



TEXTS ADOPTED

P8_TA(2018)0426

Location of the seat of the European Banking Authority *I**

European Parliament legislative resolution of 25 October 2018 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 295 of the Treaty on the Functioning of the European Union as well as the Interinstitutional Agreement of 13 April 2016 between the European Parliament, the Council and the Commission on Better Law-Making, which are committed to sincere and transparent cooperation throughout the entire legislative cycle and the equality of both co-legislators;
- 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 European Union and the European Commission on decentralised agencies from 19 July 2012,
- having regard to the Procedure leading up to a decision on the relocation of the European Medicines Agency and the European Supervisory Authority (European Banking Authority) (EBA) in the context of the United Kingdom's withdrawal from the Union, as endorsed in the margins of the European Council (Article 50 TEU format) on 22 June 2017;
- after consulting the European Central Bank;

- having regard to the opinion of the European Economic and Social Committee of 17 January 2018¹,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 17 October 2018 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Budgets and the Committee on Constitutional Affairs (A8-0153/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Takes note of the statement by the Council annexed to this resolution;
 3. Calls for an immediate review of the Common Approach annexed to the Joint Statement of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies of 19 July 2012 in order to take due account of the role of Parliament in the decision-making process on the location of agencies in view of its prerogatives as co-legislator under the ordinary legislative procedure and calls therefore for a close involvement of Parliament in that decision-making process;
 4. 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;
 5. Deplores that Parliament was not involved in the definition and the weighting of the criteria to select the location of the seat of the EBA despite Parliament's prerogatives, whereby Parliament and the Council are equal co-legislators on Regulation (EU) No 1093/2010² establishing EBA and defining its location;
 6. 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)

¹ OJ C 197, 8.6.2018, p. 72

² Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

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 Regulation (EU) No 1093/2010;

7. Deplores the lack of transparency and accountability, in the voting procedure the Council has undertaken on the 20 November 2017, leaving final decisions to the drawing of lots; 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;
8. Believes that 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 Parliament whilst respecting in particular its co-decision powers;
9. 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)0536); 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)0536);
10. 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;
11. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
12. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2017)0326

Position of the European Parliament adopted at first reading on 25 October 2018 with a view to the adoption of Regulation (EU) 2018/... 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

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2018/1717.)

Council statement EBA/EMA

Recalling the commitment of the European Parliament, the Council and the Commission to sincere and transparent cooperation, and in the light of the process followed for the relocation of the EMA and EBA, which was specific to the situation and did not constitute a precedent for location of agencies in the future,

While recalling the Treaties, the Council acknowledges the value of enhanced exchange of information from the initial stages of future processes for the location of agencies.

Such early exchange of information would make it easier for the three Institutions to exercise their rights according to the Treaties through the related procedures.

The Council takes note of the request by the EP to revise, as soon as possible, the 2012 Joint Statement and Common Approach on decentralised Agencies. As a first step, it invites the Commission to provide, by April 2019, an in-depth analysis of the implementation of the Joint Statement and Common Approach as regards the location of decentralised Agencies. This analysis would serve as a basis to assess the way forward in engaging with the process of such a revision.