



**2016/2186(DEC)**

6.3.2017

# **AMENDMENTS**

## **1 - 29**

**Draft report**

**Inés Ayala Sender**

(PE593.863v01-00)

2015 discharge: European Banking Authority (EBA)  
(2016/2186(DEC))



**Amendment 1**  
**Inés Ayala Sender**

**Proposal for a decision 1 1**  
**Paragraph 1**

*Proposal for a decision*

1. Grants the Executive Director of the European Banking Authority discharge in respect of the implementation of the Authority's budget for the financial year 2015 / ***Postpones its decision on granting the Executive Director of the European Banking Authority discharge in respect of the implementation of the Authority's budget for the financial year 2015;***

*Amendment*

1. Grants the Executive Director of the European Banking Authority discharge in respect of the implementation of the Authority's budget for the financial year 2015;

Or. es

**Amendment 2**  
**Ryszard Czarnecki, Raffaele Fitto, Notis Marias**

**Proposal for a decision 1**  
**Paragraph 1**

*Proposal for a decision*

1. ***Grants the Executive Director of the European Banking Authority discharge in respect of the implementation of the Authority's budget for the financial year 2015*** / Postpones its decision on granting the Executive Director of the European Banking Authority discharge in respect of the implementation of the Authority's budget for the financial year 2015;

*Amendment*

1. Postpones its decision on granting the Executive Director of the European Banking Authority discharge in respect of the implementation of the Authority's budget for the financial year 2015;

Or. en

**Amendment 3**  
**Inés Ayala Sender**

**Proposal for a decision 2 2**  
**Paragraph 1**

*Proposal for a decision*

1. Approves the closure of the accounts of the European Banking Authority for the financial year 2015 / *Postpones the closure of the accounts of the European Banking Authority for the financial year 2015;*

*Amendment*

1. Approves the closure of the accounts of the European Banking Authority for the financial year 2015;

Or. es

**Amendment 4**

**Ryszard Czarnecki, Raffaele Fitto, Notis Marias**

**Proposal for a decision 2**

**Paragraph 1**

*Proposal for a decision*

1. *Approves the closure of the accounts of the European Banking Authority for the financial year 2015 /* Postpones the closure of the accounts of the European Banking Authority for the financial year 2015;

*Amendment*

1. Postpones the closure of the accounts of the European Banking Authority for the financial year 2015;

Or. en

**Amendment 5**

**Monica Macovei**

**Motion for a resolution**

**Citation 1 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the special Report No 15/2012 'Management of conflict of interest in selected EU Agencies',*

Or. en

**Amendment 6**

**Benedek Jávor**

on behalf of the Verts/ALE Group

## Motion for a resolution

### Recital B a (new)

*Motion for a resolution*

*Amendment*

***B a. whereas in the context of the discharge procedure, Parliament stresses the special importance of further strengthening the democratic legitimacy of the institutions of the Union by improving transparency and accountability, implementing the concept of performance based budgeting, good governance of human resources;***

Or. en

## Amendment 7

Petri Sarvamaa

## Motion for a resolution

### Paragraph 2

*Motion for a resolution*

*Amendment*

2. Acknowledges that the budget monitoring efforts during the financial year 2014 resulted in a budget implementation rate of 99,34 %, representing a decrease of 0,47 % compared with 2014, and that the rate of execution of payment appropriations was 89,70 %, representing an increase of 5,76 %; ***acknowledges*** from the Authority that the high rate of execution is due both to good budget planning and monitoring and to the ***inadequacy*** of the Authority's budget, ***as a result of which important*** elements of the work programme had to be postponed to 2016 or performed at a reduced level due to budget cuts;

2. Acknowledges that the budget monitoring efforts during the financial year 2014 resulted in a budget implementation rate of 99,34 %, representing a decrease of 0,47 % compared with 2014, and that the rate of execution of payment appropriations was 89,70 %, representing an increase of 5,76 %; ***notes*** from the Authority that the high rate of execution is due both to good budget planning and monitoring and to the ***limitedness*** of the Authority's budget; ***notes that some*** elements of the ***Authority's*** work programme had to be postponed to 2016 or performed at a reduced level due to budget cuts;

Or. en

## Amendment 8

**Barbara Kappel**

**Motion for a resolution**

**Paragraph 3**

*Motion for a resolution*

3. Notes that the European Parliament and the Council reduced the Authority's 2015 financial resources by 6 % compared to the previous year, despite allocating higher staffing levels; ***notes with concern*** that, in order to implement those cuts, the Authority had to reduce its work programme and cut costs ***in areas such as operational missions and meetings, operational IT projects and staff training; acknowledges furthermore that the euro lost significant value against the pound sterling over the course of the year, forcing the Authority to request an amending budget of EUR 1,9 million, which was adopted in August 2015, in order to enable it to meet its financial obligations;***

*Amendment*

3. Notes that the European Parliament and the Council reduced the Authority's 2015 financial resources by 6 % compared to the previous year, despite allocating higher staffing levels; ***welcomes*** that, in order to implement those cuts, the Authority had to reduce its work programme and cut costs;

Or. en

**Amendment 9**

**Tomáš Zdechovský**

**Motion for a resolution**

**Paragraph 3**

*Motion for a resolution*

3. Notes that the European Parliament and the Council reduced the Authority's 2015 financial resources by 6 % compared to the previous year, despite allocating higher staffing levels; notes ***with concern*** that, in order to implement those cuts, the Authority had to reduce its work programme and cut costs in areas such as operational missions and meetings, operational IT projects and staff training; acknowledges furthermore that the euro lost significant value against the pound sterling over the course of the year, forcing

*Amendment*

3. Notes that the European Parliament and the Council reduced the Authority's 2015 financial resources by 6 % compared to the previous year, despite allocating higher staffing levels; notes that, in order to implement those cuts, the Authority had to reduce its work programme and cut costs in areas such as operational missions and meetings, operational IT projects and staff training; acknowledges furthermore that the euro lost significant value against the pound sterling over the course of the year, forcing the Authority to request an

the Authority to request an amending budget of EUR 1,9 million, which was adopted in August 2015, in order to enable it to meet its financial obligations,;

amending budget of EUR 1,9 million, which was adopted in August 2015, in order to enable it to meet its financial obligations,;

Or. en

**Amendment 10**  
**Barbara Kappel**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. ***Welcomes the fact*** that the Authority's 2016 budget was significantly improved, ***due to the Authority and the European Parliament and the Council taking on board the lessons learned from the previous year's process***, which resulted in an increase of 20 % compared to the 2015 initial budget;

*Amendment*

4. ***Notes*** that the Authority's 2016 budget was significantly improved, which resulted in an increase of 20 % compared to the 2015 initial budget;

Or. en

**Amendment 11**  
**Barbara Kappel**

**Motion for a resolution**  
**Paragraph 6 a (new)**

*Motion for a resolution*

***6 a. Calls on the Authority to further lower the volume to be carried over to the next year.***

*Amendment*

Or. en

**Amendment 12**  
**Petri Sarvamaa**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Notes that the total number of the Authority's staff increased to 156 in 2015 from 146 in 2014, ***and consisted*** of 45 % ***females and 55 % males***; takes note that the total staff turnover due to resignation, non-renewal or contract expiry was at 10,3 %, which was 2,6 % lower than in 2014; notes with satisfaction that the Authority conducted a job screening exercise as in previous years, which showed that 80,1 % of the jobs were "operational" - directly focused on the implementation of the Authority's mandate, 12,5 % included "administration and coordination" and 7,4 % were "neutral"; ***points out that for each four posts linked to the direct implementation of the Authority's mandate there is only one administrative post***;

*Amendment*

8. Notes that the total number of the Authority's staff increased to 156 in 2015 from 146 in 2014, ***with a global gender balance*** of 45 % / ***55 %***; takes note that the total staff turnover due to resignation, non-renewal or contract expiry was at 10,3 %, which was 2,6 % lower than in 2014; notes with satisfaction that the Authority conducted a job screening exercise as in previous years, which showed that 80,1 % of the jobs were "operational" - directly focused on the implementation of the Authority's mandate, 12,5 % included "administration and coordination" and 7,4 % were "neutral";

Or. en

**Amendment 13**  
**Monica Macovei**

**Motion for a resolution**  
**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

***8 a. Notes that the Authority shall ensure geographical and gender balance and compliance with the principle of equal opportunities, in accordance with Articles 1d and 27 of the Staff Regulations (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS); notes that the Authority has published all its vacancies on its website;***

Or. en

**Amendment 14**

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Monica Macovei

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Notes that the Authority adopted a conflict of interest policy in October 2014 and has ethics guidelines in place since 2012; acknowledges that during the recruitment procedure, future staff must declare potential conflicts of interest, in addition to the assessment of their curriculum vitae; takes note that all staff must declare potential conflicts of interest on an annual basis, which are assessed by the Authority's ethics officer; notes that the members of the Board of Supervisors and their alternates must also declare their actual or potential conflicts of interest, including economic interests, in particular any holdings in shares of financial institutions; notes further that all these declarations and those of the Authority's senior management are published on its website and are updated annually; notes, *however*, that the *curriculum vitae of neither the Management Board nor the Board of Supervisors are published* on the *Authority's website*;

*Amendment*

9. Notes that the Authority adopted a conflict of interest policy in October 2014 and has ethics guidelines in place since 2012; acknowledges that during the recruitment procedure, future staff must declare potential conflicts of interest, in addition to the assessment of their curriculum vitae; takes note that all staff must declare potential conflicts of interest on an annual basis, which are assessed by the Authority's ethics officer; notes that the members of the Board of Supervisors and their alternates must also declare their actual or potential conflicts of interest, including economic interests, in particular any holdings in shares of financial institutions; notes further that all these declarations and those of the Authority's senior management are published on its website and are updated annually; notes that the *Top Management's and Director's CVs and declarations of interest are published on the Authority's website; urges the Authority to publish on its website the Board of Supervisors' and Management members' CVs and declarations of interests; calls on the Authority to publish at least the CVs of the middle-level Directors staff*;

Or. en

**Amendment 15**  
**Petri Sarvamaa**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Notes that the Authority adopted a conflict of interest policy in October 2014

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and has ethics guidelines in place since 2012; acknowledges that during the recruitment procedure, future staff must declare potential conflicts of interest, in addition to the assessment of their curriculum vitae; takes note that all staff must declare potential conflicts of interest on an annual basis, which are assessed by the Authority's ethics officer; notes that the members of the Board of Supervisors and their alternates must also declare their actual or potential conflicts of interest, including economic interests, in particular any holdings in shares of financial institutions; notes further that all these declarations and those of the Authority's senior management are published on its website and are updated annually; *regrets*, however, that the curriculum vitae of neither the Management Board nor the Board of Supervisors are published on the Authority's website;

Or. en

## **Amendment 16**

**Benedek Jávor**

on behalf of the Verts/ALE Group

### **Motion for a resolution**

#### **Paragraph 9**

##### *Motion for a resolution*

9. Notes that the Authority adopted a conflict of interest policy in October 2014 and has ethics guidelines in place since 2012; acknowledges that during the recruitment procedure, future staff must declare potential conflicts of interest, in addition to the assessment of their curriculum vitae; takes note that all staff must declare potential conflicts of interest on an annual basis, which are assessed by the Authority's ethics officer; notes that the members of the Board of Supervisors and their alternates must also declare their actual or potential conflicts of interest, including economic interests, in particular

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##### *Amendment*

9. Notes that the Authority adopted a conflict of interest policy in October 2014 and has ethics guidelines in place since 2012; acknowledges that during the recruitment procedure, future staff must declare potential conflicts of interest, in addition to the assessment of their curriculum vitae; takes note that all staff must declare potential conflicts of interest on an annual basis, which are assessed by the Authority's ethics officer; notes that the members of the Board of Supervisors and their alternates must also declare their actual or potential conflicts of interest, including economic interests, in particular

any holdings in shares of financial institutions; notes further that all these declarations and those of the Authority's senior management are published on its website and are updated annually; notes, however, that the curriculum vitae of neither the Management Board nor the Board of Supervisors are published on the Authority's website;

any holdings in shares of financial institutions; notes further that all these declarations and those of the Authority's senior management are published on its website and are updated annually; notes, however, that the curriculum vitae of neither the Management Board nor the Board of Supervisors are published on the Authority's website; ***calls on the agency to publish such documents and allows the public the necessary overview on its senior management;***

Or. en

**Amendment 17**  
**Tomáš Zdechovský**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Notes that the Authority adopted a conflict of interest policy in October 2014 and has ethics guidelines in place since 2012; acknowledges that during the recruitment procedure, future staff must declare potential conflicts of interest, in addition to the assessment of their curriculum vitae; takes note that all staff must declare potential conflicts of interest on an annual basis, which are assessed by the Authority's ethics officer; notes that the members of the Board of Supervisors and their alternates must also declare their actual or potential conflicts of interest, including economic interests, in particular any holdings in shares of financial institutions; notes further that all these declarations and those of the Authority's senior management are published on its website and are updated annually; notes, however, that the curriculum vitae of neither the Management Board nor the Board of Supervisors are published on the Authority's website;

*Amendment*

9. Notes that the Authority adopted a conflict of interest policy in October 2014 and has ethics guidelines in place since 2012; acknowledges that during the recruitment procedure, future staff must declare potential conflicts of interest, in addition to the assessment of their curriculum vitae; takes note that all staff must declare potential conflicts of interest on an annual basis, which are assessed by the Authority's ethics officer; notes that the members of the Board of Supervisors and their alternates must also declare their actual or potential conflicts of interest, including economic interests, in particular any holdings in shares of financial institutions; notes further that all these declarations and those of the Authority's senior management are published on its website and are updated annually; notes, however, that the curriculum vitae of neither the Management Board nor the Board of Supervisors are published on the Authority's website; ***encourages the Authority to remedy this situation;***

**Amendment 18**  
**Barbara Kappel**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

9. Notes that the Authority adopted a conflict of interest policy in October 2014 and has ethics guidelines in place since 2012; acknowledges that during the recruitment procedure, future staff must declare potential conflicts of interest, in addition to the assessment of their curriculum vitae; takes note that all staff must declare potential conflicts of interest on an annual basis, which are assessed by the Authority's ethics officer; notes that the members of the Board of Supervisors and their alternates must also declare their actual or potential conflicts of interest, including economic interests, in particular any holdings in shares of financial institutions; notes further that all these declarations and those of the Authority's senior management are published on its website and are updated annually; notes, however, that the curriculum vitae of neither the Management Board nor the Board of Supervisors are published on the Authority's website;

*Amendment*

9. Notes that the Authority adopted a conflict of interest policy in October 2014 and has ethics guidelines in place since 2012; acknowledges that during the recruitment procedure, future staff must declare potential conflicts of interest, in addition to the assessment of their curriculum vitae; takes note that all staff must declare potential conflicts of interest on an annual basis, which are assessed by the Authority's ethics officer; notes that the members of the Board of Supervisors and their alternates must also declare their actual or potential conflicts of interest, including economic interests, in particular any holdings in shares of financial institutions; notes further that all these declarations and those of the Authority's senior management are published on its website and are updated annually; notes, however, that the curriculum vitae of neither the Management Board nor the Board of Supervisors are published on the Authority's website; ***calls on the Authority to do so within due time; calls on the Authority to inform the discharging authority on alleged and actual conflicts of interests, how such issues have been resolved, and how the Authority intends to avoid them in the future;***

**Amendment 19**  
**Monica Macovei**

**Motion for a resolution**

## **Paragraph 9 a (new)**

*Motion for a resolution*

*Amendment*

**9 a. Urges the Authority to put in place rules on revolving doors, establishing dissuasive sanctions, such as the reduction of pension, and prohibiting its board members and staff for at least three years after leaving the Authority to take employment in bodies related to banks, and to establish dissuasive sanctions, such as the reduction of pension; only integrity upholds the public trust;**

Or. en

## **Amendment 20**

**Tomáš Zdechovský**

**Motion for a resolution**

**Paragraph 10**

*Motion for a resolution*

*Amendment*

10. Observes that the Authority adopted an Anti-Fraud Strategy which was to be fully implemented by the end of 2016; notes that in 2016 the Authority performed an initial fraud risk assessment within all departments, in addition to creating a dedicated anti-fraud section on its intranet with a communication channel for whistle-blowers;

10. Observes that the Authority adopted an Anti-Fraud Strategy which was to be fully implemented by the end of 2016; notes **with satisfaction** that in 2016 the Authority performed an initial fraud risk assessment within all departments, in addition to creating a dedicated anti-fraud section on its intranet with a communication channel for whistle-blowers;

Or. en

## **Amendment 21**

**Benedek Jávor**

on behalf of the Verts/ALE Group

**Motion for a resolution**

**Paragraph 11 a (new)**

*Motion for a resolution*

*Amendment*

***11 a. Considers that the minutes of meetings of the Board of Supervisors and of the Stakeholder Groups, which are publicly available, should be published immediately after the meeting to provide better insight into the discussions held, members' positions and voting behaviour; believes that outreach to Union citizens could also be enhanced by web streaming events; is concerned about de facto unequal accessibility of documents and information from internal meetings to different stakeholders, including the European Parliament; is of the opinion that EBA should establish a secure channel for whistle-blowers in the framework of its action plan for the years to come.***

Or. en

**Amendment 22**  
**Monica Macovei**

**Motion for a resolution**  
**Paragraph 11 a (new)**

*Motion for a resolution*

*Amendment*

***11 a. Asks the Authority to provide the discharge Authority with the list of meetings with lobbyists and the minutes the these meetings;***

Or. en

**Amendment 23**  
**Barbara Kappel**

**Motion for a resolution**  
**Paragraph 14**

*Motion for a resolution*

*Amendment*

14. Takes note that the Authority closely cooperates with the European Insurance and Occupational Pensions

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Authority (EIOPA) and the European Securities and Markets Authority (ESMA) across all support functions in order to reduce administrative costs were possible, to leverage synergies and to share best practices; looks forward to further efforts from the Authority to enhance cooperation with other decentralised agencies;

Authority (EIOPA) and the European Securities and Markets Authority (ESMA) across all support functions in order to reduce administrative costs were possible, to leverage synergies and to share best practices; looks forward to further efforts from the Authority to enhance cooperation with other decentralised agencies ***and further reduce overhead and administrative costs;***

Or. en

**Amendment 24**  
**Tomáš Zdechovský**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Notes that on 23 June 2016, the citizens of the United Kingdom voted to leave the Union; points out that the article 50 of the Treaty on European Union provides that a Member State which decides to withdraw from the Union shall notify the European Council of its intention and the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal; acknowledges from the Court's report that the accounts and related notes of the Authority, which is located in London, were prepared using the information available at the date of signing of these accounts when the results of the referendum were not yet known and the formal notification of the triggering of Article 50 has not been presented;

*Amendment*

15. Notes ***with regret*** that on 23 June 2016, the citizens of the United Kingdom voted to leave the Union; points out that the article 50 of the Treaty on European Union provides that a Member State which decides to withdraw from the Union shall notify the European Council of its intention and the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal; acknowledges from the Court's report that the accounts and related notes of the Authority, which is located in London, were prepared using the information available at the date of signing of these accounts when the results of the referendum were not yet known and the formal notification of the triggering of Article 50 has not been presented;

Or. en

**Amendment 25**  
**Monica Macovei**

**Motion for a resolution**

## Paragraph 15

### *Motion for a resolution*

15. Notes that on 23 June 2016, the citizens of the United Kingdom voted to leave the Union; points out that the article 50 of the Treaty on European Union provides that a Member State which decides to withdraw from the Union shall notify the European Council of its intention and the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal; acknowledges from the Court's report that the accounts and related notes of the Authority, which is located in London, were prepared using the information available at the date of signing of these accounts when the results of the referendum were not yet known and the formal notification of the triggering of Article 50 has not been presented;

### *Amendment*

15. Notes that on 23 June 2016, the citizens of the United Kingdom voted to leave the Union; points out that the article 50 of the Treaty on European Union provides that a Member State which decides to withdraw from the Union shall notify the European Council of its intention and the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal; acknowledges from the Court's report that the accounts and related notes of the Authority, which is located in London, were prepared using the information available at the date of signing of these accounts when the results of the referendum were not yet known and the formal notification of the triggering of Article 50 has not been presented; ***with regard to new headquarters of the Authority, calls on the Commission and the stakeholders to ensure the independence of the Authority, guaranteeing a correct negotiation with the Member States, and keeping out of the negotiation the interests of the national banks;***

Or. en

## Amendment 26

Tomáš Zdechovský

### **Motion for a resolution**

#### **Paragraph 18**

### *Motion for a resolution*

18. Notes that the Authority signed a 12-year-lease with an end date of 8 December 2026 and that, under normal contractual conditions, there is a liability to pay the full rent for the entire period; observes, however, that the Authority negotiated a break-out clause at the

### *Amendment*

18. Notes that the Authority signed a 12-year-lease with an end date of 8 December 2026 and that, under normal contractual conditions, there is a liability to pay the full rent for the entire period; observes, however, that the Authority negotiated a break-out clause at the



midway point of the contract, meaning that if the clause is exercised, the Authority would be relieved of the obligation to pay the rent for the final six years;

midway point of the contract, meaning that if the clause is exercised, the Authority would be relieved of the obligation to pay the rent for the final six years; ***further notes that if the break-out clause is activated, the Authority has an obligation to repay half of an incentive (32 month rent-free period), which it had already received and which was based on the full 12 years of the contract; notes that the Authority is liable to restore the property to its original condition when leaving, in this case the Authority is obliged to pay for taking out the office fit-out that it had installed in the premises; notes that the exact amount is subject to expert estimates and further negotiations; asks the Authority to inform the Parliament on the amount once it is known;***

Or. en

#### **Amendment 27**

**Benedek Jávor**

on behalf of the Verts/ALE Group

#### **Motion for a resolution**

##### **Paragraph 18 a (new)**

*Motion for a resolution*

*Amendment*

***18 a. Following the triggering of the Article 50 by the Government of the United Kingdom calls on the Commission and the Council to make the merits and the decision making process on the EBA's reallocation destination transparent and democratic;***

Or. en

#### **Amendment 28**

**Petri Sarvamaa**

#### **Motion for a resolution**

##### **Paragraph 19**

**19. Recalls that the Authority's mixed financing arrangement, which relies heavily on contributions from national competent authorities, is inadequate, inflexible, burdensome and a potential threat to its independence; therefore calls on the Commission, in the White Paper planned for the second quarter of 2016 and in a legislative proposal to be presented by 2017, to launch a different financing arrangement based on a separate budget line in the budget of the Union and on the complete replacement of the contributions from national authorities by fees paid by market participants;**

*deleted*

Or. en

**Amendment 29  
Barbara Kappel**

**Motion for a resolution  
Paragraph 19**

**19. Recalls that the Authority's mixed financing arrangement, which relies heavily on contributions from national competent authorities, is inadequate, inflexible, burdensome and a potential threat to its independence; therefore calls on the Commission, in the White Paper planned for the second quarter of 2016 and in a legislative proposal to be presented by 2017, to launch a different financing arrangement based on a separate budget line in the budget of the Union and on the complete replacement of the contributions from national authorities by fees paid by market participants;**

19. Calls on the Commission, in the White Paper planned for the second quarter of 2016 and in a legislative proposal to be presented by 2017, to **propose a possible alternative** financing arrangement;

Or. en