



Plenary sitting

A8-0011/2019

14.1.2019

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1092/2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board
(COM(2017)0538 – C8-0317/2017 – 2017/0232(COD))

Committee on Economic and Monetary Affairs

Rapporteur: Othmar Karas, Pervenche Berès

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1092/2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (COM(2017)0538 – C8-0317/2017 – 2017/0232(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0538),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0317/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 15 February 2018¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Legal Affairs and the Committee on Constitutional Affairs (A8-0011/2019),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 227, 28.6.2018, p. 63.

Amendment 1

AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) No 1092/2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure,

Whereas:

* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol **■**.

¹ OJ C , , p. .

- (1) In accordance with Article 20 of Regulation (EU) No 1092/2010¹ (ESRB Regulation), the European Parliament and the Council, on the basis of a report² from the Commission, have examined the ESRB Regulation to determine whether the mission and organisation of the ESRB needed to be reviewed. The modalities for the designation of the Chair of the ESRB have also been reviewed.
- (2) The 2017 Commission report on the mission and organisation of the ESRB³ concludes that, while the ESRB is generally well-functioning, improvements on certain specific points are necessary. *In addition, recent institutional changes relating to the Banking Union, coupled with efforts to achieve a capital markets union, as well as technological change, have effectively altered the ESRB's operating environment since the time of its inception. The establishment of the ESRB should contribute directly to achieving the objectives of the internal market. The Union macro-prudential oversight of the financial system is an integral part of the overall new supervisory arrangements in the Union as the macro-prudential aspect is closely linked to the micro-prudential supervisory tasks attributed to the ESAs. Only with arrangements in place that properly acknowledge the interdependence of micro and macro-prudential risks can all stakeholders have sufficient confidence to engage in cross-border financial activities. The ESRB should monitor and assess risks to financial stability arising from developments that can impact on a sectoral level or at the level of the financial system as a whole, including risks and vulnerabilities resulting from technological change or from environmental or social factors. By addressing such risks, the ESRB should contribute directly to an integrated Union supervisory structure necessary to promote timely and consistent policy responses among the Member States, thus preventing diverging approaches and improving the functioning of the internal market. In order to accomplish its objectives, the ESRB should analyse all the relevant information, including developments leading to the completion of the Capital Markets Union.*
- (3) The broad membership of the General Board of the ESRB is a major asset. Recent developments in the financial supervisory architecture of the Union, and in particular the set-up of a Banking Union, are however not reflected in the composition of that General Board. For that reason, the Chair of the Supervisory Board of the ECB and the Chair of the Single Resolution Board should become members with voting rights of the General Board of the ESRB. Corresponding adjustments should also be made to the Steering Committee and to the Advisory Technical Committee, respectively.
- (4) The ECB President has chaired the ESRB for the first 5 years of its existence, after which the ECB President has continued to chair the ESRB on an interim basis. During that period, the ECB President has conferred authority and credibility to the ESRB and ensured that the ESRB can effectively build and rely on the expertise of the ECB in

¹ Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (OJ L 331, 15.12.2010, p. 1).

² Report from the Commission to the European Parliament and to the Council on the mission and organisation of the European Systemic Risk Board, COM(2014) 508 final.

³ Commission Staff Working Document, Effect Analysis, Amendments to ESRB Regulation, COM(2017).

the area of financial stability. It is therefore appropriate that the ECB President chairs the ESRB on a permanent basis.

- (5) To strengthen the visibility of the ESRB as a body that is separate from its individual members, the Chair of the ESRB should be able to delegate tasks related to the external representation of the ESRB to *Vice-Chairs or to* the head of the ESRB Secretariat, ***with the exception of participation in hearings and discussions behind closed doors at the European Parliament.***
- (6) Article 3(2) of Council Regulation (EU) No 1096/2010¹ provides that the head of the Secretariat of the ESRB is to be appointed by the ECB, in consultation with the General Board of the ESRB. To raise the profile of the head of Secretariat of the ESRB, the General Board of the ESRB should assess, in an open and transparent procedure, whether the shortlisted candidates for the position of head of Secretariat of the ESRB possess the qualities and experience necessary to manage the ESRB Secretariat. The General Board should inform the European Parliament and the Council about the assessment procedure. Furthermore, the tasks of the head of the ESRB Secretariat should be clarified.
- (7) In accordance with Article 5(2) of Regulation (EU) No 1092/2010, the first Vice-Chair of the ESRB has up until now been elected by and from the members of the General Council of the ECB, with regard to the need for a balanced representation of Member States overall and between those whose currency is the euro and those whose currency is not the euro. ***This is no longer appropriate, although such a balanced representation should remain a consideration for the ESRB's Steering Committee. Furthermore,*** following the creation of the Banking Union, it is appropriate to replace the reference to Member State whose currency is the euro and those whose currency is not the euro with a reference to Member States that do participate in the Banking Union and those who do not.
- (8) █
- (9) To decrease costs and to enhance procedural efficiency, the number of representatives of the Commission in the Advisory Technical Committee of the ESRB should be reduced from the current two representatives to one representative.
- (10) Article 16(3) of Regulation (EU) No 1092/2010 requires that the ESRB warnings and recommendations are transmitted to the Council and the Commission and, where addressed to one or more national supervisory authorities, to the ESAs. To strengthen democratic control and transparency, those warnings and recommendations should also be transmitted to the European Parliament and to the ESAs.
- (11) To ensure the quality and relevance of the ESRB opinions, recommendations and decisions, the Advisory Technical Committee and Advisory Scientific Committee are expected to consult stakeholders, where appropriate, at an early stage and in an open

¹ Council Regulation (EU) NO 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162).

and transparent manner, *and to do so as widely as possible to ensure an inclusive approach towards all interested parties.*

(12) Regulation (EU) No 1092/2010 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1092/2010 is amended as follows:

(-1) In Article 2, point (c) is replaced by the following:

“(c) ‘systemic risk’ means a risk of disruption in the financial system with the potential to have serious negative consequences for the *financial stability of the Union or of one or more of its Member States or for the real economy and the functioning of the* internal market **■**. All types of financial intermediaries, markets and infrastructure may be potentially systemically important to some degree.”;

(-1a) In Article 3(2), point (d) is replaced by the following:

“(d) issuing recommendations *to Union institutions and Member States* for remedial action in response to the risks identified and, where appropriate, making those recommendations public;”;

(1) Article 4 is amended as follows:

(a) the following paragraph 2a is inserted:

“2a. When consulted on the appointment of the head of Secretariat of the ESRB in accordance with Article 3(2) of Council Regulation (EU) No 1096/2010*, the General Board, following an open and transparent procedure, shall assess whether the shortlisted candidates for the position of head of Secretariat of the ESRB possess the qualities, *independence* and experience necessary to manage the ESRB Secretariat. The General Board shall inform the European Parliament and the Council *in sufficient detail* about the *assessment and* consultation procedure.

* Council Regulation (EU) No 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162).”;

(b) the following paragraph 3a is inserted:

“3a. When giving directions to the head of Secretariat of the ESRB in accordance with Article 4(1) of Council Regulation (EU) No 1096/2010, the ESRB Chair and the Steering Committee may in particular address the following:

- (a) the day-to-day management of the ESRB Secretariat;
- (b) any administrative and budgetary issues related to the ESRB Secretariat;
- (c) the coordination and preparation of the work and the decision making of the General Board;
- (d) the preparation of the annual ESRB programme proposal and its implementation;
- (e) the preparation of the annual report on the ESRB activities and the reporting to the General Board on its implementation”;

(2) Article 5 is amended as follows:

- (a) paragraphs 1 and 2 are replaced by the following:

“1. The ESRB shall be chaired by the President of the ECB.

2. The first Vice-Chair shall be elected by and from the members of the General Council of the ECB for a term of 5 years **■**. The first Vice-Chair may be re-elected once.

** Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).”;

- (b) paragraph 8 is replaced by the following:

“8. The Chair shall represent the ESRB externally. The Chair may delegate tasks related to the external representation of the ESRB *with the exception of the tasks set out in Article 19(1), (4) and (5), to the Vice-Chairs of the ESRB or to the head of the Secretariat.*”;

(3) Article 6 is amended as follows:

- (a) paragraph 1 is amended as follows:

- (i) the following points (fa) and (fb) are inserted:

“(fa) the Chair of the Supervisory Board of the ECB;

(fb) the Chair of the Single Resolution Board;”;

- (ii) **■**

- (b) paragraph 2 is amended as follows:

- (i) point (a) is replaced by the following:

“(a) one high-level representative per Member State either of the national competent authorities or of the national authorities designated for the application of measures aimed at addressing systemic or macro-prudential risk, in accordance with paragraph 3;”;

(c) paragraph 3 is replaced by the following:

“3. With regard to the representation of the national authorities referred to under paragraph 2(a), the respective high-level representatives shall rotate depending on the item discussed, unless the national authorities of a particular Member State have agreed on a common representative.”;

(3a) Article 7(1) is replaced by the following:

“1. When participating in the activities of the General Board and of the Steering Committee or when conducting any other activity relating to the ESRB, the members of the ESRB shall perform their duties impartially and solely in the interest of the Union as a whole. They shall not seek nor take instructions from **any government**, the Union institutions or any other public or private body.”;

(3b) In Article 8(1), the following subparagraphs are added:

“This paragraph shall not apply to any person who reports or discloses information on a threat or harm to the public interest in the context of their work-based relationship.

This paragraph is without prejudice to the confidential oral discussions held in accordance with Article 19(5).”;

(4) **█ Article 9 is amended as follows:**

(a) paragraph 4 is replaced by the following:

“4. Where appropriate, high-level representatives from international financial organisations **or from the European Parliament** carrying out activities directly related to the tasks of the ESRB set out in Article 3(2) may be invited to attend the meetings of the General Board.”;

(b) paragraph 5 is replaced by the following:

“5. Participation in the work of the ESRB may be open to high-level representatives of the relevant authorities from **█ EEA** countries, strictly limited to issues of particular relevance to those countries. Arrangements may be made by the ESRB specifying, in particular, the nature, scope and procedural aspects of the involvement of those **█** countries in the work of the ESRB. Such arrangements may provide for representation, on an ad-hoc basis, as an observer, on the General Board and should concern only items of relevance to those countries, excluding any case where the situation of individual financial

institutions or Member States may be discussed.”

(5) Article 11 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (c) is replaced by the following:

“(c) four other members of the General Board who are also members of the General Council of the ECB, with regard to the need for a balanced representation of Member States overall, and between those which are participating Member States as defined in Article 2(1) Regulation (EU) No 1024/2013 and those which are not. They shall be elected by and from among the members of the General Board who are also members of the General Council of the ECB, for a period of 3 years;”;

(ii) the following points (ga), (gb) **and** (gba) are inserted:

“(ga) the Chair of the Supervisory Board of the ECB;

(gb) the Chair of the Single Resolution Board;

(gba) the head of the Secretariat of the ESRB;”;

(6) Article 12 is amended as follows:

(-a) paragraph 1 is replaced by the following:

“1. The Advisory Scientific Committee shall be composed of the Chair of the Advisory Technical Committee and 15 experts representing a wide range of skills **■**, experiences **and knowledge pertaining to all relevant financial markets sectors**, proposed by the Steering Committee and approved by the General Board for a four-year, renewable mandate. The nominees shall not be members of the ESAs and shall be chosen on the basis of their general competence and their diverse experience in academic fields or other sectors, in particular in small and medium-sized enterprises or trade-unions, or as providers or consumers of financial services.”;

(-aa) paragraph 2 is replaced by the following:

“2. The Chair and the two Vice-Chairs of the Advisory Scientific Committee shall be appointed by the General Board following a proposal from the Chair of the ESRB and they shall each have a high level of relevant expertise and knowledge, for example by virtue of their **relevant academic professional** background in the sectors of banking, securities markets, or insurance and occupational pensions. The chairmanship of the Advisory Scientific Committee should rotate between those three persons.”;

(-ab) paragraph 3 is replaced by the following:

“3. The Advisory Scientific Committee shall provide advice and assistance to the

ESRB in accordance with Article 4(5), at the request of the Chair of the ESRB *or the General Board.*”;

(a) paragraph 5 is replaced by the following:

“5. Where appropriate, the Advisory Scientific Committee shall organise consultations with stakeholders, *such as market participants, consumer bodies and academic experts*, at an early stage and in an open and transparent manner, while taking into account the requirement of confidentiality. *Such consultations shall be conducted as widely as possible to ensure an inclusive approach towards all interested parties and relevant financial sectors and shall allow reasonable time for stakeholders to respond.*”;

(7) Article 13 is amended as follows:

(a) paragraph 1 is amended as follows:

(-i) point (a) is replaced by the following:

“(a) a representative of each national central bank”;

(i) point (f) is replaced by the following:

“(f) a representative of the Commission;”;

(ii) the following points (fa) and (fb) are inserted:

“(fa) a representative of the Supervisory Board of the ECB;

(fb) a representative of the Single Resolution Board;”;

(aa) paragraph 3 is replaced by the following:

“3. The Advisory Technical Committee shall provide advice and assistance to the ESRB in accordance with Article 4(5) at the request of the Chair of the ESRB *or the General Board*”;

(b) the following paragraph 4a is inserted:

“4a. Where appropriate, the Advisory Technical Committee shall organise consultations with stakeholders at an early stage and in an open and transparent manner, while taking into account the requirement of confidentiality. *Such consultations shall be conducted as widely as possible to ensure an inclusive approach towards all interested parties and relevant financial sectors and shall allow reasonable time for stakeholders to respond.*”;

(7a) Article 14 is replaced by the following:

“In performing the tasks set out in Article 3(2), the ESRB shall, where appropriate, seek the views of relevant private sector stakeholders. *Such consultations shall be conducted as widely as possible to ensure an inclusive*

approach towards all interested parties and relevant financial sectors and shall allow reasonable time for stakeholders to respond.”;

(7b) *Article 15(7) is replaced by the following:*

“7. Before each request for information *of a supervisory nature* which is not in summary or aggregate form, the ESRB shall duly consult the relevant European Supervisory Authority in order to ensure that the request is justified and proportionate. If the relevant European Supervisory Authority does not consider the request to be justified and proportionate, it shall, without delay, send the request back to the ESRB and ask for additional justification. After the ESRB has provided the relevant European Supervisory Authority with such additional justification, the requested information shall be transmitted to the ESRB by the addressees of the request, provided that they have legal access to the relevant information.”;

(8) Article 16 is amended as follows:

(a) in paragraph 2, the first sentence is replaced by the following:

“Warnings or recommendations issued by the ESRB in accordance with points (c) and (d) of Article 3(2) may be of either a general or a specific nature and shall be addressed in particular to the Union, to one or more Member States, to one or more of the ESAs or to one or more of the national competent authorities, or *national resolution authorities*, to the ECB for the tasks conferred to the ECB in accordance with Articles 4(1), 4(2) and 5(2) of Regulation (EU) No 1024/2013, *or to the Single Resolution Board. If a warning or a recommendation is addressed to one or more of the national supervisory authorities, the Member State or Member States concerned shall also be informed thereof. Recommendations shall include a specified timeline for the policy response. Recommendations may also be addressed to the Commission in respect of the relevant Union legislation. Warnings and recommendations shall be sufficiently detailed and reasoned and shall be accompanied by an adequate and comprehensive statement of reasons.*”;

(b) paragraph 3 is replaced by the following:

“3. At the same time as they are transmitted to the addressees in accordance with paragraph 2, the warnings or recommendations shall be transmitted, in accordance with strict rules of confidentiality, to the Council, the European Parliament, the Commission and to the ESAs.”;

(9) in Article 17, paragraphs 1 and 2 are replaced by the following:

“1. If a recommendation referred to in Article 3(2)(d) is addressed to the Commission, to one or more Member States, to one or more ESAs, or to one or more national competent authorities, the addressees shall communicate to the European Parliament, the Council, *the Commission* and to the ESRB the actions undertaken in response to the recommendation and shall substantiate any inaction. Where relevant, the ESRB shall, subject to strict rules of confidentiality, inform

the ESAs of the answers received without delay.”;

2. If the ESRB decides that its recommendation has not been followed or that the addressees have failed to provide adequate justification for their inaction, the ESRB shall, subject to strict rules of confidentiality, inform the addressees, the European Parliament, the Council, *the Commission* and the relevant ESAs thereof.”;

(9a) Article 19 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

“1. At least annually and more frequently in the event of widespread financial distress, the Chair of the ESRB shall be invited to an annual hearing in the European Parliament *by the competent committee*, marking the publication of the ESRB’s annual report to the European Parliament and the Council. That hearing shall be conducted separately from the monetary dialogue between the European Parliament and the President of the ECB.

2. The annual report referred to in paragraph 1 shall contain the information that the General Board decides to make public in accordance with Article 18. The annual report shall be made available to the public. *It shall include giving an account of the resources made available to the ESRB in accordance with Article 3(1) of Regulation (EU) 1096/2010.*”;

(b) the following paragraph is added:

“5a. The ESRB shall reply orally or in writing to questions put to it by the European Parliament or by the Council. It shall reply to those questions without delay and in any event within five weeks of the date of their transmission to the ESRB.”;

(10) Article 20 is replaced by the following:

“No sooner than five years after [OJ, please insert the date of entering into force], the Commission shall carry out an evaluation of this Regulation and present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee.”

Article 2

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

16.7.2018

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Economic and Monetary Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1092/2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (COM(2017)0538 – C8-0317/2017 – 2017/0232(COD))

Rapporteur for opinion: Kostas Chrysogonos

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Economic and Monetary Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The 2017 Commission report on the mission and organisation of the ESRB⁵ concludes that, while the ESRB is generally well-functioning, improvements on certain specific points are necessary.

Amendment

(2) The 2017 Commission report on the mission and organisation of the ESRB⁵ concludes that, while the ESRB is generally well-functioning, improvements on certain specific points are necessary, ***especially since the recent institutional changes relating to the Banking Union, coupled with efforts to achieve a capital markets union, have effectively altered the ESRB operating framework since the time of its inception. As a result, the ESRB should be changed accordingly in order to***

ensure the efficiency of the macro-prudential policies.

⁵ Commission Staff Working Document, Effect Analysis, Amendments to ESRB Regulation, COM(2017).

⁵ Commission Staff Working Document, Effect Analysis, Amendments to ESRB Regulation, COM(2017).

Amendment 2

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) It should be stressed that the proposed improvements aim at achieving the right balance between the autonomy of the ESRB and the need for a strong and credible leadership. They also aim to improve the coordination of Union macro-prudential policies and make it easier to ensure a balance between those Member States belonging to the Banking Union and overseen by the ECB/SSM and those still outside.

Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(3) The broad membership of the General Board of the ESRB is a major asset. Recent developments in the financial supervisory architecture of the Union, and in particular the set-up of a Banking Union, ***are however not*** reflected in the composition of that General Board. ***For that reason, the Chair of the Supervisory Board of the ECB and the Chair of the Single Resolution Board should become members with voting rights of the General Board of the ESRB. Corresponding adjustments should also be made to the***

(3) The broad membership of the General Board of the ESRB is a major asset. Recent developments in the financial supervisory architecture of the Union, and in particular the set-up of a Banking Union, ***should also be*** reflected in the composition of that General Board ***and be taken into account.***

Steering Committee and to the Advisory Technical Committee, respectively.

Amendment 4

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) A gender balance within the General Board of the ESRB should be aimed at.

Amendment 5

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) The ECB President has chaired the ESRB for the first 5 years of its existence, after which the ECB President has continued to chair the ESRB on an interim basis. ***During that period, the ECB President has conferred authority and credibility to the ESRB and ensured that the ESRB can effectively build and rely on the expertise of the ECB in the area of financial stability. It is therefore appropriate that the ECB President chairs the ESRB on a permanent basis.***

(4) The ECB President has chaired the ESRB for the first 5 years of its existence, after which the ECB President has continued to chair the ESRB on an interim basis. ***Close cooperation between the ECB and the ESRB and the development of information flows are necessary in order to improve the ESRB's ability to effectively identify, analyse and monitor Union-wide systemic risks.***

Amendment 6

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) To strengthen the visibility of the ESRB as a body that is separate from its individual members, the Chair of the ESRB should be able to delegate tasks related to the external representation of the ESRB to

(5) *The accountability, transparency and independency of the ESRB should be fully ensured and guaranteed. It is also necessary to enhance the ESRB's autonomy and visibility. Such*

the head of the ESRB Secretariat.

enhancement could be achieved through the establishment of the ESRB as an independent, reliable, macro-prudential authority. To strengthen the visibility of the ESRB as a body that is separate from its individual members, the Chair of the ESRB should be able to delegate tasks related to the external representation of the ESRB to the head of the ESRB Secretariat or to the Vice-Chairs of the ESRB.

Amendment 7

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Article 3(2) of Council Regulation (EU) No 1096/2010⁶ provides that the head of the Secretariat of the ESRB is to be appointed by the ECB, in consultation with the General Board of the ESRB. To raise the profile of the head of Secretariat of the ESRB, the General Board of the ESRB should assess, in an open and transparent procedure, whether the shortlisted candidates for the position of head of Secretariat of the ESRB possess the qualities and experience necessary to manage the ESRB Secretariat. The General Board should inform the European Parliament and the Council about the assessment procedure. Furthermore, the tasks of the head of the ESRB Secretariat should be clarified.

Amendment

(6) Article 3(2) of Council Regulation (EU) No 1096/2010⁶ provides that the head of the Secretariat of the ESRB is to be appointed by the ECB, in consultation with the General Board of the ESRB. To raise the profile of the head of Secretariat of the ESRB, the General Board of the ESRB should assess, in an open and transparent procedure, whether the shortlisted candidates for the position of head of Secretariat of the ESRB possess the qualities and experience necessary to manage the ESRB Secretariat. The General Board should inform the European Parliament and the Council about the assessment procedure. ***This would maintain the link with the ECB and ensure the accountability of the head of the ESRB Secretariat to the General Board.*** Furthermore, the tasks of the head of the ESRB Secretariat should be clarified, ***especially since the assignment of a more important role to the head of the ESRB Secretariat could help increase the impact and effectiveness of warnings and recommendations. The European Parliament and the Council should be able to ask the General Board for additional information.***

⁶ Council Regulation (EU) NO 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162).

⁶ Council Regulation (EU) NO 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162).

Amendment 8

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Article 16(3) of Regulation (EU) No 1092/2010 requires that the ESRB warnings and recommendations are transmitted to the Council and the Commission and, where addressed to one or more national supervisory authorities, to the ESAs. To strengthen democratic control and transparency, those warnings and recommendations **should also** be transmitted to the European Parliament and to the ESAs.

Amendment

(10) Article 16(3) of Regulation (EU) No 1092/2010 requires that the ESRB warnings and recommendations are transmitted to the Council and the Commission and, where addressed to one or more national supervisory authorities, to the ESAs. To strengthen democratic control and transparency, those warnings and recommendations **must** be transmitted **without delay** to the European Parliament and to the ESAs.

Amendment 9

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) To ensure the quality and relevance of the ESRB opinions, recommendations and decisions, the Advisory Technical Committee and Advisory Scientific Committee are expected to consult stakeholders, where appropriate, at an early stage and in an open and transparent manner.

Amendment

(11) To ensure the quality and relevance of the ESRB opinions, recommendations and decisions, the Advisory Technical Committee and Advisory Scientific Committee are expected to consult stakeholders, **relevant experts and social partners**, where appropriate, at an early stage and in an open, **pluralistic** and transparent manner. **For the sake of increased efficiency, the results of those consultations should be fully taken into account.**

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point -1 (new)

Regulation (EU) No 1092/2010

Article 3 – paragraph 1

Present text

1. The ESRB shall be responsible for the macro-prudential oversight of the financial system within the Union in order to contribute to the prevention or mitigation of systemic risks to financial stability in the Union that arise from developments within the financial system and taking into account macroeconomic developments, so as to avoid periods of widespread financial distress. It shall contribute to the smooth functioning of the internal market and thereby ensure a sustainable contribution of the financial sector to economic growth.

Amendment

(-1) In article 3, paragraph 1 is replaced by the following:

“1. The ESRB shall be responsible for the macro-prudential oversight of the financial system within the Union in order to contribute to the prevention or mitigation of systemic risks to financial stability in the Union that arise from developments within the financial system and taking into account macroeconomic developments, so as to avoid periods of widespread financial distress. It shall contribute to the smooth functioning of the internal market and thereby ensure a sustainable contribution of the financial sector to economic growth and contribute to the achievement of the aims of Article 3 of the Treaty of the European Union.”

Amendment 11

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EU) No 1092/2010

Article 4 – paragraph 2a

Text proposed by the Commission

2a. When consulted on the appointment of the head of Secretariat of the ESRB in accordance with Article 3(2) of Council Regulation (EU) No 1096/2010*, the General Board, following an open and transparent procedure, shall assess whether the shortlisted candidates for the position of head of Secretariat of the ESRB possess the qualities and experience necessary to

Amendment

2a. When consulted on the appointment of the head of Secretariat of the ESRB in accordance with Article 3(2) of Council Regulation (EU) No 1096/2010*, the General Board, following an open and transparent procedure, shall assess whether the shortlisted candidates for the position of head of Secretariat of the ESRB possess the qualities and experience necessary to

manage the ESRB Secretariat. The General Board shall inform the European Parliament and the Council about the consultation procedure.

* Council Regulation (EU) No 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162).”

manage the ESRB Secretariat. The General Board shall inform the European Parliament and the Council about the consultation procedure. ***The General Board shall inform the European Parliament and the Council in sufficient detail about the assessment and consultation procedure. The European Parliament and the Council may ask the General Board for additional information.***

* Council Regulation (EU) No 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162).”

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout)

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EU) No 1092/2010

Article 4 – paragraph 3a – introductory wording

Text proposed by the Commission

3a. When giving directions to the head of Secretariat of the ESRB in accordance with Article 4(1) of Council Regulation (EU) No 1096/2010, the ESRB Chair and the Steering Committee may in particular address the following:

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Regulation (EU) No 1092/2010

Article 5 – paragraph 8

Text proposed by the Commission

Amendment

3a. When giving directions to the head of Secretariat of the ESRB in accordance with Article 4(1) of Council Regulation (EU) No 1096/2010, the ESRB Chair and the Steering Committee may in particular address ***in a transparent manner*** the following:

“8. The Chair shall represent the ESRB externally. The Chair may delegate tasks related to the external representation of the ESRB to the head of the Secretariat;”

“8. The Chair shall represent the ESRB externally. The Chair may delegate tasks related to the external representation of the ESRB to the head of the Secretariat *or to the Vice-Chairs of the ESRB;*”

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a – point i

Regulation (EU) No 1092/2010

Article 6 – paragraph 1– points fa and fb

Text proposed by the Commission

Amendment

(i) the following points (fa) and (fb) are inserted: *deleted*

(fa) the Chair of the Supervisory Board of the ECB;

(fb) the Chair of the Single Resolution Board;”;

Justification

Inclusion of SSM and SRB representatives as voting members would affect the balance between countries that have joined the SSM and those that are not yet members.

Amendment 15

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b – point i a (new)

Regulation (EU) No 1092/2010

Article 6 – paragraph 2 – points b a and b b (new)

Text proposed by the Commission

Amendment

(ia) the following points (ba) and (bb) are inserted:

(ba) the Chair of the Supervisory Board of the ECB;

(bb) the Chair of the Single Resolution Board;

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a – point ii

Regulation (EU) No 1092/2010

Article 11 – paragraph 1 – points ga and gb

Text proposed by the Commission

Amendment

(ii) the following points (ga) and (gb) are inserted: **deleted**

‘(ga) the Chair of the Supervisory Board of the ECB;

(gb) the Chair of the Single Resolution Board;’;

Justification

The current situation, where SSM and SRB representatives are not members of the Steering Committee (SC) or Advisory Technical Committee (ATC), is preferable. Within the existing margin of flexibility, SSM and SRB representatives may be invited as observers to meetings of the Advisory Technical Advisory Committee, enabling them to participate without upsetting the balance between those countries that have joined the SSM and those that are not yet members.

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 6 – point a

Regulation (EU) No 1092/2010

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

“5. Where appropriate, the Advisory Scientific Committee shall organise consultations with stakeholders at an early stage and in an open and transparent manner, while taking into account the requirement of confidentiality.”

“5. Where appropriate, the Advisory Scientific Committee shall organise consultations with stakeholders **and relevant experts** at an early stage and in an open, **pluralistic** and transparent manner, while taking into account the requirement of confidentiality.”

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a – point ii

Regulation (EU) No 1092/2010

Article 13 – paragraph 1 – points fa and fb

Text proposed by the Commission

Amendment

(ii) the following points (fa) and (fb) are inserted: *deleted*

(fa) a representative of the Supervisory Board of the ECB;

(fb) a representative of the Single Resolution Board;”;

Justification

The current situation, where SSM and SRB representatives are not members of the Steering Committee (SC) or Advisory Technical Committee (ATC), is preferable. Within the existing margin of flexibility, SSM and SRB representatives may be invited as observers to meetings of the Advisory Technical Advisory Committee, enabling them to participate without upsetting the balance between those countries that have joined the SSM and those that are not yet members.

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a a (new)

Regulation (EU) No 1092/2010

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(aa) The following paragraph is inserted:

1a. A representative of the ECB Supervisory Board and a representative of the Single Resolution Board may be invited as observers to meetings of the Advisory Technical Committee.

Amendment 20

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

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Text proposed by the Commission

“4a. Where appropriate, the Advisory Technical Committee shall organise consultations with stakeholders at an early stage and in an open and transparent manner, while taking into account the requirement of confidentiality.”

Amendment

“4a. Where appropriate, the Advisory Technical Committee shall organise consultations with stakeholders **and relevant experts** at an early stage and in an open, **pluralistic** and transparent manner, while taking into account the requirement of confidentiality.”

Amendment 21

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point a

Regulation (EU) No 1092/2010

Article 16 – paragraph 2 – first sentence

Text proposed by the Commission

“Warnings or recommendations issued by the ESRB in accordance with points (c) and (d) of Article 3(2) may be of either a general or a specific nature and shall be addressed in particular to the Union, to one or more Member States, to one or more of the ESAs or to one or more of the national competent authorities, or to the ECB for the tasks conferred to the ECB in accordance with Articles 4(1), 4(2) and 5(2) of Regulation (EU) No 1024/2013.”;

Amendment

“Warnings or recommendations issued by the ESRB in accordance with points (c) and (d) of Article 3(2) may be of either a general or a specific nature and shall be addressed in particular to the Union, to one or more Member States, to one or more of the ESAs or to one or more of the national competent authorities, or to the ECB for the tasks conferred to the ECB in accordance with Articles 4(1), 4(2) and 5(2) of Regulation (EU) No 1024/2013. ***Those warnings and recommendations shall be sufficiently detailed and reasoned and shall be accompanied by an adequate and comprehensive statement of grounds.***”

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 22

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Text proposed by the Commission

“(1) If a recommendation referred to in Article 3(2)(d) is addressed to the Commission, to one or more Member States, to one or more ESAs, or to one or more national competent authorities, the addressees shall communicate to the European Parliament, the Council and to the ESRB the actions undertaken in response to the recommendation and shall substantiate any inaction. Where relevant, the ESRB shall, subject to strict rules of confidentiality, inform the ESAs of the answers received without delay.”;

Amendment

“(1) If a recommendation referred to in Article 3(2)(d) is addressed to the Commission, to one or more Member States, to one or more ESAs, or to one or more national competent authorities, the addressees shall communicate, ***in sufficient detail and without delay***, to the European Parliament, the Council and to the ESRB the actions undertaken in response to the recommendation and shall substantiate ***adequately and in detail*** any inaction. Where relevant, the ESRB shall, subject to strict rules of confidentiality, inform the ESAs ***in sufficient detail*** of the answers received without delay. ***The rule of law, fundamental rights, as well as the principle of state sovereignty, shall be respected in full.***”;

Amendment 23

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) No 1092/2010

Article 17 – paragraph 2

Text proposed by the Commission

(2) If the ESRB decides that its recommendation has not been followed or that the addressees have failed to provide adequate justification for their inaction, the ESRB shall, without delay and subject to strict rules of confidentiality, inform the addressees, the European Parliament, the Council and the relevant ESAs thereof.”;

Amendment

(2) If the ESRB decides that its recommendation has not been followed or that the addressees have failed to provide adequate justification for their inaction, the ESRB shall, without delay and subject to strict rules of confidentiality, inform the addressees, the European Parliament, ***the Commission***, the Council and the relevant ESAs thereof.”;

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board
References	COM(2017)0538 – C8-0317/2017 – 2017/0232(COD)
Committee responsible Date announced in plenary	ECON 26.10.2017
Opinion by Date announced in plenary	JURI 26.10.2017
Rapporteur Date appointed	Kostas Chrysogonos 9.10.2017
Discussed in committee	15.5.2018
Date adopted	10.7.2018
Result of final vote	+: 16 -: 3 0: 0
Members present for the final vote	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Rosa Estaràs Ferragut, Lidia Joanna Geringer de Oedenberg, Sylvia-Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Emil Radev, Pavel Svoboda, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka
Substitutes present for the final vote	Pascal Durand, Angel Dzhambazki, Evelyne Gebhardt, Răzvan Popa

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

16	+
ALDE	Jean-Marie Cavada, António Marinho e Pinto
EFDD	Joëlle Bergeron
GUE/NGL	Kostas Chrysogonos
PPE	Rosa Estaràs Ferragut, Emil Radev, Pavel Svoboda, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka
S&D	Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Sylvia-Yvonne Kaufmann, Răzvan Popa
VERTS/ALE	Max Andersson, Pascal Durand

3	-
ECR	Angel Dzhambazki
ENF	Marie-Christine Boutonnet, Gilles Lebreton

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

3.9.2018

OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS

for the Committee on Economic and Monetary Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1092/2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (COM(2017)0538 – C8-0317/2017 – 2017/0232(COD))

Rapporteur for opinion: Danuta Maria Hübner

AMENDMENTS

The Committee on Constitutional Affairs calls on the Committee on Economic and Monetary Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) To strengthen the visibility of the ESRB as a body that is separate from its individual members, the Chair of the ESRB should be able to delegate tasks related to the external representation of the ESRB to the head of the ESRB Secretariat.

Amendment

(5) To strengthen the visibility of the ESRB as a body that is separate from its individual members, the Chair of the ESRB should be able to delegate tasks related to the external representation of the ESRB to the head of the ESRB Secretariat, ***with the exception of participation in hearings and discussions behind closed doors at the European Parliament as well as of participation in a committee of inquiry pursuant to Article 226 TFEU and to Decision 95/167/EC and in compliance with the principle of sincere cooperation.***

Amendment 2

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Article 3(2) of Council Regulation (EU) No 1096/2010⁶ provides that the head of the Secretariat of the ESRB is to be appointed by the ECB, in consultation with the General Board of the ESRB. To raise the profile of the head of Secretariat of the ESRB, the General Board of the ESRB should assess, in an open and transparent procedure, whether the shortlisted candidates for the position of head of Secretariat of the ESRB possess the qualities and experience necessary to manage the ESRB Secretariat. The General Board should inform the European Parliament and the Council about the assessment procedure. Furthermore, the tasks of the head of the ESRB Secretariat should be clarified.

Amendment

(6) Article 3(2) of Council Regulation (EU) No 1096/2010⁶ provides that the head of the Secretariat of the ESRB is to be appointed by the ECB, in consultation with the General Board of the ESRB. To raise the profile of the head of Secretariat of the ESRB, the General Board of the ESRB should assess, in an open and transparent procedure, whether the shortlisted candidates for the position of head of Secretariat of the ESRB possess the qualities and experience necessary to manage the ESRB Secretariat. ***In addition, the independence of the head of the ESRB Secretariat and his or her commitment to act without taking instructions from any public or private bodies should be guaranteed.*** The General Board should inform the European Parliament and the Council about the assessment procedure. ***The European Parliament and the Council should be able to ask the General Board for additional information. The appointment procedure set out in this Regulation is without prejudice to the ultimate responsibility of the ECB for appointing the head of the ESRB Secretariat, in accordance with the consultation procedure laid down in Article 3(2) of Regulation (EU) 1096/2010, so long as that Regulation is not revised.*** Furthermore, the tasks of the head of the ESRB Secretariat should be ***sufficiently explained and clarified through the list of those tasks included in this Regulation, and duplication between tasks carried out by the ECB and tasks carried out by the ESRB should be avoided.***

⁶ Council Regulation (EU) NO 1096/2010

⁶ Council Regulation (EU) NO 1096/2010

of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162).

of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162).

Amendment 3

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Raising the profile of the head of the ESRB Secretariat makes it necessary, in the longer term, to conduct a review of Article 3(2) of Regulation (EU) 1096/2010 in order to assess the suitability of the current appointment procedure and in particular to consider giving the European Parliament the right of approval of the appointment of shortlisted candidates for the position of head of the ESRB Secretariat.

Amendment 4

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) ***Given*** the amendments to the Agreement on the European Economic Area (EEA)⁷, and in particular the adoption of Regulation (EU) No 1092/2010 by the EEA member states, Article 9(5) of that Regulation ***is no longer relevant and should therefore be deleted.***

(8) ***In view of*** the amendments to the Agreement on the European Economic Area (EEA)⁷, and in particular the adoption of Regulation (EU) No 1092/2010 by the EEA member states, Article 9(5) of that Regulation should ***be amended.***

⁷ Decision of the EEA Joint Committee No 198/2016 of 30 September 2016 amending Annex IX (Financial services) to the EEA Agreement [2017/275] (OJ L 46, 23.2.2017, p. 1).

⁷ Decision of the EEA Joint Committee No 198/2016 of 30 September 2016 amending Annex IX (Financial services) to the EEA Agreement [2017/275] (OJ L 46, 23.2.2017, p. 1).

Amendment 5

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Having regard to the principle of equality between men and women, more women should be employed by and involved in decision-making at the institutions of the Union, therefore gender sensitivities should be taken into consideration by the ESRB's bodies.

Amendment 6

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) Article 16(3) of Regulation (EU) No 1092/2010 requires that the ESRB warnings and recommendations are transmitted to the Council and the Commission and, where addressed to one or more national supervisory authorities, to the ESAs. To strengthen democratic control and transparency, those warnings and recommendations should also be transmitted to the European Parliament and to the ESAs.

(10) Article 16(3) of Regulation (EU) No 1092/2010 requires that the ESRB warnings and recommendations are transmitted to the Council and the Commission and, where addressed to one or more national supervisory authorities, to the ESAs. To strengthen democratic control and transparency, those warnings and recommendations should also be transmitted **without delay** to the European Parliament and to the ESAs.

Amendment 7

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) To ensure the quality and relevance of the ESRB opinions, recommendations and decisions, the Advisory Technical Committee and Advisory Scientific Committee are expected to consult

(11) To ensure the quality and relevance of the ESRB opinions, recommendations and decisions, the Advisory Technical Committee and Advisory Scientific Committee are expected to consult, **where**

stakeholders, where appropriate, at an early stage and in an open and transparent manner.

appropriate, a broad range of stakeholders representing a variety of opinions and interests, at an early stage and in an open and transparent manner. ***The ESRB should have due regard to the outcome of those consultations..***

Amendment 8

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EU) No 1092/2010

Article 4 – paragraph 2 a

Text proposed by the Commission

2a. When consulted on the appointment of the head of Secretariat of the ESRB in accordance with Article 3(2) of Council Regulation (EU) No 1096/2010*, the General Board, following an open and transparent procedure, shall assess whether the shortlisted candidates for the position of head of Secretariat of the ESRB possess the qualities and experience necessary to manage the ESRB Secretariat. The General Board shall inform the European Parliament and the Council about the consultation procedure.

Amendment

2a. When consulted on the appointment of the head of Secretariat of the ESRB in accordance with Article 3(2) of Council Regulation (EU) No 1096/2010*, the General Board, following an open and transparent procedure, shall assess whether the shortlisted candidates for the position of head of Secretariat of the ESRB possess the qualities, ***independence*** and experience necessary to manage the ESRB Secretariat. The General Board shall ***appropriately*** inform the European Parliament and the Council about the ***assessment and*** consultation procedure. ***The European Parliament and the Council may ask the General Board for additional information.***

Amendment 9

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b a (new)

Regulation (EU) No 1092/2010

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

"4a. gender equality shall be taken into account in training at the ESRB's

bodies”;

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Regulation 1092/2010/EU

Article 5 – paragraph 8

Text proposed by the Commission

8. The Chair shall represent the ESRB externally. The Chair may delegate tasks related to the external representation of the ESRB to the head of the Secretariat.;

Amendment

8. The Chair shall represent the ESRB externally. The Chair may delegate tasks related to the external representation of the ESRB, ***with the exception of the tasks set out in Article 19(1), (4) and (5)***, to the head of the Secretariat.;

Justification

Those tasks relate to the participation in hearings and discussions behind closed doors at the European Parliament, which, in order for the ESRB to be represented at the adequate level, should be open only to the Chair.

Amendment 11

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 1092/2010

Article 9 – paragraph 5

Text proposed by the Commission

(4) ***in*** Article 9, paragraph 5 is ***deleted***;

Amendment

(4) Article 9 ***is amended as follows***:

(a) Paragraph 5 is ***replaced by the following***:

“5. Participation in the work of the ESRB may be open to high-level representatives of the relevant authorities from third countries, strictly limited to issues of particular relevance to those countries. Arrangements may be made by the ESRB specifying, in particular, the nature, scope and procedural aspects of the involvement of those third countries in

the work of the ESRB. Such arrangements may provide for representation on an ad hoc basis, as an observer, on the General Board and are to concern only items of relevance to those countries, excluding any case where the situation of individual financial institutions or Member States could be discussed.”

Justification

In view of the adoption of the ESRB Regulation in the EEA, the specific reference to EEA countries is no longer relevant. However, the possibility for high-level representatives of third countries to participate in the work of the ESRB should be retained in order to allow for supervisory cooperation beyond the Union.

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b (new)

Regulation (EU) 1092/2010

Article 9 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(b) The following paragraph is added:

“6a. By way of derogation from paragraph 6, the Chair of the ESRB may make the proceedings of a meeting public, subject to applicable confidentiality requirements and in a manner that does not allow the identification of individual institutions.”

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 6 – point a

Regulation (EU) No 1092/2010

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. Where appropriate, the Advisory Scientific Committee shall organise consultations with stakeholders at an early stage and in an open and transparent manner, while taking into account the requirement of confidentiality.;

5. Where appropriate, the Advisory Scientific Committee shall organise consultations with ***a broad range of stakeholders representing a variety of opinions and interests*** at an early stage and in an open and transparent manner, while taking into account the requirement of confidentiality.

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 9 a (new)

Regulation (EU) 1092/2010

Article 19 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(9a) In Article 19, the following paragraph is added:

“5a. The ESRB shall reply orally or in writing to questions put to it by the European Parliament or by the Council. It shall reply to those questions without delay and in any event within five weeks from the date of their transmission to the ESRB.”

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board	
References	COM(2017)0538 – C8-0317/2017 – 2017/0232(COD)	
Committee responsible Date announced in plenary	ECON 26.10.2017	
Opinion by Date announced in plenary	AFCO 26.10.2017	
Rapporteur Date appointed	Danuta Maria Hübner 21.11.2017	
Discussed in committee	20.6.2018	3.9.2018
Date adopted	3.9.2018	
Result of final vote	+: 19	–: 0
	0: 0	
Members present for the final vote	Mercedes Bresso, Fabio Massimo Castaldo, Richard Corbett, Pascal Durand, Danuta Maria Hübner, Ramón Jáuregui Atondo, Jo Leinen, Morten Messerschmidt, Paulo Rangel, Helmut Scholz, György Schöpflin, Pedro Silva Pereira, Kazimierz Michał Ujazdowski	
Substitutes present for the final vote	Charles Goerens, Enrique Guerrero Salom, Jérôme Lavrilleux, Mairead McGuinness	
Substitutes under Rule 200(2) present for the final vote	Norbert Erdős, Csaba Sógor, Anna Záborská	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

19	+
ALDE	Charles Goerens
ECR	Morten Messerschmidt
EFDD	Fabio Massimo Castaldo
GUE/NGL	Helmut Scholz
NI	Kazimierz Michał Ujazdowski
PPE	Norbert Erdős, Danuta Maria Hübner, Jérôme Lavrilleux, Mairead McGuinness, György Schöpflin, Csaba Sógor, Anna Záborská
S&D	Mercedes Bresso, Richard Corbett, Enrique Guerrero Salom, Ramón Jáuregui Atondo, Jo Leinen, Pedro Silva Pereira

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board		
References	COM(2017)0538 – C8-0317/2017 – 2017/0232(COD)		
Date submitted to Parliament	20.9.2017		
Committee responsible Date announced in plenary	ECON 26.10.2017		
Committees asked for opinions Date announced in plenary	JURI 26.10.2017	AFCO 26.10.2017	
Rapporteurs Date appointed	Pervenche Berès 5.10.2017	Othmar Karas 5.10.2017	
Previous rapporteurs	Burkhard Balz	Pervenche Berès	
Discussed in committee	24.1.2018	11.7.2018	1.10.2018
Date adopted	10.1.2019		
Result of final vote	+: –: 0:	39 2 1	
Members present for the final vote	Hugues Bayet, Pervenche Berès, Esther de Lange, Markus Ferber, Stefan Gehrold, Sven Giegold, Neena Gill, Roberto Gualtieri, Gunnar Hökmark, Danuta Maria Hübner, Othmar Karas, Wolf Klinz, Philippe Lamberts, Werner Langen, Bernd Lucke, Olle Ludvigsson, Alex Mayer, Bernard Monot, Caroline Nagtegaal, Stanisław Ożóg, Ralph Packet, Dariusz Rosati, Anne Sander, Alfred Sant, Molly Scott Cato, Pedro Silva Pereira, Theodor Dumitru Stolojan, Kay Swinburne, Paul Tang, Ramon Tremosa i Balcells, Marco Valli, Tom Vandenkendelaere		
Substitutes present for the final vote	Nessa Childers, Ramón Jáuregui Atondo, Verónica Lope Fontagné, Thomas Mann, Ana Miranda, Luigi Morgano, Andreas Schwab, Lieve Wierinck		
Substitutes under Rule 200(2) present for the final vote	Elena Gentile, Julie Ward		
Date tabled	14.1.2019		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

39	+
ALDE	Wolf Klinz, Caroline Nagtegaal, Ramon Tremosa i Balcells, Lieve Wierinck
ECR	Bernd Lucke, Stanisław Ożóg, Ralph Packet
PPE	Markus Ferber, Stefan Gehrold, Gunnar Hökmark, Danuta Maria Hübner, Othmar Karas, Esther de Lange, Werner Langen, Verónica Lope Fontagné, Thomas Mann, Dariusz Rosati, Anne Sander, Andreas Schwab, Theodor Dumitru Stolojan, Tom Vandenkendelaere
S&D	Hugues Bayet, Pervenche Berès, Nessa Childers, Elena Gentile, Neena Gill, Roberto Gualtieri, Ramón Jáuregui Atondo, Olle Ludvigsson, Alex Mayer, Luigi Morgano, Alfred Sant, Pedro Silva Pereira, Paul Tang, Julie Ward
VERTS/ALE	Sven Giegold, Philippe Lamberts, Ana Miranda, Molly Scott Cato

2	-
EFDD	Bernard Monot, Marco Valli

1	0
ECR	Kay Swinburne

Key to symbols:

+ : in favour

- : against

0 : abstention