

**Question for written answer E-002181/2011
to the Commission**
Rule 117
Luigi de Magistris (ALDE)

Subject: BER case and procedure for the appointment of a special administrator by the Bank of Italy

On 6 December 2010, the Banco Emiliano Romagnolo (BER), which since 2009 has been the subject of three investigations by the Bologna Public Prosecutor's Office, froze its customers' deposits, refusing to allow them to withdraw money, stocks or other financial instruments from their accounts.

BER savers, who have been badly affected by this matter, believe that one of the main causes for the freeze on deposits and stocks has been the inertia and inadequacy of Dr Fernando de Flaviis, who was appointed special administrator of the bank on 21 July 2009 by the Bank of Italy.

It appears that Dr De Flaviis is facing very serious legal problems (subject of parliamentary enquiry orders 4-01956 and 4-03889), including charges of usury for applying interest rates higher than those set out in Law No. 108 of 1996, as can be seen from the records of the Public Prosecutor's Office at the court of Ascoli Piceno No 1603/05/RG General Criminal Records Registry (*Notizie di reato modello 21*), covering the period between 1998 and 2005 when he held the office of director general of the Teramo Province Savings Bank (Tercas).

In the light of the above, does the Commission not think that the procedure's for the appointment of the special administrator by the Bank of Italy should be scrutinised, given that the requirements for the probity and professional competence of managers set out in the consolidated law on banking have not been met in this case.

In view of the growing integration of the banking and financial markets, does the Commission not think that in future the new European Banking Authority should be responsible for regulating crisis situations facing credit institutions and laying down uniform criteria for the prudential assessment of nominees for commissioner, particularly as regards checks on their integrity and professional competence, based also on past professional conduct, as is the case under the terms of Directive 2007/44 (recital 8) for proposed acquirers of banks and insurance companies?