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| European Parliament  2014-2019 |  |

<Commission>{ECON}Committee on Economic and Monetary Affairs</Commission>

<RefProc>2017/0230</RefProc><RefTypeProc>(COD)</RefTypeProc>

<Date>{10/07/2018}10.7.2018</Date>

<RefProcLect>\*\*\*I</RefProcLect>

<TitreType>DRAFT REPORT</TitreType>

<Titre>on the proposal for a regulation of the European Parliament and of the Council Amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority); Regulation (EU) No 1094/2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority); Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority); Regulation (EU) No 345/2013 on European venture capital funds; Regulation (EU) No 346/2013 on European social entrepreneurship funds; Regulation (EU) No 600/2014 on markets in financial instruments; Regulation (EU) 2015/760 on European long-term investment funds; Regulation (EU) 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds; and Regulation (EU) 2017/1129 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market</Titre>

<DocRef>(COM(2017)0536 – C8‑0319/2017 – 2017/0230(COD))</DocRef>

<Commission>{ECON}Committee on Economic and Monetary Affairs</Commission>

Rapporteur: <Depute>Burkhard Balz, Pervenche Berès</Depute>

|  |
| --- |
| 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.) |

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| 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 Regulations establishing European Supervisory Authorities and Regulations on financial markets: (EU) No 1093/2010, (EU) No 1094/2010, (EU) No 1095/2010, (EU) No 345/2013, (EU) No 346/2013, (EU) No 600/2014, (EU) 2015/760, (EU) 2016/1011 and (EU) 2017/1129

(COM(2017)0536 – C8‑0319/2017 – 2017/0230(COD))

(Ordinary legislative procedure: first reading)

*The European Parliament*,

– having regard to the Commission proposal to Parliament and the Council (COM(2017)0536),

– 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 (C8‑0319/2017),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to Rules 59 of its Rules of Procedure,

– having regard to the report of the Committee on Economic and Monetary Affairs (A8‑0000/2018),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

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

<RepeatBlock-Amend><Amend>Amendment <NumAm>1</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 1 – point a b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 1 – paragraph 5 – Subparagraph 2</Article2>

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| Present text | Amendment |
|  | ***(a b) in paragraph 5, the second subparagraph is amended as follows:*** |
| For those purposes, the Authority shall contribute to ensuring the consistent, efficient and effective application of the acts referred to in paragraph 2, foster supervisory convergence, provide opinions to the European Parliament, the Council, and the Commission ***and undertake economic analyses of the markets to promote the achievement of the Authority’s objective***. | "For those purposes, the Authority shall contribute to ensuring the consistent, efficient and effective application of the acts referred to in paragraph 2, foster supervisory convergence, provide opinions ***in accordance with Article 16*** to the European Parliament, the Council, and the Commission. |
|  | ***"*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>2</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 1 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 1 – Paragraph 5 – Subparagraph 4</Article2>

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| Present text | Amendment |
|  | ***(1 a) in paragraph 5, the fourth subparagraph is amended as follows:*** |
| When carrying out its tasks, the Authority shall act independently, objectively and in a non-discriminatory manner, in the interests of the Union as a whole. | "When carrying out its tasks, the Authority shall act independently, objectively and in a non-discriminatory ***and transparent*** manner, in the interests of the Union as a whole. " |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>3</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 1 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 2 – Paragraph 4</Article2>

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| Present text | Amendment |
|  | ***(1 b) In article 2, paragraph 4 is amended as follows:*** |
| 4. In accordance with the principle of sincere cooperation pursuant to Article 4(3) of the Treaty on European Union, the parties to the ESFS shall cooperate with trust and full mutual respect, in particular in ensuring the flow of appropriate and reliable information ***between them***. | "4. In accordance with the principle of sincere cooperation pursuant to Article 4(3) of the Treaty on European Union, the parties to the ESFS shall cooperate with trust and full mutual respect, in particular in ensuring the flow of appropriate and reliable information ***among them and vis-à-vis the European Parliament, the Council and the Commission***. ***"*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>4</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 2</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 2 – Paragraph 5</Article2>

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| Text proposed by the Commission | Amendment |
| References in this Regulation to supervision include ***the*** activities of all competent authorities to be carried out pursuant to the legislative acts referred to in Article 1(2).; | References in this Regulation to supervision include ***all relevant*** activities***, without prejudice to national competences,*** of all competent authorities to be carried out pursuant to the legislative acts referred to in Article 1(2).; |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>5</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 2 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 3</Article2>

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| Present text | Amendment |
|  | ***(2 a) Article 3 is amended as follows:*** |
| Article 3 | "Article 3 |
| Accountability of the ***Authorities*** | Accountability of the ***European System of Financial Supervision*** |
| The Authorities referred to in points (a) to ***(d)*** of Article 2(2) shall be accountable to the European Parliament and to the Council. The European Central Bank shall be accountable to the European Parliament and to the Council with regard to the exercise of the supervisory tasks conferred on it by Regulation (EU) No 1024/2013 in accordance with that Regulation. | The Authorities referred to in points (a) to ***(e)*** of Article 2(2) shall be accountable to the European Parliament and to the Council. The European Central Bank shall be accountable to the European Parliament and to the Council with regard to the exercise of the supervisory tasks conferred on it by Regulation (EU) No 1024/2013 in accordance with that Regulation. |
|  | ***1a. During any investigations by the European Parliament, the Authority shall fully cooperate with the European Parliament, subject to the TFEU and regulations referred to in Article 226 thereof.*** |
|  | ***1b. The Board of Supervisors shall adopt the annual report on the activities of the Authority, including on the performance of the Chairperson’s duties, and shall transmit that report to the European Parliament, the Council, the Commission, the Court of Auditors and the European Economic and Social Committee by 15 June each year. The report shall be made public.*** |
|  | ***The Authority shall include information on the administrative arrangements agreed upon with supervisory authorities, international organisations or administrations in third countries, the assistance provided by the Authority to the Commission in preparing equivalence decisions and the monitoring activity pursued by the Authority in accordance with Article 33.*** |
|  | ***1c. At the request of the European Parliament, the Chair shall participate in a hearing by the European Parliament on the performance of the Authority. A hearing shall take place at least annually. The Chairperson shall make a statement before the European Parliament and answer any questions put by its members, whenever so requested.*** |
|  | ***1d. The Chairperson shall report in writing on the main activities of the Authority to the European Parliament when requested and at least 15 days before making the statement referred to in paragraph 1c.*** |
|  | ***1e. In addition to the information referred to in Articles 11 to 18 and Articles 20 and 33, the report shall also include any relevant information requested by the European Parliament on an ad-hoc basis.*** |
|  | ***1f. The Authority shall reply orally or in writing to questions addressed to it by the European Parliament or by the Council within five weeks of receipt of a question.*** |
|  | ***1g. Upon request, the Chairperson shall hold confidential oral discussions behind closed doors with the Chair and Vice-Chairs of the competent committee of the European Parliament where such discussions are required for the exercise of the European Parliament's power sunder the TFEU. All participants shall respect requirements of professional secrecy. "*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>6</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 2 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 3 – Paragraph 1h (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***(2 b) In Article 3, the following Paragraph 1h is inserted:*** |
|  | ***1h. The Authority shall provide to the European Parliament a meaningful summary of proceedings of any meetings of the Basel Committee on Banking Supervision, the Financial Stability Board and the International Accounting Standards Board and any other relevant international body or institution concerning or affecting banking supervision.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>7</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 3 – point c</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 4 – Paragraph 2 – Point ii</Article2>

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| Text proposed by the Commission | Amendment |
| (ii) with regard to Directives 2002/65/EC and (EU) 2015/849, the authorities and bodies competent for ensuring compliance with the requirements of those Directives by ***credit and*** financial institutions;***;*** | (ii) with regard to Directives 2002/65/EC and (EU) 2015/849, the authorities and bodies competent for ensuring compliance with the requirements of those Directives by financial institutions; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>8</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 4 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 7</Article2>

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| Present text | Amendment |
|  | ***(4 a) Article 7 is amended as follows:*** |
| The Authority shall have its seat in ***London***. | "The Authority shall have its seat in ***Paris***." |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1530194660999&from=EN)

</Amend>

<Amend>Amendment <NumAm>9</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 4 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 7</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***(4 b) The following subparagraph is inserted in Article 7:*** |
|  | ***“The Authority, 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 ... [date of application 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.”*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>10</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point a – point -i (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 8 – Paragraph 1 – Point a</Article2>

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| Present text | Amendment |
|  | ***(-i) Point a is amended as follows:*** |
| ***(a)*** to contribute to the establishment of high-quality common regulatory and supervisory standards and practices, in particular by ***providing opinions to the Union institutions and by*** developing ***guidelines, recommendations,*** draft regulatory and implementing technical standards, and other measures ***which shall be based on the legislative acts referred to in*** Article ***1(2)***; | "***(a) based on the legislative acts referred to in Article 1(2),*** to contribute to the establishment of high-quality common regulatory and supervisory standards and practices, in particular by developing draft regulatory and implementing technical standards, ***guidelines, recommendations ,*** and other measures***, including opinions in accordance with*** Article ***16a***;***"*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>11</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point a – point i</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 8 – Paragraph 1 – Point aa</Article2>

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| Text proposed by the Commission | Amendment |
| (aa) to develop and maintain an up to date Union supervisory handbook on the supervision of financial institutions in the Union***;***; | (aa) to develop and maintain an up to date***, taking into account, inter alia, changing business practices and business models of financial institutions,*** Union supervisory handbook on the supervision of financial institutions in the Union ***which sets out supervisory best practices and high quality methodologies and processes***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>12</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point a – point ii</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 8 – Paragraph 1 – Point ab</Article2>

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| Text proposed by the Commission | Amendment |
| (ab) to develop and maintain up to date a Union resolution handbook on the resolution of financial institutions in the Union which sets out ***supervisory*** best practices and high quality methodologies and processes***;***; | (ab) to develop and maintain up to date***, taking into account, inter alia, changing business practices and business models of financial institutions,*** a Union resolution handbook on the resolution of financial institutions in the Union which sets out best practices and high quality methodologies and processes ***for resolution***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>13</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point a – point iii</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 8 – Paragraph 1 – Point e</Article2>

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| Text proposed by the Commission | Amendment |
| (e) to organise and conduct reviews of competent authorities and, in that context, to issue ***guidelines and*** recommendations and to identify best practices***,*** with a view to strengthening consistency in supervisory outcomes; | (e) to organise and conduct reviews of competent authorities and, in that context, to issue recommendations ***addressed to those competent authorities*** and to identify best practices ***and in that context to issue guidelines*** with a view to strengthening consistency in supervisory outcomes; |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>14</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point a – point iii a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 8 – Paragraph 1 – Point g</Article2>

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| Present text | Amendment |
|  | ***(iii a) Point g is amended as follows:*** |
| (g) to undertake ***economic*** analyses ***of markets*** to inform the discharge of the Authority’s functions; | "(g) to undertake ***market*** analyses to inform the discharge of the Authority’s functions;” |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>15</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point a – point iv a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 8 – Paragraph 1 – Point ka (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***(iv a) The following point ka is inserted:*** |
|  | ***“(ka) to publish on its website, and to update regularly, all regulatory technical standards, implementing technical standards, guidelines and recommendations per legislative act referred to in Article 1(2), including overviews which contain the state of play of the ongoing work and planned timing of the adoption of the draft regulatory technical standards, draft implementing technical standards, guidelines and recommendations.”*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>16</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point a a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 8 – Paragraph 1a – Point b</Article2>

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| Present text | Amendment |
|  | ***(a a) In Paragraph 1a, Point b is amended as follows:*** |
| (b) with due regard to the objective to ensure the safety and soundness of ***credit*** institutions, take fully into account the different types, business models and sizes of ***credit*** institutions. | "(b) with due regard to the objective to ensure the safety and soundness of ***financial*** institutions, take fully into account the different types, business models and sizes of ***financial*** institutions. " |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>17</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point c – point i a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 8 – Paragraph 2 – Point da (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***(i a) The following point da is inserted:*** |
|  | ***“(da) issue warnings in accordance with Article 9(3);”*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>18</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point c – point i b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 8 – Paragraph 2 – Point ga (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***(i b) The following point ga is inserted:*** |
|  | ***“(ga) issue opinions to the European Parliament, the Council, or the Commission as provided for in Article 16a.”*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>19</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 5 – point c a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 8 – Paragraph 2a</Article2>

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| Present text | Amendment |
|  | ***(c a) Paragraph 2a is amended as follows:*** |
| 2a. When carrying out the tasks referred to in ***paragraph 1 and exercising the powers referred to in paragraph 2***, the Authority shall ***have due regard to*** the principles of better regulation, including ***the results of*** cost-benefit analyses ***produced in accordance with this Regulation***. | "2a. When carrying out the tasks referred to in ***this Article***, the Authority shall ***apply*** the principles of better regulation, including ***impact assessments,*** cost-benefit analyses ***and open public consultations.*** |
|  | ***The open public consultations referred to in Articles 10, 15, 16 and 16a shall be conducted as widely as possible to ensure an inclusive approach of all interested parties and shall allow reasonable time for stakeholders to respond***. ***The Authority shall provide and publish feedback how information and views gathered from the consultation were used in a draft regulatory technical standard, a draft implementing technical standard, guidelines, recommendations and opinions.*** |
|  | ***The Authority shall summarise the input received from stakeholders in a manner that allows for comparability of the results of public consultations on similar issues."*** |
|  |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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</Amend>

<Amend>Amendment <NumAm>20</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 9 – Paragraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| 2. The Authority shall monitor new and existing financial activities and may adopt guidelines and recommendations with a view to promoting the safety and soundness of markets, and convergence of regulatory and supervisory practices.***;*** | 2. The Authority shall monitor new and existing financial activities and may adopt guidelines and recommendations ***in accordance with Article 16*** with a view to promoting the safety and soundness of markets, and convergence ***and effectiveness*** of regulatory and supervisory practices. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>21</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 10 – Paragraph 1</Article2>

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| Present text | Amendment |
|  | ***(6 a) In Article 10, Paragraph 1 is amended as follows:*** |
| Where the European Parliament and the Council delegate power to the Commission to adopt regulatory technical standards by means of delegated acts pursuant to Article 290 TFEU in order to ensure consistent harmonisation in the areas specifically set out in the legislative acts referred to in Article 1(2), the Authority may develop draft regulatory technical standards. The Authority shall submit its draft standards to the Commission for endorsement. | "Where the European Parliament and the Council delegate power to the Commission to adopt regulatory technical standards by means of delegated acts pursuant to Article 290 TFEU in order to ensure consistent harmonisation in the areas specifically set out in the legislative acts referred to in Article 1(2), the Authority may develop draft regulatory technical standards. The Authority shall submit its draft ***regulatory*** standards to the Commission for endorsement***. At the same time the Authority shall forward them for information to the European Parliament and the Council***. |
| Regulatory technical standards shall be technical, shall not imply strategic decisions or policy choices and their content shall be delimited by the legislative acts on which they are based. | Regulatory technical standards shall be technical, shall not imply strategic decisions or policy choices and their content shall be delimited by the legislative acts on which they are based. |
| Before submitting them to the Commission, the Authority shall conduct open public consultations on draft regulatory technical standards and analyse the potential related costs and benefits***, unless such consultations and analyses are disproportionate in relation to the scope and impact of the draft regulatory technical standards concerned or in relation to the particular urgency of the matter***. The Authority shall also request the opinion of the Banking Stakeholder Group referred to in Article 37***.*** | Before submitting them to the Commission, the Authority shall conduct open public consultations on draft regulatory technical standards and analyse the potential related costs and benefits ***in accordance with Article 8 paragraph 2a,***. The Authority shall also request the ***advice*** opinion of the Banking Stakeholder Group referred to in Article 37. |
| ***Where the Authority submits a draft regulatory technical standard, the Commission shall immediately forward it to the European Parliament and the Council***. | Within 3 months of receipt of a draft regulatory technical standard, the Commission shall decide whether to endorse it. The Commission may endorse the draft regulatory technical standards in part only, or with amendments, where the Union’s interests so require***.*** |
| Within 3 months of receipt of a draft regulatory technical standard, the Commission shall decide whether to endorse it. The Commission may endorse the draft regulatory technical standards in part only, or with amendments, where the Union’s interests so require. | ***In the event that the Commission cannot decide within 3 months whether to adopt the regulatory technical standard, it shall inform immediately the European Parliament and the Council and in any event before the expiry of the 3 month's period, indicating the reasons for not being in a position to decide and the planned timeline for endorsement taking due account of the implementation and application date of the respective legislative act referred to in Article 1(2) Any delayed adoption of the draft regulatory standard shall not prevent the European Parliament and the Council from exercising their scrutiny powers in accordance with Article 13***. |
| Where the Commission intends not to endorse a draft regulatory technical standard or to endorse it in part or with amendments, it shall send the draft regulatory technical standard back to the Authority, explaining why it does not endorse it, or, as the case may be, explaining the reasons for its amendments. Within a period of 6 weeks, the Authority may amend the draft regulatory technical standard on the basis of the Commission’s proposed amendments and resubmit it in the form of a formal opinion to the Commission. The Authority shall send a copy of its formal opinion to the European Parliament and to the Council. | Where the Commission intends not to endorse a draft regulatory technical standard or to endorse it in part or with amendments, it shall send the draft regulatory technical standard back to the Authority, explaining why it does not endorse it, or, as the case may be, explaining the reasons for its amendments***, and shall send a copy of its letter to the European Parliament and the Council***. Within a period of 6 weeks, the Authority may amend the draft regulatory technical standard on the basis of the Commission’s proposed amendments and resubmit it in the form of a formal opinion to the Commission. The Authority shall send a copy of its formal opinion to the European Parliament and to the Council. |
| If, on the expiry of that six-week period, the Authority has not submitted an amended draft regulatory technical standard, or has submitted a draft regulatory technical standard that is not amended in a way consistent with the Commission’s proposed amendments, the Commission may adopt the regulatory technical standard with the amendments it considers relevant, or reject it. | If, on the expiry of that six-week period, the Authority has not submitted an amended draft regulatory technical standard, or has submitted a draft regulatory technical standard that is not amended in a way consistent with the Commission’s proposed amendments, the Commission may adopt the regulatory technical standard with the amendments it considers relevant, or reject it. |
| The Commission may not change the content of a draft regulatory technical standard prepared by the Authority without prior coordination with the Authority, as set out in this Article. | The Commission may not change the content of a draft regulatory technical standard prepared by the Authority without prior coordination with the Authority, as set out in this Article. ***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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<Amend>Amendment <NumAm>22</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 10 – Paragraph 2</Article2>

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| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(6 b) In Article 10, Paragraph 2 is amended as follows:*** |
| Where the Authority has not submitted a draft regulatory technical standard within the time limit set out in the legislative acts referred to in Article 1(2), the Commission may request such a draft within a new time limit. | "Where the Authority has not submitted a draft regulatory technical standard within the time limit set out in the legislative acts referred to in Article 1(2), ***it shall inform immediately the European Parliament and the Council, indicating the reasons for not being in a position to decide and the planned timeline for endorsement, taking due account of the implementation and application date of the respective legislative act referred to in Article 1(2).*** The Commission may request such a draft within a new time limit. ***The Commission shall inform the European Parliament and the Council of the new time limit without delay. The European Parliament may invite the Chairperson of the Authority to explain the delay in submission of the draft regulatory technical standard. "*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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<Amend>Amendment <NumAm>23</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 c (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 10 – Paragraph 3</Article2>

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|  | |
| Present text | Amendment |
|  | ***(6 c) In Article 10, Paragraph 3 is amended as follows:*** |
| Only where the Authority does not submit a draft regulatory technical standard to the Commission within the time limits in accordance with paragraph 2, may the Commission adopt a regulatory technical standard by means of a delegated act without a draft from the Authority. | "Only where the Authority does not submit a draft regulatory technical standard to the Commission within the time limits in accordance with paragraph 2, may the Commission adopt a regulatory technical standard by means of a delegated act without a draft from the Authority. |
| The Commission shall conduct open public consultations on draft regulatory technical standards and analyse the potential related costs and benefits, unless such consultations and analyses are disproportionate in relation to the scope and impact of the draft regulatory technical standards concerned or in relation to the particular urgency of the matter. The Commission shall also request the opinion ***or advice*** of the Banking Stakeholder Group referred to in Article 37. | The Commission shall conduct open public consultations on draft regulatory technical standards and analyse the potential related costs and benefits, unless such consultations and analyses are disproportionate in relation to the scope and impact of the draft regulatory technical standards concerned or in relation to the particular urgency of the matter. The Commission shall also request the opinion of the Banking Stakeholder Group referred to in Article 37. |
| The Commission shall immediately forward the draft regulatory technical standard to the European Parliament ***and*** the Council***.*** | The Commission shall immediately forward the draft regulatory technical standard to the European Parliament***,*** the Council ***and*** to the Authority. |
| ***The Commission shall send its draft regulatory technical standard*** to the Authority. Within a period of 6 weeks, the Authority may amend the draft regulatory technical standard and submit it in the form of a formal opinion to the Commission. The Authority shall send a copy of its formal opinion to the European Parliament and to the Council. | Within a period of 6 weeks, the Authority may amend the draft regulatory technical standard and submit it in the form of a formal opinion to the Commission. The Authority shall send a copy of its formal opinion to the European Parliament and to the Council. |
| If on the expiry of the six-week period referred to in the fourth subparagraph, the Authority has not submitted an amended draft regulatory technical standard, the Commission may adopt the regulatory technical standard. | If on the expiry of the six-week period referred to in the fourth subparagraph, the Authority has not submitted an amended draft regulatory technical standard, the Commission may adopt the regulatory technical standard. |
| If the Authority has submitted an amended draft regulatory technical standard within the six-week period, the Commission may amend the draft regulatory technical standard on the basis of the Authority’s proposed amendments or adopt the regulatory technical standard with the amendments it considers relevant. The Commission shall not change the content of the draft regulatory technical standard prepared by the Authority without prior coordination with the Authority, as set out in this Article. | If the Authority has submitted an amended draft regulatory technical standard within the six-week period, the Commission may amend the draft regulatory technical standard on the basis of the Authority’s proposed amendments or adopt the regulatory technical standard with the amendments it considers relevant. The Commission shall not change the content of the draft regulatory technical standard prepared by the Authority without prior coordination with the Authority, as set out in this Article. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1530194660999&from=EN)

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<Amend>Amendment <NumAm>24</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 d (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 10 – Paragraph 4</Article2>

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| Present text | Amendment |
|  | ***(6 d) In Article 10, Paragraph 4 is amended as follows:*** |
| The regulatory technical standards shall be adopted by means of regulations or decisions. They shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein. | "The regulatory technical standards shall be adopted by means of regulations or decisions***. The words ‘regulatory technical standard’ shall be inserted in their title***. They shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein. ***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1530194660999&from=EN)

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<Amend>Amendment <NumAm>25</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 e (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 13 – Paragraph 1</Article2>

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|  | |
| Present text | Amendment |
|  | ***(6 e) In Article 13, the second subparagraph of Paragraph 1 is deleted***. |
| ***Where the Commission adopts a regulatory technical standard which is the same as the draft regulatory technical standard submitted by the Authority, the period during which the European Parliament and the Council may object shall be 1 month from the date of notification. At the initiative of the European Parliament or the Council that period shall be extended for an initial period of 1 month and shall be extendable for a further period of 1 month***. | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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<Amend>Amendment <NumAm>26</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 f (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 15 – Paragraph 1</Article2>

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|  | |
| Present text | Amendment |
|  | ***(6 f) In Article 15, Paragraph 1 is amended as follows:*** |
| ***The Authority may develop*** implementing technical standards***,*** by means of implementing acts pursuant to Article 291 TFEU***, in the areas specifically set out in the*** legislative acts referred to in Article 1(2). Implementing technical standards shall be technical, shall not imply strategic decisions or policy choices and their content shall be to determine the conditions of application of those acts. The Authority shall submit its draft implementing technical standards to the Commission for endorsement. | "***Where the European Parliament and the Council confer implementing powers on the Commission to adopt*** implementing technical standards by means of implementing acts pursuant to Article 291 TFEU ***in order to ensure uniform conditions for implementing*** legislative acts referred to in Article 1(2)***, the Authority may develop draft implementing technical standards***. Implementing technical standards shall be technical, shall not imply strategic decisions or policy choices and their content shall be to determine the conditions of application of those acts. The Authority shall submit its draft implementing technical standards to the Commission for endorsement. ***At the same time the Authority shall forward them for information to the European Parliament and the Council.*** |
| Before submitting draft implementing technical standards to the Commission, the Authority shall conduct open public consultations and shall analyse the potential related costs and benefits***, unless such consultations and analyses are disproportionate in relation to the scope and impact of the draft implementing technical standards concerned or in relation to the particular urgency of the matter***. The Authority shall also request the ***opinion*** of the Banking Stakeholder Group referred to in Article 37***.*** | Before submitting draft implementing technical standards to the Commission, the Authority shall conduct open public consultations and shall analyse the potential related costs and benefits ***in accordance with Article 8 paragraph 2a***. The Authority shall also request the ***advice*** of the Banking Stakeholder Group referred to in Article 37. |
| ***Where the Authority submits a draft implementing technical standard, the Commission shall immediately forward it to the European Parliament and the Council***. | Within 3 months of receipt of a draft implementing technical standard, the Commission shall decide whether to endorse it. The Commission may endorse the draft implementing technical standard in part only, or with amendments, where the Union’s interests so require***.*** |
| Within 3 months of receipt of a draft implementing technical standard, the Commission shall decide whether to endorse it***. The Commission may extend that period by 1 month***. The Commission may endorse the draft implementing technical standard in part only, or with amendments, where the Union’s interests so require. | ***In the event that the Commission cannot decide within 3 months whether to adopt the implementing technical standard, it shall inform immediately the European Parliament and the Council and in any event before the expiry of the 3 month's period, indicating the reasons for not being in a position to decide and the planned timeline for endorsement taking due account of the implementation and application date of the respective legislative act referred to in Article 1(2)***. |
| Where the Commission intends not to endorse a draft implementing technical standard or intends to endorse it in part or with amendments, it shall send it back to the Authority explaining why it does not intend to endorse it, or, as the case may be, explaining the reasons for its amendments. Within a period of 6 weeks, the Authority may amend the draft implementing technical standard on the basis of the Commission’s proposed amendments and resubmit it in the form of a formal opinion to the Commission. The Authority shall send a copy of its formal opinion to the European Parliament and to the Council. | Where the Commission intends not to endorse a draft implementing technical standard or intends to endorse it in part or with amendments, it shall send it back to the Authority explaining why it does not intend to endorse it, or, as the case may be, explaining the reasons for its amendments ***and shall send a copy of its letter to the European Parliament and the Council***. Within a period of 6 weeks, the Authority may amend the draft implementing technical standard on the basis of the Commission’s proposed amendments and resubmit it in the form of a formal opinion to the Commission. The Authority shall send a copy of its formal opinion to the European Parliament and to the Council. |
| If, on the expiry of the six-week period referred to in the fifth subparagraph, the Authority has not submitted an amended draft implementing technical standard, or has submitted a draft implementing technical standard that is not amended in a way consistent with the Commission’s proposed amendments, the Commission may adopt the implementing technical standard with the amendments it considers relevant or reject it. | If, on the expiry of the six-week period referred to in the fifth subparagraph, the Authority has not submitted an amended draft implementing technical standard, or has submitted a draft implementing technical standard that is not amended in a way consistent with the Commission’s proposed amendments, the Commission may adopt the implementing technical standard with the amendments it considers relevant or reject it. |
| The Commission shall not change the content of a draft implementing technical standard prepared by the Authority without prior coordination with the Authority, as set out in this Article. | The Commission shall not change the content of a draft implementing technical standard prepared by the Authority without prior coordination with the Authority, as set out in this Article. ***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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<Amend>Amendment <NumAm>27</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 g (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 15 – Paragraph 2</Article2>

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| Present text | Amendment |
|  | ***(6 g) In Article 15, Paragraph 2 is replaced by the following:*** |
| In cases where the Authority has not submitted a draft implementing technical standard within the time limit set out in the legislative acts referred to in Article 1(2), the Commission may request such a draft within a new time limit. | "In cases where the Authority has not submitted a draft implementing technical standard within the time limit set out in the legislative acts referred to in Article 1(2), ***it shall inform immediately the European Parliament and the Council, indicating the reasons for not being in a position to decide and the planned timeline for endorsement taking due account of the implementation and application date of the respective legislative act referred to in Article 1(2).*** The Commission may request such a draft within a new time limit. ***The Commission shall inform the European Parliament and the Council of the new time limit without delay. The European Parliament may invite the Chairperson of the Authority to explain the delay in submission of the draft implementing technical standard. "*** |
|  | *(This amendment applies also throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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<Amend>Amendment <NumAm>28</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 h (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 15 – Paragraph 3</Article2>

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|  | |
| Present text | Amendment |
|  | ***(6 h) In Article 15, Paragraph 3 is amended as follows:*** |
| Only where the Authority does not submit a draft implementing technical standard to the Commission within the time limits in accordance with paragraph 2, may the Commission adopt an implementing technical standard by means of an implementing act without a draft from the Authority. | "Only where the Authority does not submit a draft implementing technical standard to the Commission within the time limits in accordance with paragraph 2, may the Commission adopt an implementing technical standard by means of an implementing act without a draft from the Authority. |
| The Commission shall conduct open public consultations on draft implementing technical standards and analyse the potential related costs and benefits, unless such consultations and analyses are disproportionate in relation to the scope and impact of the draft implementing technical standards concerned or in relation to the particular urgency of the matter. The Commission shall also request the opinion or advice of the Banking Stakeholder Group referred to in Article 37. | The Commission shall conduct open public consultations on draft implementing technical standards and analyse the potential related costs and benefits, unless such consultations and analyses are disproportionate in relation to the scope and impact of the draft implementing technical standards concerned or in relation to the particular urgency of the matter. The Commission shall also request the opinion or advice of the Banking Stakeholder Group referred to in Article 37. |
| The Commission shall immediately forward the draft implementing technical standard to the European Parliament ***and*** the Council***.*** | The Commission shall immediately forward the draft implementing technical standard to the European Parliament***,*** the Council ***and*** to the Authority. |
| ***The Commission shall send the draft implementing technical standard*** to the Authority. Within a period of 6 weeks, the Authority may amend the draft implementing technical standard and submit it in the form of a formal opinion to the Commission. The Authority shall send a copy of its formal opinion to the European Parliament and to the Council. | Within a period of 6 weeks, the Authority may amend the draft implementing technical standard and submit it in the form of a formal opinion to the Commission. The Authority shall send a copy of its formal opinion to the European Parliament and to the Council. |
| If, on the expiry of the six-week period referred to in the fourth subparagraph, the Authority has not submitted an amended draft implementing technical standard, the Commission may adopt the implementing technical standard. | If, on the expiry of the six-week period referred to in the fourth subparagraph, the Authority has not submitted an amended draft implementing technical standard, the Commission may adopt the implementing technical standard. |
| If the Authority has submitted an amended draft implementing technical standard within that six-week period, the Commission may amend the draft implementing technical standard on the basis of the Authority’s proposed amendments or adopt the implementing technical standard with the amendments it considers relevant. | If the Authority has submitted an amended draft implementing technical standard within that six-week period, the Commission may amend the draft implementing technical standard on the basis of the Authority’s proposed amendments or adopt the implementing technical standard with the amendments it considers relevant. |
| The Commission shall not change the content of the draft implementing technical standards prepared by the Authority without prior coordination with the Authority, as set out in this Article. | The Commission shall not change the content of the draft implementing technical standards prepared by the Authority without prior coordination with the Authority, as set out in this Article. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1530194660999&from=EN)

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<Amend>Amendment <NumAm>29</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 6 i (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 15 – Paragraph 4</Article2>

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|  | |
| Present text | Amendment |
|  | ***(6 i) In Article 15, Paragraph 4 is amended as follows:*** |
| The implementing technical standards shall be adopted by means of regulations or decisions. They shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein. | "The implementing technical standards shall be adopted by means of regulations or decisions***. The words ‘implementing technical standard’ shall be inserted in their title***. They shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein.***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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<Amend>Amendment <NumAm>30</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point -a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 1</Article2>

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|  | |
| Present text | Amendment |
|  | ***(-a) Paragraph 1 is amended as follows:*** |
| The Authority shall, with a view to establishing consistent, efficient and effective supervisory practices within the ESFS, and to ensuring the common, uniform and consistent application of Union law, issue guidelines ***and recommendations*** addressed to competent authorities or financial institutions. | "The Authority shall, with a view to establishing consistent, efficient and effective supervisory practices within the ESFS, and to ensuring the common, uniform and consistent application of Union law, issue guidelines addressed to ***all*** competent authorities or financial institutions ***in accordance with requirements of the legislative acts referred to in Article 1(2)***.***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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<Amend>Amendment <NumAm>31</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point a a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 1</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(a a) The following Paragraph 1a is inserted:*** |
|  | ***1a. The Authority may, with a view to establishing consistent, efficient and effective supervisory practices within the ESFS, issue guidelines addressed to all competent authorities or financial institutions for the purposes of legislative acts referred to in Article 1(2), based on a comply or explain implementation procedure referred to in paragraph 3. Those guidelines shall be considered suitable to comply with the requirements of the legislative acts referred to in Article 1(2). Competent authorities and financial institutions may establish other practices how to comply with all applicable legal requirements set out in legislative acts referred to in Article 1(2).*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>32</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 2. The Authority shall, save in exceptional circumstances, conduct open public consultations regarding the guidelines and recommendations which it issues and shall analyse the related potential costs and benefits of issuing such guidelines and recommendations. Those consultations and analyses shall be proportionate in relation to the scope, nature and impact of the guidelines or recommendations. The Authority shall, save in exceptional circumstances, also request ***opinions or*** advice from the Banking Stakeholder Group referred to in Article 37.***;*** | 2. The Authority shall, save in exceptional circumstances, conduct open public consultations regarding the guidelines and recommendations which it issues and shall analyse the related potential costs and benefits of issuing such guidelines and recommendations. Those consultations and analyses shall be proportionate in relation to the scope, nature and impact of the guidelines or recommendations. The Authority shall, save in exceptional circumstances, also request advice from the Banking Stakeholder Group referred to in Article 37. ***The Authority shall provide reasons when it does not conduct open public consultations or does not request advice from the Banking Stakeholder Group.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>33</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point b a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 2</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(b a) The following paragraphs 2a, 2b and 2c are added:*** |
|  | ***2a. For the purposes of legislative acts referred to in Article 1(2), the Authority may issue recommendations to one or more competent authorities or to one or more financial institutions.*** |
|  | ***2b. Guidelines and recommendations shall not merely refer and contain elements of legislative acts. Before issuing a new guideline or recommendation, the Authority shall first review existing guidelines and recommendations, in order to avoid any duplication.*** |
|  | ***2c. Three months before issuing guidelines and recommendations on its own initiative, or where this is not required by any legislative act, the Authority shall inform the European Parliament and the Council of the intended content.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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<Amend>Amendment <NumAm>34</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point b b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(b b) The first two subparagraphs of Paragraph 3 are amended as follows:*** |
| The competent authorities and financial institutions shall make every effort to comply with those guidelines and recommendations. | "The competent authorities and financial institutions shall make every effort to comply with those guidelines and recommendations. |
| Within 2 months of the issuance of a guideline or recommendation, each competent authority shall confirm whether it complies or intends to comply with that guideline or recommendation. In the event that a competent authority does not comply or does not intend to comply, it shall inform the Authority, stating its reasons. | Within 2 months of the issuance of a guideline or ***a*** recommendation, each competent authority shall confirm whether it complies or intends to comply with that guideline or recommendation. In the event that a competent authority does not comply or does not intend to comply, it shall inform the Authority, stating its reasons. ***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1530194660999&from=EN)

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<Amend>Amendment <NumAm>35</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point b c (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(b c) Paragraph*** 4 ***is amended as follows:*** |
| 4***.*** In the report referred to in Article 43(5) the Authority shall inform the European Parliament, the Council and the Commission of the guidelines and recommendations that have been issued, ***stating*** which competent authority has not complied with ***them, and outlining*** how the Authority intends to ensure that the competent authority concerned follow its recommendations ***and guidelines*** in the future. | "In the report referred to in Article 43(5) the Authority shall inform the European Parliament, the Council and the Commission of the guidelines and recommendations that have been issued, ***explain how the Authority has justified issuing guidelines pursuant to paragraph 1a and recommendations pursuant to paragraph 2a and summarise the feedback from public consultations on those guidelines pursuant to paragraph 8(2a). The report shall also state*** which competent authority has not complied with ***the guidelines and recommendations, and outline*** how the Authority intends to ensure that the competent authority concerned follow its ***guidelines and*** recommendations in the future.***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>36</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point c</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 4</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***(c) in paragraph 4, the following sentence is added:*** | ***deleted*** |
| ***‘The report shall also explain how the Authority has justified the issue of its guidelines and recommendations and summarise the feedback from public consultations on those guidelines and recommendations.; ’*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>37</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point d</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 5 (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| Where two thirds of the members of the Banking Stakeholder Group are of the opinion that the Authority has exceeded its competence by issuing ***certain guidelines or recommendations***, they may send a reasoned ***opinion to*** the Commission. | Where two thirds of the members of the Banking Stakeholder Group are of the opinion that the Authority has exceeded its competence by issuing ***guideline pursuant to paragraph 1***, they may send a reasoned ***advice to the European Parliament, the Council and*** the Commission. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>38</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point d</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 5 (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***The Commission shall request an explanation justifying the issuance of the guidelines or recommendations concerned from the Authority. The Commission shall, on receipt of the explanation from the Authority, assess the scope of the guidelines or recommendations in view of the Authority's competence. Where the Commission considers that the Authority has exceeded its competence, and after having given the Authority the opportunity to state its views, the Commission may adopt an implementing decision requiring the Authority to withdraw the guidelines or recommendations concerned .The decision of the Commission shall be made public.;*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>39</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point d a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 5a (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(d a) The following Paragraph 5a is inserted:*** |
|  | ***5a. Where half of the members of the Banking Stakeholder Group are of the opinion that the Authority has exceeded its competence by issuing a guideline pursuant to paragraph 1a or a recommendation pursuant to paragraph 2a, they may send a reasoned advice to the European Parliament, the Council and the Commission.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>40</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 – point d b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16 – Paragraph 5b (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(d b) The following Paragraph 5b is inserted:*** |
|  | ***The European Parliament, the Council and the Commission may request an explanation justifying the issuance of the guidelines or recommendations concerned from the Authority. The Commission shall, on receipt of the explanation from the Authority, assess the scope of the guidelines or recommendations in view of the Authority's competence and send its assessment to the European Parliament and the Council. Where the European Parliament, the Council or the Commission consider that the Authority has exceeded its competence, and after having given the Authority the opportunity to state its views, the Commission may adopt a decision requiring the Authority to withdraw or amend the guidelines or recommendations concerned. Before such a decision is taken and whenever so requested by the European Parliament, the Commission shall make a statement before the European Parliament and answer any questions put by its members. The European Parliament may request the Commission to adopt a decision requiring the Authority to withdraw or amend the guidelines or recommendations concerned. The decision of the Commission shall be made public.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>41</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16a (new)</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(7 a) The following Article 16a is inserted:*** |
|  | ***“Article 16a (new)*** |
|  | ***Opinions*** |
|  | ***1. On all issues related to its area of competence and upon a request from the European Parliament, the Council or the Commission the Authority shall provide opinions to the European Parliament, the Council and the Commission. These opinions shall not be made public unless specified in the request.*** |
|  | ***1a (new). The request referred to in paragraph 1 may include a public consultation or a technical analysis.”*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>42</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16a (new) – Paragraph 2</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***(7 b) 2. With regard to assessments under Article 22 of Directive 2013/36/EC, and which according to that Directive require consultation between competent authorities from two or more Member States, the Authority may, at the request of one of the competent authorities concerned, issue and publish an opinion on such an assessment. The opinion shall be issued promptly and in any event before the end of the assessment period referred to in that Directive.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>43</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 c (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 16b (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(7 c) The following Article 16b is inserted:*** |
|  | ***Article 16b (new)*** |
|  | ***Questions and answers*** |
|  | ***1. For the interpretation, practical application or implementation of provisions of legislative acts referred to in Article 1 (2), associated delegated and implementing acts, guidelines and recommendations adopted under these legislative acts, any natural or legal person, including competent authorities and EU Institutions, may submit a question to the Authority in any official language of the Union.*** |
|  | ***Before submitting a question to the Authority, financial institutions shall assess whether to firstly address the question to their competent authority.*** |
|  | ***2. The Authority shall publish on its website non-binding answers to all admissible questions pursuant to paragraph 1 and all questions pursuant to paragraph 2, per legislative act, unless such publication is in conflict with the legitimate interest of those persons or would involve risks to the stability of the financial system.*** |
|  | ***3. Answers by the Authority shall be considered suitable to comply with the requirements of the legislative acts referred to in Article 1(2), associated delegated and implementing acts and guidelines and recommendations adopted under that legislative acts. Competent authorities and financial institutions may establish other practices how to comply with all applicable legal requirements.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>44</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 7 d (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 17 – Paragraph 2 – Subparagraph 1</Article2>

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| Present text | Amendment |
|  | ***(7 d) In Article 17, the first subparagraph of paragraph 2 is amended as follows:*** |
| 2. Upon a request from one or more competent authorities, the European Parliament, the Council, the Commission or the ***Banking*** Stakeholder Group, or on its own initiative, and after having informed the competent authority concerned, the Authority may investigate the alleged breach or non-application of Union law. | "2. Upon a request from one or more competent authorities, the European Parliament, the Council, the Commission or the ***relevant*** Stakeholder Group, or on its own initiative, and after having informed the competent authority concerned, the Authority ***shall respond to the request and*** may investigate the alleged breach or non-application of Union law. ***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>45</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 8 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 17 – Paragraph 6 – Subparagraph 1</Article2>

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| Present text | Amendment |
|  | ***(8 a) In Article 17, the first subparagraph of paragraph 6 is amended as follows:*** |
| 6. Without prejudice to the powers of the Commission pursuant to Article 258 TFEU, where a competent authority does not comply with the formal opinion referred to in paragraph 4 within the period of time specified therein, and where it is necessary to remedy in a timely manner such non-compliance in order to maintain or restore neutral conditions of competition in the market or ensure the orderly functioning and integrity of the financial system, the Authority may, where the relevant requirements of the acts referred to in Article 1(2) are directly applicable to financial institutions, adopt an individual decision addressed to a financial institution requiring the necessary action to comply with its obligations under Union law including the cessation of any practice. | "6. Without prejudice to the powers ***and obligations*** of the Commission pursuant to Article 258 TFEU, where a competent authority does not comply with the formal opinion referred to in paragraph 4 within the period of time specified therein, and where it is necessary to remedy in a timely manner such non-compliance in order to maintain or restore neutral conditions of competition in the market or ensure the orderly functioning and integrity of the financial system, the Authority may, where the relevant requirements of the acts referred to in Article 1(2) are directly applicable to financial institutions, adopt an individual decision addressed to a financial institution requiring the necessary action to comply with its obligations under Union law including the cessation of any practice. ***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>46</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 9 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 19 – Paragraph 1</Article2>

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| Text proposed by the Commission | Amendment |
| (b) on its own initiative where on the basis of objective ***criteria***, disagreement can be determined between competent authorities. | (b) on its own initiative where on the basis of objective ***reasons, including information from market participants or consumer organisations***, disagreement can be determined between competent authorities. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>47</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 9 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 19 – Paragraph 1a – Point (a) (ii)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| (ii) one or more of the competent authorities concerned conclude that a disagreement exists, on the basis of objective ***factors***; | (ii) one or more of the competent authorities concerned conclude that a disagreement exists, on the basis of objective ***reasons***; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>48</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 9 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 19 – Paragraph 1a – Point (b) (i)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| (i) one or more of the competent authorities concerned concludes that a disagreement exists on the basis of objective ***factors***; or | (i) one or more of the competent authorities concerned concludes that a disagreement exists on the basis of objective ***reasons***; or |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>49</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 9 – point e</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 19 – Paragraph 4</Article2>

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| Text proposed by the Commission | Amendment |
| 4. Without prejudice to the powers of the Commission pursuant to Article 258 ***of the Treaty***, where a competent authority does not comply with the decision of the Authority, and thereby fails to ensure that a financial institution complies with requirements directly applicable to it by virtue of the acts referred to in Article 1(2), the Authority may adopt an individual decision addressed to a financial institution requiring the necessary action to comply with its obligations under Union law, including the cessation of any practice.; | 4. Without prejudice to the powers of the Commission pursuant to Article 258 ***TFEU***, where a competent authority does not comply with the decision of the Authority, and thereby fails to ensure that a financial institution complies with requirements directly applicable to it by virtue of the acts referred to in Article 1(2), the Authority may adopt an individual decision addressed to a financial institution requiring the necessary action to comply with its obligations under Union law, including the cessation of any practice.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>50</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 9 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 21 – Paragraph 1</Article2>

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|  | |
| Present text | Amendment |
|  | ***(9 a) Article 21 is amended as follows: (a) Paragraph 1 is amended as follows:*** |
| 1. The Authority shall promote, within the scope of its powers, the efficient, effective and consistent functioning of the colleges of supervisors referred to in Regulation (EU) No 575/2013 ***and*** Directive 2013/36/EU and foster the consistency of the application of Union law among the colleges of supervisors. With the objective of converging supervisory best practices, the Authority shall promote joint supervisory plans and joint examinations, and staff from the Authority may participate in the activities of the colleges of supervisors, including on-site examinations, carried out jointly by two or more competent authorities. | "1. The Authority shall promote, within the scope of its powers, the efficient, effective and consistent functioning of the colleges of supervisors referred to in Regulation (EU) No 575/2013***,*** Directive 2013/36/EU ***and Directive 2014/59/EU*** and foster the consistency of the application of Union law among the colleges of supervisors. With the objective of converging supervisory best practices, the Authority shall promote joint supervisory plans and joint examinations, and staff from the Authority may participate in the activities of the colleges of supervisors, including on-site examinations, carried out jointly by two or more competent authorities. ***"*** |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>51</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 9 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 21 – Paragraph 2 – Point b</Article2>

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|  | |
| Present text | Amendment |
|  | ***(9 b) (b) In Paragraph 2, point b is amended as follows:*** |
| (b) initiate and coordinate Union-wide stress tests in accordance with Article 32 to assess the resilience of financial institutions, in particular the systemic risk posed by financial institutions as referred to in Article 23, to adverse market developments, and evaluate the potential for systemic risk to increase in situations of stress, ensuring that a consistent methodology is applied at the national level to such tests and, where appropriate, address a recommendation to the competent authority to correct issues identified in the stress test; | "(b) initiate and coordinate Union-wide stress tests in accordance with Article 32 to assess the resilience of financial institutions, in particular the systemic risk posed by financial institutions as referred to in Article 23, to adverse market developments, and evaluate the potential for systemic risk to increase in situations of stress, ensuring that a consistent methodology is applied at the national level to such tests and, where appropriate, address a recommendation to the competent authority to correct issues identified in the stress test***, including to conduct specific assessments. It may request competent authorities to carry out on-site inspections, and may participate in such on-site inspections, in order to ensure comparability and reliability of methods, practices and results of Union wide assessments***; ***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>52</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 9 c (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 21 – Paragraph 3</Article2>

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|  | |
| Present text | Amendment |
|  | ***(9 c) (c) Paragraph 3 is amended as follows:*** |
| 3. The Authority may develop draft regulatory and implementing technical standards to ensure uniform conditions of application with respect to the provisions regarding the operational functioning of colleges of supervisors and issue guidelines and recommendations adopted pursuant to Article 16 to promote convergence in supervisory functioning and best practices adopted by the colleges of supervisors. | "3. The Authority may develop draft regulatory and implementing technical standards ***as specified in the legislative acts referred to in Article 1(2) in accordance with the procedure laid down in Articles 10 to 15*** to ensure uniform conditions of application with respect to the provisions regarding the operational functioning of colleges of supervisors and issue guidelines and recommendations adopted pursuant to Article 16 to promote convergence in supervisory functioning and best practices adopted by the colleges of supervisors.***"*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>53</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 10 – point -a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 22 – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) The title of Article 22 is amended as follows:*** |
| General provisions | "General provisions ***on systemic risks*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>54</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 10 – point a a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 22 – Paragraph 2 – Subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a a) The first subparagraph of Paragraph 2 is amended as follows:*** |
| 2. The Authority shall, in collaboration with the ESRB, develop a common set of quantitative and qualitative indicators (risk dashboard) to identify and measure systemic risk. | "2. The Authority shall, in collaboration with the ESRB***, and in accordance with Article 23***, develop a common set of quantitative and qualitative indicators (risk dashboard) to identify and measure systemic risk. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>55</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 10 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 22 – Paragraph 4</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| For those purposes, the Authority ***may use the powers*** may use the powers conferred on it under this Regulation, including Article 35 and 35b.; | For those purposes, the Authority may use the powers conferred on it under this Regulation, including Article 35 and 35b.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>56</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 10 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 27 – Paragraph 2 – Subparagraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(10 a) In Article 27, the third subparagraph of Paragraph 2 is deleted***. |
| ***The review of this Regulation provided for*** ***in Article 81 shall, in particular, examine the possible enhancement of the role of the Authority in a framework of crisis prevention, management and resolution, and, if necessary, the creation of a European resolution fund***. | ***deleted*** |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>57</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 11 – point a – point ii</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 29 – Paragraph 1 – Point b</Article2>

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| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (b) promoting an effective bilateral and multilateral exchange of information between competent authorities, pertaining to all relevant issues, including cyber security and cyber-attacks ***as appropriate***, with full respect for the applicable confidentiality and data protection provisions provided for in the relevant Union legislation;; | (b) promoting an effective bilateral and multilateral exchange of information between competent authorities, pertaining to all relevant issues, including cyber security and cyber-attacks, with full respect for the applicable confidentiality and data protection provisions provided for in the relevant Union legislation;; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>58</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 11 – point a a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 29 – Paragraph 2 – Subparagraph 2</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(a a) In Paragraph 2, the second subparagraph is deleted***. |
| ***For the purpose of building a common supervisory culture, the Authority shall develop and maintain up to date, taking into account, inter alia, changing business practices and business models of financial institutions, a European supervisory handbook on the supervision of financial institutions for the Union as a whole***. ***The European supervisory handbook shall set out supervisory best practices for methodologies and processes.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>59</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 11 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 29 – Paragraph 2</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| For the purpose of establishing a common supervisory culture, the Authority shall develop and maintain an up-to-date Union supervisory handbook on the supervision of financial institutions in the Union, taking into account ***changing*** business practices ***and*** business models of financial institutions. The Authority shall also develop and maintain an up-to-date Union resolution handbook on the resolution of financial institutions in the Union. Both the Union supervisory handbook and the Union resolution handbook shall set out ***supervisory*** best practices and shall specify high quality methodologies and processes.***;*** | For the purpose of establishing a common supervisory culture, the Authority shall develop and maintain an up-to-date Union supervisory handbook on the supervision of financial institutions in the Union, taking into account ***nature, scale and complexity of risks,*** business practices***,*** business models ***and size*** of financial institutions ***and markets***. The Authority shall also develop and maintain an up-to-date Union resolution handbook on the resolution of financial institutions in the Union***, taking into account nature, scale and complexity of risks, business practices, business models and size of financial institutions and markets***. Both the Union supervisory handbook and the Union resolution handbook shall set out best practices and shall specify high quality methodologies and processes. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>60</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 12</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 29 a</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| Strategic Supervisory Plan | ***Union*** Strategic Supervisory Plan |
|  | *(This amendment applies through Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>61</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 12</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 29a (new) – Paragraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| ***Upon the entry into application of Regulation [XXX insert reference to amending Regulation] and*** every three years thereafter by 31 March, ***the Authority shall*** issue a recommendation addressed to competent authorities, laying down supervisory strategic objectives and priorities ("Strategic Supervisory Plan") and***, taking into account any contributions from competent authorities,***. The Authority shall transmit the Strategic Supervisory Plan for information to the European Parliament, the Council and the Commission and shall make it public on its website. | ***The Authority shall; at least*** every three years thereafter by 31 March, ***following a debate in a Board of Supervisors and taking into account contributions received from competent authorities,*** issue a recommendation addressed to ***those*** competent authorities, laying down ***Union wide*** supervisory strategic objectives and priorities ("***Union*** Strategic Supervisory Plan") ***without prejudice to their specific national objectives*** and ***priorities***. The Authority shall transmit the ***Union*** Strategic Supervisory Plan for information to the European Parliament, the Council and the Commission and shall make it public on its website. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>62</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 12</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 29a (new) – Paragraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| The Strategic Supervisory Plan shall identify specific priorities for supervisory activities in order to promote consistent, efficient and effective supervisory practices and the common, uniform and consistent application of Union law and to address relevant micro-prudential trends, potential risks and vulnerabilities identified in accordance with Article 32. | The ***Union*** Strategic Supervisory Plan shall identify specific priorities for supervisory activities in order to promote consistent, efficient and effective supervisory practices and the common, uniform and consistent application of Union law and to address relevant micro-prudential trends, potential risks and vulnerabilities identified in accordance with Article 32. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>63</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 13 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 30 – Paragraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 1. The Authority shall ***periodically*** conduct reviews of some or all of the activities of competent authorities, to further strengthen consistency in supervisory outcomes. To that end, the Authority shall develop methods to allow for objective assessment and comparison between the competent authorities reviewed. When conducting reviews, existing information and evaluations already made with regard to the competent authority concerned, including ***all*** information provided to the Authority in accordance with Article 35, and any information from stakeholders shall be taken into account.***;*** | 1. The Authority shall conduct reviews of some or all of the activities of competent authorities, to further strengthen consistency ***and effectiveness*** in supervisory outcomes. To that end, the Authority shall develop methods to allow for objective assessment and comparison between the competent authorities reviewed. When ***identifying competent authorities to be reviewed and*** conducting reviews, existing information and evaluations already made with regard to the competent authority concerned, including ***relevant*** information provided to the Authority in accordance with Article 35, and any ***relevant*** information from stakeholders***, in particular possible deficiencies and misconduct of a competent authority,*** shall be taken into account. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>64</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 13 – point c</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 30 – Paragraph 1a (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 1a. For the purposes of this Article, the Authority shall establish a review committee***, exclusively*** composed of staff from the Authority***. The*** Authority ***may delegate certain tasks or decisions to the*** review ***committee***.***;*** | 1a. For the purposes of this Article, the Authority shall establish a review committee ***chaired by a senior staff member of the Authority, and*** composed of staff from the Authority***, accompanied and supported, on a voluntary and rotating basis, of up to five representatives of different competent authorities excluding the competent*** authority ***under*** review. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>65</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 13 – point d – point ii a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 30 – Paragraph 2 – Point b</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(ii a) Point b is amended as follows:*** |
| the degree of convergence reached in the application of Union law and in supervisory practice, including regulatory technical standards and implementing technical standards, guidelines and recommendations adopted pursuant to Articles 10 to 16, and the extent to which the supervisory practice achieves the objectives set out in Union law; | "***the effectiveness and*** the degree of convergence reached in the application of Union law and in supervisory practice, including regulatory technical standards and implementing technical standards, guidelines and recommendations adopted pursuant to Articles 10 to 16, and the extent to which the supervisory practice achieves the objectives set out in Union law; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>66</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 13 – point d – point ii b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 30 – Paragraph 2 – Point c</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(ii b) Point c is amended as follows:*** |
| best practices developed by some competent authorities ***which might be of benefit for other competent authorities to adopt***; | "***the application of*** best practices developed by some competent authorities; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>67</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 13 – point e</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 30 – Paragraph 3 – Subparagraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| The Authority shall produce a report setting out the results of the review. That report shall explain and indicate the follow-up measures that are ***foreseen*** as a result of the review. Those follow-up measures may be adopted in the form of guidelines and recommendations pursuant to Article 16 and opinions pursuant to Article 29(1)(a). | The Authority shall produce a report setting out the results of the review. That report shall explain and indicate the follow-up measures that are ***deemed appropriate and necessary,*** as a result of the review. Those follow-up measures may be adopted in the form of guidelines and recommendations pursuant to Article 16***,*** and opinions pursuant to Article29(1)(a)***, addressed to the relevant competent authorities***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>68</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 13 – point e</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 30 – Paragraph 3 – Subparagraph 2</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| ***In accordance with Article 16(3), the competent authorities shall make every effort to comply with any guidelines and recommendations issued. Where competent authorities do not take action to address the follow-up measures indicated in the report,*** the Authority shall issue a follow-up report. | The Authority shall issue a follow-up report ***regarding compliance with requested follow-up measures***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>69</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 13 – point f</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 30 – Paragraph 3a</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 3a. The Authority shall submit an opinion to the Commission where, having regard to the outcome of the review or to any other information acquired by the Authority in carrying out its tasks, it considers that further harmonisation of ***the*** rules applicable to financial institutions or competent authorities would be necessary***.***; | 3a. The Authority shall submit an opinion to the Commission where, having regard to the outcome of the review or to any other information acquired by the Authority in carrying out its tasks, it considers that further harmonisation of ***Union*** rules applicable to financial institutions or competent authorities would be necessary ***from the Union perspective or where it considers that a competent authority has not applied the acts referred to in Article 1(2), or has applied them in a way which appears to be a breach of Union law***; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>70</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 13 – point g</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 30 – Paragraph 4</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 4. The Authority shall publish the reports referred to in paragraph 3 including any follow-up report , unless publication would involve risks to the stability of the financial system. The competent authority that is subject to the review shall be invited to comment before the publication of any report. Those comments ***shall be made publicly available*** unless publication would involve risks to the stability of the financial system.***";*** | 4. The Authority shall publish the reports referred to in paragraph 3 including any follow-up report, unless publication would involve risks to the stability of the financial system. The competent authority that is subject to the review shall be invited to comment before the publication of any report. ***Before publication, the Authority shall, where appropriate, take these comments into account. The Authority may publish*** those comments ***as an annex to the report*** unless publication would involve risks to the stability of the financial system ***or the competent authority objects***. ***The report produced by the Authority referred to in paragraph 3 and guidelines, recommendations and opinions adopted by the Authority referred to in paragraph 3a shall be published simultaneously.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>71</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 13 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 31 – Point e</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(13 a) In Article 31, point e is amended as follows:*** |
| taking ***all*** appropriate measures in case of developments which may jeopardise the functioning of the financial markets with a view to the coordination of actions undertaken by relevant competent authorities; | "taking appropriate measures in case of developments which may jeopardise the functioning of the financial markets with a view to the coordination of actions undertaken by relevant competent authorities; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>72</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 13 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 31 – Point ea (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(13 b) In Article 31, the following point ea is added:*** |
|  | ***(ea) taking appropriate measures to facilitate the uptake of technological innovation with a view to the coordination of actions undertaken by relevant competent authorities;*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>73</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 14</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 31</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| ***(14) in Article 31 a paragraph is added:*** | ***deleted*** |
| ***‘Regarding activity of competent authorities intended to facilitate entry into the market of operators or products relying on technological innovation, the Authority shall promote supervisory convergence, in particular through the exchange of information and best practices. Where appropriate, the Authority may adopt guidelines or recommendations in accordance with Article 16.; ’*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>74</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 15</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 31a (new) – Paragraph 2 – Subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The competent authorities shall notify the Authority where they intend to carry out an authorisation or registration ***related to*** a financial institution which ***is*** under supervision of the competent authority concerned in accordance with the acts referred to in Article 1(2) and where the business plan of the financial institution entails the outsourcing or delegation of a material part of its activities or any of the key functions or the risk transfer of a material part of its activities into third countries, to benefit from the EU passport while essentially performing substantial activities or functions outside the Union. ***The notification to the Authority shall be sufficiently detailed to allow for a proper assessment. by the Authority.*** | The competent authorities shall notify the Authority where they intend to carry out an authorisation or registration ***of*** a financial institution which ***would be*** under supervision of the competent authority concerned in accordance with the acts referred to in Article 1(2) and where the business plan of the financial institution entails the outsourcing or delegation of a material part of its activities or any of the key functions or the risk transfer of a material part of its activities into third countries, to benefit from the EU passport while essentially performing substantial activities or functions outside the Union. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>75</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 15</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 31a (new) – Paragraph 2 – Subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Where the Authority considers it necessary to issue an opinion to a competent authority regarding the non-compliance of an authorisation or registration notified pursuant to the first subparagraph with Union law or guidelines, recommendations or opinions adopted by the Authority, the Authority shall inform that competent authority thereof within 20 working days of the receipt of the notification by that competent authority. In that case the competent authority concerned shall await the opinion of the Authority before carrying out the registration or authorisation.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>76</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 15</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 31a (new) – Paragraph 2 – Subparagraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***At the request of the Authority, the competent authority shall within 15 working days of the receipt of such a request provide information related to its decisions to authorise or register a financial institution which is under its supervision in accordance with the acts referred to in Article 1(2).*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>77</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 15</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 31a (new) – Paragraph 2 – Subparagraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***The Authority shall issue the opinion, without prejudice to any time limits set out in Union law, at the latest within 2 months of the receipt of the notification pursuant to the first subparagraph.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>78</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 16 – point -a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 32 – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) The title of Article 32 is amended as follows:*** |
| Assessment of market developments | "Assessment of market developments ***including stress tests*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>79</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 16 – point -a a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 32 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a a) Paragraph 1 is amended as follows:*** |
| The Authority shall monitor and assess market developments in the area of its competence and, where necessary, inform the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority), the ESRB and the European Parliament, the Council and the Commission about the relevant micro-prudential trends, potential risks and vulnerabilities. The Authority shall include in its assessments an ***economic*** analysis of the markets in which financial institutions operate and an assessment of the impact of potential market developments on such institutions. | "The Authority shall monitor and assess market developments in the area of its competence and, where necessary, inform the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority), the ESRB and the European Parliament, the Council and the Commission about the relevant micro-prudential trends, potential risks and vulnerabilities. The Authority shall include in its assessments an analysis of the markets in which financial institutions operate and an assessment of the impact of potential market developments on such institutions. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>80</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 16 – point -a b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 32 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a b) Paragraph 2 is amended as follows:*** |
| The Authority shall***, in cooperation with the ESRB,*** initiate and coordinate Union-wide assessments of the resilience of financial institutions to adverse market developments. To that end it shall develop: | "The Authority shall initiate and coordinate Union-wide assessments of the resilience of financial institutions to adverse market developments ***in a realistic way***. To that end it shall develop: |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>81</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 16 – point -a c (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 32 – Paragraph 2 – Point aa (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(-a c) In Paragraph 2, a new point (aa) is added:*** |
|  | ***(aa) common methodologies for identifying financial institutions to be included in the Union wide assessments;*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>82</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 16 – point -a d (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 32 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(-a d) In Paragraph 2, a new subparagraph is added at the end:*** |
|  | ***For the purpose of this paragraph, the Authority shall cooperate with the ESRB which shall avoid any potential conflict of interest with regard to the conduct of monetary policies.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>83</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 16 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 32 – Paragraph 2a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| At least annually, the Authority shall consider whether it is appropriate to carry out Union-wide assessments referred to in paragraph 2 and shall inform the European Parliament, the Council and the Commission of its reasoning. Where such Union-wide assessments are carried out ***and*** the Authority ***considers it appropriate to do so, it*** shall disclose the results for each participating financial institution. | At least annually, the Authority***, in cooperation with the SSM,*** shall consider whether it is appropriate to carry out Union-wide assessments referred to in paragraph 2 ***with regard to significant financial institutions*** and shall inform the European Parliament, the Council and the Commission of its reasoning. Where such Union-wide assessments are carried out***,*** the Authority shall disclose the results for each participating financial institution ***if it considers it appropriate with regard to the financial stability of the Union or of one or more of its Member States, market integrity or investor protection or the functioning of the internal market***. ***It shall publish the results of the base scenario only. Upon the request, the results of any other scenario shall be made available to the European Parliament or the Council.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>84</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 16 – point a a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 32 – Paragraph 3 – Subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a a) The first subparagraph of Paragraph 3 is amended as follows:*** |
| Without prejudice to the tasks of the ESRB set out in Regulation (EU) No 1092/2010, the Authority shall, ***at least*** once a year, and more frequently ***as*** necessary, provide assessments to the European Parliament, the Council, the Commission and the ESRB of trends, potential risks and vulnerabilities in its area of competence. | "Without prejudice to the tasks of the ESRB set out in Regulation (EU) No 1092/2010, the Authority shall, once a year, and more frequently ***if*** necessary, provide assessments to the European Parliament, the Council, the Commission and the ESRB of trends, potential risks and vulnerabilities in its area of competence***, in combination with the risk dashboard referred to in Article 22(2)***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>85</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 16 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 32 – Paragraph 3a</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***3a. The Authority may require competent authorities to conduct specific reviews. It may request competent authorities to carry out on-site inspections, and may participate in such on-site inspections in accordance with Article 21 and subject to the conditions set out therein, in order to ensure comparability and reliability of methods, practices and results.;*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>86</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 16 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 32 – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(16 a) The title of Article 32 is amended as follows:*** |
| Assessment of market developments | "Assessment of market developments ***including stress tests*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>87</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| 2. The Authority shall assist the Commission in preparing equivalence decisions pertaining to regulatory and supervisory regimes in third countries following a specific request for advice from the Commission or where required to do so by the acts referred to in Article 1(2).***;*** | 2. The Authority shall assist the Commission in preparing equivalence decisions pertaining to regulatory and supervisory regimes in third countries following a specific request for advice from the Commission***, on their own initiative,*** or where required to do so by the acts referred to in Article 1(2). |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>88</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 2a – Subparagraph 1</Article2>

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| Text proposed by the Commission | Amendment |
| The Authority shall monitor regulatory and supervisory developments and enforcement practices and relevant market developments in third countries for which equivalence decisions have been adopted by the Commission pursuant to the acts referred to in Article 1(2) in order to verify whether the criteria, on the basis of which those decisions have been taken and any conditions set out therein, are still fulfilled. The Authority shall submit a confidential report on its findings to the Commission ***on an annual basis***. | The Authority shall monitor regulatory and supervisory developments and enforcement practices and relevant market developments in third countries for which equivalence decisions have been adopted by the Commission pursuant to the acts referred to in Article 1(2) in order to verify whether the criteria, on the basis of which those decisions have been taken and any conditions set out therein, are still fulfilled. The Authority shall submit a confidential report on its findings to the ***European Parliament, the Council, the*** Commission***, EIOPA and ESMA every three years or more frequently where appropriate or where requested by the European Parliament, the Council and the Commission. The report shall focus in particular on implications for financial stability, market integrity, investor protection or the functioning of the internal market***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>89</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 2a – Subparagraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| Without prejudice to specific requirements set out in the acts referred to in Article 1(2) and subject to the conditions set out in the second sentence of paragraph 1, the Authority shall cooperate with the relevant competent authorities, and where ***appropriate***, also with resolution authorities, of third countries whose ***legal*** and supervisory regimes have been recognised as equivalent. That cooperation shall be pursued on the basis of administrative arrangements concluded with the relevant authorities of those third countries. When negotiating such administrative arrangements, the Authority shall include provisions on the following: | Without prejudice to specific requirements set out in the acts referred to in Article 1(2) and subject to the conditions set out in the second sentence of paragraph 1, the Authority shall cooperate with the relevant competent authorities, and where ***applicable***, also with resolution authorities, of third countries whose ***regulatory*** and supervisory regimes have been recognised as equivalent. That cooperation shall be pursued on the basis of administrative arrangements concluded with the relevant authorities of those third countries. When negotiating such administrative arrangements, the Authority shall include provisions on the following: |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>90</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 2a – Point b</Article2>

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| Text proposed by the Commission | Amendment |
| (b) ***to the extent necessary for the follow up of such decisions on equivalence where relevant*** to the extent necessary for the follow-up of such decisions on equivalence, the procedures concerning the coordination of supervisory activities including***, where necessary,*** on-site inspections. | (b) to the extent necessary for the follow-up of such decisions on equivalence, the procedures concerning the coordination of supervisory activities including on-site inspections ***conducted under the responsibility of the Authority, where appropriate, accompanied and supported by up to five representatives of different competent authorities on a voluntary and rotating basis, and by the competent authority of the third country***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>91</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 2a – Point b – Subparagraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| The Authority shall inform the Commission where a third-country competent authority refuses to conclude such administrative arrangements or when it refuses to effectively cooperate. The Commission shall take this information into account when reviewing the relevant equivalence decisions. | The Authority shall inform the ***European Parliament, the Council, the*** Commission***, and the other ESAs*** where a third-country competent authority refuses to conclude such administrative arrangements or when it refuses to effectively cooperate. The Commission shall take this information into account when reviewing the relevant equivalence decisions. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>92</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 2b – Subparagraph 1</Article2>

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| Text proposed by the Commission | Amendment |
| Where the Authority identifies developments in relation to the regulation, supervision or the enforcement practices in the third countries referred to in paragraph 2a that may impact the financial stability of the Union or of one or more of its Member States, market integrity or investor protection or the functioning of the internal market, it shall inform the Commission on a confidential basis and without delay. | Where the Authority identifies developments in relation to the regulation, supervision or the enforcement practices in the third countries referred to in paragraph 2a that may impact the financial stability of the Union or of one or more of its Member States, market integrity or investor protection or the functioning of the internal market, it shall inform the ***European Parliament, the Council and the*** Commission on a confidential basis and without delay. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>93</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 2b – Subparagraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| ***The Authority shall on an annual basis submit a confidential report to the Commission on the regulatory, supervisory, enforcement and market developments in the third countries referred to in paragraph 2a with a particular focus on their implications for financial stability, market integrity, investor protection or the functioning of the internal market..*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>94</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 2c – Subparagraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| The Authority may develop model administrative arrangements, with a view to establishing consistent, efficient and effective supervisory practices within the Union and to strengthening international supervisory coordination. ***In accordance with Article 16(3),*** the competent authorities shall ***make every effort to*** follow such model arrangements. | The Authority may ***cooperate with the competent authorities to*** develop model administrative arrangements, with a view to establishing consistent, efficient and effective supervisory practices within the Union and to strengthening international supervisory coordination. The competent authorities shall follow such model arrangements ***as closely as possible***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>95</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 2c – Subparagraph 3</Article2>

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| Text proposed by the Commission | Amendment |
| ***In the report referred to in Article 43(5), the Authority shall include information on the administrative arrangements agreed upon with supervisory authorities, international organisations or administrations in third countries, the assistance provided by the Authority to the Commission in preparing equivalence decisions and the monitoring activity pursued by the Authority in accordance with paragraph 2a.;*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>96</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 3a (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***(17 a) The following paragraph 3a is inserted:*** |
|  | ***3a. The Authority shall seek the full membership in the Basel Committee on Banking Supervision, the Financial Stability Board and to get an observer status in the in the International Accounting Standards Board.*** |
|  | ***Any position taken by the Authority in the international fora shall be discussed and approved by the Board of Supervisors.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>97</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 33 – Paragraph 3b (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***(17 b) The following paragraph 3b is inserted:*** |
|  | ***3b. The Authority shall monitor regulatory and supervisory developments and enforcement practices and relevant market developments in third countries for which international agreements have been concluded.*** |
|  | ***Without prejudice to specific requirements set out in the acts referred to in Article 1(2) and subject to the conditions set out in the second sentence of paragraph 1, the Authority shall cooperate with the relevant competent authorities, and where applicable, also with resolution authorities, of third countries referred to in the first subparagraph.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>98</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 c (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 34</Article2>

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|  | |
| Present text | Amendment |
|  | ***(17 c) Article 34 is deleted.*** |
| ***Other tasks*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

<TitreJust>Justification</TitreJust>

Article 34 is moved to Article 16a (new).

</Amend>

<Amend>Amendment <NumAm>99</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 18</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 34 – Paragraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| ***(18) Article 34, paragraph 2, is replaced by the following:*** | ***deleted*** |
| ***‘2. With regard to assessments under Article 22 of Directive 2013/36/EC, and which according to that Directive require consultation between competent authorities from two or more Member States, the Authority may, on application of one of the competent authorities concerned, issue and publish an opinion on such an assessment, except in relation to the criteria in Article 23(1)(e) of that Directive. The opinion shall be issued promptly and in any event before the end of the assessment period referred to in that Directive. Articles 35 and 35b shall apply to the areas in respect of which the Authority may issue an opinion.; ’*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>100</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 19 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35 – Paragraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| 2. The Authority may also request information to be provided at recurring intervals and in specified formats or by way of comparable templates approved by the Authority. Such requests shall, where possible, be made using common reporting formats. | 2. The Authority may also request information to be provided at recurring intervals and in specified formats or by way of comparable templates approved by the Authority. Such requests shall, where possible, be made using ***existing*** common reporting formats ***and shall respect the principle of proportionality in accordance with legislation referred to in Article 1(2) and in national law***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>101</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 19 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35 – Paragraph 3</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 3. ***Upon a duly justified*** request ***from*** a competent authority, the Authority shall provide any information that is necessary to enable the competent authority to carry out its tasks ***in accordance with the professional secrecy obligations laid down in sectoral legislation and in Article 70***.***;*** | 3. ***At the*** request ***of*** a competent authority, the Authority shall provide any information ***it holds*** that is necessary to enable the competent authority to carry out its tasks. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>102</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35a (new) – Subparagraph 1</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| The powers conferred on the Authority, any of its officials or another person authorised by the Authority in accordance with Article ***35(b)*** shall not be used to require the disclosure of information or documents that are subject to legal privilege. | The powers conferred on the Authority, any of its officials or another person authorised by the Authority in accordance with Article ***35*** shall not be used to require the disclosure of information or documents that are subject to legal privilege. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>103</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35a (new) – Subparagraph 2</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***The following subparagraph is added:*** |
|  | ***“Articles 35a and 35b shall apply without prejudice to national law.”*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>104</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35b (new) – Paragraph 1</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 1. Where information requested under paragraph 1 or paragraph 5 of Article 35 is not available or is not made available within the time limit set by the Authority, it may ***by simple request or by decision*** require the following institutions and entities to provide all necessary information to enable the Authority to carry out its duties under this Regulation: | 1. Where information requested under paragraph 1 or paragraph 5 of Article 35 is not available or is not made available within the time limit set by the Authority, it may require the following institutions and entities to provide all necessary information to enable the Authority to carry out its duties under this Regulation: |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>105</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35b (new) – Paragraph 2</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***2. Any simple request for information referred to in paragraph 1shall:*** | ***deleted*** |
| ***(a) refer to this Article as the legal base of that request;*** |  |
| ***(b) state the purpose of the request;*** |  |
| ***(c) specify the information required;*** |  |
| ***(d) include a time limit within which the information is to be provided;*** |  |
| ***(e) include a statement that there is no obligation on the person from whom the information is requested to provide that information but that in case of a voluntary reply to the request, the information provided must not be incorrect or misleading;*** |  |
| ***(f) indicate the amount of the fine to be issued in accordance with Article 35c where the information provided is incorrect or misleading information.*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>106</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35b (new) – Paragraph 3</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***3. When requesting information by decision, the Authority shall:*** | ***deleted*** |
| ***(a) refer to this Article as the legal base of that request;*** |  |
| ***(b) state the purpose of the request;*** |  |
| ***(c) specify the information required;*** |  |
| ***(d) set a time limit within which the information is to be provided;*** |  |
| ***(e) indicate the periodic penalty payments provided for in Article 35d where the production of the required information is incomplete;*** |  |
| ***(f) indicate the fine provided for in Article 35c where the answers to the questions are incorrect or misleading information;*** |  |
| ***(g) indicate the right to appeal the decision before the Board of Appeal and to have the decision reviewed by the Court of Justice of the European Union in accordance with Articles 60 and 61.*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>107</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35b (new) – Paragraph 4</Article2>

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| Text proposed by the Commission | Amendment |
| 4. The relevant institutions and entities listed in paragraph 1 or their representatives ***and, in the case of legal persons or associations having no legal personality, the persons authorised to represent them by law or by their constitution*** shall supply the information requested. ***Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.*** | 4. ***Within a reasonable time limit set by the Authority,*** the relevant institutions and entities listed in paragraph 1 or their ***legal*** representatives shall supply the information requested. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>108</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35b (new) – Paragraph 5</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 5. The authority shall send, without delay, a copy of the ***simple*** request ***or of its decision*** to the competent authority of the Member State where the relevant entity listed in paragraph 1 concerned by the request for information is domiciled or established. | 5. The Authority shall send, without delay, a copy of the request to the competent authority of the Member State where the relevant entity listed in paragraph 1 concerned by the request for information is domiciled or established. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>109</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 1. Where, in carrying out its duties under this Regulation, the authority finds that there are serious indications of the possible existence of facts liable to constitute an infringement as referred to in Article 35d(1), the Authority shall ***appoint an independent investigation officer within the Authority*** to investigate the matter. ***The appointed officer shall not be involved or have been directly or indirectly involved in the direct or indirect supervision of the institutions or entities listed in Article 35b(1) and shall perform his or her functions independently from the Board of Supervisors.*** | 1. Where, in carrying out its duties under this Regulation, the Authority finds that there are serious indications of the possible existence of facts liable to constitute an infringement as referred to in Article 35d(1), the Authority shall ***request the Commission*** to investigate the matter. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>110</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 2</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***2. The investigation officer referred to in paragraph 1 shall investigate the alleged infringements, taking into account any comments submitted by the persons who are subject to the investigations, and shall submit a complete file with his or her findings to the Board of Supervisors.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>111</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 3</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| ***3. In order to carry out his or her tasks, the investigation officer shall have the power to request information in accordance with Article 35b.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>112</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 4</Article2>

|  |  |
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| Text proposed by the Commission | Amendment |
| ***4. Where carrying out his or her tasks, the investigation officer shall have access to all documents and information gathered by the Authority in its supervisory activities.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>113</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 5</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| ***5. Upon completion of his investigation and before submitting the file with his or her findings to the Board of supervisors, the investigation officer shall give the persons subject to the investigations the opportunity to be heard on the matters being investigated. The investigation officer shall base his or her findings only on facts on which the persons concerned have had the opportunity to comment.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>114</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 6</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***6. The rights of defence of the persons subject to the investigations shall be fully respected during investigations undertaken pursuant to this Article.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>115</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 7</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***7. Upon submission of the file with his finding to the Board of Supervisors, the investigation officer shall notify the persons who are subject to the investigations. The persons subject to the investigations shall be entitled to have access to the file, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file shall not extend to confidential information affecting third parties.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>116</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 8</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***8. On the basis of the file containing the investigation officer's findings and, when requested by the persons subject to the investigations, after having heard those persons in accordance with Article 35f, the Authority shall decide if one or more of the infringements as referred to in Article 35d(1) has been committed by the persons subject to the investigations and, in such a case, shall take a measure in accordance with that Article.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>117</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 9</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***9. The investigation officer shall not participate in the deliberations of the Board of Supervisors or intervene in any way in the decision-making process of the Board of Supervisors.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>118</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 10</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| ***10. The Commission shall adopted delegated acts in accordance with Article 75a to specify the rules of procedure for the exercise of the power to impose fines or periodic penalty payments, including rules on the following:*** | ***deleted*** |
| ***(a) rights of defence*** |  |
| ***(b) temporal provisions,*** |  |
| ***(c) provisions specifying how fines or periodic penalty payments are to be collected,*** |  |
| ***(d) provisions specifying the limitation periods for the imposition and enforcement of fines and periodic penalty payments.*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>119</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35c (new) – Paragraph 11</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***11. The Authority shall refer matters for criminal prosecution to the relevant national authorities where, in carrying out its duties under this Regulation, it finds that there are serious indications of the possible existence of facts liable to constitute criminal offences. In addition, the Authority shall refrain from imposing fines or periodic penalty payments where a prior acquittal or conviction arising from identical fact or facts which are substantially the same has already acquired the force of res judicata as the result of criminal proceedings under national law.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>120</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35d (new) – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| Fines | Fines ***and periodic penalty payments*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>121</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35d (new) – Paragraph –1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***-1. Before taking any decision to impose a fine or a periodic penalty payment the Commission shall give the institution or entity subject to the request for information the opportunity to be heard.*** |
|  | ***The Commission shall base its decisions only on the findings on which the institutions or entities concerned have had the opportunity to comment.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>122</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35d (new) – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The ***Authority*** shall adopt a decision to impose a fine where it finds that an institution or entity listed in Article 35b(1) has, intentionally or negligently, failed to provide information ***in response to a decision requiring information pursuant to Article 35b(3)*** or has provided incomplete, incorrect or misleading information ***in response to a simple request for information or a decision*** pursuant to ***Article 35b(2).*** | 1. The ***Commission*** shall adopt a decision to impose a fine where it finds that an institution or entity listed in Article 35b(1) has, intentionally or negligently, failed to provide information ***required*** or has provided incomplete, incorrect or misleading information pursuant to ***Article35b(1)*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>123</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35d (new) – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 2. ***The basic amount of*** the fine referred to in paragraph 1 shall amount to at least EUR 50 000 and shall not exceed EUR 200 000. | 2. The fine referred to in paragraph 1 shall amount to at least EUR ***[X; lower than EUR*** 50 000***]*** and shall not exceed EUR ***[Y; lower than EUR*** 200 000***] and shall be set proportionately to the size of the institution or entity and the nature and significance of the infringement***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>124</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35d (new) – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***3. When setting the basic amount of the fine referred to in paragraph 2, the Authority shall have regard to the annual turnover of the institution or entity concerned for the preceding business year and shall be:*** | ***deleted*** |
| ***(a) at the lower end of the limit for entities with an annual turnover below EUR 10 million;*** |  |
| ***(b) the middle of the limit for entities with an annual turnover between EUR 10 and 50 million;*** |  |
| ***(c) the higher end of the limit for entities with an annual turnover higher than EUR 50 million.*** |  |
| ***The basic amounts defined within the limits set out in paragraph 2 shall be adjusted, where necessary, by taking into account aggravating or mitigating factors in accordance with the relevant coefficients set out in paragraph 5.*** |  |
| ***The relevant aggravating coefficient shall be applied one by one to the basic amount. Where more than one aggravating coefficient is applicable, the difference between the basic amount and the amount resulting from the application of each individual aggravating coefficient shall be added to the basic amount.*** |  |
| ***The relevant mitigating coefficient shall be applied one by one to the basic amount. Where more than one mitigating coefficient is applicable, the difference between the basic amount and the amount resulting from the application of each individual mitigating coefficient shall be subtracted from the basic amount.*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>125</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35d (new) – Paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***4. The following adjustment coefficients shall be applied cumulatively to the basic amount referred to in paragraph 2, based on the following:*** | ***deleted*** |
| ***(a) the adjustment coefficients linked to aggravating factors are as follows:*** |  |
| ***(i) where the infringement has been committed repeatedly, an additional coefficient of 1.1 shall apply each time the infringement has been repeated;*** |  |
| ***(ii) where the infringement lasted for more than six months, a coefficient of 1.5 shall apply;*** |  |
| ***(iii) where the infringement has been committed intentionally, a coefficient of 2 shall apply;*** |  |
| ***(iv) where no remedial action has been taken since the infringement has been identified, a coefficient of 1.7 shall apply;*** |  |
| ***(v) where the entity’s senior management has not cooperated with the Authority, a coefficient of 1.5 shall apply.*** |  |
| ***(b) the adjustment coefficients linked to mitigating factors are as follows:*** |  |
| ***(i) where the infringement lasted fewer than 10 working days, a coefficient of 0.9 shall apply;*** |  |
| ***(ii) where the institution's or entity’s senior management can demonstrate that they have taken all the necessary measures to prevent the failure to comply with a request pursuant to Article 35(6a), a coefficient of 0.7 shall apply;*** |  |
| ***(iii) where the entity has brought the infringement to the Authority’s attention quickly, effectively and completely, a coefficient of 0.4 shall apply;*** |  |
| ***(iv) where the entity has voluntarily taken measures to ensure that similar infringement cannot be committed in the future, a coefficient of 0.6 shall apply.*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>126</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35d (new) – Paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 5. ***Notwithstanding paragraphs 2 and 3,*** the total fine shall not exceed ***20%*** of the annual turnover of the entity concerned in the preceding business year unless the entity has directly or indirectly benefitted financially from the infringement. In that case, the total fine shall be at least equal to that financial benefit. | 5. The total fine shall not exceed ***[X%; lower than 20%]*** of the annual turnover of the entity concerned in the preceding business year unless the entity has directly or indirectly benefitted financially from the infringement. In that case, the total fine shall be at least equal to that financial benefit. |
|  | ***5a. The Commission may impose a periodic penalty payment until the infringement is corrected. The periodic penalty payment shall be set proportionately to the size of the institution or entity and the nature and significance of the infringement.*** |
|  | ***5b. The rights of defence of the institution or entity shall be fully respected during the procedure. The institution or entity shall be entitled to have access to the Authority's and the Commission’s file, subject to the legitimate interest of other persons in protecting their business secrets. The right of access to the file shall not extend to confidential information or internal preparatory documents of the Authority or the Commission.*** |
|  | ***5c. Enforcement of the fine or periodic penalty payment may only be suspended by a decision of the Court of Justice of the European Union. The institutions or entities subject to a fine or periodic penalty payment may institute proceeding before the Court of Justice of the European Union against such a decision of the Commission. The Court may, among others, annul, reduce or increase the fine or periodic penalty payment imposed by the Commission.*** |
|  | ***5d. The Commission shall disclose to the public every fine and periodic penalty payment that has been imposed, unless such disclosure to the public would seriously jeopardise the financial markets or cause disproportionate damage to the parties involved.*** |
|  | ***5e. The amounts of the fines and periodic penalty payments shall be allocated to the general budget of the European Union.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>127</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35e (new) – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Article 35e*** | ***deleted*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>128</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35e (new) – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Periodic penalty payments*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>129</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35e (new) – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***1. The Authority shall adopt decisions to impose a periodic penalty payment in order to compel institutions or entities referred to in Article 35b(1) to provide information requested by decision in accordance with Article 35b(3)..*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>130</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35e (new) – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***2. A periodic penalty payment shall be effective and proportionate. The periodic penalty payment shall be imposed on a daily basis until the institution or entity concerned complies with the relevant decision referred to in paragraph 1.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>131</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35e (new) – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***3. Notwithstanding paragraph 2, the amount of a periodic penalty payment shall be 3% of the average daily turnover of the institution or entity concerned in the preceding business year. It shall be calculated from the date stipulated in the decision imposing the periodic penalty payment.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>132</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35e (new) – Paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***4. A periodic penalty payment may be imposed for a period of no more than six months following the notification of the Authority's decision.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>133</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35f (new) – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Article 35f*** | ***deleted*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>134</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35f (new) – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Right to be heard*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>135</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35f (new) – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***1. Before taking any decision to impose a fine and periodic penalty payment under Articles 35d and 35e, the Authority shall give the institution or entity subject to the request for information the opportunity to be heard.*** | ***deleted*** |
| ***The Authority shall base its decisions only on the findings on which the institutions or entities concerned have had the opportunity to comment.*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>136</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35f (new) – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***2. The rights of defence of the institution or entity referred to in paragraph 1 shall be fully respected during the procedure. The institution or entity shall be entitled to have access to the Authority's file, subject to the legitimate interest of other persons in protecting their business secrets. The right of access to the file shall not extend to confidential information or internal preparatory documents of the Authority.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>137</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35g (new) – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Article 35g*** | ***deleted*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>138</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35g (new) – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Disclosure, nature, enforcement and allocation of fines and periodic penalty payments*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>139</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35g (new) – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***1. Fines and periodic penalty payments imposed pursuant to Articles 35d and 35e shall be of an administrative nature and shall be enforceable.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>140</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35g (new) – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***2. Enforcement of the fine and periodic penalty payment shall be governed by the rules of procedure in force in the Member State in the territory of which the enforcement is carried out. The enforcement order shall be appended to the decision imposing a fine or a periodic penalty payment without the requirement for any other formality than the verification of the authenticity of the decision by an authority which each Member State shall designate for that purpose and shall make known to the Authority and to the Court of Justice of the European Union.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>141</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35g (new) – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***3. Where the formalities referred to in paragraph 2 have been completed on application by the party concerned, the party concerned may proceed to enforcement in accordance with the national law, by bringing the matter directly before the competent body.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>142</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35g (new) – Paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***4. Enforcement of the fine or periodic penalty payment may only be suspended by a decision of the Court of Justice of the European Union. However, the courts of the Member State concerned shall have jurisdiction over complaints that the enforcement of the fine or periodic penalty payment is being carried out in an irregular manner.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>143</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35g (new) – Paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***5. The Authority shall disclose to the public every fine and periodic penalty payment that has been imposed pursuant to Articles 35d and 35e, unless such disclosure to the public would seriously jeopardise the financial markets or cause disproportionate damage to the parties involved.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>144</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35g (new) – Paragraph 6</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***6. The amounts of the fines and periodic penalty payments shall be allocated to the general budget of the European Union.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>145</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35h (new) – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Article 35h*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>146</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35h (new) – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Review by the Court of Justice of the European Union*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>147</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 35h (new) – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions whereby the Authority has imposed a fine or a periodic penalty payment. It may annul, reduce or increase the fine or periodic penalty payment imposed by the Authority.;*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>148</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 36 – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(20 a) Paragraph 3 of*** Article ***36 is deleted***. |
| ***The Authority shall, in accordance with paragraphs 4 and 5, ensure a proper follow-up to ESRB warnings and recommendations referred to in*** Article ***16 of Regulation (EU) No 1092/2010***. | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>149</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 36 – Paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(20 b) Article 36, Paragraph 4 is amended as follows:*** |
| On receipt of a warning or recommendation from the ESRB addressed to the Authority, the Authority shall ***convene a*** meeting of the Board of Supervisors ***without delay and*** assess the implications of such a warning or recommendation for the fulfilment of its tasks. | "On receipt of a warning or recommendation from the ESRB addressed to the Authority, the Authority shall ***discuss this warning or recommendation at the next*** meeting of the Board of Supervisors***, or where appropriate, earlier, to*** assess the implications ***and possible follow-up*** of such a warning or recommendation for the fulfilment of its tasks. |
| It shall decide, by the relevant decision-making procedure, ***on*** any actions to be taken in accordance with the powers conferred upon it by this Regulation for addressing the issues identified in the warnings and recommendations. | It shall decide, by the relevant decision-making procedure, ***whether*** any actions ***are*** to be taken in accordance with the powers conferred upon it by this Regulation for addressing the issues identified in the warnings and recommendations ***and on the content of that action***. |
| If the Authority does not act on a recommendation, it shall explain ***to the Council and*** to the ESRB its reasons for not doing so. The ESRB shall inform the European Parliament thereof in accordance with Article 19(5) of Regulation (EU) No 1092/2010. | If the Authority does not act on a ***warning or*** recommendation, it shall explain to the ESRB its reasons for not doing so. The ESRB shall inform the European Parliament thereof in accordance with Article 19(5) of Regulation (EU) No 1092/2010. ***The ESRB shall inform also the Council thereof. "*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>150</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 21</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 36 – Paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| On receipt of a warning or recommendation from the ESRB addressed to a competent authority, the Authority ***shall***, where relevant, use the powers conferred upon it by this Regulation to ensure a timely follow-up. | On receipt of a warning or recommendation from the ESRB addressed to a competent authority, the Authority ***may***, where relevant, use the powers conferred upon it by this Regulation to ensure a timely follow-up. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>151</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 21 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 36 – Paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(21 a) The second and third subparagraphs of Paragraph 5, as well as Paragraph 6, are deleted***. |
| ***Where the addressee intends not to follow the recommendation of the ESRB, it shall inform and discuss with the Board of Supervisors its reasons for not acting.*** | ***deleted*** |
| ***Where the competent authority, in accordance with Article 17(1) of Regulation (EU) No 1092/2010, informs the Council and the ESRB of the actions it has undertaken in response to a recommendation of the ESRB, it shall take due account of the views of the Board of Supervisors and shall also inform the Commission***. |  |
| ***6. In discharging the tasks set out in this Regulation, the Authority shall take the utmost account of the warnings and recommendations of the ESRB.*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>152</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point -a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 37 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) Paragraph 1 is amended as follows:*** |
| To help facilitate consultation with stakeholders in areas relevant to the tasks of the Authority, a Banking Stakeholder Group shall be established. The Banking Stakeholder Group shall be consulted on actions taken in accordance with Articles 10 to 15 concerning regulatory technical standards and implementing technical standards and, to the extent that these do not concern individual financial institutions, Article 16 concerning guidelines and recommendations. If actions must be taken urgently and consultation becomes impossible, the Banking Stakeholder Group shall be informed as soon as possible. | "To help facilitate consultation with stakeholders in areas relevant to the tasks of the Authority, a Banking Stakeholder Group shall be established. The Banking Stakeholder Group shall be consulted on actions taken in accordance with Articles 10 to 15 concerning regulatory technical standards and implementing technical standards and, to the extent that these do not concern individual financial institutions, Article 16 concerning guidelines and recommendations***, Article 16a concerning opinions and Article 16b concerning questions and answers***. If actions must be taken urgently and consultation becomes impossible, the Banking Stakeholder Group shall be informed as soon as possible. |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>153</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point -a a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 37 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a a) Paragraph 2 is amended as follows:*** |
| The Banking Stakeholder Group shall be composed of 30 members, representing in balanced proportions credit and investment institutions operating in the Union, their employees’ representatives ***as well as*** consumers, users of banking services and representatives of SMEs***. At least five*** of its members shall be independent top-ranking academics. ***Ten of its members shall represent financial institutions, three of whom shall represent cooperative and savings banks.*** | "The Banking Stakeholder Group shall be composed of 30 members, ***13 members*** representing in balanced proportions credit and investment institutions operating in the Union, ***three of whom shall represent cooperative and savings banks, 13 members representing*** their employees’ representatives***,*** consumers, users of banking services and representatives of SMEs ***and four*** of its members shall be independent top-ranking academics. |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>154</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point -a b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 37 – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a b) Paragraph 3 is amended as follows:*** |
| The members of the Banking Stakeholder Group shall be appointed by the Board of Supervisors***,*** following ***proposals from the relevant stakeholders***. In making its decision, the Board of Supervisors shall, to the extent possible, ensure an appropriate geographical and gender balance and representation of stakeholders across the Union. | "The members of the Banking Stakeholder Group shall be appointed by the Board of Supervisors following ***an open selection procedure***. In making its decision, the Board of Supervisors shall, to the extent possible, ensure an appropriate ***reflection of diversity of the banking sector,*** geographical and gender balance and representation of stakeholders across the Union. ***Members of the Banking Stakeholder Group shall be selected according to their qualifications, skills, relevant knowledge and proven expertise.*** |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>155</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point -a c (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 37</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(-a c) The following Paragraph 3a is inserted:*** |
|  | ***3a. Members of the Banking Stakeholder Group shall elect its Chair from its Members for a period of two years.*** |
|  | ***The European Parliament may invite the Chair to make a statement before it and answer any questions put by its Members whenever so requested.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>156</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point a a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 37 – Paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a a) Paragraph 5 is amended as follows:*** |
| The Banking Stakeholder Group may submit ***opinions and*** advice to the Authority on any issue related to the tasks of the Authority with particular focus on the tasks set out in Articles 10 to 16 and Articles 29, 30 and 32. | "The Banking Stakeholder Group may submit advice to the Authority on any issue related to the tasks of the Authority with particular focus on the tasks set out in Articles 10 to 16***, 16a, 16b, 35*** and Articles 29, 30 and 32. |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>157</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 37 – Paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| Where members of the Banking Stakeholder Group cannot ***reach a common opinion or*** advice, the members ***representing one group of stakeholders*** shall be permitted to issue a separate ***opinion or separate*** advice. | Where members of the Banking Stakeholder Group cannot ***agree on*** advice, the members shall be permitted to issue a separate advice. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>158</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 37 – Paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Banking Stakeholder Group, the Securities and Markets Stakeholder Group, the Insurance and Reinsurance Stakeholder Group, and the Occupational Pensions Stakeholder Group may issue joint ***opinions and*** advice on issues related to the work of the European Supervisory Authorities under Article 56 of this Regulation on joint positions and common acts.***;*** | The Banking Stakeholder Group, the Securities and Markets Stakeholder Group, the Insurance and Reinsurance Stakeholder Group, and the Occupational Pensions Stakeholder Group may issue joint advice on issues related to the work of the European Supervisory Authorities under Article 56 of this Regulation on joint positions and common acts. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>159</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point b a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 37 – Paragraph 7</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(b a) Paragraph 7 is amended as follows:*** |
| The Authority shall make public the ***opinions and*** advice of the Banking Stakeholder Group and the results of its consultations. | "The Authority shall make public the advice of the Banking Stakeholder Group***, the separate advice of its Members,*** and the results of its consultations. |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>160</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 38 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(22 a) Article 38, Paragraph 1 is amended as follows:*** |
| The Authority shall ensure that no decision adopted pursuant to Article 18 ***or 19*** impinges in any way on the fiscal responsibilities of Member States. | "The Authority shall ensure that no decision adopted pursuant to Article 18***, 19 or 20*** impinges in any way on the fiscal responsibilities of Member States. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>161</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 23</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 39 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The Authority shall act in accordance with paragraphs 2 to 6 when adopting decisions provided ***for in this Regulation save for those decisions adopted in accordance with*** Articles ***35b, 35d and 35e***. | 1. The Authority shall act in accordance with paragraphs 2 to 6 when adopting decisions provided ***pursuant to*** Articles ***17, 18 and 19***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>162</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 23</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 39 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 2. The Authority shall inform any addressee of a decision of its intention to adopt the decision, setting a time limit within which the addressee may express its views on the subject-matter of the decision, taking full account of the urgency, complexity and potential consequences of the matter. The provision laid down in the first sentence shall apply mutatis mutandis to recommendations as referred to in Article 17(3). | 2. The Authority shall inform any addressee of a decision of its intention to adopt the decision ***in the official language of the addressee***, setting a time limit within which the addressee may express its views on the subject-matter of the decision, taking full account of the urgency, complexity and potential consequences of the matter. The ***addressee may express its views in the official language of the addressee. The*** provision laid down in the first sentence shall apply mutatis mutandis to recommendations as referred to in Article 17(3). |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>163</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 23</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 39 – Paragraph 6</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 6. The adoption of the decisions which the Authority takes pursuant to Articles ***17,*** 18 or 19 shall be made public. The publication shall disclose the identity of the competent authority or financial institution concerned and the main content of the decision, unless such publication is in conflict with the legitimate interest of those financial institutions or with the protection of their business secrets or could seriously jeopardise the orderly functioning and integrity of financial markets or the stability of the whole or part of the financial system of the Union.***;*** | 6. The adoption of the decisions which the Authority takes pursuant to Articles 18 or 19 shall ***be made public. The adoption of the decisions which the Authority takes pursuant to Article 17 may*** be made public. The publication shall disclose the identity of the competent authority or financial institution concerned and the main content of the decision, unless such publication is in conflict with the legitimate interest of those financial institutions or with the protection of their business secrets or could seriously jeopardise the orderly functioning and integrity of financial markets or the stability of the whole or part of the financial system of the Union. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>164</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a – point i a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 40 – Paragraph 1 – Point e</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(i a) Point e is replaced by the following:*** |
| one representative of the ESRB, who shall be non-voting***;*** | "one representative of the ESRB, who shall be non-voting ***and who shall refrain from taking positions induced by the conduct of monetary policies.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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</Amend>

<Amend>Amendment <NumAm>165</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a – point i b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 40 – Paragraph 1 – Point fa (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(i b) The following point fa is inserted:*** |
|  | ***(fa) one representative of the SRB, who shall be non-voting;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>166</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 40 – Paragraph 4a</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a a) Paragraph 4a is deleted***. |
| ***In discussions not relating to individual financial institutions, as provided in Article 44(4), the representative nominated by the Supervisory Board of the European Central Bank may be accompanied by a representative of the European Central Bank with expertise on central banking tasks***. | ***deleted*** |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>167</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 40 – Paragraph 6</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a b) Paragraph 6 is amended as follows:*** |
| For the purpose of acting within the scope of Directive 94/19/EC, the member of the Board of Supervisors referred to in paragraph 1(b) may, where appropriate, be accompanied by a representative from the relevant bodies which administer deposit-guarantee schemes in each Member State, who shall be non-voting. | "For the purpose of acting within the scope of Directive 94/19/EC, the member of the Board of Supervisors referred to in paragraph 1(b) may, where appropriate, be accompanied by a representative from the relevant bodies which administer deposit-guarantee schemes in each Member State, who shall be non-voting. |
| ***For the purpose of acting within the scope of Directive 2014/59/EU***, the member of the Board of Supervisors ***referred to in point (b) of paragraph 1 may, where appropriate, be accompanied by*** a representative from the resolution authority ***in each Member State***, who shall be non-voting. | ***Where the national public authority referred to in paragraph 1(b) is not responsible for resolution***, the member of the Board of Supervisors ***may decide to invite*** a representative from the resolution authority, who shall be non-voting. ***"*** |
| ***For the purpose of acting within the scope of Directive 2014/59/EU, the Chair of the Single Resolution Board shall be an observer to the Board of Supervisors.*** |  |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>168</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a c (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 40 – Paragraph 6a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(a c) The following Paragraph 6a is inserted:*** |
|  | ***For the purpose of acting within the scope of Articles 10-15, one representative of the Commission shall be non-voting member and one representative of the European Parliament and one representative of each Member State’s administrations shall be observers to the Board of Supervisors. For other points of discussion in the Board of Supervisors one representative of the Commission shall be observer.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>169</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a d (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 40 – Paragraph 7 – Subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a d) In Paragraph 7, the first subparagraph is amended as follows:*** |
| The Board of Supervisors may ***decide to admit*** observers. | "The Board of Supervisors may ***invite*** observers. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>170</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 25 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 42 – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(25 a) The title of Article 42 is replaced by the following:*** |
| Independence | "Independence ***of the Board of Supervisors*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>171</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 26</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 42 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| When carrying out the tasks conferred upon them by this Regulation the ***voting*** members of the Board of Supervisors shall act independently and objectively in the sole interest of the Union as a whole and shall neither seek nor take instructions from Union institutions or bodies, from any government ***of a Member State*** or from any other public or private body.; | When carrying out the tasks conferred upon them by this Regulation***,*** the members of the Board of Supervisors shall act independently and objectively in the sole interest of the Union as a whole and shall neither seek nor take instructions from Union institutions or bodies, from any government or from any other public or private body.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>172</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 26 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 42 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(26 a) The last subparagraph is deleted***. |
| ***The first and second paragraphs are without prejudice to the tasks conferred on the European Central Bank by Regulation (EU) No 1024/2013***. | ***deleted*** |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>173</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 26 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 42 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(26 b) The following subparagraph is inserted:*** |
|  | ***When the degree of independence referred to in Article 30 paragraph 2(a) has been assessed to be insufficient in accordance with that Article, the Board of Supervisors may decide to either temporarily suspend the voting rights of the individual member or to temporarily suspend its membership in the work of the Authority until the deficiency has been remedied.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>174</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 27 – point c</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 43 paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Board of Supervisors shall adopt, before 30 September of each year, on the basis of a proposal by the Executive Board, the work programme of the Authority for the coming year, and shall transmit it for information to the European Parliament, the Council and the Commission.***;*** | The Board of Supervisors shall adopt, before 30 September of each year, on the basis of a proposal by the Executive Board, the work programme of the Authority for the coming year, and shall transmit it for information to the European Parliament, the Council and the Commission. |
|  | ***The Authority shall set out its priorities with regard to reviews identifying, where appropriate, competent authorities and activities subject to reviews in accordance with Article 30. If duly justified, the Authority may identify additional competent authorities to review.*** |
|  | *(This amendment applies throughout Article 2 and 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>175</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 27 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 43a (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(27 a) The following Article 43a is inserted:*** |
|  | ***Article 43a (new)*** |
|  | ***Transparency of decisions adopted by the Board of Supervisors*** |
|  | ***Notwithstanding Article 70, within at most six weeks from the date of a meeting of the Board of Supervisors, the Authority shall provide the European Parliament at least with a comprehensive and meaningful record of the proceedings of that meeting of the Board of Supervisors that enables a full understanding of the discussions, including an annotated list of decisions.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>176</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 33</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 46 – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| Independence | Independence ***of the Executive/Management Board*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>177</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 33</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 46 – Subparagraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| The members of the ***Executive*** Board shall act independently and objectively in the sole interest of the Union as a whole and shall neither seek nor take instructions from the Union institutions or bodies, from any government ***of a Member State*** or from any other public or private body. | The members of the ***Executive/Management*** Board shall act independently and objectively in the sole interest of the Union as a whole and shall neither seek nor take instructions from the Union institutions or bodies, from any government or from any other public or private body. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>178</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 48 – Paragraph 1 – Subparagraph 2</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| The Chairperson shall be responsible for preparing the work of the Board of Supervisors and shall chair the meetings of the Board of Supervisors and the ***Executive*** Board.***;*** | The Chairperson shall ***be a national of a Member State,*** be responsible for preparing the work of the Board of Supervisors***,*** and shall chair the meetings of the Board of Supervisors and the ***Executive/Management*** Board. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>179</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 48 – Paragraph 2 – Subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Chairperson shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, ***and of experience relevant to financial supervision and regulation***, following an open call for candidates to be published in the Official Journal of the European Union. The ***Commission*** shall submit ***a*** shortlist of candidates for the position of the Chairperson to the European Parliament ***for approval. Following the approval of that shortlist,*** the Council shall adopt a decision to appoint the Chairperson. | ***For the purpose of selection of the Chairperson, the Commission shall establish a Selection Committee composed of two representatives from each of the European Parliament, the Council and the Commission. The Selection Committee shall appoint its Chair among its members. In the event of a tie, the Chair shall have a casting vote. The Selection Committee shall decide by a simple majority on the publication of the vacancy notice, the selection criteria and the specific job profile, the composition of the pool of applicants as well as the method by which the pool of applicants is screened in order to draw up a gender-balanced shortlist of at least two candidates.*** |
|  | The Chairperson shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, ***particularly in banking***, following an open call for candidates to be published in the Official Journal of the European Union. The ***Chairperson shall have a significant number of years of recognised experience relevant to financial supervision and regulation and of senior management experience, be able to demonstrate leadership skills and high standards of efficiency, ability and integrity and have proven language skills of at least two official languages of the Union.*** |
|  | ***The Selection Committee*** shall submit ***the*** shortlist of candidates for the position of the Chairperson to the European Parliament ***and the Council. The European Parliament may invite the selected candidates to in camera or public hearings, submit written questions to the candidates, object to the designation of a candidate and recommend its preferred candidate. The European Parliament and*** the Council shall adopt a ***joint*** decision to appoint the Chairperson ***from the shortlist of candidates***. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>180</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 48 – Paragraph 2 – Subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| Where the Chairperson no longer fulfil the conditions referred to in Article 49 or has been found guilty of serious misconduct, the Council may, on a proposal from the Commission ***which has been approved by the European Parliament***, adopt a decision to remove him or her from office.***;*** | ***2a.*** Where the Chairperson no longer fulfil the conditions referred to in Article 49 or has been found guilty of serious misconduct, the ***European Parliament and the*** Council may, on a proposal from the Commission ***or on their own initiative***, adopt a ***joint*** decision to remove him or her from office. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>181</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 – point b a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 48 – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(b a) Paragraph 3 is amended as follows:*** |
| The Chairperson’s term of office shall be ***5*** years and ***may be extended once***. | "The Chairperson’s term of office shall be ***8*** years and ***shall not be renewable***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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</Amend>

<Amend>Amendment <NumAm>182</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 49 – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(35 a) In Article 49, the title is replaced by:*** |
| Independence | "Independence ***of the Chairperson*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>183</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 49 – Paragraph 1 – Subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(35 b) In Article 49, the first subparagraph is amended as follows:*** |
| Without prejudice to the role of the Board of Supervisors in relation to the tasks of the Chairperson, the Chairperson shall neither seek nor take instructions from the Union institutions or bodies, from any government ***of a Member State*** or from any other public or private body. | "Without prejudice to the role of the Board of Supervisors in relation to the tasks of the Chairperson, the Chairperson shall neither seek nor take instructions from the Union institutions or bodies, from any government or from any other public or private body. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>184</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 36</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 49a – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Chairperson shall make public all meetings held and any hospitality received. Expenses shall be recorded publicly in accordance with the Staff Regulations.***;*** | The Chairperson shall make public all meetings held ***with external stakeholders within a period of two weeks following the meeting*** and any hospitality received. Expenses shall be recorded publicly in accordance with the Staff Regulations. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>185</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 36 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 50</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(36 a) Article 50 is deleted.*** |
|  | *(This amendment applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>186</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 37 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 54 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(37 a) Article 54, Paragraph 2 is amended as follows:*** |
| The Joint Committee shall serve as a forum in which the Authority shall cooperate regularly and closely ***and*** ensure cross-sectoral consistency with the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority), in particular regarding: | "The Joint Committee shall serve as a forum in which the Authority shall cooperate regularly and closely ***to*** ensure cross-sectoral consistency***, while fully taking into account sectoral specificities,*** with the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority), in particular***, where required by legislation,*** regarding: |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>187</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 37 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 54 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(37 b) In Article 54, Paragraph 2, the fifth indent is amended as follows:*** |
| — measures combating money laundering***,*** and | "— measures combating money laundering and ***terrorist financing,*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>188</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 37 c (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 54 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(37 c) In Article 54, Paragraph 2, the sixth indent is deleted***. |
| ***— information exchange with the ESRB and developing the relationship between the ESRB and the ESAs***. | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>189</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 38</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 54 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| — ***depositor,*** consumer ***and investor*** protection issues***;*** | — ***retail financial services and*** consumer protection issues |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>190</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 38 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 55 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(38 a) In Article 55, Paragraph 1 is amended as follows:*** |
| The Joint Committee shall be composed of the Chairpersons of the ESAs***, and, where applicable, the Chairperson of any Sub-Committee established pursuant to Article 57***. | "The Joint Committee shall be composed of the Chairpersons of the ESAs. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>191</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 55 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 2. One member of the ***Executive*** Board, ***the*** representative of the Commission and the ***ESRB*** shall be invited to the meetings of the Joint Committee, as well as of any Sub-Committees referred to in Article 57, as observers.***;*** | 2. One member of the ***Executive/Management*** Board, ***a*** representative of the Commission and the ***second chair of the ESRB and, where relevant, the Chairperson of any Sub-Committee of the Joint Committee*** shall be invited to the meetings of the Joint Committee, as well as ***where relevant*** of any Sub-Committees referred to in Article 57, as observers. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>192</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 55 – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(39 a) In Article 55, Paragraph 3 is amended as follows:*** |
| The Chairperson of the Joint Committee shall be appointed on an annual rotational basis from among the Chairpersons of the ESAs. The Chairperson of the Joint Committee shall be ***a*** Vice-Chair of the ESRB. | "The Chairperson of the Joint Committee shall be appointed on an annual rotational basis from among the Chairpersons of the ESAs. The Chairperson of the Joint Committee shall be ***the second*** Vice-Chair of the ESRB. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>193</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 55 – Paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(39 b) In Article 55, Paragraph 4 is amended as follows:*** |
| The Joint Committee shall adopt and publish its own rules of procedure. The ***rules may specify further participants in the meetings of*** the Joint Committee. | "The Joint Committee shall adopt and publish its own rules of procedure. The ***Joint Committee may invite observers.*** The Joint Committee ***shall reach joint positions by consensus***. |
| The Joint Committee shall meet at least once every ***2*** months. | The Joint Committee shall meet at least once every ***3*** months. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>194</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 c (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 55 – Paragraph 4a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(39 c) In Article 55, the following Paragraph 4a is added:*** |
|  | ***4a. The Chairperson of the Authority shall regularly consult the Board of Supervisors on, and inform of, any position taken in the meetings of the Joint Committee and its sub-committees.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>195</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 d (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 56</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(39 d) Article 56 is amended as follows:*** |
| Article 56 | "Article 56 |
| Joint positions and common acts | Joint positions and common acts |
| Within the scope of its tasks in Chapter II, and in particular with respect to the implementation of Directive 2002/87/EC, where relevant, the Authority shall reach joint positions with the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and with the European Supervisory Authority (European Securities and Markets Authority), as appropriate. | Within the scope of its tasks in Chapter II, and in particular with respect to the implementation of Directive 2002/87/EC, where relevant, the Authority shall ***seek to*** reach joint positions with the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and with the European Supervisory Authority (European Securities and Markets Authority), as appropriate. |
| Acts pursuant to Articles 10 to ***15, 17, 18 or*** 19 of this Regulation in relation to the application of Directive 2002/87/EC and of any other Union acts referred to in Article 1(2) that also fall within the area of competence of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) or the European Supervisory Authority (European Securities and Markets Authority) shall be adopted, in parallel, by the Authority, the European Supervisory Authority (European Insurance and Occupational Pensions Authority), and the European Supervisory Authority (European Securities and Markets Authority)***, as appropriate***. | ***Where required by the Union law,*** acts pursuant to Articles 10 to 19 of this Regulation in relation to the application of Directive 2002/87/EC and of any other Union acts referred to in Article 1(2) that also fall within the area of competence of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) or the European Supervisory Authority (European Securities and Markets Authority) shall be adopted, in parallel, by the Authority, the European Supervisory Authority (European Insurance and Occupational Pensions Authority), and the European Supervisory Authority (European Securities and Markets Authority)***.*** |
|  | ***Where the decision of the Authority deviates from the joint position referred to in paragraph 1, or where no decision could be taken, it shall inform the European Parliament, the Council and the Commission of its reasons without delay***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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</Amend>

<Amend>Amendment <NumAm>196</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 e (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 57 – Paragraph 1a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(39 e) In Article 57, the following Paragraph 1a is inserted:*** |
|  | ***1a. The Joint Committee may establish Sub-Committees for the purposes of preparing draft joint positions and common acts to the Joint Committee.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>197</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 f (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 57 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(39 f) Paragraph 1*** of Article ***57 is deleted***. |
| ***For the purposes*** of Article ***56, a Sub-Committee on Financial Conglomerates to the Joint Committee shall be established***. | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>198</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 g (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 57 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(39 g) Paragraph 2 of Article 57 is amended as follows:*** |
| The Sub-Committee shall be composed of the ***individuals referred to in Article 55(1)***, and one high-level representative from the current staff of the relevant competent authority from each Member State. | "The Sub-Committee shall be composed of the ***Chairpersons of the ESAs***, and one high-level representative from the current staff of the relevant competent authority from each Member State. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>199</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 h (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 57 – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(39 h) Paragraph 3 of Article 57 is amended as follows:*** |
| The Sub-Committee shall elect a Chairperson from among ***its members***, who shall also be ***a member of*** the Joint Committee. | "The Sub-Committee shall elect a Chairperson from among ***representatives of the relevant competent authorities*** , who shall also be ***an observer in*** the Joint Committee. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>200</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 i (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 57 – Paragraph 3a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(39 i) The following new Paragraph 3a is inserted:*** |
|  | ***3a. For the purposes of Article 56, a Sub-Committee on Financial Conglomerates to the Joint Committee shall be established.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>201</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 j (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 57 – Paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(39 j) Paragraph 4 of Article 57 is deleted***. |
| ***The Joint Committee may establish further Sub-Committees***. | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>202</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 40 – point -a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 58 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) Paragraph 1 is replaced by the following:*** |
| The Board of Appeal ***shall be a joint body*** of the ***ESAs***. | "The Board of Appeal of the ***European Supervisory Authorities is hereby established***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>203</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 40 – point -a a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 58 – Paragraph 2</Article2>

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|  | |
| Present text | Amendment |
|  | ***(-a a) Paragraph 2 is amended as follows:*** |
| The Board of Appeal shall be composed of six members and six alternates, who shall be individuals of a high repute with a proven record of relevant knowledge ***and*** professional ***experience, including supervisory*** experience, to a sufficiently high level in the fields of banking, insurance, occupational pensions, securities markets or other financial services, excluding current staff of the competent authorities or other national or Union institutions involved in the activities of the Authority. The Board of Appeal shall have sufficient legal expertise to provide expert legal advice on the legality of the Authority’s exercise of its powers. | "The Board of Appeal shall be composed of six members and six alternates, who shall be individuals of a high repute with a proven record of relevant knowledge ***of the Union law and international*** professional experience, to a sufficiently high level in the fields of banking, insurance, occupational pensions, securities markets or other financial services, excluding current staff of the competent authorities or other national or Union institutions involved in the activities of the Authority ***and members of the Banking Stakeholder Group. Members shall be nationals of Member States and shall have a thorough knowledge of at least two Union languages***. The Board of Appeal shall have sufficient legal expertise to provide expert legal advice on the legality ***and proportionality*** of the Authority’s exercise of its powers. |
| The Board of Appeal shall designate its President. | The Board of Appeal shall designate its President. |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>204</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 40 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 58 – Paragraph 3</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 3. Two members of the Board of Appeal and two alternates shall be appointed by the ***Executive*** Board of the Authority from a short-list proposed by the Commission, following a public call for expressions of interest published in the Official Journal of the European Union, and after consultation of the Board of Supervisors.***;*** | 3. Two members of the Board of Appeal and two alternates shall be appointed by the ***Executive/Management*** Board of the Authority from a short-list proposed by the Commission, following a public call for expressions of interest published in the Official Journal of the European Union, and after consultation of the Board of Supervisors. |
|  | ***On the basis of the receipt of the short-list, the European Parliament may invite the candidates for members and alternates to make a statement before it and answer any questions put by its Members before they are appointed.*** |
|  | ***The European Parliament may invite the members of the Board of Appeal to make a statement before it and answer any questions put by its Members whenever so requested.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>205</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 40 – point b a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 58 – Paragraph 8</Article2>

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|  | |
| Present text | Amendment |
|  | ***(b a) Paragraph 8 is amended as follows:*** |
| The ESAs shall ensure adequate operational and secretarial support for the Board of Appeal through the Joint Committee. | "The ESAs shall ensure adequate operational and ***permanent*** secretarial support for the Board of Appeal through the Joint Committee. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>206</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 41 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 59 – Paragraph 2</Article2>

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|  | |
| Present text | Amendment |
|  | ***(41 a) In Article 59, Paragraph 2 is amended as follows:*** |
| Members of the Board of Appeal shall not take part in any appeal proceedings in which they have any personal interest, if they have previously been involved as representatives of one of the parties to the proceedings, or if they have participated in the decision under appeal. | "Members of the Board of Appeal ***and staff of the Authority providing operational and secretariat support*** shall not take part in any appeal proceedings in which they have any personal interest, if they have previously been involved as representatives of one of the parties to the proceedings, or if they have participated in the decision under appeal. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>207</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 42</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 60 – Paragraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 1. Any natural or legal person, including competent authorities, may appeal against a decision of the Authority referred to in Articles 17, 18, 19 and 35 and any other decision taken by the Authority in accordance with the Union acts referred to in Article 1(2) which is addressed to that person, or against a decision which, although in the form of a decision addressed to another person, is of direct and individual concern to that person.***;*** | 1. Any natural or legal person, including competent authorities, may appeal against a decision of the Authority referred to in Articles ***16,*** 17, 18, 19***, 34*** and 35 ***including regarding its proportionality*** and any other decision taken by the Authority in accordance with the Union acts referred to in Article 1(2) which is addressed to that person, or against a decision which, although in the form of a decision addressed to another person, is of direct and individual concern to that person. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>208</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 42 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 60 – Paragraph 2</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(42 a) In Article 60, Paragraph 2 is amended as follows:*** |
| The appeal, together with a statement of grounds, shall be filed in writing at the Authority within ***2*** months of the date of notification of the decision to the person concerned, or, in the absence of a notification, of the day on which the Authority published its decision. | "The appeal, together with a statement of grounds, shall be filed in writing at the Authority within ***3*** months of the date of notification of the decision to the person concerned, or, in the absence of a notification, of the day on which the Authority published its decision. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>209</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 43 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 62 – Paragraph 1 – Point a</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| (a) a balancing contribution from the Union, entered in the General Budget of the Union (Commission section) which shall ***not exceed 40%*** of the estimated revenues of the Authority; | (a) a balancing contribution from the Union, entered in the General Budget of the Union (Commission section) which shall ***be at least 35%*** of the estimated revenues of the Authority; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>210</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 43 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 62 – Paragraph 1 – Point ab (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(a a) The following point ab is inserted:*** |
|  | ***(ab) obligatory contributions of up to 65% of the estimated revenues of the Authority from the national public authorities competent for the supervision of financial institutions.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>211</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 43 – point a</Article>

<DocAmend2>Regulation 1093/2010</DocAmend2>

<Article2>Article 62 paragraph 1 point b</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| (b) annual contributions from financial institutions, based on the annual estimated expenditure relating to the activities required by this Regulation and by the Union Acts referred to in Article 1(2) for each category of participants within the remit of the Authority; | (b) ***depending on the evolution of the scope of institution-specific supervision,*** annual contributions from financial institutions, based on the annual estimated expenditure relating to the activities required by this Regulation and by the Union Acts referred to in Article 1(2) for each category of participants within the remit of the Authority; |
|  | *(This amendment applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>212</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 43 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 62 – Paragraph 5 (new)</Article2>

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| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***5. The annual contributions referred to in paragraph 1(b) shall be collected each year from individual financial institutions by the authorities designated by each Member State. By 31 March of each financial year, each Member State shall pay to the Authority the amount that it is required to collect in accordance with the criteria set out in the delegated act referred in to Article 62a.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>213</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 44</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 62a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(44) the following Article 62a is inserted:*** | ***deleted*** |
| ***‘Article 62a*** |  |
| ***Delegated acts on the calculation of annual contributions by financial institutions*** |  |
| ***The Commission shall be empowered, in accordance with Article 75a, to adopt delegated acts determining how annual contributions by individual financial institutions referred to in point (e) of Article 62 are to be calculated, establishing the following:*** |  |
| ***(a) a methodology to allocate the estimated expenditure to categories of financial institutions as a basis for determining the share of contributions to be made by financial institutions of each category;*** |  |
| ***(b) appropriate and objective criteria to determine the annual contributions payable by individual financial institutions within the scope of the Union Acts referred to in Article 1(2) based on their size so as to approximately reflect their importance in the market.*** |  |
| ***The criteria referred to in point (b) of the first paragraph may establish either de minimis thresholds below which no contribution is due or minima below which contributions must not fall.; ’*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>214</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 45</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 63 – Paragraph 1a</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 1a. The ***Executive*** Board shall, on the basis of the draft which has been approved by ***the*** Board ***of Supervisors*** adopt the draft single programming document for the three following financial years. | 1a. The ***Chairperson shall present the draft single programming document in the Parliament and the Council, after which the*** Board ***of Supervisors*** shall, on the basis of the draft which has been approved by ***Executive Board/Management*** Board***,*** adopt the draft single programming document for the three following financial years. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>215</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 45</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 63 – Paragraph 1b</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 1b. The ***draft*** single programming document shall be transmitted by the ***Executive*** Board to the Commission, the European Parliament and the Council by 31 January. | 1b. The single programming document shall be transmitted by the ***Executive/Management*** Board to the Commission, the European Parliament and the Council ***and the European Court of Auditors*** by 31 January. ***Without prejudice to the adoption of the annual budget, the European Parliament shall approve the single programming document.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>216</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 45</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 63 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 2. ***On the basis*** of the ***draft*** single programming document, the Commission shall enter in the draft budget of the Union the estimates it deems necessary in respect of the establishment plan and the amount of the balancing contribution to be charged to the general budget of the Union in accordance with Articles 313 and 314 of the Treaty. | 2. ***Taking account*** of the single programming document, the Commission shall enter in the draft budget of the Union the estimates it deems necessary in respect of the establishment plan and the amount of the balancing contribution to be charged to the general budget of the Union in accordance with Articles 313 and 314 of the Treaty. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>217</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 45</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 63 – Paragraph 3</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 3. The budgetary authority shall adopt the establishment plan for the Authority. The budgetary authority shall authorise the appropriations for the balancing contribution to the Authority. | 3. The budgetary authority shall adopt the establishment plan for the Authority. The budgetary authority shall authorise the appropriations for the balancing contribution to the Authority ***and approve the limit for the total expenditures of the Authority***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>218</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 45</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 63 – Paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 5. ***The Executive Board shall, without delay, notify*** the budgetary authority ***of its intention to implement*** any project which may have significant financial implications for the funding of ***its*** budget, in particular any project relating to property, such as the rental or purchase of buildings.***;*** | 5. The budgetary authority ***shall authorise*** any project which may have significant financial ***or long term*** implications for the funding of ***the Authority’s*** budget, in particular any project relating to property, such as the rental or purchase of buildings***, including break clauses***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>219</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 46</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 64 paragraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 1. The Member in ***charge*** shall act as authorising officer and shall implement the Authority’s budget. | 1. The ***[***Member in ***charge/Executive Director]*** shall act as authorising officer and shall implement the Authority’s ***annual*** budget. |

Or. <Original>{EN}en</Original>

(This amendment applies throughout Article 2 and Article 3.)

</Amend>

<Amend>Amendment <NumAm>220</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 46</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 64 – Paragraph 2</Article2>

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| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 2. The Authority’s accounting officer shall send their provisional accounts to the Commission’s accounting officer and to the Court of Auditors by 1 March of the following year. | 2. The Authority’s accounting officer***, who shall be independent,*** shall send their provisional accounts to the Commission’s accounting officer and to the Court of Auditors by 1 March of the following year. ***Article 70 shall not preclude the Authority from providing to the European Court of Auditors any information it requests and which is within the Court’s competence*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>221</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 46</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 64 – Paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 5. After ***receiving*** the observations of the Court of Auditors on the provisional accounts of the Authority in accordance with Article 148 of the Financial Regulation, the Authority's accounting officer shall draw up the Authority's final accounts. The Member in charge shall send them to the Board of Supervisors, which shall deliver an opinion on these accounts. | 5. After ***taking account of*** the observations of the Court of Auditors on the provisional accounts of the Authority in accordance with Article 148 of the Financial Regulation, the Authority's accounting officer***, acting on its own responsibility,*** shall draw up the Authority's final accounts. The Member in charge shall send them to the Board of Supervisors, which shall deliver an opinion on these accounts. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>222</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 46</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 64 – Paragraph 10a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***10 a. The following Paragraph 10a is inserted:*** |
|  | ***10a. The Authority shall provide a reasoned opinion to Parliament’s position and any other observations by Parliament provided in the discharge procedure.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>223</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 46 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 64a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(46 a) The following Article 64a is inserted:*** |
|  | ***Article 64a*** |
|  | ***Internal Audit of the Authority*** |
|  | ***The Authority shall establish an Internal Audit Committee which shall provide an opinion to the Union budgetary authority on the discharge of that part of the budget which is not financed by the Union budget.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>224</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 50 – point a</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 70 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. Members of the Board of Supervisors and all members of the staff of the Authority including officials seconded by Member States on a temporary basis and all other persons carrying out tasks for the Authority on a contractual basis shall be subject to the requirements of professional secrecy pursuant to Article 339 TFEU and the relevant provisions in Union legislation, even after their duties have ceased.***;*** | 1. Members of the Board of Supervisors and all members of the staff of the Authority including officials seconded by Member States on a temporary basis and all other persons carrying out tasks for the Authority on a contractual basis shall be subject to the requirements of professional secrecy pursuant to Article 339 TFEU and the relevant provisions in Union legislation, even after their duties have ceased. |
|  | ***Article 16 of the Staff Regulations shall apply to all members of the staff of the Authority including officials seconded by Member States on a temporary basis and all other persons carrying out tasks for the Authority on a contractual basis.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>225</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 50 – point b</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 70 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Moreover,*** the obligation under paragraph 1 and the first subparagraph of this paragraph shall not prevent the Authority and the competent authorities from using the information for the enforcement of the acts referred to in Article 1(2), and in particular for legal procedures for the adoption of decisions.***;*** | The obligation under paragraph 1 and the first subparagraph of this paragraph shall not prevent the Authority and the competent authorities from using the information for the enforcement of the acts referred to in Article 1(2), and in particular for legal procedures for the adoption of decisions. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>226</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 50 – point d</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 70 – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| Paragraphs 1 and 2 shall not prevent the Authority from exchanging information with competent authorities in accordance with this Regulation and other Union legislation ***applicable to financial institutions***.***;*** | Paragraphs 1 and 2 shall not prevent the Authority from exchanging information with competent authorities in accordance with this Regulation and other Union legislation***.*** |
|  | ***Paragraphs 1 and 2 shall not apply to any person who reports or discloses information on a threat or harm to the public interest in the context of their work-based relationship***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>227</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 50 – point d a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 70 – Paragraph 3 – Subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(d a) The second subparagraph of Paragraph 3 is amended as follows:*** |
| ***That*** information shall be subject to the conditions of professional secrecy referred to in paragraphs 1 and 2. The Authority shall lay down in its internal rules of procedure the practical arrangements for implementing the confidentiality rules referred to in paragraphs 1 and 2. | "***The*** information ***referred to in paragraph 2*** shall be subject to the conditions of professional secrecy referred to in paragraphs 1 and 2. The Authority shall lay down in its internal rules of procedure the practical arrangements for implementing the confidentiality rules referred to in paragraphs 1 and 2. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

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</Amend>

<Amend>Amendment <NumAm>228</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 54 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 75 – Paragraph 2</Article2>

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| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(54 a) In Article 75, Paragraph 2 is amended as follows:*** |
| The Authority ***may*** cooperate with the countries referred to in paragraph 1, applying legislation which has been recognised as equivalent in the areas of competence of the Authority referred to in Article 1(2), as provided for in international agreements concluded by the Union in accordance with Article ***216*** TFEU. | "The Authority ***shall*** cooperate with the countries referred to in paragraph 1, applying legislation which has been recognised as equivalent in the areas of competence of the Authority referred to in Article 1(2), as provided for in international agreements concluded by the Union in accordance with Article ***218*** TFEU. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>229</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 54 b (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 75 – Paragraph 3</Article2>

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|  | |
| Present text | Amendment |
|  | ***(54 b) In Article 75, Paragraph 3 is amended as follows:*** |
| Under the relevant provisions of the agreements referred to in paragraphs 1 and 2, arrangements shall be made specifying, in particular, the nature, scope and procedural aspects of the involvement of the countries referred to in paragraph 1 in the work of the Authority, including provisions relating to financial contributions and to staff. They may provide for representation, as an observer, ***on the Board of Supervisors***, but shall ensure that those countries do not attend any discussions relating to individual financial institutions, except where there is a direct interest. | "Under the relevant provisions of the agreements referred to in paragraphs 1 and 2, arrangements shall be made specifying, in particular, the nature, scope and procedural aspects of the involvement of the countries referred to in paragraph 1***, in particular in relation to countries of the European Economic Area,*** in the work of the Authority, including provisions relating to financial contributions and to staff. They may provide for representation, as an observer, ***in the governance of the Authority***, but shall ensure that those countries do not attend any discussions relating to individual financial institutions, except where there is a direct interest. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>230</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 55</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Article 75a (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***(55) the following Article 75a is inserted:*** | ***deleted*** |
| ***‘Article 75a*** |  |
| ***Exercise of the delegation*** |  |
| ***1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*** |  |
| ***2. The power to adopt delegated acts referred to in Article 35c and Article 62a shall be conferred for an indeterminate period of time.*** |  |
| ***3. The delegation of power referred to in Article 35c and Article 62a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*** |  |
| ***4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.*** |  |
| ***5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*** |  |
| ***6. A delegated act adopted pursuant to Article 35c or Article 62a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or the Council.; ’*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>231</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 57 a (new)</Article>

<DocAmend2>Regulation (EU) No 1093/2010</DocAmend2>

<Article2>Articles 79 and 80</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(57 a) Articles 79 and 80 are deleted***. |
| ***Article 79*** | ***deleted*** |
| ***Amendments*** |  |
| ***Decision No 716/2009/EC is hereby amended in so far as CEBS is removed from the list of beneficiaries set out in Section B of the Annex to that Decision.*** |  |
| ***Article 80*** |  |
| ***Repeal Commission*** |  |
| ***Decision 2009/78/EC, establishing CEBS, is hereby repealed with effect from 1 January 2011***. |  |

Or. <Original>{EN}en</Original>

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1093-20160112&qid=1527171630053&from=EN)

</Amend>

<Amend>Amendment <NumAm>232</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 2 a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 3 – Paragraph 1h (new)</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(2 a) In Article 3 the following paragraph 1h is inserted:*** |
|  | ***1h. The Authority shall provide to the European Parliament a meaningful summary of proceedings of any meetings of the International Association of Insurance Supervisors, the International Organisation of Pensions Supervisors, the Financial Stability Board, the International Accounting Standards Board and any other relevant international body or institution concerning or affecting insurance or pensions supervision.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>233</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 5 – point a – point i</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 8 – Paragraph 1 – Point aa (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| (aa) to develop and maintain an up to date Union supervisory handbook on the supervision of financial institutions in the Union***;***; | (aa) to develop and maintain an up to date***, taking into account, inter alia, changing business practices and business models of insurance undertakings and pension schemes,*** Union supervisory handbook on the supervision of financial institutions in the Union ***which sets out supervisory best practices and high quality methodologies and processes***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>234</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 5 – point a – point v</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 8 – Paragraph 1 – Point m</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| (m) to ***issue opinions in respect of the applications of internal models, to facilitate decision making and to provide assistance as foreseen in*** Article 21a;***;*** | (m) to ***fulfill its tasks in accordance with*** Article 21a; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>235</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 6 – point b</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 9 – Paragraph 1 – Point d</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| (d) ***developing*** common disclosure rules.***;*** | (d) ***contributing to the development of*** common disclosure rules. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>236</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 7 – point b</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 16 – Paragraph 2</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 2. The Authority shall, save in exceptional circumstances, conduct open public consultations regarding the guidelines and recommendations which it issues and shall analyse the related potential costs and benefits of issuing such guidelines and recommendations. Those consultations and analyses shall be proportionate in relation to the scope, nature and impact of the guidelines or recommendations. The Authority shall, save in exceptional circumstances, also request ***opinions or*** advice from the Insurance and Reinsurance Stakeholder Group and of the Occupational Pensions Stakeholder Group.***;*** | 2. The Authority shall, save in exceptional circumstances, conduct open public consultations regarding the guidelines and recommendations which it issues and shall analyse the related potential costs and benefits of issuing such guidelines and recommendations. Those consultations and analyses shall be proportionate in relation to the scope, nature and impact of the guidelines or recommendations. The Authority shall, save in exceptional circumstances, also request ***advice from the Insurance and Reinsurance Stakeholder Group and of the Occupational Pensions Stakeholder Group. The Authority shall provide reasons when it does not conduct open public consultations or does not request*** advice from the Insurance and Reinsurance Stakeholder Group and of the Occupational Pensions Stakeholder Group. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>237</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 7 a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 16a (new) – Paragraph 2</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(7 a) The following Paragraph 2 is inserted in the new Article 16a:*** |
|  | ***2. With regard to prudential assessment of mergers and acquisitions falling within the scope of Directive 2009/138/EC and which, according to that Directive, require consultation between competent authorities from two or more Member States, the Authority may, at the request of one of the competent authorities concerned, issue and publish an opinion on a prudential assessment The opinion shall be issued promptly and in any event before the end of the assessment period in accordance with Directive 2009/138/EC.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>238</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 10 – point a a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 21 – Paragraph 2 – Subparagraph 1</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(a a) In Paragraph 2, the first subparagraph is amended as follows:*** |
| The Authority shall lead in ensuring a consistent and coherent functioning of colleges of supervisors for cross-border institutions across the Union, taking account of the systemic risk posed by financial institutions referred to in Article 23. | "The Authority shall lead in ensuring a consistent and coherent functioning of colleges of supervisors for cross-border institutions across the Union, taking account of the systemic risk posed by financial institutions referred to in Article 23***, and shall, where appropriate, convene a meeting of a college***. |
|  | *(This amendment also applies in Article 3.)* |

Or. <Original>{EN}en</Original>

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</Amend>

<Amend>Amendment <NumAm>239</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 11</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 21a (new) – Paragraph 1 – Subparagraph 1</Article2>

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| Text proposed by the Commission | Amendment |
| 1. ***In order to contribute to the establishment of high-quality common supervisory standards and practices,*** the Authority shall ***on its own initiative, or*** upon request from one or more supervisory authorities: | 1. ***Without predjudice to Article 122 of Directive 2009/138/EC*** the Authority shall upon request from one or more supervisory authorities: |

Or. <Original>{EN}en</Original>

<TitreJust>Justification</TitreJust>

Not finally agreed between co-rapporteurs.

</Amend>

<Amend>Amendment <NumAm>240</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 11</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 21a (new) – Paragraph 1 – Point a</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| (a) Issue ***opinions*** to the supervisory authorities concerned on the application to use or change an internal model. To this end, EIOPA may request all the information necessary from the supervisory authorities concerned; and | (a) Issue ***advice*** to the supervisory authorities concerned on the application to use or ***to*** change an internal model. To this end, EIOPA may request all the information necessary from the supervisory authorities concerned; and |

Or. <Original>{EN}en</Original>

<TitreJust>Justification</TitreJust>

Not finally agreed between co-rapporteurs.

</Amend>

<Amend>Amendment <NumAm>241</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 12 a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 27 – Point g</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(12 a) In Article 27, Point g is deleted***. |
| ***a harmonised and adequately funded Union-wide solution for insurance guarantee schemes***. | ***deleted*** |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1094-20140523&qid=1530524230696&from=EN)

</Amend>

<Amend>Amendment <NumAm>242</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 13 – point b</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 29 – Paragraph 2</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| For the purpose of establishing a common supervisory culture, the Authority shall develop and maintain an up-to-date Union supervisory handbook on the supervision of financial institutions in the Union, taking into account ***changing*** business practices ***and*** business models of financial institutions. The Union supervisory handbook shall set out supervisory best practices and shall specify high quality methodologies and processes; | For the purpose of establishing a common supervisory culture, the Authority shall develop and maintain an up-to-date Union supervisory handbook on the supervision of financial institutions in the Union, taking into account ***nature, scale and complexity of risks,*** business practices***,*** business models ***and size*** of financial institutions. The Union supervisory handbook shall set out supervisory best practices and shall specify high quality methodologies and processes; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>243</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 19</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 32 – Paragraph 2a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| At least annually, the Authority shall consider whether it is appropriate to carry out Union-wide assessments referred to in paragraph 2 and shall inform the European Parliament, the Council and the Commission of its reasoning. Where such ***Union-wide*** assessments are carried out ***and*** the Authority ***considers it appropriate to do so, it*** shall disclose the results for each participating financial institution. | At least annually, the Authority shall consider whether it is appropriate to carry out Union-wide assessments referred to in paragraph 2 ***with regard to significant financial institutions*** and shall inform the European Parliament, the Council and the Commission of its reasoning. Where such ***Union- wide*** assessments are carried out***,*** the Authority shall disclose the results for each participating financial institution ***if it considers it appropriate with regard to the financial stability of the Union or of one or more of its Member States, market integrity or investor protection or the functioning of the internal market It shall publish the results of the base scenario only***. ***Upon the request, the results of any other scenario shall be made available to the European Parliament or the Council.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>244</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 20 – point b a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 33 – Paragraph 3a and 3b (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(b a) The following paragraphs 3a and 3b are inserted:*** |
|  | ***3a. The Authority shall seek the full membership in the International Association of Insurance Supervisors, the International Organisation of Pensions Supervisors, the Financial Stability Board and to get an observer status in the International Accounting Standards Board.*** |
|  | ***Any position taken by the Authority in the international fora shall be discussed and approved by the Board of Supervisors*** |
|  | ***3b. The Authority shall monitor regulatory and supervisory developments and enforcement practices and relevant market developments in third countries for which international agreements have been concluded.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>245</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 25 – point -a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 37 – Paragraph 1 – Subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) The first subparagraph of Paragraph 1 is amended as follows:*** |
| To help facilitate consultation with stakeholders in areas relevant to the tasks of the Authority, an Insurance and Reinsurance Stakeholder Group and an Occupational Pensions Stakeholder Group shall be established (hereinafter collectively referred to as the ‘Stakeholder Groups’). The Stakeholder Groups shall be consulted on actions taken in accordance with Articles 10 to 15 concerning regulatory technical standards and implementing technical standards, and, to the extent that these do not concern individual financial institutions, Article 16 concerning guidelines and recommendations. If actions must be taken urgently and consultation becomes impossible, the Stakeholder Groups shall be informed as soon as possible. | "To help facilitate consultation with stakeholders in areas relevant to the tasks of the Authority, an Insurance and Reinsurance Stakeholder Group and an Occupational Pensions Stakeholder Group shall be established (hereinafter collectively referred to as the ‘Stakeholder Groups’). The Stakeholder Groups shall be consulted on actions taken in accordance with Articles 10 to 15 concerning regulatory technical standards and implementing technical standards, and, to the extent that these do not concern individual financial institutions, Article 16 concerning guidelines and recommendations***, Article 16a concerning opinions and Article 16b concerning questions and answers***. If actions must be taken urgently and consultation becomes impossible, the Stakeholder Groups shall be informed as soon as possible. |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1094-20140523&qid=1530524230696&from=EN)

</Amend>

<Amend>Amendment <NumAm>246</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 25 – point -a a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 37 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a a) Paragraph 2 is amended as follows:*** |
| The Insurance and Reinsurance Stakeholder Group shall be composed of 30 members, representing in balanced proportions insurance and reinsurance undertakings and insurance intermediaries operating in the Union, ***and*** their employees’ representatives, as well as consumers, users of insurance and reinsurance services, representatives of SMEs and representatives of relevant professional associations. ***At least five*** of its members shall be independent top-ranking academics. ***Ten of its members shall represent insurance undertakings, reinsurance undertakings or insurance intermediaries, three of whom shall represent cooperative and mutual insurers or reinsurers.*** | "The Insurance and Reinsurance Stakeholder Group shall be composed of 30 members, ***13 Members*** representing in balanced proportions insurance and reinsurance undertakings and insurance intermediaries operating in the Union, ***three of whom shall represent cooperative and mutual insurers and reinsurers, 13 members representing*** their employees’ representatives, as well as consumers, users of insurance and reinsurance services, representatives of SMEs and representatives of relevant professional associations. ***Four*** of its members shall be independent top-ranking academics. |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1094-20140523&qid=1530524230696&from=EN)

</Amend>

<Amend>Amendment <NumAm>247</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 25 – point -a b (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 37 – Paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a b) Paragraph 3 is amended as follows:*** |
| The Occupational Pensions Stakeholder Group shall be composed of 30 members, representing in balanced proportions institutions for occupational retirement provision operating in the Union, ***representatives*** of employees, representatives of beneficiaries, representatives of SMEs and representatives of relevant professional associations. ***At least five*** of its members shall be independent top-ranking academics. ***Ten of its members shall represent institutions for occupational retirement provision.*** | "The Occupational Pensions Stakeholder Group shall be composed of 30 members, ***13 Members*** representing in balanced proportions institutions for occupational retirement provision operating in the Union, ***13 members representing*** of employees, representatives of beneficiaries, representatives of SMEs and representatives of relevant professional associations. ***Four*** of its members shall be independent top-ranking academics. |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1094-20140523&qid=1530524230696&from=EN)

</Amend>

<Amend>Amendment <NumAm>248</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 25 – point -a c (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 37 – Paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a c) Paragraph 4 is amended as follows:*** |
| The members of the Stakeholder Groups shall be appointed by the Board of Supervisors, following ***proposals from the relevant stakeholders***. In making its decision, the Board of Supervisors shall, to the extent possible, ensure an appropriate geographical and gender balance and representation of stakeholders across the Union. | "The members of the Stakeholder Groups shall be appointed by the Board of Supervisors, following ***an open selection procedure***. In making its decision, the Board of Supervisors shall, to the extent possible, ensure an appropriate ***reflection of diversity of the insurance and reinsurance sector as well as of the occupational pensions sector,*** geographical and gender balance and representation of stakeholders across the Union. ***Members of the Insurance and Reinsurance Stakeholder Group and of the Occupational Pensions Stakeholder Group shall be selected according to their qualifications, skills, relevant knowledge and proven expertise.*** |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1094-20140523&qid=1530524230696&from=EN)

</Amend>

<Amend>Amendment <NumAm>249</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 25 – point -a d (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 37 – Paragraph 4a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(-a d) The following Paragraph 4a is inserted:*** |
|  | ***4a. Members of the Insurance and Reinsurance Stakeholder Group and of the the Occupational Pensions Stakeholder Group shall elect their Chairpersons from its Members for a period of two years.*** |
|  | ***The European Parliament may invite the Chairpersons to make a statement before it and answer any questions put by its Members whenever so requested.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>250</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 25 – point a a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 37 – Paragraph 6 – Subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a a) The first subparagraph of Paragraph 6 is amended as follows:*** |
| The Stakeholder Groups may submit ***opinions and*** advice to the Authority on any issue related to the tasks of the Authority with particular focus on the tasks set out in Articles 10 to ***16***, and Articles 29, 30 ***and 32***. | "The Stakeholder Groups may submit advice to the Authority on any issue related to the tasks of the Authority with particular focus on the tasks set out in Articles 10 to ***16b***, and Articles 29, 30***, 32 and 35***. |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1094-20140523&qid=1530524230696&from=EN)

</Amend>

<Amend>Amendment <NumAm>251</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 25 – point b</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 37 – Paragraph 6 – Subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| Where members of the ***Banking*** Stakeholder Group cannot ***reach a*** common ***opinion or*** advice, the members representing one group of stakeholders shall be permitted to issue a separate ***opinion or separate*** advice. | Where members of the ***Insurance and Reinsurance Stakeholder Group and the Occupational Pensions*** Stakeholder Group cannot ***agree on*** common advice, the members representing one group of stakeholders shall be permitted to issue a separate advice. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>252</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 25 – point b a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 37 – Paragraph 7a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(b a) The following Paragraph 7a is inserted:*** |
|  | ***7a. (new) The Authority shall make public the advice of the Insurance and Reinsurance Stakeholder Group and the Occupational Pensions Stakeholder Group, the separate advice of its Members, and the results of its consultations.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>253</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 38 – point b</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Artikel 48 – Paragraph 2 – Subparagraph 1</Article2>

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| Text proposed by the Commission | Amendment |
| The Chairperson shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, ***and of experience relevant to financial supervision and regulation***, following an open call for candidates to be published in the Official Journal of the European Union. The ***Commission*** shall submit ***a*** shortlist of candidates for the position of the Chairperson to the European Parliament ***for approval. Following the approval of that shortlist,*** the Council shall adopt a decision to appoint the Chairperson. | ***For the purpose of selection of the Chairperson, the Commission shall establish a Selection Committee composed of two representatives from each of the European Parliament, the Council and the Commission. The Selection Committee shall appoint its Chair among its members. In the event of a tie, the Chair shall have a casting vote. The Selection Committee shall decide by a simple majority on the publication of the vacancy notice, the selection criteria and the specific job profile, the composition of the pool of applicants as well as the method by which the pool of applicants is screened in order to draw up a gender-balanced shortlist of at least two candidates.*** |
|  | The Chairperson shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, ***particularly in insurance and occupational pensions***, following an open call for candidates to be published in the Official Journal of the European Union. The ***Chairperson shall have a significant number of years of recognised experience relevant to financial supervision and regulation and of senior management experience, be able to demonstrate leadership skills and high standards of efficiency, ability and integrity and have proven language skills of at least two official languages of the Union.*** |
|  | ***The Selection Committee*** shall submit ***the*** shortlist of candidates for the position of the Chairperson to the European Parliament ***and the Council. The European Parliament may invite the selected candidates to in camera or public hearings, submit written questions to the candidates, object to the designation of a candidate and recommend its preferred candidate. The European Parliament and*** the Council shall adopt a ***joint*** decision to appoint the Chairperson ***from the shortlist of candidates***. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>254</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 43 – point -a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Article 58 – Paragraph 2</Article2>

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| Present text | Amendment |
|  | ***(-a) Paragraph 2 is amended as follows:*** |
| The Board of Appeal shall be composed of six members and six alternates, who shall be individuals of a high repute with a proven record of relevant knowledge ***and*** professional ***experience, including supervisory*** experience, to a sufficiently high level in the fields of banking, insurance, occupational pensions, securities markets or other financial services, excluding current staff of the competent authorities or other national or Union institutions involved in the activities of the Authority. The Board of Appeal shall have sufficient legal expertise to provide expert legal advice on the legality of the Authority’s exercise of its powers. | "***"***The Board of Appeal shall be composed of six members and six alternates, who shall be individuals of a high repute with a proven record of relevant knowledge ***of the Union law and international*** professional experience, to a sufficiently high level in the fields of banking, insurance, occupational pensions, securities markets or other financial services, excluding current staff of the competent authorities or other national or Union institutions involved in the activities of the Authority ***and members of the Insurance and Reinsurance Stakeholder Group and the Occupational Pensions Stakeholder Group. Members shall be nationals of Member States and shall have a thorough knowledge of at least two Union languages***. The Board of Appeal shall have sufficient legal expertise to provide expert legal advice on the legality ***and proportionality*** of the Authority’s exercise of its powers. |
| The Board of Appeal shall designate its President. | The Board of Appeal shall designate its President. |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1094-20140523&qid=1530524230696&from=EN)

</Amend>

<Amend>Amendment <NumAm>255</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 2 – paragraph 1 – point 60 a (new)</Article>

<DocAmend2>Regulation (EU) No 1094/2010</DocAmend2>

<Article2>Articles 79 and 80</Article2>

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| Present text | Amendment |
|  | ***(60 a) Articles 79 and 80 are deleted***. |
| ***Article 79*** | ***deleted*** |
| ***Amendments*** |  |
| ***Decision No 716/2009/EC is hereby amended in so far as CEIOPS is removed from the list of beneficiaries set out in Section B of the Annex to that Decision.*** |  |
| ***Article 80*** |  |
| ***Repeal Commission*** |  |
| ***Decision 2009/79/EC, establishing CEIOPS, is hereby repealed with effect from 1 January 2011***. |  |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1094-20140523&qid=1530524230696&from=EN)

</Amend>

<Amend>Amendment <NumAm>256</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 2 a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 3 – Paragraph 1h (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(2 a) In Article 3, the following Paragraph 1h is inserted:*** |
|  | ***1h. The Authority shall provide to the European Parliament a meaningful summary of proceedings of any meetings of the International Organisation of Securities Commissions, thFinancial Stability Board and the International Accounting Standards Board and any other relevant international body or institution concerning or affecting financial markets supervision.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>257</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 5 – point a – point i</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 8 – Paragraph 1 – Point aa</Article2>

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| Text proposed by the Commission | Amendment |
| (aa) to develop and maintain up to date ***a*** Union supervisory handbook on the supervision of financial market participants in the Union***;***; | (aa) to develop and maintain ***an*** up to date***, taking into account, inter alia, changing business practices and business models of financial market participants,*** Union supervisory handbook on the supervision of financial market participants in the Union ***which sets out supervisory best practices and high quality methodologies and processes***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>258</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 6 – point c a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 9 – Paragraph 5 – Subparagraph 1</Article2>

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| Present text | Amendment |
|  | ***(c a) The first subparagraph of Paragraph 5 is amended as follows:*** |
| The Authority may temporarily prohibit or restrict certain financial activities that threaten the orderly functioning and integrity of financial markets or the stability of the whole or part of the financial system in the Union in the cases specified and under the conditions laid down in the legislative acts referred to in Article 1(2) or if so required in the case of an emergency situation in accordance with and under the conditions laid down in Article 18. | "The Authority may temporarily prohibit ***marketing, distribution or sale of certain financial instruments or financial instruments with certain specified features or a type of financial activity or practice,*** or restrict certain financial activities that threaten the orderly functioning and integrity of financial markets or the stability of the whole or part of the financial system in the Union in the cases specified and under the conditions laid down in the legislative acts referred to in Article 1(2) or if so required in the case of an emergency situation in accordance with and under the conditions laid down in Article 18. |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1095-20140523&qid=1530524850296&from=EN)

</Amend>

<Amend>Amendment <NumAm>259</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 7 – point b</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 16 – Paragraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| 2. The Authority shall, save in exceptional circumstances, conduct open public consultations regarding the guidelines and recommendations which it issues and shall analyse the related potential costs and benefits of issuing such guidelines and recommendations. Those consultations and analyses shall be proportionate in relation to the scope, nature and impact of the guidelines or recommendations. The Authority shall, save in exceptional circumstances, also request ***opinions or*** advice from the Securities and Markets Stakeholder Group referred to in Article 37.; | 2. The Authority shall, save in exceptional circumstances, conduct open public consultations regarding the guidelines and recommendations which it issues and shall analyse the related potential costs and benefits of issuing such guidelines and recommendations. Those consultations and analyses shall be proportionate in relation to the scope, nature and impact of the guidelines or recommendations. The Authority shall, save in exceptional circumstances, also request advice from the Securities and Markets Stakeholder Group referred to in Article 37. ***The Authority shall provide reasons when it does not conduct open public consultations or does not request advice from the Securities and Markets Stakeholder Group.***; |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>260</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 7 a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 16a (new) – Paragraph 2</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***(7 a) The following Paragraph 2 is inserted in the new Article 16a:*** |
|  | ***2. With regard to prudential assessments of mergers and acquisitions falling within the scope of Directive 2004/39/EC, as amended by Directive 2007/44/EC, and which according to that Directive require consultation between competent authorities from two or more Member States, the Authority may, at the request of one of the competent authorities concerned, issue and publish an opinion on a prudential assessment, except in relation to the criteria in Article 10b(e) of Directive 2004/39/EC. The opinion shall be issued promptly and in any event before the end of the assessment period in accordance with Directive 2004/39/EC, as amended by Directive 2007/44/EC.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>261</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 9 a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 22 – Paragraph 2</Article2>

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| Present text | Amendment |
|  | ***(9 a) Paragraph 2 is amended as follows:*** |
| The Authority shall, in collaboration with the ESRB, and in accordance with Article 23 develop a common approach for the identification and measurement of systemic risk posed by key financial market participants, including quantitative and qualitative indicators as appropriate. | "The Authority shall, in collaboration with the ESRB, and in accordance with Article 23 develop a common approach for the identification and measurement of systemic risk posed by key financial market participants, including quantitative and qualitative indicators as appropriate ***(‘risk dashboard’)***. |
| Those indicators shall be a critical element in the determination of appropriate supervisory actions. The Authority shall monitor the degree of convergence in the determinations made, with a view to promoting a common approach. | Those indicators shall be a critical element in the determination of appropriate supervisory actions. The Authority shall monitor the degree of convergence in the determinations made, with a view to promoting a common approach. |
|  | ***The Authority shall, where applicable, also develop an adequate stress-testing regime to help identifying those key financial market participants that may pose systemic risk. These key financial market participants shall be subject to strengthened supervision.*** |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1095-20140523&qid=1528105562669&from=EN)

</Amend>

<Amend>Amendment <NumAm>262</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 10 a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 26 – Paragraph 4</Article2>

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| Present text | Amendment |
|  | ***(10 a) Paragraph 4 of*** Article ***26 is deleted***. |
| ***The review of this Regulation provided for in*** Article ***81 shall in particular examine the convergence of the European system of national Investor Compensation Schemes***. | ***deleted*** |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1095-20140523&qid=1528105562669&from=EN)

</Amend>

<Amend>Amendment <NumAm>263</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 10 b (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 27 – Paragraph 2 – Subparagraph 2</Article2>

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| Present text | Amendment |
|  | ***(10 b) The second subparagraph of*** Article ***27 Paragraph 2 is deleted***. |
| ***The review of this Regulation provided for in*** Article ***81 shall in particular examine the possible enhancement of the role of the Authority in a framework of crisis prevention, management and resolution***. | ***deleted*** |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1095-20140523&qid=1528105562669&from=EN)

</Amend>

<Amend>Amendment <NumAm>264</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 11 – point b</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 29 – Paragraph 2</Article2>

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| Text proposed by the Commission | Amendment |
| For the purpose of establishing a common supervisory culture, the Authority shall develop and maintain an up to date Union supervisory handbook on the supervision of financial market participants in the Union, taking into account***, inter alia, changing*** business practices ***and*** business models***,*** including due to technological innovation, of financial market participants. The Union supervisory handbook shall set out ***supervisory*** best practices and high quality methodologies and processes***.;*** | For the purpose of establishing a common supervisory culture, the Authority shall develop and maintain an up to date Union supervisory handbook on the supervision of financial market participants in the Union, taking into account ***nature, scale and complexity of risks,*** business practices***,*** business models ***and size*** including ***changes*** due to technological innovation, of financial market participants ***and markets***. The Union supervisory handbook shall set out best practices and high quality methodologies and processes |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>265</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 13 a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 31 – Point e</Article2>

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| Present text | Amendment |
|  | ***(13 a) In Article 31, point e is amended as follows:*** |
| taking ***all*** appropriate measures in case of developments which may jeopardise the functioning of the financial markets with a view to facilitating the coordination of actions undertaken by relevant competent authorities; | "taking appropriate measures in case of developments which may jeopardise the functioning of the financial markets with a view to facilitating the coordination of actions undertaken by relevant competent authorities; |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1095-20140523&qid=1528105562669&from=EN)

</Amend>

<Amend>Amendment <NumAm>266</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 17</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 32 – Paragraph 2a (new)</Article2>

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| Text proposed by the Commission | Amendment |
| At least annually, the Authority shall consider whether it is appropriate to carry out Union-wide assessments referred to in paragraph 2 and shall inform the European Parliament, the Council and the Commission of its reasoning. Where such ***Union-wide*** assessments are carried out ***and*** the Authority ***considers it appropriate to do so, it*** shall disclose the results for each participating financial ***institution***. | At least annually, the Authority shall consider whether it is appropriate to carry out Union-wide assessments referred to in paragraph 2 ***with regard to significant financial market participants*** and shall inform the European Parliament, the Council and the Commission of its reasoning. Where such ***Union- wide*** assessments are carried out***,*** the Authority shall disclose the results for each participating financial ***market participant if it considers it appropriate with regard to the financial stability of the Union or of one or more of its Member States, market integrity or investor protection or the functioning of the internal market It shall publish the results of the base scenario only***. ***Upon the request, the results of any other scenario shall be made available to the European Parliament or the Council.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>267</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 18 – point b a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 33 – Paragraph 3a and 3b (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(b a) The following paragraphs 3a and 3b are inserted:*** |
|  | ***3a The Authority shall seek the full membership in the International Organisation of Securities Commissions and in the Financial Stability Board and to get an observer status in the International Accounting Standards Board*** |
|  | ***Any position taken by the Authority in the international fora shall be discussed and approved by the Board of Supervisors*** |
|  | ***3a The Authority shall seek the full membership in the International Organisation of Securities Commissions and in the Financial Stability Board and to get an observer status in the International Accounting Standards Board.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>268</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 23 – point -a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 37 – Paragraph 1</Article2>

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|  | |
| Present text | Amendment |
|  | ***(-a) Paragraph 1 is amended as follows:*** |
| To help facilitate consultation with stakeholders in areas relevant to the tasks of the Authority, a Securities and Markets Stakeholder Group shall be established. The Securities and Markets Stakeholder Group shall be consulted on actions taken in accordance with Articles 10 to 15 concerning regulatory technical standards and implementing technical standards and, to the extent that these do not concern individual financial market participants, Article 16 concerning guidelines and recommendations. If actions must be taken urgently and consultation becomes impossible, the Securities and Markets Stakeholder Group shall be informed as soon as possible. | "To help facilitate consultation with stakeholders in areas relevant to the tasks of the Authority, a Securities and Markets Stakeholder Group shall be established. The Securities and Markets Stakeholder Group shall be consulted on actions taken in accordance with Articles 10 to 15 concerning regulatory technical standards and implementing technical standards and, to the extent that these do not concern individual financial market participants, Article 16 concerning guidelines and recommendations***, Article 16a concerning opinions and Article 16b concerning questions and answers***. If actions must be taken urgently and consultation becomes impossible, the Securities and Markets Stakeholder Group shall be informed as soon as possible. |
| The Securities and Markets Stakeholder Group shall meet at least four times a year. | The Securities and Markets Stakeholder Group shall meet at least four times a year. |

Or. <Original>{EN}en</Original>

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</Amend>

<Amend>Amendment <NumAm>269</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 23 – point -a a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 37 – Paragraph 2</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(-a a) Paragraph 2 is amended as follows:*** |
| The Securities and Markets Stakeholder Group shall be composed of 30 members, representing in balanced proportions financial market participants operating in the Union, their employees’ representatives as well as consumers, users of financial services and representatives of SMEs. ***At least five*** of its members shall be independent top-ranking academics. ***Ten of its members shall represent financial market participants.*** | "The Securities and Markets Stakeholder Group shall be composed of 30 members, ***13 Members*** representing in balanced proportions financial market participants operating in the Union, ***13 representing*** their employees’ representatives as well as consumers, users of financial services and representatives of SMEs. ***Four*** of its members shall be independent top-ranking academics. |

Or. <Original>{EN}en</Original>

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</Amend>

<Amend>Amendment <NumAm>270</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 23 – point -a b (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 37 – Paragraph 3</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(-a b) Paragraph 3 is amended as follows:*** |
| The members of the Securities and Markets Stakeholder Group shall be appointed by the Board of Supervisors, following ***proposals from the relevant stakeholders***. In making its decision, the Board of Supervisors shall, to the extent possible, ensure an appropriate geographical and gender balance and representation of stakeholders across the Union. | "The members of the Securities and Markets Stakeholder Group shall be appointed by the Board of Supervisors, following ***an open selection procedure***. In making its decision, the Board of Supervisors shall, to the extent possible, ensure an appropriate ***reflection of the diversity of the securities sector and markets,*** geographical and gender balance and representation of stakeholders across the Union. ***Members of the Securities and Markets Stakeholder Group shall be selected according to their qualifications, skills, relevant knowledge and proven expertise.*** |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1095-20140523&qid=1530524850296&from=EN)

</Amend>

<Amend>Amendment <NumAm>271</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 23 – point -a c (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 37 – Paragraph 3a (new)</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(-a c) The following Paragraph 3a is inserted:*** |
|  | ***3a. Members of the Securities and Markets Stakeholder Group shall elect their Chair from its Members for a period of two years.*** |
|  | ***The European Parliament may invite the Chair to make a statement before it and answer any questions put by its Members whenever so requested.*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>272</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 23 – point a a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 37 – Paragraph 5 – Subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a a) The first subparagraph of Paragraph 5 is amended as follows:*** |
| The Securities and Markets Stakeholder Group may submit ***opinions and*** advice to the Authority on any issue related to the tasks of the Authority with particular focus on the tasks set out in Articles 10 to ***16*** and Articles 29, ***30 and 32***. | "The Securities and Markets Stakeholder Group may submit advice to the Authority on any issue related to the tasks of the Authority with particular focus on the tasks set out in Articles 10 to ***16b*** and Articles 29, ***30,32 and 35***. |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1095-20140523&qid=1530524850296&from=EN)

</Amend>

<Amend>Amendment <NumAm>273</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 23 – point b</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 37 – Paragraph 5 – Subparagraph 2</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| Where members of the Securities and Markets Stakeholder Group cannot ***reach*** a common ***opinion or*** advice, the members representing one group of stakeholders shall be permitted to issue a separate ***opinion or separate*** advice. | Where members of the Securities and Markets Stakeholder Group cannot ***agree on*** a common advice, the members representing one group of stakeholders shall be permitted to issue a separate advice. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>274</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 23 – point b a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 37 – Paragraph 7</Article2>

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|  | |
| Present text | Amendment |
|  | ***(b a) Paragraph 7 is amended as follows:*** |
| The Authority shall make public the ***opinions and*** advice of the Securities and Markets Stakeholder Group and the results of its consultations. | "The Authority shall make public the advice of the Securities and Markets Stakeholder Group***, the separate advice of its Members,*** and the results of its consultations. |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1095-20140523&qid=1530524850296&from=EN)

</Amend>

<Amend>Amendment <NumAm>275</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 37 – point b</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 48 – Paragraph 2 – Subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Chairperson shall be selected on the basis of merit, skills, knowledge of financial ***market participants*** and markets, ***and of experience relevant to financial supervision and regulation***, following an open call for candidates to be published in the Official Journal of the European Union. The ***Commission*** shall submit ***a*** shortlist of candidates for the position of the Chairperson to the European Parliament ***for approval. Following the approval of that shortlist,*** the Council shall adopt a decision to appoint the Chairperson. | ***For the purpose of selection of the Chairperson, the Commission shall establish a Selection Committee composed of two representatives from each of the European Parliament, the Council and the Commission. The Selection Committee shall appoint its Chair among its members. In the event of a tie, the Chair shall have a casting vote. The Selection Committee shall decide by a simple majority on the publication of the vacancy notice, the selection criteria and the specific job profile, the composition of the pool of applicants as well as the method by which the pool of applicants is screened in order to draw up a gender-balanced shortlist of at least two candidates.*** |
|  | The Chairperson shall be selected on the basis of merit, skills, knowledge of financial ***institutions*** and markets, ***particularly in securities and markets***, following an open call for candidates to be published in the Official Journal of the European Union. The ***Chairperson shall have a significant number of years of recognised experience relevant to financial supervision and regulation and of senior management experience, be able to demonstrate leadership skills and high standards of efficiency, ability and integrity and have proven language skills of at least two official languages of the Union.*** |
|  | ***The Selection Committee*** shall submit ***the*** shortlist of candidates for the position of the Chairperson to the European Parliament ***and the Council. The European Parliament may invite the selected candidates to in camera or public hearings, submit written questions to the candidates, object to the designation of a candidate and recommend its preferred candidate. The European Parliament and*** the Council shall adopt a ***joint*** decision to appoint the Chairperson ***from the shortlist of candidates***. |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>276</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 42 – point -a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Article 58 – Paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) Paragraph 2 is amended as follows:*** |
| The Board of Appeal shall be composed of six members and six alternates, who shall be individuals of a high repute with a proven record of relevant knowledge ***and*** professional experience, ***including supervisory, experience*** to a sufficiently high level in the fields of banking, insurance, occupational pensions, securities markets or other financial services, excluding current staff of the competent authorities or other national or Union institutions involved in the activities of the Authority. The Board of Appeal shall have sufficient legal expertise to provide expert legal advice on the legality of the Authority’s exercise of its powers. | "***"***The Board of Appeal shall be composed of six members and six alternates, who shall be individuals of a high repute with a proven record of relevant knowledge ***of the Union law and international*** professional experience, to a sufficiently high level in the fields of banking, insurance, occupational pensions, securities markets or other financial services, excluding current staff of the competent authorities or other national or Union institutions involved in the activities of the Authority ***and members of the Securities and Markets Stakeholder Group. Members shall be nationals of Member States and shall have a thorough knowledge of at least two Union languages***. The Board of Appeal shall have sufficient legal expertise to provide expert legal advice on the legality ***and proportionality*** of the Authority’s exercise of its powers. |
| The Board of Appeal shall designate its President. | The Board of Appeal shall designate its President. |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1095-20140523&qid=1530524850296&from=EN)

</Amend>

<Amend>Amendment <NumAm>277</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 3 – paragraph 1 – point 59 a (new)</Article>

<DocAmend2>Regulation (EU) No 1095/2010</DocAmend2>

<Article2>Articles 79 and 80</Article2>

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| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(59 a) Articles 79 and 80 are deleted***. |
| ***Article 79*** | ***deleted*** |
| ***Amendments*** |  |
| ***Decision No 716/2009/EC is hereby amended in so far as CESR is removed from the list of beneficiaries set out in Section B of the Annex to that Decision.*** |  |
| ***Article 80*** |  |
| ***Repeal Commission*** |  |
| ***Decision 2009/77/EC, establishing CESR, is hereby repealed with effect from 1 January 2011***. |  |

Or. <Original>{EN}en</Original>

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02010R1095-20140523&qid=1530524850296&from=EN)

</Amend>

<Amend>Amendment <NumAm>278</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 4</Article>

<DocAmend2>Regulation (EU) No 345/2013 [European venture capital funds]</DocAmend2>

<Article2>Articles 2, 3, 7, etc.</Article2>

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| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***4 [...]*** | ***deleted*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>279</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 5</Article>

<DocAmend2>Regulation (EU) No 346/2013 [European social entrepreneurship funds]</DocAmend2>

<Article2>Articles 2, 3, 7, etc.</Article2>

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| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***5 [...]*** | ***deleted*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>280</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 7</Article>

<DocAmend2>Regulation (EU) No 2015/760 [European long–term investment funds]</DocAmend2>

<Article2>Articles 2, 3, 5, etc.</Article2>

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| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***7 [...]*** | ***deleted*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>281</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 9 – paragraph 1 – point 1 – point b</Article>

<DocAmend2>Regulation (EU) 2017/1129</DocAmend2>

<Article2>Article 2</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***(b) the following definitions are inserted:*** | ***deleted*** |
| ***‘(za) 'property companies' means an undertaking whose principal activities concern the economic activities listed in Section L of Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council\*.*** |  |
| ***(zb) 'mineral companies' means an undertaking whose principal activities concern the economic activities listed in Section B, Divisions 05 to 08 of Annex I to Regulation (EC) No 1893/2006.*** |  |
| ***(zc) 'scientific research based companies' means an undertaking whose principal activities concern the economic activities listed in Section M, Division 72, group 72.1 of Annex I to Regulation (EC) No 1893/2006.*** |  |
| ***(zd) 'shipping companies' means an undertaking whose principal activity concerns the economic activities listed in Section H, Division 50 of Annex I to Regulation (EC) No 1893/2006.*** |  |
| ***\* Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains, OJ L 393, 30.12.2006, p.1.; ’*** |  |

Or. <Original>{EN}en</Original>

</Amend>

<Amend>Amendment <NumAm>282</NumAm>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 9 – paragraph 1 – point 10</Article>

<DocAmend2>Regulation (EU) 2017/1129 [prospectus]</DocAmend2>

<Article2>Chapter VII – article 31a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(c) prospectuses drawn up by the following types of companies established in the Union:*** | ***deleted*** |
| ***(i) property companies;*** |  |
| ***(ii) mineral companies;*** |  |
| ***(iii) scientific research based companies;*** |  |
| ***(iv) shipping companies.*** |  |

Or. <Original>{EN}en</Original>

</Amend></RepeatBlock-Amend>