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'I' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 2)

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1286/2014 as regards the extension of the transitional arrangement for management companies, investment companies and persons advising on, or selling, units of undertakings for collective investment in transferable securities (UCITS) and non UCITS

and

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2009/65/EC as regards the use of key information documents by management companies of undertakings for collective investment in transferable securities (UCITS)

- *Confirmation of the final compromise texts with a view to agreement*

I. INTRODUCTION

1. On 15 July 2021, the Commission transmitted to the Council the above-mentioned package of “Quick-Fix” Proposals¹. Taken together, these Proposals mainly aim to allow UCITS managers to provide retail investors with one single set of pre-contractual information, in the form of a “key investor document” (KID) provided for under the PRIIPs Regulation, and thus avoid duplication of information requirements under the UCITS and PRIIPs rules.

¹ Doc. 10816/21 and 10817/21

2. The package of Quick-Fix Proposals also provides for, in particular, a time-bound extension of the current regime exempting UCITS managers from the KID requirement, pending the application of updated KID rules (established by way of a delegated act) that better take into account UCITS specificities, thus also avoiding duplication of rules under the present transitional regime. As the aforementioned current exemption is due to finish at the end of 2021, it is therefore critical that the package of Quick-Fix Proposals be adopted, published and enter into force by the end of the year.
3. The European Economic and Social Committee delivered its opinions, endorsing the Commission's Proposals, on 20 October 2021².
4. In the Council, the Slovenian Presidency organised two informal (VTC) Working Party meetings (on 20 July and 22 September 2021), combined with written consultations of the Member States, to seek their views and gather their support on the limited changes to the Proposals that are reflected in the Addenda to this Note.
5. Given the very strict timeline for the adoption and publication of both proposals and the support of the delegations on a compromise text, the Presidency informally contacted the European Parliament. It is expected that the European Parliament is going to vote, at its second plenary in November, a set of texts that is identical to the one annexed to this Coreper Note, subject to lawyer-linguists' revisions. Following written consultation on the final compromise texts on 4 and 5 October 2021 in the Council, the Presidency is confident that the attached texts, as set out in the Addenda to this Note, are acceptable both to the Member States in the Council and the European Parliament.

² Doc. 13408/21 and 13409/21.

II. CONCLUSION

6. Against this background, the Permanent Representatives Committee is invited to:

- i) confirm the compromise concerning the texts of the Proposals, as set out in the Addenda to this note, with a view to reaching an agreement at first reading with the European Parliament; and

- ii) authorise the Presidency to send a letter to the Chair of the European Parliament's Committee on Economic and Monetary Affairs confirming that, should the European Parliament adopt its position at first reading, in accordance with Article 294, paragraph 3, of the Treaty, in the exact form set out in the compromise texts contained in documents 13018/2021 ADD 1 and ADD2, subject to legal-linguistic revision by both Institutions, the Council would, in accordance with Article 294, paragraph 4, of the Treaty, approve the European Parliament's position and the acts shall be adopted in the wording which corresponds to the European Parliament's position.
