



EBA BS 2014 126v1

EBA Staff

17 February 2014 / 9:30-10:10 (GMT)

Location: Teleconference

EBA Board of Supervisors Teleconference – Final Minutes

1. The EBA Chairperson chaired the Teleconference.

Agenda item: “New draft EBA Rules of Procedure for the settlement of disagreements between competent authorities”

2. The EBA Chairperson opened the teleconference and outlined the reasons for organising the teleconference. It followed the requests of three BoS Members in response to the written procedure on the new draft EBA Rules of Procedure for the settlement of disagreements between competent authorities (draft RoP) launched on 11 February 2014. For this reason the written procedure had been suspended.
 3. In his introductory remarks, the EBA Chairperson elaborated on the differences between the conciliation phase and the decision phase within the procedure on the settlement of disagreements between the competent authorities according to Article 19(2) and 19(3) of the EBA Regulation. He highlighted the issues for which it would be practical if the conciliation phase were performed by the EBA, specifically by the Chairperson and why the active involvement of the Panel should be envisaged only for the decision phase.
 4. Following this explanation one BoS Member suggested to clarify the wording of Articles 4.1 and 4.2 of the draft RoP with regard to the specific role of the EBA Chairperson during the conciliation phase. Several BoS Members supported this approach as pragmatic.
 5. One BoS Member proposed to retain some role for the Panel under Article 4.1 of the draft RoP, specifically when it needs to be established whether conditions of the L1 legislation are met in order to open the procedure on the settlement of disagreements between competent authorities (admissibility decision).
 6. One BoS Member enquired whether the new draft RoP includes also procedure for non-binding mediation under Article 31 of the EBA Regulation. The EBA Chairperson provided an
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explanation that this proposal did not include provisions on non-binding procedure and that those would be adopted in a separate BoS decision.

7. Another BoS Member asked whether the Panel should nonetheless be more extensively involved into the conciliation phase and asked the Commission for its opinion. The Commission representative expressed his view that the Commission did not see in the EBA Regulation a specific role for the Panel to play during the conciliation phase.
8. One BoS Member raised the question on the role of the EBA in cases when a procedure on the settlement of disagreements was to be initiated on EBA's own initiative and whether it would not be appropriate to introduce some mechanism into the new draft RoP which would ensure checks and balances in such cases.
9. One non-voting member enquired why the new draft RoP stipulates that the Panel Members could be selected only from among the voting members. The Chairperson pointed to the wording of Recital (15) of Regulation (EU) No 1022/2013.

Conclusion

10. The EBA Chairperson summarised the issues raised and informed that the provisions of Article 4 of the draft RoP would be slightly amended in order to:
 - a. stipulate a clear role for the EBA Chairperson during the conciliation phase;
 - b. introduce checks and balances for the cases when the procedure on the settlement of disagreements should be initiated by the EBA;
 - c. provide for a possibility to inform the Panel during the conciliation phase, with the consent of the Parties involved.

The amended draft of the new RoP will be circulated to the BoS Members for a vote in form of a written procedure. The deadline for the BoS Members to provide their vote will be shortened due to the fact that the proposal will not be extensively amended.

11. The EBA Chairperson declared the teleconference closed at 10:10 GMT.

[signed]

Andrea Enria

Chairperson

Participants at the Board of Supervisors' teleconference

17 February 2014

Chairperson Andrea Enria

<u>Country</u>	<u>Voting Member or Alternate</u>	<u>Representative NCB</u>
Austria	Michael Hysek	
Belgium	Jo Swyngedouw	
Bulgaria	Nelly Kordovska	
Croatia		
Cyprus		
Czech Republic	David Rozumek	
Denmark	Thomas Jorgensen	
Estonia	Andres Kurgpold	
Finland	Anneli Tuominen	
France		
Germany	Peter Lutz	Thomas Volk
Greece	Kyriaki Flesiopoulou	
Hungary		
Ireland	Mary Burke	
Italy	Luigi Federico Signorini	
Latvia		Liga Kleinberga
Lithuania		
Luxembourg	Claude Simon	Norbert Goffinet
Malta	Andre Camilleri	Alexander Demarco
Netherlands		Michel Heijdra
Poland		Izabella Szaniawska
Portugal	Pedro Duarte Neves	
Romania		
Slovakia	Tatiana Dubinova	
Slovenia		
Spain	Fernando Vargas Bahamonde	
Sweden	Uldis Cerps	
UK		Lisa Robinson

<u>Country</u>	<u>Observer</u>
Iceland	
Liechtenstein	Rolf Brüggemann
Norway	Knut Lykke

Institution

Representative

European Central Bank
European Commission
EIOPA
ESMA
ESRB

Ignazio Angeloni
Dominique Thienpont
Catherine Coucke

EBA Staff

Executive Director
Director of Oversight

Adam Farkas
Piers Haben

Slavka Eley, Jonathan Overett Somnier, Stefan Nebesky