

Single Resolution Board (SRB)

Accountability arrangements and legal base for hearings in the European Parliament

State of play - December 2017

Accountability		
Regulation (EU) No 806/2014 establishing a Single Resolution Mechanism for the Banking Union		
Art. 45	<ol style="list-style-type: none"> 1. The Board shall be <i>accountable to the European Parliament</i>, the Council and the Commission for the implementation of this Regulation [...]. 2. The Board shall <i>submit an annual report to the European Parliament</i>, the national parliaments of participating Member States [...]. 3. The Chair shall <i>present that report in public to the European Parliament</i> [...]. 4. At the request of the European Parliament, the Chair shall participate in a <i>hearing by the competent committee of the European Parliament</i> on the performance of the resolution tasks [...] at least annually. 5. [...]. 6. The Board shall reply orally or in writing to <i>questions addressed to it by the European Parliament</i> or by the Council [...]. 7. Upon request, the Chair shall hold <i>confidential oral discussions</i> behind closed doors with the Chair and Vice- Chairs of the competent committee of the European Parliament where such discussions are required [...]. 8. During any <i>investigations by the European Parliament</i>, the Board shall cooperate with the European Parliament [...]. Within six months of the appointment of the Chair, the Board and the European Parliament shall conclude appropriate arrangements on the practical modalities of the exercise of democratic accountability and oversight [...]. 	<p><i>Undertaken:</i></p> <p>04/12/2017 Public Hearing</p> <p>11/07/2017 Public Hearing</p> <p>22/03/2017 Public Hearing</p> <p>05/12/2016 Public Hearing</p> <p>13/07/2016 Public Hearing</p>
Agreement between the EP and the SRB		
Part I	<p>At the request of Parliament's competent committee, the Chair of the Board shall participate in <i>ordinary public hearings</i> on the execution of the resolution tasks conferred on the Board by the SRM Regulation. Such hearings shall include a discussion on the Fund, in particular as regards contributions, alternative funding means, access to financial facilities, investment strategy and use of the Fund. Parliament's competent committee and the Board shall agree on a calendar for <i>two such hearings</i> [...].</p> <p>The Chair of the Board <i>may be invited to additional ad hoc exchanges</i> of views with Parliament's competent committee on issues within the</p>	<p>28/01/2016 Public Hearing</p> <p>16/06/2015 Public Hearing</p>

	<p>Board's responsibility.</p> <p>[...] Where necessary for the exercise of Parliament's powers under the TFEU and Union law, the Chair of Parliament's competent committee may request, in writing and giving reasons, special confidential meetings with the Chair of the Board. Such meetings shall be held on a mutually agreed date. Only the Chair of the Board and the Chair and the Vice-Chairs of Parliament's competent committee may attend the special confidential meetings. Both the Chair of the Board and the Chair and the Vice-Chairs of Parliament's competent committee may be accompanied by two members of the Board's staff and of Parliament's Secretariat respectively. In addition, and subject to a mutual agreement of the two parties, Commission representatives who have been involved in a resolution decision to be discussed in a special confidential meeting may attend that meeting. All participants in the special confidential meetings shall be subject to confidentiality requirements equivalent to those applying to the members of the Board and to its staff [...].</p> <p>Following a reasoned request by the Chair of the Board or the Chair of Parliament's competent committee, and with mutual agreement, <i>the Board Vice-Chair and the four full-time Board Members or senior members of the Board's staff (General Counsel, Heads of Units or their Deputies) may be invited to participate in the ordinary public hearings, the ad hoc exchanges of views and the special confidential meetings.</i> [...]</p>	
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Reporting obligations	
Regulation (EU) No 806/2014 establishing a Single Resolution Mechanism for the Banking Union	
Art. 50 (1a)	The Board [...] shall transmit [the annual work programme] for information to the European Parliament [...].
Agreement between the EP and the SRB	
Part I (1)	<p>The Board shall submit to Parliament every year a report (Annual Report) on the execution of the tasks conferred on it by the SRM Regulation. The Chair of the Board shall present the Annual Report to Parliament at a public hearing. [...]. The Annual Report shall include a detailed explanation of the following:</p> <ol style="list-style-type: none"> i. execution of the tasks conferred on the Board by the SRM Regulation; ii. sharing of tasks with the national resolution authorities; iii. cooperation with other national or Union relevant authorities, as well as with any public financial assistance facility including the European Financial Stability Facility (EFSF) and the European Stability Mechanism (ESM) as provided for in Article 30(6) of the SRM Regulation; iv. cooperation with third countries, including recognition and assessment of third-country resolution proceedings; v. evolution of the Board's structure and staffing, including the number and the national composition of seconded national experts; vi. implementation of the Code of Conduct referred to in Section IV of this Agreement; vii. amounts of administrative contributions raised in accordance with Article 65 of the SRM Regulation; viii. implementation of the budget for resolution tasks; and ix. Application of the SRM Regulation provisions regarding the Fund, in particular as regards contributions, alternative funding means, access to financial facilities, investment strategy, and use of the Fund, provided for in Chapter 2 of Title V of the SRM Regulation. <p>The Board shall reply in writing to written questions put to it by Parliament.</p>

Part I (3)	Those questions shall be forwarded to the Chair of the Board via the Chair of Parliament's competent committee. Questions shall be answered as promptly as possible, and in any event within five weeks of their transmission to the Board. [...]	
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Appointment procedures		
Regulation (EU) No 806/2014 establishing a Single Resolution Mechanism		
Art. 56	<p>4. [...] The Chair, the Vice-Chair and the members [of the SRM board] shall be chosen on the basis of an open selection procedure, which shall respect the principles of gender balance, experience and qualification. The European Parliament and the Council shall be kept duly informed at every stage of that procedure in a timely manner.</p> <p>6. The Commission shall submit a proposal for the appointment of the Chair, the Vice-Chair and the members [of the SRM board] to the European Parliament for approval</p>	<p><i>Renewal:</i> 07/12/2017: ECON proposal for an EP Decision</p>
Agreement between the EP and the SRB		
Part II	<p>1. Information concerning stages of the selection procedure To the extent that the Board has been involved, it shall keep Parliament's competent committee duly and in a timely manner informed of all stages of the selection procedure [...]</p> <p>2. Consultation of the Board during informal hearings and questions to shortlisted candidates When the Commission, having heard the Board, provides Parliament with a shortlist of candidates in accordance with Article 56(6) of the SRM Regulation, Parliament's competent committee may consult the Board concerning the shortlisted candidates, in the context of its in camera hearings of, and written questions submitted to, the shortlisted candidates.</p> <p>3. Formal hearings of preferred candidates When the Commission submits to Parliament for approval its proposals for the Chair, the Vice-Chair or four further full-time members of the Board referred to in Article 43(1)(b) of the SRM Regulation, Parliament's competent committee may, in the context of a public hearing of each of the proposed Chair, Vice-Chair and members of the Board referred to in Article 43(1)(b) of the SRM Regulation, consult the Board on the proposed candidates.</p> <p>4. Approval Parliament shall inform the Board of its decision concerning the approval of each candidate proposed by the Commission for Chair, Vice-Chair and four further full-time members of the Board referred to in Article 43(1)(b) of the SRM Regulation, including the outcome of a vote in Parliament's competent committee and in Parliament's plenary. Parliament shall, taking into account its calendar, aim to take that decision within six weeks of the date of receipt of the proposal from the Commission concerning the candidates.</p>	<p><i>Past:</i> 16/12/14: EP plenary vote on the approval</p>

Committee of Inquiry	
<u>Agreement</u> between the EP and the SRB	
Part III	Where Parliament sets up a Committee of Inquiry pursuant to Article 226 TFEU and to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission (1), the Board, in accordance with Union law, shall assist such Committee of Inquiry in carrying out its tasks in accordance with the principle of sincere cooperation. [...]

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