



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL
MARKETS UNION

The Director-General

Brussels
FISMA/

Ms Petra Hielkema, Chair
European Insurance and
Occupational Pensions Authority

Ms Verena Ross, Chair
European Securities and Markets
Authority

Mr José Manuel Campa, Chair
European Banking Authority

Ms Bruna Szego, Chair
Anti-Money Laundering Authority

Subject: De-prioritisation of Level 2 acts in financial services legislation

Dear Ms Hielkema, Dear Ms Ross, Dear Mr Campa, Dear Ms Szego,

The Commission aims to deliver more effective and efficient implementation of EU policies, as outlined in its Communication on Implementation and Simplification. In the area of financial services, the EU acquis has grown significantly. The Level 1 acts adopted by the co-legislators in the period 2019-2024 have empowered the Commission to adopt 430 Level 2 acts. Such a large number of measures to be adopted is a concern for stakeholders.

The Commission has categorised the 430 empowerments in the financial services acquis in three types: empowerments where the Commission is legally required to act within a specified timeframe; empowerments where the Commission is legally required to act without a specified timeframe; and empowerments where the Commission is not legally required to act. In this context, the Commission has consulted the European Parliament and the Council and has taken account of comments received. The categorisation of empowerments has also been discussed with your staff. On this basis, 115 empowerments are considered as non-essential for the effective functioning of the Level 1 legislation and for the achievement of EU policy objectives. The list of empowerments qualified as non-essential is attached to this letter.

Going forward, the Commission will follow a two-step approach.

- First, the Commission will not adopt the non-essential Level 2 acts listed in the annex to this letter before 1 October 2027, acting in accordance with the procedure set out in articles 10 and 15 of the respective ESAs founding regulations (EBA Regulation (EU) 1093/2010, ESMA Regulation (EU) 1094/2010, EIOPA Regulation (EU) 1095/2010) and article 49(1) and 53(1) of Regulation (EU) 2024/1620 establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism. ⁽¹⁾
- Second, the Commission will propose to amend or repeal the empowerments for the non-essential Level 2 acts where there is an obligation to act within a specified deadline in the context of any ongoing amendments of relevant Level 1 acts. It should be noted that a substantial number of the relevant Level 1 acts will be reviewed within the next two years.

To ensure awareness of this simplification effort to all stakeholders, I would ask you to publish this letter, together with the annex, on your respective websites.

Let me take this opportunity to express my appreciation for the good cooperation with ESMA, EIOPA, EBA and AMLA in this joint effort.

Electronically signed

John BERRIGAN

Enclosure: Non-essential Level 2 acts to be deprioritised

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⁽¹⁾ By the end of the two-years period, the Commission will either carry out the adoption of the measures of that category or prepare proposals to amend or repeal the respective empowerments.