



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 February 2013

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DELECT 6**

“I/A” ITEM NOTE

from: General Secretariat of the Council
to: Coreper/Council

No. Cion doc.: 18038/12 EF 323 ECOFIN 1100 DELACT 57

Subject: COMMISSION DELEGATED REGULATION (EU) No ../.. of 19.12.2012
supplementing Directive 2011/61/EU of the European Parliament and of the
Council with regards to exemptions, general operating conditions, depositaries,
leverage, transparency and supervision
- Intention not to raise objections to a delegated act

1. On 19 December 2012 the Commission submitted the abovementioned delegated act¹ to the Council in accordance with the procedure set out in Article 290 TFEU and Article 56 of Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010²

¹ Doc. 18038/12.

² OJ L 174, 1 July 2011, p. 1.

2. According to Article 58(1) of Directive 2011/61/EU, the Council may object to a delegated act within a period of three months.
3. During the silence procedure within the framework of Working Party on Financial Services, which ended on 21 February 2013, no delegation indicated an intention to object to the delegated act.
4. It is therefore suggested that Coreper invites the Council at a forthcoming meeting to:
 - confirm that the Council has no intention to object to the delegated act and that the Commission and the European Parliament are to be informed thereof; this implies that, unless the European Parliament objects to it, the delegated act shall be published and enter into force in accordance with Article 58(2) of Directive 2011/61/EU, and
 - enter into its minutes the statements as set out in the addendum hereto.
