opinion on this recommendation stems from Article 107(6) of the Treaty in connection with Article 28.1 of the Statute of the European System of Central Banks and the European Central Bank.

On 24.10.2001, the Commission adopted the following opinion:

1. The Commission agrees to extend the time period to two months as per the request. The undertaking concerned may thus request a judicial review of the decision of the Executive Board in accordance with the Treaty. This means that the reference to article 3(7) of Regulation (EC) No 2532/98 in article 7(2) of Council Regulation (EC) No 2531/98 shall be deleted.
2. The proposed amendment should not interfere with the effectiveness of sanctions imposed for non-compliance with the obligation to hold the required level of minimum reserves.
3. The Commission notes that, while the explanatory memorandum describes the present delay of 15 days for the Executive Board to carry out a review as too short in general, the accompanying letter of the Vice-President of the ECB refers, in particular, to occasional Christmas holiday period difficulties. Therefore, the Commission invites the ECB to provide to Parliament and the Commission an empirical review of the frequency of non-compliance with the minimum reserve requirement including further examples when non-compliance was observed.