



16.7.2018

OPINION

of the Committee on Budgets

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 1093/2010 establishing a European Supervisory Authority (European Banking Authority); Regulation (EU) No 1094/2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority); Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority); Regulation (EU) No 345/2013 on European venture capital funds; Regulation (EU) No 346/2013 on European social entrepreneurship funds; Regulation (EU) No 600/2014 on markets in financial instruments; Regulation (EU) 2015/760 on European long-term investment funds; Regulation (EU) 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds; and Regulation (EU) 2017/1129 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market (COM (2017)0536 – C8-0319/2017 – 2017/0230(COD))

Rapporteur for opinion: Jens Geier

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SHORT JUSTIFICATION

The Rapporteur welcomes in general the Commission proposal for a Revision of the European Supervisory Authorities (ESAs). He particularly welcomes the proposal of the Commission to reform the revenue structure of the three agencies. The Commission proposes for EBA an increase of permanent staff by 29 establishment plan staff (TA) by 2022 and an increase of the EU contribution to its annual budget of EUR 6,6 million under the current MFF (2019-2020). Likewise, ESMA would increase its permanent staff by 156 TA by 2022 and the EU contribution to its annual budget will rise by EUR 48,5 million (2019-2021). Finally, for EIOPA an increase of permanent staff by 35 TA by 2022 and an increase of the EU contribution to its annual budget by EUR 9,1 million (2019-2020) is proposed. In parallel, further legislative proposals affect the financial and human resources allocation of the three agencies.

The Rapporteur is of the opinion that the current arrangement of the revenue side of the agencies is in need of urgent reform. Currently, the size of the contribution of national supervisory authorities is defined according to the voting rights in the Council. The size of national financial sectors across Member states is not taken into account, which means that some Member states with small financial markets pay more than they are able or willing to. The proposal of the Commission aims to resolve this situation by introducing indirect fee-financing, whereby national supervisory authorities collect fees from market participants on behalf of the ESAs. This ensures a more balanced and fair distribution of the financial burden. The Rapporteur takes note of the different legal interpretations presented by the legal services of the Council and of the Commission. He deems however the Commission proposal to be more fair and reasonable. At the same time, he proposes amendments to ensure the democratic scrutiny and the appropriateness in developing the modalities of the fee-financing model.

The rapporteur further proposes amendments that aim at ensuring the good governance of the three agencies by adjusting the voting rights and by ensuring representation of the European Parliament, as foreseen in the Common Approach on Agencies. Additional amendments aim at ensuring the efficient use of resources among the three ESAs.

AMENDMENTS

The Committee on Budgets 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 a (new)

Text proposed by the Commission

Amendment

(5a) When carrying out their tasks, the ESAs should seek to promote cooperation and coordination at Union level among Member States, among Union institutions, agencies and bodies, and among relevant stakeholders, in order to achieve financial savings, avoid duplication of work and promote synergy and complementarity.

Amendment 2

Proposal for a regulation Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) The budget of the ESAs should be prepared in accordance with the principle of performance-based budgeting, taking into account their objectives and the expected results of their tasks.

Amendment 3

Proposal for a regulation Recital 26

Text proposed by the Commission

Amendment

(26) Within each category of financial institutions and financial market participants, the level of contributions should take into account how much each financial institution and financial market participant benefits from the activities of the ESAs. Accordingly, individual contributions by financial institutions and financial market participants should be determined by reference to their size in order to reflect their importance in the relevant market. The collection of very small contributions should be subject to a de minimis threshold, to ensure that their collection is economical whilst at the same time ensuring that larger firms are not required to contribute disproportionately.

(26) Within each category of financial institutions and financial market participants, the level of contributions should take into account how much each financial institution and financial market participant benefits from the activities of the ESAs. Accordingly, individual contributions by financial institutions and financial market participants should be determined by reference to their size in order to reflect their importance in the relevant market ***and in order not to affect their competitiveness.*** The collection of very small contributions should be subject to a de minimis threshold, to ensure that their collection is economical whilst at the same time ensuring that larger firms are not

required to contribute disproportionately.

Amendment 4

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point b a (new)

Regulation (EU) No 1093/2010

Article 8 – paragraph 1a – point c a (new)

Text proposed by the Commission

Amendment

(ba) in paragraph 1a, the following point is added:

'(ca) promote cooperation and coordination at Union level among Member States, among Union institutions, agencies and bodies, and among relevant stakeholders, in order to achieve fiscal savings, avoid duplication of work and promote synergy and complementarity as regards their activities.'

Amendment 5

Proposal for a regulation

Article 1 – paragraph 1 – point 24 – point a – point i a (new)

Regulation (EU) No 1093/2010

Article 40 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ia) the following point (ba) is inserted:

“(ba) one representative of the European Parliament, who shall be non-voting;”;

Justification

One representative of the Parliament shall attend the meetings of the Board of Supervisors in order to increase parliamentary scrutiny over the activities of the Agency.

Amendment 6

Proposal for a regulation

Article 1 – paragraph 1 – point 27 – point c

Regulation (EU) No 1093/2010

Article 43 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Board of Supervisors shall adopt, before 30 September of each year, on the basis of a proposal by the Executive Board, the work programme of the Authority for the coming year, and shall transmit it for information to the European Parliament, the Council and the Commission.;

Amendment

The Board of Supervisors shall adopt, before 30 September of each year, on the basis of a proposal by the Executive Board ***and taking into account the recommendation of the Interinstitutional Working Group on decentralised agencies' resources***, the work programme of the Authority for the coming year, and shall transmit it for information to the European Parliament, the Council and the Commission.;

Justification

The recommendations of the Inter-Institutional Working Group on Agencies shall be duly taken into account by the Agency when approving its annual work programme

Amendment 7

Proposal for a regulation

Article 1 – paragraph 1 – point 27 – point d a (new)

Regulation (EU) No 1093/2010

Article 43 – paragraph 6 – subparagraph 2

Present text

The multi-annual work programme shall be adopted without prejudice to the annual budgetary procedure and shall be made public.

Amendment

(da) in paragraph 6, the second subparagraph is replaced by the following:

“The multi-annual work programme shall be adopted ***taking into account the recommendation of the Interinstitutional Working Group on decentralised agencies' resources***, without prejudice to the annual budgetary procedure and shall be made public.”

Justification

The recommendations of the Inter-Institutional Working Group on Agencies shall be duly taken into account by the Agency when approving its multiannual work programme.

Amendment 8

Proposal for a regulation

Article 1 – paragraph 1 – point 30

Regulation (EU) No 1093/2010

Article 45 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the full time members of the Executive Board including the Member in charge. The Executive Board shall be balanced and proportionate and shall reflect the Union as a whole.

Amendment

The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the full time members of the Executive Board including the Member in charge. The Executive Board shall be balanced, ***including in terms of gender***, and proportionate and shall reflect the Union as a whole.

Justification

In order to ensure the selection of the best candidate possible, balance and proportion shall be ensured already at the level of the shortlist, which is to be approved by the European Parliament.

Amendment 9

Proposal for a regulation

Article 1 – paragraph 1 – point 30

Regulation (EU) No 1093/2010

Article 45 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The shortlist shall be balanced in terms of gender and nationality and shall include candidates with experience working in national supervisors, Union administration and market actors. The shortlist for a full time member shall

include no more than 10 candidates.

Justification

In order to ensure the selection of the best candidate possible, balance and proportion shall be ensured already at the level of the shortlist, which is to be approved by the European Parliament.

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point 31

Regulation (EU) No 1093/2010

Article 45a – paragraph 1

Text proposed by the Commission

1. Decisions by the Executive Board shall be adopted by ***simple*** majority of its members. Each member shall have one vote. ***In the event of a tie, the Chairperson shall have a casting vote.***

Amendment

1. Decisions by the Executive Board shall be adopted by ***absolute*** majority of its members. Each member shall have one vote.

Justification

To ensure the effective decision-making of the Executive Board, it is proposed to introduce the requirement of an absolute majority.

Amendment 11

Proposal for a regulation

Article 1 – paragraph 1 – point 38

Regulation (EU) No 1093/2010

Article 54 – paragraph 2 – indent 6 b (new)

Text proposed by the Commission

Amendment

– ***identification of possible synergies with regard to the tasks performed by the ESAs for the sake of cost-effectiveness.***”;

Justification

In line with the Common Approach, the ESAs shall make an optimal use of the limited resources available. Therefore, the Joint Committee of the ESAs shall be tasked, among the

other duties, with the identification of synergies with regard to the work performed by the three Agencies, in order to avoid possible duplications and overlapping activities.

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 39

Regulation (EU) No 1093/2010

Article 55 – paragraph 2

Text proposed by the Commission

2. One member of the Executive Board, the **representative** of the Commission and the ESRB shall be invited to the meetings of the Joint Committee, as well as of any Sub-Committees referred to in Article 57, as observers.;

Amendment

2. One member of the Executive board, the **representatives** of the Commission, **the European Parliament** and the ESRB shall be invited to the meetings of the Joint Committee, as well as of any Sub-Committees referred to in Article 57, as observers.;

Justification

One representative of the Parliament shall attend the meetings of the Joint Committee of the ESAs as an observer, in order to increase parliamentary scrutiny over the activities of the three Agencies.

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 43 – point a

Regulation (EU) No 1093/2010

Article 62 – paragraph 1 – point a

Text proposed by the Commission

(a) a balancing contribution from the Union, entered in the General Budget of the Union (Commission section) which shall not exceed 40% of the estimated revenues of the Authority;

Amendment

(a) a balancing contribution from the Union, entered in the General Budget of the Union (Commission section) which shall not exceed 40% **and shall not be below 15%** of the estimated revenues of the Authority;

Justification

While welcoming the approach of extending the relative amount of indirect fee-financing, it should be ensured that agency expensive of a clearly identified administrative nature such as

costs associated to office renting and security services are paid by the public. A minimum amount of 15% of the estimated revenues is proposed.

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 43 – point a a (new)

Regulation (EU) No 1093/2010

Article 62 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(a a) the following paragraph is inserted:

'1a. The revenue received by the Authority shall not compromise its independence or objectivity.'

Amendment 15

Proposal for a regulation

Article 1 – paragraph 1 – point 43 – point a b (new)

Regulation (EU) No 1093/2010

Article 62 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(a b) in paragraph 4, the following subparagraph is added:

'Estimates shall be based on the objectives and the expected results of the annual work programme referred to in Article 47(2) and shall take into account the financial resources necessary to achieve those objectives and expected results, in accordance with the principle of performance-based budgeting.'

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 44

Regulation (EU) No 1093/2010

Article 62a – paragraph 1 – point b

Text proposed by the Commission

(b) appropriate and objective criteria to determine the annual contributions payable by individual financial institutions within the scope of the Union Acts referred to in Article 1(2) based on their size so as to approximately reflect their importance in the market.

Amendment

(b) appropriate and objective criteria to determine the annual contributions payable by individual financial institutions within the scope of the Union Acts referred to in Article 1(2) based on their size so as to approximately reflect their importance in the market ***and in order not to affect their competitiveness.***

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 44

Regulation (EU) No 1093/2010

Article 62a – paragraph 2

Text proposed by the Commission

The criteria referred to in point (b) of the first paragraph may establish either de minimis thresholds below which no contribution is due or minima below which contributions must not fall;

Amendment

The Commission shall, before adopting a delegated act on the calculation of annual contributions by financial institutions, consult stakeholders and national supervisory authorities. The European Parliament and the Council shall be informed by the Commission before the adoption of such delegated act. The delegated act shall be limited in time and include a sunset clause. The criteria referred to in point (b) of the first paragraph may establish either de minimis thresholds below which no contribution is due or minima below which contributions must not fall.”;

Justification

To ensure that the Commission proposed delegated act on the financing of the agencies is balanced between the interest of stakeholders, national supervisors and the Union budgetary authority, the Commission shall involve these actors in preparing the delegated act. To ensure democratic scrutiny, the delegated act shall be limited in time.

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 53 a (new)

Regulation (EU) No 1093/2010

Article 73 – paragraph 3

Present text

3. The translation services required for the functioning of the Authority shall be provided by the Translation Centre for the Bodies of the European Union.

Amendment

(53 a) In Article 73, paragraph 3 is replaced by the following:

“3. The translation services required for the functioning of the Authority shall be provided by the Translation Centre for the Bodies of the European Union or other translation service providers in accordance with the procurement rules and within the limits established by the relevant financial rules.”;

Justification

The proposed amendment aims at providing the Agency with some flexibility in terms of translation services.

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point 54 a (new)

Regulation (EU) No 1093/2010

Article 74 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(54 a) in Article 74, the following paragraph is inserted:

'In order to achieve financial savings, the Authority shall cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same location.'

Amendment 20

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a – point v a (new)

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Regulation (EU) No 1094/2010
Article 8 – paragraph 1 – point m a (new)

Text proposed by the Commission

Amendment

(v a) the following point is added:
'(ma) to promote cooperation and coordination at Union level among Member States, Union institutions, agencies and bodies and relevant stakeholders, in order to achieve fiscal savings, avoid duplication of work and promote synergy and complementarity as regards their activities.'

Amendment 21

Proposal for a regulation

Article 2 – paragraph 1 – point 27 – point a – point i a (new)

Regulation (EU) No 1094/2010

Article 40 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ia) the following point ba is inserted:
“(ba) one representative of the European Parliament who shall be non-voting;”;

Justification

One representative of the Parliament shall attend the meetings of the Board of Supervisors in order to increase parliamentary scrutiny over the activities of the Agency.

Amendment 22

Proposal for a regulation

Article 2 – paragraph 1 – point 30 – point c

Regulation (EU) No 1094/2010

Article 43 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

“The Board of Supervisors shall adopt, before 30 September of each year, on the basis of a proposal by the Executive Board,

“The Board of Supervisors shall adopt, before 30 September of each year, on the basis of a proposal by the Executive Board

the work programme of the Authority for the coming year, and shall transmit it for information to the European Parliament, the Council and the Commission.”;

and by taking into account the recommendation of the Interinstitutional Working Group on decentralised agencies' resources, the work programme of the Authority for the coming year, and shall transmit it for information to the European Parliament, the Council and the Commission.”;

Justification

The recommendations of the Inter-Institutional Working Group on Agencies shall be duly taken into account by the Agency when approving its annual work programme.

Amendment 23

Proposal for a regulation

Article 2 – paragraph 1 – point 30 – point d a (new)

Regulation (EU) No 1094/2010

Article 43 – paragraph 6 – subparagraph 2

Present text

The multi-annual work programme shall be adopted without prejudice to the annual budgetary procedure and shall be made public.

Amendment

(da) in paragraph 6, the second subparagraph is replaced by the following:

“The multi-annual work programme shall be adopted ***by taking into account the recommendation of the Interinstitutional Working Group on decentralised agencies' resources***, without prejudice to the annual budgetary procedure and shall be made public.”;

Justification

The recommendations of the Inter-Institutional Working Group on Agencies shall be duly taken into account by the Agency when approving its multiannual work programme.

Amendment 24

Proposal for a regulation

Article 2 – paragraph 1 – point 33

Regulation (EU) No 1094/2010

Article 45 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the full time members of the Executive Board including the Member in charge.

Amendment

The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the full time members of the Executive Board including the Member in charge.
The Executive Board shall be balanced, including in terms of gender, and proportionate and shall reflect the Union as a whole.

Justification

In order to ensure the selection of the best candidate possible, balance and proportion shall be ensured already at the level of the shortlist, which is to be approved by the European Parliament.

Amendment 25

Proposal for a regulation

Article 2 – paragraph 1 – point 33

Regulation (EU) No 1094/2010

Article 45 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The shortlist shall be balanced in terms of gender and nationality and shall include candidates with experience working in national supervisors, Union administration and market actors. The shortlist for a full time member shall include no more than 10 candidates.

Justification

In order to ensure the selection of the best candidate possible, balance and proportion shall be ensured already at the level of the shortlist, which is to be approved by the European Parliament.

Amendment 26

Proposal for a regulation

Article 2 – paragraph 1 – point 34

Regulation (EU) No 1094/2010

Article 45a – paragraph 1

Text proposed by the Commission

1. Decisions by the Executive Board shall be adopted by **simple** majority of its members. Each member shall have one vote. ***In the event of a tie, the Chairperson shall have a casting vote.***

Amendment

1. Decisions by the Executive Board shall be adopted by **absolute** majority of its members. Each member shall have one vote.

Justification

To ensure the effective decision-making of the Executive Board, it is proposed to introduce the requirement of an absolute majority.

Amendment 27

Proposal for a regulation

Article 2 – paragraph 1 – point 41

Regulation (EU) No 1094/2010

Article 54 – paragraph 2 – indent 6 b (new)

Text proposed by the Commission

Amendment

“– identification of possible synergies with regard to the tasks performed by the ESAs for the sake of cost-effectiveness;”

Justification

In line with the Common Approach, the ESAs shall make an optimal use of the limited resources available. Therefore, the Joint Committee of the ESAs shall be tasked, among the other duties, with the identification of synergies with regard to the work performed by the three Agencies, in order to avoid possible duplications and overlapping activities.

Amendment 28

Proposal for a regulation

Article 2 – paragraph 1 – point 42

Regulation (EU) No 1094/2010

Article 55 – paragraph 2

Text proposed by the Commission

Amendment

“2. One member of the Executive Board, The Member in charge in accordance with Article 47(8a), the **representative** of the Commission and the ESRB shall be invited to the meetings of the Joint Committee, as well as of any Sub-Committees referred to in Article 57, as observers;

“2. One member of the Executive Board, The Member in charge in accordance with Article 47(8a), the **representatives** of the Commission, **the European Parliament** and the ESRB shall be invited to the meetings of the Joint Committee, as well as of any Sub-Committees referred to in Article 57, as observers.”;

Justification

One representative of the Parliament shall attend the meetings of the Joint Committee of the ESAs as an observer, in order to increase parliamentary scrutiny over the activities of the three Agencies.

Amendment 29

Proposal for a regulation

Article 2 – paragraph 1 – point 46 – point a

Regulation (EU) No 1094/2010

Article 62 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) a balancing contribution from the Union, entered in the General Budget of the Union (Commission section) which shall not exceed 40% of the estimated revenues of the Authority;

(a) a balancing contribution from the Union, entered in the General Budget of the Union (Commission section) which shall not exceed 40% **and shall not be below 15%** of the estimated revenues of the Authority;

Justification

While welcoming the approach of extending the relative amount of indirect fee-financing, it should be ensured that agency expensive of a clearly identified administrative nature such as costs associated to office renting and security services are paid by the public. A minimum amount of 15% of the estimated revenues is proposed.

Amendment 30

Proposal for a regulation

Article 2 – paragraph 1 – point 46 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the following paragraph is inserted:

'1a. The revenue received by the Authority shall not compromise its independence or objectivity.'

Amendment 31

Proposal for a regulation

Article 2 – paragraph 1 – point 46 – point a b (new)

Regulation (EU) No 1094/2010

Article 62 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(ab) in paragraph 4, the following subparagraph is added:

'Estimates shall be based on the objectives and the expected results of the annual work programme referred to in Article 43(4) and shall take into account the financial resources necessary to achieve those objectives and expected results, in accordance with the principle of performance-based budgeting.'

Amendment 32

Proposal for a regulation

Article 2 – paragraph 1 – point 47

Regulation (EU) No 1094/2010

Article 62a – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) appropriate and objective criteria to determine the annual contributions payable by individual financial institutions within the scope of the Union Acts referred to in Article 1(2) based on their size so as to approximately reflect their importance in

(b) appropriate and objective criteria to determine the annual contributions payable by individual financial institutions within the scope of the Union Acts referred to in Article 1(2) based on their size so as to approximately reflect their importance in

the market.

the market *and in order not to affect their competitiveness.*

Amendment 33

Proposal for a regulation

Article 2 – paragraph 1 – point 47

Regulation (EU) No 1094/2010

Article 62a – paragraph 2

Text proposed by the Commission

The criteria referred to in point (b) of the first paragraph may establish either de minimis thresholds below which no contribution is due or minima below which contributions must not fall.”;

Amendment

The Commission shall, before adopting a delegated act on the calculation of annual contributions by financial institutions, consult stakeholders and national supervisory authorities. The European Parliament and the Council shall be informed by the Commission before the adoption of such delegated act. The delegated act shall be limited in time and include a sunset clause. The criteria referred to in point (b) of the first paragraph may establish either de minimis thresholds below which no contribution is due or minima below which contributions must not fall.”;

Justification

To ensure that the Commission proposed delegated act on the financing of the agencies is balanced between the interest of stakeholders, national supervisors and the Union budgetary authority, the Commission shall involve these actors in preparing the delegated act. To ensure democratic scrutiny, the delegated act shall be limited in time.

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1 – point 56 a (new)

Regulation (EU) No 1094/2010

Article 73 – paragraph 3

Present text

Amendment

(56a) in Article 73, paragraph 3 is replaced by the following:

3. The translation services required for the functioning of the Authority shall be provided by the Translation Centre for the Bodies of the European Union.

“3. The translation services required for the functioning of the Authority shall be provided by the Translation Centre for the Bodies of the European Union ***or other translation service providers in accordance with the procurement rules and within the limits established by the relevant financial rules.***”;

Justification

The proposed amendment aims at providing the Agency with some flexibility in terms of translation services.

Amendment 35

Proposal for a regulation

Article 2 – paragraph 1 – point 57 a (new)

Regulation (EU) No 1094/2010

Article 74 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(57a) in Article 74, the following paragraph is inserted:

'In order to achieve financial savings, the Authority shall cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same location. '

Amendment 36

Proposal for a regulation

Article 3 – paragraph 1 – point 5 – point b

Regulation (EU) No 1095/2010

Article 8 – paragraph 1a

Text proposed by the Commission

Amendment

1a. " When carrying out its tasks in accordance with this Regulation, the authority shall take account of technological innovation, innovative and sustainable business models, and the integration of environmental, social and

1a. " When carrying out its tasks in accordance with this Regulation, the Authority shall:

governance related factors.;

(a) take account of technological innovation, innovative and sustainable business models, and the integration of environmental, social and governance related factors;

(b) promote cooperation and coordination at Union level among Member States, Union institutions, agencies and bodies, and relevant stakeholders, in order to achieve fiscal savings, avoid duplication of work, and promote synergy and complementarity as regards their activities."

Amendment 37

Proposal for a regulation

Article 3 – paragraph 1 – point 25 – point a – point i a (new)

Regulation (EU) No 1095/2010

Article 40 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ia) the following point (ab) is inserted:

“(ab) one representative of the European Parliament, who shall be non-voting;”;

Justification

One representative of the Parliament shall attend the meetings of the Board of Supervisors in order to increase parliamentary scrutiny over the activities of the Agency.

Amendment 38

Proposal for a regulation

Article 3 – paragraph 1 – point 29 – point c

Regulation (EU) No 1095/2010

Article 43 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

“The Board of Supervisors shall adopt, before 30 September of each year, on the

“The Board of Supervisors shall adopt, before 30 September of each year, on the

basis of a proposal by the Executive Board, the work programme of the Authority for the coming year, and shall transmit it for information to the European Parliament, the Council and the Commission.”;

basis of a proposal by the Executive Board, ***and taking into account the recommendation of the Interinstitutional Working Group on decentralised agencies' resources***, the work programme of the Authority for the coming year, and shall transmit it for information to the European Parliament, the Council and the Commission.”;

Justification

The recommendations of the Inter-Institutional Working Group on Agencies shall be duly taken into account by the Agency when approving its annual work programme.

Amendment 39

Proposal for a regulation

Article 3 – paragraph 1 – point 29 – point d a (new)

Regulation (EU) No 1095/2010

Article 43 – paragraph 6 – subparagraph 2

Present text

The multi-annual work programme shall be adopted without prejudice to the annual budgetary procedure and shall be made public.

Amendment

(da) in paragraph 6, the second subparagraph is replaced by the following:

“The multi-annual work programme shall be adopted ***taking into account the recommendation of the Interinstitutional Working Group on decentralised agencies' resources***, without prejudice to the annual budgetary procedure and shall be made public.”;

Justification

The recommendations of the Inter-Institutional Working Group on Agencies shall be duly taken into account by the Agency when approving its multiannual work programme.

Amendment 40

Proposal for a regulation

Article 3 – paragraph 1 – point 32

Regulation (EU) No 1095/2010

Article 45 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the full time members of the Executive Board including the Member in charge. The Executive Board shall be balanced and proportionate and shall reflect the Union as a whole.

Amendment

The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the full time members of the Executive Board including the Member in charge. The Executive Board shall be balanced, ***including in terms of gender***, and proportionate and shall reflect the Union as a whole.

Justification

In order to ensure the selection of the best candidate possible, balance and proportion shall be ensured already at the level of the shortlist, which is to be approved by the European Parliament.

Amendment 41

Proposal for a regulation

Article 3 – paragraph 1 – point 32

Regulation (EU) No 1095/2010

Article 45 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The shortlist shall be balanced in terms of gender and nationality and shall include candidates with experience working in national supervisors, Union administration and market actors. The shortlist for a full time member shall include no more than 10 candidates.

Justification

In order to ensure the selection of the best candidate possible, balance and proportion shall be ensured already at the level of the shortlist, which is to be approved by the European

Parliament.

Amendment 42

Proposal for a regulation

Article 3 – paragraph 1 – point 33

Regulation (EU) No 1095/2010

Article 45a – paragraph 1

Text proposed by the Commission

1. Decisions by the Executive Board shall be adopted by ***simple majority*** of its members. Each member shall have one vote. ***In the event of a tie, the Chairperson shall have a casting vote.***

Amendment

1. Decisions by the Executive Board shall be adopted by ***absolute majority*** of its members. Each member shall have one vote.

Justification

To ensure the effective decision-making of the Executive Board, it is proposed to introduce the requirement of an absolute majority.

Amendment 43

Proposal for a regulation

Article 3 – paragraph 1 – point 41

Regulation (EU) No 1095/2010

Article 54 – paragraph 2 – indent 6 b (new)

Text proposed by the Commission

Amendment

“– identification of possible synergies with regard to the tasks performed by the ESAs for the sake of cost-effectiveness”;

Justification

In line with the Common Approach, the ESAs shall make an optimal use of the limited resources available. Therefore, the Joint Committee of the ESAs shall be tasked, among the other duties, with the identification of synergies with regard to the work performed by the three Agencies, in order to avoid possible duplications and overlapping activities.

Amendment 44

Proposal for a regulation

Article 3 – paragraph 1 – point 42

Regulation (EU) No 1095/2010

Article 55 – paragraph 2

Text proposed by the Commission

“2. One member of the Executive Board, the **representative** of the Commission and the ESRB shall be invited to the meetings of the Joint Committee, as well as of any Sub-Committees referred to in Article 57, as observers.”;

Amendment

“2. One member of the Executive Board, the **representatives** of the Commission, **the European Parliament** and the ESRB shall be invited to the meetings of the Joint Committee, as well as of any Sub-Committees referred to in Article 57, as observers.”;

Justification

One representative of the Parliament shall attend the meetings of the Joint Committee of the ESAs as an observer, in order to increase parliamentary scrutiny over the activities of the three Agencies.

Amendment 45

Proposal for a regulation

Article 3 – paragraph 1 – point 45 – point a (new)

Regulation (EU) No 1095/2010

Article 62 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(aa) the following paragraph is inserted:

'1a. The revenue received by the Authority shall not compromise its independence or objectivity.'

Amendment 46

Proposal for a regulation

Article 3 – paragraph 1 – point 45 – point a b (new)

Regulation (EU) No 1095/2010

Article 62 – paragraph 4 – subparagraph 1 a (new)

(ab) in paragraph 4, the following subparagraph is added:

'Estimates shall be based on the objectives and the expected results of the annual work programme referred to in Article 43(4) and shall take into account the financial resources necessary to achieve those objectives and expected results, in accordance with the principle of performance-based budgeting.'

Amendment 47

Proposal for a regulation

Article 3 – paragraph 1 – point 46 – point a

Regulation (EU) No 1095/2010

Article 62 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) a balancing contribution from the Union, entered in the General Budget of the Union (Commission section) which shall not exceed 40% of the estimated revenues of the Authority;

(a) a balancing contribution from the Union, entered in the General Budget of the Union (Commission section) which shall not exceed 40% ***and shall not be below 15%*** of the estimated revenues of the Authority;

Justification

While welcoming the approach of extending the relative amount of indirect fee-financing, it should be ensured that agency expensive of a clearly identified administrative nature such as costs associated to office renting and security services are paid by the public. A minimum amount of 15% of the estimated revenues is proposed.

Amendment 48

Proposal for a regulation

Article 3 – paragraph 1 – point 46

Regulation (EU) No 1095/2010

Article 62a – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) appropriate and objective criteria to

(b) appropriate and objective criteria to

determine the annual contributions payable by individual financial institutions within the scope of the Union Acts referred to in Article 1(2) based on their size so as to approximately reflect their importance in the market.

determine the annual contributions payable by individual financial institutions within the scope of the Union Acts referred to in Article 1(2) based on their size so as to approximately reflect their importance in the market ***and in order not to affect their competitiveness.***

Amendment 49

Proposal for a regulation

Article 3 – paragraph 1 – point 47

Regulation (EU) No 1095/2010

Article 62a – paragraph 2

Text proposed by the Commission

The criteria referred to in point (b) of the first paragraph may establish either de minimis thresholds below which no contribution is due or minima below which contributions must not fall.”;

Amendment

The Commission shall, before adopting a delegated act on the calculation of annual contributions by financial institutions, consult stakeholders and national supervisory authorities. The European Parliament and the Council shall be informed by the Commission before the adoption of such delegated act. The delegated act shall be limited in time and include a sunset clause. The criteria referred to in point (b) of the first paragraph may establish either de minimis thresholds below which no contribution is due or minima below which contributions must not fall.”;

Justification

To ensure that the Commission proposed delegated act on the financing of the agencies is balanced between the interest of stakeholders, national supervisors and the Union budgetary authority, the Commission shall involve these actors in preparing the delegated act. To ensure democratic scrutiny, the delegated act shall be limited in time.

Amendment 50

Proposal for a regulation

Article 3 – paragraph 1 – point 56 a (new)

Regulation (EU) No 1095/2010

Article 73 – paragraph 3

Present text

3. The translation services required for the functioning of the Authority shall be provided by the Translation Centre for the Bodies of the European Union.

Amendment

(56a) in Article 73, paragraph 3 is replaced by the following:

“3. The translation services required for the functioning of the Authority shall be provided by the Translation Centre for the Bodies of the European Union or other translation service providers in accordance with the procurement rules and within the limits established by the relevant financial rules.”;

Justification

The proposed amendment aims at providing the Agency with some flexibility in terms of translation services.

Amendment 51

Proposal for a regulation

Article 3 – paragraph 1 – point 56 a (new)

Regulation (EU) No 1095/2010

Article 74 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(56a) in Article 74, the following paragraph is inserted:

'In order to achieve financial savings, the Authority shall cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same location.'

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Regulation amending Regulations establishing European Supervisory Authorities and Regulations on financial markets: (EU) No 1093/2010, (EU) No 1094/2010, (EU) No 1095/2010, (EU) No 345/2013, (EU) No 346/2013, (EU) No 600/2014, (EU) 2015/760, (EU) 2016/1011 and (EU) 2017/1129
References	COM(2017)0536 – C8-0319/2017 – 2017/0230(COD)
Committee responsible Date announced in plenary	ECON 16.11.2017
Opinion by Date announced in plenary	BUDG 16.11.2017
Rapporteur Date appointed	Jens Geier 9.10.2017
Discussed in committee	19.6.2018
Date adopted	10.7.2018
Result of final vote	+: 21 –: 2 0: 0
Members present for the final vote	Nedzhmi Ali, Jean Arthuis, Richard Ashworth, Reimer Böge, Lefteris Christoforou, Gérard Deprez, Manuel dos Santos, André Elissen, José Manuel Fernandes, Eider Gardiazabal Rubial, Jens Geier, Ingeborg Gräßle, Monika Hohlmeier, John Howarth, Siegfried Mureşan, Jan Olbrycht, Răzvan Popa, Jordi Solé, Patricija Šulin, Indrek Tarand, Isabelle Thomas
Substitutes present for the final vote	Ivana Maletić
Substitutes under Rule 200(2) present for the final vote	John Stuart Agnew

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
ALDE	Nedzhmi Ali, Jean Arthuis, Gérard Deprez
PPE	Richard Ashworth, Reimer Böge, Lefteris Christoforou, José Manuel Fernandes, Ingeborg Gräßle, Monika Hohlmeier, Ivana Maletić, Siegfried Mureşan, Jan Olbrycht, Patricija Šulin
S&D	Eider Gardiazabal Rubial, Jens Geier, John Howarth, Răzvan Popa, Manuel dos Santos, Isabelle Thomas
VERTS/ALE	Jordi Solé, Indrek Tarand

2	-
EFDD	John Stuart Agnew
ENF	André Elissen

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention