



**2017/2173(DEC)**

2.3.2018

# **AMENDMENTS**

## **1 - 18**

**Draft report**

**Bart Staes**

2016 discharge: European Securities and Markets Authority (ESMA)  
(2017/2173(DEC))



## **Amendment 1**

**Bart Staes**

on behalf of the Verts/ALE Group

### **Proposal for a decision 1**

#### **Paragraph 1**

##### *Proposal for a decision*

1. Grants the Executive Director of the European Securities and Markets Authority discharge in respect of the implementation of the Authority's budget for the financial year 2016 / ***Postpones its decision on granting the Executive Director of the European Securities and Markets Authority discharge in respect of the implementation of the Authority's budget for the financial year 2016;***

##### *Amendment*

1. Grants the Executive Director of the European Securities and Markets Authority discharge in respect of the implementation of the Authority's budget for the financial year 2016;

Or. en

## **Amendment 2**

**Ryszard Czarnecki, Notis Marias, Raffaele Fitto, Beata Gosiewska, Richard Sulík**

### **Proposal for a decision 1**

#### **Paragraph 1**

##### *Proposal for a decision*

1. ***Grants the Executive Director of the European Securities and Markets Authority discharge in respect of the implementation of the Authority's budget for the financial year 2016*** / Postpones its decision on granting the Executive Director of the European Securities and Markets Authority discharge in respect of the implementation of the Authority's budget for the financial year 2016;

##### *Amendment*

1. Postpones its decision on granting the Executive Director of the European Securities and Markets Authority discharge in respect of the implementation of the Authority's budget for the financial year 2016;

Or. en

## **Amendment 3**

**Bart Staes**

on behalf of the Verts/ALE Group

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

*Proposal for a decision*

1. Approves the closure of the accounts of the European Securities and Markets Authority for the financial year 2016 / ***Postpones the closure of the accounts of the European Securities and Markets Authority for the financial year 2016;***

*Amendment*

1. Approves the closure of the accounts of the European Securities and Markets Authority for the financial year 2016;

Or. en

**Amendment 4**  
**Bart Staes**  
on behalf of the Verts/ALE Group

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Observes that the ***payment execution*** rate was relatively ***high*** with the exception of Title III (operational expenditure), which was at ***38,09 %***;

*Amendment*

3. Observes that the ***carryover*** rate was relatively ***low*** with the exception of title III (operational expenditure), which was at ***38,09%***;

Or. en

**Amendment 5**  
**Barbara Kappel**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

***3 a. asks the Authority to keep volume to be carried over to the next year as low as possible;***

Or. en

**Amendment 6**  
**Petri Sarvamaa**

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

*Motion for a resolution*

8. Notes **with satisfaction** that the Authority's global gender balance was at 46 % female and 54 % male;

*Amendment*

8. Notes that the Authority's global gender balance was at 46 % female and 54 % male; **regrets, however, the significant imbalance in the composition of the Management Board, where the ratio was 17 % and 83 %;**

Or. en

**Amendment 7**  
**Petri Sarvamaa**

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

*Motion for a resolution*

9. Notes that, on average, each member of the Authority's staff was on sick leave for six days in 2016; observes **with great satisfaction** that the Authority organised team-building sessions and staff away-days focusing on environmental sustainability, on-site supervisory workshop, institutional law, burnout prevention, physical and mental well-being of staff including workshops on emotional intelligence, desk fit training, mindfulness, introduction to yoga and dietary requirements;

*Amendment*

9. Notes that, on average, each member of the Authority's staff was on sick leave for six days in 2016; observes that the Authority organised team-building sessions and staff away-days focusing on environmental sustainability, on-site supervisory workshop, institutional law, burnout prevention, physical and mental well-being of staff including workshops on emotional intelligence, desk fit training, mindfulness, introduction to yoga and dietary requirements;

Or. en

**Amendment 8**  
**Luke Ming Flanagan**

**Motion for a resolution**  
**Paragraph 11**

*Motion for a resolution*

11. Notes that in March 2015 the Authority's Executive Director mandated investigators to conduct an administrative inquiry following allegations of harassment made by an external IT consultant against a staff member and that the inquiry was completed in March 2016; notes **with satisfaction** that the evidence collected did not support the allegations of harassment; notes also that no other cases of harassment were reported, investigated or taken before the Court in 2016;

*Amendment*

11. Notes that in March 2015 the Authority's Executive Director mandated investigators to conduct an administrative inquiry following allegations of harassment made by an external IT consultant against a staff member and that the inquiry was completed in March 2016; notes that the evidence collected did not support the allegations of harassment; notes also that no other cases of harassment were reported, investigated or taken before the Court in 2016;

Or. en

**Amendment 9**  
**Barbara Kappel**

**Motion for a resolution**  
**Paragraph 13 a (new)**

*Motion for a resolution*

*Amendment*

***13 a. Considers that the minutes of meetings of the Board of Supervisors and of the Stakeholder Groups, which are publicly available, should be published more swiftly, and should provide better insight into the discussions held, members' positions and voting behaviour; believes that outreach to the general public could also be enhanced by web streaming events;***

Or. en

**Amendment 10**  
**Luke Ming Flanagan**

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

*Motion for a resolution*

*Amendment*

14. Welcomes the fact that ***the***

14. Welcomes the fact that in the

*Authority began*, in the course of 2016, to publish a register of staff meetings with external stakeholders;

course of 2016, *the Authority began* to publish a register of staff meetings with external stakeholders;

Or. en

#### **Amendment 11**

**Benedek Jávor, Bart Staes**

on behalf of the Verts/ALE Group

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

##### **Paragraph 15 a (new)**

*Motion for a resolution*

*Amendment*

**15 a. Expresses the need to establish an independent disclosure, advice and referral body with sufficient budgetary resources, in order to help whistle-blowers use the right channels to disclose their information on possible irregularities affecting the financial interests of the Union, while protecting their confidentiality and offering needed support and advice;**

Or. en

#### **Amendment 12**

**Barbara Kappel**

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

##### **Paragraph 16**

*Motion for a resolution*

*Amendment*

16. Notes that in 2016 the Authority received six requests for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>12</sup> to which the Authority granted a full access in four cases while in two cases the Authority decided to grant only partial access to the documents due to protection of privacy and

16. Notes that in 2016 the Authority received six requests for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>12</sup> to which the Authority granted a full access in four cases while in two cases the Authority decided to grant only partial access to the documents due to protection of privacy and

the integrity of the individual and to protection of the purpose of inspections, investigations and audits;

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<sup>12</sup> OJ L 145, 31.5.2001, p. 43.

the integrity of the individual and to protection of the purpose of inspections, investigations and audits; ***notes that this practice does not further transparency and that their declarations and CVs should therefore be published without delay;***

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<sup>12</sup> OJ L 145, 31.5.2001, p. 43.

Or. de

### **Amendment 13** **Luke Ming Flanagan**

#### **Motion for a resolution** **Paragraph 16**

##### *Motion for a resolution*

16. Notes that in 2016 the Authority received six requests for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>12</sup> to which the Authority granted a full access in four cases while in two cases the Authority decided to grant only partial access to the documents due to protection of privacy and the integrity of the individual and to protection of the purpose of inspections, investigations and audits;

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<sup>12</sup> OJ L 145, 31.5.2001, p. 43.

##### *Amendment*

16. Notes that in 2016 the Authority received six requests for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>12</sup> to which the Authority granted a full access in four cases while in two cases the Authority decided to grant only partial access to the documents due to protection of privacy and the integrity of the individual and to protection of the purpose of inspections, investigations and audits; ***calls on the Authority to treat all such requests with as much openness as possible, in the spirit of transparency and accountability;***

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<sup>12</sup> OJ L 145, 31.5.2001, p. 43.

Or. en

### **Amendment 14** **Barbara Kappel**



**Motion for a resolution**  
**Paragraph 16 a (new)**

*Motion for a resolution*

*Amendment*

***16 a. asks the Authority to inform the discharge authority on ethics rules alleged and confirmed infringements, how it has dealt with these infringements, and how it will avoid them in the future;***

Or. en

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

**Motion for a resolution**  
**Subheading 6**

*Motion for a resolution*

*Amendment*

***Performance-Based Budgeting (PBB)***

***Main achievements***

Or. en

**Amendment 16**  
**Luke Ming Flanagan**

**Motion for a resolution**  
**Paragraph 21**

*Motion for a resolution*

*Amendment*

21. Takes note that the Court performed a performance audit on the supervision of Credit Rating Agencies in the Authority and published its final report in February 2016; acknowledges that the Authority set up an action plan following the audit in order to implement the Court's recommendations; notes that seven, of the eight recommendations made by the Court, have already been addressed and one is ongoing;

21. Takes note that the Court performed a performance audit on the supervision of Credit Rating Agencies in the Authority and published its final report in February 2016; acknowledges that the Authority set up an action plan following the audit in order to implement the Court's recommendations; notes ***with satisfaction*** that seven of the eight recommendations made by the Court have already been addressed and one is ongoing;

Or. en

**Amendment 17**  
**Luke Ming Flanagan**

**Motion for a resolution**  
**Paragraph 23**

*Motion for a resolution*

23. Notes from the Court's report that the withdrawal of the United Kingdom from the Union *might* affect the Authority's activities since the most significant supervised entities are currently located there; takes note that future decrease in the Authority's revenue resulting from the United Kingdom's decision to withdraw from the Union is *possible*;

*Amendment*

23. Notes from the Court's report that the withdrawal of the United Kingdom from the Union *will certainly* affect the Authority's activities since the most significant supervised entities are currently located there; takes note that *a* future decrease in the Authority's revenue resulting from the United Kingdom's decision to withdraw from the Union is *likely*;

Or. en

**Amendment 18**  
**Petri Sarvamaa**

**Motion for a resolution**  
**Paragraph 23**

*Motion for a resolution*

23. Notes from the Court's report that the withdrawal of the United Kingdom from the Union might affect the Authority's activities since *the most* significant supervised entities are currently located there; takes note that future decrease in the Authority's revenue resulting from the United Kingdom's decision to withdraw from the Union is possible;

*Amendment*

23. Notes from the Court's report that the withdrawal of the United Kingdom from the Union might affect the Authority's activities since *many* significant supervised entities are currently located there; takes note that future decrease in the Authority's revenue resulting from the United Kingdom's decision to withdraw from the Union is possible;

Or. en