

19 March 2007

CONSULTATION PAPER ON NEW CONSULTATION PRACTICES FOR AMENDMENTS TO CEBS GUIDELINES

The Committee of European Banking Supervisors today publishes some proposed adjustments to its consultation practices. The proposals aim to provide more flexible procedures when the need for limited amendments to CEBS Guidelines arises.

Background

In March 2005 CEBS approved its document "Public Statement of Consultation Procedures". This document established as a principle that CEBS will consult on its guidelines relating to the convergence of Member States' supervisory practices. The document said that a review of CEBS practices may be conducted in the future.

Overview of the proposal

The proposed changes to the "Public statement of consultation practices" try to introduce some flexibility into the consultation process for amending Guidelines. According to the proposal, CEBS will decide whether an amendment to a CEBS Guidelines should be classed as a drafting, limited or material amendment, with the latter being the default category.

The type of amendment will determine the consultation procedure to be followed. As stated above, the starting position is that all amendments will be considered material and will follow the current procedure for work on L3 issues. However, some exceptions to this principle are included in the proposed procedures in order to allow simpler procedures for limited amendments (e.g. amendments arising from technical changes to the underlying regulation) and drafting amendments (e.g. correction of typos, omissions and the like).

If it is decided to follow these alternative approaches, CEBS may either use a reduced public consultation period (for limited amendments) or a two-week procedure within which CEBS members can approve or make objections to the proposals (for drafting amendments). To guarantee the transparency of the process, CEBS will obtain the views of its Consultative Panel before proceeding with any amendment, although the final decision will be taken by CEBS.

Lastly, it shall be mentioned that the final outcome of the procedure is subject to documentation requirements which will help external parties easily to identify the changes to the Guidelines.

Reasoning of the proposed changes to the procedures

Since the start of its activities, CEBS has been focusing its work, among other issues, on the elaboration of Guidelines. However, this emphasis will change in future towards the implementation of the Guidelines in the day-to-day supervisory practices of CEBS members. Therefore, future development of the Guidelines will probably focus mainly on the maintenance of the current Guidelines rather than the production of new ones.

The current consultation procedures may not be adequate for this new situation as they were developed on the basis that they will be used for the elaboration of new Guidelines and not for their technical maintenance. Consequently, the current procedures may be too complex to deal with small changes to the CEBS Guidelines.

The proposed changes are included in the annex, in a tracked version of the document "Public Statement of Consultation Practices".

Invitation to comment

CEBS welcomes comments on the enclosed document. Respondents are invited to include the reasons for their comments and specific suggestions for any proposed changes to the wording.

Comments should be made in English and should be submitted by 19 June 2007 to the following e-mail address: CP01rev@c-eps.org. Unless respondents request otherwise, comments received will be published on the CEBS website.