



2017/0326(COD)

22.1.2018

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1093/2010 as regards the location of the seat of the European Banking Authority
(COM(2017)0734 – C8-0420/2017 – 2017/0326(COD))

Committee on Economic and Monetary Affairs

Rapporteur: Burkhard Balz, 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.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1093/2010 as regards the location of the seat of the European Banking Authority
(COM(2017)0734 – C8-0420/2017 – 2017/0326(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0734,
 - 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 (C8-0420/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies from 19 July 2012,
 - having regard to the opinion of the European Economic and Social Committee, having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0000/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Recalls criteria defined by the Commission and endorsed by the Heads of State or Government of the EU27 at the European Council (Article 50 TEU format) on 22 June 2017 for relocation of Union agencies from London in the context of the United Kingdom's withdrawal from the Union, namely: i. the assurance that the agency can be set up on site and take up its functions at the date of the United Kingdom's withdrawal from the Union; ii. the accessibility of the location; iii. the existence of adequate education facilities for the children of agency staff; iv. appropriate access to the labour market, social security and medical care for both children and spouses; v. business continuity and vi. geographical spread;
 3. Deplores that the European Parliament was not involved in the definition and the weighting of the criteria to select the location of the seat of the European Banking Authority (EBA) despite European Parliament's prerogatives, whereby the European Parliament and the Council are equal co-legislators on Regulation (EU) No 1093/2010 establishing EBA and defining its location;
 4. Recalls that the 2010 decision on the location of EBA, along with the decision on the location of EIOPA and ESMA, was concluded in accordance with the ordinary

legislative procedure following a full-fledged trilogue procedure; observes that the seat of the agency equally concerned by a relocation from London was decided by a common agreement between the representatives of the governments of the Member States, meeting at Head of State and Government level; points to the fact that the Council (Article 50 TEU format) selected the new seat of the EBA on the basis of the Joint Statement on decentralised agencies of 19 July 2012 which is of a lower legal order compared to the EBA Regulation;

5. Deplores the lack of transparency and accountability, in the voting procedure the Council has undertaken on the 20 November 2017, leaving final decisions to a draw; points to the fact that the agencies are currently partly funded by the Union budget and that also relocation costs may partly occur at the expense of the Union budget which are subject to ongoing negotiations between the European Union and the United Kingdom; highlights therefore the need for democratic accountability as well as a transparent and understandable decision-making in the interest of the European public; Requests further details on the weighting of the criteria applied by the Council in the selection procedure for the location of EBA;
6. Believes that the European Parliament should be systematically and on equal terms with the Commission and Council involved in defining and weighting the criteria for the location of all Union bodies and agencies; requests the Commission and Council to launch a revision of the Joint Statement of 19 July 2012 on decentralised agencies with the aim of ensuring a strong involvement of the European Parliament whilst respecting in particular its co-decision powers;
7. Highlights the different tasks and areas of competence of the European Supervisory Authorities EBA, EIOPA and ESMA; recalls the deliberate decision of the co-legislators to set up three authorities with separate tasks and fields of competence, one for banking, one for securities and one for insurance and pensions; demands that this separation remains to be reflected in the regulatory and supervisory competences and the governance, the main organisation and main financing of their activities independent of their location, while allowing for sharing, where applicable, administrative support services and facility management services which are not related to core activities, requests the Commission and Council to safeguard the current set-up of the three authorities during and after the relocation of EBA; demands a regular update from the Commission in this regard, in particular during the ongoing legislative procedure on the review of the European Supervisory authorities COM(2017)536; recalls that Article 7 of Regulation (EU) No 1093/2010 is part of the legislative procedure under review of the European Supervisory Authorities COM(2017)536;
8. Requests the Commission and the Council to agree on launching a revision of the 2012 Joint Statement on the decision-making on decentralised agencies and on providing regular updates to the European Parliament as requested in paragraph 7;
9. Underlines that the relocation and the new premises need to be ready and fit by the time the withdrawal of the United Kingdom from the European Union comes into effect;
10. Calls on the Commission to refer the matter to the European Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

11. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) To ensure the proper functioning of the European Banking Authority in its new location, a headquarters agreement should be concluded before the European Banking Authority takes up its new seat.

Amendment

(3) To ensure the proper functioning of the European Banking Authority in its new location, a headquarters agreement should be concluded before the European Banking Authority takes up its new seat ***and the new premises should be ready and fit for the purpose of permanent relocation by the time the withdrawal of the United Kingdom from the Union comes into effect.***

Or. en

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) To give the European Banking Authority sufficient time to relocate, this Regulation should enter into force as a matter of urgency.

Amendment

(4) To give the European Banking Authority sufficient time to relocate, this Regulation should enter into force as a matter of urgency ***while taking into account the co-decision powers of the European Parliament and the Council.***

Or. en

Amendment 3

Proposal for a regulation

Recital 4 a (new)

(4a) In order to acknowledge that it is possible for the location of a decentralised agency to be set out in a Union legislative act which is subject to the ordinary legislative procedure, the European Parliament, the Council and the Commission are committed to concluding a revised Joint Statement on decentralised agencies by 31 December 2018. The location of a Union agency should be selected in a transparent procedure which reinforces democratic accountability and by jointly defining and weighting the selection criteria.

Or. en

Amendment 4

Proposal for a regulation

Article 1 – paragraph 1

Regulation (EU) No 1093/2010

Article 7 – paragraph 1 a (new)

The EBA, the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) shall separately execute their powers and tasks, organise their governance structure, operate their main organisation, and ensure the main financing of their activities, which all are different in their field of competence, independent of their location, while, where applicable, allowing for the sharing of administrative support services and facility management services among Union agencies which are not related to core activities. By ... [six months after the entry into force of this Regulation] and

every 12 months thereafter, the Commission shall report to the European Parliament and the Council on the compliance of those authorities with that requirement.

Or. en