



Council of the
European Union

Brussels, 16 February 2023
(OR. en)

6546/23

**Interinstitutional File:
2021/0191 (COD)**

EF 53
ECOFIN 160
CODEC 210
ENV 148
SUSTDEV 32

COVER NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council on European green bonds - Initial positions of the three Institutions prior to commencement of trilogues

Delegations will find enclosed the opening position of the three institutions on the proposal mentioned above, prior to the commencement of the trilogue phase in July 2022.

Encl.

	Commission Proposal	EP Mandate	Council Mandate
1	2021/0191 (COD)	2021/0191 (COD)	2021/0191 (COD)
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European green bonds (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European green bonds (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European green bonds (Text with EEA relevance)
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
7			

	Commission Proposal	EP Mandate	Council Mandate
	Having regard to the opinion of the European Central Bank,	Having regard to the opinion of the European Central Bank,	Having regard to the opinion of the European Central Bank,
8	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p . .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p . .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p . .
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
10	Whereas:	Whereas:	Whereas:
11	(1) The transition to a low-carbon, more sustainable, resource-efficient, circular and fair economy is key to ensuring the long-term competitiveness of the economy of the Union and the well-being of its peoples. In 2016, the Union concluded the Paris Agreement ¹ . Article 2(1), point (c), of the Paris Agreement sets out the objective of strengthening the response to climate change by, among other means, making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development. 1. Council Decision (EU) 2016/1841 of 5 October 2016	(1) The transition to a low-carbon, more climate neutral , sustainable, energy and resource-efficient, circular and fair economy is key to ensuring the long-term competitiveness of the economy of the Union and the well-being of its peoples. In 2016, the Union concluded the Paris Agreement ¹ . Article 2(1), point (c), of the Paris Agreement sets out the objective of strengthening the response to climate change by, among other means, making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development. _____	(1) The transition to a low-carbon, more climate-neutral , sustainable, resource-efficient, circular and fair economy is key to ensuring the long-term competitiveness of the economy of the Union and the well-being of its peoples. In 2016, the Union concluded the The Paris Agreement adopted under the United Nations Framework Convention on Climate Change (the ‘Paris Agreement’) was approved by the Union on 5 October 2016¹. Article 2(1), point (c), of the Paris Agreement sets out the objective of strengthening the response to climate change by, among other means, making finance flows consistent with

	Commission Proposal	EP Mandate	Council Mandate
	<p>on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (OJ L 282, 19.10.2016, p. 4).</p>	<p>1. Council Decision (EU) 2016/1841 of 5 October 2016 on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (OJ L 282, 19.10.2016, p. 4).</p>	<p>a pathway towards low greenhouse gas emissions the Union's target of climate-neutrality by 2050 and climate-resilient development.</p> <p>1. Council Decision (EU) 2016/1841 of 5 October 2016 on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (OJ L 282, 19.10.2016, p. 4 1).</p>
12	<p>(2) The European Green Deal Investment Plan of 14 January 2020¹ envisages the establishment of a standard for environmentally sustainable bonds to further increase investment opportunities and facilitate the identification of environmentally sustainable investments through a clear label. In its December 2020 conclusions, the European Council invited the Commission to put forward a legislative proposal for a green bond standard².</p> <p>1. COM(2020) 21 final. 2. EUCO 22/20.</p>	<p>(2) The European Green Deal Investment Plan of 14 January 2020¹ envisages the establishment of a standard for environmentally sustainable bonds to further increase investment opportunities and facilitate the identification of environmentally sustainable investments through a clear label. In its December 2020 conclusions, the European Council invited the Commission to put forward a legislative proposal for a green bond standard². <i>In its resolution of 29 May 2018 on sustainable finance³ and of 13 November 2020 on the Sustainable Europe Investment Plan — How to finance the Green Deal⁴, the European Parliament underlined the need for a European green bond standard.</i></p> <p>1. COM(2020) 21 final. 2. EUCO 22/20. 3. OJ C 76, 9.3.2020, p. 23. 4. OJ C 415, 13.10.2021, p. 22.</p>	<p>(2) The<i>In its communication of 14 January 2020 titled 'Sustainable Europe Investment Plan. European Green Deal Investment Plan of 14 January 2020¹ envisages', the Commission envisaged</i> the establishment of a standard for environmentally sustainable bonds to further increase investment opportunities and facilitate the identification of environmentally sustainable investments through a clear label. In its <i>conclusions of 11 December 2020</i>conclusions, the European Council invited the Commission to put forward a legislative proposal for a green bond standard².</p> <p>1. COM(2020) 21 final. 2. EUCO 22/20.</p>

	Commission Proposal	EP Mandate	Council Mandate
13	<p>(3) Environmentally sustainable bonds are one of the main instruments for financing investments related to low-carbon technologies, energy and resource efficiency as well as sustainable transport infrastructure and research infrastructure. Financial or non-financial undertakings or sovereigns can issue such bonds. Various existing initiatives for environmentally sustainable bonds do not ensure common definitions of environmentally sustainable economic activities. This prevents investors from easily identifying bonds the proceeds of which are aligned with, or are contributing to environmental objectives as laid down in the Paris Agreement.</p>	<p>(3) Environmentally sustainable bonds are one of the main instruments for financing investments related to low-carbon technologies, energy and resource efficiency as well as sustainable transport infrastructure and research infrastructure. Financial or non-financial undertakings or sovereigns can issue such bonds. Various existing initiatives for environmentally sustainable bonds do not ensure common definitions of environmentally sustainable economic activities. This prevents investors from easily identifying bonds the proceeds of which are aligned with, or are contributing to environmental objectives as laid down in the Paris Agreement.</p>	<p>(3) Environmentally sustainable bonds are one of the main instruments for financing investments related to low-carbongreen technologies, energy efficiency and resource efficiency as well as sustainable transport infrastructure and research infrastructure. Financial orand non-financial undertakings or as well as sovereigns can issue such bonds. The various existing initiatives for environmentally sustainable bonds do not ensurecontain common definitions of environmentally sustainable economic activities. This prevents investors from easily identifying bonds the proceeds of which are aligned with, or are contributing tocontribute to, environmental objectives as laid down in the Paris Agreement.</p>
13a		<p><i>(3a) The European Central Bank (ECB) adopted, on 8 July 2021, a climate roadmap in order to further incorporate climate change considerations into its monetary policy framework and its operations in the areas of disclosure, risk assessment, collateral framework, and corporate sector asset purchases. The European green bond standard can be a very useful tool in that regard, allowing the ECB to integrate better climate risks in its prudential and collateral framework, for example by reducing the haircut when taking European green bonds</i></p>	

	Commission Proposal	EP Mandate	Council Mandate
		<i>as collateral or by looking at the green asset ratio when determining Pillar 2 capital requirements.</i>	
14	(4) Diverging rules on the disclosure of information, on the transparency and accountability of external reviewers reviewing environmentally sustainable bonds, and on the eligibility criteria for eligible environmentally sustainable projects, impede the ability of investors to identify, trust, and compare environmentally sustainable bonds, and the ability of issuers to use environmentally sustainable bonds to transition their activities towards more environmentally sustainable business models.	(4) Diverging rules on the disclosure of information, on the transparency and accountability of external reviewers reviewing environmentally sustainable bonds, and on the eligibility criteria for eligible environmentally sustainable projects, impede the ability of investors to identify, trust, and compare environmentally sustainable bonds, and the ability of issuers to use environmentally sustainable bonds to transition their activities towards more environmentally sustainable business models.	(4) Diverging rules on the disclosure of information, on the transparency and accountability of external reviewers reviewing of environmentally sustainable bonds, and on the eligibility criteria for eligible environmentally sustainable projects, could impede the ability of investors to identify, trust, and compare environmentally sustainable bonds, and the ability of issuers to use environmentally sustainable bonds to transition their activities towards more environmentally sustainable business models.
15	(5) In ensuring alignment with the objectives of the Paris agreement, and given the existing divergences and absence of common rules, it is likely that Member States will adopt diverging measures and approaches, which will have a direct negative impact on, and create obstacles to, the proper functioning of the internal market, and be detrimental to issuers of environmentally sustainable bonds. The parallel development of market practices based on commercially driven priorities that produce divergent results causes market fragmentation and risks further exacerbating	(5) In ensuring alignment with the objectives of the Paris agreement, and given the existing divergences and absence of common rules, it is likely that Member States will adopt diverging measures and approaches, which will have a direct negative impact on, and create obstacles to, the proper functioning of the internal market, and be detrimental to issuers of environmentally sustainable bonds. The parallel development of market practices based on commercially driven priorities that produce divergent results causes market fragmentation and risks further exacerbating	(5) In ensuring alignment with the objectives of the Paris Agreement, and given the existing divergences and the absence of common rules, it is likely that Member States will adopt diverging measures and approaches, which will have a direct negative impact on, and create obstacles to, the proper functioning of the internal market, and be detrimental to issuers of environmentally sustainable bonds. The parallel development of market practices based on commercially driven priorities that produce divergent results causes may cause market

	Commission Proposal	EP Mandate	Council Mandate
	inefficiencies in the functioning of the internal market. Divergent standards and market practices make it difficult to compare different bonds, create uneven market conditions for issuers, cause additional barriers within the internal market, and risk distorting investment decisions.	inefficiencies in the functioning of the internal market. Divergent standards and market practices make it difficult to compare different bonds, create uneven market conditions for issuers, cause additional barriers within the internal market, and risk greenwashing and distorting investment decisions.	fragmentation and risks further exacerbating inefficiencies in the functioning of the internal market. Divergent standards and market practices make it difficult to compare different bonds, create uneven market conditions for issuers, cause additional barriers within the internal market, and risk distorting investment decisions.
16	<p>(6) The lack of harmonised rules for the procedures used by external reviewers to review environmentally sustainable bonds and the diverging definitions of environmentally sustainable activities make it increasingly difficult for investors to effectively compare bonds across the internal market with respect to their environmental objectives. The market for environmentally sustainable bonds is inherently international, with market participants trading bonds and making use of external review services from third party providers across borders. Action at Union level could reduce the risk of fragmentation of the internal market for environmentally sustainable bonds and bond-related external review services, and ensure the application of Regulation (EU) 2020/852 of the European Parliament and of the Council¹ in the market for such bonds.</p> <p><small>1. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the</small></p>	<p>(6) The lack of harmonised rules for the procedures used by external reviewers to review environmentally sustainable bonds and the diverging definitions of environmentally sustainable activities make it increasingly difficult for investors to effectively compare bonds across the internal market with respect to their environmental objectives. The market for environmentally sustainable bonds is inherently international, with market participants trading bonds and making use of external review services from third party providers across borders. Action at Union level could reduce the risk of fragmentation of the internal market for environmentally sustainable bonds and bond-related external review services, and ensure the application of Regulation (EU) 2020/852 of the European Parliament and of the Council¹ in the market for such bonds.</p> <p><small>1. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the</small></p>	<p>(6) The lack of harmonised rules for the procedures used by external reviewers to reviewfor reviewing environmentally sustainable bonds and the diverging definitions of environmentally sustainable activities make it increasingly difficult for investors to effectively compare bonds across the internal marketUnion with respect to their environmental objectives. The market for environmentally sustainable bonds is inherently international, with market participants trading bonds and making use of external review services from third partythird-party providers across borders. Action at Union level could reduce the risk of fragmentation of the internal market for environmentally sustainable bonds and bond-related external review services, and ensure the application of Regulation (EU) 2020/852 of the European Parliament and of the Council¹ in the market for such bonds.</p> <p><small>1. Regulation (EU) 2020/852 of the European</small></p>

	Commission Proposal	EP Mandate	Council Mandate
	establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).	establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).	Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).
17	<p>(7) A uniform set of specific requirements should therefore be laid down for bonds issued by financial or non-financial undertakings or sovereigns that voluntarily wish to use the designation ‘European green bond’ or ‘EuGB’ for such bonds. Specifying quality requirements for European green bonds in the form of a Regulation should ensure that there are uniform conditions for the issuance of such bonds by preventing diverging national requirements that could result from a transposition of a Directive, and should also ensure that those conditions are directly applicable to issuers of such bonds. Issuers that voluntarily use the designation ‘European green bond’ or ‘EuGB’ should follow the same rules across the Union, to increase market efficiency by reducing discrepancies and thereby also reducing the costs of assessing those bonds for investors.</p>	<p>(7) A uniform set of specific requirements should therefore be laid down for bonds issued by financial or non-financial undertakings or sovereigns that voluntarily wish to use the designation ‘European green bond’ or ‘EuGB’ for such bonds. Specifying quality requirements for European green bonds in the form of a Regulation should ensure that there are uniform conditions for the issuance of such bonds by preventing diverging national requirements that could result from a transposition of a Directive, and should also ensure that those conditions are directly applicable to issuers of such bonds. Issuers that voluntarily use the designation ‘European green bond’ or ‘EuGB’ should follow the same rules across the Union, to increase market efficiency by reducing discrepancies and thereby also reducing the costs of assessing those bonds for investors. .</p> <p><i>To facilitate comparison and prevent greenwashing, minimum sustainability disclosure requirements should apply to bonds marketed as environmentally sustainable and sustainability-linked bonds in the Union.</i></p>	<p>(7) A uniform set of specific requirements should therefore be laid down for bonds issued by financial and non-financial undertakings and sovereigns that voluntarily wishdecide to use on a voluntary basis the designation ‘European green bond’ or ‘EuGB’ for such bonds. Specifying quality requirements for European green bonds in the form of a Regulation should ensure that there are uniform conditions for the issuance of such bonds by preventing- diverging national requirements that could result from the transposition of a Directive, and should also ensure that those conditions are directly applicable to issuers of such bonds. Issuers that voluntarily use the designation ‘European green bond’ or ‘EuGB’ should follow the same rules across the Union, in order to increase market efficiency by reducing discrepancies and thereby also reducing the costs of assessing those bonds for investors.</p>

	Commission Proposal	EP Mandate	Council Mandate
17a		<p><i>(7a) The International Capital Markets Association (ICMA) has defined uniform requirements for sustainability-linked bonds according to which such bonds include any type of bond instrument for which the financial and/or structural characteristics can vary depending on whether the issuer achieves predefined sustainability/ environmental, social and governance (ESG) objectives. Since this Regulation only covers environmental sustainability, the application of the ICMA definition is adjusted to reflect the narrower scope of this Regulation, so that the only sustainability-linked bonds included are those whose financial or structural characteristics vary depending on whether the issuer achieves predefined environmental sustainability objectives.</i></p>	
17b		<p><i>(7b) Article 10(2) of Regulation (EU) 2020/852 distinguishes environmentally sustainable activities from transitional economic activities for which there are no technologically and economically feasible low-carbon alternatives. That distinction should also be made in the disclosures relating to European green bonds. Issuers should indicate what share of their European green bonds is allocated to transitional economic activities referred to</i></p>	

	Commission Proposal	EP Mandate	Council Mandate
		<i>in Article 10(2) of Regulation (EU) 2020/852. In addition, transparency in the proportion of proceeds allocated to transitional economic activities should be guaranteed, with specific transparency requirements for nuclear energy and fossil gas related activities, in the event that those activities are covered by Commission Delegated Regulation (EU) .../... [the Taxonomy Regulation].</i>	
18	(8) In accordance with Article 4 of Regulation (EU) 2020/852, and in order to provide investors with clear, quantitative, detailed and common definitions, the requirements set out in Article 3 of that Regulation should be used to determine whether an economic activity qualifies as environmentally sustainable. Proceeds of bonds that use the designation ‘European green bond’ or ‘EuGB’ should exclusively be used to fund economic activities that either are environmentally sustainable and are thus aligned with the environmental objectives set out in Article 9 of Regulation (EU) 2020/852, or contribute to the transformation of activities to become environmentally sustainable. Those bonds can however be used both to finance such environmentally sustainable activities directly through the financing of assets and expenditures that relate to economic activities that meet the	(8) In accordance with Article 4 of Regulation (EU) 2020/852, and in order to provide investors with clear, quantitative, detailed and common definitions, the requirements set out in Article 3 of that Regulation should be used to determine whether an economic activity qualifies as environmentally sustainable. Proceeds of bonds that use the designation ‘European green bond’ or ‘EuGB’ should exclusively be used to fund economic activities that either are environmentally sustainable and are thus aligned with the environmental objectives set out in Article 9 of Regulation (EU) 2020/852, or contribute to the transformation of activities to so that they can meet those requirements and thereby become environmentally sustainable. These Issuers should be allowed to deduct costs directly linked to the issuance of European green bonds, as further specified by the	(8) In accordance with Article 4 of Regulation (EU) 2020/852, and in order to provide investors with clear, quantitative, detailed and common definitions, the requirements set out in Article 3 of that Regulation should be used to determine whether an economic activity qualifies as environmentally sustainable. Proceeds of bonds that use the designation ‘European green bond’ or ‘EuGB’ should exclusively be used to fund economic activities that either are environmentally sustainable and are thus should thus be aligned with the environmental objectives set out in Article 9 of Regulation (EU) 2020/852, or contribute to the transformation of activities to become environmentally sustainable. Those bonds can should however be able to be used both to finance such environmentally sustainable activities directly through the financing of assets and expenditures that relate to

	Commission Proposal	EP Mandate	Council Mandate
	<p>requirements set out in Article 3 of Regulation (EU) 2020/852, or indirectly through financial assets that finance economic activities that meet those requirements. It is therefore necessary to specify the categories of expenditures and assets that can be financed with the proceeds of bonds that use the designation ‘European green bond’ or ‘EuGB’.</p>	<p><i>Commission by means of a delegated act.</i> The bonds can however be used both to finance such environmentally sustainable activities directly through the financing of assets and expenditures that relate to economic activities that meet the requirements set out in Article 3 of Regulation (EU) 2020/852, or, <i>under certain conditions,</i> indirectly through financial assets that finance economic activities that meet those requirements. It is therefore necessary to specify the categories of expenditures and assets that can be financed with the proceeds of bonds that use the designation ‘European green bond’ or ‘EuGB’.</p>	<p>economic activities that meet the requirementscriteria for environmentally sustainable economic activities set out in Article 3 of Regulation (EU) 2020/852 (<i>‘taxonomy requirements’</i>), or indirectly through financial assets that finance economic activities that meet those requirements. It is therefore necessary to specify the categories of expenditures and assets that can be financed with the proceeds of bonds that use the designation ‘European green bond’ or ‘EuGB’bonds.</p>
19	<p>(9) The proceeds of European green bonds should be used to finance economic activities that have a lasting positive impact on the environment. Such lasting positive impact can be attained in several ways. Since fixed assets are long-term assets, a first way is to use the proceeds of such European green bonds to finance fixed tangible or fixed intangible assets that are not financial assets, provided that those fixed assets relate to economic activities that meet the requirements for environmentally sustainable economic activities set out in Article 3 of Regulation (EU) 2020/852 (‘taxonomy requirements’). Since financial assets can be used to finance economic activities with a</p>	<p>(9) The proceeds of European green bonds should be used to finance economic activities that have a lasting positive impact on the environment. Such lasting positive impact can be attained in several ways. Since fixed assets are long-term assets, a first way is to use the proceeds of such European green bonds to finance fixed tangible or fixed intangible assets that are not financial assets, provided that those fixed assets relate to economic activities that meet the requirements for environmentally sustainable economic activities set out in Article 3 of Regulation (EU) 2020/852 (‘taxonomy requirements’). Since financial assets can be used to finance economic activities with a</p>	<p>(9) The proceeds of European green bonds should be used to finance economic activities that have a lasting positive impact on the environment. Such lasting positive impact can be attained in several ways. Since fixed assets are long-term assets, a first way is to use the proceeds of such European green bonds to finance fixed tangible or fixed intangible assets that are not financial assets, provided that those fixed assets relate to economic- activities that meet the requirements for environmentally sustainable economic activities set out in Article 3 of Regulation (EU) 2020/852 (‘taxonomy requirements’). Since financial assets can be used to finance economic activities with a</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>lasting positive impact on the environment, a second way is to use those proceeds to finance financial assets, provided that the proceeds from those financial assets are allocated to economic activities that meet the taxonomy requirements. Since the assets of households can also have a long-term positive impact on the environment, those financial assets should also include the assets of households. Since capital expenditure and selected operating expenditure can be used to acquire, upgrade, or maintain fixed assets, a third way is to use the proceeds of such bonds to finance capital and operating expenditures that relate to economic activities that meet the taxonomy requirements or that will meet those requirements within a reasonably short period from the issuance of the bond concerned, which can be extended however where duly justified by the specific features of the economic activities and investments concerned. For the reasons outlined above, the capital and operating expenditures should also include the expenditures of households.</p>	<p>lasting positive impact on the environment, a second way is to use those proceeds to finance <i>a portfolio of financial assets or financial assets created no later than three years after the issuance of the European green bond</i>, provided that the proceeds from those financial assets are allocated to economic activities that meet the taxonomy requirements. Since the assets of households can also have a long-term positive impact on the environment, those financial assets should also include the assets of households. Since capital expenditure and selected operating expenditure can be used to acquire, upgrade, or maintain fixed assets, a third way is to use the proceeds of such bonds to finance capital and operating expenditures that relate to economic activities that meet the taxonomy requirements or that will meet those requirements within a reasonably short period from the issuance of the bond concerned, which can be extended however where duly justified <i>in a CapEx plan referred to in Annex I to Commission Delegated Regulation (EU) 2021/2178¹ ('CapEx plan')</i>, by the specific features of the economic activities and investments concerned. For the reasons outlined above, the capital and operating expenditures should also include the expenditures of households.</p> <p><small><i>1. 9a Commission Delegated Regulation (EU) 2021/2178 of 6 July 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the</i></small></p>	<p>lasting positive impact on the environment, a second way is to use those proceeds to finance financial assets, provided that the proceeds from <i>of those or subsequent</i> financial assets are allocated to economic activities that meet the taxonomy requirements. <i>Such financial assets can be debt instruments, such as credit agreements, leases or bonds, equity instruments, or a combination thereof.</i></p> <p>Since the assets of households can also have a long-term positive impact on the environment, those financial assets should also include the assets of households. Since capital expenditure and selected operating expenditure can be used to acquire, upgrade, or maintain fixed assets, a third way is to use the proceeds of such bonds to finance capital and operating expenditures that relate to economic activities that meet the taxonomy requirements or that will meet those requirements within a reasonably short period from the issuance of the bond concerned, which can be extended however where duly justified by the specific features of the economic activities and investments concerned. For those <i>the</i> reasons outlined above, the capital and operating expenditures should also include the expenditures of households.</p>

	Commission Proposal	EP Mandate	Council Mandate
		<i>Council by specifying the content and presentation of information to be disclosed by undertakings subject to Articles 19a or 29a of Directive 2013/34/EU concerning environmentally sustainable economic activities, and specifying the methodology to comply with that disclosure obligation (OJ L 443, 10.12.2021, p. 9).</i>	
19a			<i>(9a) For certain economic activities for which there are no technical screening criteria under Regulation (EU) 2020/852 that have entered into force or for certain activities in the context of international support that contribute to the environmental objectives, a limited degree of flexibility should be provided for. Such flexibility should appropriately limited in size and scope in order to maintain a very high level of ambition for the European green bond standard. Consequently, the issuer should demonstrate that the activities contribute substantially to one or more of the environmental objectives, that they do not significantly harm any of the environmental objectives and that they are carried out in compliance with the minimum safeguards. This demonstration should be included in the European green bond factsheet and thus validated by an external reviewer via a positive opinion in the pre-issuance review.</i>
19b			

	Commission Proposal	EP Mandate	Council Mandate
			<i>(9b) To facilitate the issuance of European green bonds by smaller issuers, the requirements to allocate the proceeds of European green bonds to environmentally sustainable economic activities should apply only to the net proceeds of such bonds. The net proceeds comprise the difference between the total bond proceeds and the direct issuance costs of the bond, which include the costs of financial intermediaries leading the issuance, advisory costs, legal costs, rating costs and the costs related to the external review. Issuers of European green bonds may decide to allocate the gross proceeds, without deduction of costs, to environmentally sustainable economic activities.</i>
20	(10) Sovereigns are frequent issuers of environmentally sustainable bonds and should therefore also be allowed to issue ‘European green bonds’, provided that the proceeds of such bonds are used to finance either assets or expenditure that meet the taxonomy, or assets or expenditure that will meet those requirements within a reasonably short period from the issuance of the bond concerned, which can be extended however where duly justified by the specific features of the economic activities and investments concerned.	(10) Sovereigns are frequent issuers of bonds marketed as environmentally sustainable bonds and should therefore also be allowed to issue ‘European green bonds’, provided that the proceeds of such bonds are used to finance either assets or expenditure that meet the taxonomy, or assets or expenditure that will meet those requirements within a reasonably short period from the issuance of the bond concerned, which can be extended however where duly justified in a CapEx plan , by the specific features of the economic activities and investments concerned.	(10) Sovereigns are frequent issuers of environmentally sustainable bonds and should therefore also be allowed to issue ‘European green bonds’, provided that the proceeds of such bonds are used to finance either assets or expenditure that meet the taxonomy requirements , or assets or expenditure that will are expected to meet those requirements within a reasonably short period from the issuance of the bond concerned, which can be extended however where duly justified by the specific features of the economic activities and investments concerned.

	Commission Proposal	EP Mandate	Council Mandate
21	<p>(11) Article 4 of Regulation (EU) 2020/852 requires Member States and the Union to apply the criteria set out in Article 3 of that Regulation to determine whether an economic activity qualifies as environmentally sustainable for the purposes of any measure setting out requirements for financial market participants or issuers in respect of financial products or corporate bonds that are made available as environmentally sustainable. It is therefore logical that the technical screening criteria referred to in Article 3, point (d), of Regulation (EU) 2020/852 should determine which fixed assets, expenditures and financial assets can be financed by the proceeds of European green bonds. In view of the expected technological progress in the field of environmental sustainability, the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 are likely to be reviewed and amended over time. Regardless of such changes, in order to provide legal certainty to issuers and investors and prevent amendments to the technical screening criteria from having a negative impact on the price of European green bonds that have already been issued, issuers should be able to apply the technical screening criteria applicable at the moment the European green</p>	<p>(11) Article 4 of Regulation (EU) 2020/852 requires Member States and the Union to apply the criteria set out in Article 3 of that Regulation to determine whether an economic activity qualifies as environmentally sustainable for the purposes of any measure setting out requirements for financial market participants or issuers in respect of financial products or corporate bonds that are made available as environmentally sustainable. It is therefore logical that the technical screening criteria referred to in Article 3, point (d), of Regulation (EU) 2020/852 should determine which fixed assets, expenditures and financial assets can be financed by the proceeds of European green bonds. In view of the expected technological progress in the field of environmental sustainability, the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 are likely to be reviewed and amended over time. Regardless of such changes, in order to provide legal certainty to issuers and investors and prevent amendments to the technical screening criteria from having a negative impact on the price of European green bonds that have already been issued, issuers should be able to apply the technical screening criteria applicable at the moment the European green</p>	<p>(11) Article 4 of Regulation (EU) 2020/852 requires Member States and the Union to apply the criteria set out in Article 3 of that Regulation taxonomy requirements to determine whether an economic activity qualifies as environmentally sustainable for the purposes- of any measure setting out requirements for financial market participants or issuers in respect of financial products or corporate bonds that are made available as environmentally sustainable. It is therefore logical that the technical screening criteria referred to in Article 3, point (d), of Regulation (EU) 2020/852 should determine which fixed assets, expenditures and financial assets can may be financed by with the proceeds of European green bonds. In view of the expected technological progress in the field of environmental sustainability, the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 are likely to be reviewed and amended over time. Regardless of such changes, in order to provide legal certainty to issuers and investors and prevent amendments to the technical screening criteria from having a negative impact on the price of European green bonds that have already been issued, issuers should be able to apply the technical screening criteria applicable at the moment of issuance of the</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>bond was issued when allocating the proceeds of such bonds to eligible fixed assets or expenditures, until maturity of the bond. To ensure legal certainty for European green bonds whose proceeds are allocated to financial assets, it is necessary to clarify that the underlying economic activities funded by those financial assets should comply with the technical screening criteria applicable at the moment the financial assets were created. Where the relevant delegated acts are amended, the issuer should allocate proceeds by applying the amended delegated acts within five years.</p>	<p>bond was issued when allocating the proceeds of such bonds to eligible fixed assets or expenditures, until maturity of the bond. To ensure legal certainty for European green bonds whose proceeds are allocated to financial assets, it is necessary to clarify that the underlying economic activities funded by those financial assets should comply with the technical screening criteria applicable at the moment the financial assets were created. Where the relevant delegated acts are amended, the issuer should allocate proceeds by applying the amended delegated acts within five years or, in the case of financial claims, ten years. Previously allocated proceeds should not be required to be reallocated following an amendment to the relevant delegated acts.</p>	<p>relevantthe European green bond was issued when allocating the proceeds of such bonds to eligible fixed assets or expenditures, until maturity of the bond. To ensure legal certainty for European green bonds whosethe proceeds of which are allocated to financial assets, it is necessary to clarify that the underlying economic activities funded by those financial assets should comply with the technical screening criteria applicable at the moment thethose financial assets were created. Where the relevant delegated acts are amended, the issuer should allocate proceeds by applying the amended delegated acts within five years.</p>
22	<p>(12) The time needed to transform an asset to align the economic activity to which it relates with the taxonomy requirements should reasonably not exceed five years, except in certain circumstances where it may take up to ten years. For that reason, eligible capital expenditure should relate to economic activities that meet or will meet the taxonomy requirements within five years from the issuance of the bond, unless a longer period of up to ten years is justified by the specific features of the economic activities and investments concerned.</p>	<p>(12) The time needed to transform an asset to align the economic activity to which it relates with the taxonomy requirements should reasonably not exceed five years, except in certain circumstances where it may take up to ten years. For that reason, eligible capital expenditure should relate to economic activities that meet or will meet the taxonomy requirements within five years from the issuance of the bond, unless a longer period of up to ten years is duly justified by the specific features of the economic activities and investments concerned, and documented</p>	<p>(12) The time needed to transform an asset to align the economic activity to which it relates with the taxonomy requirements should reasonably not exceed five years, except in certain circumstances where it may take up to ten years, in line with the Commission Delegated Regulation (EU) 2021/2178¹. For that reason, eligible capital expenditure should relate to economic activities that meet or willare expected to meet the taxonomy requirements within five years from the issuance of the bond, unless a longer period of up to ten years is justified by the specific</p>

	Commission Proposal	EP Mandate	Council Mandate
		<i>in a CapEx plan. The list of economic activities and investments eligible for the application of an extended period should be established by the Commission by means of a delegated act.</i>	features of the economic activities and investments concerned. <i>1. Commission Delegated Regulation (EU) 2021/2178 of 6 July 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by specifying the content and presentation of information to be disclosed by undertakings subject to Articles 19a or 29a of Directive 2013/34/EU concerning environmentally sustainable economic activities, and specifying the methodology to comply with that disclosure obligation (OJ L 443, 10.12.2021, p. 9).</i>
22a		<i>(12a) Issuers of European green bonds that are located in countries on the EU list of non-cooperative jurisdictions for tax purposes or, in the case of sovereign issuers, that facilitate tax avoidance through their jurisdiction, shall not be authorised to use the European green bond designation.</i>	
22b		<i>(12b) Civil liability provisions should apply to issuers of European green bonds in relation to damages incurred by investors due to an infringement of the taxonomy-aligned allocation of proceeds.</i>	
22c		<i>(12c) Union institutions and bodies should adhere to Union standards in the pursuit of</i>	

	Commission Proposal	EP Mandate	Council Mandate
		<p><i>sustainability objectives, including those defined by Regulation (EU) 2020/852. They should thus use the European green bond standard for any issuance of a use of proceeds bond that has environmental sustainability as its objective. As a leading global issuer of green bonds, the European Investment Bank has already committed to aligning its green bond programme with the European green bond standard.</i></p>	
22d		<p><i>(12d) To facilitate the use of European green bonds by third country issuers and to encourage the development of high quality sustainable taxonomies in third-country jurisdictions, bond proceeds allocated in a third country should be able to use a sustainable taxonomy from that third country provided that that taxonomy has been deemed ‘equivalent’ to the EU taxonomy, in particular as regards the environmental objectives, criteria for significant harm and substantial contribution and minimum safeguards in the field of human rights. However, the use of proceeds should not be allocated to economic activities not covered by the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) and 15(2) of Regulation (EU) 2020/852. Equivalence should be established through a delegated act based on the opinion of the Platform on</i></p>	

	Commission Proposal	EP Mandate	Council Mandate
		<i>Sustainable Finance established under Article 20 of Regulation (EU) 2020/852.</i>	
23	(13) Investors should be provided with all information necessary to evaluate the environmental impact of European green bonds, and to compare such bonds with each other. For that purpose, specific and standardised disclosure requirements need to be set out which provide transparency about how the issuer intends to allocate the bond proceeds to eligible fixed assets, expenditures and financial assets and how those proceeds have actually been allocated. Such transparency can best be achieved by means of European green bond factsheets and annual allocation reports. To strengthen the comparability of European green bonds and to facilitate the localisation of relevant information, it is necessary to lay down templates for the disclosure of such information.	(13) Investors should be provided with all information necessary to evaluate the environmental impact of European green bonds, and to compare such bonds with each other. For that purpose, specific and standardised disclosure requirements need to be set out which provide transparency about how the issuer intends to allocate the bond proceeds to eligible fixed assets, expenditures and financial assets and how those proceeds have actually been allocated. Such transparency can best be achieved by means of European green bond factsheets and annual allocation reports. To strengthen the comparability of European green bonds and to facilitate the localisation of relevant information, it is necessary to lay down templates for the disclosure of such information. <i>With the exception of portfolios of European green bonds, factsheets and annual allocation reports should relate to one individual bond.</i>	(13) Investors should be provided with all <i>the</i> information <i>that is</i> necessary to evaluate the <i>environmental impact</i> <i>use of proceeds</i> of European green bonds, and to compare such bonds with each other. For that purpose, specific and standardised disclosure requirements need to be set out which provide transparency about how the issuer intends to allocate the <i>bond</i> <i>proceeds</i> <i>proceeds of the bonds</i> to eligible fixed assets, expenditures and financial assets and how those proceeds have actually been allocated. Such transparency can best be achieved by means of European green bond factsheets and annual allocation reports. To strengthen the comparability of European green bonds and to facilitate the localisation of relevant information, it is necessary to lay down templates for the disclosure of such information.
23a		<i>(13a) Investors should also be provided with the necessary information to compare and evaluate the environmental impact of other bonds marketed as environmentally</i>	

	Commission Proposal	EP Mandate	Council Mandate
		<p><i>sustainable or sustainability-linked bonds in the Union, which do not use the designation ‘European green bonds’ or ‘EuGB’.</i></p> <p><i>Minimum disclosure requirements should therefore apply to issuers of bonds marketed as environmentally sustainable or sustainability-linked bonds in the Union.</i></p> <p><i>Those requirements include the publication of a statement on due diligence policies with respect to principal adverse impacts of investment decisions on sustainability factors, taking due account of the size of the issuers and the nature and scale of their activities. This should mirror existing requirements for financial products other than green bonds falling under the scope of Regulation (EU) 2019/2088 of the European Parliament and of the Council¹. The content, methodologies and presentation of the statement should be further developed by means of regulatory technical standards.</i></p> <p><i>Issuers of bonds marketed as environmentally sustainable in the Union should also disclose specific information in pre-contractual disclosures and annual periodic reports, which should be subject to the same standard of external verification as that applying to European green bonds.</i></p> <p><small>¹ 9b Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability- related disclosures in the financial services sector (OJ L 317, 9.12.2019, p. 1).</small></p>	

	Commission Proposal	EP Mandate	Council Mandate
24	(14) Investors should benefit from cost-effective access to reliable information about the European green bonds. Issuers of European Green Bonds should therefore contract external reviewers to provide a pre-issuance review of the European green bond factsheet, and post-issuance reviews of European green bond annual allocation reports.	(14) Investors should benefit from cost-effective access to reliable information about the European green bonds. Issuers of European green bonds should therefore contract independent external reviewers to provide a pre-issuance review of the European green bond factsheet, and post-issuance reviews of European green bond annual allocation reports and reviews of European green bond impact reports.	(14) Investors should benefit from cost-effective access to reliable information about the European green bonds. All issuers of European green bonds should therefore contract external reviewers to provide a pre-issuance review of the European green bond factsheet, and a post-issuance reviews of review of the European green bond annual allocation reports. In addition, sovereigns may use state auditors to confirm the allocation of proceeds of the bonds.
25	(15) Issuers of European green bonds should abide by their commitments to investors and allocate the proceeds of their bonds within a reasonably short time after issuance. At the same time, issuers should not be penalised for allocating bond proceeds to economic activities that do not yet meet the taxonomy requirements, but will do so within the five year period (or extended ten year period). Issuers should in any case allocate all proceeds of their European green bonds before the maturity of each bond.	(15) Issuers of European green bonds should abide by their commitments to investors and allocate the proceeds of their bonds within a reasonably short time after issuance. At the same time, issuers should not be penalised for allocating bond proceeds to economic activities that do not yet meet the taxonomy requirements, but will do so within the five year period (or extended ten year period). In that case, issuers should set out in CapEx plans the details of when and by what means those activities will meet the taxonomy requirements and how alignment will be guaranteed. CapEx plans should include annual intermediary steps that are to be verified by an external reviewer in the allocation reports. Where CapEx plans relate to transitional economic activities within the meaning of Article 10(2) of	(15) Issuers of European green bonds should abide by their commitments to investors and allocate the proceeds of their European green bonds within a reasonably short time after issuance in accordance with the requirements of this Regulation . At the same time, issuers should not be penalised for allocating and the proceeds of European green bonds to economic activities that do not yet meet the taxonomy requirements, but will do so within the five year period (or five-year-period (or the extended ten-year period) ten-year-period) in the context of a CapEx Plan . Issuers should in any case allocate all proceeds of their European green bonds before the maturity of each bond.

	Commission Proposal	EP Mandate	Council Mandate
		<p>Regulation 2020/852, such activities should meet the relevant taxonomy criteria within a period of time not exceeding two years. Issuers should in any case allocate all proceeds of their European green bonds before the maturity of each bond.</p>	
26	<p>(16) Unlike issuers that are financial or non-financial undertakings, issuers that are sovereigns can use the proceeds of European green bonds to indirectly finance economic activities that are aligned with the taxonomy requirements through the use of programmes of tax expenditures or programmes of transfers, including subsidies. In such cases, sovereigns ensure that economic activities funded by such programmes comply with the terms and conditions of those programmes. For that reason, when providing pre- and post-issuance reviews of European green bonds issued by sovereigns and the proceeds of which are allocated to tax expenditures or subsidies in accordance with terms and conditions that are aligned with taxonomy requirements, external reviewers should not be required to assess the taxonomy-alignment of each economic activity funded by such programmes. Where that is the case, it should be sufficient for external reviewers to assess the alignment of the terms and conditions of the funding programmes concerned with the taxonomy requirements.</p>	<p>(16) Unlike issuers that are financial or non-financial undertakings, issuers that are sovereigns can use the proceeds of European green bonds to indirectly finance economic activities that are aligned with the taxonomy requirements through the use of programmes of tax expenditures or programmes of transfers, including subsidies. In such cases, sovereigns ensure that economic activities funded by such programmes comply with the terms and conditions of those programmes. For that reason, when providing pre- and post-issuance reviews of European green bonds issued by sovereigns and the proceeds of which are allocated to tax expenditures or subsidies in accordance with terms and conditions that are aligned with taxonomy requirements, external reviewers should not be required to assess the taxonomy-alignment of each economic activity funded by such programmes. Where that is the case, it should be sufficient for external reviewers to assess the alignment of the terms and conditions of the funding programmes concerned with the taxonomy requirements. Those funding</p>	<p>(16) Unlike issuers that are financial or non-financial undertakings, issuers that are sovereigns can use the proceeds of European green bonds to indirectly finance economic activities that are aligned with the taxonomy requirements through the use of programmes of tax expenditures or programmes of transfers, including subsidies. Where justified by (i) the complexity, scale and practical unfeasibility of a full assessment of the underlying activities on the one hand, and, (ii) on the other, the binding and sufficiently precise provisions in those terms and conditions relevant to the alignment of the final use of proceeds with the taxonomy requirementsIn such cases, sovereigns should ensure that economic activities funded by such programmes comply with the terms and conditions of those programmes. For that reason, when providing pre- and post-issuance reviews of European green bonds issued by sovereigns and the proceeds of which are allocated to tax expenditures or subsidies in accordance with terms and conditions that are aligned with taxonomy</p>

	Commission Proposal	EP Mandate	Council Mandate
		<i>programmes should however be subject to an ex ante impact assessment by an independent third party to assess the impact and cost-efficiency of the programme, as well as an ex post assessment of the effectiveness of the programme to be reviewed by the state auditors or other relevant public entity of the Member State concerned.</i>	requirements , external reviewers should not be required to assess the taxonomy-alignment of each economic activity funded by such programmes. Where that is the case, it should be sufficient for external reviewers to assess the alignment of the terms and conditions of the funding programmes concerned with the taxonomy requirements.
26a			<i>(16a) In the context of activities of public development credit institutions, there may be a very large number of final borrowers directly or through intermediary institutions. Therefore, it should be made possible, where justified, to perform the assessment of the use of proceeds by means of a random sampling in accordance with best market practices.</i>
27	(17) Certain financial undertakings that have a portfolio of European green bonds may not be able to identify, for each European green bond, the distinct financial assets to which the proceeds of said bond have been allocated. This is due to a mismatch between, on the one hand, the time to maturity and the volume of funding of those bonds, and on the other hand the time to maturity and volume of the financial assets on the balance sheet of	(17) Certain financial undertakings that have a portfolio of European green bonds may not be able to identify, for each European green bond, the distinct financial assets to which the proceeds of said bond have been allocated. This is due to a mismatch between, on the one hand, the time to maturity and the volume of funding of those bonds, and on the other hand the time to maturity and volume of the financial assets on the balance sheet of	(17) Certain financial undertakings that have a portfolio of <i>one or several</i> European green bonds <i>on the liability side of a balance sheet</i> may not be able to identify, for each European green bond <i>issue</i> , the distinct financial assets <i>on the asset side of a balance sheet</i> to which the proceeds of said <i>that</i> bond have been allocated. This is due to a mismatch between, on the one hand, the time to maturity and the volume of funding of

	Commission Proposal	EP Mandate	Council Mandate
	<p>the financial undertaking. Financial undertakings should in such cases be required to disclose the allocation of the aggregate proceeds of their portfolio of European green bonds to a portfolio of environmentally sustainable financial assets on the undertaking's balance sheet. Those financial undertakings should then demonstrate in annual allocation reports that the related environmentally sustainable financial assets complied with the taxonomy requirements at the time they were created. In order to ensure that all proceeds of European green bonds are allocated to environmentally sustainable economic activities, the financial undertakings should also demonstrate that the amount of those environmentally sustainable financial assets exceeds or equals the amount of European green bonds that have not yet matured. To ensure that the information provided remains complete and up to date, an external reviewer should review the annual allocation reports each year. That external reviewer should in particular focus on those financial assets that were not on the issuer's balance sheet in the previous year's allocation report.</p>	<p>the financial undertaking. Financial undertakings should in such cases be required to disclose the allocation of the aggregate proceeds of their portfolio of European green bonds to a portfolio of environmentally sustainable financial assets on the undertaking's balance sheet. Those financial undertakings should then demonstrate in annual allocation reports that the related environmentally sustainable financial assets complied with the taxonomy requirements at the time they were created. In order to ensure that all proceeds of European green bonds are allocated to environmentally sustainable economic activities, the financial undertakings should also demonstrate that the amount of those environmentally sustainable financial assets exceeds or equals the amount of European green bonds that have not yet matured. To ensure that the information provided remains complete and up to date, an external reviewer should review the annual allocation reports each year. That external reviewer should in particular focus on those financial assets that were not on the issuer's balance sheet in the previous year's allocation report.</p>	<p>those bonds, and on the other hand the time to maturity and volume of the financial assets on the balance sheet of the financial undertaking. Financial Undertakings should in such cases be required to disclose the allocation of the aggregate proceeds of their portfolio of European green bonds to a portfolio of environmentally sustainable financial assets on the undertaking's balance sheet. Those financial undertakings should then demonstrate in annual allocation reports that the related environmentally sustainable financial assets complied with the taxonomy requirements at the time they were created. In order to ensure that all proceeds of European green bonds are allocated to environmentally sustainable economic activities, the financial undertakings should also demonstrate that the amount of those environmentally sustainable financial assets exceeds or equals the amount of European green bonds that have not yet matured. To ensure that the information provided remains complete and up to date, an external reviewer should review the annual allocation reports each year, except when there is no change in allocation in the portfolio of financial assets.– That external reviewer should in particular focus on those financial assets that were not on the issuer's balance sheet in the previous year's annual allocation report.</p>
28			

	Commission Proposal	EP Mandate	Council Mandate
	<p>(18) To improve transparency, issuers should also disclose the environmental impact of their bonds by means of the publication of impact reports, which should be published at least once during the lifetime of the bond. In order to provide investors with all information relevant to assess the environmental impact of European green bonds, impact reports should clearly specify the metrics, methodologies and assumptions applied in the assessment of the environmental impacts. To strengthen the comparability of European green bonds and to facilitate the localisation of relevant information, it is necessary to lay down templates for the disclosure of such information.</p>	<p>(18) To improve transparency, issuers should also disclose the environmental impact of their bonds by means of the publication of impact reports, which should be published at least onetwice during the lifetime of the bond. In order to provide investors with all information relevant to assess the environmental impact of European green bonds, impact reports should clearly specify the metrics, methodologies and assumptions applied in the assessment of the environmental impacts. To strengthen the comparability of European green bonds and to facilitate the localisation of relevant information, it is necessary to lay down templates for the disclosure of such information. <i>With the exception of portfolios of European green bonds, impact reports should relate to one individual bond. To ensure the accuracy of impact reports and to protect investors from greenwashing, impact reports should be able to be subject to scrutiny by external reviewers.</i></p>	<p>(18) To improve transparency, issuers should also disclose the environmental impact of their bonds by means of the publication of impact reports, which should be published <i>publishing</i>, at least once during the lifetime of the bond, <i>impact reports</i>. In order to provide investors with all information<i>the</i> relevant <i>information</i> to assess the environmental impact of European green bonds, impact reports should clearly specify the metrics, methodologies and assumptions applied in the assessment of the environmental impacts<i>impact</i>. To strengthen the comparability of European green bonds and to facilitate the localisation of relevant information, it is necessary to lay down templates for the disclosure of such information.</p>
28a		<p><i>(18a) European green bonds and sustainability-linked bonds are aimed at helping companies finance their transition to becoming sustainable. Issuers of European green bonds or sustainability-linked bonds that are subject to an obligation to publish non-financial information pursuant to Article 19a or</i></p>	

	Commission Proposal	EP Mandate	Council Mandate
		<p><i>Article 29a of Directive 2013/34/EU of the European Parliament and of the Council¹, should therefore have a transition plan in place pursuant to those provisions, and receive a positive opinion by an auditor in accordance with that Directive. Such non-financial information should be disclosed in the factsheet and impact reports for European green bonds or pre-contractual disclosures and sustainability impact reports for sustainability-linked bonds. In particular, the issuers should provide information on how and to what extent the issuance of the European green bond or sustainability-linked bonds increases its proportion of entity-level taxonomy alignment, as required to be disclosed under Article 8 of Regulation (EU) 2020/852, or reduces its environmental impact in view of the targets set out in the transition plan, as required to be disclosed under Article 19a or Article 29a of Directive 2013/34/EU [as amended by the Corporate Sustainability Reporting Directive].</i></p> <p><i>1. 9c Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182 29.6.2013, p. 19).</i></p>	

	Commission Proposal	EP Mandate	Council Mandate
29	<p>(19) State auditors, or any other public entity that is mandated by a sovereign to assess whether the proceeds of the European green bonds are indeed allocated to eligible fixed assets, expenditures and financial assets, are statutory entities with responsibility for and expertise in the oversight over public spending, and typically have legally guaranteed independence. Sovereigns that issue European green bonds should therefore be allowed to make use of such state auditors or entities for the purposes of the external review of bonds issued by such sovereigns. Such state auditors or entities should not be registered or supervised according to this Regulation.</p>	<p>(19) State auditors, or any other public entity that is mandated by a sovereign to assess whether the proceeds of the European green bonds are indeed allocated to eligible fixed assets, expenditures and financial assets, are statutory entities with responsibility for and expertise in the oversight over public spending, and typically have legally guaranteed independence. Sovereigns that issue European green bonds should therefore be allowed to make use of such state auditors or entities for the purposes of the external review of bonds issued by such sovereigns. Such While state auditors or entities should not be registered or supervised according to this Regulation, non-Union state auditors or entities should obtain approval from ESMA.</p>	<p>(19) State auditors, or any other public entity that is mandated by a sovereign to assess whether the proceeds of the European green bonds are indeed allocated to eligible fixed assets, expenditures and financial assets, are statutory entities with responsibility for and expertise in the oversight over supervision of public spending, and typically have legally guaranteed independence. Sovereigns that issue European green bonds should therefore be allowed to make use of such state auditors or entities for the purposes of the external review of bonds issued by such sovereigns them. Such state auditors or entities should not be registered or supervised according to under this Regulation.</p>
30	<p>(20) To ensure the efficiency of the market for European green bonds, issuers should publish on their websites details about the European green bonds they issue. To ensure the reliability of information and investor confidence, they shall also publish the pre-issuance review as well as any post-issuance reviews.</p>	<p>(20) To ensure the efficiency of the market for European green bonds, issuers should publish on their websites and, where applicable, on the website of the trading venues where the admission to trading is sought, details about the European green bonds they issue. To ensure the reliability of information and investor confidence, they shall also publish the pre-issuance review, any post-issuance reviews, any impact report reviews as well as, if applicable, the CapEx plan and the transition plan, as required to be disclosed under Article 19a or Article 29a</p>	<p>(20) To ensure the efficiency of the market for European green bonds, issuers should publish on their websites details about the European green bonds they issue. To ensure the reliability of information and investor confidence, they shall also publish the pre-issuance review as well as any post-issuance reviews.</p>

	Commission Proposal	EP Mandate	Council Mandate
		<i>of Directive 2013/34/EU [as amended by the Corporate Sustainability Reporting Directive]. Those publications should be accessible, with clearly displayed dates of publication that allow the user to identify the changes from one review to another any post-issuance reviews.</i>	
30a		<i>(20a) National competent authorities should supervise compliance with the transparency and external review requirements by issuers of European green bonds and sustainability linked bonds or other bonds marketed as environmentally sustainable in the Union. National competent authorities should have the power to prohibit an issuer from issuing a bond, in the event of a failure to comply with its obligations on a single occasion, or from issuing bonds for a defined period of time not exceeding one year, in the case of repeated temporary suspensions.</i>	
31	(21) To improve transparency on how external reviewers reach their conclusions, to ensure that external reviewers have adequate qualifications, professional experience, and independence, and to reduce the risk of potential conflicts of interests, and thus to ensure adequate investor protection, issuers	(21) To improve transparency on how external reviewers reach their conclusions, to ensure that external reviewers have adequate qualifications, professional experience, and independence, and to reduce the risk of potential conflicts of interests, and thus to ensure adequate investor protection, issuers	(21) To improve transparency on how external reviewers reach their conclusions, to ensure that external reviewers have adequate qualifications, professional experience, and independence, and to reduce the risk of potential conflicts of interests, and thus to ensure adequate investor protection, issuers

	Commission Proposal	EP Mandate	Council Mandate
	of European green bonds should only make use of external reviewers, including from third-countries, that have been registered and are subject to ongoing supervision by the European Securities and Markets Authority (ESMA).	of European green bonds should only make use of external reviewers, including from third-countries, that have been registered and are subject to ongoing supervision by the European Securities and Markets Authority (ESMA).	of European green bonds should only make use of external reviewers, including from third-countries third countries , that have been registered and are subject to ongoing and proportionate supervision by the European Securities and Markets Authority (ESMA), established by Regulation (EU) No 1095/2010 of the European Parliament and of the Council¹ . <i>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).</i>
32	(22) To strengthen transparency towards investors on how the alignment of bond proceeds with the taxonomy requirements is assessed, external reviewers should disclose to users of pre-issuance reviews and post-issuance reviews the methodologies and key assumptions they use in their external review activities in sufficient detail, whilst taking due account of the protection of proprietary data and intellectual property.	(22) To strengthen transparency towards investors on how the alignment of bond proceeds with the taxonomy requirements is assessed, external reviewers should disclose to users of pre-issuance, post-issuance and impact report reviews and post-issuance reviews the methodologies and key assumptions they use in their external review activities in sufficient detail, whilst taking due account of the protection of proprietary data and intellectual property.	(22) To strengthen transparency towards investors on how the alignment of bond the use of bonds with the taxonomy requirements is assessed, external reviewers should disclose to users of pre-issuance reviews and post-issuance reviews the methodologies and key assumptions they use in their external review activities in sufficient detail, whilst taking due account of the protection of proprietary data and intellectual property.
33	(23) External reviewers should have in place	(23) External reviewers should have in place	(23) External reviewers should have in place

	Commission Proposal	EP Mandate	Council Mandate
	<p>arrangements for their own sound corporate governance to ensure that their pre- and post-issuance reviews are independent, objective and of good quality. The senior management of external reviewers should therefore have sufficient expertise in financial services and environmental matters and ensure that a sufficient number of employees with the necessary knowledge and experience perform the external review. For the same reason, the compliance function should be able to report its findings to either a supervisory organ or an administrative organ.</p>	<p>arrangements for their own sound corporate governance to ensure that their pre- and post-issuance reviews are independent, objective and of good quality. The senior management of external reviewers should therefore have sufficient expertise in financial services and environmental matters and ensure that a sufficient number of employees with the necessary knowledge and experience perform the external review. For the same reason, the compliance function should be able to report its findings to either a supervisory organ or an administrative organ.</p>	<p>arrangements for their own sound corporate governance to ensure that their pre- and post-issuance reviews are independent, objective and of good quality. The senior management of external reviewers should therefore have sufficientrelevant expertise in financial services and environmental matters and ensure that a sufficient number of employees with the necessary knowledge and experience perform the external review. For the same reason, the compliance function should be able to report its findings to either a supervisory organ or an administrative organ.</p>
34	<p>(24) To ensure the independence of external reviewers, external reviewers should avoid situations of conflict of interest and manage those conflicts adequately when they are unavoidable. External reviewers should therefore disclose conflicts of interest in a timely manner. They should also keep records of all significant threats to their independence, to that of their employees and to that of other persons involved in the external review process. They should also keep records of the safeguards applied to mitigate those threats.</p>	<p>(24) To ensure the independence of external reviewers and safeguard high standards of transparency and ethical conduct, external reviewers should comply with organisational requirements and rules of conduct to mitigate and avoid situations of actual or potential conflict of interest and/or manage those conflicts adequately when they are unavoidable. External reviewers should not be entitled to conduct an external review in the case of a conflict of interest that cannot be properly addressed. External reviewers should therefore disclose any conflicts of interest in a transparent and timely manner. They should also keep records of all significant threats to their independence, to that of their employees and to that of, shareholders or any other persons involved</p>	<p>(24) To ensure thetheir independence of external reviewers, external reviewers should avoid situations of conflict of interestconflicts of interests and manage thosesuch conflicts adequately when they are unavoidable. External reviewers should therefore disclose conflicts of interest in a timely mannerinterests in the pre- and post-issuance reports. They should also keep records of all significant threats to their independence, to that of their employees and to that of other persons involved in the external review process. They should also keep records of the safeguards applied to mitigate those threats.</p>

	Commission Proposal	EP Mandate	Council Mandate
		in the external review process. They should also keep records of the safeguards applied to mitigate those threats.	
35	(25) It is necessary to avoid divergent applications of this Regulation by national competent authorities. At the same time, it is necessary to lower transaction and operational costs of external reviewers, to strengthen investor confidence and to increase legal certainty. It is therefore appropriate to give ESMA general competence for the registration and ongoing supervision of registered external reviewers in the Union. Entrusting ESMA with the exclusive responsibility for those matters should ensure a level playing field in terms of registration requirements and on-going supervision and eliminate the risk of regulatory arbitrage across Member States. At the same time, such exclusive responsibility should optimise the allocation of supervisory resources at Union level, thus making ESMA the centre of expertise and enhancing the efficiency of supervision.	(25) It is necessary to avoid divergent applications of this Regulation by national competent authorities. At the same time, it is necessary to lower transaction and operational costs of external reviewers, to strengthen investor confidence and to increase legal certainty. It is therefore appropriate to give ESMA general competence for the registration and ongoing supervision of registered external reviewers in the Union. Entrusting ESMA with the exclusive responsibility for those matters should ensure a level playing field in terms of registration requirements and on-going supervision and eliminate the risk of regulatory arbitrage across Member States. At the same time, such exclusive responsibility should optimise the allocation of supervisory resources at Union level, thus making ESMA the centre of expertise and enhancing the efficiency of supervision.	(25) It is necessary to avoid divergent applications application of this Regulation by national competent authorities. At the same time, it is necessary to lower transaction and operational costs of external reviewers, to strengthen investor confidence and to increase legal certainty. It is therefore appropriate to give ESMA general competence for the registration and ongoing supervision of registered external reviewers in the Union. Entrusting ESMA with the exclusive responsibility for those matters should ensure a level playing field in terms of registration requirements and on- goingongoing supervision and eliminate the risk of regulatory arbitrage across Member States. At the same time, such exclusive responsibility should optimise the allocation of supervisory resources at Union level, thus making ESMA the centre of expertise and enhancing the efficiency of supervision.
35a		<i>(25a) In order to support ESMA's activity in the exercise of its general competence for the registration and ongoing supervision of registered external reviewers in the Union,</i>	

	Commission Proposal	EP Mandate	Council Mandate
		<i>the national competent authorities should cooperate, in a loyal and effective way, with ESMA, with exchange of information mechanisms that guarantees a transparent, credible and effective process of registration and supervision. To that end, ESMA should be provided with sufficient resources.</i>	
36	(26) ESMA should be able to require all information necessary to carry out its supervisory tasks effectively. It should therefore be able to demand such information from external reviewers, persons involved in external review activities, reviewed entities and related third parties, third parties to whom the external reviewers have outsourced operational functions and persons otherwise closely and substantially related or connected to external reviewers or external review activities.	(26) ESMA should be able to require all information necessary to carry out its supervisory tasks effectively. It should therefore be able to demand such information from external reviewers, persons involved in external review activities, reviewed entities and related third parties, third parties to whom the external reviewers have outsourced operational functions and persons otherwise closely and substantially related or connected to external reviewers or external review activities.	(26) ESMA should be able to require all information necessary to carry out its supervisory tasks effectively. It should therefore be able to demand such information from external reviewers, persons involved in external review activities, reviewed entities and related third parties, third parties to whom the external reviewers have outsourced operational functions and persons otherwise closely and substantially related or connected to external reviewers or external review activities.
37	(27) To enable ESMA to perform its supervisory tasks, and in particular to compel external reviewers to put an end to an infringement, to supply complete and correct information or to comply with an investigation or an on-site inspection, ESMA should be able to impose penalties or periodic penalty payments.	(27) To enable ESMA to perform its supervisory tasks, and in particular to compel external reviewers to put an end to an infringement, to supply complete and correct information or to comply with an investigation or an on-site inspection, ESMA should be able to impose penalties or periodic penalty payments.	(27) To enable ESMA to perform its supervisory tasks, and in particular to compel external reviewers to put an end to an infringement, to supply complete and correct information or to comply with an investigation or an on-site inspection, ESMA should be able to impose penalties or periodic penalty payments.

	Commission Proposal	EP Mandate	Council Mandate
38	(28) Issuers of European green bonds may seek access to the services of third country external reviewers. It is therefore necessary to lay down a third-country regime for external reviewers on the basis of an equivalence assessment, recognition or endorsement under which third country external reviewers may provide external review services.	(28) Issuers of European green bonds may seek access to the services of third country external reviewers. It is therefore necessary to lay down a third-country regime for external reviewers on the basis of an equivalence assessment, recognition or endorsement under which third country external reviewers may provide external review services.	(28) Issuers of European green bonds may seek access to need to engage the services of third country third-country external reviewers. It is therefore necessary to lay down a third-country regime for external reviewers on the basis of an equivalence assessment, recognition or endorsement under which third country third-country external reviewers may provide external review services.
39	(29) In order to facilitate access for third country external reviewers in the absence of an equivalence decision, it is necessary to lay down a process for the recognition by ESMA of external reviewers located in a third country.	(29) In order to facilitate access for third country external reviewers in the absence of an equivalence decision, it is necessary to lay down a process for the recognition by ESMA of external reviewers located in a third country.	(29) In order to facilitate access for third country third-country external reviewers in the absence of an equivalence decision, it is necessary to lay down a process for the recognition by ESMA of external reviewers located in a third country.
40	(30) In order to facilitate the provision of services by third-country external reviewers to issuers of European green bonds, an endorsement regime should be laid down, allowing, under certain conditions, registered external reviewers located in the Union to endorse services provided by a third country external reviewer. An external reviewer that has endorsed services provided by a third country external reviewer should be fully responsible for such endorsed services and	(30) In order to facilitate the provision of services by third-country external reviewers to issuers of European green bonds, an endorsement regime should be laid down, allowing, under certain conditions, registered external reviewers located in the Union to endorse services provided by a third country external reviewer. An external reviewer that has endorsed services provided by a third country external reviewer should be fully responsible for such endorsed services and	(30) In order to facilitate the provision of services by third-country external reviewers to issuers of European green bonds, an endorsement regime should be laid down, allowing, under certain conditions, registered external reviewers located in the Union to endorse services provided by a third country external reviewer. An external reviewer that has endorsed services provided by a third country third-country external reviewer should be fully responsible for such endorsed

	Commission Proposal	EP Mandate	Council Mandate
	for ensuring that such third country external reviewer complies with the requirements laid down in this Regulation.	for ensuring that such third country external reviewer complies with the requirements laid down in this Regulation.	services and for ensuring that such third country third-country external reviewer complies with the requirements laid down in this Regulation.
41	(31) In accordance with Article 290 TFEU, power should be delegated to the Commission to specify the procedure for the exercise of the power to impose fines or periodic penalty payments, including provisions on rights of defence, temporal provisions, the collection of fines or periodic penalty payments, and detailed rules on the limitation periods for the imposition and enforcement of penalties and the type of fees, the matters for which fees are due, the amount of the fees, and the manner in which those fees are to be paid. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ¹ . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of	(31) In accordance with Article 290 TFEU, power should be delegated to the Commission to specify the procedure for the exercise of the power to impose fines or periodic penalty payments, including provisions on rights of defence, temporal provisions, the collection of fines or periodic penalty payments, and detailed rules on the limitation periods for the imposition and enforcement of penalties and the type of fees, the matters for which fees are due, the amount of the fees, and the manner in which those fees are to be paid. Power should also be delegated to the Commission to supplement this Regulation by listing the economic activities that qualify for the application of the extended period of up to ten years for meeting the taxonomy requirements in relation to allocation of the use of proceeds and by authorising that the use of proceeds of an EuGB can be allocated partially or fully in accordance with an equivalent third country taxonomy. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those	(31) In accordance with Article 290 TFEU, power should be delegated to the Commission to specify the procedure for the exercise of the power to impose fines or periodic penalty payments, including provisions on the rights of defence, temporal provisions, the collection of fines or periodic penalty payments, and detailed rules on the limitation periods for the imposition and enforcement of penalties and the type of fees, the matters for which fees are due, the amount of the fees which shall be proportionate to the turnover , and the manner in which those fees are to be paid. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ¹ . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have

	Commission Proposal	EP Mandate	Council Mandate
	<p>delegated acts.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>	<p>consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>	<p>access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>
42	<p>(32) As a body with highly specialised expertise, it would be efficient and appropriate to entrust ESMA with the development of draft regulatory and implementing technical standards that do not involve policy choices for submission to the Commission.</p>	<p>(32) As a body with highly specialised expertise, it would be efficient and appropriate to entrust ESMA with the development of draft regulatory and implementing technical standards that do not involve policy choices for submission to the Commission.</p>	<p>(32) As a body with highly specialised expertise, it would be efficient and appropriate to entrust ESMA with the development of draft regulatory and implementing technical standards that do not involve policy choices for submission to the Commission.</p>
42a		<p><i>(32a) ESMA should be mandated to develop draft regulatory technical standards to further specify the definition and scope of the costs directly linked to issuances of European green bonds.</i></p>	

	Commission Proposal	EP Mandate	Council Mandate
42b		<i>(32b) ESMA should be mandated to develop draft regulatory technical standards to further specify the content, methodologies and presentation of information disclosed by issuers of bonds marketed as environmentally sustainable in the Union.</i>	
43	<p>(33) ESMA should be mandated to develop draft regulatory technical standards to further specify the criteria on which it can assess an application for registration by an external reviewer and the provision of information by that external reviewer to determine its level of compliance with the requirements of this Regulation.¹</p> <p>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).</p>	<p>(33) ESMA should be mandated to develop draft regulatory technical standards to further specify the criteria on which it can assess an application for registration by an external reviewer and the provision of information by that external reviewer to determine its level of compliance with the requirements of this Regulation.¹</p> <p>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).</p>	<p>(33) ESMA should be mandated to develop draft regulatory technical standards to further specify, by taking into account the principle of proportionality, the criteria on which it can assess an application for registration by an external reviewer and the provision of information by that external reviewer to determine its level of compliance with the requirements of this Regulation.¹</p> <p>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).</p>
43a		<i>(33a) ESMA should be mandated to develop draft regulatory technical standards to further specify the requirements on external reviewers to avoid conflicts of interest from arising. ESMA should develop those</i>	

	Commission Proposal	EP Mandate	Council Mandate
		<i>standards in response to market developments generating risks of conflicts of interest or following cases where conflicts of interest occurred.</i>	
44	<p>(34) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>(34) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>(34) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>
45	<p>(35) ESMA should be mandated to develop draft implementing technical standards to specify the standard forms, templates and procedures for the provision of the information for the registration of external reviewers. The Commission should be empowered to adopt those implementing technical standards by means of an implementing act pursuant to Article 291 TFEU and in accordance with Article 15 of Regulation (EU) No 1095/2010 of the</p>	<p>(35) ESMA should be mandated to develop draft implementing technical standards to specify the standard forms, templates and procedures for the provision of the information for the registration of external reviewers. The Commission should be empowered to adopt those implementing technical standards by means of an implementing act pursuant to Article 291 TFEU and in accordance with Article 15 of Regulation (EU) No 1095/2010 of the</p>	<p>(35) ESMA should be mandated to develop draft implementing technical standards to specify the standard forms, templates and procedures for the provision of the information for the registration of external reviewers. The Commission should be empowered to adopt those implementing technical standards by means of an implementing act pursuant to Article 291 TFEU and in accordance with Article 15 of Regulation (EU) No 1095/2010 of the</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>European Parliament and of the Council¹.</p> <p>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).</p>	<p>European Parliament and of the Council¹.</p> <p>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).</p>	<p><i>European Parliament and of the Council¹.</i></p> <p><i>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).</i></p>
46	<p>(36) In order to encourage external reviewers to provide their services to the issuers of European green bonds as of the entry into application of this Regulation, this Regulation sets out a transitional regime for the first 30 months following the entry into force of this Regulation.</p>	<p>(36) In order to encourage external reviewers to provide their services to the issuers of European green bonds as of the entry into application of this Regulation, this Regulation sets out a transitional regime for the first 30 months following the entry into force of this Regulation. <i>Sustainability-linked bonds and bonds marketed as sustainable in the Union already issued at the date of entry into application of this Regulation are not required to comply with this Regulation as regards disclosure requirements and the use of external reviewers.</i></p>	<p>(36) In order to encourage external reviewers to provide their services to the issuers of European green bonds as of the entry into application of this Regulation, this Regulation sets out a transitional regime for the first 3012 months following the entry into forceapplication of this Regulation.</p>
46a		<p><i>(36a) The application of this Regulation should be reviewed by the Commission five years after its entry into force, and every three years thereafter, on the basis of the input from the Platform on Sustainable Finance. Two years after the entry into</i></p>	

	Commission Proposal	EP Mandate	Council Mandate
		<p><i>force of this Regulation, the Commission should also produce an impact assessment to report on whether the European green bond standard should become mandatory. In the case of a proposed revision of Regulation (EU) 2020/852, in particular to extend its scope, the Commission should assess the merits of reviewing this Regulation.</i></p>	
46b			<p><i>(36a) To ensure that issuers of European green bonds for which a prospectus is required pursuant to Regulation (EU) 2017/1129 comply with the disclosure requirements set out in this Regulation, competent authorities of the home Member State, designated in accordance with Article 36 of this Regulation, should have the necessary supervisory and investigatory powers. The supervisory powers of the competent authorities may be exercised before or after the issuance of the relevant European green bonds. Competent authorities should not be required, under the supervisory powers granted by this Regulation, to verify the truthfulness or accuracy of the information that issuers are required to provide under this Regulation, nor that the obligations regarding the allocation of proceeds have been complied with.</i></p>

	Commission Proposal	EP Mandate	Council Mandate
46c		<i>(36b) Since this Regulation creates a framework that allows for the designation of government debt as environmentally sustainable, financial undertakings should disclose their exposure to environmentally sustainable government debt within their green asset ratio as provided for in Delegated Regulation (EU) 2021/2178. To integrate sovereign exposures in the nominator and denominator of the green asset ratio, Regulation (EU) 2020/852 should be amended.</i>	
47	(37) The objectives of this Regulation are twofold. On the one hand, it aims to ensure that uniform requirements apply to the use of the designation of ‘European green bond’ or ‘EuGB’. On the other hand, it aims to establish a simple registration system and supervisory framework for external reviewers by entrusting a single supervisory authority with the registration and supervision of external reviewers in the Union. Both aims should facilitate capital raising for projects that pursue environmentally sustainable objectives. Since those objectives cannot be sufficiently achieved by the Member States but can be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In	(37) The objectives of this Regulation are twofold. On the one hand threefold. First , it aims to ensure that the comparison of bonds marketed as environmentally sustainable in the Union. Second, it lays down uniform requirements apply to for the use of the designation of ‘European green bond’ or ‘EuGB’. On the other hand Third , it aims to establish a simple registration system and supervisory framework for external reviewers by entrusting a single supervisory authority with the registration and supervision of external reviewers in the Union. Both Those aims should facilitate capital raising for projects that pursue environmentally sustainable objectives, ensure the integrity of environmental claims made by issuers of European green bonds, and increase the	(37) The objectives of This Regulation are twofold. On the one hand, it aims to ensure that uniform requirements apply to the use of the designation of ‘European green bond’ or ‘EuGB’. On the other hand, It also aims to establish a simple registration system and supervisory framework for external reviewers by entrusting a single supervisory authority with the registration and supervision of external reviewers in the Union. Both Finally, this Regulation aims to establish supervision of issuers of European green bonds for which a prospectus is required pursuant to Regulation (EU) 2017/1129. All aims should facilitate capital raising for projects that pursue environmentally sustainable objectives. Since those objectives cannot be sufficiently achieved by the Member States

	Commission Proposal	EP Mandate	Council Mandate
	accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,	<i>transparency of the environmental performance of other bonds marketed as environmentally sustainable</i> . Since those objectives cannot be sufficiently achieved by the Member States but can be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,	but can be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,
48	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
49	Title I Subject matter and definitions	Title I Subject matter and definitions	Title I Subject matter and definitions
50	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter
51	This Regulation lays down uniform requirements for issuers of bonds that wish to use the designation ‘European green bond’ or ‘EuGB’ for their environmentally sustainable	This Regulation lays down uniform requirements for issuers of bonds that wish to use the designation ‘European green bond’ or ‘EuGB’ for their environmentally sustainable	This Regulation lays down uniform requirements for issuers of bonds that wish to use the designation ‘European green bond’ or ‘EuGB’ for their environmentally sustainable

	Commission Proposal	EP Mandate	Council Mandate
	bonds made available to investors in the Union, and establishes a registration system and supervisory framework for external reviewers of European green bonds.	bonds, <i>provides minimum sustainability disclosure requirements for other bonds marketed as environmentally sustainable or as sustainability-linked bonds</i> made available to investors in the Union, and establishes a registration system and supervisory framework for external reviewers of European green bonds.	bonds made available to investors in the Union, and establishes a registration system and supervisory framework for external reviewers of European green bonds.
52	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions
53	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:
54	(1) ‘issuer’ means any legal entity that issues bonds;	(1) ‘issuer’ means any legal entity that issues bonds;	(1) ‘issuer’ means any legal entity that issues bonds;
55	(2) ‘financial undertaking’ means an AIFM as defined in Article 4(1), point (b), of Directive 2011/61/EU of the European Parliament and of the Council ¹ , a UCITS management company as defined in Article 2, point (10), of Regulation (EU) 2019/2088 of the European Parliament and of the Council ² , a credit institution as defined in Article 4(1),	(2) ‘financial undertaking’ means an AIFM as defined in Article 4(1), point (b), of Directive 2011/61/EU of the European Parliament and of the Council ¹ , a UCITS management company as defined in Article 2, point (10), of Regulation (EU) 2019/2088 of the European Parliament and of the Council ² , a credit institution as defined in Article 4(1),	(2) <i>‘financial undertaking’ means an AIFM as defined in Article 4(1), point (b), of Directive 2011/61/EU of the European Parliament and of the Council¹, a UCITS management company as defined in Article 2, point (10), of Regulation (EU) 2019/2088 of the European Parliament and of the Council², a credit institution as defined in Article 4(1),</i>

	Commission Proposal	EP Mandate	Council Mandate
	<p>point (1), of Regulation (EU) No 575/2013 of the European Parliament and of the Council³, an investment firm as defined in Article 4(1), point (2) of Regulation (EU) No 575/2013, an insurance undertaking as defined in Article 13, point (1), of Directive 2009/138/EC of the European Parliament and of the Council⁴ or a reinsurance undertaking as defined in Article 13, point (4), of Directive 2009/138/EC;</p> <p>1. 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 1095/2010 (OJ L 174, 1.7.2011, p. 1). 2. Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability- related disclosures in the financial services sector (OJ L 317, 9.12.2019, p. 1). 3. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1). 4. Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1).</p>	<p>point (1), of Regulation (EU) No 575/2013 of the European Parliament and of the Council³, an investment firm as defined in Article 4(1), point (2) of Regulation (EU) No 575/2013, an insurance undertaking as defined in Article 13, point (1), of Directive 2009/138/EC of the European Parliament and of the Council⁴ or a reinsurance undertaking as defined in Article 13, point (4), of Directive 2009/138/EC;</p> <p>1. 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 1095/2010 (OJ L 174, 1.7.2011, p. 1). 2. Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability- related disclosures in the financial services sector (OJ L 317, 9.12.2019, p. 1). 3. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1). 4. Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1).</p>	<p>point (1), of Regulation (EU) No 575/2013 of the European Parliament and of the Council³, an investment firm as defined in Article 4(1), point (2) of Regulation (EU) No 575/2013, an insurance undertaking as defined in Article 13, point (1), of Directive 2009/138/EC of the European Parliament and of the Council⁴ or a reinsurance undertaking as defined in Article 13, point (4), of Directive 2009/138/EC;</p> <p>1. 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 1095/2010 (OJ L 174, 1.7.2011, p. 1). 2. Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability- related disclosures in the financial services sector (OJ L 317, 9.12.2019, p. 1). 3. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1). 4. Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1).</p>
56	(3) ‘sovereign’ means any of the following:	(3) ‘sovereign’ means any of the following:	(3) ‘sovereign’ means any an entity mentioned in Article 1(2) paragraph (b) or an issuer of the following type of bonds that are mentioned in Article 1(2) paragraph (d)

	Commission Proposal	EP Mandate	Council Mandate
			<i>of Regulation (EU) 2017/1129 of the European Parliament and of the Council¹;</i> <i>1. Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168 30.6.2017, p. 12).</i>
57	(a) Euratom, the Union and any of their agencies;	(a) Euratom, the Union and any of their agencies;	(a) Euratom, the Union and any of their agencies;
58	(b) any State, including a government department, an agency, or a special purpose vehicle of such State;	(b) any State, including a government department, an agency, or a special purpose vehicle of such State;	(b) any State, including a government department, an agency, or a special purpose vehicle of such State;
59	(c) in the case of a federal State, a member of the federation;	(c) in the case of a federal State, a member of the federation including a government department, an agency, or a special purpose vehicle of such member;	(c) in the case of a federal State, a member of the federation;
60	(d) a regional or municipal entity;	(d) a regional or municipal entity;	(d) a regional or municipal entity;
61	(e) a collective undertaking of several States in the form of an organisation or a special	(e) a collective undertaking of several States in the form of an organisation or a special	(e) a collective undertaking of several States in the form of an organisation or a special

	Commission Proposal	EP Mandate	Council Mandate
	purpose vehicle;	purpose vehicle;	purpose vehicle;
62	(f) a company of private law fully owned by one or more of the entities referred to in points (a) to (e);	(f) a company of private law fully owned by one or more of the entities referred to in points (a) to (e); deleted	(f) a company of private law fully owned by one or more of the entities referred to in points (a) to (e);
63	(4) ‘taxonomy requirements means the requirements set out in Article 3 of Regulation (EU) 2020/852;	(4) ‘taxonomy requirements means the requirements set out in Article 3 of Regulation (EU) 2020/852;	(4) ‘taxonomy requirements’ means the requirements criteria set out in Article 3 of Regulation (EU) 2020/852;
64	(5) ‘regulated market’ means a regulated market as defined in Article 4(1), point (21), of Directive 2014/65/EU of the European Parliament and of the Council ¹ . ¹ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).	(5) ‘regulated market’ means a regulated market as defined in Article 4(1), point (21), of Directive 2014/65/EU of the European Parliament and of the Council ¹ . ¹ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).	(5) ‘regulated market’ means a regulated market as defined in Article 4(1), point (21), of Directive 2014/65/EU of the European Parliament and of the Council ¹ . ¹ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).
64a		(5a) ‘bond marketed as environmentally sustainable’ means a bond whose issuer provides investors with a commitment or any form of pre-contractual claim that the bond proceeds are allocated to economic activities that contribute to an environmental	

	Commission Proposal	EP Mandate	Council Mandate
		<i>objective;</i>	
64b			<i>(5a) ‘offer to the public’ means offer of securities to the public as defined in Article 2, point (d), of Regulation (EU) 2017/1129;</i>
64c		<i>(5b) ‘marketed in the Union’ means a direct or indirect offering or placement to or with investors domiciled, or with a registered office, in the Union;</i>	
64d			<i>(5b) ‘home Member State’ means a home Member State as defined in Article 2, point (m), of Regulation (EU) 2017/1129;</i>
64e		<i>(5c) ‘use of proceeds bond’ means a bond where the proceeds are allocated to specific economic activities;</i>	
64f			<i>(5c) ‘host Member State’ means a host Member State as defined in Article 2, point (n), of Regulation (EU) 2017/1129;</i>
64g			

	Commission Proposal	EP Mandate	Council Mandate
		<i>(5d) ‘sustainability-linked bond’ means a bond whose financial or structural characteristics vary depending on the achievement by the issuer of predefined environmental sustainability objectives;</i>	
64h			<i>(5d) ‘financial assets’ means debt or equity, or a combination thereof;</i>
64i		<i>(5e) ‘sustainability factors’ mean sustainability factors as defined in Article 2, point (24), of Regulation (EU) 2019/2088;</i>	
64j			<i>(5e) ‘capital expenditure’ means additions to fixed tangible or fixed intangible assets: (a) during the financial year considered before depreciation, amortisation and any re-measurements, including the additions resulting from revaluations and impairments for the financial year concerned, and excluding fair value; or (b) resulting from business combinations;</i>
64k		<i>(5f) ‘home Member State’ means:</i>	

	Commission Proposal	EP Mandate	Council Mandate
64l		<i>(a) for European green bonds subject to the obligation to draw up a prospectus pursuant to Regulation (EU) 2017/1129, a home Member State as defined in Article 2, point (m), of that Regulation;</i>	
64m		<i>(b) for European green bonds that are not subject to the obligation to draw up a prospectus pursuant to Regulation (EU) 2017/1129 and that are issued by entities having their registered office in the Union, the Member State where the issuer has its registered office; and</i>	
64n		<i>(c) for European green bonds other than those referred to in points (a) and (b), the Member State where the European green bonds are offered to the public for the first time or, in the absence of an offer to the public within the Union, the Member State where the European green bonds are admitted to trading on a trading venue for the first time;</i>	
64o			<i>(5f) ‘operating expenditure’ means direct non-capitalised costs which relate to research and development, education and</i>

	Commission Proposal	EP Mandate	Council Mandate
			<i>training, building renovation measures, short-term leases, maintenance and repair, or any other direct expenditures relating to the day-to-day servicing of property, plant and equipment that are necessary to ensure the continued and effective functioning of such assets;</i>
64p			<i>(5g) ‘made available to investors in the Union’ means: (a) any offer to the public within the Union, whether such offer is or is not exempted from the obligation to establish a prospectus pursuant to Regulation (EU) 2017/1129; or (b) the admission to trading of the bonds on a trading venue located in the Union.</i>
64q			<i>(5h) ‘CapEx Plan’ means a plan to expand taxonomy-aligned activities or to allow taxonomy-eligible economic activities to become taxonomy-aligned as referred to and under the conditions specified in Annex I, point 1.1.2.2, to Commission Delegated Regulation (EU) 2021/2178¹;</i> <i>1. Commission Delegated Regulation (EU) 2021/2178 of 6 July 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by specifying the content and presentation of information to be disclosed by undertakings subject to Articles 19a or 29a of Directive 2013/34/EU</i>

	Commission Proposal	EP Mandate	Council Mandate
			<i>concerning environmentally sustainable economic activities, and specifying the methodology to comply with that disclosure obligation (OJ L 443, 10.12.2021, p. 9).</i>
64r			<i>(5i) ‘bond’ means a non-equity security as defined in Article 2, point (c), of Regulation (EU) 2017/1129;</i>
64s		<i>(5g) ‘host Member State’ means a host Member State as defined in Article 2, point (n), of Regulation (EU) 2017/1129;</i>	
64t			<i>(5j) ‘issuance costs’ means costs that are directly related to the issuance of bonds, including fees paid to financial intermediaries leading the issuance, such as underwriting and placement costs, and advisory costs, legal costs, rating costs and costs related to the external review;</i>
64u		<i>(5h) ‘external reviewer’ means a legal entity registered to provide assessment activities in accordance with this Regulation;</i>	

	Commission Proposal	EP Mandate	Council Mandate
64v			<i>(5k) ‘trading venue’ means a trading venue as defined in Article 4(1), point (24) of Directive 2014/65/EU.</i>
64w		<i>(5i) ‘reviewed entity’ means any entity receiving a review of its bond issuance from an external reviewer in accordance with this Regulation.</i>	
65	Title II Conditions for the use of the designation ‘European green bond’ or ‘EuGB’	Title II <i>Title II</i> Conditions for the use of the designation ‘European green bond’ or ‘EuGB’ <i>and sustainability disclosure requirements for other environmentally sustainable bonds and sustainability-linked bonds marketed in the Union</i>	Title II Conditions for the use of the designation ‘European green bond’ or ‘EuGB’
66	Chapter I Bond-related requirements	Chapter I Bond-related requirements	Chapter I Bond-related requirements
67	Article 3 Designation	Article 3 Designation <i>of ‘European green bond’ or ‘EuGB’</i>	Article 3 Designation

	Commission Proposal	EP Mandate	Council Mandate
68	The designation ‘European green bond’ or ‘EuGB’ shall only be used for bonds that comply with the requirements set out in this Title until their maturity.	The designation ‘European green bond’ or ‘EuGB’ shall only be used for bonds that comply with the requirements set out in this Title until their maturity.	The designation ‘European green bond’ or ‘EuGB’ shall only be used only for bonds that comply with the requirements set out in this Title until their maturity .
69	Article 4 Use of the proceeds of European green bonds	Article 4 Use of the proceeds of European green bonds	Article 4 Use of the proceeds of European green bonds
70	1. Before maturity of the bond, the proceeds of European green bonds shall be exclusively and fully allocated, without deducting costs, to the following, or a combination thereof:	1. Before maturity of the bond, the proceeds of European green bonds shall, after deducting costs directly linked to issuance , be exclusively and fully allocated, without deducting costs , to the following, or a combination thereof:	1. Before the maturity of thea European green bond, the proceeds of European green bonds shall be exclusively and fully allocated, without deducting costs, to the following, or a combination thereof that bond, after deducting issuance costs, such deduction being optionally made at the choice of the issuer, shall be only and fully allocated to:
71	(a) fixed assets, including those of households, that are not financial assets;	(a) fixed assets, including those of households, that are not financial assets;	(a) fixed assets, including those of households, that are not financial assets;
72	(b) capital expenditures, including those of households;	(b) capital expenditures, including those of households;	(b) capital expenditures, including those of households;
73	(c) operating expenditures that were incurred	(c) operating expenditures that were incurred	(c) operating expenditures that were incurred

	Commission Proposal	EP Mandate	Council Mandate
	more recently than three years prior to the issuance of the European green bond;	more recently than three years prior to the issuance of the European green bond;	more recently than three years prior to the issuance of the European green bond; or
74	(d) financial assets as referred to in Article 5.	(d) financial assets as referred to in Article 5, on the condition that either the bond allocates its proceeds to a portfolio of financial assets, or alternatively that those assets were created no later than three years after the issuance of the European green bond;	(d) financial assets as referred to in Article 5.
75	For the purposes of this paragraph, capital expenditures shall mean either additions to fixed tangible and fixed intangible assets during the financial year considered before depreciation, amortisation and any re-measurements, including the additions resulting from revaluations and impairments for the financial year concerned, and excluding fair value or any additions to fixed tangible and fixed intangible assets resulting from business combinations.	For the purposes of this paragraph, capital expenditures shall mean either additions to fixed tangible and fixed intangible assets during the financial year considered before depreciation, amortisation and any re-measurements, including the additions resulting from revaluations and impairments for the financial year concerned, and excluding fair value or any additions to fixed tangible and fixed intangible assets resulting from business combinations.	For the purposes of this paragraph, capital expenditures shall mean either additions to fixed tangible and fixed intangible assets during the financial year considered before depreciation, amortisation and any re-measurements, including the additions resulting from revaluations and impairments for the financial year concerned, and excluding fair value or any additions to fixed tangible and fixed intangible assets resulting from business combinations.
76	For the purposes of this paragraph, operating expenditures shall mean direct non-capitalised costs which relate to research and development, education and training, building renovation measures, short-term	For the purposes of this paragraph, operating expenditures shall mean direct non-capitalised costs which relate to research and development, education and training, building renovation measures, short-term	For the purposes of this paragraph, operating expenditures shall mean direct non-capitalised costs which relate to research and development, education and training, building renovation measures,

	Commission Proposal	EP Mandate	Council Mandate
	lease, maintenance and repair, and any other direct expenditures relating to the day-to-day servicing of fixed tangible or fixed intangible assets of property, plant and equipment that are necessary to ensure the continued and effective functioning of such assets.	lease, maintenance and repair, and any other direct expenditures relating to the day-to-day servicing of fixed tangible or fixed intangible assets of property, plant and equipment that are necessary to ensure the continued and effective functioning of such assets.	short term lease, maintenance and repair, and any other direct expenditures relating to the day to day servicing of fixed tangible or fixed intangible assets of property, plant and equipment that are necessary to ensure the continued and effective functioning of such assets.
76a		<i>1a. ESMA shall develop draft regulatory technical standards specifying the definition and scope of the costs directly linked to issuances as referred to in paragraph 1 of this Article.</i>	
76b		<i>ESMA shall submit those draft regulatory standards to the Commission by ... [12 months after the date of entry into force of this Regulation].</i>	
76c		<i>Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.</i>	
77			

	Commission Proposal	EP Mandate	Council Mandate
	2. By way of derogation from paragraph 1, a sovereign may also allocate the proceeds of European green bonds it has issued to the following, or any combination thereof:	2. By way of derogation from paragraph 1, a sovereign may also allocate the proceeds of European green bonds it has issued to the following, or any combination thereof:	2. By way of derogation from paragraph 1, a sovereign may also allocate the proceeds of European green bonds it has issued to the following, or any combination thereof.
78	(a) fixed assets referred to in point 7.22 of Annex A to Regulation (EU) No 549/2013 of the European Parliament and of the Council ¹ ; 1. Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1).	(a) fixed assets referred to in point 7.22 of Annex A to Regulation (EU) No 549/2013 of the European Parliament and of the Council ¹ ; 1. Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1).	(a) fixed assets <i>as</i> referred to in point 7.22 of Annex A, point 7.22 , to Regulation (EU) No 549/2013 of the European Parliament and of the Council ¹ ; 1. Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1).
79	(b) non-produced non-financial assets referred to in point 7.24 of Annex A to Regulation (EU) No 549/2013;	(b) non-produced non-financial assets referred to in point 7.24 of Annex A to Regulation (EU) No 549/2013;	(b) non-produced non-financial assets <i>as</i> referred to in point 7.24 of Annex A, point 7.24 , to Regulation (EU) No 549/2013;
80	(c) tax relief referred to in point 20.167 of Annex A to Regulation (EU) No 549/2013 that was granted more recently than three years prior to the issuance of the European green bond;	(c) tax relief referred to in point 20.167 of Annex A to Regulation (EU) No 549/2013 that was granted more recently than three years prior to the issuance of the European green bond;	(c) tax relief <i>as</i> referred to in <i>Annex A</i> , point 20.167 of Annex A , to Regulation (EU) No 549/2013, that was granted more recently than three years prior to the issuance of the European green bond;
81	(d) subsidies referred to in point 4.30 of Annex A to Regulation (EU) No 549/2013	(d) subsidies referred to in point 4.30 of Annex A to Regulation (EU) No 549/2013	(d) subsidies <i>as</i> referred to in <i>Annex A</i> , point 4.30 of Annex A , to Regulation (EU) No

	Commission Proposal	EP Mandate	Council Mandate
	that were transferred more recently than three years prior to the issuance of the European green bond;	that were transferred more recently than three years prior to the issuance of the European green bond;	549/2013, that were transferred more recently than three years prior to the issuance of the European green bond;
82	(e) capital expenditures referred to in point 20.104 of Annex A to Regulation (EU) No 549/2013.	(e) capital expenditures referred to in point 20.104 of Annex A to Regulation (EU) No 549/2013.	(e) capital expenditures <i>as</i> referred to in point 20.104 of Annex A , point 20.104 , to Regulation (EU) No 549/2013-;
82a			<i>(ea) operating expenditures or intermediate consumption as referred to in Annex A, point 3.88, to Regulation (EU) No 549/2013, incurred more recently than three years prior to the issuance of the European green bond;</i>
82b			<i>(eb) current transfers within general government as referred to in Annex A, point 4.118, to Regulation (EU) No 549/2013, provided that the proceeds of those transfers are allocated in accordance with points (a) to (d) of paragraph 1, or points (a) to (f) of paragraph 2; or</i>
82c			<i>(ec) current international cooperation as referred to in Annex A, point 4.121, to Regulation (EU) No 549/2013.</i>

	Commission Proposal	EP Mandate	Council Mandate
83	3. A European green bond may be refinanced by issuing a new European green bond.	3. A European green bond may be refinanced by issuing a new European green bond. deleted	3. A European green bond may be refinanced by issuing a new European green bond.
84	Article 5 Financial assets	Article 5 Financial assets	Article 5 Financial assets
85	1. Financial assets as referred to in Article 4(1), point (d), shall mean any of the following assets, or any combination thereof:	1. Financial assets as referred to in Article 4(1), point (d), shall mean any of the following assets, or any combination thereof:	1. Financial assets as referred to in Article 4(1), point (d), shall mean any of the following assets, or any combination thereof:
86	(a) debt;	(a) debt financial claim ;	(a) debt ;
87	(b) equity.	(b) equity instrument of another entity .	(b) equity .
88	2. The proceeds of the financial assets referred to in paragraph 1 shall only be allocated to fixed assets that are not financial assets as referred to in Article 4(1), point (a), capital expenditures as referred to in Article 4(1), point (b), or operating expenditures as referred to in Article 4(1), point (c).	2. The proceeds of the financial assets referred to in paragraph 1 shall only be allocated to fixed assets that are not financial assets as referred to in Article 4(1), point (a), capital expenditures as referred to in Article 4(1), point (b), or operating expenditures as referred to in Article 4(1), point (c).	2. The proceeds of the financial assets referred to in paragraph 1 shall only be allocated to fixed assets that are not financial assets as referred to the uses listed in Article 4(1), point (a), capital expenditures as referred to in Article 4(1), point (b), or operating expenditures as referred to in

	Commission Proposal	EP Mandate	Council Mandate
			Article 4(1), point (e) and (2).
89	3. By way of derogation from paragraph 2, the proceeds of the financial asset referred to in paragraph 1 may be allocated to other financial assets provided that the proceeds from those financial assets are allocated according to paragraph 2.	3. By way of derogation from paragraph 2, the proceeds of the financial asset referred to in paragraph 1 may be allocated to other financial assets provided that the proceeds from those financial assets are allocated according to paragraph 2 and provided that such allocation does not hamper the ability of external reviewers to effectively review the final allocation of proceeds.	3. By way of derogation from paragraph 2, the proceeds of the Where the proceeds of financial assets are allocated to one or more subsequent financial asset referred to in paragraph 1 may be allocated to other financial assets provided that the proceeds from those financial assets are allocated according to paragraph 2 assets, those proceeds shall be allocated at the level of the final recipient to the uses listed in Article 4(1), points (a) to (c), or in Article 4(2) where the latter applies.
90	Article 6 Taxonomy-alignment of use of proceeds	Article 6 Taxonomy-alignment of use of proceeds	Article 6 Taxonomy-alignment of use of proceeds
91	1. The use of proceeds referred to in Article 4 shall relate to economic activities that meet the taxonomy requirements, or that will meet the taxonomy requirements within a defined period of time as set out in a taxonomy-alignment plan.	1. The use of proceeds referred to in Article 4 shall relate to be allocated to the issuance costs of the bond and economic activities that meet the taxonomy requirements, or that will meet the taxonomy requirements within a defined period of time as set out in a taxonomy alignment plan CapEx plan as defined in the second subparagraph of point 1.1.2.2 of Annex I to Delegated Regulation (EU) 2021/2178.	1. The use of proceeds referred to in Article 4 shall relate to: (a) economic activities that meet the taxonomy requirements, or that will; or (b) in the case of capital expenditures or operating expenditures to economic activities that are expected to meet the taxonomy requirements within a definedcertain period of time as set out in a taxonomy alignmentCapEx Plan.

	Commission Proposal	EP Mandate	Council Mandate
92	<p>The taxonomy-alignment plan referred to in the first subparagraph shall describe the actions and expenditures that are necessary for an economic activity to meet the taxonomy requirements within the specified period of time.</p>	<p>The taxonomy-alignment planperiod referred to in the first subparagraph shall describe the actions and expenditures that are necessary for not exceed five years from bond issuance, unless a longer period of up to ten years is duly justified by the specific features of the economic activity to meet the taxonomy requirements within the specified activities concerned as documented in a CapEx plan. By ... [one year after the entry into force of this Regulation], the Commission shall adopt a delegated act in order to supplement this Regulation by listing the economic activities that qualify for the application of the extended period of time up to ten years.</p>	<p>The taxonomy-alignment plan referred to in the first subparagraph shall describe the actions and expenditures that are necessary for an economic activity to meet the taxonomy requirements within the specified period of time.</p>
93	<p>The period referred to in the first and second subparagraph shall not exceed five years from bond issuance, unless a longer period of up to ten years is justified by the specific features of the economic activities concerned as documented in a taxonomy-alignment plan.</p>	<p>The period referred to in the first and second subparagraph shall not exceed five years from bond issuance, unless a longer period of up to ten years is justified by the specific features of the economic activities concerned as documented in a taxonomy-alignment planPower is conferred on the Commission to supplement this Article by adopting the delegated act referred to in the second subparagraph of this paragraph in accordance with Article 60.</p>	<p>The period of time referred to in the first and secondpoint (b) of the first subparagraph shall not exceed five years from the bond issuance, unless a longer period of up to ten years is justified by the specific features of the economic activities concerned as documented in a taxonomy-alignmentthe CapEx Plan. The CapEx Plan referred to in the second subparagraph shall, for the purposes of this Regulation, (i) ensure that the economic activity referred to in point (b) of the first</p>

	Commission Proposal	EP Mandate	Council Mandate
			<i>subparagraph meets the taxonomy requirements within the required period of time and (ii) describe the actions and expenditures that are necessary for that economic activity to meet the taxonomy requirements within the specified period of time.</i>
93a		<i>CapEx plans relating to transitional economic activities within the meaning of Article 10(2) of Regulation (EU) 2020/852 shall meet the taxonomy requirements within a period of time that does not exceed two years.</i>	
93b			<i>1a. By way of derogation from Article 6(1), up to 20 % of the proceeds of European green bonds may be allocated to economic activities that comply with the taxonomy requirements, with the exception of the technical screening criteria referred to in Article 3, point (d), of Regulation (EU) 2020/852, that are:</i>
93c			<i>(a) economic activities for which no technical screening criteria have entered into force by the date of issuance of the European green bonds; or</i>

	Commission Proposal	EP Mandate	Council Mandate
93d			<i>(b) activities in the context of international support reported in accordance with internationally agreed guidelines, criteria and reporting cycles, including climate finance reported to the EU and United Nations Framework Convention on Climate Change (UNFCCC) as referred to in Article 19(3) of Regulation (EU) 2018/1999, and official development assistance (ODA) reported to the OECD Development Assistance Committee (DAC).</i>
93e			<i>Where the issuer makes use of the provisions in this paragraph, it shall include a statement in the factsheet as specified in Annex I of this Regulation, describing in particular the non-alignment with the taxonomy's technical screening criteria, the activities concerned and the estimated percentage of the proceeds intended to finance such activities as a total and on a per-activity basis.</i>
94	2. Where proceeds from a European green bond are allocated by means of financial assets either to capital expenditures as referred to in Article 4(1), point (b), or to	2. Where proceeds from a European green bond are allocated by means of financial assets either to capital expenditures as referred to in Article 4(1), point (b), or to	2. Where proceeds from of a European green bond are allocated by means of financial assets either to capital expenditures as referred to in Article 4(1), point (b), or to

	Commission Proposal	EP Mandate	Council Mandate
	operating expenditures as referred to in Article 4(1), point (c), the defined period of time referred to in paragraph 1, first subparagraph, shall start from the moment of the creation of the financial asset.	operating expenditures as referred to in Article 4(1), point (c), the defined period of time referred to in paragraph 1, first subparagraph, shall start from the moment of the creation of the financial asset.	operating expenditures as referred to in Article 4(1), point (c) , the defined period of time referred to in paragraph 1, first second subparagraph, shall start from the moment of the creation of the financial asset which initially introduced the CapEx Plan.
94a		<i>2a. The European green bond allocation reports referred to in Article 9 shall include information on the progress made in the implementation of the CapEx plan and shall be subject to external review. Where those annual intermediate steps are not achieved on two consecutive occasions, the issuer shall announce on its website and inform the relevant trading venue that the bond concerned no longer complies with the requirements for the use of the designation ‘European green bond’ or ‘EuGB’.</i>	
94b		<i>Article 6a Use of proceeds in cases of securitisation</i>	
94c		<i>Where a European green bond is used for securitisation purposes, the requirements of Article 6 shall apply to the entity from which the issuance economically originates.</i>	

	Commission Proposal	EP Mandate	Council Mandate
95	Article 7 Application of the taxonomy requirements	Article 7 Application of the taxonomy requirements	Article 7 Application of the taxonomy requirements
96	1. Issuers shall allocate bond proceeds to the uses set out in Article 4(1) points (a), (b) and (c), Article 4(2), or the equity referred to in Article 5(1), point (b) by applying the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 applicable at the point in time when the bond was issued.	1. Issuers shall allocate bond proceeds to the uses set out in Article 4(1) points (a), (b) and (c), Article 4(2), or the equity instrument of another entity referred to in Article 5(1), point (b) by applying the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 applicable at the point in time when the bond was issued.	1. Issuers shall allocate bond proceeds to the uses set out in Article 4(1) points (a), (b) and (c), listed in Article 4(2), or the equity referred to in Article 5(1), point (b) by applying in accordance with the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 applicable at the point in time when the bond was issued.
97	Where the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 are amended following the issuance of the bond, the issuer shall allocate bond proceeds to the uses referred to in the first subparagraph by applying the amended delegated acts within five years after their entry into application.	Where the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 are amended following the issuance of the bond, the issuer shall allocate bond proceeds to the uses referred to in the first subparagraph by applying the amended delegated acts within five years after their entry into application. Allocated bond proceeds shall not be required to be reallocated following an amendment to the delegated acts.	Where the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 are amended following the issuance of the bond, the issuer shall allocate bond proceeds to the uses referred to in the first subparagraph by applying the amended delegated acts within five years after their entry into application.
98	2. When allocating bond proceeds to the debt referred to in Article 5(1), point (a), issuers	2. When allocating bond proceeds to the debt financial claim referred to in Article	2. When allocating bond proceeds to the debt referred to in Article 5(1), point (a), debt

	Commission Proposal	EP Mandate	Council Mandate
	shall apply the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 applicable at the point in time when the debt was created.	5(1), point (a), issuers shall apply the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 applicable at the point in time when the debt was created.	issuers shall apply the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 applicable at the point in time when the debt was created– for the underlying activities concerned by that debt.
99	Where, at the time of the creation of the debt referred to in the first subparagraph, no delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 were in force, issuers shall apply the first delegated acts that were adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852.	Where, at the time of the creation of the debt financial claim referred to in the first subparagraph Article 5(1) point(a) , no delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 were in force, issuers shall apply the first delegated acts that were adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852.	Where, at the time of the creation of the debt referred to in the first subparagraph, no delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 were in foree applicable to all or part of the underlying economic activities concerned by that debt , issuers shall apply, for those economic activities , the first delegated acts that were adopted entered into application after the creation of the debt pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852.
100	Where the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 are amended following the creation of the debt referred to in the first subparagraph, the issuer shall allocate bond proceeds to the debt referred to in the first subparagraph by applying the amended delegated acts within five years after their entry into application.	Where the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 are amended following the creation of the debt financial claim referred to in the first subparagraph, the issuer shall allocate bond proceeds to the debt financial claim referred to in the first subparagraph by applying the amended delegated acts within five 10 years	Where the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 are amended following the creation of the debt referred to in the first subparagraph, the issuer shall allocate bond proceeds to the debt referred to in the first subparagraph by applying the amended delegated acts within five years after their entry into application.

	Commission Proposal	EP Mandate	Council Mandate
		after their entry into application.	
100a		Article 7a Exclusion of non-cooperative jurisdictions for tax purposes	
100b		1. Non-sovereign issuers and any of their related third parties that are located in jurisdictions listed in Annex I or II to the EU list of non-cooperative jurisdictions for tax purposes shall not be authorised to use the designation ‘European green bond’ or ‘EuGB’, unless they demonstrate real economic activity in the listed jurisdiction.	
100c		Sovereign issuers that are listed in Annex I or II to the EU list of non-cooperative jurisdictions for tax purposes shall not be authorised to use the designation ‘European green bond’ or ‘EuGB’.	
100d		2. Issuers shall disclose adherence to this requirement in the European green bond factsheet laid down in Annex I.	
100e			

	Commission Proposal	EP Mandate	Council Mandate
		<p style="text-align: center;"><i>Article 7b</i> <i>Transition plans</i></p>	
100f		<p><i>1. Before issuing a European green bond or a sustainability-linked bond, issuers of such bonds that are subject to an obligation to create transition plans pursuant to Article 19a(2a) or Article 29a(2a) of Directive 2013/34/EU [as amended by the CSRD] shall be required to have received a positive opinion by an auditor on the alignment of the transition plan with the objective to achieve climate neutrality by 2050 at the latest, as set out in Regulation (EU) 2021/1119.</i></p>	
100g		<p><i>2. Issuers of sustainability-linked bonds in the Union that are subject to an obligation to disclose information on sustainability matters pursuant to Article 19a or Article 29a of Directive 2013/34/EU [as amended by the CSRD] shall include the information outlined in point 3 of Annex I to this Regulation in their pre-contractual disclosures and the information outlined in point 2 of Annex III to this Regulation in an annual periodic report.</i></p>	
100h			

	Commission Proposal	EP Mandate	Council Mandate
		<i>3. The pre-contractual disclosures and annual periodic reports referred to in the paragraph 2 shall be reviewed by external reviewers that are registered in accordance with Articles 14 to 17, that meet the requirements of Titles II and III and that are subject to supervision pursuant to Title IV, Chapter III, of this Regulation.</i>	
100i		<i>Article 7c Disclosures for bonds marketed as environmentally sustainable</i>	
100j		<i>1. Issuers of bonds marketed in the Union as environmentally sustainable and of sustainability-linked bonds that are marketed in the Union, shall publish and maintain on their websites a statement on due diligence policies with respect to principal adverse impacts of investment decisions on sustainability factors, taking due account of their size and the nature and scale of their activities.</i>	
100k		<i>2. The ESAs shall develop, through the Joint Committee, draft regulatory technical standards in accordance with Articles 10 to 14 of Regulations (EU) No 1093/2010, (EU)</i>	

	Commission Proposal	EP Mandate	Council Mandate
		<i>No 1094/2010 and (EU) No 1095/2010 on the content, methodologies and presentation of information referred to in the paragraph 1.</i>	
100l		<i>When preparing the draft regulatory technical standards referred to in the first subparagraph, the ESAs shall, where relevant, seek input from the European Environment Agency and the Joint Research Centre of the European Commission.</i>	
100m		<i>(b) The ESAs shall submit those draft regulatory standards to the Commission by [12 months after the date of entry into force of this Regulation].</i>	
100n		<i>(c) Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010.</i>	
100o			

	Commission Proposal	EP Mandate	Council Mandate
		3. Issuers of bonds marketed as environmentally sustainable in the Union that do not use the designation ‘European green bonds’ or ‘EuGB’ shall disclose in their pre-contractual disclosures:	
100p		(a) a clear and reasoned explanation of how the bond takes account of principal adverse impacts on sustainability factors;	
100q		(b) information on how the environment characteristics of the bond are met, including the information outlined in Annex 1.3;	
100r		(c) information about the intended allocation of bond proceeds, including the information outlined in Annex 1.4;	
100s		(d) information about the percentage of expected taxonomy-alignment of the use of proceeds of the bond.	
100t		4. Issuers of bonds marketed as environmentally sustainable in the Union	

	Commission Proposal	EP Mandate	Council Mandate
		<i>that do not use the designation ‘European green bonds’ or ‘EuGB’ shall include a description in annual periodic reports of the extent to which environmental characteristics are met, including the information as outlined in point 3 of Annex II.</i>	
100u		<i>5. The ESAs may develop, through the Joint Committee, draft regulatory technical standards to specify the details of the content and presentation of information referred to in paragraphs 3 and 4.</i>	
100v		<i>Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010</i>	
100w		<i>6. The pre-contractual disclosures and annual periodic reports shall be reviewed by external reviewers that are registered in accordance with Articles 14 to 17, that meet the requirements of Titles II and III and that are subject to supervision pursuant to</i>	

	Commission Proposal	EP Mandate	Council Mandate
		<i>Title IV, Chapter III, of this Regulation.</i>	
100x		<i>Article 7d Use of the European green bond standard by Union institutions and bodies</i>	
100y		<i>Union institutions and bodies shall use the European green bond standard and apply the criteria of Articles 4 to 7a to any issuance of use of proceeds bond that has environmental sustainability as its objective.</i>	
100z		<i>Article 7e Taxonomy equivalence</i>	
100aa		<i>1. Where a third country has in place a taxonomy to facilitate sustainable investment which is substantially equivalent to the EU taxonomy, the Commission shall, following a positive recommendation from the Platform on Sustainable Finance established under Article 20 of Regulation (EU) 2020/852, adopt delegated acts in accordance with Article 60 in order to supplement this Regulation by authorising</i>	

	Commission Proposal	EP Mandate	Council Mandate
		<p><i>that the use of proceeds of an EuGB can be allocated in accordance with that third-country taxonomy. The use of proceeds shall not be allocated to economic activities not covered by the delegated acts adopted pursuant to Articles 10(3), 11(3), 12(2), 13(2), 14(2) and 15(2) of Regulation 2020/852. As a minimum the third-country taxonomy shall have equivalent environmental objectives and equivalent criteria for significant harm and substantial contribution to each of those environmental objectives, and shall require minimum safeguards in the field of human rights equivalent to those laid down in Article 18 of Regulation (EU) 2020/852.</i></p>	
100ab		<p><i>2. The delegated acts referred to in paragraph 1 shall allow for the use of an equivalent third-country taxonomy when allocating proceeds of European green bonds to projects in the third country concerned. That third-country taxonomy shall be allowed to be used to complement the EU taxonomy for a part of the proceeds of the European green bond, or to fully allocate the proceeds of the European green bond. The equivalent third-country taxonomy shall not be used for projects taking place in the Union or in a different third country.</i></p>	

	Commission Proposal	EP Mandate	Council Mandate
101	Chapter II Transparency and external review requirements	Chapter II Transparency and external review requirements	Chapter II Transparency and external review requirements
102	Article 8 European green bond factsheet and pre-issuance review of the European green bond factsheet	Article 8 European green bond factsheet and pre-issuance review of the European green bond factsheet	Article 8 European green bond factsheet and pre-issuance review of the European green bond factsheet
103	1. Prior to issuing a European green bond, issuers shall:	1. Prior to issuing a European green bond, issuers shall:	1. Prior to issuing a European green bond, issuers shall:
104	(a) complete the European green bond factsheet laid down in Annex I;	(a) complete the European green bond factsheet laid down in Annex I;	(a) complete the European green bond factsheet laid down in Annex I;
105	(b) ensure that the completed European green factsheet has been subject to a pre-issuance review with a positive opinion by an external reviewer.	(b) ensure that the completed European green bond factsheet has been subject to a pre-issuance review with a positive opinion by an external reviewer-	(b) ensure that the completed European green bond factsheet has been subject to a pre-issuance review with a positive opinion by an external reviewer.
106	2. A European green bond factsheet may relate to one or several European green bond issuances.	2. Each European green bond factsheet may shall relate to one or individual bond . Several European green bond issuances factsheets may be published jointly .	2. A European green bond factsheet may relate to one or several European green bond issuances.

	Commission Proposal	EP Mandate	Council Mandate
106a		<i>2a. By way of derogation from paragraph 2, a European green bond factsheet concerning an allocation of a portfolio of European green bonds to a portfolio of financial assets referred to in Article 5 may relate to several European green bond issuances.</i>	
107	3. The pre-issuance review of the factsheet referred to in paragraph 1, point (b) shall contain all of the following:	3. The pre-issuance review of the factsheet referred to in paragraph 1, point (b) shall contain all of the following:	3. The pre-issuance review of the factsheet referred to in paragraph 1, point (b), shall contain all of the following :
108	(a) an assessment of whether the completed green bond factsheet complies with Articles 4 to 7 of this Regulation and Annex I to this Regulation;	(a) an assessment of whether the completed European green bond factsheet complies with Articles 4 to 7 7b of this Regulation and Annex I to this Regulation;	(a) an assessment of whether the completed green bond factsheet complies with Articles 4 to 7 of this Regulation and Annex I; and to this Regulation ;
109	(b) the elements set out in Annex IV.	(b) the elements set out in Annex IV.	(b) the elements set out in Annex IV.
110	Article 9 Allocation reports and post-issuance review of allocation reports	Article 9 Allocation reports and post-issuance review of allocation reports	Article 9 Allocation reports and post-issuance review of allocation reports

	Commission Proposal	EP Mandate	Council Mandate
111	1. Every year and until the full allocation of the proceeds of the European green bond concerned, issuers of European green bonds shall draw up a European green bond allocation report by using the template laid down in Annex II, demonstrating that the proceeds of any European green bonds concerned from their issuance date and until the end of the year the report refers to have been allocated in accordance with Articles 4 to 7.	1. Every year and until the full allocation of the proceeds of the European green bond concerned, issuers of European green bonds shall draw up a European green bond allocation report by using the template laid down in Annex II, demonstrating that the proceeds of any European green bonds concerned from their issuance date and until the end of the year the report refers to have been allocated in accordance with Articles 4 to 7.	1. <i>For every year and 12-months annual period until (and including) the annual period of the full allocation of the proceeds of the European green bond concerned, and at least until the completion of the CapEx Plan, if applicable,</i> issuers of European green bonds shall draw up a European green bond allocation report by using the template laid down in Annex II, demonstrating that the proceeds of any European green bonds concerned from their issuance date and until the end of the year <i>annual period</i> the report refers to have been allocated in accordance with Articles 4 to 7. <i>The first annual period starts on the date of issuance or, at the choice of the issuer on the 1st of January or at the date marking the start of the issuer's financial year. The date on which the first annual period starts shall not be later than the issuance date and shall be specified in the factsheet.</i>
112	2. A European green bond allocation report may relate to one or several issuances of European green bonds.	2. A European green bond allocation report may <i>shall</i> relate to one or <i>individual bond</i> . Several issuances of European green bonds <i>allocation reports may be published jointly</i> .	2. A European green bond allocation report may relate to one or several issuances of European green bonds.
112a		<i>2a. By way of derogation from paragraph 2,</i>	

	Commission Proposal	EP Mandate	Council Mandate
		<i>a European green bond allocation report concerning an allocation of a portfolio of European green bonds to a portfolio of financial assets referred to in Article 5 may relate to several European green bond issuances.</i>	
113	3. Issuers of European green bonds shall obtain a post-issuance review by an external reviewer of the allocation report drawn up after the full allocation of the proceeds of the European green bond in accordance with Articles 4 to 7.	3. Issuers of European green bonds shall obtain a post-issuance review by an external reviewer of the allocation report drawn up after the full allocation of the proceeds of the European green bond in accordance with Articles 4 to 7 b .	3. Issuers of European green bonds shall obtain a post-issuance review by an external reviewer of the allocation report drawn up after the full allocation of the proceeds of the European green bond in accordance with Articles 4 to 7.
114	4. Where, following the publication of the allocation report in accordance with Article 13(1), point (c), the allocation of proceeds is corrected, issuers of the European green bonds concerned shall amend the allocation report and obtain a post-issuance review by an external reviewer of that amended allocation report.	4. Where, following the publication of the allocation report in accordance with Article 13(1), point (c), the allocation of proceeds is corrected, issuers of the European green bonds concerned shall amend the allocation report and obtain a post-issuance review by an external reviewer of that amended allocation report.	4. Where, following the publication of the allocation report in accordance with Article 13(1), point (c), the allocation of proceeds is corrected, issuers of the European green bonds concerned shall, without undue delay , amend the allocation report and obtain a post-issuance review by an external reviewer of that amended allocation report.
115	5. By way of derogation from paragraph 3, every allocation report from issuers that are financial undertakings that allocate proceeds from a portfolio of several European green bonds to a portfolio of financial assets as	5. By way of derogation from paragraph 3, every allocation report from issuers that are <i>financial undertakings that</i> allocate proceeds from a portfolio of several European green bonds to a portfolio of financial assets as	5. By way of derogation from paragraph 3, every allocation report from issuers that are <i>financial undertakings that</i> allocate proceeds from of a portfolio of one or several European green bonds to a portfolio of financial assets

	Commission Proposal	EP Mandate	Council Mandate
	referred to in Article 5 shall be subject to a post-issuance review by an external reviewer. The external reviewer shall pay particular attention to those financial assets that were not included in any previously published allocation report.	referred to in Article 5 shall be subject to a post-issuance review by an external reviewer. The external reviewer shall pay particular attention to those financial assets that were not included in any previously published allocation report.	as referred to in Article 5 shall be shall be subject to a post-issuance review by an external reviewer, except where there has been no change in allocation, meaning no addition or replacement was made to the portfolio of financial assets and no financial asset part of the portfolio during that annual period was amended or itself subject to a post-issuance review by an external reviewer change in allocation, compared to the year covered by the previous allocation report. A statement regarding the absence of such change of allocation shall be included in each allocation report where applicable. The external reviewer shall pay particular attention to those financial assets that were not included in any previously published allocation report.
115a		5a. By way of derogation from paragraph 3, every allocation report from issuers that allocate proceeds in accordance with a CapEx plan under Article 6 shall be subject to a post-issuance review by an external reviewer. The external reviewer shall in particular take into consideration whether the issuers continue to adhere to the CapEx plan.	
116	6. Issuers of European green bonds shall	6. Issuers of European green bonds shall	6. Issuers of European green bonds shall

	Commission Proposal	EP Mandate	Council Mandate
	provide the allocation reports referred to in paragraph 3, 4, and 5 to an external reviewer within 30 days following the end of the year to which the allocation reports refer. The post-issuance review must be made public within 90 days following the receipt of the allocation report.	provide the allocation reports referred to in paragraph 3, 4, and 5 to an external reviewer within 30 90 days following the end of the year to which the allocation reports refer. The post-issuance review must be made public within 90 days following the receipt of the allocation report.	provide the ensure that the annual allocation reports referred to in paragraph 3, 4, and 5 to an external reviewer and, where applicable the post-issuance review(s), required under this Article are made public within 30 days 9 months following the end of the year to which the allocation reports refer. The post-issuance review must be made public within 90 days following the receipt of the each annual period specified in paragraph 1. Within this timeframe, issuers shall ensure that the external reviewer has at least 30 calendar days to review an allocation report.
116a			Issuers of European green bonds shall provide any amended allocation report, referred to in paragraph 4, without undue delay to an external reviewer. The amended allocation report and the post-issuance review shall be made public without undue delay.
116b			6a. In case of an error in the pre-issuance or post-issuance review notified by the external reviewer in accordance with Article 24 of this Regulation, the issuer shall, without undue delay, make public the amended pre-issuance or post-issuance review, specifying the date on which such publication is made and the reason for and

	Commission Proposal	EP Mandate	Council Mandate
			<i>content of the amendment.</i>
117	7. The post-issuance review referred to in paragraphs 3, 4, and 5 shall contain all of the following:	7. The post-issuance review referred to in paragraphs 3, 4, and 5 shall contain all of the following:	7. The post-issuance review referred to in paragraphs 3, 4, and 5 shall contain all of the <i>following</i> :
118	(a) an assessment of whether the issuer has allocated the proceeds of the bond in compliance with Articles 4 to 7 based on the information provided to the external reviewer;	(a) an assessment of whether the issuer has allocated the proceeds of the bond in compliance with Articles 4 to 7 <i>7c</i> based on the information provided to the external reviewer;	(a) an assessment of whether the issuer has allocated the proceeds of the bond in compliance <i>accordance</i> with Articles 4 to 7, based on the information provided to the external reviewer;
119	(b) an assessment of whether the issuer has complied with the intended use of proceeds set out in the green bond factsheet based on the information provided to the external reviewer;	(b) an assessment of whether the issuer has complied with the intended use of proceeds set out in the green bond factsheet based on the information provided to the external reviewer;	(b) an assessment of whether the issuer has complied with the intended use of proceeds set out in the green bond factsheet, based on the information provided to the external reviewer;
119a			<i>(ba) where applicable, an assessment, after the completion of the CapEx Plan, of whether assets or activities subject to that plan meet the taxonomy requirements based on the information provided to the external reviewer; and</i>
120			

	Commission Proposal	EP Mandate	Council Mandate
	(c) the elements set out in Annex IV.	(c) the elements set out in Annex IV.	(c) the elements set out in Annex IV.
121	8. Where bond proceeds are allocated to tax relief as referred to in Article 4(2), point (c) or subsidies as referred to in Article 4(2), point (d), the post-issuance review shall only assess compliance with Articles 4 to 7 of the terms and conditions under which those expenditures or transfers have been disbursed.	8. Where bond proceeds are allocated to tax relief as referred to in Article 4(2), point (c) or subsidies as referred to in Article 4(2), point (d), the post-issuance review shall only assess compliance with Articles 4 to 7 of the terms and conditions under which those expenditures or transfers have been disbursed. Those allocations of proceeds shall be subject to an ex ante impact assessment by an independent third party that gives a positive assessment of the impact and cost-efficiency of such allocations. The effectiveness of an allocation of proceeds shall also be reviewed ex post by the state auditors or other relevant public entity of the Member State concerned.	8. Where bond proceeds are allocated to tax relief as the expenditures referred to in Article 4(2), point (e) or subsidies as referred to in Article 4(2), point (d), the post-issuance review shall may only assess compliance with Articles 4 to 7 of the terms and conditions under which those expenditures or transfers have been disbursed, where justified by (i) the complexity, scale and practical unfeasibility of a full assessment of the underlying activities, and (ii) the existence of binding provisions in those terms and conditions permitting the assessment of the alignment of the final use of proceeds with the taxonomy requirements.
121a			8a. Where bond proceeds are allocated in accordance with Article 5 in the context of activities of a public development credit institution, as defined in Article 429a(2) of Regulation (EU) 575/2013, the post-issuance review may assess compliance of the relevant activities with Articles 4 to 7 based on the principle of random sampling, in accordance with best market practices, if justified by the complexity, scale and

	Commission Proposal	EP Mandate	Council Mandate
			<i>practical unfeasibility of a full assessment of the underlying activities. Such assessment may be performed by taking into account data privacy measures in order to ensure a high level of protection of personal and other sensitive data that is not relevant for the purposes of the assessment.</i>
122	Article 10 European green bond impact report	Article 10 European green bond impact report	Article 10 European green bond impact report
123	1. Issuers of European green bonds shall, after the full allocation of the proceeds of such bonds and at least once during the lifetime of the bond, draw up a European green bond impact report on the environmental impact of the use of the bond proceeds by using the template laid down in Annex III.	1. Issuers of European green bonds shall, after the full allocation of the proceeds of such bonds and at least oncetwice during the lifetime of the bond, draw up a European green bond impact report on the environmental impact of the use of the bond proceeds by using the template laid down in Annex III.	1. Issuers of European green bonds shall, after the full allocation of the proceeds of such bonds, and at least once during the lifetime of the bond, draw up and make public a European green bond impact report on the environmental impact of the use of the bond proceeds by using the template laid down in Annex III.
124	2. A single impact report may cover several issuances of European green bonds.	2. A singleEach impact report may covershall relate to one individual bond. Several issuances of European green bondsimpact reports may be published jointly.	2. A single impact report may cover several issuances of European green bonds.
124a			

	Commission Proposal	EP Mandate	Council Mandate
		2a. By way of derogation from Article 10(2), a European green bond impact report concerning an allocation of a portfolio of European green bonds to a portfolio of financial assets as referred to in Article 5 may relate to several European green bond issuances.	
124b		2b. Issuers of European green bonds may obtain a review by an external reviewer of the impact report. That impact report review shall contain all of the following:	
124c		(a) an assessment of whether the bond issuance aligns with the broader sustainability strategy of the issuer;	
124d		(b) an assessment of the indicated sustainability impact of the bond proceeds;	
124e		(c) the elements set out in Annex IV.	
125	Article 11 Sovereigns as issuer	Article 11 Sovereigns as issuer	Article 11 Sovereigns as issuer

	Commission Proposal	EP Mandate	Council Mandate
126	An issuer that is a sovereign may obtain pre-issuance and post-issuance reviews from an external reviewer, or from a state auditor or any other public entity that is mandated by the sovereign to assess compliance with this Regulation.	An issuer that is a sovereign may obtain pre-issuance, post-issuance and impact report and post-issuance reviews from an external reviewer, or from a state auditor or any other public entity that is mandated by the sovereign to assess compliance with this Regulation. State auditors or other public entities that are mandated by non-Union sovereign issuers shall be required to obtain an approval from ESMA in accordance with Title III Chapter 1.	1. An issuer that is A sovereign may shall obtain pre-issuance and post-issuance reviews from post-issuance reviews of European green bonds from: (a) an external reviewer, or (b) an external reviewer and from a state auditor, whereby the state auditor shall review the allocation of bond proceeds and the external reviewer shall ascertain the or any other public entity that is mandated by the sovereign to assess compliance of economic activities funded through the bond with taxonomy requirements with this Regulation.
126a			2. Paragraph (b) of Article 9(7) shall apply to the state auditor when performing post-issuance review of allocation reports.
127	Article 12 Prospectus for European green bonds	Article 12 Prospectus for European green bonds	Article 12 Prospectus and terms and conditions for European green bonds
128	1. Where a prospectus is to be published pursuant to Regulation (EU) 2017/1129, that prospectus shall clearly state, where required to provide information on the use	1. Where a prospectus is to be published pursuant to Regulation (EU) 2017/1129, that prospectus shall clearly state, where required to provide information on the use	1. Where a prospectus is to be published pursuant to Regulation (EU) 2017/1129 for the European green bond, that prospectus or, where relevant and at the choice of the

	Commission Proposal	EP Mandate	Council Mandate
	of proceeds, that the European green bond is issued in accordance with this Regulation.	of proceeds, that the European green bond is issued in accordance with this Regulation.	issuer, the final terms of a base prospectus, shall clearly state, where required to provide information on in the section describing the use of proceeds, that the European green bond is issued in accordance with this Regulation.
129	2. For the purposes of Article 19(1), point (c), of Regulation (EU) 2017/1129, ‘regulated information’ shall include the information contained in the European green bond factsheet referred to in Article 8(1), point (a) of this Regulation.	2. For the purposes of The information contained in the European green bond factsheet referred to in Article 19(1)8(1), point (c), of (a) of this Regulation shall be fully integrated in the prospectus referred to in paragraph 1 of this Article by using the standardised template laid down in Annex I (EU) 2017/1129, ‘regulated information’ shall include the information contained in the European green bond factsheet referred to in Article 8(1), point (a) of this Regulation. TTE does not mark the changes correctly.	2. For the purposes of Article 19(1), point (c), of Regulation (EU) 2017/1129, ‘regulated information’ shall include the information contained in the European green bond factsheet referred to in Article 8(1), point (a) of this Regulation.
129a			2a. Where the obligation to publish a prospectus pursuant to Regulation (EU) 2017/1129 for the European green bond does not apply, the European green bond legal documentation, such as the terms and conditions of the bonds shall, in the section describing the use of proceeds, state that the European green bond is issued in

	Commission Proposal	EP Mandate	Council Mandate
			accordance with this Regulation.
129b			2b. Issuers shall undertake towards the investors by means of a binding clause in the terms and conditions or the final terms of the European green bond to comply in all material respects with the requirements applicable to issuers set out in this Title.
129c		Article 12a Civil liability	
129d		1. Member States shall ensure that responsibility for the taxonomy-aligned allocation of proceeds provided for in Articles 4 to 7 attaches to the issuer or its administrative, management or supervisory bodies.	
129e		2. Member States shall ensure that their laws, regulations and administrative provisions on civil liability apply to those persons responsible for any damages incurred by investors due to an infringement of Articles 4 to 7 of this Regulation.	

	Commission Proposal	EP Mandate	Council Mandate
130	Article 13 Publication on the issuer’s website and notification to ESMA and national competent authorities	Article 13 Publication on the issuer’s website and notification to ESMA and national competent authorities	Article 13 Publication on the issuer’s website and notification to ESMA and national competent authorities
131	1. Issuers of European green bonds shall publish on their website, in a distinct section titled ‘European green bonds’ and make available free of charge until at least the maturity of the bonds concerned, all of the following:	1. Issuers of European green bonds shall publish on their website and, where applicable, on the website of trading venues where the admission to trading is sought, in a distinct and accessible section titled ‘European green bonds’ and make available free of charge until at least the maturity of the bonds concerned, all of the following:	1. Issuers of European green bonds shall publish on their website, in a distinct section titled ‘European green bonds’ and make available, free of charge, and, where applicable, as provided for in Article 21(3) and (4) of Regulation (EU) 2017/1129, for each item within the required delay and until at least 12 months after the maturity of the bonds concerned, all of the following:
132	(a) the completed European green bond factsheet referred to in Article 8, before the issuance of the bond;	(a) the completed European green bond factsheet referred to in Article 8, before the issuance of the bond;	(a) the completed European green bond factsheet referred to in Article 8, before the issuance of the bond;
133	(b) the pre-issuance review related to the European green bond factsheet referred to in Article 8, before the issuance of the bond;	(b) the pre-issuance review related to the European green bond factsheet referred to in Article 8, before the issuance of the bond;	(b) the pre-issuance review related to the European green bond factsheet referred to in Article 8, before the issuance of the bond;

	Commission Proposal	EP Mandate	Council Mandate
134	(c) the European green bond annual allocation reports referred to in Article 9, every year until the full allocation of the proceeds of the European green bond concerned, no later than three months following the end of the year it refers to;	(c) the European green bond annual allocation reports referred to in Article 9, every year until the full allocation of the proceeds of the European green bond concerned, no later than three months following the end of the year it refers to;	(c) the European green bond annual allocation reports referred to in Article 9, every year until the full allocation of the proceeds of the European green bond concerned, no later than three months following the end of the year it refers to;
134a		(ca) where applicable, the CapEx plan referred to in Article 6;	
135	(d) the post-issuance reviews of the European green bond allocation reports referred to in Article 9;	(d) the post-issuance reviews of the European green bond allocation reports referred to in Article 9;	(d) the post-issuance reviews of the European green bond allocation reports referred to in Article 9;
136	(e) the European green bond impact report referred to in Article 10.	(e) the European green bond impact report referred to in Article 10.	(e) the European green bond impact report referred to in Article 10.;
136a		(ea) where applicable, the impact report review of the European green bond impact report referred to in Article 10;	
136b			(ea) the post-issuance review of the impact report if obtained; and

	Commission Proposal	EP Mandate	Council Mandate
136c		(eb) where applicable, the information referred to in Article 7b;	
136d			(eb) if a prospectus is published pursuant to Regulation (EU) 2017/1129, a link to the website where the prospectus can be consulted until at least the date mentioned in the first sub-paragraph of this Article,
136e			and, in each case, any amendments or corrections to those documents.
137	2. The information contained in the documents referred to in paragraph 1, points (a), (c) and (e), shall be provided in the following language or languages:	2. The information contained in the documents referred to in paragraph 1, points (a), (c) and (e), shall be provided in the following language or languages:	2. The information contained in the documents referred to in paragraph 1, points (a), (c) and (e), shall be provided at least in the following language or languages:
138	(a) where the European green bonds are offered to the public or are listed on a market in only one Member State, in a language accepted by the competent authority, as referred to in Article 36 of this Regulation, of that Member State;	(a) where the European green bonds are offered to the public or are listed on a market in only one Member State, in a language accepted by the competent authority, as referred to in Article 36 of this Regulation, of that Member State;	(a) where the European green bonds are offered to the public or are listed on a market in only onein only one Member State and are not admitted to trading on a trading venue in another Member State, in a language accepted by the competent authority of that Member State, or in a

	Commission Proposal	EP Mandate	Council Mandate
			language customary in the sphere of international finance, at the choice of the issuer, as referred to in Article 36 of this Regulation, of that Member State;
139	(b) where the European green bonds are offered to the public or are listed on a market in two or more Member States, either in a language accepted by the competent authority, as referred to in Article 37 of this Regulation, of each Member State, or in a language customary in the sphere of international finance, at the choice of the issuer.	(b) where the European green bonds are offered to the public or are listed on a market in two or more Member States, either in a language accepted by the competent authority, as referred to in Article 37 of this Regulation, of each Member State, or in a language customary in the sphere of international finance, at the choice of the issuer.	(b) where the European green bonds are offered to the public in more than one Member State or are listed on a market in two or more admitted to trading on a trading venue in a Member State different from the Member States in which they are offered to the public, either in a language or more languages accepted by the competent authority, as referred to in Article 37 of this Regulation, of each Member State of each Member State where an offer to the public is made and, if applicable where the European green bonds are admitted to trading on a trading venue, or in a language customary in the sphere of international finance, at the choice of the issuer.
140	3. By way of derogation from paragraph 2, where a prospectus for the European green bond is to be published in accordance with Regulation (EU) 2017/1129, the information contained in the documents referred to in paragraph 1, points (a), (c) and (e), shall be provided in	3. By way of derogation from paragraph 2, where a prospectus for the European green bond is to be published in accordance with Regulation (EU) 2017/1129, the information contained in the documents referred to in paragraph 1, points (a), (c) and (e), shall be provided in	3. By way of derogation from paragraph 2, where a prospectus for the European green bond is to be published in accordance with Regulation (EU) 2017/1129, the information contained in the documents referred to in paragraph 1, points (a), (c) and (e), shall be provided in

	Commission Proposal	EP Mandate	Council Mandate
	the language or languages of that prospectus.	the language or languages of that prospectus.	the language or languages of that prospectus.
141	4. Issuers of European green bonds shall notify the National Competent Authority referred to in Article 36 of the publication of all the documents referred to in paragraph 1 without undue delay.	4. Issuers of European green bonds shall notify the National Competent Authority referred to in Article 36 of the publication of all the documents referred to in paragraph 1 without undue delay.	4. Issuers ofWhere Article 36 is applicable to a European green bondsbond issue, the issuer shall notify the National competent authority referred to in Article 36that Article of the publication of alleach of the documents referred to in paragraph 1 of this Article without undue delay following each publication.
142	5. Issuers of European green bonds shall notify ESMA of the publication of all the documents referred to in paragraph 1 within 30 days.	5. Issuers of European green bonds shall notify ESMA of the publication of all the documents referred to in paragraph 1 within 30 days.	5. Issuers of European green bonds shall notify ESMA of the publication of all the documents referred to inThe competent authority referred to in paragraph 4 shall notify ESMA of each notification received pursuant to that paragraph 1 within 30 days of the receipt thereof.
143	Title III External reviewers for European Green Bonds	Title III External reviewers for European Green Bonds	Title III External reviewers for European green bonds
144	Chapter I Conditions for taking up activities as	Chapter I Conditions for taking up activities as	Chapter I Conditions for taking up activities as

	Commission Proposal	EP Mandate	Council Mandate
	external reviewer for European green bonds	external reviewer for European green bonds	external reviewer for review of European green bonds
145	Article 14 Registration	Article 14 Registration	Article 14 Registration
146	1. External reviewers for European green bonds shall, before taking up their activities, register with ESMA.	1. External reviewers for European green bonds shall, before taking up their activities, register with ESMA.	1. External reviewers for European green bonds shall, before taking up their activities, register with ESMA.
147	2. External reviewers registered with ESMA shall meet the conditions for registration laid down in Article 15(2) at all times.	2. External reviewers registered with ESMA shall meet the conditions for registration laid down in Article 15(2) at all times.	2. External reviewers registered with ESMA shall meet the conditions for registration laid down in Article 15(2) at all times.
148	3. State auditors and other public entities mandated by sovereign issuers to assess compliance with this Regulation shall not be subject to Title III and Title IV of this Regulation.	3. State auditors and other public entities mandated by sovereign issuers to assess compliance with this Regulation shall not be subject to Title III and Title IV of this Regulation.	3. State auditors and other public entities mandated by sovereign issuers to assess compliance with this Regulation shall not be subject to Title III and Title IV of this Regulation.
149	Article 15 Application for registration as an external reviewer for European Green Bonds	Article 15 Application for registration as an external reviewer for European Green Bonds	Article 15 Application for registration as an external reviewer for European green bonds

	Commission Proposal	EP Mandate	Council Mandate
150	1. An application for registration as an external reviewer for European green bonds shall contain all of the following information:	1. An application for registration as an external reviewer for European green bonds shall contain all of the following information:	1. An application for registration as an external reviewer for European green bonds shall contain all of the following information:
151	(a) the full name of the applicant, the address of the registered office within the Union, the applicant's website and, where available, the legal entity identifier (LEI);	(a) the full name of the applicant, the address of the registered office within the Union, the applicant's website and, where available, the legal entity identifier (LEI);	(a) the full name of the applicant, the address of the registered office within the Union, the applicant's website and, where available, the legal entity identifier (LEI);
152	(b) the name and contact details of a contact person;	(b) the name and contact details of a contact person;	(b) the name and contact details of a contact person;
153	(c) the legal status of the applicant;	(c) the legal status of the applicant;	(c) the legal status of the applicant;
154	(d) the ownership structure of the applicant;	(d) the ownership structure of the applicant;	(d) the ownership structure of the applicant;
154a		(da) a document containing information on the business plans and corporate governance arrangements of the applicant;	

	Commission Proposal	EP Mandate	Council Mandate
155	(e) the identity of the members of the senior management of the applicant and their level of qualification, experience and training;	(e) the identity of the members of the senior management and the board of the applicant and with their curriculum vitae showing at least their level of qualification, experience and training;	(e) the identity of the members of the senior management of the applicant and their level of qualification, relevant experience and training;
156	(f) the number of the analysts, employees and other persons directly involved in assessment activities, and their level of experience and training working for the applicant and their level of experience and training;	(f) the number of the analysts, employees and other persons directly involved in assessment activities, and their level of experience and training gained prior to and while working for the applicant and their level of experience and training in the provision of external review or similar services;	(f) the number of the analysts, employees and other persons directly involved in assessment activities, and their level of experience and training working for the applicant and their level of relevant experience and training;
157	(g) a description of the procedures and methodologies implemented by the applicant to issue pre-issuance reviews as referred to in Article 8 and post-issuance reviews as referred to in Article 9;	(g) a description of the procedures and methodologies implemented by the applicant to issue pre-issuance reviews as referred to in Article 8, post-issuance reviews as referred to in Article 9 and impact report and post-issuance reviews as referred to in Article 910;	(g) a description of the procedures and methodologies implemented by the applicant to issue pre-issuance reviews as referred to in Article 8 and post-issuance reviews as referred to in Article 9;
158	(h) the policies or procedures implemented by the applicant to identify, manage and disclose any conflicts of interests as referred to in Article 27;	(h) the policies or procedures implemented by the applicant to identify, eliminate or manage, and disclose in a transparent manner any actual or	(h) the policies or procedures implemented by the applicant to identify, manage and disclose any conflicts of interests as referred to in Article 27;

	Commission Proposal	EP Mandate	Council Mandate
		potentialany conflicts of interests as referred to in Article 27;	
159	(i) where applicable, documents and information related to any existing or planned outsourcing arrangements for activities of the external reviewer covered by this Regulation, including information on entities assuming outsourcing functions;	(i) where applicable, documents and information related to any existing or planned outsourcing arrangements for activities of the external reviewer covered by this Regulation, including information on entities assuming outsourcing functions;	(i) where applicable, documents and information related to any existing or planned outsourcing arrangements for activities of the external reviewer covered by this Regulation, including information on entities assuming outsourcing functions; and
160	(j) where applicable, information about other activities carried out by the applicant.	(j) where applicable, information about other activities carried out by the applicant.	(j) where applicable, information about other activities carried out by the applicant.
161	2. ESMA shall only register an applicant as an external reviewer where all of the following conditions are met:	2. ESMA shall only register an applicant as an external reviewer where all of the following conditions are met:	2. ESMA shall only register an applicant as an external reviewer where all of the following conditions are met:
162	(a) the senior management of the applicant:	(a) the senior management and the board of the applicant are:	(a) the senior management of the applicant:
163	(i) is of sufficiently good repute;	(i) is of sufficiently good repute, as demonstrated by, among other matters, legal records and the absence of	(i) is of sufficiently good repute;

	Commission Proposal	EP Mandate	Council Mandate
		occurrences of professional negligence;	
164	(ii) is sufficiently skilled to ensure that the applicant can perform the tasks required of external reviewers pursuant to this Regulation;	(ii) is sufficiently skilled to ensure that the applicant can perform the tasks required of external reviewers pursuant to this Regulation;	(ii) is sufficiently skilled to ensure that the applicant can perform the tasks required of external reviewers pursuant to this Regulation;
165	(iii) has sufficient professional qualifications;	(iii) haswith sufficient professional qualifications;	(iii) has sufficient professional qualifications;
166	(iv) is experienced in quality assurance, quality control, the performance of pre- and post-issuance reviews and financial services;	(iv) is experienced in a range of the following activities: quality assurance, quality control, the performance of pre- and post-issuance, post-issuance and impact report reviews, the provision of second party alignment opinions and financial services;	(iv) is experienced in quality assurance, quality control, the performance of pre- and post-issuance reviews and financial serviceshas relevant experience;
167	(b) the number of analysts, employees and other persons directly involved in assessment activities, and their level of experience and training, are sufficient to perform the tasks required from external reviewers pursuant to this Regulation;	(b) the number of analysts, employees and other persons directly involved in assessment activities, and their level of experience and training, are sufficient to perform the tasks required from external reviewers pursuant to this Regulation;	(b) the number of analysts, employees and other persons directly involved in assessment activities, and their level of experience and training, are sufficient to perform the tasks required from external reviewers pursuant tounder this Regulation;

	Commission Proposal	EP Mandate	Council Mandate
168	(c) the internal arrangements implemented to ensure compliance with the requirements of Chapter II of this Section are appropriate and effective.	(c) the internal arrangements implemented to ensure compliance with the requirements of Chapter II of this Section are appropriate and effective.	(c) the internal arrangements implemented to ensure compliance with the requirements of Chapter II of this Section are appropriate and effective.
169	3. ESMA shall assess whether the application is complete within 20 working days after its receipt.	3. ESMA shall assess whether the application is complete within 20 working days after its receipt.	3. ESMA shall assess whether the application is complete within 20 working days after its receipt.
170	Where the application is not complete, ESMA shall notify the applicant thereof and set a deadline by which the applicant is to provide additional information.	Where the application is not complete, ESMA shall notify the applicant thereof and set a deadline by which the applicant is to provide additional information. ESMA shall assess whether the application is complete within 20 working days after the receipt of that additional information.	Where the application is not complete, ESMA shall notify the applicant thereof and set a deadline by which the applicant is to provide additional information.
171	Where the application is complete, ESMA shall notify the applicant thereof.	Where the application is complete, ESMA shall notify the applicant thereof.	Where the application is complete, ESMA shall notify the applicant thereof.
172	4. ESMA shall register or refuse to register an applicant within 45 working days after receipt of the complete application.	4. ESMA shall register or refuse to register an applicant within 45 working days after receipt of the complete application.	4. ESMA shall register or refuse to register an applicant within 45 working days after receipt of the complete application.

	Commission Proposal	EP Mandate	Council Mandate
173	ESMA may extend the period referred to in the first subparagraph by 15 working days where the applicant intends to use outsourcing to perform its activities as an external reviewer.	ESMA may extend the period referred to in the first subparagraph by 15 working days where the applicant intends to use outsourcing to perform some of its activities as an external reviewer.	ESMA may extend the period referred to in the first subparagraph by 15 working days where the applicant intends to use outsourcing to perform its activities as an external reviewer.
174	ESMA shall notify in writing an applicant of his or her registration as an external reviewer, or of its refusal to register an applicant. The decision to register or the refusal to register shall provide reasons and take effect on the fifth working day following its adoption.	ESMA shall notify in writing an applicant of his or her registration as an external reviewer, or of its refusal to register an applicant. The decision to register or the refusal to register shall provide reasons and take effect on the fifth working day following its adoption.	ESMA shall notify in writing an applicant in writing of his or her registration as an external reviewer, or of its refusal to register an applicant. The decision to register or the refusal to register shall provide reasons and take effect on the fifth working day following its adoption.
175	5. ESMA shall develop draft regulatory technical standards specifying the criteria referred to in paragraph 2, points (a) and (b).	5. ESMA shall develop draft regulatory technical standards specifying the criteria referred to in paragraph 2, points (a) and (b).	5. ESMA shall develop draft regulatory technical standards specifying the criteria referred to in paragraph 2, points (a) and (b).
176	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by ... [PO: Please insert date 12 months after the date of entry into force of this Regulation].
177			

	Commission Proposal	EP Mandate	Council Mandate
	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.
178	6. ESMA shall develop draft implementing technical standards to specify the standard forms, templates and procedures for the provision of the information referred to in paragraph 1.	6. ESMA shall develop draft implementing technical standards to specify the standard forms, templates and procedures for the provision of the information referred to in paragraph 1.	6. ESMA shall develop draft implementing technical standards to specify the standard forms, templates and procedures for the provision of the information referred to in paragraph 1.
179	When developing the draft implementing technical standards, ESMA shall take into account digital means of registration.	When developing the draft implementing technical standards, ESMA shall take into account digital means of registration.	When developing the draft implementing technical standards, ESMA shall take into account digital means of registration.
180	ESMA shall submit those draft implementing technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft implementing technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft implementing technical standards to the Commission by ... [PO: Please insert date 12 months after the date of entry into force].
181	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first

	Commission Proposal	EP Mandate	Council Mandate
	subparagraph of this paragraph in accordance with Article 15 of Regulation (EU) No 1095/2010.	subparagraph of this paragraph in accordance with Article 15 of Regulation (EU) No 1095/2010.	subparagraph of this paragraph in accordance with Article 15 of Regulation (EU) No 1095/2010.
182	Article 16 Material changes relevant for the registration	Article 16 Material changes relevant for the registration	Article 16 Material changes relevant for the registration
183	1. An external reviewer shall notify ESMA of any material changes in the information provided in accordance with Article 15(1) or in the facts concerning the information referred to in Article 15(1) before such changes are implemented	1. An external reviewer shall notify ESMA of any material changes in the information provided in accordance with Article 15(1) or in the facts concerning the information referred to in Article 15(1) before such changes are implemented	1. An external reviewer shall notify ESMA of any material changes in the information provided in accordance with Article 15(1) or in the facts concerning the information referred to in Article 15(1) before such changes are implemented .
184	ESMA shall analyse those material changes. Where ESMA objects to such material changes, it shall inform the external reviewer within two months of the notification of those changes and shall state the reasons for the objection. The changes referred to in the first subparagraph may only be implemented provided that ESMA does not object to those changes within that period.	ESMA shall analyse those material changes. Where ESMA objects to such material changes, it shall inform the external reviewer within two months⁴⁵ working days of the notification of those changes and shall state the reasons for the objection. The changes referred to in the first subparagraph may only be implemented provided that ESMA does not object to those changes within that period.	ESMA shall analyse those material changes. Where ESMA objects to such material changes, it shall inform the external reviewer within two months of the notification of those changes and shall state the reasons for theits objection. The changes referred to in the first subparagraph of this paragraph may only be implemented provided that ESMA does not object to those changes within that period.

	Commission Proposal	EP Mandate	Council Mandate
185	2. ESMA shall develop draft implementing technical standards to specify the standard forms, templates and procedures for the provision of the information referred to in paragraph 1.	2. ESMA shall develop draft implementing technical standards to specify the standard forms, templates and procedures for the provision of the information referred to in paragraph 1.	2. ESMA shall develop draft implementing technical standards to specify the standard forms, templates and procedures for the provision of the information referred to in paragraph 1.
186	When developing the draft implementing technical standards ESMA shall take into digital means of registration.	When developing the draft implementing technical standards ESMA shall take into digital means of registration.	When developing the draft implementing technical standards ESMA shall take into account digital means of registration.
187	ESMA shall submit those draft implementing technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft implementing technical standards to the Commission by [PO: Please insert date 1224 months after the date of entry into force].	ESMA shall submit those draft implementing technical standards to the Commission by ... [PO: Please insert date 1224 months after the date of entry into force].
188	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph of this paragraph in accordance with Article 15 of Regulation (EU) No 1095/2010.	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph of this paragraph in accordance with Article 15 of Regulation (EU) No 1095/2010.	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph of this paragraph in accordance with Article 15 of Regulation (EU) No 1095/2010.
189	Article 17 Language regime	Article 17 Language regime	Article 17 Language regime

	Commission Proposal	EP Mandate	Council Mandate
190	<p>An external reviewer shall submit the application for registration referred to in Article 15 in any of the official languages of the institutions of the Union. The provisions of Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community¹ shall apply mutatis mutandis to any other communication between ESMA and the external reviewers and their staff.</p> <p>1. OJ 17, <u>6.10.1958</u>, p. 385/58.</p>	<p>An external reviewer shall submit the application for registration referred to in Article 15 in any of the official languages of the institutions of the Union. The provisions of Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community¹ shall apply mutatis mutandis to any other communication between ESMA and the external reviewers and their staff.</p> <p>1. OJ 17, <u>6.10.1958</u>, p. 385/58.</p>	<p>An external reviewer shall submit the application for registration referred to in Article 15 in any of the official languages of the institutions of the Union. The provisions of Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community¹ shall apply mutatis mutandis to any other communication between ESMA and the external reviewers and their staff.</p> <p>1. OJ 17, <u>6.10.1958</u>, p. 385/58.</p>
191	<p>Chapter II Organisational requirements, processes and documents concerning governance</p>	<p>Chapter II Organisational requirements, processes and documents concerning governance</p>	<p>Chapter II Organisational requirements, processes and documents concerning governance</p>
192	<p>Article 18 General principles</p>	<p>Article 18 General principles</p>	<p>Article 18 General principles</p>
193	<p>1. External reviewers shall employ appropriate systems, resources and procedures to comply with their obligations under this Regulation.</p>	<p>1. External reviewers shall employ appropriate systems, resources and procedures to comply with their obligations under this Regulation.</p>	<p>1. External reviewers shall employ appropriate systems, resources and procedures to comply with their obligations under this Regulation.</p>

	Commission Proposal	EP Mandate	Council Mandate
194	2. External reviewers shall monitor and evaluate the adequacy and effectiveness of their systems, resources and procedures established in accordance with this Regulation at least annually and take appropriate measures to address any deficiencies.	2. External reviewers shall monitor and evaluate the adequacy and effectiveness of their systems, resources and procedures established in accordance with this Regulation at least annually and take appropriate measures to address any deficiencies.	2. External reviewers shall monitor and evaluate the adequacy and effectiveness of their systems, resources and procedures established in accordance with this Regulation at least annually and take appropriate measures to address any deficiencies.
195	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the appropriateness, adequacy, and effectiveness of the systems, resources, mechanisms, and procedures of external reviewers referred to in paragraphs 1 and 2.	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the appropriateness, adequacy, and effectiveness of the systems, resources, mechanisms, and procedures of external reviewers referred to in paragraphs 1 and 2.	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the appropriateness, adequacy, and effectiveness of the systems, resources, mechanisms, and procedures of external reviewers referred to in paragraphs 1 and 2.
196	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 1236 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by ... [PO: Please insert date 1224 months after the date of entry into force].
197	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.

	Commission Proposal	EP Mandate	Council Mandate
198	Article 19 Senior management	Article 19 Senior management	Article 19 Senior management
199	1. The senior management of the external reviewer shall ensure all of the following:	1. The senior management and the board of the external reviewer shall ensure or oversee all of the following:	1. The senior management of the external reviewer shall ensure all of the following:
200	(a) the sound and prudent management of the external reviewer;	(a) the sound and prudent management of the external reviewer;	(a) the sound and prudent management of the external reviewer;
201	(b) the independence of assessment activities;	(b) the independence of assessment activities;	(b) the independence of assessment activities;
202	(c) that conflicts of interest are properly identified, managed and disclosed;	(c) that any actual or potential conflicts of interest are properly identified, eliminated or managed, and disclosed in a transparent manner;	(c) that conflicts of interest are properly identified, managed and disclosed; and
203	(d) that the external reviewer complies with the requirements of this Regulation at all times.	(d) that the external reviewer complies with the requirements of this Regulation at all times.	(d) that the external reviewer complies with the requirements of this Regulation at all times.

	Commission Proposal	EP Mandate	Council Mandate
204	2. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the sound and prudent management of the external reviewer referred to in paragraph 1, point (a).	2. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the sound and prudent management of the external reviewer referred to in paragraph 1, point (a) and (c).	2. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the sound and prudent management of the external reviewer referred to in paragraph 1, point (a).
205	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].
206	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.
207	Article 20 Analysts and employees of external reviewers, and other persons directly involved in the assessment activities of external reviewers	Article 20 Analysts and employees of external reviewers, and other persons directly involved in the assessment activities of external reviewers	Article 20 Analysts and employees of external reviewers, and other persons directly involved in the assessment activities of external reviewers
208			

	Commission Proposal	EP Mandate	Council Mandate
	1. External reviewers shall ensure that their analysts and employees, and any other natural person whose services are placed at their disposal or under their control and who are directly involved in assessment activities, have the necessary knowledge and experience for the duties assigned.	1. External reviewers shall ensure that their analysts and employees, and any other natural person whose services are placed at their disposal or under their control and who are directly involved in assessment activities, have the necessary knowledge and experience for the duties assigned.	1. External reviewers shall ensure that their analysts and employees, and any other natural person whose services are placed at their disposal or under their control and who are directly involved in assessment activities, have the necessary knowledge and experience for the duties assigned.
209	2. External reviewers shall ensure that the persons referred to in paragraph 1 are not allowed to initiate or participate in negotiations regarding fees or payments with any assessed entity, related third party or any person directly or indirectly linked to the assessed entity by control.	2. External reviewers shall ensure that the persons referred to in paragraph 1 are not allowed to initiate or participate in negotiations regarding fees or payments with any assessed entity, related third party or any person directly or indirectly linked to the assessed entity by control.	2. External reviewers shall ensure that the persons referred to in paragraph 1 are not allowed to initiate or participate in negotiations regarding fees or payments with any assessed entity, related third party or any person directly or indirectly linked to the assessed entity by control.
210	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the appropriateness of the knowledge and experience of the persons referred to in paragraph 1.	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the appropriateness of the knowledge and experience of the persons referred to in paragraph 1.	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the appropriateness of the knowledge and experience of the persons referred to in paragraph 1.
211	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by ... [PO: Please insert date 12 months after the date of entry into force].

	Commission Proposal	EP Mandate	Council Mandate
212	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.
213	Article 21 Compliance function	Article 21 Compliance function	Article 21 Compliance function
214	1. External reviewers shall establish and maintain a permanent and effective compliance function for the activities performed under this Regulation.	1. External reviewers shall establish and maintain a permanent and effective compliance function for the activities performed which operates independently. The compliance function shall monitor, advise and report on the compliance of the external reviewer and its employees with the external reviewer's obligations under this Regulation.	1. External reviewers shall establish and maintain a permanent and effective compliance function for the activities performed under this Regulation.
215	2. External reviewers shall ensure that the compliance function:	2. External reviewers shall ensure that the compliance function:	2. External reviewers shall ensure that the compliance function:
216	(a) has the means to discharge its responsibilities properly and	(a) has the means authority to discharge its responsibilities properly and	(a) has the means to discharge its responsibilities properly and

	Commission Proposal	EP Mandate	Council Mandate
	independently;	independently;	independently;
217	(b) has the necessary resources and expertise and access to all relevant information;	(b) has the necessary resources and expertise and access to all relevant information;	(b) has the necessary resources and expertise and access to all relevant information;
218	(c) does not monitor or assess its own activities;	(c) does not monitor or assess its own activities;	(c) does not monitor or assess its own activities; and
219	(d) is not compensated in relation to the business performance of the external reviewer.	(d) is not compensated in relation to the business performance of the external reviewer.	(d) is not compensated in relation to the business performance of the external reviewer.
220	3. The findings of the compliance function shall be made available to either a supervisory organ or, where applicable, an administrative organ of the external reviewer.	3. The findings of the compliance function shall be made available to either a supervisory organ or, where applicable, an administrative organ of the external reviewer.	3. The findings of the compliance function shall be made available to either a supervisory organ or, where applicable, an administrative organ of the external reviewer.
221	4. ESMA shall develop draft regulatory technical standards specifying the criteria to assess whether the compliance function has the means to discharge its responsibilities properly and independently as referred to in paragraph	4. ESMA shall develop draft regulatory technical standards specifying the criteria to assess whether the compliance function has the means authority to discharge its responsibilities properly and independently as referred to in paragraph	4. ESMA shall develop draft regulatory technical standards specifying the criteria to assess whether the compliance function has the means to discharge its responsibilities properly and independently as referred to in paragraph

	Commission Proposal	EP Mandate	Council Mandate
	2, point (a), and the criteria to assess whether the compliance function has the necessary resources and expertise and has access to all relevant information as referred to in paragraph 2, point (b).	2, point (a), and the criteria to assess whether the compliance function has the necessary resources and expertise and has access to all relevant information as referred to in paragraph 2, point (b).	2, point (a), and the criteria to assess whether the compliance function has the necessary resources and expertise and has access to all relevant information as referred to in paragraph 2, point (b).
222	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 1224 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by ... [PO: Please insert date 1224 months after the date of entry into force].
223	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.
224	Article 22 Internal policies and procedures	Article 22 Internal policies and procedures	Article 22 Internal policies and procedures
225	1. External reviewers shall adopt and implement internal due diligence policies and procedures that ensure their business interests do not impair the independence or accuracy of the assessment activities.	1. External reviewers shall adopt and implement internal due diligence policies and procedures that ensure their business interests do not impair the independence or accuracy of the assessment activities.	1. External reviewers shall adopt and implement internal due diligence policies and procedures that ensure their business interests do not impair the independence or accuracy of the assessment activities.

	Commission Proposal	EP Mandate	Council Mandate
226	2. External reviewers shall adopt and implement sound administrative and accounting procedures, internal control mechanisms, and effective control and safeguard arrangements for information processing systems.	2. External reviewers shall adopt and implement sound administrative and accounting procedures, internal control mechanisms, and effective control and safeguard arrangements for information processing systems.	2. External reviewers shall adopt and implement sound administrative and accounting procedures, internal control mechanisms, and effective control and safeguard arrangements for information processing systems.
227	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the sound administrative and accounting procedures, internal control mechanisms, and effective control and safeguard arrangements for information processing systems referred to in paragraph 2.	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the sound administrative and accounting procedures, internal control mechanisms, and effective control and safeguard arrangements for information processing systems referred to in paragraph 2.	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess the sound administrative and accounting procedures, internal control mechanisms, and effective control and safeguard arrangements for information processing systems referred to in paragraph 2.
228	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 1224 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by ... [PO: Please insert date 1224 months after the date of entry into force].
229	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of

	Commission Proposal	EP Mandate	Council Mandate
	this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.
230	Article 23 Assessment methodologies and information used for the pre-issuance or post-issuance reviews	Article 23 Assessment methodologies and information used for the pre-issuance or post-issuance reviews	Article 23 Assessment methodologies and information used for the pre-issuance or post-issuance reviews
231	1. External reviewers shall adopt and implement measures to ensure that their pre-issuance reviews as referred to in Article 8 and their post-issuance reviews as referred to in Article 9 are based on a thorough analysis of all the information that is available to them and that, according to their methodologies, is relevant to their analysis.	1. External reviewers shall adopt and implement measures to ensure that their pre-issuance reviews as referred to in Article 8 and, their post-issuance reviews as referred to in Article 9 and their impact report reviews referred to in Article 10 are based on a thorough analysis of all the information that is available to them and that, according to their transparent and public methodologies, is relevant to their analysis.	1. External reviewers shall adopt and implement measures to ensure that their pre-issuance reviews as referred to in Article 8 and their post-issuance reviews as referred to in Article 9 are provide an opinion based on a thorough analysis of all the information that is available to them and that, according to their methodologies, is relevant to their analysis.
231a		1a. External reviewers shall make publicly available the following:	
231b		(a) the methodologies that they use in their assessment activities for their pre-issuance reviews as referred to in Article 8;	

	Commission Proposal	EP Mandate	Council Mandate
231c		(b) their post-issuance reviews as referred to in Article 9; and	
231d		(c) their impact report reviews as referred to in Article 10.	
232	2. External reviewers shall use information of sufficient quality and from reliable sources when providing pre-issuance or post-issuance reviews.	2. External reviewers shall use information of sufficient quality and from reliable sources when providing pre-issuance, post-issuance or impact report or post-issuance reviews.	2. External reviewers shall use information of sufficient quality and from reliable sources when providing pre-issuance or post-issuance reviews.
233	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess whether the information referred to in paragraph 2 is of sufficient quality and whether the sources referred to in paragraph 2 are reliable.	3. ESMA shall develop draft regulatory technical standards specifying the criteria to assess whether the information referred to in paragraph 2 is of sufficient quality and whether the sources referred to in paragraph 2 are reliable.	3. ESMA shall develop draft regulatory technical standards specifying the criteria for the assessment methodology referred to in paragraph 1 and for assessing to assess whether the information referred to in paragraph 2 is of sufficient quality and whether the sources referred to in paragraph 2 are reliable.
234	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after	ESMA shall submit those draft regulatory technical standards to the Commission by ... [PO: Please insert date 12 months

	Commission Proposal	EP Mandate	Council Mandate
	date of entry into force].	the date of entry into force].	after the date of entry into force].
235	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.
236	Article 24 Errors in assessment methodologies or in their application	Article 24 Errors in assessment methodologies or in their application	Article 24 Errors in assessment methodologies or in their application
237	1. External reviewers that become aware of errors in their assessment methodologies or in their application that have a material impact on a pre-issuance review as referred to in Article 8 or a post-issuance review as referred to in Article 9 shall immediately notify and explain those errors to ESMA and the issuers of the affected European green bonds.	1. External reviewers that become aware of errors in their assessment methodologies or in their application that have a material impact on a pre-issuance review as referred to in Article 8 or a post-issuance review as referred to in Article 9 or an impact report review as referred to in Article 10 shall immediately notify and explain those errors to ESMA and the issuers of the affected European green bonds.	1. External reviewers that become aware of errors in their assessment methodologies or in their application that have a material impact on a pre-issuance review as referred to in Article 8 or a post-issuance review as referred to in Article 9 shall immediately notify and explain those errors to ESMA and the issuers of the affected European green bonds.
238	2. External reviewers shall publish the	2. External reviewers shall address errors	2. External reviewers shall publish the

	Commission Proposal	EP Mandate	Council Mandate
	errors referred to in paragraph 1 on their websites, together with, where relevant, a revised pre-issuance or post-issuance review. The revised documents shall state the reasons for the changes.	in a timely manner and publish the errors referred to in paragraph 1 on their websites, together with, where relevant, a revised and corrected pre-issuance, post-issuance or impact report or post-issuance review as soon as possible. The revised documents shall state the reasons for the changes.	errors referred to in paragraph 1 on their websites, together with, where relevant, a revised pre-issuance or post-issuance review. The revised documents shall state the reasons for the changes.
239	Article 25 Outsourcing	Article 25 Outsourcing	Article 25 Outsourcing
240	1. External reviewers that outsource their assessment activities to third party service providers shall ensure that any such third party service provider has the ability and the capacity to perform those assessment activities reliably and professionally. Those external reviewers shall also ensure that the outsourcing does not materially impair the quality of their internal control and the ability of ESMA to supervise the compliance of those external reviewers with this Regulation.	1. External reviewers that outsource part of their assessment activities to third party service providers shall ensure that any such third party service provider has the ability and the capacity to perform those assessment activities reliably and professionally. Those external reviewers shall also ensure that the outsourcing does not materially impair the quality of their internal control and the ability of ESMA to supervise the compliance of those external reviewers with this Regulation.	1. External reviewers that outsource their assessment activities to third partythird-party service providers shall ensure that any such third partythird-party service provider has the ability and the capacity to perform those assessment activities reliably and professionally. Those external reviewers shall also ensure that the outsourcing does not materially impair the quality of their internal control and the ability of ESMA to supervise the compliance of those external reviewers with this Regulation.
241	2. External reviewers shall not outsource their compliance function.	2. A decision by external reviewers to outsource part of their assessment	2. External reviewers shall not outsource their compliance function.

	Commission Proposal	EP Mandate	Council Mandate
		<p>activities as referred to in paragraph 1 shall be duly motivated. External reviewers shall not outsource all of their assessment activities or outsource their compliance function.</p>	
242	<p>3. External reviewers shall notify ESMA about those of its assessment activities which are to be outsourced, including a specification of the level of human and technical resources needed to carry out each of those activities.</p>	<p>3. External reviewers shall notify ESMA about those of its assessment activities which are to be outsourced, including a specification of the level of human and technical resources needed to carry out each of those activities. ESMA shall, within 30 days of the date of receipt of the notification, approve or reject the outsourcing arrangements. ESMA shall reject the outsourcing arrangements if it considers that the external reviewer does not comply with paragraphs 1, 2 or 4.</p>	<p>3. External reviewers shall notify ESMA about those of its the assessment activities which are to be outsourced that it intends to outsource, including a specification of the level of human and technical resources needed to carry out each of those activities and the justification for such outsourcing.</p>
243	<p>4. External reviewers that outsource assessment activities shall ensure that such outsourcing does not reduce or impair their ability to perform their function or roles as members of the external reviewer's senior management or management body.</p>	<p>4. External reviewers that outsource assessment activities shall ensure that such outsourcing does not reduce or impair their ability to perform their function or roles as members of the external reviewer's senior management or management body.</p>	<p>4. External reviewers that outsource assessment activities shall ensure that such outsourcing does not reduce or impair their ability to perform their function or roles as members of the external reviewer's senior management or management body.</p>
244	<p>5. External reviewers shall ensure that</p>	<p>5. External reviewers shall ensure that</p>	<p>5. External reviewers shall ensure that</p>

	Commission Proposal	EP Mandate	Council Mandate
	third party service providers cooperate with ESMA in connection with any outsourced assessment activities.	third party service providers cooperate effectively and comply fully with any supervisory requests fromwith ESMA in connection with any outsourced assessment activities.	third party service providers cooperate with ESMA in connection with any outsourced assessment activities.
245	6. External reviewers shall remain responsible for any outsourced activity and shall adopt organisational measures to ensure the following:	6. External reviewers shall remain responsible for any outsourced activity and shall adopt organisational measures to ensure the following:	6. External reviewers shall remain responsible for any outsourced activity and shall adopt organisational measures to ensure the following:
246	(a) that they assess whether third party service providers are carrying out outsourced assessment activities effectively and in compliance with applicable Union and national laws and regulatory requirements and adequately addresses identified failures;	(a) that they assess whether third party service providers are carrying out outsourced assessment activities effectively and in compliance with applicable Union and national laws and regulatory requirements and adequately addresses identified failures;	(a) that they assess whether third party service providers are carryingcarry out outsourced assessment activities effectively and in compliance with applicable Union and national laws and regulatory requirements and adequately addresses identified failures;
247	(b) the identification of any potential risks in relation to outsourced assessment activities;	(b) the identification of any potential risks in relation to outsourced assessment activities;	(b) the identification of any potential risks in relation to outsourced assessment activities;
248	(c) adequate periodic monitoring of the outsourced assessment activities;	(c) adequate periodic monitoring of the outsourced assessment activities;	(c) adequate periodic monitoring of the outsourced assessment activities;

	Commission Proposal	EP Mandate	Council Mandate
249	(d) adequate control procedures with respect to outsourced assessment activities, including effective supervision of the outsourced assessment activities and of any potential risks within the third party service provider;	(d) adequate control procedures with respect to outsourced assessment activities, including effective supervision of the outsourced assessment activities and of any potential risks within the third party service provider;	(d) adequate control procedures with respect to outsourced assessment activities, including effective supervision of the outsourced assessment activities and of any potential risks within the third party service provider; and
250	(e) adequate business continuity of outsourced assessment activities.	(e) adequate business continuity of outsourced assessment activities.	(e) adequate business continuity of outsourced assessment activities.
251	For the purposes of point (e), external reviewers shall obtain information about the business continuity arrangements of third party service providers, assess their quality, and request improvements to such arrangements where necessary.	For the purposes of point (e), external reviewers shall obtain information about the business continuity arrangements of third party service providers, assess their quality, and request improvements to such arrangements where necessary.	For the purposes of point (e), external reviewers shall obtain information about the business continuity arrangements of third party service providers, assess their quality, and request improvements to such arrangements where necessary.
252	7. ESMA shall develop draft regulatory technical standards specifying:	7. ESMA shall develop draft regulatory technical standards specifying:	7. ESMA shall develop draft regulatory technical standards specifying:
253	(a) the criteria to assess the ability and the capacity of third party service providers to perform the assessment activities reliably and professionally;	(a) the criteria to assess the ability and the capacity of third party service providers to perform the assessment activities reliably and professionally;	(a) the criteria to assess the ability and the capacity of third party service providers to perform the assessment activities reliably and professionally; and

	Commission Proposal	EP Mandate	Council Mandate
254	(b) the criteria to ensure that the performance of assessment activities does not materially impair the quality of the external reviewers' internal control or the ability of ESMA to supervise the external reviewers' compliance with this Regulation.	(b) the criteria to ensure that the performance of assessment activities does not materially impair the quality of the external reviewers' internal control or the ability of ESMA to supervise the external reviewers' compliance with this Regulation. , including potential limits on the assessment activities that are to be outsourced.	(b) the criteria to ensure that the performance of assessment activities does not materially impair the quality of the external reviewers' internal control or the ability of ESMA to supervise the external reviewers' compliance with this Regulation.
255	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 12 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by ... [PO: Please insert date 12 months after the date of entry into force].
256	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.
257	Article 26 Record-keeping requirements	Article 26 Record-keeping requirements	Article 26 Record-keeping requirements
258			

	Commission Proposal	EP Mandate	Council Mandate
	1. External reviewers shall keep adequate records of all of the following:	1. External reviewers shall keep adequate records of all of the following:	1. External reviewers shall keep adequate records of all of the following:
259	(a) the identity of the persons participating in the determination and approval of the pre-issuance reviews referred to in Article 8 and the post-issuance reviews referred to in Article 9, and the date on which the decisions to approve the pre-issuance and post-issuance reviews were taken;	(a) the identity of the persons participating in the determination and approval of the pre-issuance reviews referred to in Article 8 and, the post-issuance reviews referred to in Article 9 and impact report reviews referred to in Article 10, and the date on which the decisions to approve the pre-issuance, post-issuance and impact report and post-issuance reviews were taken;	(a) the identity of the persons participating in the determination and approval of the pre-issuance reviews referred to in Article 8 and the post-issuance reviews referred to in Article 9, and the date on which the decisions to approve the pre-issuance and post-issuance reviews were taken;
260	(b) the documentation for the established procedures and methodologies used by the external reviewers to carry out and draw up the pre-issuance and post-issuance reviews;	(b) the documentation for the established procedures and methodologies used by the external reviewers to carry out and draw up the pre-issuance, post-issuance reviews and impact report and post-issuance reviews;	(b) the documentation for the established procedures and methodologies used by the external reviewers to carry out and draw up the pre-issuance and post-issuance reviews;
261	(c) the internal documents, including non-public information and work papers, used to form the basis of any published pre-issuance or post-issuance review;	(c) the internal documents, including non-public information and work papers, used to form the basis of any published pre-issuance, post-issuance or impact report or post-issuance review;	(c) the internal documents, including non-public information and work papers, used to form the basis of any published pre-issuance or post-issuance review;

	Commission Proposal	EP Mandate	Council Mandate
262	(d) records of the procedures and measures implemented by the external reviewers to comply with this Regulation;	(d) records of the procedures and measures implemented by the external reviewers to comply with this Regulation;	(d) records of the procedures and measures implemented by the external reviewers to comply with this Regulation; and
263	(e) copies of internal and external communications that relate to assessment activities, including electronic communications, received and sent by the external reviewer and its employees, that relate to assessment activities.	(e) copies of internal and external communications that relate to assessment activities, including electronic communications, received and sent by the external reviewer and its employees, that relate to assessment activities.	(e) copies of internal and external communications that relate to assessment activities, including electronic communications, received and sent by the external reviewer and its employees, that relate to assessment activities.
264	2. The records and documents referred to in paragraph 1 shall be kept for five years and shall be made available upon request to ESMA.	2. The records and documents referred to in paragraph 1 shall be kept for five years and shall be made available upon request to ESMA.	2. The records and documents referred to in paragraph 1 shall be kept for until at least five years after the maturity of the bond concerned and shall be made available to ESMA upon its request to ESMA.
265	3. Where ESMA has withdrawn the registration of an external reviewer in accordance with Article 51(1), that external reviewer shall ensure that the records and documents are kept for an additional five years. Records and documents which set out the respective rights and obligations of the external	3. Where ESMA has withdrawn the registration of an external reviewer in accordance with Article 51(1), that external reviewer shall ensure that the records and documents are kept for an additional five years. Records and documents which set out the respective rights and obligations of the external	3. Where ESMA has withdrawn the registration of an external reviewer in accordance with Article 51(1), that external reviewer shall ensure that the records and documents are kept for an additional five years. Records and documents which set out the respective rights and obligations of the external

	Commission Proposal	EP Mandate	Council Mandate
	reviewer and the issuer of the European green bond under an agreement to provide assessment services shall be retained for the duration of the relationship with that issuer.	reviewer and the issuer of the European green bond under an agreement to provide assessment services shall be retained for the duration of the relationship with that issuer.	reviewer and the issuer of the European green bond under an agreement to provide assessment services shall be retained for the duration of the relationship with that issuer.
266	Article 27 Conflicts of interest and confidentiality of information	Article 27 Conflicts of interest and confidentiality of information	Article 27 Conflicts of interest and confidentiality of information
267	1. External reviewers shall identify, eliminate, manage and disclose in a transparent manner any actual or potential conflicts of interest, irrespective of whether that conflict of interest concerns their analysts or employees, any person that is contractually related to the external reviewers and that is directly involved in assessment activities, or persons approving pre-issuance reviews and post-issuance reviews.	1. External reviewers shall identify, eliminate, manage and disclose in a transparent manner any actual or potential conflicts of interest, irrespective of whether that conflict of interest concerns their analysts or employees, shareholders, any person that is contractually related to the external reviewers and that is directly involved in assessment activities, or persons approving pre-issuance reviews, post-issuance reviews and impact report and post-issuance reviews.	1. External reviewers shall either identify, and eliminate, or manage and disclose in a transparent manner in the pre-issuance and post-issuance reviews any actual or potential conflicts of interest, irrespective of whether that conflict of interest concerns their analysts or employees, any person that is contractually related to the external reviewers and that is directly involved in assessment activities, or persons approving pre-issuance reviews and post-issuance reviews.
267a		For the purposes of this Regulation, the term ‘shareholder’ includes beneficial owners as defined in Article 3, point (6), of Directive (EU) 2015/849 of the European	

	Commission Proposal	EP Mandate	Council Mandate
		<p>Parliament and of the Council1.</p> <p>1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141 5.6.2015, p. 73).</p>	
268	<p>2. Fees charged by external reviewers for assessment services shall not depend on the result of the pre-issuance or post-issuance review, or on any other result or outcome of the work performed.</p>	<p>2. Fees charged by external reviewers for assessment services shall be agreed by the reviewer and the issuer prior to the pre-issuance, post-issuance or impact report review and shall not depend on the result of the pre-issuance, post-issuance or impact report or post-issuance review, or on any other result or outcome of the work performed.</p>	<p>2. Fees charged by external reviewers for assessment services shall not depend on the result of the pre-issuance or post-issuance review, or on any other result or outcome of the work performed.</p>
269	<p>3. Analysts, employees of the external reviewer and any other person contractually related to the external reviewers and directly involved in assessment activities shall be bound by the</p>	<p>3. Analysts, employees of the external reviewer and any other person contractually related to the external reviewers and directly involved in assessment activities shall be bound by the</p>	<p>3. Analysts, employees of the external reviewer and any other person contractually related to the external reviewers and directly involved in assessment activities shall be bound by the</p>

	Commission Proposal	EP Mandate	Council Mandate
	obligation of professional secrecy.	obligation of professional secrecy.	obligation of professional secrecy.
270	4. External reviewers shall ensure that their analysts and employees or any other natural person contractually related to the external reviewers and directly involved in assessment activities:	4. External reviewers shall ensure that their analysts and employees or any other natural person contractually related to the external reviewers and directly involved in assessment activities:	4. External reviewers shall ensure that their analysts and employees or any other natural person contractually related to the external reviewers and directly involved in assessment activities:
271	(a) take all reasonable measures to protect property and records in the possession of the external reviewer from fraud, theft or misuse, taking into account the nature, scale and complexity of their business and the nature and range of their assessment activities;	(a) take all reasonable measures to protect property and records in the possession of the external reviewer from fraud, theft or misuse, taking into account the nature, scale and complexity of their business and the nature and range of their assessment activities;	(a) take all reasonable measures to protect property and records in the possession of the external reviewer from fraud, theft or misuse, taking into account the nature, scale and complexity of their business and the nature and range of their assessment activities;
272	(b) do not disclose any information about pre-issuance or post-issuance reviews, possible future pre-issuance or post-issuance reviews, to any parties other than the issuers that have requested the assessment by the external reviewer	(b) do not disclose any information about pre-issuance, post-issuance or impact report or post-issuance reviews, possible future pre-issuance, post-issuance or impact report or post-issuance reviews, to any parties other than the issuers that have requested the assessment by the external reviewer;	(b) do not disclose any information about pre-issuance or post-issuance reviews, possible future pre-issuance or post-issuance reviews, to any parties other than the issuers that have requested the assessment by the external reviewer
273	(c) do not use or share confidential	(c) do not use or share confidential	(c) do not use or share confidential

	Commission Proposal	EP Mandate	Council Mandate
	information for any other purpose than assessment activities.	information for any other purpose than assessment activities.	information for any other purpose than assessment activities.
273a		4a. An external reviewer shall not issue a review in any of the following circumstances:	
273b		(a) the external reviewer, or any person referred to in paragraph 1, directly or indirectly owns financial instruments of the reviewed entity or a related third party or has any other direct or indirect ownership interest in that entity or party, other than holdings in diversified collective investment schemes, including managed funds such as pension funds or life insurance;	
273c		(b) a shareholder or member of the external reviewer holding 10 % or more of either the capital or the voting rights of that reviewer or being otherwise in a position to exercise significant influence on the business activities of the reviewer, holds 10 % or more of either the capital or the voting rights of the reviewed entity or of a related third party, or of any other ownership interest in that reviewed entity	

	Commission Proposal	EP Mandate	Council Mandate
		<p>or third party, excluding holdings in diversified collective investment schemes and managed funds such as pension funds or life insurance that do not put that shareholder or member of the external reviewer in a position to exercise significant influence on the business activities of the scheme;</p>	
273d		<p>(c) the external review concerns a reviewed entity or a related third party directly or indirectly linked to the external reviewer by control;</p>	
273e		<p>(d) the external review concerns a reviewed entity or a related third party which holds 10 % or more of either the capital or the voting rights of the external reviewer;</p>	
273f		<p>(e) a person referred to in paragraph 1 is a member of the administrative or supervisory board of the reviewed entity or a related third party;</p>	
273g		<p>(f) a shareholder or member of an</p>	

	Commission Proposal	EP Mandate	Council Mandate
		external reviewer holding 10 % or more of either the capital or the voting rights of that external reviewer or being otherwise in a position to exercise significant influence on the business activities of the external reviewer, is a member of the administrative or supervisory board of the reviewed entity or a related third party; or	
273h		(g) a rating analyst who participated in determining a review outcome, or a person who approved a review, has had a relationship with the reviewed entity or a related third party which might cause a conflict of interests.	
273i		An external reviewer shall immediately notify ESMA where any of the circumstances set out in the first subparagraph apply to an existing review.	
274	Article 28 Provision of other services	Article 28 Provision of other services	Article 28 Provision of other services
275	External reviewers that provide services other than assessment activities shall	External reviewers that provide services other than assessment activities shall	External reviewers that provide services other than assessment activities shall

	Commission Proposal	EP Mandate	Council Mandate
	<p>ensure that those other services do not create conflicts of interest with their assessment activities concerning European green bonds. Such external reviewers shall disclose in their pre-issuance and post-issuance reviews any other services provided for the assessed entity or any related third party.</p>	<p>ensure that those other services do not create conflicts of interest with their assessment activities concerning European green bonds. Such external reviewers shall disclose in their pre-issuance, post-issuance and impact report and post-issuance reviews any other services provided for the assessed entity or any related third party.</p>	<p>ensure that those other services do not create conflicts of interest with their assessment activities concerning European green bonds. Such external reviewers shall disclose in their pre-issuance and post-issuance reviews any other services provided for the assessed entity or any related third party.</p>
275a		<p>The assessment activities referred to in the first paragraph shall be considered to be non-audit services referred to in Article 5(1) of Regulation (EU) No 537/2014 of the European Parliament and of the Council¹. Such assessment activities shall not fall within the scope of the derogations in respect of the provision of certain non-audit services provided for in Article 5(3) of that Regulation.</p> <p>¹ Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (OJ L 158, 27.5.2014, p. 77).</p>	
276	<p>Chapter III Pre-issuance and post-issuance reviews</p>	<p>Chapter III Pre-issuance, post-issuance and impact</p>	<p>Chapter III Pre-issuance and post-issuance reviews</p>

	Commission Proposal	EP Mandate	Council Mandate
		report and post-issuance reviews	
277	Article 29 References to ESMA or other competent authorities	Article 29 References to ESMA or other competent authorities	Article 29 References to ESMA or other competent authorities
278	In their pre-issuance review or post-issuance reviews, external reviewers shall not refer to ESMA or any competent authority in a way that could indicate or suggest that ESMA or any competent authority endorses or approves that review or any assessment activities of the external reviewer.	In their pre-issuance, post-issuance or impact report review or post-issuance reviews, external reviewers shall not refer to ESMA or any competent authority in a way that could indicate or suggest that ESMA or any competent authority endorses or approves that review or any assessment activities of the external reviewer.	In their pre-issuance review or post-issuance reviews, external reviewers shall not refer to ESMA or any competent authority in a way that could indicate or suggest that ESMA or any competent authority endorses or approves that review or any assessment activities of the external reviewer.
279	Article 30 Publication of pre-issuance reviews and post-issuance reviews	Article 30 Publication of pre-issuance, post-issuance and impact report reviews and post-issuance reviews	Article 30 Publication of pre-issuance reviews and post-issuance reviews
280	1. External reviewers shall publish and make available free of charge on their websites all of the following:	1. External reviewers shall publish and make available free of charge on their websites and on the website of the trading venue to which admission is sought by the issuer all of the following:	1. External reviewers shall publish and make available free of charge on their websites all of the following:

	Commission Proposal	EP Mandate	Council Mandate
281	(a) in a separate section titled ‘European green bond standard - Pre-issuance reviews’ pre-issuance reviews that it issued;	(a) in a separate section titled ‘European green bond standard - Pre-issuance reviews’ pre-issuance reviews that it issued;	(a)1. External reviewers shall publish and make available free of charge on their websites in a separate section titled ‘European green bond standardbonds - Pre-issuance reviews’ pre-issuance reviews that it issued;.
282	(b) in a separate section titled ‘European green bond standard - Post-issuance reviews’ post-issuance reviews that it issued.	(b) in a separate section titled ‘European green bond standard - Post-issuance reviews’ post-issuance reviews that it issued.	(b)1a. External reviewers shall publish and make available free of charge on their websites in a separate section titled ‘European green bond standardbonds - Post-issuance reviews’ post-issuance reviews that it issued.
282a		(ba) in a separate section titled ‘European green bond standard - Impact report reviews’ impact report reviews that it issued.	
283	2. The pre-issuance reviews referred to in paragraph 1, point (a), shall be made available to the public within a reasonable period of time prior to the beginning of the offer to the public or the admission to trading of the European green bond	2. The pre-issuance reviews referred to in paragraph 1, point (a), shall be made available to the public within a reasonable period of time prior to the beginning of the offer to the public or the admission to trading of the European green bond	2. The pre-issuance reviews referred to in paragraph 1, point (a), shall be made available to the public within a reasonable period of time prior to the beginning of the offer to the public or the admission to trading of the European green bond

	Commission Proposal	EP Mandate	Council Mandate
	concerned.	concerned.	concerned.
284	3. The post-issuance reviews referred to in paragraph 1, point (b), shall be made available to the public without delay following the assessment of the allocation reports by the external reviewer.	3. The post-issuance reviews referred to in paragraph 1, point (b), shall be made available to the public without delay following the assessment of the allocation reports by the external reviewer.	3. The post-issuance reviews referred to in paragraph 1, point (b),1a shall be made available to the public without delay following the completion of the assessment of the allocation reports by the external reviewer.
284a		3a. The impact report reviews referred to in paragraph 1, point (c), shall be made available to the public without delay following the assessment of the impact reports by the external reviewer.	
285	4. The pre-issuance reviews referred to in paragraph 1, point (a), and the post-issuance reviews referred to in paragraph 1, point (b), shall remain publicly available until at least the maturity of the bond after their publication on the website of the external reviewer.	4. The pre-issuance reviews referred to in paragraph 1, point (a), and the post-issuance reviews referred to in paragraph 1, point (b), and the impact report reviews referred to in paragraph 1, point (c), shall remain publicly available until at least the maturity of the bond after their publication on the website of the external reviewer.	4. The pre-issuance reviews referred to in paragraph 1, point (a), and the post-issuance reviews referred to in paragraph 1, point (b),1a shall remain publicly available until at least the maturity of the bondbonds after their publication on the website of the external reviewer.
286	5. External reviewers that decide to	5. External reviewers that decide to	5. External reviewers that decide to

	Commission Proposal	EP Mandate	Council Mandate
	discontinue providing a pre-issuance review or a post-issuance review shall provide information about the reasons for that decision in the sections referred to in paragraph 1, points (a) and (b), without delay following such decision.	discontinue providing a pre-issuance review or a post-issuancepost-issuance or impact report review shall provide information about the reasons for that decision in the sections referred to in paragraph 1, points (a) (b) and (c) and (b), without delay following such decision.	discontinue providing a pre-issuance review or a post-issuance review shall provide information about the reasons for that decision in the sections referred to in paragraph 1, points (a) and (b),paragraphs 1 and 1a without delay following such decision.
287	Chapter IV Provision of services by third-country external reviewers	Chapter IV Provision of services by third-country external reviewers	Chapter IV Provision of services by third-country external reviewers
288	Article 31 General provisions	Article 31 General provisions	Article 31 General provisions
289	1. A third-country external reviewer may provide its services in accordance with this Regulation to issuers that issue European green bonds where that third-country external reviewer is registered in the register of third-country external reviewers kept by ESMA in accordance with Article 59.	1. A third-country external reviewer may provide its services in accordance with this Regulation to issuers that issue European green bonds where that third-country external reviewer is registered in the register of third-country external reviewers kept by ESMA in accordance with Article 59.	1. A third-country external reviewer may provide its services in accordance with this Regulation to issuers that issue European green bonds where that third-country external reviewer is registered in the register of third-country external reviewers kept by ESMA in accordance with Article 59.
289a		1a. ESMA may extend the period referred to in the first subparagraph by 15 working	

	Commission Proposal	EP Mandate	Council Mandate
		days in cases where the applicant third-country external reviewer intends to use outsourcing to perform its activities as an external reviewer.	
290	2. ESMA shall register a third-country external reviewer that has applied for the provision of external reviewer services in accordance with this Regulation throughout the Union in accordance with paragraph 1 only where the following conditions are met:	2. ESMA shall register a third-country external reviewer that has applied for the provision of external reviewer services in accordance with this Regulation throughout the Union in accordance with paragraph 1 only where the following conditions are met:	2. ESMA shall register a third-country external reviewer that has applied for the provision of external reviewer services in accordance with this Regulation throughout the Union in accordance with paragraph 1 only where the following conditions are met:
291	(a) the Commission has adopted a decision in accordance with Article 32(1);	(a) the Commission has adopted a decision in accordance with Article 32(1);	(a) the Commission has adopted a decision in accordance with Article 32(1);
292	(b) the third-country external reviewer is registered or authorised to provide the external review services to be provided in the Union and is subject to effective supervision and enforcement ensuring full compliance with the requirements applicable in that third country;	(b) the third-country external reviewer is registered or authorised to provide the external review services to be provided in the Union and is subject to effective supervision and enforcement ensuring full compliance with the requirements applicable in that third country;	(b) the third-country external reviewer is registered or authorised to provide the external review services to be provided in the Union and is subject to effective supervision and enforcement ensuring full compliance with the requirements applicable in that third country; and
293	(c) cooperation arrangements have been established pursuant to Article 32(3).	(c) cooperation arrangements have been established pursuant to Article 32(3).	(c) cooperation arrangements have been established pursuant to Article 32(3).

	Commission Proposal	EP Mandate	Council Mandate
294	3. Where a third-country external reviewer is registered in accordance with this Article, no additional requirements on the third-country external reviewer in respect of matters covered by this Regulation shall be imposed.	3. Where a third-country external reviewer is registered in accordance with this Article, no additional requirements on the third-country external reviewer in respect of matters covered by this Regulation shall be imposed.	3. Where a third-country external reviewer is registered in accordance with this Article, no additional requirements on the third-country external reviewer in respect of matters covered by this Regulation shall be imposed.
295	4. The third-country external reviewer referred to in paragraph 1 shall submit its application to ESMA after the adoption by the Commission of the decision referred to in Article 32 determining that the legal and supervisory framework of the third country in which the third-country external reviewer is registered or authorised is equivalent to the requirements described in Article 32(1).	4. The third-country external reviewer referred to in paragraph 1 shall submit its application to ESMA after the adoption by the Commission of the decision referred to in Article 32 determining that the legal and supervisory framework of the third country in which the third-country external reviewer is registered or authorised is equivalent to the requirements described in Article 32(1).	4. The third-country external reviewer referred to in paragraph 1 shall submit its application to ESMA after the adoption by the Commission of the decision referred to in Article 32 determining that the legal and supervisory framework of the third country in which the third-country external reviewer is registered or authorised is equivalent to the requirements described in Article 32(1).
296	5. The third-country external reviewer shall submit its application referred to in the first paragraph by using the forms and templates referred to in Article 15.	5. The third-country external reviewer shall submit its application referred to in the first paragraph by using the forms and templates referred to in Article 15.	5. The third-country external reviewer shall submit its application referred to in the first paragraph of this Article by using the forms and templates referred to in Article 15.
297	6. The applicant third-country external	6. The applicant third-country external	6. The applicant third-country external

	Commission Proposal	EP Mandate	Council Mandate
	reviewer shall provide ESMA with all information necessary for its registration.	reviewer shall provide ESMA with all information necessary for its registration.	reviewer shall provide ESMA with all information necessary for its registration.
298	7. Within 20 working days of receipt of the application, ESMA shall assess whether the application is complete. Where the application is not complete, ESMA shall set a deadline by which the applicant third-country external reviewer is to provide additional information.	7. Within 20 working days of receipt of the application, ESMA shall assess whether the application is complete. Where the application is not complete, ESMA shall set a deadline by which the applicant third-country external reviewer is to provide additional information.	7. Within 20 working days of receipt of the application, ESMA shall assess whether the application is complete. Where the application is not complete, ESMA shall set a deadline by which the applicant third-country external reviewer is to provide additional information.
299	8. The registration decision shall be based on the conditions set out in paragraph 2.	8. The registration decision shall be based on the conditions set out in paragraph 2.	8. The registration decision shall be based on the conditions set out in paragraph 2.
300	9. Within 45 working days of the submission of a complete application, ESMA shall inform the applicant third-country external reviewer in writing with a fully reasoned explanation whether the registration has been granted or refused.	9. Within 45 working days of the submission of a complete application, ESMA shall inform the applicant third-country external reviewer in writing with a fully reasoned explanation whether the registration has been granted or refused.	9. Within 45 working days of the submission of a complete application, ESMA shall inform the applicant third-country external reviewer in writing with a fully reasoned explanation whether the registration has been granted or refused.
301	10. Third-country external reviewers providing services in accordance with this Article shall, before providing any service in relation to issuers of European green bonds established in the Union, offer to	10. Third-country external reviewers providing services in accordance with this Article shall, before providing any service in relation to issuers of European green bonds established in the Union, offer to	10. Third-country external reviewers providing services in accordance with this Article shall, before providing any service in relation to issuers of European green bonds established in the Union, offer to

	Commission Proposal	EP Mandate	Council Mandate
	submit any disputes relating to those services to the jurisdiction of a court or arbitral tribunal in a Member State.	submit any disputes relating to those services to the jurisdiction of a court or arbitral tribunal in a Member State.	submit any disputes relating to those services to the jurisdiction of a court or arbitral tribunal in a Member State.
302	Article 32 Equivalence decision	Article 32 Equivalence decision	Article 32 Equivalence decision
303	1. The Commission may adopt a decision in relation to a third country stating that the legal and supervisory arrangements of that third country ensure that external reviewers registered or authorised in that third country comply with legally binding organisational and business conduct requirements which have equivalent effect to the requirements laid down in this Regulation and in the implementing measures adopted pursuant to this Regulation and that the legal framework of that third country provides for an effective equivalent system for the recognition of external reviewers registered or authorised under third-country legal regimes.	1. The Commission may adopt a decision in relation to a third country stating that the legal and supervisory arrangements of that third country ensure that external reviewers registered or authorised in that third country comply with legally binding organisational and business conduct requirements which have equivalent effect to the requirements laid down in this Regulation and in the implementing measures adopted pursuant to this Regulation and that the legal framework of that third country provides for an effective equivalent system for the recognition of external reviewers registered or authorised under third-country legal regimes.	1. The Commission may adopt a decision in relation to a third country stating that the legal and supervisory arrangements of that third country ensure that external reviewers registered or authorised in that third country comply with legally binding organisational and business conduct requirements which have equivalent effect to the requirements laid down in this Regulation and in the implementing measures adopted pursuant to this Regulation and that the legal framework of that third country provides for an effective equivalent system for the recognition of external reviewers registered or authorised under third-country legal regimes.
304	2. The organisational and business conduct framework of a third country may be considered to have equivalent effect	2. The organisational and business conduct framework of a third country may be considered to have equivalent effect	2. The organisational and business conduct framework of a third country may be considered to have equivalent effect

	Commission Proposal	EP Mandate	Council Mandate
	where that framework fulfils all the following conditions:	where that framework fulfils all the following conditions:	where that framework fulfils all the following conditions:
305	(a) entities providing external review services in that third country are subject to registration or authorisation and to effective supervision and enforcement on an ongoing basis;	(a) entities providing external review services in that third country are subject to registration or authorisation and to effective supervision and enforcement on an ongoing basis;	(a) entities providing external review services in that third country are subject to registration or authorisation and to effective supervision and enforcement on an ongoing basis;
306	(b) entities providing external review services are subject to adequate organisational requirements in the area of internal control functions; and	(b) entities providing external review services are subject to adequate organisational requirements in the area of internal control functions; and	(b) entities providing external review services are subject to adequate organisational requirements in the area of internal control functions; and
307	(c) entities providing external review services are subject to appropriate conduct of business rules.	(c) entities providing external review services are subject to appropriate conduct of business rules.	(c) entities providing external review services are subject to appropriate conduct of business rules.
308	3. ESMA shall establish cooperation arrangements with the relevant competent authorities of third countries whose legal and supervisory frameworks have been recognised as effectively equivalent in accordance with paragraph 1. Such arrangements shall specify all of the following:	3. ESMA shall establish cooperation arrangements with the relevant competent authorities of third countries whose legal and supervisory frameworks have been recognised as effectively equivalent in accordance with paragraph 1. Such arrangements shall specify all of the following:	3. ESMA shall establish cooperation arrangements with the relevant competent authorities of third countries whose legal and supervisory frameworks have been recognised as effectively equivalent in accordance with paragraph 1. Such arrangements shall specify all of the following:

	Commission Proposal	EP Mandate	Council Mandate
309	(a) the mechanism for the exchange of information between ESMA and the competent authorities of the third countries concerned, including access to all information regarding the third-country external reviewers registered or authorised in third countries that is requested by ESMA;	(a) the mechanism for the exchange of information between ESMA and the competent authorities of the third countries concerned, including access to all information regarding the third-country external reviewers registered or authorised in third countries that is requested by ESMA;	(a) the mechanism for the exchange of information between ESMA and the competent authorities of the third countries concerned, including access to all information regarding the third-country external reviewers registered or authorised in third countries that is requested by ESMA;
310	(b) the mechanism for prompt notification to ESMA where a third-country competent authority deems that a third-country external reviewer that it is supervising and ESMA has registered in the register referred to in Article 59 infringes the conditions of its registration or authorisation or other law to which it is obliged to adhere;	(b) the mechanism for prompt notification to ESMA where a third-country competent authority deems that a third-country external reviewer that it is supervising and ESMA has registered in the register referred to in Article 59 infringes the conditions of its registration or authorisation or other law to which it is obliged to adhere;	(b) the mechanism for prompt notification to ESMA where a third-country competent authority deems that a third-country external reviewer that it is supervising and ESMA has registered in the register referred to in Article 59 infringes the conditions of its registration or authorisation or other law to which it is obliged to adhere; and
311	(c) the procedures concerning the coordination of supervisory activities including, where appropriate, on-site inspections.	(c) the procedures concerning the coordination of supervisory activities including, where appropriate, on-site inspections.	(c) the procedures concerning the coordination of supervisory activities including, where appropriate, on-site inspections.
312	4. A third-country external reviewer	4. A third-country external reviewer	4. A third-country external reviewer

	Commission Proposal	EP Mandate	Council Mandate
	established in a country whose legal and supervisory framework has been recognised to be effectively equivalent in accordance with paragraph 1, and which is registered in the register referred to in Article 59, shall be able to provide the services covered under the registration to issuers of European green bonds throughout the Union.	established in a country whose legal and supervisory framework has been recognised to be effectively equivalent in accordance with paragraph 1, and which is registered in the register referred to in Article 59, shall be able to provide the services covered under the registration to issuers of European green bonds throughout the Union.	established in a country whose legal and supervisory framework has been recognised to be effectively equivalent in accordance with paragraph 1 of this Article, and which is registered in the register referred to in Article 59, shall be able to provide the services covered under the registration to issuers of European green bonds throughout the Union.
313	5. A third-country external reviewer shall no longer use the rights under Article 31 where the Commission withdraws its decision under paragraph 1 of this Article in relation to that third country.	5. A third-country external reviewer shall no longer use the rights under Article 31 where the Commission withdraws its decision under paragraph 1 of this Article in relation to that third country.	5. A third-country external reviewer shall no longer use the rights under Article 31 where the Commission withdraws its decision under paragraph 1 of this Article in relation to that third country.
314	Article 33 Withdrawal of registration of third country external reviewer	Article 33 Withdrawal of registration of third country external reviewer	Article 33 Withdrawal of registration of third country external reviewer
315	1. ESMA shall withdraw the registration of a third-country external reviewer in the register established in accordance with Article 59 where one or more of the following conditions are met:	1. ESMA shall withdraw the registration of a third-country external reviewer in the register established in accordance with Article 59 where one or more of the following conditions are met:	1. ESMA shall suspend or withdraw the registration of a third-country external reviewer in the register established in accordance with Article 59 where one or more of the following conditions are met:
316			

	Commission Proposal	EP Mandate	Council Mandate
	(a) ESMA has well-founded reasons based on documented evidence to believe that, in the provision of the services in the Union, the third-country external reviewer is acting in a manner which is clearly prejudicial to the interests of investors or the orderly functioning of markets;	(a) ESMA has well-founded reasons based on documented evidence to believe that, in the provision of the services in the Union, the third-country external reviewer is acting in a manner which is clearly prejudicial to the interests of investors or the orderly functioning of markets;	(a) ESMA has well-founded reasons based on documented evidence to believe that, in the provision of the services in the Union, the third-country external reviewer is acting in a manner which is clearly prejudicial to the interests of investors or the orderly functioning of markets;
317	(b) ESMA has well-founded reasons based on documented evidence to believe that, in the provision of services in the Union, the third-country external reviewer has seriously infringed the provisions applicable to it in the third country and on the basis of which the Commission has adopted the decision in accordance with Article 32(1);	(b) ESMA has well-founded reasons based on documented evidence to believe that, in the provision of services in the Union, the third-country external reviewer has seriously infringed the provisions applicable to it in the third country and on the basis of which the Commission has adopted the decision in accordance with Article 32(1);	(b) ESMA has well-founded reasons based on documented evidence to believe that, in the provision of services in the Union, the third-country external reviewer has seriously infringed the provisions laws and regulations applicable to it in the third country and on the basis of which the Commission has adopted the decision in accordance with Article 32(1); or
318	(c) ESMA has referred the matter to the competent authority of the third country and that third-country competent authority has not taken the appropriate measures needed to protect investors and the proper functioning of the markets in the Union or has failed to demonstrate that the third-country external reviewer concerned complies with the requirements applicable to it in the third country;	(c) ESMA has referred the matter to the competent authority of the third country and that third-country competent authority has not taken the appropriate measures needed to protect investors and the proper functioning of the markets in the Union or has failed to demonstrate that the third-country external reviewer concerned complies with the requirements applicable to it in the third country; deleted	(c) ESMA has referred the matter to the competent authority of the third country and that third-country competent authority has not taken the appropriate measures needed to protect investors and the proper functioning of the markets in the Union or has failed to demonstrate that the third-country external reviewer concerned complies with the requirements applicable to it in the third country;

	Commission Proposal	EP Mandate	Council Mandate
319	(d) ESMA has informed the third-country competent authority of its intention to withdraw the registration of the third-country external reviewer at least 30 days before the withdrawal.	(d) ESMA has informed the third-country competent authority of its intention to withdraw the registration of the third-country external reviewer at least 30 days before the withdrawal.deleted	(d)1a. ESMA has informedshall inform the third-country competent authority of its intention to withdraw the registration of the third-country external reviewer at least 30 days before the withdrawal.
319a		1a. Where one or more of the conditions set out in the first subparagraph are met, ESMA shall refer the matter to the third-country competent authority. If the third-country competent authority has not taken the appropriate measures needed to protect investors and the proper functioning of the markets in the Union or has failed to demonstrate that the third-country external reviewer concerned complies with the requirements applicable to it in the third country, ESMA shall withdraw the registration of the third-country external reviewer at the latest 30 days after having notified the third-country competent authority of its intention to withdraw the registration.	
320	2. ESMA shall inform the Commission of any measure adopted in accordance with paragraph 1 without delay and shall publish its decision on its website.	2. ESMA shall inform the Commission of any measure adopted in accordance with paragraph 1 without delay and shall publish its decision on its website.	2. ESMA shall inform the Commission of any measure adopted in accordance with paragraph 1 without delay and shall publish itsthe decision on suspension or withdrawal on its website.

	Commission Proposal	EP Mandate	Council Mandate
321	3. The Commission shall assess whether the conditions under which a decision in accordance with Article 32(1) has been adopted continue to persist in relation to the third country concerned.	3. The Commission shall assess whether the conditions under which a decision in accordance with Article 32(1) has been adopted continue to persist in relation to the third country concerned.	3. In case of suspension or withdrawal of a third-country external reviewer, the Commission shall assess whether the conditions under which a decision in accordance with Article 32(1) has been adopted continue to persist in relation to the third country concerned.
322	Article 34 Recognition of an external reviewer located in a third country	Article 34 Recognition of an external reviewer located in a third country	Article 34 Recognition of a third-country external reviewer located in a third country
323	1. Until such time as an equivalence decision in accordance with Article 32(1) is adopted, a third country external reviewer may provide its services in accordance with this Regulation provided that the third country external reviewer acquires prior recognition from ESMA in accordance with this Article.	1. Until such time as an equivalence decision in accordance with Article 32(1) is adopted, a third country external reviewer may provide its services in accordance with this Regulation provided that the third country external reviewer acquires prior recognition from ESMA in accordance with this Article.	1. Until such time as an equivalence decision in accordance with Article 32(1) is adopted, a third countrythird-country external reviewer may provide its services in accordance with this Regulation provided that the third country external reviewer acquires prior recognition from ESMA in accordance with this Article.
324	2. A third country external reviewer intending to obtain prior recognition as referred to in paragraph 1 shall comply with the requirements laid down in	2. A third country external reviewer intending to obtain prior recognition as referred to in paragraph 1 shall comply with the requirements laid down in	2. A third countrythird-country external reviewer intendingthat intends to obtain prior recognition as referred to in paragraph 1 shall comply with the

	Commission Proposal	EP Mandate	Council Mandate
	Articles 15 to 30 and Articles 47 to 49.	Articles 15 to 30 and Articles 47 to 49.	requirements laid down in Articles 15 to 30 and Articles 47 to 49.
325	3. A third country external reviewer intending to obtain prior recognition referred to in paragraph 1 shall have a legal representative located in the Union. That legal representative shall:	3. A third country external reviewer intending to obtain prior recognition referred to in paragraph 1 shall have a legal representative located in the Union. That legal representative shall:	3. A third countrythird-country external reviewer intending to obtain prior recognition as referred to in paragraph 1 shall have a legal representative locateddomiciled in the Union. That legal representative shall:
326	(a) be responsible, together with the third country external reviewer, for ensuring that the provision of services under this Regulation by the third country external reviewer meets the requirements referred to in paragraph 2 and shall in that respect be accountable to ESMA for the conduct of the third country external reviewer in the Union;	(a) be responsible, together with the third country external reviewer, for ensuring that the provision of services under this Regulation by the third country external reviewer meets the requirements referred to in paragraph 2 and shall in that respect be accountable to ESMA for the conduct of the third country external reviewer in the Union;	(a) be responsible, together with the third countrythird-country external reviewer, for ensuring that the provision of services under this Regulation by the third countrythird-country external reviewer meets the requirements referred to in paragraph 2 and shall in that respect be accountable to ESMA for the conduct of the third countrythird-country external reviewer in the Union;
327	(b) act on behalf of the third country external reviewer as the main point of contact with ESMA and any other person in the Union with regard to the external reviewer’s obligations under this Regulation;	(b) act on behalf of the third country external reviewer as the main point of contact with ESMA and any other person in the Union with regard to the external reviewer’s obligations under this Regulation;	(b) act on behalf of the third countrythird-country external reviewer as the main point of contact with ESMA and any other person in the Union with regard to the external reviewer’s obligations under this Regulation; and

	Commission Proposal	EP Mandate	Council Mandate
328	(c) have sufficient knowledge, expertise and resources to fulfil its obligations under this paragraph.	(c) have sufficient knowledge, expertise and resources to fulfil its obligations under this paragraph.	(c) have sufficient knowledge, expertise and resources to fulfil its obligations under this paragraph.
329	4. An application for prior recognition from ESMA as referred to paragraph 1 shall contain all information necessary to satisfy ESMA that the third country external reviewer has implemented all the necessary arrangements to meet the requirements referred to in paragraphs 2 and 3 and shall, where applicable, indicate the competent authority responsible for its supervision in the third country.	4. An application for prior recognition from ESMA as referred to paragraph 1 shall contain all information necessary to satisfy ESMA that the third country external reviewer has implemented all the necessary arrangements to meet the requirements referred to in paragraphs 2 and 3 and shall, where applicable, indicate the competent authority responsible for its supervision in the third country.	4. An application for prior recognition from ESMA as referred to in paragraph 1 shall contain all information necessary to satisfy ESMA that the third country external reviewer has implemented all the necessary arrangements to meet the requirements referred to in paragraphs 2 and 3 and shall, where applicable, indicate the competent authority responsible for its supervision in the third country.
330	5. ESMA shall assess whether the application for prior recognition from ESMA is complete within 20 working days after receipt of the application.	5. ESMA shall assess whether the application for prior recognition from ESMA is complete within 2030 working days after receipt of the application.	5. ESMA shall assess whether the application for prior recognition from ESMA is complete within 20 working days after receipt of the application.
331	Where the application is not complete, ESMA shall notify the applicant thereof and set a deadline by which the applicant is to provide additional information.	Where the application is not complete, ESMA shall notify the applicant thereof and set a deadline by which the applicant is to provide additional information.	Where the application is not complete, ESMA shall notify the applicant thereof and set a deadline by which the applicant is to provide additional information.
332			

	Commission Proposal	EP Mandate	Council Mandate
	Where the application is complete, ESMA shall notify the applicant thereof.	Where the application is complete, ESMA shall notify the applicant thereof.	Where the application is complete, ESMA shall notify the applicant thereof.
333	Within 45 working days of receipt of the complete application referred to in the first subparagraph of this paragraph, ESMA shall verify that the conditions laid down in paragraphs 2 and 3 are fulfilled.	Within 4560 working days of receipt of the complete application referred to in the first subparagraph of this paragraph, ESMA shall verify that the conditions laid down in paragraphs 2 and 3 are fulfilled.	Within 45 working days of receipt of the complete application referred to in the first subparagraph of this paragraph, ESMA shall verify that the conditions laid down in paragraphs 2 and 3 are fulfilled.
334	ESMA shall notify an applicant of its recognition as a third country external reviewer or of its refusal. The decision to recognise or the refusal to recognise shall provide reasons and take effect on the fifth working day following its adoption.	ESMA shall notify an applicant of its recognition as a third country external reviewer or of its refusal. The decision to recognise or the refusal to recognise shall provide reasons and take effect on the fifth working day following its adoption.	ESMA shall notify an applicant of its recognition as a third countrythird-country external reviewer or of its refusal. The decision to recognise or the refusal to recognise shall provide reasons and take effect on the fifth working day following its adoption.
335	6. ESMA shall suspend or, where appropriate, withdraw the recognition granted in accordance with paragraph 5 where it has well-founded reasons, based on documented evidence, to consider that the third country external reviewer is acting in a manner which is clearly prejudicial to the interests of users of its services or the orderly functioning of markets or the third country external reviewer has seriously infringed the	6. ESMA shall suspend or, where appropriate, withdraw the recognition granted in accordance with paragraph 5 where it has well-founded reasons, based on documented evidence, to consider that the third country external reviewer is acting in a manner which is clearly prejudicial to the interests of users of its services or the orderly functioning of markets or the third country external reviewer has seriously infringed the	6. ESMA shall suspend or, where appropriate, withdraw the recognition granted in accordance with paragraph 5 where it has well-founded reasons, based on documented evidence, to consider that the third countrythird-country external reviewer is acting in a manner which is clearly prejudicial to the interests of users of its services or the orderly functioning of markets or the third country external reviewer has seriously infringed the

	Commission Proposal	EP Mandate	Council Mandate
	relevant requirements set out in this Regulation, or that the third country external reviewer made false statements or used any other irregular means to obtain the recognition.	relevant requirements set out in this Regulation, or that the third country external reviewer made false statements or used any other irregular means to obtain the recognition.	relevant requirements set out in this Regulation, or that the third countrythird-country external reviewer made false statements or used any other irregular means to obtain the recognition.
336	7. ESMA shall develop draft regulatory technical standards specifying the information and the form and content of the application referred to in paragraph 4.	7. ESMA shall develop draft regulatory technical standards specifying the information and the form and content of the application referred to in paragraph 4.	7. ESMA shall develop draft regulatory technical standards specifying the information and the form and content of the application referred to in paragraph 4.
337	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 16 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by [PO: Please insert date 1624 months after the date of entry into force].	ESMA shall submit those draft regulatory technical standards to the Commission by ... [PO: Please insert date 1624 months after the date of entry into force of this Regulation].
338	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.
339	Article 35 Endorsement of services under this	Article 35 Endorsement of services under this	Article 35 Endorsement of services under this

	Commission Proposal	EP Mandate	Council Mandate
	Regulation provided in a third country	Regulation provided in a third country	Regulation provided in a third country
340	1. An external reviewer located in the Union registered in accordance with Article 15 and entered in the register in accordance with Article 59, may apply to ESMA to endorse the services provided by a third country external reviewer on an ongoing basis in the Union, provided that all of the following conditions are fulfilled:	1. An external reviewer located in the Union registered in accordance with Article 15 and entered in the register in accordance with Article 59, may apply to ESMA to endorse the services provided by a third country external reviewer on an ongoing basis in the Union, provided that all of the following conditions are fulfilled:	1. An external reviewer located in the Union registered in accordance with Article 15 and entered in the register in accordance with Article 59, may apply to ESMA to endorse the services provided by a third country external reviewer on an ongoing basis in the Union, provided that all of the following conditions are fulfilled:
341	(a) the endorsing external reviewer has verified and is able to demonstrate on an on-going basis to ESMA that the provision of services under this Regulation by the endorsed third country external reviewer fulfils, on a mandatory or on a voluntary basis, requirements which are at least as stringent as the requirements of this Regulation;	(a) the endorsing external reviewer has verified and is able to demonstrate on an on-going basis to ESMA that the provision of services under this Regulation by the endorsed third country external reviewer fulfils, on a mandatory or on a voluntary basis, requirements which are at least as stringent as the requirements of this Regulation;	(a) the endorsing external reviewer has verified and is able to demonstrate on an on-going basis to ESMA that the provision of services under this Regulation by the endorsed third country external reviewer fulfils, on a mandatory or on a voluntary basis, requirements which are at least as stringent as the requirements of this Regulation;
342	(b) the endorsing external reviewer has the necessary expertise to monitor effectively the activity of the provision of services under this Regulation by that third country external reviewer and to manage the associated risks;	(b) the endorsing external reviewer has the necessary expertise to monitor effectively the activity of the provision of services under this Regulation by that third country external reviewer and to manage the associated risks;	(b) the endorsing external reviewer has the necessary expertise to monitor effectively the activity of the provision of services under this Regulation by that third country external reviewer and to manage the associated risks; and

	Commission Proposal	EP Mandate	Council Mandate
343	(c) the third country external reviewer is relied upon for any of the following objective reasons:	(c) the third country external reviewer is relied upon for any of the following objective reasons:	(c) the third countrythird-country external reviewer is relied upon for any of the following objective reasons::
344	i. Specificities of the underlying markets or investments;	i. Specificities of the underlying markets or investments;	i. specificities of the underlying markets or investments;
345	ii. Proximity of the endorsed reviewer to third country markets, issuers or investors;	ii. Proximity of the endorsed reviewer to third country markets, issuers or investors;	ii. proximity of the endorsed reviewer to third countrythird-country markets, issuers or investors; or
346	iii. Expertise of the third country reviewer in providing the services of external review or in specific markets or investments.	iii. Expertise of the third country reviewer in providing the services of external review or in specific markets or investments.	iii. expertise of the third countrythird-country reviewer in providing the services of external review or in specific markets or investments.
347	2. An external reviewer that makes an application for endorsement as referred to in paragraph 1 shall provide all information necessary to satisfy ESMA that, at the time of application, all the conditions referred to in that paragraph are fulfilled.	2. An external reviewer that makes an application for endorsement as referred to in paragraph 1 shall provide all information necessary to satisfy ESMA that, at the time of application, all the conditions referred to in that paragraph are fulfilled.	2. An external reviewer that makes an application for endorsement as referred to in paragraph 1 shall provide all information necessary to satisfy ESMA that, at the time of application, all the conditions referred to in that paragraph are fulfilled.
348			

	Commission Proposal	EP Mandate	Council Mandate
	3. ESMA shall assess whether the application for endorsement referred to in paragraph 1 is complete within 20 working days after receipt of the application.	3. ESMA shall assess whether the application for endorsement referred to in paragraph 1 is complete within 20 working days after receipt of the application.	3. ESMA shall assess whether the application for endorsement referred to in paragraph 1 is complete within 20 working days after receipt of the application.
349	Where the application is not complete, ESMA shall notify the applicant thereof and set a deadline by which the applicant is to provide additional information.	Where the application is not complete, ESMA shall notify the applicant thereof and set a deadline by which the applicant is to provide additional information.	Where the application is not complete, ESMA shall notify the applicant thereof and set a deadline by which the applicant is to provide additional information.
350	Where the application is complete, ESMA shall notify the applicant thereof.	Where the application is complete, ESMA shall notify the applicant thereof.	Where the application is complete, ESMA shall notify the applicant thereof.
351	Within 45 working days of receipt of the complete application, ESMA shall examine the application and adopt a decision either to authorise the endorsement or to refuse it.	Within 45 working days of receipt of the complete application, ESMA shall examine the application and adopt a decision either to authorise the endorsement or to refuse it.	Within 45 working days of receipt of the complete application, ESMA shall examine the application and adopt a decision either to authorise the endorsement or to refuse it.
352	ESMA shall notify an applicant of its decision regarding endorsement referred to in paragraph 1. The decision shall provide reasons and take effect on the fifth working day following its adoption.	ESMA shall notify an applicant of its decision regarding endorsement referred to in paragraph 1. The decision shall provide reasons and take effect on the fifth working day following its adoption.	ESMA shall notify an applicant of its decision regarding endorsement referred to in paragraph 1. The decision shall provide reasons and take effect on the fifth working day following its adoption.
353			

	Commission Proposal	EP Mandate	Council Mandate
	4. Services provided under this Regulation by an endorsed third country external reviewer shall be considered to be services provided by the endorsing external reviewer. The endorsing external reviewer shall not use the endorsement with the intention of avoiding the requirements of this Regulation.	4. Services provided under this Regulation by an endorsed third country external reviewer shall be considered to be services provided by the endorsing external reviewer. The endorsing external reviewer shall not use the endorsement with the intention of avoiding the requirements of this Regulation.	4. Services provided under this Regulation by an endorsed third country external reviewerthird-country external reviewer that has been endorsed shall be considered to be services provided by the endorsing external reviewer. The endorsing external reviewer shall not use the endorsement with the intention of avoiding the requirements of this Regulation.
354	5. An external reviewer that has endorsed services provided under this Regulation by a third country external reviewer shall remain fully responsible for such services and for compliance with the obligations under this Regulation.	5. An external reviewer that has endorsed services provided under this Regulation by a third country external reviewer shall remain fully responsible for such services and for compliance with the obligations under this Regulation.	5. An external reviewer that has endorsed services provided under this Regulation by a third countrythird-country external reviewer shall remain fully responsible for such services and for compliance with the obligations under this Regulation.
355	6. Where ESMA has well-founded reasons to consider that the conditions laid down under paragraph 1 of this Article are no longer fulfilled, it shall have the power to require the endorsing external reviewer to cease the endorsement.	6. Where ESMA has well-founded reasons to consider that the conditions laid down under paragraph 1 of this Article are no longer fulfilled, it shall have the power to require the endorsing external reviewer to cease the endorsement.	6. Where ESMA has well-founded reasons to consider that the conditions laid down underin paragraph 1 of this Article are no longer fulfilled, it shall have the power to require the endorsing external reviewer to suspend or to cease the endorsement.
356	7. An external reviewer that endorses services provided under this Regulation by a third country external reviewer shall publish the information referred to in	7. An external reviewer that endorses services provided under this Regulation by a third country external reviewer shall publish the information referred to in	7. An external reviewer that endorses services provided under this Regulation by a third countrythird-country external reviewer shall publish the information

	Commission Proposal	EP Mandate	Council Mandate
	Article 13 on its website.	Article 13 on its website.	referred to in Article 1330 on its website.
357	8. An external reviewer that endorses services provided under this Regulation by a third country external reviewer shall report to ESMA annually on the services it has endorsed in the previous twelve months.	8. An external reviewer that endorses services provided under this Regulation by a third country external reviewer shall report to ESMA annually on the services it has endorsed in the previous twelve months.	8. An external reviewer that endorses services provided under this Regulation by a third countrythird-country external reviewer shall report to ESMA annually on the services it has endorsed in the previous twelve months.
358	Title IV Supervision by competent authorities and ESMA	Title IV Supervision by competent authorities and ESMA	Title IV Supervision by competent authorities and ESMA
359	Chapter 1 Competent authorities	Chapter 1 Competent authorities	Chapter 1 Competent authorities
360	Article 36 Supervision by competent authorities	Article 36 Supervision by competent authorities	Article 36 Supervision by competent authorities
361	Competent authorities designated in accordance with Article 31 of Regulation (EU) 2017/1129 shall ensure that Articles 8 to 13 of this Regulation are applied.	Competent authorities designated in accordance with Article 31 of Regulation (EU) 2017/1129 shall ensure that Articles 8 to 13 of this Regulation are applied.	1. Competent authorities designated in accordance withof the home Member State designated pursuant to Article 31 of Regulation (EU) 2017/1129 shall ensure that Articles 8 to 13supervise that issuers of European green bonds for which a

	Commission Proposal	EP Mandate	Council Mandate
			prospectus is required pursuant to that Regulation comply with their obligations under Chapter II of Title II of this Regulation are applied.
361a			2. Under their supervisory powers pursuant to paragraph 1, competent authorities shall assess the completeness, the consistency and the comprehensibility of the information provided by the issuers.
361b			3. The powers conferred under paragraphs 1 and 2 may be exercised before or after the issuance of the European green bond concerned.
362	Article 37 Powers of competent authorities	Article 37 Powers of competent authorities	Article 37 Powers of competent authorities
363	1. In order to fulfil their duties under this Regulation, competent authorities shall have, in accordance with national law, the following supervisory and investigatory powers:	1. In order to fulfil their duties under this Regulation, competent authorities shall have, in accordance with national law, the following supervisory and investigatory powers:	1. In order to fulfil their duties under this Regulation, competent authorities shall have, in accordance with national law, at least the following supervisory and investigatory powers:
364			

	Commission Proposal	EP Mandate	Council Mandate
	(a) to require issuers to include the information referred to in Annex I in the European green bond factsheet;	(a) to require issuers to include the information referred to in Annex I in the European green bond factsheet;	(a) to require issuers to include the information referred to in Annex I in the European green bond factsheet;
364a			(aa) to require issuers to provide and publish pre- and post-issuance reviews by an external reviewer in accordance with this Regulation;
365	(b) to require issuers to publish yearly allocation reports or include in yearly allocation reports the information about all the elements referred to in Annex II;	(b) to require issuers to publish yearly allocation reports or include in yearly allocation reports the information about all the elements referred to in Annex II;	(b) to require issuers to publish yearlyannual allocation reports or include in yearlyannual allocation reports the information about all the elements referred to in Annex II;
366	(c) to require issuers to publish an impact report or include in the impact report the information about all the elements referred to in Annex III;	(c) to require issuers to publish an impact report or include in the impact report the information about all the elements referred to in Annex III;	(c) to require issuers to publish an impact report or include in the impact report the information about all the elements referred to in Annex III;
366a		(ca) to require issuers to adhere to the requirements stipulated in Article 7b(2);	
366b			(ca) to require issuers to file the required documents and notify the competent

	Commission Proposal	EP Mandate	Council Mandate
			authority of the publication in accordance with Article 13(4) of this Regulation;
366c		(cb) to require issuers to adhere to the requirements stipulated in Article 7c;	
367	(d) to require auditors and senior management of the issuer to provide information and documents;	(d) to require auditors and senior management of the issuer to provide information and documents;	(d) to require auditors and senior management of the issuer to provide information and documents;
368	(e) to suspend an offer of European green bonds for a maximum of 10 consecutive working days on any single occasion where there are reasonable grounds for suspecting that Articles 8 to 13 of this Regulation have been infringed;	(e) to suspend an offer of European green bonds for a maximum of 10 consecutive working days on any single occasion where there are reasonable grounds for suspecting that Articles 8 to 13 of this Regulation have been infringed;	(e) to suspend for a maximum of ten consecutive working days an offer of European green bonds for a maximum of 10 consecutive working days or admission to trading on regulated market of European green bonds on any single occasion where there are reasonable grounds for suspecting that Articles 8 to 13 the issuer's obligation under Chapter II of Title II of this Regulation have been infringed;
369	(f) to prohibit or suspend advertisements or require issuers of European green bonds or financial intermediaries concerned to cease or suspend	(f) to prohibit or suspend advertisements or require issuers of European green bonds or financial intermediaries concerned to cease or suspend	(f) to prohibit or suspend for a maximum of ten consecutive working days advertisements or require issuers of European green bonds or financial

	Commission Proposal	EP Mandate	Council Mandate
	advertisements for a maximum of 10 consecutive working days on any single occasion where there are reasonable grounds for believing that Articles 8 to 13 of this Regulation have been infringed;	advertisements for a maximum of 10 consecutive working days on any single occasion where there are reasonable grounds for believing that Articles 8 to 13 of this Regulation have been infringed;	intermediaries concerned to cease or suspend advertisements for a maximum of 10 consecutive working days on any single occasion where there are reasonable grounds for believing that Articles 8 to 13the issuer’s obligation under Chapter II of Title II of this Regulation have been infringed;
369a		(fa) to prohibit an offer of European green bonds on any single occasion for as long as Articles 8 to 13 continue to be infringed;	
370	(g) to make public the fact that an issuer of European green bonds is failing to comply with its obligations under Articles 8 to 13 of this Regulation;	(g) to make public the fact that an issuer of European green bonds is failing to comply with its obligations under Articles 8 to 13 and to require the issuer to publish that information on its website and inform investors in the bond of that failure to comply of this Regulation;	(g) to make public the fact that an issuer of European green bonds is failing to comply with its obligations under Articles 8 to 13Chapter II of Title II of this Regulation and, following a three–month–notice period given to the issuer to rectify any identified lack of compliance, make public the fact that the bond in question should no longer be considered a European green bond; and
370a		(ga) to make public the fact that an issuer of sustainability-linked bonds marketed in the Union or bonds marketed as environmentally sustainable in the Union	

	Commission Proposal	EP Mandate	Council Mandate
		is failing to comply with its obligations under Articles 7b and 7c and to require the issuer to publish that information on its website and inform investors in the bond of that failure to comply;	
370b		(gb) to prohibit an issuer from issuing European green bonds for a period of time not exceeding one year in the event of repeated suspensions of an offer of European green bonds as provided for in point (e) or of advertisements as provided for in point (f);	
371	(h) to carry out on-site inspections or investigations at sites other than the private residences of natural persons, and for that purpose to enter premises in order to access documents and other data in any form, where a reasonable suspicion exists that documents and other data related to the subject-matter of the inspection or investigation may be relevant to prove an infringement of this Regulation.	(h) to carry out on-site inspections or investigations at sites other than the private residences of natural persons, and for that purpose to enter premises in order to access documents and other data in any form, where a reasonable suspicion exists that documents and other data related to the subject-matter of the inspection or investigation may be relevant to prove an infringement of this Regulation.	(h) to carry out on-site inspections or investigations at sites other than the private residences of natural persons, and for that purpose to enter premises in order to access documents and other data in any form, where a reasonable suspicion exists that documents and other data related to the subject-matter of the inspection or investigation may be relevant to prove an infringement of this Regulation.
372	Where necessary under national law, the competent authority may ask the relevant judicial authority to decide on the use of	Where necessary under national law, the competent authority may ask the relevant judicial authority to decide on the use of	Where necessary under national law, the competent authority may ask the relevant judicial authority to decide on the use of

	Commission Proposal	EP Mandate	Council Mandate
	the powers referred to in the first subparagraph.	the powers referred to in the first subparagraph.	the powers referred to in the first subparagraph.
373	2. Competent authorities shall exercise their functions and powers referred to in paragraph 1 in any of the following ways:	2. Competent authorities shall exercise their functions and powers referred to in paragraph 1 in any of the following ways:	2. Competent authorities shall exercise their functions and powers referred to in paragraph 1 in any of the following ways:
374	(a) directly;	(a) directly;	(a) directly;
375	(b) in collaboration with other authorities;	(b) in collaboration with other authorities;	(b) in collaboration with other authorities;
376	(c) under their responsibility by delegation to such authorities;	(c) under their responsibility by delegation to such authorities;	(c) under their responsibility by delegation to such authorities;
377	(d) by application to the competent judicial authorities.	(d) by application to the competent judicial authorities.	(d) by application to the competent judicial authorities.
378	3. Member States shall ensure that appropriate measures are in place so that competent authorities have all the supervisory and investigatory powers that are necessary to fulfil their duties.	3. Member States shall ensure that appropriate measures are in place so that competent authorities have all the supervisory and investigatory powers, as well as the adequate resources, that are necessary to fulfil their duties.	3. Member States shall ensure that appropriate measures are in place so that competent authorities have all the supervisory and investigatory powers that are necessary to fulfil their duties.

	Commission Proposal	EP Mandate	Council Mandate
379	4. A person making information available to the competent authority in accordance with this Regulation shall not be considered to be infringing any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and shall not be subject to liability of any kind related to such notification.	4. A person making information available to the competent authority in accordance with this Regulation shall not be considered to be infringing any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and shall not be subject to liability of any kind related to such notification.	4. A person making information available to the competent authority in accordance with this Regulation shall not be considered to be infringing any restriction on the disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and shall not be subject to liability of any kind related to such notification.
380	Article 38 Cooperation between competent authorities	Article 38 Cooperation between competent authorities	Article 38 Cooperation between competent authorities
381	1. Competent authorities shall cooperate with each other for the purposes of this Regulation. They shall exchange information without undue delay and cooperate in investigation, supervision and enforcement activities.	1. Competent authorities shall cooperate with each other for the purposes of this Regulation. They shall exchange information without undue delay and cooperate in investigation, supervision and enforcement activities.	1. Competent authorities shall cooperate with each other for the purposes of this Regulation. They shall exchange information without undue delay and cooperate in investigation, supervision and enforcement activities.
382	Member States that have chosen, in accordance with Article 41(3), to lay down criminal sanctions for infringements of this Regulation shall ensure that appropriate	Member States that have chosen, in accordance with Article 41(3), to lay down criminal sanctions for infringements of this Regulation shall ensure that appropriate	Member States that have chosen, in accordance with Article 41(3), to lay down criminal sanctions for infringements of this Regulation shall ensure that appropriate

	Commission Proposal	EP Mandate	Council Mandate
	measures are in place so that competent authorities have all the necessary powers to liaise with judicial authorities within their jurisdiction to receive specific information related to criminal investigations or proceedings commenced for possible infringements of this Regulation and provide the same to other competent authorities to fulfil their obligation to cooperate with each other for the purposes of this Regulation.	measures are in place so that competent authorities have all the necessary powers to liaise with judicial authorities within their jurisdiction to receive specific information related to criminal investigations or proceedings commenced for possible infringements of this Regulation and provide the same to other competent authorities to fulfil their obligation to cooperate with each other for the purposes of this Regulation.	measures are in place so that competent authorities have all the necessary powers to liaise with judicial authorities within their jurisdiction to receive specific information related to criminal investigations or proceedings commenced for possible alleged infringements of this Regulation and provide the same to other competent authorities to fulfil their obligation to cooperate with each other for the purposes of this Regulation.
383	2. A competent authority may refuse to act on a request for information or a request to cooperate with an investigation only in any of the following exceptional circumstances:	2. A competent authority may refuse to act on a request for information or a request to cooperate with an investigation only in any of the following exceptional circumstances:	2. A competent authority may refuse to act on a request for information or a request to cooperate with an investigation only in any of the following exceptional circumstances where:
384	(a) where complying with the request is likely to adversely affect its own investigation, enforcement activities or a criminal investigation;	(a) where complying with the request is likely to adversely affect its own investigation, enforcement activities or a criminal investigation;	(a) where complying with the request is likely to adversely affect its own investigation, enforcement activities or a criminal investigation;
385	(b) where judicial proceedings have already been initiated in respect of the same actions and against the same persons before the authorities of the Member State addressed;	(b) where judicial proceedings have already been initiated in respect of the same actions and against the same persons before the authorities of the Member State addressed;	(b) where judicial proceedings have already been initiated in respect of the same actions and against the same persons before the authorities of the Member State addressed; or

	Commission Proposal	EP Mandate	Council Mandate
386	(c) where a final judgment has already been delivered in relation to such persons for the same actions in the Member State addressed.	(c) where a final judgment has already been delivered in relation to such persons for the same actions in the Member State addressed.	(c) where a final judgment has already been delivered in relation to such persons for the same actions in the Member State addressed.
387	3. The competent authority may request assistance from the competent authority of another Member State with regard to on-site inspections or investigations.	3. The competent authority may request assistance from the competent authority of another Member State with regard to on-site inspections or investigations.	3. The competent authority may request assistance from the competent authority of another Member State with regard to on-site inspections or investigations.
388	Where a competent authority receives a request from a competent authority of another Member State to carry out an on-site inspection or an investigation, it may do any of the following:	Where a competent authority receives a request from a competent authority of another Member State to carry out an on-site inspection or an investigation, it may do any of the following:	Where a competent authority receives a request from a competent authority of another Member State to carry out an on-site inspection or an investigation, it may do any of the following:
389	(a) carry out the on-site inspection or investigation itself;	(a) carry out the on-site inspection or investigation itself;	(a) carry out the on-site inspection or investigation itself;
390	(b) allow the competent authority which submitted the request to participate in an on-site inspection or investigation;	(b) allow the competent authority which submitted the request to participate in an on-site inspection or investigation;	(b) allow the competent authority which submitted the request to participate in an on-site inspection or investigation;

	Commission Proposal	EP Mandate	Council Mandate
391	(c) allow the competent authority which submitted the request to carry out the on-site inspection or investigation itself;	(c) allow the competent authority which submitted the request to carry out the on-site inspection or investigation itself;	(c) allow the competent authority which submitted the request to carry out the on-site inspection or investigation itself;
392	(d) appoint auditors or experts to carry out the on-site inspection or investigation;	(d) appoint auditors or experts to carry out the on-site inspection or investigation;	(d) appoint auditors or experts to carry out the on-site inspection or investigation; or
393	(e) share specific tasks related to supervisory activities with the other competent authorities.	(e) share specific tasks related to supervisory activities with the other competent authorities.	(e) share specific tasks related to supervisory activities with the other competent authorities.
394	4. The competent authorities may refer to ESMA situations where a request for cooperation, in particular to exchange information, has been rejected or has not been acted upon within a reasonable time. Without prejudice to Article 258 TFEU, ESMA may, in the situations referred to in the first sentence of this paragraph, act in accordance with the power conferred on it under Article 19 of Regulation (EU) No 1095/2010.	4. The competent authorities may refer to ESMA situations where a request for cooperation, in particular to exchange information, has been rejected or has not been acted upon within a reasonable time. Without prejudice to Article 258 TFEU, ESMA may, in the situations referred to in the first sentence of this paragraph, act in accordance with the power conferred on it under Article 19 of Regulation (EU) No 1095/2010.	4. The competent authorities may refer to ESMA in situations where a request for cooperation, in particular to exchange information, has been rejected or has not been acted upon within a reasonable time. Without prejudice to Article 258 TFEU, ESMA may, in the in such situations referred to in the first sentence of this paragraph, act in accordance with the power conferred on it underby Article 19 of Regulation (EU) No 1095/2010.
395	5. ESMA is empowered to develop draft	5. ESMA is empowered to develop draft	5. ESMA is empowered to develop draft

	Commission Proposal	EP Mandate	Council Mandate
	regulatory technical standards to specify the information to be exchanged between competent authorities in accordance with paragraph 1.	regulatory technical standards to specify the information to be exchanged between competent authorities in accordance with paragraph 1.	regulatory technical standards to specify the information to be exchanged between competent authorities in accordance with paragraph 1.
395a			ESMA shall submit those draft regulatory technical standards to the Commission by ... [PO: Please insert date 36 months after the date of entry into force of this Regulation].
396	Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.	Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.
397	6. ESMA may develop draft implementing technical standards to establish standard forms, templates and procedures for the cooperation and exchange of information between competent authorities.	6. ESMA may develop draft implementing technical standards to establish standard forms, templates and procedures for the cooperation and exchange of information between competent authorities.	6. ESMA may develop draft implementing technical standards to establish standard forms, templates and procedures for the cooperation and exchange of information between competent authorities.
397a			ESMA shall submit those draft implementing technical standards to the Commission by ... [PO: Please insert date

	Commission Proposal	EP Mandate	Council Mandate
			36 months after the date of entry into force of this Regulation].
398	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1095/2010.	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1095/2010.	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph of this paragraph in accordance with Article 15 of Regulation (EU) No 1095/2010.
399	Article 39 Professional secrecy	Article 39 Professional secrecy	Article 39 Professional secrecy
400	1. All information exchanged between the competent authorities under this Regulation that concerns business or operational conditions and other economic or personal affairs shall be considered to be confidential and shall be subject to the requirements of professional secrecy, except where the competent authority states at the time of communication that such information may be disclosed or such disclosure is necessary for legal proceedings.	1. All information exchanged between the competent authorities under this Regulation that concerns business or operational conditions and other economic or personal affairs shall be considered to be confidential and shall be subject to the requirements of professional secrecy, except where the competent authority states at the time of communication that such information may be disclosed or such disclosure is necessary for legal proceedings.	1. All information exchanged between the competent authorities under this Regulation that concerns business or operational conditions and other economic or personal affairs shall be considered to be confidential and shall be subject to the requirements of professional secrecy, except where the competent authority states at the time of communication that such information may be disclosed or such disclosure is necessary for legal proceedings.
401			

	Commission Proposal	EP Mandate	Council Mandate
	2. The obligation of professional secrecy shall apply to all persons who work or who have worked for the competent authority or for any third party to whom the competent authority has delegated its powers. Information covered by professional secrecy may not be disclosed to any other person or authority except by virtue of provisions laid down by Union or national law.	2. The obligation of professional secrecy shall apply to all persons who work or who have worked for the competent authority or for any third party to whom the competent authority has delegated its powers. Information covered by professional secrecy may not be disclosed to any other person or authority except by virtue of provisions laid down by Union or national law.	2. The obligation of professional secrecy shall apply to all persons who work or who have worked for the competent authority or for any third party to whom the competent authority has delegated its powers. Information covered by professional secrecy may not be disclosed to any other person or authority except by virtue of provisions laid down by Union or national law.
402	Article 40 Precautionary measures	Article 40 Precautionary measures	Article 40 Precautionary measures
403	1. A competent authority of the host Member State that has clear and demonstrable grounds for believing that irregularities have been committed by an issuer of an European green bond or that it has infringed its obligations under this Regulation shall refer those findings to the competent authority of the home Member State and to ESMA.	1. A competent authority of the host Member State that has clear and demonstrable grounds for believing that irregularities have been committed by an issuer of an European green bond or that it has infringed its obligations under this Regulation shall refer those findings to the competent authority of the home Member State and to ESMA.	1. A competent authority of the host Member State that has clear and demonstrable grounds for believing that irregularities have been committed by an issuer of an European green bond or that it has infringed its obligations under this Regulation shall refer those findings to the competent authority of the home Member State and to ESMA.
404	2. Where, despite the measures taken by the competent authority of the home Member State, an issuer of an European green bond persists in infringing this	2. Where, despite the measures taken by the competent authority of the home Member State, an issuer of an European green bond persists in infringing this	2. Where, despite the measures taken by the competent authority of the home Member State, an issuer of an European green bond persists in infringing this

	Commission Proposal	EP Mandate	Council Mandate
	Regulation, the competent authority of the host Member State, after informing the competent authority of the home Member State and ESMA, shall take all appropriate measures to protect investors and shall inform the Commission and ESMA thereof without undue delay.	Regulation, the competent authority of the host Member State, after informing the competent authority of the home Member State and ESMA, shall take all appropriate measures to protect investors and shall inform the Commission and ESMA thereof without undue delay.	Regulation, the competent authority of the host Member State, after informing the competent authority of the home Member State and ESMA, shall take all appropriate measures to protect investors and shall inform the Commission and ESMA thereof without undue delay.
405	3. A competent authority that disagrees with any of the measures taken by another competent authority pursuant to paragraph 2 may bring the matter to the attention of ESMA. ESMA may act in accordance with the powers conferred on it under Article 19 of Regulation (EU) No 1095/2010.	3. A competent authority that disagrees with any of the measures taken by another competent authority pursuant to paragraph 2 may bring the matter to the attention of ESMA. ESMA may act in accordance with the powers conferred on it under Article 19 of Regulation (EU) No 1095/2010.	3. A competent authority that disagrees with any of the measures taken by another competent authority pursuant to paragraph 2 may bring the matter to the attention of ESMA. ESMA may act in accordance with the powers conferred on it under by Article 19 of Regulation (EU) No 1095/2010.
406	Article 41 Administrative sanctions and other administrative measures	Article 41 Administrative sanctions and other administrative measures	Article 41 Administrative sanctions and other administrative measures
407	1. Without prejudice to the supervisory and investigatory powers of competent authorities under Article 37, and the right of Member States to provide for and impose criminal sanctions, Member States shall, in accordance with national law, provide for competent authorities to have	1. Without prejudice to the supervisory and investigatory powers of competent authorities under Article 37, and the right of Member States to provide for and impose criminal sanctions, Member States shall, in accordance with national law, provide for competent authorities to have	1. Without prejudice to the supervisory and investigatory powers of competent authorities under pursuant to Article 37, and the right of Member States to provide for and impose criminal sanctions, Member States shall, in accordance with national law, provide for competent

	Commission Proposal	EP Mandate	Council Mandate
	the power to impose administrative sanctions and take appropriate other administrative measures which shall be effective, proportionate and dissuasive. Those administrative sanctions and other administrative measures shall apply to:	the power to impose administrative sanctions and take appropriate other administrative measures which shall be effective, proportionate and dissuasive. Those administrative sanctions and other administrative measures shall apply to:	authorities to have the power to impose administrative sanctions and take appropriate other administrative measures which shall be effective, proportionate and dissuasive. Those administrative sanctions and other administrative measures shall apply to:
408	(a) infringements of Articles 8 to 13;	(a) infringements of Articles 8 to 13;	(a) infringements by issuers of their obligations under Chapter II of Title II of this Regulation of Articles 8 to 13;
408a		(aa) infringements of Articles 7b or 7c;	
409	(b) failure to cooperate or comply in an investigation or with an inspection or request covered by Article 37.	(b) failure to cooperate or comply in an investigation or with an inspection or request covered by Article 37.	(b) failure to cooperate or comply in with an investigation or, with an inspection or request covered by with a requirement under Article 37(1).
410	Member States may decide not to lay down rules for administrative sanctions as referred to in the first subparagraph where the infringements referred to in point (a) or point (b) of that subparagraph are already subject to criminal sanctions in their national law by [date of application	Member States may decide not to lay down rules for administrative sanctions as referred to in the first subparagraph where the infringements referred to in point (a), point (aa) or point (b) of that subparagraph are already subject to criminal sanctions in their national law by	Member States may decide not to lay down rules for administrative sanctions as referred to in the first subparagraph where the infringements referred to in point (a) or point (b) of that subparagraph are already subject to criminal sanctions in their national law by ... [PO: please insert

	Commission Proposal	EP Mandate	Council Mandate
	of this Regulation]. Where they so decide, Member States shall notify, in detail, to the Commission and to ESMA, the relevant parts of their criminal law.	[date of application of this Regulation]. Where they so decide, Member States shall notify, in detail, to the Commission and to ESMA, the relevant parts of their criminal law.	the date of application of this Regulation]. Where they so decide, Member States shall notify, in detail, to the Commission and to ESMA, the relevant parts of their criminal law.
411	By [date of application of this Regulation], Member States shall notify, in detail, the rules referred to in the first and second subparagraph to the Commission and to ESMA. They shall notify the Commission and ESMA without delay of any subsequent amendment thereto.	By [date of application of this Regulation], Member States shall notify, in detail, the rules referred to in the first and second subparagraph to the Commission and to ESMA. They shall notify the Commission and ESMA without delay of any subsequent amendment thereto.	By ... [PO: please insert the date of application of this Regulation], Member States shall notify, in detail, the rules referred to in the first and second subparagraph to the Commission and to ESMA. They shall notify the Commission and ESMA without delay of any subsequent amendment thereto.
412	2. Member States shall, in accordance with national law, ensure that competent authorities have the power to impose the following administrative sanctions and other administrative measures in relation to the infringements listed in paragraph 1, point (a):	2. Member States shall, in accordance with national law, ensure that competent authorities have the power to impose the following administrative sanctions and other administrative measures in relation to the infringements listed in paragraph 1, point (a) and (aa):	2. Member States shall, in accordance with national law, ensure that competent authorities have the power to impose the following administrative sanctions and other administrative measures in relation to the infringements listed in paragraph 1, point (a):
413	(a) a public statement indicating the natural person or the legal entity responsible and the nature of the infringement in accordance with Article 37(1), point (g);	(a) a public statement indicating the natural person or the legal entity responsible and the nature of the infringement in accordance with Article 37(1), point (g);	(a) a public statement indicating the natural person or the or legal entity person responsible and the nature of the infringement in accordance with Article 37(1), point (g);

	Commission Proposal	EP Mandate	Council Mandate
414	(b) an order requiring the natural person or legal entity responsible to cease the conduct constituting the infringement;	(b) an order requiring the natural person or legal entity responsible to cease the conduct constituting the infringement;	(b) an order requiring the natural person or legal entity person responsible to cease the conduct constituting the infringement;
414a		(ba) an order prohibiting the natural person or entity responsible from issuing European green bonds for a period of time not exceeding one year;	
415	(c) maximum administrative pecuniary sanctions of at least twice the amount of the profits gained or losses avoided because of the infringement where those can be determined;	(c) maximum administrative pecuniary sanctions of at least twice the amount of the profits gained or losses avoided because of the infringement where those can be determined;	(c) maximum administrative pecuniary sanctions of at least twice the amount of the profits gained or losses avoided because of the infringement where those can be determined;
416	(d) in the case of a legal person, maximum administrative pecuniary sanctions of at least EUR [500 000], or, in the Member States whose currency is not the euro, the corresponding value in the national currency on [please add entry into force], or 0.5 % of the total annual turnover of that legal person according to the last available financial statements approved by the management body.	(d) in the case of a legal person, maximum administrative pecuniary sanctions of at least EUR [500 000], or, in the Member States whose currency is not the euro, the corresponding value in the national currency on [please add entry into force], or 0.5 % of the total annual turnover of that legal person according to the last available financial statements approved by the management body.	(d) in the case of a legal person, maximum administrative pecuniary sanctions of at least EUR [500 000], or, in the Member States whose currency is not the euro, the corresponding value in the national currency on ... [PO: please add insert the date of entry into force of this Regulation], or 0.5 % of the total annual turnover of that legal person according to the last available financial statements approved by

	Commission Proposal	EP Mandate	Council Mandate
			the management body.;
417	(e) in the case of a natural person, maximum administrative pecuniary sanctions of at least EUR [50 000], or, in the Member States whose currency is not the euro, the corresponding value in the national currency on [date of entry into force of this Regulation].	(e) in the case of a natural person, maximum administrative pecuniary sanctions of at least EUR [50 000], or, in the Member States whose currency is not the euro, the corresponding value in the national currency on [date of entry into force of this Regulation].	(e) in the case of a natural person, maximum administrative pecuniary sanctions of at least EUR [50 000], or, in the Member States whose currency is not the euro, the corresponding value in the national currency on ... [PO: please insert date of entry into force of this Regulation].
418	<p>For the purposes of point (d), where the legal person is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial accounts in accordance with Directive 2013/34/EU of the European Parliament and of the Council¹, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant Union law in the area of accounting according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking.</p> <p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and</p>	<p>For the purposes of point (d), where the legal person is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial accounts in accordance with Directive 2013/34/EU of the European Parliament and of the Council¹, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant Union law in the area of accounting according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking.</p> <p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and</p>	<p>For the purposes of point (d), where the legal person is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial accounts in accordance with Directive 2013/34/EU of the European Parliament and of the Council¹, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant Union law in the area of accounting according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking.</p> <p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and</p>

	Commission Proposal	EP Mandate	Council Mandate
	related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).
419	3. Member States may provide for additional sanctions or measures and for higher levels of administrative pecuniary sanctions than those provided for in this Regulation.	3. Member States may provide for additional sanctions or measures and for higher levels of administrative pecuniary sanctions than those provided for in this Regulation.	3. Member States may provide for additional sanctions or measures and for higher levels of administrative pecuniary sanctions than those provided for in this Regulation.
420	Article 42 Exercise of supervisory powers and powers to impose sanctions	Article 42 Exercise of supervisory powers and powers to impose sanctions	Article 42 Exercise of supervisory powers and powers to impose sanctions
421	1. Competent authorities, when determining the type and level of administrative sanctions and other administrative measures, shall take into account all relevant circumstances including, where appropriate:	1. Competent authorities, when determining the type and level of administrative sanctions and other administrative measures, shall take into account all relevant circumstances including, where appropriate:	1. Competent authorities, when determining the type and level of administrative sanctions and other administrative measures, shall take into account all relevant circumstances including, where appropriate:
422	(a) the gravity and the duration of the infringement;	(a) the gravity and the duration of the infringement;	(a) the gravity and the duration of the infringement;

	Commission Proposal	EP Mandate	Council Mandate
423	(b) the degree of responsibility of the person responsible for the infringement;	(b) the degree of responsibility of the person responsible for the infringement;	(b) the degree of responsibility of the person responsible for the infringement;
424	(c) the financial strength of the person responsible for the infringement, as indicated by the total turnover of the responsible legal person or the annual income and net assets of the responsible natural person;	(c) the financial strength of the person responsible for the infringement, as indicated by the total turnover of the responsible legal person or the annual income and net assets of the responsible natural person;	(c) the financial strength of the person responsible for the infringement, as indicated by the total turnover of the responsible legal person or the annual income and net assets of the responsible natural person;
425	(d) the impact of the infringement on retail investors' interests;	(d) the impact of the infringement on retail investors' interests;	(d) the impact of the infringement on the interests of retail investors' interests;
426	(e) the importance of the profits gained, losses avoided by the person responsible for the infringement or the losses for third parties derived from the infringement, insofar as they can be determined;	(e) the importance of the profits gained, losses avoided by the person responsible for the infringement or the losses for third parties derived from the infringement, insofar as they can be determined;	(e) the importance of the profits gained, losses avoided by the person responsible for the infringement or the losses for third parties derived from the infringement, insofar as they can be determined;
427	(f) the level of cooperation of the person responsible for the infringement with the competent authority, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;	(f) the level of cooperation of the person responsible for the infringement with the competent authority, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;	(f) the level of cooperation of the person responsible for the infringement with the competent authority, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;

	Commission Proposal	EP Mandate	Council Mandate
428	(g) previous infringements by the person responsible for the infringement;	(g) previous infringements by the person responsible for the infringement;	(g) previous infringements by the person responsible for the infringement; and
429	(h) measures taken after the infringement by the person responsible for the infringement to prevent its repetition.	(h) measures taken after the infringement by the person responsible for the infringement to prevent its repetition.	(h) measures taken after the infringement by the person responsible for the infringement to prevent its repetition.
430	2. In the exercise of their powers to impose administrative sanctions and other administrative measures under Article 41, competent authorities shall cooperate closely to ensure that the exercise of their supervisory and investigative powers and the administrative sanctions and other administrative measures that they impose are effective and appropriate under this Regulation. They shall coordinate their action in order to avoid duplication and overlaps when exercising their supervisory and investigative powers and when imposing administrative sanctions and other administrative measures in cross-border cases.	2. In the exercise of their powers to impose administrative sanctions and other administrative measures under Article 41, competent authorities shall cooperate closely to ensure that the exercise of their supervisory and investigative powers and the administrative sanctions and other administrative measures that they impose are effective and appropriate under this Regulation. They shall coordinate their action in order to avoid duplication and overlaps when exercising their supervisory and investigative powers and when imposing administrative sanctions and other administrative measures in cross-border cases.	2. In the exercise of their powers to impose administrative sanctions and other administrative measures under Article 41, competent authorities shall cooperate closely to ensure that the exercise of their supervisory and investigative powers and the administrative sanctions and other administrative measures that they impose are effective and appropriate under this Regulation. They shall coordinate their action in order to avoid duplication and overlaps when exercising their supervisory and investigative powers and when imposing administrative sanctions and other administrative measures in cross-border cases.
431	Article 43	Article 43	Article 43

	Commission Proposal	EP Mandate	Council Mandate
	Right of appeal	Right of appeal	Right of appeal
432	Member States shall ensure that decisions taken under this Regulation are properly reasoned and subject to a right of appeal before a tribunal.	Member States shall ensure that decisions taken under this Regulation are properly reasoned and subject to a right of appeal before a tribunal.	Member States shall ensure that decisions taken under this Regulation are properly reasoned and subject to a right of appeal before a tribunalcourt.
433	Article 44 Publication of decisions	Article 44 Publication of decisions	Article 44 Publication of decisions
434	1. A decision imposing an administrative sanction or other administrative measure for infringement of this Regulation shall be published by competent authorities on their official websites immediately after the person subject to that decision has been informed of that decision. The publication shall include information on the type and nature of the infringement and the identity of the persons responsible. That obligation shall not apply to decisions imposing measures that are of an investigatory nature.	1. A decision imposing an administrative sanction or other administrative measure for infringement of this Regulation shall be published by competent authorities on their official websites immediately after the person subject to that decision has been informed of that decision. The publication shall include information on the type and nature of the infringement and the identity of the persons responsible. That obligation shall not apply to decisions imposing measures that are of an investigatory nature.	1. A decision imposing an administrative sanction or other administrative measure for infringement of this Regulation shall be published by competent authorities on their official websites immediately after the person subject to that decision has been informed of that decision. The publication shall include information on the type and nature of the infringement and the identity of the persons responsible. That obligation shall not apply to decisions imposing measures that are of an investigatory nature.
435	2. Where the publication of the identity of the legal entities, or identity or personal	2. Where the publication of the identity of the legal entities, or identity or personal	2. Where the publication of the identity of the legal entitiespersons, or identity or

	Commission Proposal	EP Mandate	Council Mandate
	<p>data of natural persons, is considered by the competent authority to be disproportionate following a case-by-case assessment conducted on the proportionality of the publication of such data, or where such publication would jeopardise the stability of financial markets or an on-going investigation, Member States shall ensure that the competent authorities do one of the following:</p>	<p>data of natural persons, is considered by the competent authority to be disproportionate following a case-by-case assessment conducted on the proportionality of the publication of such data, or where such publication would jeopardise the stability of financial markets or an on-going investigation, Member States shall ensure that the competent authorities do one of the following:</p>	<p>personal data of natural persons, is considered by the competent authority to be disproportionate following a case-by-case assessment conducted on the proportionality of the publication of such data, or where such publication would jeopardise the stability of financial markets or an on-going investigation, Member States shall ensure that the competent authorities do one of the following:</p>
436	<p>(a) defer the publication of the decision to impose a sanction or a measure until the moment where the reasons for non-publication cease to exist;</p>	<p>(a) defer the publication of the decision to impose a sanction or a measure until the moment where the reasons for non-publication cease to exist;</p>	<p>(a) defer the publication of the decision to impose a sanction or a measure until the moment where the reasons for non-publication cease to exist;</p>
437	<p>(b) publish the decision to impose a sanction or a measure on an anonymous basis in a manner which is in conformity with national law, where such anonymous publication ensures an effective protection of the personal data concerned;</p>	<p>(b) publish the decision to impose a sanction or a measure on an anonymous basis in a manner which is in conformity with national law, where such anonymous publication ensures an effective protection of the personal data concerned;</p>	<p>(b) publish the decision to impose a sanction or a measure on an anonymous basis in a manner which is in conformity with national law, where such anonymous publication ensures an effective protection of the personal data concerned; or</p>
438	<p>(c) not publish the decision to impose a sanction or measure in the event that the options laid down in points (a) and (b) are considered to be insufficient to ensure:</p>	<p>(c) not publish the decision to impose a sanction or measure in the event that the options laid down in points (a) and (b) are considered to be insufficient to ensure:</p>	<p>(c) not publish the decision to impose a sanction or measure in the event that the options laid down in points (a) and (b) are considered to be insufficient to ensure:</p>

	Commission Proposal	EP Mandate	Council Mandate
439	(i) that the stability of financial markets would not be put in jeopardy;	(i) that the stability of financial markets would not be put in jeopardy;	(i) that the stability of financial markets would not be put in jeopardy; or
440	(ii) the proportionality of the publication of such decisions with regard to measures which are deemed to be of a minor nature.	(ii) the proportionality of the publication of such decisions with regard to measures which are deemed to be of a minor nature.	(ii) the proportionality of the publication of such decisions with regard to measures which are deemed to be of a minor nature.
441	In the case of a decision to publish a sanction or measure on an anonymous basis, as referred to in point (b) of the first subparagraph, the publication of the relevant data may be deferred for a reasonable period where it is expected that within that period the reasons for anonymous publication shall cease to exist.	In the case of a decision to publish a sanction or measure on an anonymous basis, as referred to in point (b) of the first subparagraph, the publication of the relevant data may be deferred for a reasonable period where it is expected that within that period the reasons for anonymous publication shall cease to exist.	In the case of a decision to publish a sanction or measure on an anonymous basis, as referred to in point (b) of the first subparagraph, the publication of the relevant data may be deferred for a reasonable period where it is expected that within that period the reasons for anonymous publication shall cease to exist.
442	3. Where the decision to impose a sanction or measure is subject to appeal before the relevant judicial or other authorities, competent authorities shall also publish, immediately, on their official website such information and any subsequent information on the outcome of such appeal. Moreover, any decision annulling a previous decision to impose a sanction or a	3. Where the decision to impose a sanction or measure is subject to appeal before the relevant judicial or other authorities, competent authorities shall also publish, immediately, on their official website such information and any subsequent information on the outcome of such appeal. Moreover, any decision annulling a previous decision to impose a sanction or a	3. Where the decision to impose a sanction or measure is subject to an appeal before the relevant judicial or other authorities, competent authorities shall also publish, immediately, on their official website such information and any subsequent information on the outcome of such appeal. Moreover, any decision annulling a previous decision to impose a sanction or a

	Commission Proposal	EP Mandate	Council Mandate
	measure shall also be published.	measure shall also be published.	measure shall also be published.
443	4. Competent authorities shall ensure that any publication in accordance with this Article shall remain on their official website for a period of at least five years after its publication. Personal data contained in the publication shall be kept on the official website of the competent authority only for the period which is necessary in accordance with the applicable data protection rules.	4. Competent authorities shall ensure that any publication in accordance with this Article shall remain on their official website for a period of at least five years after its publication. Personal data contained in the publication, shall be limited to what is necessary for the purposes of the specific case, shall be kept on the official website of the competent authority only for the period which is necessary in accordance with the applicable data protection rules.	4. Competent authorities shall ensure that any publication in accordance with this Article shall remain on their official website for a period of at least five years after its publication. Personal data contained in the publication shall be kept on the official website of the competent authority only for the period which is necessary in accordance with the applicable data protection rules.
444	Article 45 Reporting sanctions to ESMA	Article 45 Reporting sanctions to ESMA	Article 45 Reporting sanctions to ESMA
445	1. The competent authority shall, on an annual basis, provide ESMA with aggregate information regarding all administrative sanctions and other administrative measures imposed in accordance with Article 41. ESMA shall publish that information in an annual report.	1. The competent authority shall, on an annual basis, provide ESMA with aggregate information regarding all administrative sanctions and other administrative measures imposed in accordance with Article 41. ESMA shall publish that information in an annual report.	1. The competent authority shall, on an annual basis, provide ESMA with aggregate information regarding all administrative sanctions and other administrative measures imposed in accordance with Article 41. ESMA shall publish that information in an annual report.

	Commission Proposal	EP Mandate	Council Mandate
446	<p>Where Member States have chosen, in accordance with Article 41(3), to lay down criminal sanctions for the infringements of the provisions referred to in that paragraph, their competent authorities shall provide ESMA annually with anonymised and aggregated data regarding all criminal investigations undertaken and criminal sanctions imposed. ESMA shall publish data on criminal sanctions imposed in an annual report.</p>	<p>Where Member States have chosen, in accordance with Article 41(3), to lay down criminal sanctions for the infringements of the provisions referred to in that paragraph, their competent authorities shall provide ESMA annually with anonymised and aggregated data regarding all criminal investigations undertaken and criminal sanctions imposed. ESMA shall publish data on criminal sanctions imposed in an annual report.</p>	<p>Where Member States have chosen, in accordance with Article 41(3), to lay down provide for criminal sanctions for the infringements of the provisions referred to in that paragraph, their competent authorities shall provide ESMA annually with anonymised and aggregated data regarding all criminal investigations undertaken and criminal sanctions imposed. ESMA shall publish data on criminal sanctions imposed in an annual report.</p>
447	<p>2. A competent authority that has disclosed administrative sanctions, other administrative measures or criminal sanctions to the public shall simultaneously report those sanctions or measures to ESMA.</p>	<p>2. A competent authority that has disclosed administrative sanctions, other administrative measures or criminal sanctions to the public shall simultaneously report those sanctions or measures to ESMA.</p>	<p>2. A competent authority that has disclosed administrative sanctions, other administrative measures or criminal sanctions to the public shall simultaneously report those sanctions or measures to ESMA.</p>
448	<p>3. Competent authorities shall inform ESMA of all administrative sanctions or other administrative measures imposed but not published in accordance with Article 44(2), first subparagraph, point (c), including any appeal in relation thereto and the outcome thereof. Member States shall ensure that competent authorities receive information and the final judgment</p>	<p>3. Competent authorities shall inform ESMA of all administrative sanctions or other administrative measures imposed but not published in accordance with Article 44(2), first subparagraph, point (c), including any appeal in relation thereto and the outcome thereof. Member States shall ensure that competent authorities receive information and the final judgment</p>	<p>3. Competent authorities shall inform ESMA of all administrative sanctions or other administrative measures imposed but not published in accordance with Article 44(2), first subparagraph, point (c), including any appeal in relation thereto and the outcome thereof. Member States shall ensure that competent authorities receive information and the final judgment</p>

	Commission Proposal	EP Mandate	Council Mandate
	in relation to any criminal sanction imposed and submit it to ESMA. ESMA shall maintain a central database of sanctions communicated to it solely for the purposes of exchanging information between competent authorities. That database shall be accessible to competent authorities only and it shall be updated on the basis of the information provided by the competent authorities.	in relation to any criminal sanction imposed and submit it to ESMA. ESMA shall maintain a central database of sanctions communicated to it solely for the purposes of exchanging information between competent authorities. That database shall be accessible to competent authorities only and it shall be updated on the basis of the information provided by the competent authorities.	in relation to any criminal sanction imposed and submit it to ESMA. ESMA shall maintain a central database of sanctions communicated to it solely for the purposes of exchanging information between competent authorities. That database shall be accessible to competent authorities only and it shall be updated on the basis of the information provided by the competent authorities.
449	Chapter 2 ESMA	Chapter 2 ESMA	Chapter 2 ESMA
450	Article 46 Exercise of the powers referred to in Articles 47, 48 and 49	Article 46 Exercise of the powers referred to in Articles 47, 48 and 49	Article 46 Exercise of the powers referred to in Articles 47, 48 and 49
451	The powers conferred on ESMA, any of its officials or any other person authorised by ESMA by Articles 47, 48 and 49 shall not be used to require the disclosure of information or documents that are subject to legal privilege.	The powers conferred on ESMA, any of its officials or any other person authorised by ESMA by Articles 47, 48 and 49 shall not be used to require the disclosure of information or documents that are subject to legal privilege.	The powers conferred on ESMA, any of its officials or any other person authorised by ESMA by Articles 47, 48 and 49 shall not be used to require the disclosure of information or documents that are subject to legal privilege.
452	Article 47	Article 47	Article 47

	Commission Proposal	EP Mandate	Council Mandate
	Requests for information	Requests for information	Requests for information
453	1. ESMA may by simple request or by decision require the following persons to provide all information that is necessary to carry out its duties under this Regulation:	1. ESMA may by simple request or by decision require the following persons to provide all information that is necessary to carry out its duties under this Regulation:	1. ESMA may by simple request or by decision require the following persons to provide all information that is necessary to carry out its duties under this Regulation:
454	(a) persons who effectively conduct the business of the external reviewer;	(a) persons who effectively conduct employees and all persons conducting the business of the external reviewer;	(a) persons who effectively conduct the business of the external reviewer;
455	(b) members of the supervisory organ, management organ or administrative organ of the external reviewer;	(b) members of the supervisory organ, management organ or administrative organboards of the external reviewer;	(b) members of the supervisory organbody, management organbody or administrative organbody of the external reviewer;
456	(c) members of the senior management of the external reviewer;	(c) members of the senior management of the external reviewer;	(c) members of the senior management of the external reviewer;
457	(d) any person directly involved in assessment activities of the external reviewer;	(d) any person directly involved in assessment activities of the external reviewer;	(d) any person directly involved in assessment activities of the external reviewer;

	Commission Proposal	EP Mandate	Council Mandate
458	(e) legal representatives and employees of entities to which an external reviewer has outsourced certain functions in accordance with Article 25;	(e) legal representatives and employees of entities to which an external reviewer has outsourced certain functions in accordance with Article 25;	(e) legal representatives and employees of entities to which an external reviewer has outsourced certain functions in accordance with Article 25;
459	(f) persons otherwise closely and substantially related or connected to the process of managing the external reviewer;	(f) persons otherwise closely and substantially related or connected to the process of managing the external reviewer, including shareholders and other companies that are part of the external reviewer's corporate group;	(f) persons otherwise closely and substantially related or connected to the process of managing the external reviewer;
460	(g) anyone that acts like, or pretends to be, an external reviewer, without being registered as such, and any person that performs any of the functions referred to in points (a) to (f) for such person.	(g) anyone that acts like, or pretends to be, an external reviewer, without being registered as such, and any person that performs any of the functions referred to in points (a) to (f) for such person.	(g) anyone that acts like, or pretends to be, an external reviewer, without being registered as such, and any person that performs any of the functions referred to in points (a) to (f) for such person.
461	2. When sending a simple request for information under paragraph 1, ESMA shall:	2. When sending a simple request for information under paragraph 1, ESMA shall:	2. When sending a simple request for information under paragraph 1, ESMA shall:
462	(a) refer to this Article as the legal basis of that request;	(a) refer to this Article as the legal basis of that request;	(a) refer to this Article as the legal basis of that request;

	Commission Proposal	EP Mandate	Council Mandate
463	(b) state the purpose of the request;	(b) state the purpose of the request;	(b) state the purpose of the request;
464	(c) specify what information is required;	(c) specify what information is required;	(c) specify what information is required;
465	(d) set a time-limit within which the information is to be provided;	(d) set a time-limit within which the information is to be provided;	(d) set a time-limittime limit within which the information is to be provided;
466	(e) inform the person from whom the information is requested that there is no obligation to provide the information but that in case of a voluntary reply to the request the information provided must not be incorrect or misleading;	(e) inform the person from whom the information is requested that there is no obligation to provide the information but that in case of a voluntary reply to the request the information provided must not be incorrect or misleading;	(e) inform the person from whom the information is requested that there is no obligation to provide the information but that in case of a voluntary reply to the request the information provided must not be incorrect or misleading; and
467	(f) indicate the potential fine provided for in Article 52, where the answers to the questions asked are incorrect or misleading.	(f) indicate the potential fine provided for in Article 52, where the answers to the questions asked are incorrect or misleading.	(f) indicate the potential fine provided for in Article 52, where the answers to the questions asked are incorrect or misleading.
468	3. When requiring to supply of information under paragraph 1 by decision, ESMA shall:	3. When requiring to supply of information under paragraph 1 by decision, ESMA shall:	3. When requiring to supplythe provision of information by decision under paragraph 1 by decision, ESMA shall:

	Commission Proposal	EP Mandate	Council Mandate
469	(a) refer to this Article as the legal basis of that request;	(a) refer to this Article as the legal basis of that request;	(a) refer to this Article as the legal basis of that request;
470	(b) state the purpose of the request;	(b) state the purpose of the request;	(b) state the purpose of the request;
471	(c) specify what information is required;	(c) specify what information is required;	(c) specify what information is required;
472	(d) set a time-limit within which the information is to be provided;	(d) set a time-limit within which the information is to be provided;	(d) set a time-limittime limit within which the information is to be provided;
473	(e) indicate the periodic penalty payments provided for in Article 53 where the production of the required information is incomplete;	(e) indicate the periodic penalty payments provided for in Article 53 where the production of the required information is incomplete;	(e) indicate the periodic penalty payments provided for in Article 53 where the production of the required information is incomplete;
474	(f) indicate the fine provided for in Article 52 where the answers to questions asked are incorrect or misleading;	(f) indicate the fine provided for in Article 52 where the answers to questions asked are incorrect or misleading;	(f) indicate the fine provided for in Article 52 where the answers to questions asked are incorrect or misleading;
475	(g) indicate the right to appeal the decision before Board of Appeal accordance with Articles 58 and 59 of	(g) indicate the right to appeal the decision before Board of Appeal accordance with Articles 58 and 59 of	(g) indicate the right to appeal the decision before Board of Appeal accordance with Articles 58 and 59 of

	Commission Proposal	EP Mandate	Council Mandate
	Regulation (EU) No 1095/2010 and to have the decision reviewed by the Court of Justice of the European Union in accordance with Articles 60 and 61 of that Regulation.	Regulation (EU) No 1095/2010 and to have the decision reviewed by the Court of Justice of the European Union in accordance with Articles 60 and 61 of that Regulation.	Regulation (EU) No 1095/2010 and to have the decision reviewed by the Court of Justice of the European Union in accordance with Articles 60 and 61 of that Regulation.
476	4. The persons referred to in paragraph 1 or their representatives and, in the case of legal persons or associations having no legal personality, the persons authorised to represent them by law or by their constitution, shall supply the information requested. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.	4. The persons referred to in paragraph 1 or their representatives and, in the case of legal persons or associations having no legal personality, the persons authorised to represent them by law or by their constitution, shall supply the information requested. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.	4. The persons referred to in paragraph 1 or their representatives and, in the case of legal persons or associations having no legal personality, the persons authorised to represent them by law or by their constitution, shall supply provide the information requested. Lawyers duly authorised to act may supply may provide the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is provided proves to be incomplete, incorrect or misleading.
477	5. ESMA shall, without delay, send a copy of the simple request or of its decision to the competent authority of the Member State where the persons referred to in paragraph 1 concerned by the request for information are domiciled or established.	5. ESMA shall, without delay, send a copy of the simple request or of its decision to the competent authority of the Member State where the persons referred to in paragraph 1 concerned by the request for information are domiciled or established.	5. ESMA shall, without delay, send a copy of the simple request or of its decision to the competent authority of the Member State where the persons referred to in paragraph 1 concerned by the request for information are domiciled or established.
478	Article 48 General investigations	Article 48 General investigations	Article 48 General investigations

	Commission Proposal	EP Mandate	Council Mandate
479	1. In order to carry out its duties under this Regulation, ESMA may conduct necessary investigations of persons referred to in Article 47(1). To that end, the officials and other persons authorised by ESMA shall be empowered to:	1. In order to carry out its duties under this Regulation, ESMA may conduct necessary investigations of persons referred to in Article 47(1). To that end, the officials and other persons authorised by ESMA shall be empowered to:	1. In order to carry out its duties under this Regulation, ESMA may conduct necessary investigations of persons referred to in Article 47(1). To that end, the officials and other persons authorised by ESMA shall be empowered to:
480	(a) examine any records, data, procedures and any other material relevant to the execution of its tasks irrespective of the medium on which they are stored;	(a) examine any records, data, procedures and any other material relevant to the execution of its tasks irrespective of the medium on which they are stored;	(a) examine any records, data, procedures and any other material relevant to the execution of its tasks irrespective of the medium on which they are stored;
481	(b) take or obtain certified copies of or extracts from such records, data, procedures and other material;	(b) take or obtain certified copies of or extracts from such records, data, procedures and other material;	(b) take or obtain certified copies of or extracts from such records, data, procedures and other material;
482	(c) summon and ask any person referred to in Article 47(1) or their representatives or staff for oral or written explanations on facts or documents relating to the subject matter and purpose of the inspection and to record the answers;	(c) summon and ask any person referred to in Article 47(1) or their representatives or staff for oral or written explanations on facts or documents relating to the subject matter and purpose of the inspection and to record the answers;	(c) summon and ask any person referred to in Article 47(1) or their representatives or staff for oral or written explanations on facts or documents relating to the subject matter and purpose of the inspection and to record the answers;
483	(d) interview any other natural or legal	(d) interview any other natural or legal	(d) interview any other natural or legal

	Commission Proposal	EP Mandate	Council Mandate
	person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation;	person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation;	person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation;
484	(e) request records of telephone and data traffic.	(e) request records of telephone and data traffic.	(e) request records of telephone and data traffic.
485	2. The officials of and other persons authorised by ESMA for the purposes of the investigations referred to in paragraph 1 shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the investigation. That authorisation shall also indicate the periodic penalty payments provided for in Article 53 where the production of the required records, data, procedures or any other material, or the answers to questions asked of the persons referred to in Article 47(1), are not provided or are incomplete, and the fines provided for in Article 52 where the answers to questions asked of the persons referred to in Article 47(1) are incorrect or misleading.	2. The officials of and other persons authorised by ESMA for the purposes of the investigations referred to in paragraph 1 shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the investigation. That authorisation shall also indicate the periodic penalty payments provided for in Article 53 where the production of the required records, data, procedures or any other material, or the answers to questions asked of the persons referred to in Article 47(1), are not provided or are incomplete, and the fines provided for in Article 52 where the answers to questions asked of the persons referred to in Article 47(1) are incorrect or misleading.	2. The officials of and other persons authorised by ESMA for the purposes of the investigations referred to in paragraph 1 shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the investigation. That authorisation shall also indicate the periodic penalty payments provided for in Article 53 where the production of the required records, data, procedures or any other material, or the answers to questions asked of the persons referred to in Article 47(1), are not provided or are incomplete, and the fines provided for in Article 52 where the answers to questions asked of the persons referred to in Article 47(1) are incorrect or misleading.
486	3. The persons referred to in Article 47(1)	3. The persons referred to in Article 47(1)	3. The persons referred to in Article 47(1)

	Commission Proposal	EP Mandate	Council Mandate
	shall submit to investigations launched on the basis of a decision of ESMA. The decision shall specify the subject matter and purpose of the investigation, the periodic penalty payments provided for in Article 53, the legal remedies available under Regulation (EU) No 1095/2010 and the right to have the decision reviewed by the Court of Justice of the European Union.	shall submit to investigations launched on the basis of a decision of ESMA. The decision shall specify the subject matter and purpose of the investigation, the periodic penalty payments provided for in Article 53, the legal remedies available under Regulation (EU) No 1095/2010 and the right to have the decision reviewed by the Court of Justice of the European Union.	shall submit to investigations launchedinitiated on the basis of a decision of ESMA. The decision shall specify the subject matter and purpose of the investigation, the periodic penalty payments provided for in Article 53, the legal remedies available under Regulation (EU) No 1095/2010 and the right to have the decision reviewed by the Court of Justice of the European Union.
487	4. In good time before the investigation, ESMA shall inform the competent supervisory authority referred to in Article 36 of the Member State where the investigation is to be carried out of the investigation and of the identity of the authorised persons. Officials of the competent authority concerned shall, upon the request of ESMA, assist those authorised persons in carrying out their duties. Officials of the competent authority concerned may also attend the investigations upon request.	4. In good time before the investigation, ESMA shall inform the competent supervisory authority referred to in Article 36 of the Member State where the investigation is to be carried out of the investigation and of the identity of the authorised persons. Officials of the competent authority concerned shall, upon the request of ESMA, assist those authorised persons in carrying out their duties. Officials of the competent authority concerned may also attend the investigations upon request.	4. In good time before the investigation, ESMA shall inform the competent supervisory authority referred to in Article 36 of the Member State where the investigation is to be carried out of the investigation and of the identity of the authorised persons. Officials of the competent authority concerned shall, upon the request of ESMA, assist those authorised persons in carrying out their duties. Officials of the competent authority concerned may also attend the investigations upon request.
488	5. If a request for records of telephone or data traffic referred to in paragraph 1, point (e) requires a competent authority to be authorised by a judicial authority in accordance with national rules, ESMA	5. If a request for records of telephone or data traffic referred to in paragraph 1, point (e) requires a competent authority to be authorised by a judicial authority in accordance with national rules, ESMA	5. If a request for records of telephone or data traffic referred to in paragraph 1, point (e), requires a competent authority to be authorised by a judicial authority in accordance with national ruleslaw, ESMA

	Commission Proposal	EP Mandate	Council Mandate
	<p>shall also apply for such authorisation. ESMA may also apply for such authorisation as a precautionary measure.</p>	<p>shall also apply for such authorisation. ESMA may also apply for such authorisation as a precautionary measure.</p>	<p>shall also apply for such authorisation. ESMA may also apply for such authorisation as a precautionary measure.</p>
489	<p>6. Where authorisation as referred to in paragraph 5 is applied for, the national judicial authority shall control that the decision of ESMA is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the investigations. In its control of the proportionality of the coercive measures, the national judicial authority may ask ESMA for detailed explanations, in particular relating to the grounds ESMA has for suspecting that an infringement of this Regulation has taken place and the seriousness of the suspected infringement and the nature of the involvement of the person subject to the coercive measures. However, the national judicial authority shall not review the necessity for the investigation or demand that it be provided with the information on ESMA's file. The lawfulness of ESMA's decision shall be subject to review only by the Court of Justice following the procedure set out in Article 61 of Regulation (EU) No 1095/2010.</p>	<p>6. Where authorisation as referred to in paragraph 5 is applied for, the national judicial authority shall control that the decision of ESMA is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the investigations. In its control of the proportionality of the coercive measures, the national judicial authority may ask ESMA for detailed explanations, in particular relating to the grounds ESMA has for suspecting that an infringement of this Regulation has taken place and the seriousness of the suspected infringement and the nature of the involvement of the person subject to the coercive measures. However, the national judicial authority shall not review the necessity for the investigation or demand that it be provided with the information on ESMA's file. The lawfulness of ESMA's decision shall be subject to review only by the Court of Justice following the procedure set out in Article 61 of Regulation (EU) No 1095/2010.</p>	<p>6. Where authorisation as referred to in paragraph 5 is applied for, the national judicial authority shall control verify that the decision of ESMA is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the investigations. In its control verification of the proportionality of the coercive measures, the national judicial authority may ask ESMA for detailed explanations, in particular relating to the grounds ESMA has for suspecting that an infringement of this Regulation has taken place and the seriousness of the suspected infringement and the nature of the involvement of the person subject to the coercive measures. However, the national judicial authority shall not review the necessity for the investigation or demand that it be provided with the information on ESMA's file. The lawfulness of ESMA's decision shall be subject to review only by the Court of Justice following the procedure set out in Article 61 of Regulation (EU) No 1095/2010.</p>

	Commission Proposal	EP Mandate	Council Mandate
490	Article 49 On-site inspections	Article 49 On-site inspections	Article 49 On-site inspections
491	1. In order to carry out its duties under this Regulation, ESMA may conduct all necessary on-site inspections at the business premises, land or property of the legal persons referred to in Article 47(1). Where the proper conduct and efficiency of the inspection so require, ESMA may carry out the on-site inspection without prior announcement.	1. In order to carry out its duties under this Regulation, ESMA may conduct all necessary on-site inspections at the business premises, land or property of the legal persons referred to in Article 47(1). Where the proper conduct and efficiency of the inspection so require, ESMA may carry out the on-site inspection without prior announcement.	1. In order to carry out its duties under this Regulation, ESMA may conduct all necessary on-site inspections at the business premises, land or property of the legal persons referred to in Article 47(1). Where the proper conduct and efficiency of the inspection so require, ESMA may carry out the on-site inspection without prior announcement. ESMA shall take such decisions after consulting the competent authority of the Member State where the inspection is to be conducted.
492	2. The officials of and other persons authorised by ESMA to conduct an on-site inspection may enter any business premises, land or property of the legal persons subject to an investigation decision adopted by ESMA and shall have all the powers referred to in Article 48(1). They shall also have the power to seal any business premises, property and books or records for the period of, and to the extent necessary for, the inspection.	2. The officials of and other persons authorised by ESMA to conduct an on-site inspection may enter any business premises, land or property of the legal persons subject to an investigation decision adopted by ESMA and shall have all the powers referred to in Article 48(1). They shall also have the power to seal any business premises, property and books or records for the period of, and to the extent necessary for, the inspection.	2. The officials of and other persons authorised by ESMA to conduct an on-site inspection may enter any business premises, land or property of the legal persons subject to an investigation decision adopted by ESMA and shall have all the powers referred to in Article 48(1). They shall also have the power to seal any business premises, property and books or records for the period of, and to the extent necessary for, the inspection.

	Commission Proposal	EP Mandate	Council Mandate
493	3. In sufficient time before the inspection, ESMA shall give notice of the inspection to the competent supervisory authority of the Member State where the inspection is to be conducted. Inspections in accordance with this Article shall be conducted provided that the relevant authority has confirmed that it does not object to those inspections.	3. In sufficient time before the inspection, ESMA shall give notice of the inspection to the competent supervisory authority of the Member State where the inspection is to be conducted. Inspections in accordance with this Article shall be conducted provided that the relevant authority has confirmed that it does not object to those inspections.	3. In sufficient time before the inspection, ESMA shall give notice of the inspection to the competent supervisory authority of the Member State where the inspection is to be conducted. Inspections in accordance with this Article shall be conducted provided that the relevant authority has confirmed that it does not object to those inspections.
494	4. The officials of and other persons authorised by ESMA to conduct an on-site inspection shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the inspection and the periodic penalty payments provided for in Article 53 where the persons concerned do not submit to the inspection. In good time before the inspection, ESMA shall give notice of the inspection to the competent authority of the Member State where the inspection is to be conducted.	4. The officials of and other persons authorised by ESMA to conduct an on-site inspection shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the inspection and the periodic penalty payments provided for in Article 53 where the persons concerned do not submit to the inspection. In good time before the inspection, ESMA shall give notice of the inspection to the competent authority of the Member State where the inspection is to be conducted.	4. The officials of and other persons authorised by ESMA to conduct an on-site inspection shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the inspection and the periodic penalty payments provided for in Article 53 where the persons concerned do not submit to the inspection. In good time before the inspection, ESMA shall give notice of the inspection to the competent authority of the Member State where the inspection is to be conducted.
495	5. The persons referred to in Article 47(1) shall submit to on-site inspections ordered by decision of ESMA. The decision shall specify the subject matter and purpose of the inspection, appoint the date on which it is to begin and indicate the periodic	5. The persons referred to in Article 47(1) shall submit to on-site inspections ordered by decision of ESMA. The decision shall specify the subject matter and purpose of the inspection, appoint the date on which it is to begin and indicate the periodic	5. The persons referred to in Article 47(1) shall submit to on-site inspections ordered by decision of ESMA. The decision shall specify the subject matter and purpose of the inspection, appoint the date on which it is to begin and indicate the periodic

	Commission Proposal	EP Mandate	Council Mandate
	<p>penalty payments provided for in Article 53, the legal remedies available under Regulation (EU) No 1095/2010 as well as the right to have the decision reviewed by the Court of Justice of the European Union. ESMA shall take such decisions after consulting the competent authority of the Member State where the inspection is to be conducted.</p>	<p>penalty payments provided for in Article 53, the legal remedies available under Regulation (EU) No 1095/2010 as well as the right to have the decision reviewed by the Court of Justice of the European Union. ESMA shall take such decisions after consulting the competent authority of the Member State where the inspection is to be conducted.</p>	<p>penalty payments provided for in Article 53, the legal remedies available under Regulation (EU) No 1095/2010 as well as the right to have the decision reviewed by the Court of Justice of the European Union. ESMA shall take such decisions after consulting the competent authority of the Member State where the inspection is to be conducted.</p>
496	<p>6. Officials of, as well as those authorised or appointed by, the competent authority of the Member State where the inspection is to be conducted shall, at the request of ESMA, actively assist the officials of and other persons authorised by ESMA. To that end, they shall enjoy the powers set out in paragraph 2. Officials of that competent authority may also attend the on-site inspections upon request.</p>	<p>6. Officials of, as well as those authorised or appointed by, the competent authority of the Member State where the inspection is to be conducted shall, at the request of ESMA, actively assist the officials of and other persons authorised by ESMA. To that end, they shall enjoy the powers set out in paragraph 2. Officials of that competent authority may also attend the on-site inspections upon request.</p>	<p>6. Officials of, as well as those authorised or appointed by, the competent authority of the Member State where the inspection is to be conducted shall, at the request of ESMA, actively assist the officials of and other persons authorised by ESMA. To that end, they shall enjoy the powers set out in paragraph 2. Officials of that competent authority may also attend the on-site inspections upon request.</p>
497	<p>7. ESMA may also require competent authorities to carry out specific investigatory tasks and on-site inspections as provided for in this Article and in Article 48(1) on its behalf. To that end, competent authorities shall enjoy the same powers as ESMA as set out in this Article and in Article 48(1).</p>	<p>7. ESMA may also require competent authorities to carry out specific investigatory tasks and on-site inspections as provided for in this Article and in Article 48(1) on its behalf. To that end, competent authorities shall enjoy the same powers as ESMA as set out in this Article and in Article 48(1).</p>	<p>7. ESMA may also require competent authorities to carry out specific investigatory tasks and on-site inspections as provided for in this Article and in Article 48(1) on its behalf. To that end, competent authorities shall enjoy the same powers as ESMA as set out in this Article and in Article 48(1).</p>

	Commission Proposal	EP Mandate	Council Mandate
498	<p>8. Where the officials of and other accompanying persons authorised by ESMA find that a person opposes an inspection ordered pursuant to this Article, the competent authority of the Member State concerned shall afford them the necessary assistance, requesting, where appropriate, the assistance of the police or of an equivalent enforcement authority, to enable them to conduct their on-site inspection.</p>	<p>8. Where the officials of and other accompanying persons authorised by ESMA find that a person opposes an inspection ordered pursuant to this Article, the competent authority of the Member State concerned shall afford them the necessary assistance, requesting, where appropriate, the assistance of the police or of an equivalent enforcement authority, to enable them to conduct their on-site inspection.</p>	<p>8. Where the officials of, and other accompanying persons authorised by, ESMA find that a person opposes an inspection ordered pursuant to this Article, the competent authority of the Member State concerned shall afford them the necessary assistance, requesting, where appropriate, the assistance of the police or of an equivalent enforcement authority, to enable them to conduct their on-site inspection.</p>
499	<p>9. If the on-site inspection provided for in paragraph 1 or the assistance provided for in paragraph 8 requires authorisation by a judicial authority according to the applicable national rules, ESMA shall also apply for such authorisation. ESMA may also apply for such authorisation as a precautionary measure.</p>	<p>9. If the on-site inspection provided for in paragraph 1 or the assistance provided for in paragraph 8 requires authorisation by a judicial authority according to the applicable national rules, ESMA shall also apply for such authorisation. ESMA may also apply for such authorisation as a precautionary measure.</p>	<p>9. If the on-site inspection provided for in paragraph 1 or the assistance provided for in paragraph 8 requires authorisation by a judicial authority according to their accordance with applicable national ruleslaw, ESMA shall also apply for such authorisation. ESMA may also apply for such authorisation as a precautionary measure.</p>
500	<p>10. Where authorisation as referred to in paragraph 9 is applied for, the national judicial authority shall verify that ESMA’s decision is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the inspection. In its control of</p>	<p>10. Where authorisation as referred to in paragraph 9 is applied for, the national judicial authority shall verify that ESMA’s decision is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the inspection. In its control of</p>	<p>10. Where authorisation as referred to in paragraph 9 is applied for, the national judicial authority shall verify that ESMA’s decision is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the inspection. In its</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>the proportionality of the coercive measures, the national judicial authority may ask ESMA for detailed explanations. Such a request for detailed explanations may in particular relate to the grounds ESMA has for suspecting that an infringement of this Regulation has taken place, as well as to the seriousness of the suspected infringement and the nature of the involvement of the person who is subjected to the coercive measures. However, the national judicial authority shall not review the necessity for the investigation or demand that it be provided with the information on ESMA’s file. The lawfulness of ESMA’s decision shall be subject to review only by the Court of Justice following the procedure set out in Article 61 of Regulation (EU) No 1095/2010.</p>	<p>the proportionality of the coercive measures, the national judicial authority may ask ESMA for detailed explanations. Such a request for detailed explanations may in particular relate to the grounds ESMA has for suspecting that an infringement of this Regulation has taken place, as well as to the seriousness of the suspected infringement and the nature of the involvement of the person who is subjected to the coercive measures. However, the national judicial authority shall not review the necessity for the investigation or demand that it be provided with the information on ESMA’s file. The lawfulness of ESMA’s decision shall be subject to review only by the Court of Justice following the procedure set out in Article 61 of Regulation (EU) No 1095/2010.</p>	<p>controlverification of the proportionality of the coercive measures, the national judicial authority may ask ESMA for detailed explanations. Such a request for detailed explanations may in particular relate to the grounds ESMA has for suspecting that an infringement of this Regulation has taken place, as well as to the seriousness of the suspected infringement and the nature of the involvement of the person who is subjected to the coercive measures. However, The national judicial authority shall, however, not review the necessity for the investigation or demand that it be provided with the information on ESMA’s file. The lawfulness of ESMA’s decision shall be subject to review only by the Court of Justice following the procedure set out in Article 61 of Regulation (EU) No 1095/2010.</p>
501	<p>Article 50 Exchange of information</p>	<p>Article 50 Exchange of information</p>	<p>Article 50 Exchange of information</p>
502	<p>1. Competent authorities referred to in Article 36, ESMA, and other relevant authorities shall, without undue delay, provide one another with the information required for the purposes of carrying out</p>	<p>1. Competent authorities referred to in Article 36, ESMA, and other relevant authorities and ESMA shall, without undue delay, provide one another with the information required for the purposes of</p>	<p>1. Competent authorities referred to in Article 36, ESMA, and other relevant authorities shall, without undue delay, provide one another with the information required for the purposes of carrying out</p>

	Commission Proposal	EP Mandate	Council Mandate
	their duties.	carrying out their duties.	their duties.
503	2. Competent authorities referred to in Article 36, ESMA, other relevant authorities and other bodies or natural and legal persons receiving confidential information in the exercise of their duties under this Regulation shall use it only in the course of their duties.	2. Competent authorities referred to in Article 36, ESMA, other relevant authorities and other bodies or natural and legal persons receiving confidential information in the exercise of their duties under this Regulation shall use it only in the course of their duties.	2. Competent authorities referred to in Article 36, ESMA, other relevant authorities and other bodies or natural and legal persons receiving confidential information in the exercise of their duties under this Regulation shall use it only in the course of their duties.
504	Article 51 Supervisory measures by ESMA	Article 51 Supervisory measures by ESMA	Article 51 Supervisory measures by ESMA
505	1. Where, in accordance with Article 55(8), ESMA finds that a person has committed one of the infringements listed in Article 52(2), it shall take one or more of the following actions:	1. Where, in accordance with Article 55(8), ESMA finds that a person has committed one of the infringements listed in Article 52(2), it shall take one or more of the following actions:	1. Where, in accordance with Article 55(8), ESMA finds that a person has committed one of the infringements listed in Article 52(2), it shall take one or more of the following actions:
506	(a) withdraw the registration of an external reviewer	(a) withdraw the registration of an external reviewer	(a) withdraw the registration of an external reviewer;
507	(b) withdraw the recognition of an external reviewer located in a third country;	(b) withdraw the recognition of an external reviewer located in a third country;	(b) withdraw the recognition of an external reviewer located in a third country;

	Commission Proposal	EP Mandate	Council Mandate
508	(c) temporarily prohibit the external reviewer from pursuing the activities under this Regulation throughout the Union, until the infringement has been brought to an end;	(c) temporarily prohibit the external reviewer from pursuing the activities under this Regulation throughout the Union, until the infringement has been brought to an end;	(c) temporarily prohibit the external reviewer from pursuing the activities under this Regulation throughout the Union, until the infringement has been brought to an end;
509	(d) adopt a decision requiring the person to bring the infringement to an end;	(d) adopt a decision requiring the person to bring the infringement to an end;	(d) adopt a decision requiring the person to bring the infringement to an end;
510	(e) adopt a decision imposing fines pursuant to Article 52;	(e) adopt a decision imposing fines pursuant to Article 52;	(e) adopt a decision imposing fines pursuant to Article 52;
511	(f) adopt a decision imposing periodic penalty payments pursuant to Article 53;	(f) adopt a decision imposing periodic penalty payments pursuant to Article 53;	(f) adopt a decision imposing periodic penalty payments pursuant to Article 53; and
512	(g) issue public notices.	(g) issue public notices.	(g) issue public notices.
513	2. ESMA shall withdraw the registration or the recognition of an external reviewer in the following circumstances:	2. ESMA shall withdraw the registration or the recognition of an external reviewer in the following circumstances:	2. ESMA shall withdraw the registration or the recognition of an external reviewer in the following circumstanceswhere:

	Commission Proposal	EP Mandate	Council Mandate
514	(a) the external reviewer has expressly renounced the registration or the recognition or has not made use of the registration or the recognition within 36 months after the registration or the recognition has been granted;	(a) the external reviewer has expressly renounced the registration or the recognition or has not made use of the registration or the recognition within 36 months after the registration or the recognition has been granted;	(a) the external reviewer has expressly renounced the registration or the recognition or has not made use of the registration or the recognition within 36 months after the registration or the recognition has been granted;
515	(b) the external reviewer has obtained the registration or the recognition by making false statements or by any other irregular means;	(b) the external reviewer has obtained the registration or the recognition by making false statements or by any other irregular means;	(b) the external reviewer has obtained the registration or the recognition by making false statements or by any other irregular means; or
516	(c) the external reviewer no longer meets the conditions under which it was registered or recognised.	(c) the external reviewer no longer meets the conditions under which it was registered or recognised.	(c) the external reviewer no longer meets the conditions under which it was registered or recognised.
517	Where ESMA withdraws the registration or the recognition of the external reviewer, it shall provide full reasons in its decision. The withdrawal shall have immediate effect.	Where ESMA withdraws the registration or the recognition of the external reviewer, it shall provide full reasons in its decision. The withdrawal shall have immediate effect.	Where ESMA withdraws the registration or the recognition of the external reviewer, it shall provide full reasons in its decision. The withdrawal shall have immediate effect.
518	3. When taking the decisions referred to in paragraph 1, ESMA shall take into account the nature and seriousness of the	3. When taking the decisions referred to in paragraph 1, ESMA shall take into account the nature and seriousness of the	3. When taking the decisions adopting a decision as referred to in paragraph 1, ESMA shall take into account the nature

	Commission Proposal	EP Mandate	Council Mandate
	infringement, having regard to the following criteria:	infringement, having regard to the following criteria:	and seriousness of the infringement, having regard to the following criteria:
519	(a) the duration and frequency of the infringement;		(a) the duration and frequency of the infringement;
520	(b) whether financial crime has been occasioned, facilitated or otherwise attributable to the infringement;	(b) whether financial crime has been occasioned, facilitated or otherwise attributable to the infringement;	(b) whether financial crime has been occasioned, facilitated or otherwise attributable to the infringement;
521	(c) whether the infringement has been committed intentionally or negligently;	(c) whether the infringement has been committed intentionally or negligently;	(c) whether the infringement has been committed intentionally or negligently by intent or negligence;
522	(d) the degree of responsibility of the person responsible for the infringement;	(d) the degree of responsibility of the person responsible for the infringement;	(d) the degree of responsibility of the person responsible for the infringement;
523	(e) the financial strength of the person responsible for the infringement, as indicated by the total turnover of the responsible legal person or the annual income and net assets of the responsible natural person;	(e) the financial strength of the person responsible for the infringement, as indicated by the total turnover of the responsible legal person or the annual income and net assets of the responsible natural person;	(e) the financial strength of the person responsible for the infringement, as indicated by the total turnover of the responsible legal person or the annual income and net assets of the responsible natural person;

	Commission Proposal	EP Mandate	Council Mandate
524	(f) the impact of the infringement on retail investors' interests;	(f) the impact of the infringement on retail investors' interests;	(f) the impact of the infringement on the interests of retail investors' interests;
525	(g) the importance of the profits gained, losses avoided by the person responsible for the infringement or the losses for third parties derived from the infringement, insofar as they can be determined;	(g) the importance of the profits gained, losses avoided by the person responsible for the infringement or the losses for third parties derived from the infringement, insofar as they can be determined;	(g) the importance of the profits gained, losses avoided by the person responsible for the infringement or the losses for third parties derived from the infringement, insofar as to the extent that they can be determined;
526	(h) the level of cooperation of the person responsible for the infringement with ESMA, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;	(h) the level of cooperation of the person responsible for the infringement with ESMA, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;	(h) the level of cooperation of the person responsible for the infringement with ESMA, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;
527	(i) previous infringements by the person responsible for the infringement;	(i) previous infringements by the person responsible for the infringement;	(i) previous infringements by the person responsible for the infringement; and
528	(j) measures taken after the infringement by the person responsible for the infringement to prevent its repetition.	(j) measures taken after the infringement by the person responsible for the infringement to prevent its repetition.	(j) measures taken after the infringement by the person responsible for the infringement to prevent its repetition.
529	4. Without undue delay, ESMA shall	4. Without undue delay, ESMA shall	4. Without undue delay, ESMA shall

	Commission Proposal	EP Mandate	Council Mandate
	notify any action taken pursuant to paragraph 1 to the person responsible for the infringement, and shall communicate it to the competent authorities of the Member States and to the Commission. It shall publicly disclose any such action on its website within 10 working days from the date when it was adopted.	notify any action taken pursuant to paragraph 1 to the person responsible for the infringement, and shall communicate it to the competent authorities of the Member States and to the Commission. It shall publicly disclose any such action on its website within 10 working days from the date when it was adopted.	notify any action taken pursuant to paragraph 1 to the person responsible for the infringement, and shall communicate it to the competent authorities of the Member States and to the Commission. It shall publicly disclose any such action on its website within 10ten working days from the date when it was adopted.
530	The disclosure to the public referred to in the first subparagraph shall include the following:	The disclosure to the public referred to in the first subparagraph shall include the following:	The disclosure to the public referred to in the first subparagraph shall include the following:
531	(a) a statement affirming the right of the person responsible for the infringement to appeal the decision;	(a) a statement affirming the right of the person responsible for the infringement to appeal the decision;	(a) a statement affirming the right of the person responsible for the infringement to appeal the decision;
532	(b) where relevant, a statement affirming that an appeal has been lodged and specifying that such an appeal does not have suspensive effect;	(b) where relevant, a statement affirming that an appeal has been lodged and specifying that such an appeal does not have suspensive effect;	(b) where relevant, a statement affirming that an appeal has been lodged and specifying that such an appeal does not have suspensive effect; and
533	(c) a statement asserting that it is possible for ESMA’s Board of Appeal to suspend the application of the contested decision in accordance with Article 60(3) of	(c) a statement asserting that it is possible for ESMA’s Board of Appeal to suspend the application of the contested decision in accordance with Article 60(3) of	(c) a statement asserting that it is possible for ESMA’s Board of Appeal to suspend the application of the contested decision in accordance with Article 60(3) of

	Commission Proposal	EP Mandate	Council Mandate
	Regulation (EU) No 1095/2010.	Regulation (EU) No 1095/2010.	Regulation (EU) No 1095/2010.
534	Article 52 Fines	Article 52 Fines	Article 52 Fines
535	1. Where, in accordance with Article 55(8), ESMA finds that an external reviewer and persons referred to in Article 47(1) have, intentionally or negligently, committed one or more of the infringements listed in paragraph 2, it shall adopt a decision imposing a fine in accordance with paragraph 3 of this Article.	1. Where, in accordance with Article 55(8), ESMA finds that an external reviewer and persons referred to in Article 47(1) have, intentionally or negligently, committed one or more of the infringements listed in paragraph 2, it shall adopt a decision imposing a fine in accordance with paragraph 3 of this Article.	1. Where, in accordance with Article 55(8), ESMA finds that an external reviewer and persons referred to in Article 47(1) have, intentionally or negligently by intent or negligence, committed one or more of the infringements listed in paragraph 2, it shall adopt a decision imposing a fine in accordance with paragraph 3 of this Article.
536	An infringement shall be considered to have been committed intentionally if ESMA finds objective factors which demonstrate that a person acted deliberately to commit the infringement.	An infringement shall be considered to have been committed intentionally if ESMA finds objective factors which demonstrate that a person acted deliberately to commit the infringement.	An infringement shall be considered to have been committed intentionally if ESMA finds objective factors which demonstrate that a person acted deliberately to commit the infringement.
537	2. The infringements referred to in paragraph 1 are the following:	2. The infringements referred to in paragraph 1 are the following:	2. The infringements referred to in paragraph 1 are the following:
538	(a) non-compliance with Articles 18 to 30;	(a) non-compliance with Articles 18 to 30;	(a) non-compliance with Article 16(1), and

	Commission Proposal	EP Mandate	Council Mandate
			Articles 18 to 30 of this Regulation;
539	(b) the submission of false statements when applying for registration as an external reviewer, or the use of any other irregular means to obtain such registration;	(b) the submission of false statements when applying for registration as an external reviewer, or the use of any other irregular means to obtain such registration;	(b) the submission of false statements when applying for registration as an external reviewer, or the use of any other irregular means to obtain such registration;
540	(c) failure to provide information in response to a decision requiring information pursuant to Article 47 or the provision of incorrect or misleading information in response to a request for information or a decision;	(c) failure to provide information in response to a decision requiring information pursuant to Article 47 or the provision of incorrect or misleading information in response to a request for information or a decision;	(c) failure to provide information in response to a decision requiring information pursuant to Article 47 or the provision of incorrect or misleading information in response to a request for information or a decision;
541	(d) the obstruction of or non-compliance with an investigation pursuant to Article 48, paragraph 1, points (a), (b), (c), or (e);	(d) the obstruction of or non-compliance with an investigation pursuant to Article 48, paragraph 1, points (a), (b), (c), or (e);	(d) the obstruction of or non-compliance with an investigation pursuant to Article 48, paragraph 1, points (a), (b), (c), or (e);
542	(e) non-compliance with Article 49, by not providing an explanation on facts or documents related to the subject matter and purpose of an inspection, or by providing an incorrect or misleading explanation;	(e) non-compliance with Article 49, by not providing an explanation on facts or documents related to the subject matter and purpose of an inspection, or by providing an incorrect or misleading explanation;	(e) non-compliance with Article 49, by not providing an explanation on facts or documents related to the subject matter and purpose of an inspection, or by providing an incorrect or misleading explanation;

	Commission Proposal	EP Mandate	Council Mandate
543	(f) taking up the activity of external reviewers or pretending to be an external reviewer, without having been registered as an external reviewer.	(f) taking up the activity of external reviewers or pretending to be an external reviewer, without having been registered as an external reviewer.	(f) taking up the activity of external reviewers or pretending to be an external reviewer, without having been registered as an external reviewer.
544	3. The minimum amount of the fine referred to in paragraph 1 shall be EUR 20 000. The maximum amount shall be EUR 200 000.	3. The minimum amount of the fine referred to in paragraph 1 shall be EUR 20 000. The maximum amount shall be EUR 200 000.	3. The minimum amount of the fine referred to in paragraph 1 shall be EUR 20 000. The maximum amount shall be EUR 200 000.
545	When determining the level of a fine pursuant to paragraph 1, ESMA shall take into account the criteria set out in Article 51(3).	When determining the level of a fine pursuant to paragraph 1, ESMA shall take into account the criteria set out in Article 51(3).	When determining the level of a fine pursuant to paragraph 1, ESMA shall take into account the criteria set out in Article 51(3).
546	4. Where a person has directly or indirectly benefited financially from the infringement, the amount of the fine shall be at least equal to that financial benefit.	4. Where a person has directly or indirectly benefited financially from the infringement, the amount of the fine shall be at least equal to that financial benefit.	4. Where a person has directly or indirectly benefited financially from the infringement, the amount of the fine shall be at least equal to that financial benefit.
547	5. Where an act or omission constitutes a combination of several infringements, only the fine for the highest fined infringement shall apply.	5. Where an act or omission constitutes a combination of several infringements, only the fine for the highest fined infringement shall apply.	5. Where an act or omission constitutes a combination of several infringements, only the fine for the highest fined infringement shall apply.

	Commission Proposal	EP Mandate	Council Mandate
548	Article 53 Periodic penalty payments	Article 53 Periodic penalty payments	Article 53 Periodic penalty payments
549	1. ESMA shall, by decision, impose a periodic penalty payment in order to compel:	1. ESMA shall, by decision, impose a periodic penalty payment in order to compel:	1. ESMA shall, by decision, impose a periodic penalty payment in order to compel:
550	(a) a person to put an end to an infringement, in accordance with a decision taken pursuant to Article 52(1), point (c);	(a) a person to put an end to an infringement, in accordance with a decision taken pursuant to Article 52(1), point (c);	(a) a person to put an end to an infringement, in accordance with a decision taken pursuant to Article 52(1)51(1), point (c)(d);
551	(b) a person as referred to in Article 47(1):	(b) a person as referred to in Article 47(1):	(b) a person as referred to in Article 47(1):
552	(i) to supply complete information which has been requested by a decision pursuant to Article 47;	(i) to supply complete information which has been requested by a decision pursuant to Article 47;	(i) to supplyprovide complete information which has been requestedrequired by a decision pursuant to Article 47;
553	(ii) to submit to an investigation and in particular to produce complete records, data, procedures or any other material required and to complete and correct	(ii) to submit to an investigation and in particular to produce complete records, data, procedures or any other material required and to complete and correct	(ii) to submit to an investigation and in particular to produce complete records, data, procedures or any other material required and to complete and correct

	Commission Proposal	EP Mandate	Council Mandate
	other information provided in an investigation launched by a decision pursuant to Article 48;	other information provided in an investigation launched by a decision pursuant to Article 48;	other information provided in an investigation launched by a decision pursuant to Article 48; or
554	(iii) to submit to an on-site inspection ordered by a decision taken pursuant to Article 49.	(iii) to submit to an on-site inspection ordered by a decision taken pursuant to Article 49.	(iii) to submit to an on-site inspection ordered by a decision taken pursuant to Article 49.
555	2. The periodic penalty payment shall be imposed for each day of delay.	2. The periodic penalty payment shall be imposed for each day of delay.	2. The periodic penalty payment shall be imposed for each day of delay.
556	3. The amount of the periodic penalty payments shall be 3% of the average daily turnover in the preceding business year, or, in the case of natural persons, 2% of the average daily income in the preceding calendar year. It shall be calculated from the date stipulated in the decision imposing the periodic penalty payment.	3. The amount of the periodic penalty payments shall be 3% of the average daily turnover in the preceding business year, or, in the case of natural persons, 2% of the average daily income in the preceding calendar year. It shall be calculated from the date stipulated in the decision imposing the periodic penalty payment.	3. The amount of the periodic penalty payments shall be 3% of the average daily turnover in the preceding business year, or, in the case of natural persons, 2% of the average daily income in the preceding calendar year. It shall be calculated from the date stipulated in the decision imposing the periodic penalty payment.
557	4. A periodic penalty payment shall be imposed for a maximum period of six months following the notification of ESMA's decision. Following the end of the period, ESMA shall review the measure.	4. A periodic penalty payment shall be imposed for a maximum period of six months following the notification of ESMA's decision. Following the end of the period, ESMA shall review the measure.	4. A periodic penalty payment shall be imposed for a maximum period of six months following the notification of ESMA's decision. Following the end of the period, ESMA shall review the measure.

	Commission Proposal	EP Mandate	Council Mandate
558	Article 54 Disclosure, nature, enforcement and allocation of fines and periodic penalty payments	Article 54 Disclosure, nature, enforcement and allocation of fines and periodic penalty payments	Article 54 Disclosure, nature, enforcement and allocation of fines and periodic penalty payments
559	1. ESMA shall disclose to the public every fine and periodic penalty payment that has been imposed pursuant to Articles 52 and 53, unless such disclosure to the public would seriously jeopardise the financial markets or cause disproportionate damage to the parties involved. Such disclosure shall not contain personal data within the meaning of Regulation (EC) No 45/2001.	1. ESMA shall disclose to the public every fine and periodic penalty payment that has been imposed pursuant to Articles 52 and 53, unless such disclosure to the public would seriously jeopardise the financial markets or cause disproportionate damage to the parties involved. Such disclosure shall not contain personal data within the meaning of Regulation (EC) No 45/2001.	1. ESMA shall disclose to the public every fine and periodic penalty payment that has been imposed pursuant to Articles 52 and 53, unless such disclosure to the public would seriously jeopardise the financial markets or cause disproportionate damage to the parties involved. Such disclosure shall not contain personal data within the meaning of Regulation (EC) No 45/2001.
560	2. Fines and periodic penalty payments imposed pursuant to Articles 52 and 53 shall be of an administrative nature.	2. Fines and periodic penalty payments imposed pursuant to Articles 52 and 53 shall be of an administrative nature.	2. Fines and periodic penalty payments imposed pursuant to Articles 52 and 53 shall be of an administrative nature.
561	3. Where ESMA decides to impose no fines or penalty payments, it shall inform the European Parliament, the Council, the Commission, and the competent authorities of the Member State concerned accordingly and shall set out the reasons for its decision.	3. Where ESMA decides to impose no fines or penalty payments, it shall inform the European Parliament, the Council, the Commission, and the competent authorities of the Member State concerned accordingly and shall set out the reasons for its decision.	3. Where ESMA decides to impose no fines or penalty payments, it shall inform the European Parliament, the Council, the Commission, and the competent authorities of the Member State concerned accordingly and shall set out the reasons for its decision.

	Commission Proposal	EP Mandate	Council Mandate
562	4. Fines and periodic penalty payments imposed pursuant to Articles 52 and 53 shall be enforceable.	4. Fines and periodic penalty payments imposed pursuant to Articles 52 and 53 shall be enforceable.	4. Fines and periodic penalty payments imposed pursuant to Articles 52 and 53 shall be enforceable.
563	For the purposes of enforcement of fines and periodic penalty payments, ESMA shall apply the rules of civil procedure in force in the Member State or third-country in which it is carried out.	For the purposes of enforcement of fines and periodic penalty payments, ESMA shall apply the rules of civil procedure in force in the Member State or third-country in which it is carried out.	For the purposes of enforcement of fines and periodic penalty payments, ESMA shall apply the rules of civil procedure in force in the Member State or third-country in which it is carried out.
564	5. The amounts of the fines and periodic penalty payments shall be allocated to the general budget of the Union.	5. The amounts of the fines and periodic penalty payments shall be allocated to the general budget of the Union.	5. The amounts of the fines and periodic penalty payments shall be allocated to the general budget of the Union.
565	Article 55 Procedural rules for taking supervisory measures and imposing fines	Article 55 Procedural rules for taking supervisory measures and imposing fines	Article 55 Procedural rules for taking supervisory measures and imposing fines
566	1. Where, in carrying out its duties under this Regulation, ESMA finds that there are serious indications of the possible existence of facts liable to constitute one or more of the infringements listed in Article 52(2), ESMA shall appoint an independent investigating officer within ESMA to	1. Where, in carrying out its duties under this Regulation, ESMA finds that there are serious indications of the possible existence of facts liable to constitute one or more of the infringements listed in Article 52(2), ESMA shall appoint an independent investigating officer within ESMA to	1. Where, in carrying out its duties under this Regulation, ESMA finds that there are serious indications of the possible existence of facts liable to constitute one or more of the infringements listed in Article 52(2), ESMA shall appoint an independent investigating officer within ESMA to

	Commission Proposal	EP Mandate	Council Mandate
	investigate the matter. The investigating officer shall not be involved or have been involved in the direct or indirect supervision or registration process of the external reviewer concerned and shall perform his functions independently from ESMA's Board of Supervisors.	investigate the matter. The investigating officer shall not be involved or have been involved in the direct or indirect supervision or registration process of the external reviewer concerned and shall perform his functions independently from ESMA's Board of Supervisors.	investigate the matter. The investigating officer shall not be involved or have been involved in the direct or indirect supervision or registration process of the external reviewer concerned and shall perform his or her functions independently from ESMA's Board of Supervisors.
567	2. The investigating officer shall investigate the alleged infringements, taking into account any comments submitted by the persons subject to investigation, and shall submit a complete file with his findings to ESMA's Board of Supervisors.	2. The investigating officer shall investigate the alleged infringements, taking into account any comments submitted by the persons subject to investigation, and shall submit a complete file with his findings to ESMA's Board of Supervisors.	2. The investigating officer shall investigate the alleged infringements, taking into account any comments submitted by the persons subject to investigation, and shall submit a complete file with his or her findings to ESMA's Board of Supervisors.
568	3. In order to carry out his tasks, the investigating officer may exercise the power to require information in accordance with Article 47 and to conduct investigations and on-site inspections in accordance with Articles 48 and 49. When using those powers, the investigating officer shall comply with Article 46.	3. In order to carry out his tasks, the investigating officer may exercise the power to require information in accordance with Article 47 and to conduct investigations and on-site inspections in accordance with Articles 48 and 49. When using those powers, the investigating officer shall comply with Article 46.	3. In order to carry out his or her tasks, the investigating officer may exercise the power to require information in accordance with Article 47 and to conduct investigations and on-site inspections in accordance with Articles 48 and 49. When using those powers, the investigating officer shall comply with Article 46.
569	4. Where carrying out his tasks, the investigating officer shall have access to all documents and information gathered by	4. Where carrying out his tasks, the investigating officer shall have access to all documents and information gathered by	4. Where carrying out his or her tasks, the investigating officer shall have access to all documents and information gathered by

	Commission Proposal	EP Mandate	Council Mandate
	ESMA in its supervisory activities.	ESMA in its supervisory activities.	ESMA in its supervisory activities.
570	5. Upon completion of his investigation and before submitting the file with his findings to ESMA's Board of Supervisors, the investigating officer shall give the persons subject to investigation the opportunity to be heard on the matters being investigated. The investigating officer shall base his findings only on facts on which the persons subject to investigation have had the opportunity to comment.	5. Upon completion of his investigation and before submitting the file with his findings to ESMA's Board of Supervisors, the investigating officer shall give the persons subject to investigation the opportunity to be heard on the matters being investigated. The investigating officer shall base his findings only on facts on which the persons subject to investigation have had the opportunity to comment.	5. Upon completion of his or her investigation and before submitting the file with his or her findings to ESMA's Board of Supervisors, the investigating officer shall give the persons subject to investigation the opportunity to be heard on the matters being investigated. The investigating officer shall base his or her findings only on facts on which the persons subject to investigation have had the opportunity to comment.
571	6. The rights of defence of the persons concerned shall be fully respected during investigations under this Article.	6. The rights of defence of the persons concerned shall be fully respected during investigations under this Article.	6. The rights of defence of the persons concerned shall be fully respected during investigations under this Article.
572	7. Upon submission of the file with his findings to ESMA's Board of Supervisors, the investigating officer shall notify that fact to the persons who are subject to investigations. The persons subject to investigations shall be entitled to have access to the file, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file shall not extend to	7. Upon submission of the file with his findings to ESMA's Board of Supervisors, the investigating officer shall notify that fact to the persons who are subject to investigations. The persons subject to investigations shall be entitled to have access to the file, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file shall not extend to	7. Upon submission of the file with his or her findings to ESMA's Board of Supervisors, the investigating officer shall notify that fact to the persons who are subject to investigations. The persons subject to investigations shall be entitled to have access to the file, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file shall not extend to

	Commission Proposal	EP Mandate	Council Mandate
	confidential information affecting third parties.	confidential information affecting third parties.	confidential information affecting third parties.
573	8. On the basis of the file containing the investigating officer's findings and, when requested by the persons concerned, after having heard those persons in accordance with Article 56, ESMA shall decide if one or more of the infringements listed in Article 52(2) has been committed by the persons subject to investigation, and in such case, shall take a supervisory measure in accordance with Article 51 and impose a fine in accordance with Article 52.	8. On the basis of the file containing the investigating officer's findings and, when requested by the persons concerned, after having heard those persons in accordance with Article 56, ESMA shall decide if one or more of the infringements listed in Article 52(2) has been committed by the persons subject to investigation, and in such case, shall take a supervisory measure in accordance with Article 51 and impose a fine in accordance with Article 52.	8. On the basis of the file containing the investigating officer's findings and, when requested by the persons concerned, after having heard those persons in accordance with Article 56, ESMA shall decide if one or more of the infringements listed in Article 52(2) has been committed by the persons subject to investigation, and in such case, shall take a supervisory measure in accordance with Article 51 and impose a fine in accordance with Article 52.
574	9. The investigating officer shall not participate in the deliberations of ESMA's Board of Supervisors or in any other way intervene in the decision-making process of ESMA's Board of Supervisors.	9. The investigating officer shall not participate in the deliberations of ESMA's Board of Supervisors or in any other way intervene in the decision-making process of ESMA's Board of Supervisors.	9. The investigating officer shall not participate in the deliberations of ESMA's Board of Supervisors or in any other way intervene in the decision-making process of ESMA's Board of Supervisors.
575	10. The Commission shall adopt delegated acts in accordance with Article 60 by [PO: Please insert date 12 months after date of entry into force] to further specify the procedure for the exercise of the power to impose fines or periodic penalty payments, including provisions on rights of defence,	10. The Commission shall adopt delegated acts in accordance with Article 60 by [PO: Please insert date 12 months after date of entry into force] to further specify the procedure for the exercise of the power to impose fines or periodic penalty payments, including provisions on rights of defence,	10. The Commission shall adopt delegated acts in accordance with Article 60 by ... [PO: please insert date 12 months after the date of entry into force of this Regulation] to further specify the procedure for the exercise of the power to impose fines or periodic penalty payments, including

	Commission Proposal	EP Mandate	Council Mandate
	temporal provisions, the collection of fines or periodic penalty payments, and detailed rules on the limitation periods for the imposition and enforcement of penalties.	temporal provisions, the collection of fines or periodic penalty payments, and detailed rules on the limitation periods for the imposition and enforcement of penalties.	provisions on the rights of defence, temporal provisions, the collection of fines or periodic penalty payments, and detailed rules on the limitation periods for the imposition and enforcement of penalties.
576	11. ESMA shall refer matters for criminal prosecution to the relevant national authorities where, in carrying out its duties under this Regulation, it finds that there are serious indications of the possible existence of facts liable to constitute criminal offences. In addition, ESMA shall refrain from imposing fines or periodic penalty payments where a prior acquittal or conviction arising from identical facts, or from facts which are substantially the same, has acquired the force of res judicata as the result of criminal proceedings under national law.	11. ESMA shall refer matters for criminal prosecution to the relevant national authorities where, in carrying out its duties under this Regulation, it finds that there are serious indications of the possible existence of facts liable to constitute criminal offences. In addition, ESMA shall refrain from imposing fines or periodic penalty payments where a prior acquittal or conviction arising from identical facts, or from facts which are substantially the same, has acquired the force of res judicata as the result of criminal proceedings under national law.	11. ESMA shall refer matters for criminal prosecution to the relevant national authorities where, in carrying out its duties under this Regulation, it finds that there are serious indications of the possible existence of facts liable to constitute criminal offences. In addition, ESMA shall refrain from imposing fines or periodic penalty payments where a prior acquittal or conviction arising from identical facts, or from facts which are substantially the same, has acquired the force of res judicata as the result of criminal proceedings under national law.
577	Article 56 Hearing of the persons subject to the proceedings	Article 56 Hearing of the persons subject to the proceedings	Article 56 Hearing of the persons subject to the proceedings
578	1. Before taking any decision pursuant to Articles 51 to 53, ESMA shall give the persons subject to the proceedings the	1. Before taking any decision pursuant to Articles 51 to 53, ESMA shall give the persons subject to the proceedings the	1. Before taking any decision pursuant to Articles 51 to 53, ESMA shall give the persons subject to the proceedings the

	Commission Proposal	EP Mandate	Council Mandate
	<p>opportunity to be heard on ESMA's findings. ESMA shall base its decisions only on findings on which the persons subject to the proceedings have had the opportunity to comment.</p>	<p>opportunity to be heard on ESMA's findings. ESMA shall base its decisions only on findings on which the persons subject to the proceedings have had the opportunity to comment.</p>	<p>opportunity to be heard on ESMA's findings. ESMA shall base its decisions only on findings on which the persons subject to the proceedings have had the opportunity to comment.</p>
579	<p>2. The first subparagraph shall not apply if urgent action pursuant to Article 51 is needed in order to prevent significant and imminent damage to the financial system. In such a case ESMA may adopt an interim decision and shall give the persons concerned the opportunity to be heard as soon as possible after taking its decision.</p>	<p>2. The first subparagraph shall not apply if urgent action pursuant to Article 51 is needed in order to prevent significant and imminent damage to the financial system. In such a case ESMA may adopt an interim decision and shall give the persons concerned the opportunity to be heard as soon as possible after taking its decision.</p>	<p>2. The first subparagraphParagraph 1 shall not apply if urgent action pursuant to Article 51 is needed in order to prevent significant and imminent damage to the financial system. In such a case ESMA may adopt an interim decision and shall give the persons concerned the opportunity to be heard as soon as possible after taking its decision.</p>
580	<p>3. The rights of defence of the persons subject to the proceedings shall be fully respected during the proceedings. They shall be entitled to have access to ESMA's file, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file shall not extend to confidential information or internal preparatory documents of ESMA.</p>	<p>3. The rights of defence of the persons subject to the proceedings shall be fully respected during the proceedings. They shall be entitled to have access to ESMA's file, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file shall not extend to confidential information or internal preparatory documents of ESMA.</p>	<p>3. The rights of defence of the persons subject to the proceedings shall be fully respected during the proceedings. They shall be entitled to have access to ESMA's file, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file shall not extend to confidential information or internal preparatory documents of ESMA.</p>
581	<p>Article 57</p>	<p>Article 57</p>	<p>Article 57</p>

	Commission Proposal	EP Mandate	Council Mandate
	Review by the Court of Justice of the European Union	Review by the Court of Justice of the European Union	Review by the Court of Justice of the European Union
582	The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions whereby ESMA has imposed a fine or a periodic penalty payment. It may annul, reduce or increase the fine or periodic penalty payment imposed.	The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions whereby ESMA has imposed a fine or a periodic penalty payment. It may annul, reduce or increase the fine or periodic penalty payment imposed.	The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions whereby ESMA has imposed a fine or a periodic penalty payment. It may annul, reduce or increase the fine or periodic penalty payment imposed.
583	Article 58 Registration, recognition, and supervisory fees	Article 58 Registration, recognition, and supervisory fees	Article 58 Registration, recognition, and supervisory fees
584	1. ESMA shall charge external reviewers for the expenditure relating to their registration, recognition, and supervision and for any costs that it may incur carrying out work pursuant to this Regulation.	1. ESMA shall charge external reviewers for the expenditure relating to their registration, recognition, and supervision and for any costs that it may incur carrying out work pursuant to this Regulation.	1. ESMA shall charge fees to external reviewers for the expenditure relating to their registration, recognition, and supervision and for any costs that it may incur in carrying out workits tasks pursuant to this Regulation.
585	2. Any fee charged by ESMA to an applicant external reviewer or a registered external reviewer or a recognised external reviewer shall cover all administrative	2. Any fee charged by ESMA to an applicant external reviewer or a registered external reviewer or a recognised external reviewer shall cover all administrative	2. Any fee charged by ESMA to an applicant external reviewer or, a registered external reviewer or a recognised external reviewer shall cover all

	Commission Proposal	EP Mandate	Council Mandate
	costs incurred by ESMA for its activities in relation to that particular applicant or external reviewer. Any fee shall be proportionate to the turnover of the external reviewer concerned.	costs incurred by ESMA for its activities in relation to that particular applicant or external reviewer. Any fee shall be proportionate to the turnover of the external reviewer concerned.	administrative costs incurred by ESMA for its activities in relation to that particular applicant or external reviewer. Any fee shall be proportionate to the turnover of the external reviewer concerned.
586	3. The Commission shall adopt delegated acts in accordance with Article 60 by [PO: Please insert date 12 months after date of entry into force] to specify the type of fees, the matters for which fees are due, the amount of the fees, and the manner in which they are to be paid.	3. The Commission shall adopt delegated acts in accordance with Article 60 by [PO: Please insert date 12 months after date of entry into force] to specify the type of fees, the matters for which fees are due, the amount of the fees, and the manner in which they are to be paid.	3. The Commission shall, after consulting ESMA, adopt a delegated act on fees, in accordance with Article 60 by ... [PO: please insert date 12 months after date of entry into force of this Regulation]. That delegated act shall specify in particular the type of fees, the matters for which fees are due, the amount of the fees, and the manner in which they are to be paid. The delegated act shall specify the threshold of the annual turnover of external reviewers at group level, below which no supervisory fee shall be charged, and shall also specify the manner in which the annual turnover shall be calculated for the purposes of applying that threshold.
587	Article 59 ESMA register of external reviewers and third-country external reviewers	Article 59 ESMA register of external reviewers and third-country external reviewers	Article 59 ESMA register of external reviewers and third-country external reviewers

	Commission Proposal	EP Mandate	Council Mandate
588	1. ESMA shall maintain on its website a publicly accessible register that shall list all of the following:	1. ESMA shall maintain on its website a publicly accessible register that shall list all of the following:	1. ESMA shall maintain on its website a publicly accessible register that shall list all of the following:
589	(a) all the external reviewers registered in accordance with Article 15	(a) all the external reviewers registered in accordance with Article 15	(a) all the external reviewers registered in accordance with Article 15;
590	(b) those external reviewers that are temporarily prohibited from pursuing their activities in accordance with Article 51;	(b) those external reviewers that are temporarily prohibited from pursuing their activities in accordance with Article 51;	(b) those external reviewers that are temporarily prohibited from pursuing their activities in accordance with Article 51;
591	(c) those external reviewers that have had their registration withdrawn in accordance with Article 51;	(c) those external reviewers that have had their registration withdrawn in accordance with Article 51;	(c) those external reviewers that have had their registration withdrawn in accordance with Article 51;
592	(d) third-country external reviewers allowed to provide services in the Union in accordance with Article 31;	(d) third-country external reviewers allowed to provide services in the Union in accordance with Article 31;	(d) third-country external reviewers allowed to provide services in the Union in accordance with Article 31;
593	(e) third-country external reviewers recognised in accordance with Article 34;	(e) third-country external reviewers recognised in accordance with Article 34;	(e) third-country external reviewers recognised in accordance with Article 34;

	Commission Proposal	EP Mandate	Council Mandate
594	(f) external reviewers registered in accordance with Article 15 that endorse services of third country external reviewers in accordance with Article 35;	(f) external reviewers registered in accordance with Article 15 that endorse services of third country external reviewers in accordance with Article 35;	(f) external reviewers registered in accordance with Article 15 that endorse services of third countrythird-country external reviewers in accordance with Article 35;
595	(g) those third-country external reviewers that have had registration withdrawn and that shall no longer use the rights under Article 31 where the Commission adopts a withdrawing decision in relation to that third country referred to in Article 32;	(g) those third-country external reviewers that have had registration withdrawn and that shall no longer use the rights under Article 31 where the Commission adopts a withdrawing decision in relation to that third country referred to in Article 32;	(g) those third-country external reviewers that have had their registration withdrawn and that shall no longer use the rights under Article 31, where the Commission adopts a withdrawing decisiondecision on withdrawal in relation to that third country as referred to in Article 32;
596	(h) third-country external reviewers whose recognition has been suspended or withdrawn and external reviewers registered in accordance with Article 15 that shall no longer endorse services of third country external reviewers.	(h) third-country external reviewers whose recognition has been suspended or withdrawn and external reviewers registered in accordance with Article 15 that shall no longer endorse services of third country external reviewers.	(h) third-country external reviewers whose recognition has been suspended or withdrawn; and (i) and external reviewers registered in accordance with Article 15 that shallmay no longer endorse services of third countrythird-country external reviewers.
597	2. The register shall contain contact details of external reviewers, their websites and the dates by which the decisions of ESMA concerning those external reviewers take effect.	2. The register shall contain contact details of external reviewers, their websites and the dates by which the decisions of ESMA concerning those external reviewers take effect.	2. The register shall contain contact details of external reviewers, their websites and the dates by which the decisions of ESMA concerning those external reviewers take effect.

	Commission Proposal	EP Mandate	Council Mandate
598	3. For third-country reviewers, the register shall also contain information on the services that third-country external reviewers may provide and the contact details of the competent authority responsible for their supervision in the third country.	3. For third-country reviewers, the register shall also contain information on the services that third-country external reviewers may provide and the contact details of the competent authority responsible for their supervision in the third country.	3. For third-country reviewers, the register shall also contain information on the services that third-country external reviewers may provide and the contact details of the competent authority responsible for their supervision in the third country.
599	Title V Delegated Acts	Title V Delegated Acts	Title V Delegated Acts
600	Article 60 Exercise of the delegation	Article 60 Exercise of the delegation	Article 60 Exercise of the delegation
601	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
602	2. The power to adopt delegated acts referred to in Articles on Procedural rules for taking supervisory measures and imposing fines, Registration, recognition, and supervisory fees, 55(10) and 58(3) shall be conferred on the Commission for an	2. The power to adopt delegated acts referred to in Articles on Procedural rules for taking supervisory measures and imposing fines, Registration, recognition, and supervisory fees, 55(10) and 58(3) shall be conferred on the Commission for an	2. The power to adopt delegated acts referred to in Articles on Procedural rules for taking supervisory measures and imposing fines, Registration, recognition, and supervisory fees, 55(10) and 58(3) shall be conferred on the Commission for an

	Commission Proposal	EP Mandate	Council Mandate
	indeterminate period of time from [PO: Please insert date of entry into force].	indeterminate period of time from [PO: Please insert date of entry into force].	indeterminate period of time from ... [PO: please insert the date of entry into force of this Regulation].
603	3. The delegation of power referred to in Articles on Procedural rules for taking supervisory measures and imposing fines, Registration, recognition, and supervisory fees may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles on Procedural rules for taking supervisory measures and imposing fines, Registration, recognition, and supervisory fees may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles on Procedural rules for taking supervisory measures and imposing fines, Registration, recognition, and supervisory fees, 55(10) and 58(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
604	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.
605	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously

	Commission Proposal	EP Mandate	Council Mandate
	to the European Parliament and to the Council.	to the European Parliament and to the Council.	to the European Parliament and to the Council.
606	6. A delegated act adopted pursuant to Articles on Procedural rules for taking supervisory measures and imposing fines, Registration, recognition, and supervisory fees shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles on Procedural rules for taking supervisory measures and imposing fines, Registration, recognition, and supervisory fees shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [twothree months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [twothree months] at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles on Procedural rules for taking supervisory measures and imposing fines, Registration, recognition, and supervisory fees, 55(10) and 58(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [twothree months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [twothree months] at the initiative of the European Parliament or of the Council.
606a			6a. When developing draft regulatory and implementing technical standards pursuant to this Regulation, ESMA shall take into account the principle of proportionality.
607	Article 61	Article 61	Article 61

	Commission Proposal	EP Mandate	Council Mandate
	Committee procedure	Committee procedure	Committee procedure
608	<p>The Commission shall be assisted by the European Securities Committee established by Commission Decision 2001/528/EC1. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council2.</p> <p>1. 2001/528/EC: Commission Decision of 6 June 2001 establishing the European Securities Committee</p> <p>2. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers</p>	<p>The Commission shall be assisted by the European Securities Committee established by Commission Decision 2001/528/EC1. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council2.</p> <p>1. 2001/528/EC: Commission Decision of 6 June 2001 establishing the European Securities Committee</p> <p>2. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers</p>	<p>The Commission shall be assisted by the European Securities Committee established by Commission Decision 2001/528/EC1. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council2.</p> <p>1. 2001/528/EC: Commission Decision of 6 June 2001 establishing the European Securities Committee</p> <p>2. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers</p>
609	<p>Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>
610	<p>Title VI Final provisions</p>	<p>Title VI Final provisions</p>	<p>Title VI Final provisions</p>

	Commission Proposal	EP Mandate	Council Mandate
610a			Article 61a Review
610b			By ... [OJ: please insert the date 36 months after the date of application of this Regulation], the Commission shall, after consulting ESMA, submit a report to the European Parliament and to the Council on:
610c			(a) the practical impact of this Regulation on European green bond issuances by small and medium sized enterprises;
610d			(b) the appropriateness and the impact on external reviewers and on ESMA's budget of the provisions of fees in Article 58(3);
610e			(c) the practical impact of provisions in paragraph 1a of Article 6 on the use of European green bonds and of the environmental quality of the proceeds used in accordance with paragraph 1a of Article 6. Taking into account the state of progress of the taxonomy framework and in

	Commission Proposal	EP Mandate	Council Mandate
			particular the development of related delegated acts and their uptake by stakeholders, this report shall also justify whether the provisions in Article 6(1a) do not prevent the transition towards the financing of environmentally sustainable activities.
611	Article 62 Transitional provision	Article 62 Transitional provision	Article 62 Transitional provision
612	1. Any external reviewer that intends to provide services in accordance with this Regulation from its entry into force until [OJ please insert date 30 months after the first application date of this Regulation, thank you], shall only provide such services after having notified ESMA to that effect and having provided the information referred to in Article 15(1).	1. Any external reviewer that intends to provide services in accordance with this Regulation from its entry into force until [OJ please insert date 30 months after the first application date of this Regulation, thank you], shall only provide such services after having notified ESMA to that effect and having provided the information referred to in Article 15(1).	1. AnyAn external reviewer that intends to provide services in accordance with this Regulation from its entry into forcethe date of application until ... [OJ please insert date 3012 months after the first application date of this Regulation, thank you], shall only provide such services after having notified ESMA to that effect and having provided the information referred to in Article 15(1).
613	2. Until [OJ please insert date 30 months after the first application date of this Regulation, thank you] external reviewers referred to in paragraph 1 shall comply with Articles 16 to 30 with the exception of the requirements laid down by the	2. Until [OJ please insert date 30 months after the first application date of this Regulation, thank you] external reviewers referred to in paragraph 1 shall comply with Articles 16 to 30 with the exception of the requirements laid down by the	2. Until ... [OJ please insert date 3012 months after the first application date of this Regulation, thank you] external reviewers referred to in paragraph 1 shall comply with Articles 16 to 30 with the exception of the requirements laid down

	Commission Proposal	EP Mandate	Council Mandate
	delegated acts referred to in Article 16(2), Article 19(2), Article 20(3), Article 21(4), Article 22(3), Article 23(3) and Article 25(7).	delegated acts referred to in Article 16(2), Article 19(2), Article 20(3), Article 21(4), Article 22(3), Article 23(3) and Article 25(7).	by the delegated acts referred to in Article 16(2), Article 18(3), Article 19(2), Article 20(3), Article 21(4), Article 22(3), Article 23(3) and Article 25(7).
614	3. After [OJ please insert date one day following 30 months after the first application date of this Regulation, thank you] external reviewers referred to in paragraph 1 shall only provide services in accordance with this Regulation after having being registered in accordance with Article 15 and comply with Articles 14 and Articles 16 to 30 as supplemented by the delegated acts referred to in paragraph 2.	3. After [OJ please insert date one day following 30 months after the first application date of this Regulation, thank you] external reviewers referred to in paragraph 1 shall only provide services in accordance with this Regulation after having being registered in accordance with Article 15 and comply with Articles 14 and Articles 16 to 30 as supplemented by the delegated acts referred to in paragraph 2.	3. After ... [OJ please insert date one day following 3012 months after the first application date of this Regulation, thank you] external reviewers referred to in paragraph 1 shall only provide services in accordance with this Regulation after having being registered in accordance with Article 15 and comply with Articles Article 14 and Articles 16 to 30 as supplemented by the delegated acts referred to in paragraph 2.
615	4. After [OJ please insert date one day following 30 months after the first application date of this Regulation, thank you] ESMA shall examine whether external reviewers referred to in paragraph 1, and the services provided by those providers until [OJ please insert date 30 months after the first application date of this Regulation, thank you] comply with the conditions laid down in this regulation.	4. After [OJ please insert date one day following 30 months after the first application date of this Regulation, thank you] ESMA shall examine whether external reviewers referred to in paragraph 1, and the services provided by those providers until [OJ please insert date 30 months after the first application date of this Regulation, thank you] comply with the conditions laid down in this regulation.	4. After ... [OJ please insert date one day following 3012 months after the first application date of this Regulation, thank you] ESMA shall examine whether external reviewers referred to in paragraph 1, and the services provided by those providers until ... [OJ please insert date 3012 months after the first application date of this Regulation, thank you] comply with the conditions laid down in this Regulation.

	Commission Proposal	EP Mandate	Council Mandate
616	Where ESMA considers that the external reviewer or the services provided referred to in the first subparagraph do not comply with the conditions laid down in this regulation, ESMA shall take one or more of the actions in accordance with Article 52.	Where ESMA considers that the external reviewer or the services provided referred to in the first subparagraph do not comply with the conditions laid down in this regulation, ESMA shall take one or more of the actions in accordance with Article 52.	Where ESMA considers that the external reviewer or the services provided referred to in the first subparagraph do not comply with the conditions laid down in this Regulation, ESMA shall take one or more of the actionsaction in accordance with Article 52.
616a		4a. Environmentally sustainable bonds and sustainability-linked bonds issued before ... [date of entry into application of this Regulation] shall not be required to fulfil the requirements of this Regulation.	
617	Article 63 Transitional provision for third country external reviewers	Article 63 Transitional provision for third country external reviewers	Article 63 Transitional provision for third country external reviewers
618	1. Any third country external reviewer that intends to provide services in accordance with this Regulation from its entry into force until [OJ please insert date 30 months after the first application date of this Regulation, thank you], shall only provide such services after having notified ESMA to that effect and having provided the information referred to in Article 15	1. Any third country external reviewer that intends to provide services in accordance with this Regulation from its entry into force until [OJ please insert date 30 months after the first application date of this Regulation, thank you], shall only provide such services after having notified ESMA to that effect and having provided the information referred to in Article 15	1. Any third countryA third-country external reviewer that intends to provide services in accordance with this Regulation from its entry into forcethe date of application until ... [OJ:[OJ please insert the date 12date 30 months after the first application datedate of application of this Regulation, thank you], shall only provide such services after having notified ESMA

	Commission Proposal	EP Mandate	Council Mandate
	(1).	(1).	to that effect and having provided the information referred to in Article 15 (1).
619	2. Third country external reviewers referred to in paragraph 1 shall:	2. Third country external reviewers referred to in paragraph 1 shall:	2. Third country external reviewers referred to in paragraph 1 shall:
620	(a) comply with Articles 16 to 30 with the exception of the requirements laid down by the delegated acts referred to in Article 16(2), Article 19(2), Article 20(3), Article 21(4), Article 22(3), Article 23(3) and Article 25(7).	(a) comply with Articles 16 to 30 with the exception of the requirements laid down by the delegated acts referred to in Article 16(2), Article 19(2), Article 20(3), Article 21(4), Article 22(3), Article 23(3) and Article 25(7).	(a) comply with Articles 16 to 30 with the exception of the requirements laid down by the delegated acts referred to in Article 16(2), Article 18 (3), Article 19(2), Article 20(3), Article 21(4), Article 22(3), Article 23(3) and Article 25(7).;
621	(b) have a legal representative located in the Union that shall comply with Article 34, paragraph 3, points (a) to (c).	(b) have a legal representative located in the Union that shall comply with Article 34, paragraph 3, points (a) to (c).	(b) have a legal representative located in the Union that shall comply with Article 34, paragraph 3 (3), points (a) to (c).
622	3. After [OJ please insert date one day following 30 months after the first application date of this Regulation, thank you] Articles 32, 34 and 35 shall apply.	3. After [OJ please insert date one day following 30 months after the first application date of this Regulation, thank you] Articles 32, 34 and 35 shall apply.	3. After ... [OJ:[OJ please insert the date 12date one day following 30 months after the first application datedate of application of this Regulation, thank you] Articles 32, 34 and 35 shall apply.
623	4. After [OJ please insert date one day following 30 months after the first	4. After [OJ please insert date one day following 30 months after the first	4. After ... [OJ:[OJ please insert the date 12date one day following 30 months after

	Commission Proposal	EP Mandate	Council Mandate
	<p>application date of this Regulation, thank you] ESMA shall examine whether external reviewers referred to in paragraph 1, and the services provided by those providers until [OJ please insert date 30 months after the first application date of this Regulation, thank you] comply with the conditions laid down in this regulation.</p>	<p>application date of this Regulation, thank you] ESMA shall examine whether external reviewers referred to in paragraph 1, and the services provided by those providers until [OJ please insert date 30 months after the first application date of this Regulation, thank you] comply with the conditions laid down in this regulation.</p>	<p>the firstdate of application date of this Regulation, thank you] ESMA shall examine whether external reviewers referred to in paragraph 1, and the services provided by those providers until ... [OJ: [OJ please insert the date 12date 30 months after the firstdate of application date of this Regulation, thank you] comply with the conditions laid down in this Regulation.</p>
624	<p>Where ESMA considers that the external reviewer or the services provided referred to in the first subparagraph do not comply with the conditions laid down in this Regulation, ESMA shall take one or more of the actions in accordance with Article 52.</p>	<p>Where ESMA considers that the external reviewer or the services provided referred to in the first subparagraph do not comply with the conditions laid down in this Regulation, ESMA shall take one or more of the actions in accordance with Article 52.</p>	<p>Where ESMA considers that the external reviewer or the services provided referred to in the first subparagraph do not comply with the conditions laid down in this Regulation, ESMA shall take one or more of the actions in accordance with Article 52.</p>
624a			<p>4a. ESMA may, at any time, enforce compliance by third-country external reviewers with the provisions of paragraph 2 of this Article by imposing supervisory measures in accordance with the provisions of Title IV of this Regulation.</p>
624b		<p>Article 63a Review</p>	

	Commission Proposal	EP Mandate	Council Mandate
624c		<p>1. By ... [five years after the entry into force of this Regulation] and every three years thereafter, the Commission shall, based on the input from the Platform on Sustainable Finance, submit a report to the European Parliament and to the Council on the application of this Regulation. That report shall evaluate at least the following:</p>	
624d		<p>(a) the uptake of the European green bond standard and its market share, both in the Union and globally;</p>	
624e		<p>(b) the impact of this Regulation on the transition to a sustainable economy;</p>	
624f		<p>(c) the functioning of the market of external reviewers, specifying market concentration, the transparency of methodologies and pricing, and the impartiality of external reviewers;</p>	
624g		<p>(d) the ability of ESMA and national competent authorities to exercise their</p>	

	Commission Proposal	EP Mandate	Council Mandate
		supervisory duties;	
624h		(e) the appropriateness of funding of ESMA through recognition, endorsement and supervisory fees;	
624i		(f) the appropriateness of third-country regimes foreseen in Title III, Chapter IV;	
624j		(g) the impact of the European green bond standard on closing the yearly gap of additional investments needed to meet the Union climate targets as set out in Regulation (EU) 2021/1119, as well as on redirecting private capital flows away from environmentally harmful activities towards sustainable investments for the sustainable use and protection of water and marine resources, the transition to a circular economy, pollution prevention and control, and the protection and restoration of biodiversity and ecosystems;	
624k		(h) the credibility and abuse of sustainability claims in the sustainable bond market;	

	Commission Proposal	EP Mandate	Council Mandate
624l			
624l		(i) the functioning of the sustainability-linked bond market, including the credibility and quality of relevant claims;	
624m		(j) the need for further regulatory measures to increase the sustainability of the bond market.	
624n		2. By ... [two years after entry into force of this Regulation] and every three years thereafter the Commission shall, based on an impact assessment, submit a report to the European Parliament and the Council on whether the EuGB standard shall become mandatory and the timeframe of such an approach.	
624o		3. Accompanying any proposed revision of Regulation (EU) 2020/852, the Commission shall assess whether the proposed revision merits a review of this Regulation, specifically when such revisions are related to an extension of the scope of Regulation (EU) 2020/852 in accordance with Article 26(2) of that Regulation.	

	Commission Proposal	EP Mandate	Council Mandate
624p		Article 63b Amendment to Regulation (EU) 2020/852	
624q		Article 8 of Regulation (EU) 2020/852 is amended as follows:	
624r		(a) the following paragraph is inserted: ‘3a. As from ... [18 months after the date of entry into force of the European green bonds Regulation], financial undertakings shall disclose information pursuant to paragraph 1 of this Article by including exposures to central governments, central banks and supranational issuers.’;	
624s		(b) paragraph 4 is replaced by the following: ‘4. The Commission shall adopt a delegated act in accordance with Article 23 to supplement paragraphs 1 and 2 of this Article to specify the content and presentation of the information to be disclosed pursuant to those paragraphs, including the methodology to be used in	

	Commission Proposal	EP Mandate	Council Mandate
		<p>order to comply with them, taking into account the specificities of both financial and non-financial undertakings and the technical screening criteria established pursuant to this Regulation. The Commission shall adopt that delegated act by 1 June 2021. The Commission shall update that delegated act in accordance with paragraph 3a no later than ... [6 months after the date of entry into force of this Regulation].’.</p>	
625	<p>Article 64 Entry into force</p>	<p>Article 64 Entry into force</p>	<p>Article 64 Entry into force and application</p>
626	<p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p>	<p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p>	<p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p>
626a			<p>This Regulation shall apply from ... [OJ: please insert the date 18 months after the date of entry into force of this Regulation].</p>
626b			<p>Member States shall take the necessary measures to comply with Articles 37 and</p>

	Commission Proposal	EP Mandate	Council Mandate
			41 by ... [OJ: please insert the date of application of this Regulation].
627	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.
628	Done at Strasbourg,	Done at Strasbourg,	Done at Strasbourg...,
629	For the Council For the Parliament	For the Council For the Parliament	For the Council For the Parliament
630	The President The President	The President The President	The President The President
631	EUROPEAN GREEN BOND FACTSHEET	EUROPEAN GREEN BOND FACTSHEET	EUROPEAN GREEN BOND FACTSHEET
632	1. General Information — [Date of the publication of the European green bond factsheet] — [The legal name of the issuer] [where available, legal entity identifier (LEI)] [website address providing investors with	The title ‘European green bond factsheet’ shall appear prominently at the top of the first page of the document. Where the proceeds of the European green bond are intended to be allocated to nuclear energy or fossil gas related activities, the following statement shall	1. 1. General Information — — [A statement that the document and its contents are not subject to any approval or endorsement from ESMA or any other competent authority] — [Date of the publication of the

	Commission Proposal	EP Mandate	Council Mandate
	<p>information on how to get in contact, and a telephone number]</p> <ul style="list-style-type: none"> — [Name of the bond assigned by the issuer] [where available, international securities identification numbers (ISIN)] — [The identity and contact details of the external reviewer, including website address providing investors with information on how to get in contact, and a telephone number] 	<p>appear prominently on the first page of the document: "Bond proceeds are intended to be allocated to taxonomy-aligned [add what applies: nuclear energy and/or fossil gas] related activities in accordance with Article 10(2) and 11(3) of Regulation (EU) 2020/852."</p> <p>1.</p> <p>1. General Information</p> <ul style="list-style-type: none"> — [Date of the publication of the European green bond factsheet] — [The legal name of the issuer] [where available, legal entity identifier (LEI)] [website address providing investors with information on how to get in contact, and a telephone number] — [Name of the bond assigned by the issuer] [where available, international securities identification numbers (ISIN)] — [The identity and contact details of the external reviewer, including website address providing investors with information on how to get in contact, and a telephone number] 	<p>European green bond factsheet]</p> <ul style="list-style-type: none"> — [The legal name of the issuer] [where available, legal entity identifier (LEI)] [website address providing investors with information on how to get in contact, and a telephone number] — [Where available: name of the bond(s) assigned by the issuer] [where available, and/or the international securities identification numbers (ISIN)] — number(s) (ISIN)] — [The identity and contact details of the external reviewer, including website address providing investors with information on how to get in contact, and a telephone number] — [An estimate of the amount of cumulative issuance costs that are not allocated to the environmentally sustainable economic activities mentioned in Article 6(1), as permitted under Article 4(1), together with an explanation as to why these amounts are not allocated to the activities mentioned in Article 6(1)] — [Where article 36 applies, the name of the competent authority of the home Member State] — [Where the proceeds of the bonds are intended to be allocated in accordance with Article 6(1a), the following statement: "This EuGB makes use of the flexibility permitting a partial non-alignment with the taxonomy technical screening criteria, as further described in Section 4 of this

	Commission Proposal	EP Mandate	Council Mandate
			factsheet."]
633	<p>2. Adhesion to the requirements of the European Green Bonds Regulation [A statement showing that the issuer of the given bond voluntarily adheres to the requirements of this Regulation]</p>	<p>2. Adhesion to the requirements of the European Green Bonds Regulation [A statement showing that the issuer of the given bond voluntarily adheres to the requirements of this Regulation]</p>	<p>2. Adhesion 2. Adherence to the requirements of Regulation (EU) .../... of the European Green Bonds Regulation Parliament and of the Council* [A statement showing that the issuer of the given bondbonds, to which this factsheet applies, voluntarily adheres to the requirements of this Regulation]</p>
634	<p>3. Environmental strategy and rationale — [Information on how the bond aligns with the broader environmental strategy of the issuer] — [The environmental objectives referred to in Article 9 of Regulation 2020/852 pursued by the bond]</p>	<p>3. 3. Environmental strategy and rationale — — [Information on how the bond contributes to the broader environmental strategy of the issuer , including: (a) Information on the entity-level taxonomy alignment of the issuer, by applying Delegated Regulation (EU) 2021/2178; (b) Information on how and to what extent the issuance of the bond is intended to increase the issuer’s proportion of capital and operating expenditure related to, and of its turnover derived from, economic activities that qualify as environmentally sustainable pursuant to Regulation (EU) 2020/852; - [for issuers subject to the obligation to</p>	<p>3. 3. Environmental strategy and rationale — — [Information on how the bondintended allocation of the proceeds of the bonds aligns with the broader environmental strategy of the issuer] — — [The environmental objectives referred to in Article 9 of Regulation 2020/852Regulation (EU) 2020/852 pursued by the bondissuer with the proceeds of the bonds]</p>

	Commission Proposal	EP Mandate	Council Mandate
		<p>create a transition plan pursuant to [the CSRD], information on how in accordance with Article 7b, the bond aligns with the broadercontributes to a credible pathway to align with the objective to achieve climate neutrality by 2050 at the latest, as set out in Regulation (EU) 2021/1119, including</p> <p>(a) A link to the website where the issuer’s transition plan is published pursuant to Directive 2013/34/EU [as amended by the CSRD] and a positive opinion on this transition plan as provided by an auditor in accordance with Article 34 of that Directive;</p> <p>(b) Information on how and to what extent the issuance of the bond is intended to reduce the environmental strategyimpact of the issuer in view of the targets set out in the transition plan under Directive 2013/34/EU [as amended by the CSRD]]</p> <p>— [The environmental objectives referred to in Article 9 of Regulation 2020/852Regulation (EU) 2020/852 pursued by the bond]</p>	
635	<p>4. Intended allocation of bond proceeds 4.1 Estimated Time until full allocation of proceeds</p>	<p>4. Intended allocation of bond proceeds 4.1 Estimated Time until full allocation of proceeds</p>	<p>4. Intended allocation of bondbonds proceeds 4.1 Estimated Time until full allocation of</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>— [The period within which the proceeds are expected to be allocated]</p> <p>— [The date by which proceeds are expected to be fully allocated]</p> <p>— [If the date above is more than five years after the date of the issuance of the bond: a justification for the longer period, based on the specific features of the economic activities concerned, accompanied by relevant documentation in an annex]</p> <p>4.2 Process for selecting green projects and estimated environmental impact</p> <p>— [A description of the processes by which the issuer will determine how projects align with the taxonomy requirements]</p> <p>— [A description of the relevant technical screening criteria referred to in Articles 10 to 15 of Regulation (EU) 2020/852, and a specification of which delegated acts adopted under Articles 10(3), 11(3), 12(2), 13(2), 14(2) and 15(2) of Regulation (EU) 2020/852 are taken into account]</p> <p>— [Where available: information on the methodology and assumptions to be used for the calculation of key impact metrics in accordance with delegated acts adopted under Articles 10(3), 11(3), 12(2), 13(2), 14(2) and 15(2) of Regulation (EU) 2020/852, and for any additional impact metrics. Where this information is not available, this must be justified.]</p> <p>— [Where applicable, information on any related standardisation or certification]</p>	<p>— [The period within which the proceeds are expected to be allocated]</p> <p>— [The date by which proceeds are expected to be fully allocated]</p> <p>— [If the date above is more than five years after the date of the issuance of the bond: a justification for the longer period, based on the specific features of the economic activities concerned, accompanied by relevant documentation in an annex]</p> <p>4.2 Process for selecting green projects and estimated environmental impact</p> <p>— [A description of the processes by which the issuer will determine how projects align with the taxonomy requirements]</p> <p>— [A description of the relevant technical screening criteria referred to in Articles 10 to 15 of Regulation (EU) 2020/852, and a specification of which delegated acts adopted under Articles 10(3), 11(3), 12(2), 13(2), 14(2) and 15(2) of Regulation (EU) 2020/852 are taken into account]</p> <p>— [Where available: information on the methodology and assumptions to be used for the calculation of key impact metrics in accordance with delegated acts adopted under Articles 10(3), 11(3), 12(2), 13(2), 14(2) and 15(2) of Regulation (EU) 2020/852, and for any additional impact metrics. Where this information is not available, this must be justified.]</p> <p>— [Where applicable, information on any related standardisation or certification]</p>	<p>proceeds</p> <p>— [The period within]Where the proceeds of the bonds are intended to be allocated in accordance with Article 6(1a), a statement that the [net] proceeds of the bond are intended to partially finance economic activities which are not aligned with taxonomy’s technical screening criteria, describing such non-alignment, the activities concerned and the estimated percentage of the proceeds are expected to be allocated]</p> <p>— [The date byintended to finance such activities as a total and on a per-activity basis, including a breakdown describing which paragraph in Article 6(1a) is being used. Furthermore, an explanation on why taxonomy’s technical screening criteria cannot be applied and an explanation on how the issuer intends to ensure that those activities comply with Article 3, points (a), (b) and (c), of Regulation (EU) 2020/852]</p> <p>4.1 Estimated Time until full allocation of proceeds</p> <p>– [The period within which the proceeds are expected to be fully allocated]</p> <p>— allocated after the issuance of each bond]</p> <p>– [If the date above is more than five years after the date of the issuance of the bond: a justification for the longer period, based on the specific features of the economic activities concerned, accompanied by relevant documentation in</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>process in project selection]</p> <p>— [Where available, an estimation of expected positive and adverse environmental impacts in aggregated form. Where this information is not available, this must be justified.]</p> <p>4.3 Intended qualifying green projects [Where available to the issuer, the following information shall be provided at project level, unless confidentiality agreements, competitive considerations, or a large number of underlying qualifying projects limit the amount of detail that can be made available, in which case the information shall be provided at least at aggregate level, with an explanation of why project-level information is not given:</p> <p>For intended qualifying projects:</p> <p>— Their environmental objectives referred to in Article 9 of Regulation 2020/852</p> <p>— Their types, sectors, and the respective NACE codes in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006</p>	<p>process in project selection]</p> <p>— [Where available, an estimation of expected positive and adverse environmental impacts in aggregated form. Where this information is not available, this must be justified.]</p> <p>4.3 Intended qualifying green projects [Where available to the issuer, the following information shall be provided at project level, unless confidentiality agreements, competitive considerations, or a large number of underlying qualifying projects limit the amount of detail that can be made available, in which case the information shall be provided at least at aggregate level, with an explanation of why project-level information is not given:</p> <p>For intended qualifying projects:</p> <p>— Their environmental objectives referred to in Article 9 of Regulation 2020/852</p> <p>Where applicable, whether the bond proceeds are intended to be allocated to finance an economic activity that is a transitional economic activity referred to in Article 10(2) of Regulation (EU) 2020/852</p> <p>— Their types, sectors, and the respective NACE codes in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006</p> <p>The countries where bond proceeds have been allocated</p>	<p>an annex]</p> <p>4.2 Process for selecting green projects, programmes and activities and estimated environmental impact</p> <p>— — [A description of the processes by which the issuer will determine how projects and activities align with the taxonomy requirements]</p> <p>— — [A description of the relevant technical screening criteria referred to in Articles 10 to 15 of Regulation (EU) 2020/852, and a specification of which delegated acts adopted under Articles 10(3), 11(3), 12(2), 13(2), 14(2) and 15(2) of Regulation (EU) 2020/852 are taken into account (having regard to Article 6(1a)]</p> <p>— </p> <p>— [Where available: information on the methodology and assumptions to be used for the calculation of key impact metrics in accordance with delegated acts adopted under Articles 10(3), 11(3), 12(2), 13(2), 14(2) and 15(2) of Regulation (EU) 2020/852, and for any additional impact metrics. Where this information is not available, this must be justified.]</p> <p>— </p> <p>— [Where applicable, information on any related standardisation or certification process in project or activity selection]</p> <p>— — [Where available, an estimation of expected positive and adverse environmental impacts in aggregated form. Where this information is not</p>

	Commission Proposal	EP Mandate	Council Mandate
		<ul style="list-style-type: none"> – The respective amount to be allocated from bond proceeds, and the percentage of proceeds to be allocated respectively to projects financed after bond issuance and projects financed before bond issuance – Where the issuer is a sovereign, and bond proceeds are planned to be allocated to the tax relief referred to in Article 4(2), point (c), an estimation of the expected volume of revenue loss associated with eligible tax relief – Where the issuer is a sovereign, and bond proceeds are planned to be allocated to tax relief referred to in Article 4(2), point (c), or to subsidies referred to in Article 4(2), point (d), a link to an ex ante impact assessment by an independent third party that gives a positive assessment of the impact and cost-efficiency of the funding programmes of tax expenditures or subsidies – Where a bond co-finances intended qualifying projects, an indication of the proportion financed by the bond – For assets that are concerned by a CapEx plan: the annual intermediate steps, including all actions and expenditures, necessary for the transformation of the economic activity in order to meet the taxonomy requirements within the specified period of time; – Where available, links to websites with relevant information 	<p>available, this must be justified.]</p> <p>4.3 Intended qualifying green projects, programmes and activities [Where available to the issuer, the following information shall be provided at project/activity level, unless confidentiality agreements, competitive considerations, or a large number of underlying qualifying projects limit the amount of detail that can be made available, or unless the factsheet applies to several future bonds for which the exact allocation is not yet defined at the time of the drafting of the factsheet, in which case the information shall be provided at least at aggregate or project/activity category level, with an explanation of why project-level information is not given:</p> <p style="text-align: center;">For intended For qualifying types of projects and activities:</p> <ul style="list-style-type: none"> – : — their environmental objectives referred to in Article 9 of Regulation 2020/852; – — their types, sectors and, where applicable, and the respective NACE codes in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/20061; – their countries;

	Commission Proposal	EP Mandate	Council Mandate
		<p>– Where available, links to relevant public documents with more detailed information]</p> <p>4.4 Unallocated proceeds [Information on how the temporary use of unallocated proceeds will not affect the delivery of the environmental objectives]</p> <p>5. Information on reporting</p> <p>– [A link to the website where allocation reports and impact reports will be published]</p> <p>– [An indication of whether allocation reports will include project-by-project information on amounts disbursed and the expected positive and negative environmental impacts]</p> <p>5a. Information on activities in non-cooperative jurisdictions</p> <p>– [An indication of any activity of the issuer in jurisdictions listed in Annex I and Annex II to the EU list of non-cooperative jurisdictions for tax havens and their real economic presence in those jurisdictions in terms of assets, full time employees, sales and taxes paid]</p> <p>6. Other relevant information [Fees and expenses borne by the issuer in relation to the issuance]</p>	<p>– where available, the indicative or intended percentage of proceeds to be allocated to projects and activities financed before the issuance of the bonds;</p> <p>– where the issuer is a sovereign, and the proceeds of the bonds are planned to be allocated to tax relief as referred to in Article 4(2), point (c), an estimation of the expected volume of revenue loss associated with the eligible tax relief;</p> <p>– where available, links to websites with relevant information;</p> <p>– where available, links to relevant public documents with more detailed information.]</p> <p>4.4 Unallocated proceeds [Information on how the temporary use of unallocated proceeds will not affect the delivery of the environmental objectives]</p> <p>5. Information on reporting</p> <p>– [A link to the issuer’s website referred to in Article 13(1)]</p> <p>– [An indication of whether allocation reports will include project-by-project information on amounts allocated and the expected positive environmental impacts]</p> <p>– [The date on which the first annual period referred to in Article 9(1) starts, which shall not be later than the issuance date.]</p> <p>6. Other relevant information</p>

	Commission Proposal	EP Mandate	Council Mandate
			<ul style="list-style-type: none"> – [Where applicable, a detailed description of the CapEx Plan referred to in Article 6(1), point b, including the main parameters used by the issuer to determine the alignment of the relevant assets or activities with the taxonomy requirements by the end of the period contemplated in that Article] – [Any other relevant information] <p>1. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).</p>
636	EUROPEAN GREEN BOND ANNUAL ALLOCATION REPORT		EUROPEAN GREEN BOND ANNUAL ALLOCATION REPORT
637	[where the allocation report is revised, the title shall reflect this]	[where the allocation report is revised, the title shall reflect this]	[where the allocation report is revised, the title shall reflect this]
638	1. General Information	1. General Information	1. 1. General Information

	Commission Proposal	EP Mandate	Council Mandate
	<ul style="list-style-type: none"> — [Date of the publication of the allocation report] [where applicable, date of the publication of the final allocation report or date of the publication of the revised allocation report]] — [The legal name of the issuer] [where available, LEI], [website address providing investors with information on how to get in contact, and a telephone number] — [Name of the bond assigned by the issuer] [where available, ISIN] — [where the allocation report has been subject to post-issuance review, the identity and contact details of the external reviewer, including a website address providing investors with information on how to get in contact, and a telephone number] 	<ul style="list-style-type: none"> — — [Date of the publication of the allocation report] [where applicable, date of the publication of the final allocation report or date of the publication of the revised allocation report]] — — [The legal name of the issuer] [where available, LEI], [website address providing investors with information on how to get in contact, and a telephone number] — — [Name of the bond assigned by the issuer] [where available, ISIN] — — [where the allocation report has been subject to post-issuance review, the identity and contact details of the external reviewer, including a website address providing investors with information on how to get in contact, and a telephone number] 	<ul style="list-style-type: none"> — — [A statement that the document and its contents are not subject to any approval or endorsement from ESMA or any other competent authority] — [Date of the publication of the allocation report] [where applicable, date of the publication of the final allocation report or date of the publication of the revised allocation report]] — — [The legal name of the issuer] [where available, LEI], [website address providing investors with information on how to get in contact, and a telephone number] — — [Name of the bondbonds assigned by the issuer] [where available, ISIN] — — [where the allocation report has been subject to post-issuance review, the identity and contact details of the external reviewer, including a website address providing investors with information on how to get in contact, and a telephone number] — [The first and the last date of the annual period to which the allocation report refers to]
639	<p>2. Adhesion to the requirements of the European Green Bonds Regulation [A statement showing that proceeds have</p>	<p>2. Adhesion to the requirements of the European green bonds Regulation [A statement showing that proceeds, from</p>	<p>2. Adherence to the requirements of the European green bonds Regulation</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>been allocated according to the requirements of this Regulation]</p>	<p>their issuance date and until the end of the year to which the allocation report refers, have been allocated according to the requirements Articles 4 to 7c of this Regulation]</p>	<p>[A statement showing that proceeds have been allocated according to the requirements of this Regulation]</p>
640	<p>3. Allocation of bond proceeds A. For issuers except those referred to in point B below: [The following information shall be provided at project level, unless confidentiality agreements, competitive considerations, or a large number of underlying qualifying projects limit the amount of detail that can be made available, in which case the information shall be provided at least at aggregate level, with an explanation of why project-level information is not given: — The environmental objectives referred to in Article 9 of Regulation 2020/852 — The types and sectors of projects, and the respective NACE codes in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006</p>	<p>3. Allocation of bond proceeds A. For issuers except those referred to in point B below: [The following information shall be provided at project level, unless confidentiality agreements, competitive considerations, or a large number of underlying qualifying projects limit the amount of detail that can be made available, in which case the information shall be provided at least at aggregate level, with an explanation of why project-level information is not given: — – The environmental objectives referred to in Article 9 of Regulation 2020/852 — The – Where applicable, whether the bond proceeds are intended to be allocated to finance an economic activity that is a transitional economic activity referred to in Article 10(2) of Regulation (EU) 2020/852 – Where applicable, the amount and proportion of proceeds allocated to</p>	<p>3. Allocation of bondthe proceeds of the bonds A. For issuers except those referred to in point B below: [The following information shall be provided at project or activity level, unless confidentiality agreements, competitive considerations, or a large number of underlying qualifying projects limit the amount of detail that can be made available, in which case the information shall be provided at least at aggregate level, with an explanation of why project-levelproject or activity-level information is not given: — . Where bond proceeds are allocated to expenditures as referred to in Article 4(2) the information may be provided at programme level. – the environmental objectives referred to in Article 9 of Regulation 2020/852 — Regulation (EU) 2020/852 of the European Parliament and of the Council*;</p>

	Commission Proposal	EP Mandate	Council Mandate
		<p>taxonomy-aligned nuclear energy and fossil gas related activities in accordance with Article 10(2) and 11(3) of Regulation (EU) 2020/852</p> <ul style="list-style-type: none"> – The types and sectors of projects, and the respective NACE codes in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/20061 – The countries where bond proceeds have been allocated <p>The respective amount allocated from bond proceeds, and the percentage of proceeds allocated respectively to projects financed after bond issuance and projects financed before bond issuance</p> <ul style="list-style-type: none"> – Where the issuer is a sovereign, and bond proceeds are allocated to tax relief referred to in Article 4(2), point (c), an estimation of the volume of revenue loss associated with eligible tax relief – Where the issuer is a sovereign, and bond proceeds have been allocated to tax relief referred to in Article 4(2), point (c), or to subsidies referred to in Article 4(2), point (d), a link to an ex post evaluation of the funding programme of tax expenditures or subsidies by the state auditors or other relevant public entity of the Member State concerned or an indication of when the results of such an evaluation are expected 	<p>the types and sectors of projects and activities, and where applicable , and the respective NACE codes in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006 of the European Parliament and of the Council1;</p> <ul style="list-style-type: none"> – the countries where bonds proceeds have been allocated; – the respective amount allocated from the proceeds of the bonds, and the percentage of proceeds allocated respectively to projects and activities financed after bonds issuances and projects and activities financed before bonds issuances; – where the issuer is a sovereign, and bond proceeds are allocated to tax relief referred to in Article 4(2), point (c), an estimation of the volume of revenue loss associated with eligible tax relief; <ul style="list-style-type: none"> – where a bond co-finances qualifying projects, an indication of the proportion financed by the bond; <p>for assets that are concerned by a CapEx Plan: the progress in the implementation of the plan during the reporting period, and the estimated date of completion;</p> <ul style="list-style-type: none"> – confirmation of compliance with Article 3, point (c), of Regulation (EU) 2020/852 (minimum safeguards) – an indication of which delegated acts adopted in accordance with Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of

	Commission Proposal	EP Mandate	Council Mandate
		<ul style="list-style-type: none"> - Where a bond co-finances qualifying projects, an indication of the proportion financed by the bond - For assets that are concerned by a CapEx plan: the progress made in the implementation of the plan during the reporting period, and the estimated date of completion; - Confirmation of compliance with Point (c) of Article 3 of Regulation (EU) 2020/852 (minimum safeguards) - An indication of which delegated acts adopted in accordance with Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 were used to determine the taxonomy technical screening criteria, and their application dates] <p>B. For issuers that are financial undertakings that allocate proceeds from a portfolio of several European green bonds to a portfolio of financial assets as referred to in Article 5:</p> <p>[The section "Allocation of bond proceeds" shall contain the following information:</p> <ul style="list-style-type: none"> - An overview of all outstanding European green bonds, indicating their individual and combined value. - An overview over the eligible financial assets as referred to in Article 5 on the issuer's balance sheet, indicating: 	<p>Regulation (EU) 2020/852 were used to determine the taxonomy technical screening criteria, and their dates of application;</p> <ul style="list-style-type: none"> - where the proceeds of the bonds are allocated in accordance with Article 6(1a), a statement that the proceeds have partially financed economic activities which are not aligned with taxonomy's technical screening criteria, describing such non-alignment, the activities concerned and the percentage and amount of the proceeds financing such activities as a total and on a per-activity basis, including a breakdown describing which paragraph in Article 6(1a) is being used. Furthermore, an explanation on how the issuer has ensured that the activities concerned comply with Article 3, points (a) to (c), of Regulation (EU) 2020/852.] <p>B. For issuers that allocate proceeds of a portfolio of one or several European green bonds to a portfolio of financial assets as referred to in Article 9(5):</p> <p>[The section "Allocation of proceeds of the bonds" shall contain the following information:</p> <ul style="list-style-type: none"> - At the beginning of the section, where applicable in accordance with Article 9(5), a statement that the composition of the portfolio of financial assets has not changed, compared to the year covered by the previous allocation

	Commission Proposal	EP Mandate	Council Mandate
		<p>a) their total amortised value,</p> <p>b) the environmental objectives referred to in Article 9 of Regulation (EU) 2020/852,</p> <p>c) their types, sectors and countries,</p> <p>d) where a bond co-finances qualifying projects, an indication of the proportion financed by the bond, where available,</p> <p>da) where applicable, the percentage of assets relating to transitional economic activities referred to in Article 10(2) of Regulation (EU) 2020/852</p> <p>db) where applicable, the amount and proportion of assets relating to taxonomy-aligned nuclear energy and fossil gas related activities in accordance with Article 10(2) and 11(3) of Regulation (EU) 2020/852,</p> <p>e) an indication of which delegated acts adopted in accordance with Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 were used to determine the taxonomy technical screening criteria, at least at sector and country level, and where applicable, at individual asset level,</p> <p>f) where relevant, the value of each asset, or group of assets</p> <p>– A comparison of the total value of outstanding European green bonds and the total amortised value of eligible financial assets as referred to in Article 5. The</p>	<p>report.</p> <p>– An overview over all outstanding European green bonds in the portfolio of the issuer, indicating their individual and combined value and their date of maturity.</p> <p>– An overview over the eligible assets in the portfolio on the issuer’s balance sheet, indicating:</p> <p>a) their total amortised value,</p> <p>b) the environmental objectives referred to in Article 9 of Regulation (EU) 2020/852,</p> <p>c) their types, sectors and countries,</p> <p>d) where bonds co-finance qualifying projects, an indication of the proportion financed by the bonds, where available,</p> <p>e) an indication of which delegated acts adopted in accordance with Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 were used to determine the taxonomy technical screening criteria, at least at sector and country level, and where applicable, at individual asset level,</p> <p>f) where proceeds of the assets are allocated in accordance with Article 6(1a), a statement that the proceeds have partially financed economic activities which are not aligned with taxonomy’s technical screening criteria, describing such non-alignment, the activities concerned and the percentage and amount of the proceeds financing such activities as a total and on a per-activity basis, including a</p>

	Commission Proposal	EP Mandate	Council Mandate
		<p>comparison shall show that the latter is either equal to or higher than the former.</p> <ul style="list-style-type: none"> – For the purposes of the above comparison, the total outstanding value of European green bonds shall be based on the yearly average of quarter-end values of such bonds issued by that issuer, and the total amortised value of the financial assets shall be based on the yearly average of quarter-end values of such assets on the issuer’s balance sheet.] <p>4. Environmental impact of bond proceeds [No information is required under this heading for this report]</p> <p>5. Other relevant information</p> <p>1. [1] Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).</p>	<p>breakdown describing which paragraph in Article 6(1a) is being used. Furthermore, an explanation on how the issuer has ensured that the activities concerned comply with Article 3, points (a) to (c), of Regulation (EU) 2020/852.</p> <ul style="list-style-type: none"> g) where relevant, the value of each asset, or group of assets. – A comparison of the total value of outstanding European green bonds issued by the issuer and the total amortised value of eligible financial assets . The comparison shall show that the latter is either equal to or higher than the former. – For the purposes of the aforementioned comparison, the total outstanding value of European green bonds shall be based on the yearly average of quarter-end values of such bonds issued by that issuer, and the total amortised value of the financial assets shall be based on the yearly average of quarter-end values of such assets on the issuer’s balance sheet.] <p>4. Other relevant information</p> <p>1. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific</p>

	Commission Proposal	EP Mandate	Council Mandate
			statistical domains (OJ L 393, 30.12.2006, p. 1).
641	EUROPEAN GREEN BOND IMPACT REPORT	EUROPEAN GREEN BOND IMPACT REPORT	EUROPEAN GREEN BOND IMPACT REPORT
642	[Where the impact report is revised, the title shall reflect this.]	[Where the impact report is revised, the title shall reflect this.]	[Where the impact report is revised, the title shall reflect this.]
643	<p>1. General Information</p> <ul style="list-style-type: none"> — [Date of the publication of the impact report] [where applicable, Date of the publication of the revised impact report] — [The legal name of the issuer] [where available, LEI], [website address providing investors with information on how to get in contact, and a telephone number] — [Name of the bond assigned by the issuer] [where available, ISIN] — [where the impact report was assessed by an external reviewer, the identity and contact details of the external reviewer, including website address providing investors with information on how to get in contact, and a telephone number] 	<p>1. 1. General Information</p> <ul style="list-style-type: none"> — — [Date of the publication of the impact report] [where applicable, Date of the publication of the revised impact report] — [The legal name of the issuer] [where available, LEI], [website address providing investors with information on how to get in contact, and a telephone number] — — [Name of the bond assigned by the issuer] [where available, ISIN] — — [where the impact report was assessed by an external reviewer, the identity and contact details of the external reviewer, including website address providing investors with information on 	<p>1. 1. General Information</p> <ul style="list-style-type: none"> — — [A statement that the document and its contents are not subject to any approval or endorsement from ESMA or any other competent authority] — [Date of the publication of the impact report] [where applicable, Date of the publication of the revised impact report] — [The legal name of the issuer] [where available, LEI], [website address providing investors with information on how to get in contact, and a telephone number] — — [Name of the bondbonds assigned by the issuer] [where available, ISIN]

	Commission Proposal	EP Mandate	Council Mandate
		<p>how to get in contact, and a telephone number]</p>	<p>— — [where the impact report was assessed by an external reviewer, the identity and contact details of the external reviewer, including website address providing investors with information on how to get in contact, and a telephone number]</p>
644	<p>2. Environmental strategy and rationale — [Information on how the bond aligns with the broader environmental strategy of the issuer as set out in the factsheet] — [Where applicable, an explanation of any changes to broader environmental strategy of the issuer since the publication of the factsheet] — [The environmental objectives referred to in Article 9 of Regulation 2020/852 pursued by the bond]</p>	<p>2. 2. Environmental strategy and rationale — — [Information on how the bond contributes to aligns with the broader environmental strategy of the issuer, including] a) Information on the entity-level taxonomy alignment of the issuer, by applying Delegated Regulation (EU) 2021/2178; b) Information on how and to what extent the issuance of the bond is intended to increase the issuer’s proportion of capital and operating expenditure, and of its turnover derived from, related to economic activities that qualify as environmentally sustainable pursuant to Regulation (EU) 2020/852; [for issuers subject to the obligation to create a transition plan pursuant to [the CSRD] information on how the bond contributes to a credible pathway to align with the objective to achieve climate neutrality by 2050 at the latest, as set out</p>	<p>2. 2. Environmental strategy and rationale — — [Information on how the bond aligns with the broader environmental strategy of the issuer as set out in the factsheet] — — [Where applicable, an explanation of any changes to broader environmental strategy of the issuer since the publication of the factsheet] — — [The environmental objectives referred to in Article 9 of Regulation 2020/852 Regulation (EU) 2020/852 pursued by the bond issuer with the proceeds of the bonds]</p>

	Commission Proposal	EP Mandate	Council Mandate
		<p>in Regulation (EU) 2021/1119, as referred to in Article 7c, including</p> <p>c) A link to the website the factsheet] — [where applicable, an explanation of any changes to broaderis published to the issuer’s transition plan pursuant to Directive XX (Directive 2013/34/EU as amended by the CSRD) and a positive opinion on this transition plan as provided by an auditor in accordance with Article 34 of that Directive;</p> <p>d) Information on how and to what extent the issuance of the bond is intended to reduce the environmental strategyimpact of the issuer since the publication of the factsheet] — in view of the targets set out in the transition plan under Directive XX]</p> <p>– [The environmental objectives referred to in Article 9 of Regulation 2020/852Regulation (EU) 2020/852 pursued by the bond]</p>	
645	<p>3. Allocation of bond proceeds [The following information shall be provided at project level, unless confidentiality agreements, competitive considerations, or a large number of underlying qualifying projects limit the amount of detail that can be made</p>	<p>3. 3. Allocation of bond proceeds [The following information shall be provided at project level, unless confidentiality agreements, competitive considerations, or a large number of underlying qualifying projects limit the amount of detail that can be made</p>	<p>3. 3. Allocation of bond proceeds [The following information shall be provided at project or activity level, unless confidentiality agreements, competitive considerations, or a large number of underlying qualifying projects and activities limit the amount of detail that</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>available, in which case the information shall be provided at least at aggregate level, with an explanation of why project-level information is not given:</p> <ul style="list-style-type: none"> — The environmental objectives referred to in Article 9 of Regulation 2020/852, — The types and sectors of projects, and countries where bond proceeds have been allocated — The respective amount to allocated from bond proceeds, and the percentage of proceeds to allocated respectively to projects financed after bond issuance and projects financed before bond issuance — Where the issuer is a sovereign, and bond proceeds are allocated to the tax relief referred to in Article 4(2), point (c), an estimation of the volume of revenue loss associated with eligible tax relief — Where a bond co-finances qualifying projects, an indication of the proportion financed by the bond — Where applicable, an indication of those assets that were concerned by a taxonomy alignment plan, the duration of each plan, and the date of completion of each asset — An indication of which delegated acts adopted in accordance with Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 were used to determine the taxonomy technical screening criteria, and their application date] 	<p>available, in which case the information shall be provided at least at aggregate level, with an explanation of why project-level information is not given:</p> <ul style="list-style-type: none"> — – The environmental objectives referred to in Article 9 of Regulation 2020/852, — The – Where applicable, whether the bond finances a transitional economic activity in accordance with Article 10(2) of Regulation (EU) 2020/852 – Where applicable, the amount and proportion of proceeds allocated to taxonomy-aligned nuclear energy and fossil gas related activities in accordance with Article 10(2) and 11(3) of Regulation (EU) 2020/852 – The types and sectors of projects, and countries where bond proceeds have been allocated — – The respective amount to allocated from bond proceeds, and the percentage of proceeds to allocated respectively to projects financed after bond issuance and projects financed before bond issuance — – Where the issuer is a sovereign, and bond proceeds are allocated to the tax relief referred to in Article 4(2), point (c), an estimation of the volume of revenue loss associated with eligible tax relief — – Where the issuer is a sovereign, and bond proceeds are planned to be 	<p>can be made available, in which case the information shall be provided at least at aggregate level, with an explanation of why project-levelproject activity-level information is not given. Where bond proceeds are allocated to expenditures as referred to in Article 4(2) the information may be provided at programme level. The provision of detailed content under this section can be replaced by a reference to the respective allocation report, provided that all information requested in this section are available in that allocation report:</p> <p>– :</p> <ul style="list-style-type: none"> — The environmental objectives referred to in Article 9 of Regulation 2020/852, — – The types and sectors of projects and activities, and countries where bond proceeds have been allocated — – The respective amount to allocated from bondthe proceeds of the bonds, and the percentage of proceeds to allocated respectively to projects and activities financed after bond issuancebonds issuances and projects and activities financed before bond issuance — bonds issuances – Where the issuer is a sovereign, and bond proceeds are allocated to the tax relief referred to in Article 4(2), point (c), an estimation of the volume of revenue loss associated with eligible tax relief — – Where a bond co-finances

	Commission Proposal	EP Mandate	Council Mandate
		<p>allocated to tax relief referred to in Article 4(2), point (c), or to subsidies referred to in Article 4(2), point (d), a link to an ex ante impact assessment by an independent third party that gives a positive assessment of the impact and cost-efficiency of the funding programme of tax expenditures or subsidies</p> <ul style="list-style-type: none"> – Where a bond co-finances qualifying projects, an indication of the proportion financed by the bond — — Where applicable, an indication of those assets that were concerned by a taxonomy alignment CapEx plan, the duration of each plan, and the date of completion of each asset — and a link to the website where the relevant CapEx plan is published – An indication of which delegated acts adopted in accordance with Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 were used to determine the taxonomy technical screening criteria, and their application date] 	<p>qualifying projects or activities, an indication of the proportion financed by the bond</p> <ul style="list-style-type: none"> — — Where applicable, an indication of those assets that were concerned by a taxonomy alignment CapEx or OpEx plan, the duration of each plan, and the date of completion of each asset — — An indication of which delegated acts adopted in accordance with Articles 10(3), 11(3), 12(2), 13(2), 14(2) or 15(2) of Regulation (EU) 2020/852 were used to determine the taxonomy technical screening criteria, and their application date – Where bond proceeds are allocated in accordance with Article 6(1a), a statement that the proceeds have partially financed economic activities which are not aligned with taxonomy’s technical screening criteria, describing such non-alignment, the activities concerned and the percentage and amount of the proceeds financing such activities as a total and on a per-activity basis, including a breakdown describing which paragraph in Article 6(1a) is being used. Furthermore, an explanation on how the issuer has ensured that the activities concerned comply with Article 3, points (a) and (b), of Regulation (EU) 2020/852]
646			

	Commission Proposal	EP Mandate	Council Mandate
	<p>4. Environmental impact of bond proceeds</p> <ul style="list-style-type: none"> — [An estimation of positive and adverse environmental impacts in aggregated form] — [Information on the methodology and assumptions used to evaluate the impacts of projects, where the European green bond factsheet of the bond did not include this information] — [Information about the projects’ positive and negative environmental impacts and, where available, related metrics. Where this information is not available at project level, this must be justified] 	<p>4. 4. Environmental impact of bond proceeds</p> <ul style="list-style-type: none"> — [An estimation of positive and adverse environmental impacts in aggregated form] — [Information on the methodology and assumptions used to evaluate the impacts of projects, where the European green bond factsheet of the bond did not include this information] — [Information about the projects’ positive and negative environmental impacts and, where available, related metrics. Where this information is not available at project level, this must be justified] <p>[Where the issuer seeks to include this, information about whether and how the project has contributed to the Just Transition, such as by providing new jobs, re-skilling and local infrastructure to communities affected by the transitioning of economic activities.]</p>	<p>4. 4. Environmental impact of bond proceeds</p> <ul style="list-style-type: none"> — [An estimation of positive and adverse environmental impacts in aggregated form] — [Information on the methodology and assumptions used to evaluate the impacts of projects, where the European green bond factsheet of the bond did not include this information] — and activities] — [Information about the projects’ positive and negative adverse environmental impacts and, where available, related metrics of the projects and activities. Where this information is not available at project or activity level, this must be justified. — Where bond proceeds are allocated in accordance with Article 6(1a), the issuer shall report this information separately for those projects and activities]
647	<p>5. Other relevant information</p>	<p>5. Other relevant information</p> <p>[An indication of any activity of the issuer in jurisdictions listed in Annex I and Annex II to the EU list of non-cooperative jurisdictions for tax havens and their real economic presence in these jurisdictions in terms of assets, full time employees, sales and taxes paid in those jurisdictions.]</p>	<p>5. Other relevant information</p>

	Commission Proposal	EP Mandate	Council Mandate
648	CONTENTS OF PRE-ISSUANCE AND POST-ISSUANCE REVIEWS	CONTENTS OF PRE-ISSUANCE AND POST-ISSUANCE REVIEWS	CONTENTS OF PRE-ISSUANCE AND POST-ISSUANCE REVIEWS
649	The title 'Pre-issuance review' or 'Post-issuance review' shall appear prominently at the top of the first page of the document.	The title 'Pre-issuance review' or 'Post-issuance review' or "Impact report review" shall appear prominently at the top of the first page of the document.	The title 'Pre-issuance review' or 'Post-issuance review' shall appear prominently at the top of the first page of the document.
650	<p>1. General Information</p> <ul style="list-style-type: none"> — [Date of the publication of the pre-issuance review or post-issuance review] — [The legal name of the issuer] — [Name of the bond assigned by the issuer] [where available, ISIN] — [The identity and contact details of the external reviewer, including website address providing investors with information on how to get in contact, and a telephone number] — [The name and job title of the lead analyst in a given assessment activity] — [The name and position of the person primarily responsible for approving the pre-issuance review or post-issuance review] — [The date on which the pre-issuance 	<p>1.1. General Information</p> <ul style="list-style-type: none"> — — [Date of the publication of the pre-issuance review, post-issuance review or impact report or post-issuance review] — — [The legal name of the issuer] — — [Name of the bond assigned by the issuer] [where available, ISIN] — — [The identity and contact details of the external reviewer, including website address providing investors with information on how to get in contact, and a telephone number] — — [The name and job title of the lead analyst in a given assessment activity] — — [The name and position of the person primarily responsible for approving the pre-issuance review, post- 	<p>1.1. General Information</p> <ul style="list-style-type: none"> — — [A statement that the document and its contents are not subject to any approval or endorsement from ESMA or any other competent authority] — [Date of the publication of the pre-issuance review or post-issuance review] — — [For post-issuance reviews: date of the publication of the related European green bond factsheet and where applicable of the related allocation report and impact report] — [The legal name of the issuer] — — [Name of the bond assigned by the issuer] [where available, ISIN] — — [The identity and contact details of the external reviewer, including website

	Commission Proposal	EP Mandate	Council Mandate
	<p>review or the post-issuance review was first released for distribution and, where relevant, when it was last updated]</p>	<p>issuance review or impact report or post-issuance review] — — [The date on which the pre-issuance review, the post-issuance review or the post-issuance impact report review was first released for distribution and, where relevant, when it was last updated]</p>	<p>address providing investors with information on how to get in contact, and a telephone number] — — [The name and job title of the lead analyst in a given assessment activity] — — [The name and position of the person primarily responsible for approving the pre-issuance review or post-issuance review] — — [The date on which the pre-issuance review or the post-issuance review was first released for distribution and, where relevant, when it was last updated] — [Other services provided by the external reviewer for the assessed entity or any related third party together with a description of any potential conflicts of interests where applicable]</p>
651	<p>2. Introductory statements [For pre-issuance reviews: — A statement that an external reviewer has assessed the completed European green bond factsheet laid down in Annex I in accordance with this Regulation; — A statement that this pre-issuance review represents an independent opinion of the external reviewer; — A statement that the independent opinion of the external review is to be relied upon only to a limited degree;]</p>	<p>2. Introductory statements [For pre-issuance reviews: — A statement that an external reviewer has assessed the completed European green bond factsheet laid down in Annex I in accordance with this Regulation; — A statement that this pre-issuance review represents an independent opinion of the external reviewer; — A statement that the independent opinion of the external review is to be relied upon only to a limited degree;]</p>	<p>2.2. Introductory statements [For pre-issuance reviews: — — A statement that an external reviewer has assessed the completed European green bond factsheet laid down in Annex I in accordance with this Regulation; — — A statement that this pre-issuance review represents an independent opinion of the external reviewer; — — A statement that the independent</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>[For post-issuance reviews:</p> <ul style="list-style-type: none"> — A statement that an external reviewer has assessed the completed allocation report laid down in Annex II in accordance with this Regulation; — A statement that this post-issuance review represents an independent opinion of the external reviewer; — A statement that the independent opinion of the external review is to be relied upon only to a limited degree;] 	<p>[For post-issuance reviews:</p> <ul style="list-style-type: none"> — A statement that an external reviewer has assessed the completed allocation report laid down in Annex II in accordance with this Regulation; — A statement that this post-issuance review represents an independent opinion of the external reviewer; — A statement that the independent opinion of the external review is to be relied upon only to a limited degree;] <p>[For impact report reviews:</p> <ul style="list-style-type: none"> – A statement that an external reviewer has assessed the completed impact report laid down in Annex III; – A statement that that impact report review represents an independent opinion of the external reviewer; – A statement that the independent opinion of the external review is to be relied upon only to a limited degree;] 	<p>opinion of the external review is to be relied upon only to a limited degree;]</p> <p>[For post-issuance reviews:</p> <ul style="list-style-type: none"> — – A statement that an external reviewer has assessed the completed allocation report laid down in Annex II in accordance with this Regulation; — – A statement that this post-issuance review represents an independent opinion of the external reviewer; — – A statement that the independent opinion of the external review is to be relied upon only to a limited degree;]
652	<p>3. Statements on the compliance with the European green bonds Regulation [a statement regarding the compliance of the European green bond with this Regulation, and in particular:</p> <p>(a) where the opinion expressed by the independent reviewer is positive, a statement that the bond meets the</p>	<p>3. Statements on the compliance with the European green bonds Regulation [a statement regarding the compliance of the European green bond with this Regulation, and in particular:</p> <p>(a) where the opinion expressed by the independent reviewer is positive that the bond adheres to all requirements for use of</p>	<p>3. 3. Statements on the compliance with the European green bondsalignment of use of proceeds with the Taxonomy Regulation [a statement regarding the compliancealignment of the use of proceeds of the European green bond with thisbonds with the Taxonomy Regulation,</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>requirements of this Regulation and that the designation ‘European green bond’ can be applied to that bond;</p> <p>(b) where the opinion expressed by the independent reviewer is negative, a statement that the bond does not meet the requirements of this Regulation and that the designation ‘European green bond’ cannot be applied to that bond;</p> <p>(c) where the opinion expressed by the independent reviewer indicates that the issuer does not intend to comply with Articles 3 to 7, or will not be able to do so, a statement that the designation ‘European green bond’ can only be used for the bond in question if the necessary steps have been taken to ensure that the bond complies with the requirements of this Regulation]</p>	<p>the designation ‘European green bond’, a statement that the bond meets the requirements of this Regulation and that the designation ‘European green bond’ can be applied to that bond;</p> <p>(b) where the opinion expressed by the independent reviewer is that the bond does not adhere to all requirements for the use of designation ‘European green bond’ negative, a statement that the bond does not meet the requirements of this Regulation and that the designation ‘European green bond’ cannot be applied to that bond indicating which requirements have not been met and whether the information provided by the issuer was accurate;</p> <p>(c) where the opinion expressed by the independent reviewer indicates that the issuer does not intend to comply with Articles 3 to 77c, or will not be able to do so, a statement that the designation ‘European green bond’ can only be used for the bond in question if the necessary steps have been taken to ensure that the bond complies with the requirements of this Regulation]</p>	<p>and in particular, in each case based on the information provided by the issuer to the external reviewer:</p> <p>(a) where the opinion expressed by the independent reviewer is positive, a statement that the bond meets the requirements of this Regulation and that the designation ‘European green bond’ can be applied to that bond;</p> <p>(b) bonds meet – or are expected to meet in the case of a CapEx Plan – the requirements of the Taxonomy Regulation;</p> <p>where the opinion expressed by the independent reviewer is negative, a statement that the bond does not meet the requirements of this Regulation and that the designation ‘European green bond’ cannot be applied to that bond;</p> <p>(c) where the opinion expressed by the independent reviewer indicates that – or are not expected to meet in the case of a CapEx Plan – the requirements of the Taxonomy Regulation; In such cases, if the issuer does not intend to comply with Articles 3 to 7, or will not be able to do so, a statement that the designation ‘European green bond’ can only be used for the bond in question if the necessary steps have been taken to ensure that the bond complies with the requirements of this Regulation intends to use the ‘European green bond’ designation, it shall take the necessary steps and obtain a new pre-</p>

	Commission Proposal	EP Mandate	Council Mandate
			issuance review, that expresses a positive opinion by the independent reviewer, before the issuer can apply the designation ‘European green bond’ to those bonds]
653	<p>4. Sources, assessment methodologies, and key assumptions</p> <p>— [Information about the sources relied upon to prepare the pre-issuance review or the post-issuance review, including links to measurement data and the methodology applied, when available]</p> <p>— [An explanation of the assessment methodologies and key assumptions]</p> <p>— [An explanation of the assumptions and taxonomy requirements used, of the limits and uncertainties surrounding the methodologies used and a clear statement that the external reviewer considers the quality of information provided by the issuer a or related third party is sufficient to perform the pre-issuance review or the post-issuance review and the extent to which, if any, the external reviewer has attempted to verify the information so provided]</p>	<p>4. Sources, assessment methodologies, and key assumptions</p> <p>— — [Information about the sources relied upon to prepare the pre-issuance review, the post-issuance review or the post-issuance impact report review, including links to measurement data and the methodology applied, when available]</p> <p>— — [An explanation of the assessment methodologies and key assumptions]</p> <p>— — [An explanation of the assumptions and taxonomy requirements used, of the limits and uncertainties surrounding the methodologies used and a clear statement that the external reviewer considers the quality of information provided by the issuer a or related third party is sufficient to perform the pre-issuance review, the post-issuance review or the post-issuance impact report review and the extent to which, if any, the external reviewer has attempted to verify the information so provided]</p>	<p>4. 4. Sources, assessment methodologies, and key assumptions</p> <p>— — [Information about the sources relied upon to prepare the pre-issuance review or the post-issuance review, including links to measurement data and the methodology applied, when available]</p> <p>— — [An explanation of the assessment methodologies and key assumptions]</p> <p>— — [An explanation of the assumptions and taxonomy requirements used, of the limits and uncertainties surrounding the methodologies used and a clear statement that the external reviewer considers the quality of information provided by the issuer a or related third party is sufficient to perform the pre-issuance review or the post-issuance review and the extent to which, if any, the external reviewer has attempted to verify the information so provided]</p>

	Commission Proposal	EP Mandate	Council Mandate
654	<p>5. Assessment and opinion [For pre-issuance reviews: — A detailed assessment of whether the completed green bond factsheet complies with Articles 4 to 7 of this Regulation — The opinion of the external reviewer on the assessment mentioned above] [For post-issuance reviews: — A detailed assessment of whether the issuer has allocated the proceeds of the bond in compliance with Articles 4 to 7 of this Regulation, based on the information provided to the external reviewer — An assessment of whether the issuer has complied with the intended use of proceeds set out in the green bond factsheet, based on the information provided to the external reviewer — The opinion of the external reviewer on the two assessments referred to directly above]</p>	<p>5. Assessment and opinion [For pre-issuance reviews: — A detailed assessment of whether the completed green bond factsheet complies with Articles 4 to 7 of this Regulation — The opinion of the external reviewer on the assessment mentioned above] [For post-issuance reviews: — A detailed assessment of whether the issuer has allocated the proceeds of the bond in compliance with Articles 4 to 7 of this Regulation, based on the information provided to the external reviewer — An assessment of whether the issuer has complied with the intended use of proceeds set out in the green bond factsheet, based on the information provided to the external reviewer — The opinion of the external reviewer on the two assessments referred to directly above] [For impact report reviews: — An assessment of whether the bond issuance aligns with the broader sustainability strategy of the issuer; — An assessment of the indicated sustainability impact of the bond proceeds; — The opinion of the external reviewer on the two assessments referred to in the first and second indent.]</p>	<p>5.5. Assessment and opinion [For pre-issuance reviews]In each case based on the information provided by the issuer to the external reviewer:] [For pre-issuance reviews: — an — A detailed assessment of whether the completed green bond factsheet complies with Articles 4 to 7 of this Regulation — the opinion of the external reviewer on the assessment mentioned above] Where bond proceeds are intended to be allocated in accordance with Article 6(1a), the assessment and opinion shall be provided in a dedicated section. [For post-issuance reviews: — A detailed — an assessment of whether the issuer has allocated the proceeds of the bond in compliance with Articles 4 to 7 of this Regulation, based on the information provided to the external reviewer — an assessment of whether the issuer has complied with the intended use of proceeds set out in the green bond factsheet, based on the information provided to the external reviewer — The — for assets or activities that are subject to a CapEx Plan an assessment</p>

	Commission Proposal	EP Mandate	Council Mandate
			<p>upon its completion of whether those assets or activities meet the taxonomy requirements</p> <p>– the opinion of the external reviewer on the two assessments referred to directly above]</p> <p>Where bond proceeds are allocated in accordance with Article 6(1a), the assessment and opinion shall be provided in a dedicated section. The assessment shall indicate whether the proceeds have been allocated in accordance with the stated environmental objectives and provide an opinion on the environmental quality of the bond proceeds.</p>
655	<p>6. Any other information [Any other information that the reviewer may deem relevant to its pre or post-issuance review]</p>	<p>6. Any other information [Any other information that the reviewer may deem relevant to its pre or post-issuance review]</p>	<p>6. 6. Any other information [Any other information that the reviewer may deem relevant to its pre or post-issuance review]</p>
	End	End	End