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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>{14/09/2018}14.9.2018</Date>

<TypeAM>AMENDMENTS</TypeAM>

<RangeAM>580 - 864</RangeAM>

<TitreType>Draft report</TitreType>

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

<DocRefPE>(PE625.358v01-00)</DocRefPE>

<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>

<DocAmend>Proposal for a regulation</DocAmend>

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

AM\_Com\_LegReport

<RepeatBlock-Amend><Amend>Amendment <NumAm>580</NumAm>

<RepeatBlock-By><Members>Sirpa Pietikäinen</Members>

</RepeatBlock-By>

<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 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) paragraph 1 is replaced by the following:*** |
| 1. 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. | "1. 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***, taking account of and anticipating technological innovation, innovative and sustainable business models, and integrating environmental, social and governance related factors***. 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." |

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

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

</Amend>

<Amend>Amendment <NumAm>581</NumAm>

<RepeatBlock-By><Members>Lieve Wierinck</Members>

</RepeatBlock-By>

<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 – paragraph 1</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(-a) In article 32, paragraph 1 is amended as follows:*** |
| 1. 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. | "1. 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***, including with respect to ESG aspects and new technological developments***. 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." |

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

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

</Amend>

<Amend>Amendment <NumAm>582</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 – paragraph 2 – point ca (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(-a) in paragraph 2, the following point (ca) is inserted:*** |
|  | ***“(ca) common methodologies for assessing long-term risks and avoid systemic mispricing by financial markets , extending beyond a two to five years timeframe.”*** |

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

</Amend>

<Amend>Amendment <NumAm>583</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Paul Tang</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

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

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) paragraph 1 is replaced by the following:*** |
| 1. 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. | "1. The Authority shall monitor and assess market developments in the area of its competence and, where necessary, inform the ***two other ESAs***, the ESRB and the European Parliament, the Council and the Commission about the relevant micro-prudential trends, potential risks and vulnerabilities***, also taking account sustainable and integrating environmental, social and governance related factors***. 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." |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R1093&qid=1532334130461&from=EN)

</Amend>

<Amend>Amendment <NumAm>584</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández, Paul Tang</Members>

</RepeatBlock-By>

<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 2 – point a a (new)</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(-a a) in paragraph 2, the following point (aa) in inserted:*** |
|  | ***“(aa) common methodologies for assessing the effect of environmental scenarios, including the evolution of stranded assets, on the financial position of a financial market participant;”*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>585</NumAm>

<RepeatBlock-By><Members>Sirpa Pietikäinen</Members>

</RepeatBlock-By>

<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 – paragraph 2 – point a a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(-a) in paragraph 2, the following point (aa) is inserted:*** |
|  | ***“(aa) common methodologies for assessing the effect of climate and environmental forward looking scenarios on the financial position of a financial market participant;”*** |

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

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R1093&from=EN)

</Amend>

<Amend>Amendment <NumAm>586</NumAm>

<RepeatBlock-By><Members>Lieve Wierinck</Members>

</RepeatBlock-By>

<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 – paragraph 2 – point aa (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) In paragraph 2, the following point (aa) is inserted:*** |
|  | "***(aa) common methodologies for assessing the effect of climate change and environmental forward looking*** ***scenarios on an institution's financial position;***" |

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

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

</Amend>

<Amend>Amendment <NumAm>587</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 32 – paragraph 2a – subparagraph 1</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 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***, where it considers such disclosure to be appropriate having 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***. ***The Authority shall publish the results of the base scenario only. Upon request, the results of any other scenario shall be made available to the European Parliament and to the Council.*** |
|  | *(This amendment also applies, without the words 'in cooperation with the SSM', throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>588</NumAm>

<RepeatBlock-By><Members>Othmar Karas</Members>

</RepeatBlock-By>

<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 – subparagraph 1</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***, in cooperation with the SSM,*** 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 ***of the base scenario*** for participating financial ***institutions, where it considers such disclosure to be appropriate having 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***. ***Upon request, the results of any other scenario shall be made available to the European Parliament or the Council.*** |

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

<TitreJust>Justification</TitreJust>

This amendment revises the disclosure of the results of the Union-wide assessments referred to in paragraph 2 in the sense that the Authority shall disclose the results for participating financial institutions, where it considers such disclosure to be appropriate having 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.

</Amend>

<Amend>Amendment <NumAm>589</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 32 – paragraph 2a – subparagraph 1</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 and shall inform the European Parliament, the Council and the Commission of its reasoning. |

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

</Amend>

<Amend>Amendment <NumAm>590</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 – subparagraph 1</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 ***on any financial institution*** 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 ***all*** the results for each participating financial institution. |

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

</Amend>

<Amend>Amendment <NumAm>591</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(a a) In paragraph 3, subparagraph 1 is replaced by the following:*** |
| 3. 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. | "3. 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***, including risks related to environmental, social and governance factors***." |

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

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

</Amend>

<Amend>Amendment <NumAm>592</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<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>

|  |  |
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|  | |
| 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*** |

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

</Amend>

<Amend>Amendment <NumAm>593</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<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.***; | 3a. The Authority may require competent authorities to conduct specific reviews. It may request competent authorities to carry out on-site inspections; |

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

<TitreJust>Justification</TitreJust>

The provision should rather focus on mediation procedures in case of non-compliance by competent authorities with the EBA requests and not on increasing the number of parties on an on-sight inspection. Such an increase would not enhance, but rather lower the efficiency of the inspection.

</Amend>

<Amend>Amendment <NumAm>594</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 33 – title</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(-a) The title is replaced by the following:*** |
| International relations | "International relations ***including equivalence***" |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>595</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Doru-Claudian Frunzulică</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 33 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a a) paragraph 1 is replaced by the following:*** |
| 1. Without prejudice to the respective competences of the Member States and the Union institutions, the Authority may develop contacts and enter into administrative arrangements with supervisory authorities, international organisations and the administrations of third countries. Those arrangements shall not create legal obligations in respect of the Union and its Member States nor shall they prevent Member States and their competent authorities from concluding bilateral or multilateral arrangements with those third countries. | "1. Without prejudice to the respective competences of the Member States and the Union institutions, the Authority may develop contacts and enter into administrative arrangements with ***regulatory,*** supervisory ***and resolution*** authorities, international organisations and the administrations of third countries. Those arrangements shall not create legal obligations in respect of the Union and its Member States nor shall they prevent Member States and their competent authorities from concluding bilateral or multilateral arrangements with those third countries. |
|  | ***By way of derogation from this paragraph, where a third country is included in the list of jurisdictions which are considered to have national anti-money laundering policies and policies countering the financing of terrorism regimes with strategic deficiencies that pose significant threats to the financial system of the Union, as referred to in a delegated act in force adopted by the Commission pursuant to Directive (EU) 2018/843 of the European Parliament and of the Council, the Authority shall not conclude administrative arrangements with regulatory, supervisory and resolution authorities of that third country.*** " |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>596</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Ramon Tremosa i Balcells, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

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

|  |  |
| --- | --- |
|  | |
| 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 ***systematically*** assist the Commission in preparing equivalence decisions pertaining to regulatory and supervisory regimes in third countries.; |

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

</Amend>

<Amend>Amendment <NumAm>597</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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 at the request of a third country authority,*** or where required to do so by the acts referred to in Article 1(2).; |

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

</Amend>

<Amend>Amendment <NumAm>598</NumAm>

<RepeatBlock-By><Members>Alain Lamassoure, Anne Sander</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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 ***provide technical advice to*** the Commission in preparing equivalence decisions pertaining to regulatory and supervisory regimes in third countries.; |

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

</Amend>

<Amend>Amendment <NumAm>599</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 33 – paragraphs 2a, 2b and 2c</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (b) the following paragraphs 2a, 2b ***and 2c*** are inserted: | (b) the following paragraphs 2a, 2b***, 2c and 2d*** are inserted: |

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

</Amend>

<Amend>Amendment <NumAm>600</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 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 relevant ***to the initial equivalence decision*** 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 ***its Board of Supervisors, to the European Parliament, the Council,*** the Commission***, the Board of Supervisors of EIOPA and ESMA, and to the authorities of the third country every three years or more frequently where appropriate or where requested by the European Parliament, the Council and the Commission. The report shall include an assessment of implications for financial stability, market integrity, investor protection and the functioning of the internal market***. |

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

</Amend>

<Amend>Amendment <NumAm>601</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 33 – paragraph 2a – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| 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***,*** supervisory ***and, where applicable, resolution*** 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***, and the two other ESAs every three years or more frequently where appropriate or where requested by the European Parliament, the Council or the Commission. The report shall focus in particular on implications for financial stability of the Union or of one of its Member States, market integrity, investor protection or the functioning of the internal market***. |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>602</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<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. | ***On an ongoing 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 Commission***, the European Parliament and the Council*** on an annual basis. |
|  | *(These changes equally apply to Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.)* |

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

</Amend>

<Amend>Amendment <NumAm>603</NumAm>

<RepeatBlock-By><Members>Neena Gill</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>regulation</DocAmend2>

<Article2>art 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 report on its findings to the Commission on an annual basis. |

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

</Amend>

<Amend>Amendment <NumAm>604</NumAm>

<RepeatBlock-By><Members>Alain Lamassoure, Anne Sander</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 33 – paragraph 2a – subparagraph 1a (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***For the purpose of monitoring developments and practices referred to in the first subparagraph, the Authority shall pay particular attention to any divergence in the interpretation or practical application of third-country rules previously assessed as equivalent to EU rules by the Commission in an equivalence decision, having due regard to the guidance the Authority provides by way of guidelines, recommendations, opinions or questions and answers*** |

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

</Amend>

<Amend>Amendment <NumAm>605</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 33 – paragraph 2a – subparagraph 2 – introductory part</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 Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>606</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<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 – introductory part</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 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 ***seek to*** include provisions on the following: |

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

</Amend>

<Amend>Amendment <NumAm>607</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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 – 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, with the support and contribution of 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 Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>608</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 33 – paragraph 2a – subparagraph 2 – 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) 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, ***participation in*** on-site inspections. |

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

</Amend>

<Amend>Amendment <NumAm>609</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<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 3</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 Commission***, the European Parliament and the Council*** 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. |
|  | *(These changes equally apply to Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.)* |

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

</Amend>

<Amend>Amendment <NumAm>610</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 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 ***its Board of Supervisors, the European Parliament, the Council,*** the Commission***, the Board of Supervisors of EIOPA and ESMA, and the authorities of the third country*** on a confidential basis and without delay. |

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

</Amend>

<Amend>Amendment <NumAm>611</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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, where applicable, resolution,*** 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 Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>612</NumAm>

<RepeatBlock-By><Members>Neena Gill</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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 Commission without delay. |

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

</Amend>

<Amend>Amendment <NumAm>613</NumAm>

<RepeatBlock-By><Members>Wolf Klinz</Members>

</RepeatBlock-By>

<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.. | The Authority shall on an annual basis submit a confidential report to ***the European Parliament, the Council, and*** 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.. |

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

</Amend>

<Amend>Amendment <NumAm>614</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| The competent authorities shall inform the Authority in advance of their intentions to conclude any administrative arrangements with third-country supervisory authorities in any of the areas governed by the acts referred to in Article 1(2), including in relation to branches of third country entities. ***They shall provide simultaneously to the Authority a draft of such planned arrangements.*** | The competent authorities shall inform the Authority in advance of their intentions to conclude any administrative arrangements with third-country supervisory authorities in any of the areas governed by the acts referred to in Article 1(2), including in relation to branches of third country entities. |

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

</Amend>

<Amend>Amendment <NumAm>615</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<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***, in cooperation with the competent authorities,*** 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 Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>616</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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 ***shall*** 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. |

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

</Amend>

<Amend>Amendment <NumAm>617</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 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 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 ***endeavour*** to follow such model arrangements. |

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

</Amend>

<Amend>Amendment <NumAm>618</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 3a (new)</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
|  | ***Where the Authority develops such model administrative arrangements, the competent authorities shall defer the negotiation and conclusion of administrative arrangements with third country authorities until the completion of the model arrangement by the Authority.*** |

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

</Amend>

<Amend>Amendment <NumAm>619</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 a (new)</Article2>

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| Text proposed by the Commission | Amendment |
|  | ***2c a. The Authority shall coordinate the stances of competent authorities which participate in the activities of international standard setting bodies within the Authority’s scope of action with a view to establishing common positions which those authorities and the Authority will promote. This is without prejudice to the entitlement of competent authorities to be members of and to participate fully in such bodies.*** |

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

</Amend>

<Amend>Amendment <NumAm>620</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 17 – point b 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 |
|  | ***(b a) The following paragraph 3a is added:*** |
|  | ***“3a. The Authority shall seek full membership of the Basel Committee on Banking Supervision and of the Financial Stability Board, and shall seek observer status on the International Accounting Standards Monitoring Board.*** |
|  | ***Any position to be taken by the Authority in international fora shall first be discussed and approved by the Executive Board.;”*** |
|  | *(This amendment also applies throughout Articles 2 and 3, the ‘Basel Committee on Banking Supervision’ being replaced by ‘International Association of Insurance Supervisors, the International Organisation of Pensions Supervisors’ in Article 2 and ‘ International Organisation of Securities Commissions’ in Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>621</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

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

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| Text proposed by the Commission | Amendment |
|  | ***(b b) The following paragraph 3b is added:*** |
|  | ***“3b. The Authority shall monitor regulatory, supervisory, and where applicable, resolution developments and enforcement practices and relevant market developments in third countries for which international agreements have been concluded.”*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>622</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<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 |
| 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.; | 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 shall apply to the areas in respect of which the Authority may issue an opinion.; |

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

</Amend>

<Amend>Amendment <NumAm>623</NumAm>

<RepeatBlock-By><Members>Othmar Karas</Members>

</RepeatBlock-By>

<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, ***always*** where possible, be made using ***existing*** common reporting formats ***and shall respect the principle of proportionality provided for in national and Union law, including in the legislative acts referred to in Article 1(2);*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

<TitreJust>Justification</TitreJust>

This amendment shall ensure that information requests by the Authority shall, always where possible, be made using existing common reporting formats and shall respect the principle of proportionality.

</Amend>

<Amend>Amendment <NumAm>624</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández, Paul Tang</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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 common reporting formats ***and shall respect the principle of proportionality provided for in national and Union law, including in 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>625</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<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*** reporting formats ***and respecting the principle of proportionality***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>626</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<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 ***respect the principle of proportionality and, wherever*** possible, ***rely on existing and commonly used*** reporting formats. |
|  | *(These changes equally apply for Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.)* |

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

</Amend>

<Amend>Amendment <NumAm>627</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Articles 35a to 35h</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(20) the following Articles 35a to 35h are inserted:*** | ***deleted*** |
| ***[...]*** |  |

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

<TitreJust>Justification</TitreJust>

Articles 35a to 35h as proposed by the Commission would allow disproportionately and unjustifiably high fines compared to the infringements, regardless of whether or not the infringement was negligent.

</Amend>

<Amend>Amendment <NumAm>628</NumAm>

<RepeatBlock-By><Members>Othmar Karas</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35a – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| 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. ***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>

<TitreJust>Justification</TitreJust>

This amendment clarifies that not merely in accordance with Article 35b but in accordance with Article 35 the powers conferred on the Authority, any of its officials or another person authorised by the Authority shall not be used to require the disclosure of information or documents that are subject to legal privilege. Also, Articles 35a and 35b shall apply without prejudice to national law.

</Amend>

<Amend>Amendment <NumAm>629</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Article 35b*** | ***deleted*** |
| ***[…]*** |  |

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

<TitreJust>Justification</TitreJust>

Requests directed to individual financial institutions should go through NCAs to avoid financial institutions having to deal with information request from both, the national and European supervisory authority.

</Amend>

<Amend>Amendment <NumAm>630</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| 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:*** | ***deleted*** |
| ***(a) relevant financial institutions;*** |  |
| ***(b) holding companies or branches of a relevant financial institution;*** |  |
| ***(c) non-regulated operational entities within a financial group or conglomerate that are significant to the financial activities of the relevant financial institutions.*** |  |

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

<TitreJust>Justification</TitreJust>

The proposed power to collect data directly from financial institutions is unnecessary due to the well-established processes to report information to the competent authorities. Furthermore, this new competence for the ESAs would contradict with the aims of current European initiatives, especially ESCB’s Integrated Reporting Framework (IReF).

</Amend>

<Amend>Amendment <NumAm>631</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b – paragraph 1 – introductory part</Article2>

|  |  |
| --- | --- |
|  | |
| 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 ***relevant national authorities*** to provide all necessary information ***or collect them from the relevant stakeholder (s) in order*** 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>632</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b – paragraph 2 – point a</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(a) relevant financial institutions;*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>633</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b– paragraph 1 – point b</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(b) holding companies or branches of a relevant financial institution;*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>634</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b– paragraph 1 – point c</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(c) non-regulated operational entities within a financial group or conglomerate that are significant to the financial activities of the relevant financial institutions.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>635</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b– paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| 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>636</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b– paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| 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>

<TitreJust>Justification</TitreJust>

20

</Amend>

<Amend>Amendment <NumAm>637</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b– paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| 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 frame set by the Authority,*** the relevant ***national authorities*** shall supply the information requested. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>638</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b – paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| 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.*** | ***deleted*** |

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

<TitreJust>Justification</TitreJust>

The proposed power to collect data directly from financial institutions is unnecessary due to the well-established processes to report information to the competent authorities. Furthermore, this new competence for the ESAs would contradict with the aims of current European initiatives, especially ESCB’s Integrated Reporting Framework (IReF).

</Amend>

<Amend>Amendment <NumAm>639</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35b– paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| 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.*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>640</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35c – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| 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.*** | ***deleted*** |

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

<TitreJust>Justification</TitreJust>

Any investigations should be conducted by the competent authorities, and not by the Commission.

</Amend>

<Amend>Amendment <NumAm>641</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35d – paragraph 1 – title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***Fines*** | ***deleted*** |

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

</Amend>

<Amend>Amendment <NumAm>642</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35d – 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).*** | ***deleted*** |

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

<TitreJust>Justification</TitreJust>

ESAs should not be given the power to decide whether or not fines should be imposed on financial institutions. Only the competent authorities should have the power to request data directly from the financial institutions.

</Amend>

<Amend>Amendment <NumAm>643</NumAm>

<RepeatBlock-By><Members>Othmar Karas</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35d – 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 Article 35b***(1)***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

<TitreJust>Justification</TitreJust>

This amendment shall ensure a simpler and more efficient process on imposing fines with the Commission being responsible for adopting such a decision.

</Amend>

<Amend>Amendment <NumAm>644</NumAm>

<RepeatBlock-By><Members>Othmar Karas</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

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

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***1 a. 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 decision to impose a fine or a periodic penalty payment 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>

<TitreJust>Justification</TitreJust>

This amendment ensures that the institution or entity subject to the request for information has the opportunity to be heard, before taking any decision to impose a fine or a periodic penalty payment is taken by the Commission

</Amend>

<Amend>Amendment <NumAm>645</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35d – 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.*** | ***deleted*** |

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

</Amend>

<Amend>Amendment <NumAm>646</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35d – 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 fines shall be dissuasive, effective and proportionate to the size and nature of business*** of the ***institution as well as the type of violation. 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 benefited financially from the infringement***. ***The Authority, together with ESMA and EIOPA shall develop draft regulatory technical standards, specifying criteria for setting the basic amounts for fines as well as coefficients linked to aggravating and mitigating factors. The ESAs shall submit those draft regulatory technical standards to the Commission by June 2019.Power is conferred on the Commission to adopt regulatory technical standards referred to in the first and subparagraph in accordance with Article 15 of this Regulation , of Regulation (EU) No1094/2010 and of Regulation (EU) No 1095/2010.*** |

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

</Amend>

<Amend>Amendment <NumAm>647</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35d – 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.*** |  |

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

</Amend>

<Amend>Amendment <NumAm>648</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35d – paragraph 3 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***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.*** |  |

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

</Amend>

<Amend>Amendment <NumAm>649</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35d – 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.*** |  |

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

</Amend>

<Amend>Amendment <NumAm>650</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35d – paragraph 5</Article2>

|  |  |
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|  | |
| 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.*** | ***deleted*** |

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

</Amend>

<Amend>Amendment <NumAm>651</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35d – paragraph 5</Article2>

|  |  |
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|  | |
| 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.*** | ***deleted*** |

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

</Amend>

<Amend>Amendment <NumAm>652</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

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

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

<Article2>Article 35e – paragraph 2</Article2>

|  |  |
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|  | |
| 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. | 2. A periodic penalty payment shall be effective and proportionate ***to the size, nature of business of the institution and the type of violation***. 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. |

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

</Amend>

<Amend>Amendment <NumAm>653</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 20 a (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 36 – paragraph 4 – subparagraph 4</Article2>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(20 a) In Article 36, subparagraph 4 of paragraph 4 is replaced by the following:*** |
| If the Authority does not act on a recommendation, it shall explain to the ESRB ***and the Council*** 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*** a 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 Council and the Commission***. " |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>654</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 21</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 36 – paragraph 5 – subparagraph 1 a (new)</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
|  | ***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.*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>655</NumAm>

<RepeatBlock-By><Members>Sirpa Pietikäinen</Members>

</RepeatBlock-By>

<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 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) in paragraph 1, subparagraph 1 is replaced by the following:*** |
| 1. 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. | "1. To help facilitate consultation with stakeholders in areas relevant to the tasks of the Authority, a Banking Stakeholder Group shall be established ***which encompasses the knowledge and expertise needed to support the Authority to fulfill its duties following this Regulation, including knowledge and expertise in the area of technological innovation, innovative and sustainable business models, and environmental, social and governance related developments***. 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. " |

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

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

</Amend>

<Amend>Amendment <NumAm>656</NumAm>

<RepeatBlock-By><Members>Lieve Wierinck</Members>

</RepeatBlock-By>

<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 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) in paragraph 1, subparagraph 1 is replaced by the following:*** |
| 1. 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. | “1. To help facilitate consultation with stakeholders in areas relevant to the tasks of the Authority, a Banking Stakeholder Group shall be established***, contributing the knowledge and expertise that is needed to support the Authority. This knowledge and expertise shall encompass aspects of ESG, technological innovation and sustainable business models***. 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.” |

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

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

</Amend>

<Amend>Amendment <NumAm>657</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) paragraph*** 2 ***is replaced by the following:*** |
| 2***.*** 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. | "2. 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 ***and relevant NGO’s and other public interest organisations*** as well as consumers, users of banking services and representatives of SMEs***. At least ten of its members shall be consumers and relevant NGO’s and other public interest organisations***. 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. " |

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

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

</Amend>

<Amend>Amendment <NumAm>658</NumAm>

<RepeatBlock-By><Members>Sirpa Pietikäinen</Members>

</RepeatBlock-By>

<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 replaced by the following:*** |
| 2. 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. | "2. 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***, representatives of civil society*** 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. ***At least one member thereof shall represent environmental, social and governance related interests.*** " |

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

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

</Amend>

<Amend>Amendment <NumAm>659</NumAm>

<RepeatBlock-By><Members>Matt Carthy</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point –a (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2> Article 37 – paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) paragraph 2 shall be replaced by the following:*** |
| 2. 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. | “2. 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 ***and consumer protection organisations***, 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, ***at least*** three of whom shall represent cooperative and savings banks. ***At least 50% of the Group shall not be representatives of the financial services industry. At least five of its members shall represent environmental, social and governance-related interests.”*** |

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

</Amend>

<Amend>Amendment <NumAm>660</NumAm>

<RepeatBlock-By><Members>Lieve Wierinck</Members>

</RepeatBlock-By>

<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 b) paragraph 2 is amended as follows:*** |
| 2. 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. | "2. 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. ***Its composition shall include members with knowledge and expertise of ESG.*** " |

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

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

</Amend>

<Amend>Amendment <NumAm>661</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<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 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) paragraph 3 is replaced by the following:*** |
| 3. 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. | "3. The members of the Stakeholder Group shall be appointed by the ***Executive*** Board following ***an open selection procedure***. In making its decision, the ***Executive*** Board shall, to the extent possible, ensure an appropriate ***reflection of diversity of the sector,*** geographical and gender balance and representation of stakeholders across the Union. ***Members of the Stakeholder Group shall be selected according to their qualifications, skills, relevant knowledge and proven expertise. The Executive Board shall take its decision independently from any internal or external influence. The selection process should be fully transparent.*** " |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>662</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Ramon Tremosa i Balcells, Thierry Cornillet</Members>

</RepeatBlock-By>

<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 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) paragraph 3, is replaced by the following:*** |
| 3. 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. | “3. 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 selection process should be fully transparent.***” |

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

</Amend>

<Amend>Amendment <NumAm>663</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a a) paragraph 3 is replaced by the following:*** |
| 3. 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. | "3. 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 ensure an appropriate geographical and gender balance and representation of stakeholders across the Union. " |

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

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

</Amend>

<Amend>Amendment <NumAm>664</NumAm>

<RepeatBlock-By><Members>Matt Carthy</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point –a a (new)</Article>

<DocAmend2>Regulation 1093/2010</DocAmend2>

<Article2>Article 37 – paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a a) paragraph 3 is amended as follows:*** |
| 3. 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. | “3. 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 ensure an appropriate geographical and gender balance and representation of stakeholders across the Union.” |

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

</Amend>

<Amend>Amendment <NumAm>665</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Ramon Tremosa i Balcells, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point a</Article>

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

<Article2>Article 37 – paragraph 4 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (a) in paragraph 4, ***the last sentence of the first*** subparagraph is replaced by the following: | (a) in paragraph 4, subparagraph ***1*** is replaced by the following: |
| Members of the Banking Stakeholder Group shall serve for a period of ***four*** years, following which a new selection procedure shall take place.***;*** | 4. The Authority shall provide all necessary information subject to professional secrecy as set out in Article 70 and ensure adequate secretarial support for the Banking Stakeholder Group. Adequate compensation shall be provided to members of the Banking Stakeholder Group representing non-profit organisations, excluding industry representatives. ***This*** compensation ***shall take into account the members' preparatory and follow-up work and*** shall be at least equivalent to the reimbursement rates of officials pursuant to Title V, Chapter 1, Section 2 of the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (1) (Staff Regulations). The Banking Stakeholder Group may establish working groups on technical issues. Members of the Banking Stakeholder Group shall serve for a period of ***five*** years, following which a new selection procedure shall take place. |

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

</Amend>

<Amend>Amendment <NumAm>666</NumAm>

<RepeatBlock-By><Members>Sirpa Pietikäinen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point a</Article>

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

<Article2>Article 37 – paragraph 4 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (a) in paragraph 4***, the last sentence of the first subparagraph*** is replaced by the following: | ***(a)*** in paragraph 4, subparagraph ***1*** is replaced by the following***:*** |
| Members of the Banking Stakeholder Group shall serve for a period of four years, following which a new selection procedure shall take place. | "4. The Authority shall provide all necessary information subject to professional secrecy as set out in Article 70 and ensure adequate secretarial support for the Banking Stakeholder Group. Adequate compensation shall be provided to members of the Banking Stakeholder Group representing non-profit organisations, excluding industry representatives. The Banking Stakeholder Group may establish working groups on technical issues. ***These working groups shall encompass the knowledge and expertise needed to support the ESA fulfill their duties following this Regulation, including knowledge and expertise in the area of technological innovation, innovative and sustainable business models, and environmental, social and governance related developments.*** Members of the Banking Stakeholder Group shall serve for a period of four years, following which a new selection procedure shall take place." |

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

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

</Amend>

<Amend>Amendment <NumAm>667</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point a</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 37 – paragraph 4 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| a) in paragraph 4***, the last sentence of the first*** subparagraph is replaced by the following: | ***(a)*** In paragraph 4, subparagraph ***1*** is replaced by the following***:*** |
| Members of the Banking Stakeholder Group shall serve for a period of four years, following which a new selection procedure shall take place. | "4. The Authority shall provide all necessary information subject to professional secrecy as set out in Article 70 and ensure adequate secretarial support for the Banking Stakeholder Group. Adequate compensation shall be provided to members of the Banking Stakeholder Group representing non-profit organisations, excluding industry representatives. ***This compensation shall take into account preparatory work undertaken by non-industry members of the Stakeholder Group and shall be proportionately equivalent to the Authority's external experts' compensation.*** The Banking Stakeholder Group may establish working groups on technical issues. Members of the Banking Stakeholder Group shall serve for a period of four years, following which a new selection procedure shall take place." |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>668</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point a</Article>

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

<Article2>Article 37 – paragraph 4 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (a) in paragraph 4***, the last sentence of the first*** subparagraph is replaced by the following: | (a)in paragraph 4,subparagraph ***1*** is replaced by the following: |
| Members of the Banking Stakeholder Group shall serve for a period of four years, following which a new selection procedure shall take place. | "4. The Authority shall provide all necessary information subject to professional secrecy as set out in Article 70 and ensure adequate secretarial support for the Banking Stakeholder Group. Adequate compensation shall be provided to members of the Banking Stakeholder Group representing non-profit organisations, excluding industry representatives. Such compensation shall be at least equivalent to the reimbursement rates of officials pursuant to Title V, Chapter 1, Section 2 of the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (13) (Staff Regulations). ***This compensation shall take into account preparatory work undertaken by non-industry members of the Stakeholder Group and shall be proportionately equivalent to the Authority’s external experts’ compensation*** The Banking Stakeholder Group may establish working groups on technical issues. Members of the Banking Stakeholder Group shall serve for a period of four years, following which a new selection procedure shall take place. |

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

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

</Amend>

<Amend>Amendment <NumAm>669</NumAm>

<RepeatBlock-By><Members>Lieve Wierinck</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point a</Article>

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

<Article2>Article 37 – paragraph 4 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (a) in paragraph 4***, the last sentence of the first*** subparagraph is replaced by the following: | (a) paragraph 4, subparagraph ***1*** is replaced by the following: |
| Members of the Banking Stakeholder Group shall serve for a period of four years, following which a new selection procedure shall take place. | "The Authority shall provide all necessary information subject to professional secrecy as set out in Article 70 and ensure adequate secretarial support for the Banking Stakeholder Group. Adequate compensation shall be provided to members of the Banking Stakeholder Group representing non-profit organisations, excluding industry representatives. Such compensation shall be at least equivalent to the reimbursement rates of officials pursuant to Title V, Chapter 1, Section 2 of the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ( 13 ) (Staff Regulations). The Banking Stakeholder Group may establish working groups on technical issues ***and ESG-related developments***. Members of the Banking Stakeholder Group shall serve for a period of four years, following which a new selection procedure shall take place. " |

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

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

</Amend>

<Amend>Amendment <NumAm>670</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<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 4a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(a a) the following paragraph 4a is inserted:*** |
|  | ***“4a. The Banking Stakeholder Group shall establish a Technical Committee as a subgroup of the Banking Stakeholder Group, dealing with technical issues. The members of this Committee shall submit opinions and advice and shall have the sole decision making powers on technical issues in the Banking Stakeholder Group. Members of the Technical Committee of the Banking Stakeholder Group shall serve for a period of four years, following which a new selection procedure shall take place.”*** |

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

<TitreJust>Justification</TitreJust>

Technical aspects of banking regulation are complicated and require extensive technical knowledge. Therefore it would be very useful to establish a Technical Committee as a subgroup of the Banking Stakeholder Group, that deals with technical aspects of the topics discussed. Often, those technical aspects are time sensitive and require the ability to promptly make decisions. The technical discussion should therefore be separated from a political one.

</Amend>

<Amend>Amendment <NumAm>671</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<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 – subparagraph 1a</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, ***each member*** shall be permitted to issue a separate advice. |

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

<TitreJust>Justification</TitreJust>

It should be specified that each member of the BSG is permitted to issue a separate advice.

</Amend>

<Amend>Amendment <NumAm>672</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 22 – point b</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 37 – paragraph 5 – subparagraph 1a</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 Stakeholder Group cannot ***agree on*** advice, the members representing ***at least half of a*** group of stakeholders shall be permitted to issue separate advice. |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>673</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 – subparagraph 1a</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 reach a common opinion or advice, ***1/ 3 of its*** Members shall be permitted to issue a separate opinion or separate advice |

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

</Amend>

<Amend>Amendment <NumAm>674</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Ramon Tremosa i Balcells, Thierry Cornillet</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(b a) paragraph 7 is replaced by the following:*** |
| 7. The Authority shall make public the opinions and advice of the Banking Stakeholder Group and the results of its consultations. | “7. The Authority shall make public the opinions and advice of the Banking Stakeholder Group and the results of its consultations ***as well as how these opinions, advice and results of consultations were taken into account by the Authority.”*** |

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

</Amend>

<Amend>Amendment <NumAm>675</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(b a) paragraph 7 is replaced by the following:*** |
| 7. The Authority shall make public the ***opinions and*** advice of the ***Banking*** Stakeholder Group and the results of its consultations. | "7. The Authority shall make public the advice of the Stakeholder Group***, the separate advice of its members, the way they have been taken into account*** and the results of its consultations.” |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>676</NumAm>

<RepeatBlock-By><Members>Sirpa Pietikäinen</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(b a) Art 37 Para 7 is replaced with the following:*** |
| 7. The Authority shall make public the opinions and advice of the Banking Stakeholder Group and the results of its consultations. | "7. The Authority shall make public the opinions and advice of the Banking Stakeholder Group and the ***working groups, and the*** results of its consultations." |

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

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

</Amend>

<Amend>Amendment <NumAm>677</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<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>

|  |  |
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|  | |
| 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 for in this Regulation. |

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

</Amend>

<Amend>Amendment <NumAm>678</NumAm>

<RepeatBlock-By><Members>Olle Ludvigsson</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a</Article>

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

<Article2>Article 40 – paragraph 1 – point aa</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***(a) paragraph 1 is amended as follows:*** | ***deleted*** |
| ***(i) the following point (aa) is inserted:*** |  |
| ***“(aa) the full time members of the Executive Board referred to Article 45(1), who shall be non-voting;”*** |  |

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

<TitreJust>Justification</TitreJust>

The reasons to create an Executive Board are not clear enough since numerous of the tasks attributed to this function already today are executed by the Executive Director and the accompanying staff. Setting up the Executive Board would add significant costs for the ESA:s, and only adds more bureaucracy.

</Amend>

<Amend>Amendment <NumAm>679</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a – point -i (new)</Article>

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

<Article2>Article 40 – paragraph 1 – point a</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-i) point (a) is replaced by the following:*** |
| (a) the Chairperson***, who shall be non-voting***; | ***“(a) the Chairperson***;” |

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

</Amend>

<Amend>Amendment <NumAm>680</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a – point i</Article>

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

<Article2>Article 40 – paragraph 1 – point aa</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (aa) the full time members of the Executive Board referred to Article 45(1)***, who shall be non-voting***;***;*** | (aa) the full time members of the Executive Board referred to Article 45(1); |

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

</Amend>

<Amend>Amendment <NumAm>681</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 a b (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(i a) the following point (ab) is inserted:*** |
|  | ***“(a b) one representative of the SRB, who shall be non-voting;”*** |

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

</Amend>

<Amend>Amendment <NumAm>682</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a – point i a (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 40 – paragraph 1 – point a b (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(i a) The following point (ab) is inserted:*** |
|  | ***“(ab) the head of the public administration in charge of negotiating and adopting the acts referred to in Article 1(2) for the purpose of acting within the scope of Articles 10 to 15;”*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>683</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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 b</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(i b) point (b) is replaced by the following:*** |
| (b) the head of the national public authority competent for the supervision of ***credit*** institutions in each Member State, who shall meet in person at least twice a year; | "(b) the head of the national public authority competent for the supervision of ***financial*** institutions in each Member State ***for the purpose of acting within the scope of any competence except those laid down in Articles 10 to 15***, who shall meet in person at least twice a year;" |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>684</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a – point i c (new)</Article>

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

<Article2>Article 40 – paragraph 1 – point (e)</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(i c) point (e) is replaced by the following:*** |
| (e) one representative of the ESRB, who shall be non-voting; | "(e) one representative of the ESRB, who shall be non-voting ***and who shall avoid any potential conflict of interests with regard to the conduct of monetary policy***;" |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>685</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a – point i d (new)</Article>

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

<Article2>Article 40 – paragraph 1 – point f a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(i d) The following point (f a) is inserted:*** |
|  | ***‘(fa) one representative of the SRB for the purpose of acting within the scope of Directive 2014/59/EU, who shall be non-voting.’;*** |

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

</Amend>

<Amend>Amendment <NumAm>686</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a a) paragraph 3 is replaced by the following:*** |
| 3. Each competent authority shall be responsible for nominating a high-level alternate from its authority, who may replace the member of the Board of Supervisors referred to in ***paragraph*** 1(b), where that person is prevented from attending. | "3. Each competent authority shall be responsible for nominating a high-level alternate from its authority, who may replace the member of the Board of Supervisors referred to in ***paragraphs 1(ab) and*** 1(b), where that person is prevented from attending." |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>687</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<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>

|  |  |
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|  | |
| Present text | Amendment |
|  | ***(a a) paragraph 4a is replaced by the following:*** |
| 4a. 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***. | "4a. 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 ***financial stability, who shall refrain from presenting or taking positions induced by the conduct of monetary policies***." |

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

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

</Amend>

<Amend>Amendment <NumAm>688</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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 4a</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a b) Paragraph 4a is replaced by the following:*** |
| 4a. 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***. | "4a. 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 ***financial stability***." |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>689</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 6 –subparagraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(a a) in paragraph 6, subparagraph 3 is deleted***. |
| ***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***. | ***deleted*** |
|  | *(Article 40, paragraph 6, last subparagraph is deleted.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>690</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point a c (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 40 – paragraph 6a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(a c) the following paragraph 6a isinserted:*** |
|  | ***For the purpose of acting within the scope ‘of Articles 10 to 15, one representative of the European Parliament shall be an observer.’*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>691</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point b</Article>

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

<Article2>Article 40 – paragraph 7 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(b) in paragraph 7, the second subparagraph is deleted;*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>692</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point c</Article>

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

<Article2>Article 40 – paragraph 8</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 8. Where the national public authority referred to in paragraph 1(b) is not responsible for the enforcement of consumer protection rules, the member of the Board of Supervisors referred to in that point ***may decide to*** invite a representative from the Member State’s consumer protection authority, who shall be non-voting. In the case where the responsibility for consumer protection is shared by several authorities in a Member State, those authorities shall agree on a common representative. | 8. Where the national public authority referred to in paragraph 1(b) is not responsible for the enforcement of consumer protection rules, the member of the Board of Supervisors referred to in that point ***shall*** invite a representative from the Member State’s consumer protection authority, who shall be non-voting. In the case where the responsibility for consumer protection is shared by several authorities in a Member State, those authorities shall agree on a common representative. |
|  | ***No member of the Board of Supervisors according to paragraph 1(b) of this Article shall vote on any matter for which his or her authority has no mandate.*** |

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

</Amend>

<Amend>Amendment <NumAm>693</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 24 – point c</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 40 – paragraph 8</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 8. Where the national public authority referred to in paragraph 1(b) is not responsible for the enforcement of consumer protection rules, the member of the Board of Supervisors referred to in that point ***may decide to*** invite a representative from the Member State’s consumer protection authority, who shall be non-voting. In the case where the responsibility for consumer protection is shared by several authorities in a Member State, those authorities shall agree on a common representative.; | 8. Where the national public authority referred to in paragraph 1(b) is not responsible for the enforcement of consumer protection rules, the member of the Board of Supervisors referred to in that point ***shall*** invite a representative from the Member State’s consumer protection authority, who shall be non-voting. In the case where the responsibility for consumer protection is shared by several authorities in a Member State, those authorities shall agree on a common representative.; |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>694</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 25</Article>

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

<Article2>Article 41</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***"***The Board of Supervisors may establish internal committees for specific tasks attributed to it. The Board of Supervisors may provide for the delegation of certain clearly defined tasks and decisions to internal committees, to the ***Executive*** Board or to the Chairperson.***;*** | ***1.*** The Board of Supervisors may establish internal committees ***or panels*** for specific tasks attributed to it. The Board of Supervisors may provide for the delegation of certain clearly defined tasks and decisions to internal committees ***or panels***, to the ***Management*** Board or to the Chairperson. |
|  | 1a. For the purposes of Article 17, the Board of Supervisors shall convoke an independent panel, consisting of the Chairperson of the Board of Supervisors and six other members, who are not representatives of the competent authority alleged to have breached Union law and who have neither any interest in the matter nor direct links to the competent authority concerned. |
|  | Each member of the panel shall have one vote. |
|  | Decisions of the panel shall be taken where at least four members vote in favour. |
|  | 2. For the purposes of Article 19, the Board of Supervisors shall convoke an independent panel consisting of the Chairperson of the Board of Supervisors, and of six other members who are not representatives of the competent authorities party to the disagreement and who have neither any interest in the conflict nor direct links to the competent authorities concerned. |
|  | Each member of the panel shall have one vote. |
|  | Decisions of the panel shall be taken where at least four members vote in favour. |
|  | 3. The panels referred to in this Article shall propose decisions under Article 17 or Article 19 for final adoption by the Board of Supervisors. |
|  | 4. The Board of Supervisors shall adopt rules of procedure for the panels referred to in this Article. |
|  | ***4a. Unless otherwise provided for in the acts referred to in Article 1 (2), the Board of Supervisors shall delegate the competence to act and to take decisions on all matters where acts referred to in Article 1(2) have conferred functions of authorisation or supervision and corresponding powers upon the Authority to the Supervisory Committee.*** |

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

</Amend>

<Amend>Amendment <NumAm>695</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 25</Article>

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

<Article2>Article 41 – paragraphs 1 and 1a ( new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Board of Supervisors may establish internal committees for specific tasks attributed to it. The Board of Supervisors may provide for the delegation of certain clearly defined tasks and decisions to internal committees, to the Executive Board or to the Chairperson.***;*** | The Board of Supervisors ***or the Chairperson*** may establish internal committees for specific tasks attributed to it. The Board of Supervisors may provide for the delegation of certain clearly defined tasks and decisions to internal committees, to the Executive Board or to the Chairperson. |
|  | ***The Board of Supervisor shall establish a permanent committee composed of national competent authorities responsible for the enforcement of consumer protection rules*** |

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

</Amend>

<Amend>Amendment <NumAm>696</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 25</Article>

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

<Article2>Article 41 – paragraph 1 and 1a ( new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Board of Supervisors may establish internal committees for specific tasks attributed to it. The Board of Supervisors may provide for the delegation of certain clearly defined tasks and decisions to internal committees, to the Executive Board or to the Chairperson.; | The Board of Supervisors may establish internal committees for specific tasks attributed to it. The Board of Supervisors may provide for the delegation of certain clearly defined tasks and decisions to internal committees, to the Executive Board or to the Chairperson. |
|  | ***The Board of supervisors shall establish a permanent internal committee composed of national competent authorities responsible for the enforcement of consumer protection rules.***; |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>697</NumAm>

<RepeatBlock-By><Members>Wolf Klinz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 25</Article>

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

<Article2> Article 41 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Board of Supervisors may establish internal committees for specific tasks attributed to it. The Board of Supervisors may provide for the delegation of certain clearly defined tasks and decisions to internal committees, to the Executive Board or to the Chairperson.***;*** | The Board of Supervisors may establish internal committees for specific tasks ***and decisions*** attributed to it. The Board of Supervisors may provide for the delegation of certain clearly defined tasks and decisions to internal committees, to the Executive Board***, to a full-time member of the Executive Board,*** or to the Chairperson. |

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

</Amend>

<Amend>Amendment <NumAm>698</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 26</Article>

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

<Article2>Article 42 – paragraphs 1 and 1 a (new)</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 of a Member State or from any other public or private body. |
|  | ***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.*** |

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

</Amend>

<Amend>Amendment <NumAm>699</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<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 Chairperson and 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>700</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(26 a) In Article 42, paragraph 3 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***. ***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/?uri=CELEX:02010R1093-20160112)

</Amend>

<Amend>Amendment <NumAm>701</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 27 – point a</Article>

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

<Article2>Article 43 – Paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The Board of Supervisors shall give guidance to the work of the Authority***. Save as otherwise provided in this Regulation the Board of Supervisors*** shall ***adopt the opinions, recommendations, guidelines and*** decisions ***of the Authority, and issue the advice*** referred to in Chapter II***, based on a proposal from the Executive Board***.***;*** | 1. The Board of Supervisors shall give guidance to the work of the Authority ***and*** shall ***be in charge of taking the*** decisions referred to in Chapter II. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>702</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 27 – point a</Article>

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

<Article2>Article 43 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The Board of Supervisors shall give guidance to the work of the Authority. Save as otherwise provided in this Regulation the Board of Supervisors shall adopt ***the opinions,*** recommendations, guidelines and decisions of the Authority, and issue the advice referred to in Chapter II, based on a proposal from the Executive Board.; | 1. The Board of Supervisors shall give guidance to the work of the Authority. Save as otherwise provided in this Regulation the Board of Supervisors shall adopt recommendations, guidelines***, opinions*** and decisions of the Authority, and issue the advice referred to in Chapter II, based on a proposal from the Executive Board.; |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>703</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 27 – point b</Article>

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

<Article2>Article 43 – paragraphs 2 and 3</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (b) ***paragraphs 2 and 3 are*** deleted; | (b) ***paragraph 3 is*** deleted; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>704</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 27 – point b a (new)</Article>

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

<Article2>Article 43 – paragraph 2a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(b a) the following paragraph 2a is inserted:*** |
|  | ***“2a. Notwithstanding a delegation according to Article 41(5), the Board of supervisors remains competent on all matters where acts referred to in Article 1(2) have conferred functions of authorisation or supervision and corresponding powers upon the Authority, including the competence to act and to take decisions on these matters.”*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>705</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<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 – subparagraph 1</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 ***Management*** 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.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>706</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 27 – point c a (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 43 – paragraph 4– subparagraph 2a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(c a) in paragraph 4, the following subparagraph is added:*** |
|  | ***‘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 of Member States to review that are not defined as competent authorities under this Regulation but that are empowered to ensure the application of the 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>707</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 27 – point d</Article>

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

<Article2>Article 43 – paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(d) paragraph 5 is replaced by the following:*** | ***deleted*** |
| ***‘5. The Board of Supervisors shall adopt, on the basis of a proposal by the Executive Board, the annual report on the activities of the Authority, including on the performance of the Chairperson’s duties, on the basis of the draft report referred to in Article 53(7) 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.’;*** |  |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>708</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 27 – point d</Article>

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

<Article2>Article 43 – paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 5. The Board of Supervisors shall adopt, on the basis of a proposal by the ***Executive*** Board, the annual report on the activities of the Authority, including on the performance of the Chairperson’s duties, on the basis of the draft report referred to in Article 53(7) 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.; | 5. The Board of Supervisors shall adopt, on the basis of a proposal by the ***Management*** Board, the annual report on the activities of the Authority, including on the performance of the Chairperson’s duties, on the basis of the draft report referred to in Article 53(7) 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.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>709</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 27 – point e</Article>

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

<Article2>Article 43 – paragraph 8</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| (e) paragraph 8 is ***deleted;*** | (e) Paragraph 8 is ***replaced by the following:*** |
|  | The Board of Supervisors shall exercise disciplinary authority over the Executive Director and may remove the ***Executive Director*** from office in accordance with Article 51(5) respectively. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>710</NumAm>

<RepeatBlock-By><Members>Olle Ludvigsson</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28</Article>

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

<Article2>Article 44 – paragraph 1, subparagraphs 2 to 6, and paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(28) Article 44 is amended as follows:*** | ***deleted*** |
| ***(a) the second subparagraph of paragraph 1 is replaced by the following:*** |  |
| ***‘With regard to the acts specified in Articles 10 to 16 and measures and decisions adopted under the third subparagraph of Article 9(5) and Chapter VI and by way of derogation from the first subparagraph of this paragraph, the Board of Supervisors shall take decisions on the basis of a qualified majority of its members, as defined in Article 16(4) of the Treaty on European Union, which shall include at least a simple majority of the members, present at the vote, from competent authorities of Member States that are participating Member States as defined in point 1 of Article 2 of Regulation (EU) No 1024/2013 (participating Member States) and a simple majority of the members, present at the vote, from competent authorities of Member States that are not participating Member States as defined in point 1 of Article 2 of Regulation (EU) No 1024/2013 (non-participating Member States).*** |  |
| ***The full time members of the Executive Board and the Chairperson shall not vote on these decisions.’;*** |  |
| ***(b) in paragraph 1, the third, fourth, fifth and sixth subparagraphs are deleted;*** |  |
| ***(c) paragraph 4 is replaced by the following:*** |  |
| ***The non-voting members and the observers shall not participate in any discussions within the Board of Supervisors relating to individual financial institutions, unless otherwise provided for in Article 75(3) or in the acts referred to in Article 1(2).";*** |  |
| ***The first subparagraph shall not apply to the Chairperson, the members that are also members of the Executive Board and the European Central Bank representative nominated by its Supervisory Board.";’*** |  |

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

<TitreJust>Justification</TitreJust>

The reasons to create an Executive Board are not clear enough since numerous of the tasks attributed to this function already today are executed by the Executive Director and the accompanying staff. Setting up the Executive Board would add significant costs for the ESA:s, and only adds more bureaucracy.

</Amend>

<Amend>Amendment <NumAm>711</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point a – introductory part</Article>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (a) ***the second subparagraph of*** paragraph 1 is replaced by the following: | (a) paragraph 1 is replaced by the following: |

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

</Amend>

<Amend>Amendment <NumAm>712</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Ramon Tremosa i Balcells, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point –a (new)</Article>

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

<Article2>Article 44 – paragraph 1 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(-a) in paragraph 1, subparagraph 1 is replaced by the following:*** |
| 1. Decisions of the Board of Supervisors shall be taken by a simple majority of its members. Each member shall have one vote. | “1. Decisions of the Board of Supervisorsshall be taken by a simple majority of its members. Each member shall have one vote. ***In the event of a tie, the Chairperson shall have a casting vote.***” |

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

</Amend>

<Amend>Amendment <NumAm>713</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point a</Article>

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

<Article2>Article 44 – paragraph 1 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| With regard to the acts specified in Articles 10 to 16 and measures and decisions adopted under the third subparagraph of Article 9(5) and Chapter VI and by way of derogation from the first subparagraph of this paragraph, the Board of Supervisors shall take decisions on the basis of a qualified majority of its members, as defined in Article 16(4) of the Treaty on European Union***, which shall include at least a simple majority of the members, present at the vote, from competent authorities of Member States that are participating Member States as defined in point 1 of Article 2 of Regulation (EU) No 1024/2013 (participating Member States) and a simple majority of the members, present at the vote, from competent authorities of Member States that are not participating Member States as defined in point 1 of Article 2 of Regulation (EU) No 1024/2013 (non-participating Member States)***. | With regard to the acts specified in Articles 10 to 16 and measures and decisions adopted under the third subparagraph of Article 9(5) and Chapter VI and by way of derogation from the first subparagraph of this paragraph, the Board of Supervisors shall take decisions on the basis of a qualified majority of its members, as defined in Article 16(4) of the Treaty on European Union. |

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

</Amend>

<Amend>Amendment <NumAm>714</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Ramon Tremosa i Balcells, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point a</Article>

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

<Article2>Article 44 – paragraph 1 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| With regard to the acts specified in Articles 10 to 16 and measures and decisions adopted under the third subparagraph of Article 9(5) and Chapter VI and by way of derogation from the first subparagraph of this paragraph, the Board of Supervisors shall take decisions on the basis of a qualified majority of its members, as defined in Article 16(4) of the Treaty on European Union, which shall include at least a simple majority of the members, present at the vote, from competent authorities of Member States that are participating Member States as defined in point 1 of Article 2 of Regulation (EU) No 1024/2013 (participating Member States) and a simple majority of the members, present at the vote, from competent authorities of Member States that are not participating Member States as defined in point 1 of Article 2 of Regulation (EU) No 1024/2013 (non-participating Member States). | With regard to the acts specified in Articles 10 to 16 and measures and decisions adopted under the third subparagraph of Article 9(5) ***and the last subparagraph of Article 9(6)*** and Chapter VI and by way of derogation from the first subparagraph of this paragraph, the Board of Supervisors shall take decisions on the basis of a qualified majority of its members, as defined in Article 16(4) of the Treaty on European Union, which shall include at least a simple majority of the members, present at the vote, from competent authorities of Member States that are participating Member States as defined in point 1 of Article 2 of Regulation (EU) No 1024/2013 (participating Member States) and a simple majority of the members, present at the vote, from competent authorities of Member States that are not participating Member States as defined in point 1 of Article 2 of Regulation (EU) No 1024/2013 (non-participating Member States). |

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

</Amend>

<Amend>Amendment <NumAm>715</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point a</Article>

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

<Article2>Article 44 – paragraph 1 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| With regard to the ***acts*** specified in Articles 10 to 16 and measures and decisions adopted under the third subparagraph of Article 9(5) and Chapter VI and by way of derogation from the first subparagraph of this paragraph, the Board of Supervisors shall take decisions on the basis of a qualified majority of its members, as defined in Article 16(4) of the Treaty on European Union***, which*** shall ***include at least a simple*** majority of ***the*** members, ***present at the vote, from competent authorities of Member States that are participating Member States*** as defined in ***point 1 of*** Article ***2 of Regulation (EU) No 1024/2013 (participating Member States) and a simple majority*** of the ***members, present at the vote, from competent authorities of Member States that are not participating Member States as defined in point 1 of Article 2 of Regulation (EU) No 1024/2013 (non-participating Member States)***. | With regard to the ***adoption of acts, drafts and instruments*** specified in Articles 10 to 16***, Article 29 (1) point a, Article 29 (2) and Article 34 (1)*** and measures and decisions adopted under the third subparagraph of Article 9(5) and Chapter VI and by way of derogation from the first subparagraph of this paragraph, the Board of Supervisors shall take decisions on the basis of a qualified majority of its members, as defined in Article 16(4) of the Treaty on European Union***. With regard to decisions on the development of acts and instruments under Article 16, Article 29 (1) point a, Article 29 (2) and Article 34 (1), decisions*** shall ***be taken on the basis of a qualified*** majority of ***its*** members, as defined in Article ***16(4)*** of the ***Treaty on the European Union***. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>716</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point a</Article>

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

<Article2>Article 44 – paragraph 1 – subparagraphs 2a</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***The full time members of the Executive Board and the Chairperson shall not vote on these decisions.;*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>717</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point a</Article>

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

<Article2>Article 44 – paragraph 1 – subparagraphs 2a</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***The full time members of the Executive Board and the Chairperson shall not vote on these decisions.;*** | ***deleted*** |

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

</Amend>

<Amend>Amendment <NumAm>718</NumAm>

<RepeatBlock-By><Members>Wolf Klinz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point b</Article>

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

<Article2>Article 44 – paragraph 1 – subparagraphs 3, 4, 5 and 6</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(b) in paragraph 1, the third, fourth, fifth and sixth subparagraphs are deleted;*** | ***deleted*** |

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

</Amend>

<Amend>Amendment <NumAm>719</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point b</Article>

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

<Article2>Article 44 – paragraph 1 – subparagraphs 3, 4, 5 and 6</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (b) in paragraph 1, the third, fourth, ***fifth*** and sixth subparagraphs are deleted; | (b) in paragraph 1, the third, fourth, and sixth subparagraphs are deleted; |

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

</Amend>

<Amend>Amendment <NumAm>720</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point b a (new)</Article>

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

<Article2>Article 44 – paragraph 1 –subparagraph 7</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(b a) in paragraph 1, subparagraph 7 is replaced by the following:*** |
| With regard to decisions adopted under Article 18(3) and (4), and by way of derogation from the first subparagraph of this paragraph, the Board of Supervisors shall take decisions on the basis of a simple majority of its voting members***, which shall include a simple majority of its members from competent authorities of participating Member States and a simple majority of its members from competent authorities of non-participating Member States***. | "With regard to decisions adopted under Article 18(3) and (4)***, or decisions on proposals issued by the Executive Board on the basis of the tasks conferred to it under Article 37 save for measures and decisions under Chapter VI***, and by way of derogation from the first subparagraph of this paragraph, the Board of Supervisors shall take decisions on the basis of a simple majority of its voting members." |

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

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

</Amend>

<Amend>Amendment <NumAm>721</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 28 – point c</Article>

<DocAmend2></DocAmend2>

<Article2>Article 44 – paragraph 4 – subparagraph 2</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| The first subparagraph shall not apply to the Chairperson, the ***members that are also members of the*** Executive ***Board*** and the European Central Bank representative nominated by its Supervisory Board."; | The first subparagraph shall not apply to the Chairperson, the Executive ***Director*** and the European Central Bank representative nominated by its Supervisory Board."; |

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

</Amend>

<Amend>Amendment <NumAm>722</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 29</Article>

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

<Article2>Chapter III – Section 2 – Title</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(29) in Chapter III, the title of Section 2 is replaced by the following:*** | ***deleted*** |
| ***Section 2*** |  |
| ***Executive Board*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>723</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(30) Article 45 is replaced by the following:*** | ***deleted*** |
| ***‘Article 45*** |  |
| ***Composition*** |  |
| ***1. The Executive Board shall be composed of the Chairperson and three full time members. The Chairperson shall assign clearly defined policy and managerial tasks to each of the full time members. One of the full time members shall be assigned responsibilities for budgetary matters and for matters relating to the work programme of the Authority ("Member in charge "). One of the full time members shall act as a Vice Chairperson and carry out the tasks of the Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation.*** |  |
| ***2. The full time members shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, and experience relevant to financial supervision and regulation. The full time members shall have extensive management experience. The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union, following which the Commission shall draw up a shortlist of qualified candidates.*** |  |
| ***The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the full time members of the Executive Board including the Member in charge. The Executive Board shall be balanced and proportionate and shall reflect the Union as a whole.*** |  |
| ***3. Where a full time member of the Executive Board no longer fulfils the conditions set out in Article 46 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.*** |  |
| ***4. The term of office of the full time members shall be 5 years and shall be renewable once. In the course of the 9 months preceding the end of the 5-year term of office of the full time member, the Board of Supervisors shall evaluate:*** |  |
| ***(a) the results achieved in the first term of office and the way in which they were achieved;*** |  |
| ***(b) the Authority’s duties and requirements in the coming years.*** |  |
| ***Taking into account the evaluation, the Commission shall submit the list of the full time members to be renewed to the Council. Based on this list and taking into account the evaluation, the Council may extend the term of office of the full time members.’;*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>724</NumAm>

<RepeatBlock-By><Members>Olle Ludvigsson</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(30) Article 45 is replaced by the following:*** | ***deleted*** |
| ***‘Article 45*** |  |
| ***Composition*** |  |
| ***1. The Executive Board shall be composed of the Chairperson and three full time members. The Chairperson shall assign clearly defined policy and managerial tasks to each of the full time members. One of the full time members shall be assigned responsibilities for budgetary matters and for matters relating to the work programme of the Authority ("Member in charge "). One of the full time members shall act as a Vice Chairperson and carry out the tasks of the Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation.*** |  |
| ***2. The full time members shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, and experience relevant to financial supervision and regulation. The full time members shall have extensive management experience. The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union, following which the Commission shall draw up a shortlist of qualified candidates.*** |  |
| ***The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the full time members of the Executive Board including the Member in charge. The Executive Board shall be balanced and proportionate and shall reflect the Union as a whole.*** |  |
| ***3. Where a full time member of the Executive Board no longer fulfils the conditions set out in Article 46 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.*** |  |
| ***4. The term of office of the full time members shall be 5 years and shall be renewable once. In the course of the 9 months preceding the end of the 5-year term of office of the full time member, the Board of Supervisors shall evaluate:*** |  |
| ***(a) the results achieved in the first term of office and the way in which they were achieved;*** |  |
| ***(b) the Authority’s duties and requirements in the coming years.*** |  |
| ***Taking into account the evaluation, the Commission shall submit the list of the full time members to be renewed to the Council. Based on this list and taking into account the evaluation, the Council may extend the term of office of the full time members.’;*** |  |

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

<TitreJust>Justification</TitreJust>

The reasons to create an Executive Board are not clear enough since numerous of the tasks attributed to this function already today are executed by the Executive Director and the accompanying staff. Setting up the Executive Board would add significant costs for the ESA:s, and only adds more bureaucracy.

</Amend>

<Amend>Amendment <NumAm>725</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The ***Executive*** Board shall be composed of the Chairperson and ***three full time*** members. The Chairperson shall assign clearly defined policy and managerial tasks ***to each of the full time members. One of the full time members shall be assigned responsibilities for budgetary matters and for matters relating to the work programme of the Authority ("Member in charge "). One of the full time members shall act as a Vice*** Chairperson and ***carry out the tasks*** of the ***Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation***. | 1. The ***Executive/Management*** Board shall be composed of the Chairperson and ***six other*** members***. One member shall be appointed by the Chairperson from among the senior management of the Authority. Three members shall be voting members of the Board of Supervisors. Two external members shall be selected on the basis of merit, skills, knowledge of financial markets, and experience relevant to financial supervision and regulation***. The Chairperson shall assign clearly defined policy and managerial tasks***. Other than the*** Chairperson and ***external members, each member*** of the ***Management Board shall have an alternate who may replace him/her if he/she is prevented from attending***. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>726</NumAm>

<RepeatBlock-By><Members>Matt Carthy</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

<DocAmend2>Regulation 1093/2010</DocAmend2>

<Article2>Article 45 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The Executive Board shall be composed of the Chairperson and three full time members. The Chairperson shall assign clearly defined policy and managerial tasks to each of the full time members. One of the full time members shall be assigned responsibilities for budgetary matters and for matters relating to the work programme of the Authority ("Member in charge "). One of the full time members shall act as a Vice Chairperson and carry out the tasks of the Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation. | 1. The Executive Board shall be composed of the Chairperson and three full time members. The Chairperson shall assign clearly defined policy and managerial tasks to each of the full time ***members. Sustainable finance and consumer protection policy shall each be assigned to one of the full-time*** members. One of the full time members shall be assigned responsibilities for budgetary matters and for matters relating to the work programme of the Authority ("Member in charge "). One of the full time members shall act as a Vice Chairperson and carry out the tasks of the Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation. |

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

</Amend>

<Amend>Amendment <NumAm>727</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The Executive Board shall be composed of the Chairperson and three full time members. The Chairperson shall assign clearly defined policy and managerial tasks to each of the full time members. One of the full time members shall be assigned responsibilities for budgetary matters and for matters relating to the work programme of the Authority ("Member in charge "). One of the full time members shall act as a Vice Chairperson and carry out the tasks of the Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation. | 1. The Executive Board shall be composed of the Chairperson and three full time members. The Chairperson shall assign clearly defined policy and managerial tasks to each of the full time members***, nationals of a Member State***. One of the full time members shall be assigned responsibilities for budgetary matters and for matters relating to the work programme of the Authority ("Member in charge "). One of the full time members shall act as a Vice Chairperson and carry out the tasks of the Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation. |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>728</NumAm>

<RepeatBlock-By><Members>Wolf Klinz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The Executive Board shall be composed of the Chairperson and ***three*** full time members. The Chairperson shall assign clearly defined policy and managerial tasks to each of the full time members. One of the full time members shall be assigned responsibilities for budgetary matters and for matters relating to the work programme of the Authority ("Member in charge "). One of the full time members shall act as a Vice Chairperson and carry out the tasks of the Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation. | 1. The Executive Board shall be composed of the Chairperson and ***two*** full time members. The Chairperson shall assign clearly defined policy and managerial tasks to each of the full time members. One of the full time members shall be assigned responsibilities for budgetary matters and for matters relating to the work programme of the Authority ("Member in charge "). One of the full time members shall act as a Vice Chairperson and carry out the tasks of the Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation. |

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

</Amend>

<Amend>Amendment <NumAm>729</NumAm>

<RepeatBlock-By><Members>Alain Lamassoure, Anne Sander</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The Executive Board shall be composed of the Chairperson and three full time members. The Chairperson shall assign clearly defined policy and managerial tasks to each of the full time members***. One of the full time members shall be assigned*** responsibilities for budgetary matters ***and*** for matters relating to the work programme of the Authority ***("Member in charge ")***. One of the full time members shall act as a Vice Chairperson and carry out the tasks of the Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation. | 1. The Executive Board shall be composed of the Chairperson and three full time members. The Chairperson shall assign clearly defined policy and managerial tasks to each of the full time members***, in particular*** responsibilities for budgetary matters***,*** for matters relating to the work programme of the Authority***, and for convergence matters***. One of the full time members shall act as a Vice Chairperson and carry out the tasks of the Chairperson in his or her absence or reasonable impediment, in accordance with this Regulation. |

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

</Amend>

<Amend>Amendment <NumAm>730</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45 – paragraph 1 a (new)</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
|  | ***1 a. For the purpose of selection of the members of the Executive Board, 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 for each position.*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>731</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Ramon Tremosa i Balcells, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 2 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The full time members shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, and experience relevant to financial supervision and regulation. The full time members shall have extensive management experience. The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union, following which the Commission shall draw up a shortlist of qualified candidates. | The full time members shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, and experience relevant to financial supervision and regulation. The full time members shall have extensive management experience. ***At least one of the full time members should during the three years prior to being appointed not have been employed by a competent authority.*** The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union, following which the Commission shall draw up a shortlist of qualified candidates. |

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

</Amend>

<Amend>Amendment <NumAm>732</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Artical 45 – paragraph 2 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The ***full time*** members shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, and experience relevant to financial supervision and regulation. The ***full time*** members shall have extensive management experience. The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union, following which the Commission shall draw up a shortlist of qualified candidates. | The ***external*** members shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, ***including consumer interests,*** and experience relevant to financial supervision and regulation. The ***external*** members shall have extensive management experience. The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union, following which the Commission shall draw up a shortlist of qualified candidates. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>733</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 2 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The full time members shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, and experience relevant to financial supervision and regulation. The full time members shall have extensive management experience. The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union, following which the Commission shall draw up a shortlist of qualified candidates. | The full time members shall be selected on the basis of merit, skills, knowledge ***and practical experience*** of financial institutions and markets, and experience relevant to financial supervision and regulation. The full time members shall have extensive management experience. The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union, following which the Commission shall draw up a shortlist of qualified candidates. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>734</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45 – paragraph 2 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The full time members shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, and experience relevant to financial supervision and regulation. The full time members shall have extensive management experience. The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union***, following which the Commission shall draw up a shortlist of qualified candidates***. | The full time members shall be selected on the basis of merit, skills, knowledge of financial institutions and markets ***particularly in banking***, and experience relevant to financial supervision and regulation. The full time members shall have extensive management experience. The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union. |
|  | *(This amendment also applies throughout Articles 2 and 3, with ‘banking’ being replaced by ‘insurance and occupational pensions’ in Article 2 and ‘securities and markets’ in Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>735</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 2 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Commission shall ***submit the*** shortlist ***to the European Parliament for approval. Following the approval*** of that ***shortlist, the Council*** shall ***adopt a decision to*** appoint the ***full time*** members of the Executive Board ***including the Member in charge***. ***The Executive*** Board ***shall be balanced and proportionate and shall reflect the Union as a whole***. | ***The full time members shall be selected on the basis of merit, skills, knowledge of financial institutions and markets, and experience relevant to financial supervision and regulation. The full time members shall have extensive management experience. The selection shall be based on an open call for candidates, to be published in the Official Journal of the European Union, following which*** the Commission shall ***draw up a*** shortlist of ***qualified candidates*** that shall ***be balanced in terms of gender and nationality.*** |
|  | ***The Board of Supervisors shall*** appoint the Members of the Executive Board ***from the list of shortlisted candidates***. |
|  | ***Before taking up their duties, and up to 1 month after the selection by the*** Board ***of Supervisors, the European Parliament may, after having heard the candidates selected by the Board of Supervisors, object to the designation of any of the selected persons***. |

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

</Amend>

<Amend>Amendment <NumAm>736</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45 – paragraph 2 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The ***Commission*** shall submit the ***shortlist*** to the European Parliament ***for approval. Following the approval of that shortlist,*** the Council shall adopt a decision to appoint the ***full time*** members of the Executive Board ***including the Member in charge***. The Executive Board shall be ***balanced and*** proportionate and shall reflect the Union as a whole. | The ***selection Committee*** shall submit the ***shortlists of candidates for the position of the member of the Executive Board*** to the European Parliament ***and the Council. The European Parliament may invite the selected candidates to in camera 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 members of the Executive Board ***from the shortlists of candidates***. The Executive Board shall be ***gender-balanced,*** proportionate and shall reflect the Union as a whole. |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>737</NumAm>

<RepeatBlock-By><Members>Alain Lamassoure, Anne Sander</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 2 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the full time members of the Executive Board including the Member in charge. The Executive Board shall be balanced and proportionate and shall reflect the Union as a whole. | ***After submission to the Board of Supervisors and if no objection is expressed by the Board on the shortlist of candidates,*** the Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the full time members of the Executive Board including the Member in charge. The Executive Board shall be balanced and proportionate and shall reflect the Union as a whole. |

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

</Amend>

<Amend>Amendment <NumAm>738</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45 – paragraph 2 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the ***full time*** members of the Executive Board ***including the Member in charge. The Executive*** Board shall be balanced and proportionate and shall reflect the Union as a whole. | The Commission shall submit the shortlist to the European Parliament for approval. Following the approval of that shortlist, the Council shall adopt a decision to appoint the ***external*** members of the Executive Board***. The composition of the Executive/Management*** Board shall be balanced and proportionate and shall reflect the Union as a whole. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>739</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45 – paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 3. Where ***a full time*** member of the ***Executive*** Board no longer fulfils the conditions set out in Article 46 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. | 3. Where ***an external*** member of the ***Executive/Management*** Board no longer fulfils the conditions set out in Article 46 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. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>740</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 48 – paragraph 3</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 3. Where a full time member of the Executive Board no longer fulfils the conditions set out in Article 46 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. | 3. Where a full time member of the Executive Board no longer fulfils the conditions set out in Article 46 or has been found guilty of serious misconduct, the ***European Parliament and the*** Council may, ***on their own initiative or*** on a proposal from the Commission, adopt a 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>741</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 3</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 3. Where a full time member of the Executive Board no longer fulfils the conditions set out in Article 46 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. | 3. Where a full time member of the Executive Board no longer fulfils the conditions set out in Article 46 or has been found guilty of serious misconduct, the ***European Parliament or*** Council may, on a proposal from the Commission ***or on their own initiative***, adopt a decision to remove him or her from office. |

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

</Amend>

<Amend>Amendment <NumAm>742</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 4 – subparagraph 1 – introductory part</Article2>

|  |  |
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| Text proposed by the Commission | Amendment |
| The term of office of the ***full time*** members shall be 5 years and shall be renewable once. ***In the course of the 9 months preceding the end of the 5-year term of office of the full time member, the Board of Supervisors shall evaluate:*** | The term of office of the ***members elected by the Board of Supervisors shall be two-and-a-half years. That term may be extended once. Mandates shall be overlapping and an appropriate rotating arrangement shall apply. The term of office of the external*** members shall be 5 years and shall be renewable once. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>743</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 4 – subparagraph 1 – introductory part</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| The term of office of the full time members shall be ***5*** years and shall be renewable ***once***. In the course of the 9 months preceding the end of the ***5***-year term of office of the full time member, the Board of Supervisors shall evaluate: | The term of office of the full time members shall be ***8*** years and shall ***not*** be renewable. In the course of the 9 months preceding the end of the ***8***-year term of office of the full time member, the Board of Supervisors shall evaluate: |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>744</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

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

<Article2>Article 45 – paragraph 4 –subparagraph 1 – point a</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| (a) the results achieved in the ***first*** term of office and the way in which they were achieved; | (a) the results achieved in the term of office and the way in which they were achieved; |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>745</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 30</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45 – paragraph 4 – subparagraph 2</Article2>

|  |  |
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| Text proposed by the Commission | Amendment |
| ***Taking into account the evaluation, the Commission shall submit the list of the full time members to be renewed to the Council. Based on this list and taking into account the evaluation, the Council may extend the term of office of the full time members.;*** | ***deleted*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>746</NumAm>

<RepeatBlock-By><Members>Olle Ludvigsson</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

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

<Article2>45a</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***(31) the following Article 45a is inserted:*** | ***deleted*** |
| ***‘Article 45a*** |  |
| ***Decision-making*** |  |
| ***1. Decisions by the Executive Board shall be adopted by simple majority of its members. Each member shall have one vote. In the event of a tie, the Chairperson shall have a casting vote.*** |  |
| ***2. The representative of the Commission shall participate in meetings of the Executive Board without the right to vote save in respect of matters referred to in Article 63.*** |  |
| ***3. The Executive Board shall adopt and make public its rules of procedure.*** |  |
| ***4. Meetings of the Executive Board shall be convened by the Chairperson at his own initiative or at the request of one of its members, and shall be chaired by the Chairperson.*** |  |
| ***The Executive Board shall meet prior to every meeting of the Board of Supervisors and as often as the Executive Board deems necessary. It shall meet at least five times a year.*** |  |
| ***5. The members of the Executive Board may, subject to the rules of procedure, be assisted by advisers or experts. The non-voting participants shall not attend any discussions within the Executive Board relating to individual financial institutions.’;*** |  |

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

<TitreJust>Justification</TitreJust>

The reasons to create an Executive Board are not clear enough since numerous of the tasks attributed to this function already today are executed by the Executive Director and the accompanying staff. Setting up the Executive Board would add significant costs for the ESA:s, and only adds more bureaucracy.

</Amend>

<Amend>Amendment <NumAm>747</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

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

<Article2>Article 45a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(31) the following Article 45a is inserted:*** | ***deleted*** |
| ***‘Article 45a*** |  |
| ***Decision-making*** |  |
| ***1. Decisions by the Executive Board shall be adopted by simple majority of its members. Each member shall have one vote. In the event of a tie, the Chairperson shall have a casting vote.*** |  |
| ***2. The representative of the Commission shall participate in meetings of the Executive Board without the right to vote save in respect of matters referred to in Article 63.*** |  |
| ***3. The Executive Board shall adopt and make public its rules of procedure.*** |  |
| ***4. Meetings of the Executive Board shall be convened by the Chairperson at his own initiative or at the request of one of its members, and shall be chaired by the Chairperson.*** |  |
| ***The Executive Board shall meet prior to every meeting of the Board of Supervisors and as often as the Executive Board deems necessary. It shall meet at least five times a year.*** |  |
| ***5. The members of the Executive Board may, subject to the rules of procedure, be assisted by advisers or experts. The non-voting participants shall not attend any discussions within the Executive Board relating to individual financial institutions.’;*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>748</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45a – paragraph 1</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 1. Decisions by the ***Executive*** Board shall be adopted by simple majority of its members. Each member shall have one vote. In the event of a tie, the Chairperson shall have a casting vote. | 1. Decisions by the ***Executive/Management*** Board shall be adopted by simple majority of its members. Each member shall have one vote. In the event of a tie, the Chairperson shall have a casting vote. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>749</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

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

<Article2>Article 45a – paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***2. The representative of the Commission shall participate in meetings of the Executive Board without the right to vote save in respect of matters referred to in Article 63.*** | ***deleted*** |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>750</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

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

<Article2>Article 45a – paragraph 2a</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
|  | ***2 a. Decisions by the Executive Board enter into force in accordance with Article 45a bis.*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>751</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45a – paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 3. The ***Executive*** Board shall adopt and make public its rules of procedure. | 3. The ***Executive/Management*** Board shall adopt and make public its rules of procedure. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>752</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

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

<Article2>Article 45a – paragraph 4 – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| Meetings of the ***Executive*** Board shall be convened by the Chairperson at his own initiative or at the request of one of its members, and shall be chaired by the Chairperson. | Meetings of the ***Executive/Management*** Board shall be convened by the Chairperson at his own initiative or at the request of one of its members, and shall be chaired by the Chairperson. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>753</NumAm>

<RepeatBlock-By><Members>Alain Lamassoure, Anne Sander</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

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

<Article2>Article 45a – paragraph 4 – subparagraph 2</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| The Executive Board shall meet prior to every meeting of the Board of Supervisors and as often as the Executive Board deems necessary. It shall meet at least ***five times a year***. | The Executive Board shall meet prior to every meeting of the Board of Supervisors and as often as the Executive Board deems necessary. It shall meet at least ***twice a month, and report regularly to the Board***. |

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

</Amend>

<Amend>Amendment <NumAm>754</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

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

<Article2>Article 45a – paragraph 4 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The ***Executive*** Board shall meet prior to every meeting of the Board of Supervisors and as often as the Executive Board deems necessary. It shall meet at least five times a year. | The ***Executive/Management*** Board shall meet prior to every meeting of the Board of Supervisors and as often as the Executive Board deems necessary. It shall meet at least five times a year. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>755</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

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

<Article2>Article 45a – paragraph 4 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Executive Board shall meet prior to every meeting of the Board of Supervisors and as often as the Executive Board deems necessary. It shall meet at least ***five*** times a year. | The Executive Board shall meet prior to every meeting of the Board of Supervisors and as often as the Executive Board deems necessary. It shall meet at least ***eleven*** times a year. |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>756</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Ramon Tremosa i Balcells, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

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

<Article2>Article 45a – paragraph 4 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Executive Board shall meet prior to every meeting of the Board of Supervisors and as often as the Executive Board deems necessary. It shall meet at least ***five*** times a year. | The Executive Board shall meet prior to every meeting of the Board of Supervisors and as often as the Executive Board deems necessary. It shall meet at least ***24*** times a year. |

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

</Amend>

<Amend>Amendment <NumAm>757</NumAm>

<RepeatBlock-By><Members>Alain Lamassoure, Anne Sander</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

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

<Article2>Article 45a – paragraph 5</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 5. ***The members of the Executive Board may, subject to the rules of procedure, be assisted by advisers or experts.*** The non-voting participants shall not attend any discussions within the Executive Board relating to individual financial institutions.; | 5. The non-voting participants shall not attend any discussions within the Executive Board relating to individual financial institutions.; |

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

</Amend>

<Amend>Amendment <NumAm>758</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45a – paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 5. The members of the ***Executive*** Board may, subject to the rules of procedure, be assisted by advisers or experts. The non-voting participants shall not attend any discussions within the ***Executive*** Board relating to individual financial institutions.; | 5. The members of the ***Executive/Management*** Board may, subject to the rules of procedure, be assisted by advisers or experts. The non-voting participants shall not attend any discussions within the ***Executive/Management*** Board relating to individual financial institutions.; |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>759</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 45a – paragraph 5a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***5 a. The Board of Supervisors shall be entitled to send specific requests for information to the Executive Board.*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>760</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 31 a (new)</Article>

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

<Article2>Article 45a a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(31 a) The following Article 45aa is inserted:*** |
|  | ***‘Article 45aa*** |
|  | ***Entry into force of decisions by the Executive Board*** |
|  | ***Decisions by the Executive Board pertaining to Articles 17, 19, 21a, 22, 29a, 30, 31a, 32, 33 and 35b to 35d will enter into force unless three quarters of the voting members of the Board of Supervisors object within 10 working days of their notification to the Board of Supervisors. The Executive Board may shorten the period in duly justified instances of urgency to no less than 1 working day.’;*** |
|  | *(This amendment also applies throughout Articles 2 and 3. The reference to '21a' only applies to Article 2.)* |

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

</Amend>

<Amend>Amendment <NumAm>761</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 32</Article>

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

<Article2>Article 45b (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(32) the following Article 45b is inserted:*** | ***deleted*** |
| ***‘Article 45b*** |  |
| ***Internal committees*** |  |
| ***The Executive Board may establish internal committees for specific tasks attributed to it.’;*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>762</NumAm>

<RepeatBlock-By><Members>Olle Ludvigsson</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 32</Article>

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

<Article2>45b</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(32) the following Article 45b is inserted:*** | ***deleted*** |
| ***‘Article 45b*** |  |
| ***Internal committees*** |  |
| ***The Executive Board may establish internal committees for specific tasks attributed to it.’;*** |  |

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

<TitreJust>Justification</TitreJust>

The reasons to create an Executive Board are not clear enough since numerous of the tasks attributed to this function already today are executed by the Executive Director and the accompanying staff. Setting up the Executive Board would add significant costs for the ESA:s, and only adds more bureaucracy.

</Amend>

<Amend>Amendment <NumAm>763</NumAm>

<RepeatBlock-By><Members>Olle Ludvigsson</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 33</Article>

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

<Article2>Article 46</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(33) Article 46 is replaced by the following:*** | ***deleted*** |
| ***‘Article 46*** |  |
| ***Independence*** |  |
| ***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.*** |  |
| ***Neither Member States, the Union institutions or bodies, nor any other public or private body shall seek to influence the members of the Executive Board in the performance of their tasks.’;*** |  |

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

<TitreJust>Justification</TitreJust>

The reasons to create an Executive Board are not clear enough since numerous of the tasks attributed to this function already today are executed by the Executive Director and the accompanying staff. Setting up the Executive Board would add significant costs for the ESA:s, and only adds more bureaucracy.

</Amend>

<Amend>Amendment <NumAm>764</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 33</Article>

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

<Article2>Article 46 – paragraph 1 a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***Members of the Executive Board shall not hold any office at national, Union, or international level.*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>765</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 33</Article>

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

<Article2>Article 46 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| 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 ***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>766</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 33</Article>

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

<Article2>Article 46 – paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| Neither Member States, the Union institutions or bodies, nor any other public or private body shall seek to influence the members of the ***Executive*** Board in the performance of their tasks.; | Neither Member States, the Union institutions or bodies, nor any other public or private body shall seek to influence the members of the ***Management*** Board in the performance of their tasks.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>767</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(34) Article 47 is replaced by the following:*** | ***deleted*** |
| ***[...]*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>768</NumAm>

<RepeatBlock-By><Members>Olle Ludvigsson</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(34) Article 47 is replaced by the following:*** | ***deleted*** |
| ***[...]*** |  |

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

<TitreJust>Justification</TitreJust>

The reasons to create an Executive Board are not clear enough since numerous of the tasks attributed to this function already today are executed by the Executive Director and the accompanying staff. Setting up the Executive Board would add significant costs for the ESA:s, and only adds more bureaucracy.

</Amend>

<Amend>Amendment <NumAm>769</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The ***Executive*** Board shall ensure that the Authority carries out its mission and performs the tasks assigned to it in accordance with this Regulation. ***It shall take all necessary measures, notably the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Authority, in accordance with this Regulation.*** | 1. The ***Executive/Management*** Board shall ensure that the Authority carries out its mission and performs the tasks assigned to it in accordance with this Regulation. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>770</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The Executive Board shall ensure that the Authority carries out its mission and performs the tasks assigned to it in accordance with this Regulation. It shall take all necessary measures, notably the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Authority, in accordance with this Regulation. | 1. The Executive Board shall ensure that the Authority carries out its mission and performs the tasks assigned to it in accordance with this Regulation. It shall take all necessary measures, notably the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Authority, in accordance with this Regulation. ***The main decision making body for strategic decisions and major policy decisions is the Board of Supervisors.*** |
|  | *(These changes equally apply to Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.)* |

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

</Amend>

<Amend>Amendment <NumAm>771</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 2</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 2. The ***Executive*** Board shall propose, for adoption by the Board of Supervisors, an annual and multi-annual work programme. | 2. The ***Executive/Management*** Board shall propose, for adoption by the Board of Supervisors, an annual and multi-annual work programme. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>772</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 3 – subparagraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| The ***Executive*** Board shall exercise its budgetary powers in accordance with Articles 63 and 64. | The ***Executive/Management*** Board shall exercise its budgetary powers in accordance with Articles 63 and 64. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>773</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 3 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***For the purposes of Articles 17, 19, 22, 29a, 30, 31a, 32 and 35b to 35h, the Executive Board shall be competent to act and to take decisions. The Executive Board shall keep the Board of Supervisors informed of the decisions it takes.*** | ***deleted*** |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>774</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 3 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***For the purposes of Articles 17, 19, 22, 29a, 30, 31a, 32 and 35b to 35h, the Executive Board shall be competent to act and to take decisions. The Executive Board shall keep the Board of Supervisors informed of the decisions it takes.*** | ***deleted*** |
|  | *(These changes equally apply to Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.)* |

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

<TitreJust>Justification</TitreJust>

The Board of Supervisors should remain the key decision making body within the ESAs.

</Amend>

<Amend>Amendment <NumAm>775</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 47 – paragraph 3 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| For the purposes of Articles 17, 19, 22, 29a, 30, 31a, 32 and 35b to ***35h***, the Executive Board shall be competent to act and to take decisions. The Executive Board shall ***keep*** the Board of Supervisors ***informed of the decisions it takes***. | For the purposes of Articles 17, 19, 22, 29a, 30, 31a, 32***, 33*** and 35b to ***35d***, the Executive Board shall be competent to act and to take decisions. The Executive Board shall ***inform*** the Board of Supervisors ***it intends to take following Articles 45a and 45a bis***. |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>776</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 3 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| For the purposes of Articles 17, 19, 22, 29a, ***30***, 31a, 32 and 35b to 35h, the Executive Board shall be competent to act and to take decisions. The Executive Board shall keep the Board of Supervisors informed of the decisions it takes. | For the purposes of Articles 17, 19, 22, 29a, ***30,31***, 31a, 32***, 35*** and 35b to 35h, the Executive Board shall be competent to act and to take decisions. The Executive Board shall keep the Board of Supervisors informed of the decisions it takes. |

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

</Amend>

<Amend>Amendment <NumAm>777</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 3 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| For the purposes of Articles 17, 19, 22, 29a, 30, 31a, 32 ***and 35b to 35h***, the Executive Board shall be competent to act and to take decisions. The Executive Board shall keep the Board of Supervisors informed of the decisions it takes. | For the purposes of Articles 17, 19, 22, 29a, 30, 31a, 32, the Executive Board shall be competent to act and to take decisions. The Executive Board shall keep the Board of Supervisors informed of the decisions it takes. |

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

</Amend>

<Amend>Amendment <NumAm>778</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 3a</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***3a. The Executive Board shall examine, give an opinion and make proposals on all matters to be decided by the Board of Supervisors.*** | ***deleted*** |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>779</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 4</Article2>

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| Text proposed by the Commission | Amendment |
| 4. The ***Executive*** Board shall adopt the Authority's staff policy plan and, pursuant to Article 68(2), the necessary implementing measures of the Staff Regulations of Officials of the European Communities ('the Staff Regulations’). | 4. The ***Executive/Management*** Board shall adopt the Authority's staff policy plan and, pursuant to Article 68(2), the necessary implementing measures of the Staff Regulations of Officials of the European Communities ('the Staff Regulations’). |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>780</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 4. The Executive Board shall adopt the Authority's ***staff policy plan*** and, pursuant to Article 68(2), the necessary implementing measures of the Staff Regulations of Officials of the European Communities ('the Staff Regulations’). | 4. The Executive Board shall adopt the Authority's ***programming document*** and, pursuant to Article 68(2), the necessary implementing measures of the Staff Regulations of Officials of the European Communities ('the Staff Regulations’). |

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

</Amend>

<Amend>Amendment <NumAm>781</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 5</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 5. The ***Executive*** Board shall adopt the special provisions on right of access to the documents of the Authority, in accordance with Article 72. | 5. The ***Executive/Management*** Board shall adopt the special provisions on right of access to the documents of the Authority, in accordance with Article 72. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>782</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 47 – paragraph 6</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 6. The ***Executive*** Board shall propose an annual report on the activities of the Authority, including on the Chairperson’s duties, on the basis of the draft report referred to in Article 53(7) to the Board of Supervisors for approval. | 6. The ***Executive/Management*** Board shall propose an annual report on the activities of the Authority, including on the Chairperson’s duties, on the basis of the draft report referred to in Article 53(7) to the Board of Supervisors for approval. |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>783</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 6</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 6. The Executive Board shall propose an annual report on the activities of the Authority, including on the Chairperson’s duties, on the basis of the draft report referred to in ***Article 53(7)*** to the Board of Supervisors for approval. | 6. The Executive Board shall propose an annual report on the activities of the Authority, including on the Chairperson’s duties, on the basis of the draft report referred to in ***paragraph 9(f),*** to the Board of Supervisors for approval. |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>784</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 6a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***6 a. The Executive Board shall appoint the members of the Stakeholder Group.*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>785</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 7</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 7. The Executive Board shall ***appoint and remove*** the members of the Board of Appeal in accordance with Article 58(3) and (5). | 7. The Executive Board shall ***make a proposal for*** the members of the Board of Appeal in accordance with Article 58(3) and (5) ***for adoption by the Board of Supervisors***. |
|  | *(These changes equally apply to Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.)* |

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

</Amend>

<Amend>Amendment <NumAm>786</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 47 – paragraph 7</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 7. The ***Executive*** Board shall appoint and remove the members of the Board of Appeal in accordance with Article 58(3) and (5). | 7. The ***Executive/Management*** Board shall appoint and remove the members of the Board of Appeal in accordance with Article 58(3) and (5). |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>787</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 8</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 8. The members of the ***Executive*** Board shall make public all meetings held and any hospitality received. Expenses shall be recorded publicly in accordance with the Staff Regulations | 8. The ***external*** members of the ***Executive/Management*** Board shall make public all meetings held and any hospitality received. Expenses shall be recorded publicly in accordance with the Staff Regulations |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>788</NumAm>

<RepeatBlock-By><Members>Kay Swinburne</Members>

<AuNomDe>{ECR}on behalf of the ECR Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34</Article>

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

<Article2>Article 47 – paragraph 9</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| ***9. The Member in charge shall have the following specific tasks:*** | ***deleted*** |
| ***(a) to implement the annual work programme of the Authority under the guidance of the Board of Supervisors and under the control of the Executive Board;*** |  |
| ***(b) to take all necessary measures, notably the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Authority, in accordance with this Regulation;*** |  |
| ***(c) to prepare a multi-annual work programme, as referred to in Article 47(2);*** |  |
| ***(d) to prepare a work programme by 30 June of each year for the following year, as referred to in Article 47(2);*** |  |
| ***(e) to draw up a preliminary draft budget of the Authority pursuant to Article 63 and to implement the budget of the Authority pursuant to Article 64;*** |  |
| ***(f) to prepare an annual draft report to include a section on the regulatory and supervisory activities of the Authority and a section on financial and administrative matters;*** |  |
| ***(g) to exercise in respect to the Authority’s staff, the powers laid down in Article 68 and to manage staff matters.;*** |  |
|  | *(Proposed changes would also apply to the analogous ESMA and EIOPA Executive Board proposals)* |

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

</Amend>

<Amend>Amendment <NumAm>789</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 34 a (new)</Article>

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

<Article2>Chapter 3 – Section 2a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(34 a) In Chapter 3, the following Section 2a is inserted:*** |
|  | ***“Section 2a*** |
|  | ***Supervisory Committee*** |
|  | ***Article 47a*** |
|  | ***Composition*** |
|  | ***1. The Authority shall establish a permanent internal committee (Supervisory Committee) pursuant to Article 41(2) for the purpose of fulfilling the functions of authorisation or supervision and corresponding powers conferred upon the Authority in the acts referred to in Article 1(2).*** |
|  | ***2. The Supervisory Committee shall be composed of: (a) the Chair of the Supervisory Committee, appointed in accordance with Article 47c (2), who shall chair the meetings and be responsible for preparing the work of the Supervisory Committee; (b) five senior members of the competent authorities referred to in Article 40(1)(b) of five Member States appointed in accordance with Article 47c (6).*** |
|  | ***Article 47b*** |
|  | ***Tasks*** |
|  | ***1. The Supervisory Committee shall examine and prepare decisions for adoption by the Board of Supervisors according to paragraph 2, where acts referred to in Article 1(2) have conferred functions of authorisation or supervision and corresponding powers upon the Authority, unless otherwise provided for in the acts referred to in Article 1 (2).*** |
|  | ***2. A draft decision is adopted in accordance with Article 44 (1):*** |
|  | ***(a) with regard to a decision to*** |
|  | ***(i) grant an authorisation or registration of a financial institution or;*** |
|  | ***(ii) withdraw an authorisation or registration of a financial institution if adopted by a simple majority of the members of the Board of Supervisors;*** |
|  | ***(b) with regard to all other decisions relating to authorisation or supervision and corresponding powers, if the Board of Supervisors does not reject the draft decision within ten workings days as of its transmission on the basis of a simple majority of its members. In emergency situations the aforementioned period shall be no less than 24 hours. Where the Board of Supervisors rejects a draft decision, it shall state the reasons for doing so in writing.*** |
|  | ***Within the boundaries of delegation the Supervisory Committee shall be competent to act and take decisions on all preliminary, administrative and procedural matters. The Supervisory Committee shall keep the Board of Supervisors informed of the acts and decisions it takes.*** |
|  | ***Article 47c*** |
|  | ***Appointment*** |
|  | ***1. The Chair of the Supervisory Committee shall be a full-time, independent professional.*** |
|  | ***2. The Chair of the Supervisory Committee shall be appointed by the Board of Supervisors, after confirmation by the European Parliament, on the basis of merit, skills, knowledge and experience of supervision and regulation with regard to the tasks of the Supervisory Committee and managerial experience, following an open selection procedure, which shall respect the principles of gender balance, experience and qualification.*** |
|  | ***3. The term of office of the Chair of the Supervisory Committee shall be five years and may be extended once.*** |
|  | ***4. In the course of the 9 months preceding the end of the Chair`s term of office, the Board of Supervisors shall evaluate in particular:*** |
|  | ***(a) the results achieved in the first term of office and the way they were achieved;*** |
|  | ***(b) the Authority’s duties and requirements in the coming years.*** |
|  | ***The Board of Supervisors, taking into account the evaluation referred to in the first subparagraph, may extend the term of office of the Chair of the Supervisory Committee once.*** |
|  | ***5. The Chair of the Supervisory Committee may be removed from office only upon a decision of the Board of Supervisors.*** |
|  | ***Article 47d*** |
|  | ***Decision-making*** |
|  | ***Decisions of the Supervisory Committee shall be adopted on the basis of a majority of the members present. Each member shall have one vote. In case of a draw, the Chair of the Supervisory Committee shall have the casting vote.*** |
|  | ***The Executive Director shall have the right to participate in meetings of the Supervisory Committee without the right to vote.*** |
|  | ***Article 47e*** |
|  | ***Independence*** |
|  | ***When carrying out the tasks conferred upon it by this Regulation, the members of the Supervisory Committee 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.*** |
|  | ***Neither Member States, the Union institutions or bodies, nor any other public or private body shall seek to influence the members of the Supervisory Committee in the performance of their tasks.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>790</NumAm>

<RepeatBlock-By><Members>Olle Ludvigsson</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35</Article>

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

<Article2>Article 48</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| ***(35) Article 48 is amended as follows:*** | ***deleted*** |
| ***(a) in paragraph 1, the second subparagraph is replaced by the following:*** |  |
| ***‘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.’;*** |  |
| ***(b) paragraph 2 is replaced by the following:*** |  |
| ***‘2. 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.*** |  |
| ***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.’;*** |  |
| ***(c) in paragraph 4, the second subparagraph is replaced by the following:*** |  |
| ***‘The Council, on a proposal from the Commission and taking into account the evaluation, may extend the term of office of the Chairperson once.’;*** |  |
| ***(d) paragraph 5 is deleted;*** |  |

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

<TitreJust>Justification</TitreJust>

The reasons to create an Executive Board are not clear enough since numerous of the tasks attributed to this function already today are executed by the Executive Director and the accompanying staff. Setting up the Executive Board would add significant costs for the ESA:s, and only adds more bureaucracy.

</Amend>

<Amend>Amendment <NumAm>791</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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 responsible for preparing the work of the Board of Supervisors and shall chair the meetings of the Board of Supervisors and the ***Management*** Board.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>792</NumAm>

<RepeatBlock-By><Members>Danuta Maria Hübner</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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 responsible for preparing the work of ***and chairing*** the meetings of the Board of Supervisors and the Executive Board.; |
|  | *(This amendment also applies throughout Article 2 and Article 3)* |

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

<TitreJust>Justification</TitreJust>

Clarifies that the Chairperson will also be responsible for preparing the work of the Executive Board.

</Amend>

<Amend>Amendment <NumAm>793</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***The Chairperson shall designate a member of the Executive Board who shall be admitted to participate in the meetings of executive and plenary sessions of the Single Resolution Board as a permanent observer. The Chairperson shall designate a member of the Executive Board who shallparticipate in the Supervisory Board of the European Central Bank as apermanent observer.*** |

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

</Amend>

<Amend>Amendment <NumAm>794</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

<Members>Wolf Klinz</Members>

</RepeatBlock-By>

<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 – subparagraphs 1 and 1 a (new)</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. | 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. ***The*** shortlist shall ***be balanced in terms of gender and nationality. After the Parliament’s approval, the Board of Supervisors shall*** appoint the Chairperson ***from the list of shortlisted candidates*** . |
|  | ***Before taking up his duties, and up to 1 month after the selection by the Board of Supervisors, the European Parliament may, after having heard the candidate selected by the Board of Supervisors, object to the designation of the selected person.*** |

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

</Amend>

<Amend>Amendment <NumAm>795</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<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. | 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. ***Based on the input of national competent authorities,*** 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. |
|  | *(These changes equally apply to Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.)* |

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

</Amend>

<Amend>Amendment <NumAm>796</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<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.***;*** | 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. ***When drafting its proposal, the European Commission shall consult with national competent authorities.*** |
|  | *(These changes equally apply to Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.)* |

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

</Amend>

<Amend>Amendment <NumAm>797</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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.***;*** | Where the Chairperson no longer fulfil the conditions ***required for the performance of his duties including those*** referred to in Article 49 or has been found guilty of serious misconduct, the ***European Parliament or the*** Council may, on a proposal from the Commission ***or on their own initiative***, adopt a decision to remove him or her from office. |

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

</Amend>

<Amend>Amendment <NumAm>798</NumAm>

<RepeatBlock-By><Members>Danuta Maria Hübner</Members>

</RepeatBlock-By>

<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>Artuicle 48 – paragraph 4 – subparagraph 1 – introductory part</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(b a) in paragraph 4, the introductory part of subparagraph 1 is replaced by the following:*** |
| 4. In the course of the 9 months preceding the end of the 5-year term of office of the Chairperson, the Board of Supervisors shall evaluate: | “4. In the course of the 9 months preceding the end of the five-year term of office of the Chairperson, the Board of Supervisors shall evaluate ***in a confidential report***:” |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>799</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 – point b a (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 48 – paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(b a) In Article 48, paragraph 4 is replaced by the following:*** |
| 4. In the course of the 9 months preceding the end of the ***5***-year term of office of the Chairperson, the Board of Supervisors shall evaluate: | "4. In the course of the 9 months preceding the end of the ***8***-year term of office of the Chairperson, the Board of Supervisors shall evaluate: |
| (a) the results achieved in the ***first*** term of office and the way they were achieved; | (a) the results achieved in the term of office and the way they were achieved; |
| (b) the Authority’s duties and requirements in the coming years. | (b) the Authority’s duties and requirements in the coming years." |
| ***The Board of Supervisors, taking into account the evaluation, may extend the term of office of the Chairperson once subject to confirmation by the European Parliament.*** |  |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>800</NumAm>

<RepeatBlock-By><Members>Danuta Maria Hübner</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 – point b b (new)</Article>

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

<Article2>Article 48 – paragraph 4 –subparagraph 1 a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(b b) The following subparagraph is inserted after the first subparagraph:*** |
|  | ***For the purpose of the evaluation referred to in the first subparagraph, the Board of Supervisors shall appoint a temporary alternate chair from among its members.*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

<TitreJust>Justification</TitreJust>

There might be a conflict of interest if the chair were to chair the meetings on his/her own evaluation.

</Amend>

<Amend>Amendment <NumAm>801</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 – point c</Article>

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

<Article2>Article 47 – paragraph 4 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(c) in paragraph 4, the second subparagraph is replaced by the following:*** | ***deleted*** |
| ***‘The Council, on a proposal from the Commission and taking into account the evaluation, may extend the term of office of the Chairperson once.’;*** |  |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>802</NumAm>

<RepeatBlock-By><Members>Danuta Maria Hübner</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 – point c</Article>

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

<Article2>Article 48 – paragraph 4 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The Council, on a proposal from the Commission and taking into account the evaluation***,*** may extend the term of office of the Chairperson once.; | The Council, on a proposal from the Commission and taking into account the evaluation may extend the term of office of the Chairperson once ***subject to confirmation by the European Parliament***.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

<TitreJust>Justification</TitreJust>

Ensures that the European Parliament is to be taken into account in the procedure by reinstating the original wording of the ESAs Regulations .

</Amend>

<Amend>Amendment <NumAm>803</NumAm>

<RepeatBlock-By><Members>Neena Gill</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 35 – point c</Article>

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

<Article2> Article 48 – paragraph 4 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The ***Council, on a proposal from the Commission and taking into account the evaluation, may extend the*** term of office ***of the Chairperson*** once.***;*** | The ***Chairsperson's*** term of office ***shall be 4 years at which point it can be renewable for a further 4 years term*** once. |

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

</Amend>

<Amend>Amendment <NumAm>804</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(35 a) in Article 49, paragraph 1 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." |

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

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

</Amend>

<Amend>Amendment <NumAm>805</NumAm>

<RepeatBlock-By><Members>Olle Ludvigsson</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 36</Article>

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

<Article2>49a</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(36) Article 49a is replaced by the following:*** | ***deleted*** |
| ***‘Article 49a*** |  |
| ***Expenses*** |  |
| ***The Chairperson shall make public all meetings held and any hospitality received. Expenses shall be recorded publicly in accordance with the Staff Regulations.’;*** |  |

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

<TitreJust>Justification</TitreJust>

The reasons to create an Executive Board are not clear enough since numerous of the tasks attributed to this function already today are executed by the Executive Director and the accompanying staff. Setting up the Executive Board would add significant costs for the ESA:s, and only adds more bureaucracy.

</Amend>

<Amend>Amendment <NumAm>806</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 37</Article>

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

<Article2>Articles 51, 52, 52a and 53</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(37) Articles 51, 52, 52a and 53 are deleted;*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>807</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 37 a (new)</Article>

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

<Article2>Article 54 – paragraph 2 – indent 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(37 a) In Article 54, the first indent of paragraph 2 is replaced by the following:*** |
| – financial conglomerates, | – financial conglomerates ***and cross-border activities***, |

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

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

</Amend>

<Amend>Amendment <NumAm>808</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 37 a (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 54 – paragraph 2 –indent 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(37 a) In Article 54, the third indent of paragraph 2 is replaced by the following:*** |
| – micro-prudential analyses of cross-sectoral developments, risks and vulnerabilities for financial stability, | "– micro-prudential analyses of cross-sectoral developments, risks and vulnerabilities for financial stability ***and sustainability***," |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>809</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 37 a (new)</Article>

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

<Article2>Article 54 – paragraph 2 – indent 3</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(37 a) In Article 54, the third indent of paragraph 2 is replaced by the following:*** |
| – micro-prudential analyses of cross-sectoral developments, risks and vulnerabilities for financial stability, | "– micro-prudential analyses of cross-sectoral developments, risks and vulnerabilities for financial stability ***and sustainability***," |

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

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

</Amend>

<Amend>Amendment <NumAm>810</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 37 b (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 54 – paragraph 2 – indent 5 a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(37 b) In Article 54, the following indent is inserted after the fifth indent of paragraph 2:*** |
|  | ***“– cybersecurity,”*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>811</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 37 c (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 54 – paragraph 2 – indent 6</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(37 c) In Article 54, the sixth indent of paragraph 2 is replaced by the following:*** |
| – information exchange with the ESRB and developing the relationship between the ESRB and the ESAs. | "– information ***and best practice*** exchange with the ESRB and developing the relationship between the ESRB and the ESAs." |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>812</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 38</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 54 – paragraph 2 – intent 7</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| – ***depositor,*** consumer and ***investor*** protection issues; | – ***retail financial services*** consumer and ***other users of financial services*** protection issues; |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>813</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39</Article>

<DocAmend2>Regulation (EU) No1093/2010</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 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 Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>814</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<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. The Executive ***Director***, 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.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>815</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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 replaced by the following:*** |
| 3. 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. | "3. The Chairperson of the Joint Committee shall be ***the second*** Vice-Chair of the ESRB." |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

<Amend>Amendment <NumAm>816</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 39 b (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 55 – paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(39 b) In Article 55, paragraph 4 is replaced by the following:*** |
| 4. 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. | "4. The Joint Committee shall adopt and publish its own rules of procedure. The Joint Committee ***may invite observers***. |
| 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 Articles 2 and 3.)* |

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

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R1093&qid=1532334130461&from=EN)

</Amend>

<Amend>Amendment <NumAm>817</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 4 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(39 a) in Article 55, subparagraph 2 of paragraph 4 is deleted.*** |
|  |  |
| ***The Joint Committee shall meet at least once every 2 months.*** | ***deleted*** |

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

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

</Amend>

<Amend>Amendment <NumAm>818</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 57</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(39 b) Article 57 is replaced by the following:*** |
| Article 57 | "Article 57 |
| Sub-Committees | Sub-Committees |
| ***1. For the purposes of Article 56, a Sub-Committee on Financial Conglomerates to*** the Joint Committeeshall ***be established.*** | ***The Joint Committee may decide on the establishment of relevant Sub-Committees.*** |
| ***2. 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 Joint Committee shall ***make public on its website all*** established Sub-Committees ***and similar sub-groups, including their mandates and a list of their members with their respective functions in the sub-committee***." |
| ***3. The Sub-Committee shall elect a Chairperson from among its members, who shall also be a member of the Joint Committee.*** |  |
| ***4. The Joint Committee may establish further*** Sub-Committees. |  |

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

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

</Amend>

<Amend>Amendment <NumAm>819</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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 3 a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(39i) In Article 57, the following 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>820</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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 Board of the Authority from a ***gender-balanced*** 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. |

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

</Amend>

<Amend>Amendment <NumAm>821</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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 ***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.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>822</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 40 – point b</Article>

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

<Article2>Article 58 – paragraph 5</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 5. A member of the Board of Appeal appointed by the ***Executive*** Board of the Authority shall not be removed during his term of office, unless he has been found guilty of serious misconduct and the ***Executive*** Board takes a decision to that effect after consulting the Board of Supervisors.; | 5. A member of the Board of Appeal appointed by the ***Management*** Board of the Authority shall not be removed during his term of office, unless he has been found guilty of serious misconduct and the ***Management*** Board takes a decision to that effect after consulting the Board of Supervisors.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>823</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 41</Article>

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

<Article2>Article 59 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 1. The members of the Board of Appeal shall be independent in making their decisions. They shall not be bound by any instructions. They shall not perform any other duties in relation to the Authority, its ***Executive*** Board or its Board of Supervisors.; | 1. The members of the Board of Appeal shall be independent in making their decisions. They shall not be bound by any instructions. They shall not perform any other duties in relation to the Authority, its ***Management*** Board or its Board of Supervisors.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>824</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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***, including because of excess of power in terms of proportionality,*** against a decision of the Authority referred to in ***Article 16 when it concerns individual financial institutions, 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.; |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>825</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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, 16a,*** 17, 18, 19***,*** 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>826</NumAm>

<RepeatBlock-By><Members>Othmar Karas</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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***,*** 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>

<TitreJust>Justification</TitreJust>

This amendment aims to strengthen the principle of proportionality by including the right to appeal against a disproportionate decision of the Authority referred to in Articles 16, 17, 18, 19, and 35.

</Amend>

<Amend>Amendment <NumAm>827</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(42 a) In Article 60, the second subparagraph of paragraph 2 is replaced by the following:*** |
| The Board of Appeal shall decide upon the appeal within 2 months after the appeal has ***been lodged***. | "The Board of Appeal shall decide upon the appeal within 2 months after the ***President of the Board of*** appeal has ***stated that the evidence is complete***." |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

(https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R1093&qid=1532334130461&from=EN)

</Amend>

<Amend>Amendment <NumAm>828</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 42 a (new)</Article>

<DocAmend2>Regulation1093/2010/EU</DocAmend2>

<Article2>Article 60 – paragraph 2 – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(42 a) in Article 60, subparagraph 2 of paragraph 2 is replaced by the following:*** |
| The Board of Appeal shall decide upon the appeal within ***2*** months after the appeal has been lodged. | “The Board of Appeal shall decide upon the appeal within ***4*** months after the appeal has been lodged.” |

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

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

</Amend>

<Amend>Amendment <NumAm>829</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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 – pararagraph 1 – point a</Article2>

|  |  |
| --- | --- |
|  | |
| 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 ***covering regulatory tasks***; |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>830</NumAm>

<RepeatBlock-By><Members>Brian Hayes</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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 ***comprise at least*** 40% 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>831</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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*** 40% of the estimated revenues of the Authority; |
|  | *(These changes equally apply to regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010).)* |

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

</Amend>

<Amend>Amendment <NumAm>832</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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>833</NumAm>

<RepeatBlock-By><Members>Brian Hayes</Members>

</RepeatBlock-By>

<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 a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(a a) obligatory contributions of up to 60% 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>834</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<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 a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(a a) mandatory contributions of up to 65% of the projected revenues of the Authority from the national competent authorities 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>835</NumAm>

<RepeatBlock-By><Members>Brian Hayes</Members>

</RepeatBlock-By>

<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>

|  |  |
| --- | --- |
|  | |
| 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;*** | ***deleted*** |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

<TitreJust>Justification</TitreJust>

Contributions from financial institutions should should go directly to national public authorities who in turn provide contributions to ESAs.

</Amend>

<Amend>Amendment <NumAm>836</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<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 – pararagraph 1 – point b</Article2>

|  |  |
| --- | --- |
|  | |
| 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) ***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 and*** 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 also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>837</NumAm>

<RepeatBlock-By><Members>Markus Ferber</Members>

</RepeatBlock-By>

<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 d</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| (d) ***any voluntary contribution*** from Member States or observers; | (d) ***contributions*** from Member States or observers; |
|  | *(These changes equally apply to regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010).)* |

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

</Amend>

<Amend>Amendment <NumAm>838</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Ramon Tremosa i Balcells, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 43 – point a a (new)</Article>

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

<Article2>Article 62 – pararagraph 1a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(a a) the following paragraph 1a is inserted:*** |
|  | ***1a. The revenue received by the Authority shall not compromise its independence or objectivity.*** |

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

</Amend>

<Amend>Amendment <NumAm>839</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 43 – point a a (new)</Article>

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

<Article2>Article 62 – pararagraph 2a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(a a) The following paragraph 2a is inserted:*** |
|  | ***‘At least 20% of the expenditure shall be dedicated to the activities related to the protection of consumers and other users of financial services.’;*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>840</NumAm>

<RepeatBlock-By><Members>Wolf Klinz, Thierry Cornillet</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 43 – point a b (new)</Article>

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

<Article2>Article 62 – pararagraph 4 – subparagraph 1 a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***(a b) in paragraph 4, the following subparagraph is added:*** |
|  | ***Estimates shall be based on the objectives and the expected results of the annual work programme referred to in Article 47(2) and shall take into account the financial resources necessary to achieve those objectives and expected results, in accordance with the principle of performance based budgeting.*** |

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

</Amend>

<Amend>Amendment <NumAm>841</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 45</Article>

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

<Article2>Article 63 – pararagraph 1a</Article2>

|  |  |
| --- | --- |
|  | |
| 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 for the three following financial years ***in the European Parliament and in the Council***. |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>842</NumAm>

<RepeatBlock-By><Members>Werner Langen</Members>

</RepeatBlock-By>

<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 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>843</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<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>

|  |  |
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|  | |
| 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 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. ***The costs of these projects shall be carried equally by the general budget and financial institutions.*** |

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

<TitreJust>Justification</TitreJust>

The budget of the ESAs must continue to be scrutinised by the European Parliament and shared between the general budget and contributions from the financial industry. This should ensure a proper approval process for any increases in the ESAs´ budgets and would automatically be shared between the general budget and contributions by financial institutions.

</Amend>

<Amend>Amendment <NumAm>844</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 46 a (new)</Article>

<DocAmend2>Regulation (EU) 1093/2010</DocAmend2>

<Article2>Article 64a (new)</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(46 a) The following Article 64a is inserted:*** |
|  | ***‘Article 64a*** |
|  | ***The Authority shall establish an Internal Audit Committee which shall provide an opinion to the European Parliament and the Council on the discharge of that part of the budget which is not financed by the Union budget.’;*** |
|  |  |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>845</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 47</Article>

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

<Article2>Article 65 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The financial rules applicable to the Authority shall be adopted by the ***Executive*** Board after consulting the Commission. Those rules may not depart from Commission Delegated Regulation (EU) No 1271/2013\* for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 unless the specific operational needs for the functioning of the Authority so require and only with the prior agreement of the Commission. | The financial rules applicable to the Authority shall be adopted by the ***Management*** Board after consulting the Commission. Those rules may not depart from Commission Delegated Regulation (EU) No 1271/2013\* for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 unless the specific operational needs for the functioning of the Authority so require and only with the prior agreement of the Commission. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>846</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 49 – point a</Article>

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

<Article2>Article 68 – paragraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 1. The Staff Regulations, the Conditions of Employment of Other Servants and the rules adopted jointly by the Union institutions for the purpose of applying them shall apply to the staff of the Authority, including ***the full time members of the*** Executive ***Board*** and its Chairperson. | 1. The Staff Regulations, the Conditions of Employment of Other Servants and the rules adopted jointly by the Union institutions for the purpose of applying them shall apply to the staff of the Authority, including ***its*** Executive ***Director*** and its Chairperson. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>847</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 49 – point a</Article>

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

<Article2>Article 68 – paragraph 2</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 2. The ***Executive*** Board, in agreement with the Commission, shall adopt the necessary implementing measures, in accordance with the arrangements provided for in Article 110 of the Staff Regulations.; | 2. The ***Management*** Board, in agreement with the Commission, shall adopt the necessary implementing measures, in accordance with the arrangements provided for in Article 110 of the Staff Regulations.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>848</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 49 – point b</Article>

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

<Article2>Article 68 – paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 4. The ***Executive*** Board shall adopt provisions to allow national experts from Member States to be seconded to the Authority.; | 4. The ***Management*** Board shall adopt provisions to allow national experts from Member States to be seconded to the Authority.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>849</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 50 – point c</Article>

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

<Article2>Article 70 – paragraph 2a – subparagraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***The Executive Board and*** the Board of Supervisors shall ensure that individuals who provide any service, directly or indirectly, permanently or occasionally, relating to the tasks of the Authority, including officials and other persons authorised by the ***Executive Board and the*** Board of Supervisors or appointed by the competent authorities for that purpose, are subject to the requirements of professional secrecy equivalent to those in the previous paragraphs. | The Board of Supervisors shall ensure that individuals who provide any service, directly or indirectly, permanently or occasionally, relating to the tasks of the Authority, including officials and other persons authorised by the Board of Supervisors or appointed by the competent authorities for that purpose, are subject to the requirements of professional secrecy equivalent to those in the previous paragraphs. |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>850</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 50 – point c</Article>

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

<Article2>Article 70 – paragraph 2a – subparagraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| The same requirements for professional secrecy shall also apply to observers who attend the meetings of the ***Executive Board and the*** Board of Supervisors who take part in the activities of the Authority.; | The same requirements for professional secrecy shall also apply to observers who attend the meetings of the Board of Supervisors who take part in the activities of the Authority.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>851</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<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 – subparagraph 1 a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***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.*** |

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

</Amend>

<Amend>Amendment <NumAm>852</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 52</Article>

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

<Article2>Article 72 – paragraph 2</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| 2. The ***Executive*** Board shall adopt practical measures for applying Regulation (EC) No 1049/2001.; | 2. The ***Management*** Board shall adopt practical measures for applying Regulation (EC) No 1049/2001.; |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>853</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 52 a (new)</Article>

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

<Article2>Article 72a (new)</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
|  | ***(52 a) the following Article 72a is inserted:*** |
|  | ***“Article 72a*** |
|  | ***Reporting on actual or potential unlawful activities or abuse of law*** |
|  | ***The Authority shall establish or maintain independent and autonomous external reporting channels for receiving and handling information provided by a reporting person on actual or potential breaches of Union acts or abuse of law or cases of maladministration.*** |
|  | ***The channels for reporting and following-up of reports shall include all of the following:*** |
|  | ***(a) clear and easily accessible information regarding the procedures and information on how and under what conditions reports can be made to the Authority;*** |
|  | ***(b) an operational framework that ensures the confidentiality of the identity of the reporting person, allows for anonymous reporting and prevents access to non-authorised staff members;*** |
|  | ***(c) a clear separation from general communication channels of the Authority, including those through which the Authority communicates internally and with third parties in its ordinary course of business;*** |
|  | ***(d) the designation of a person or department competent for following up on the reports;*** |
|  | ***(e) diligent follow up to the report by the designated person or department in accordance with paragraph 3;*** |
|  | ***(f) a reasonable timeframe, not exceeding two months following the report, to provide feedback to the reporting person about the follow-up to the report;*** |
|  | ***2. The channels provided for in paragraph 1 shall allow for reporting in all of the following ways:*** |
|  | ***(a) written reports in electronic or paper format;*** |
|  | ***(b) physical meetings with the person or department designated to receive reports and/or oral report through telephone lines.*** |
|  | ***The Authority shall keep records of every report received. In case the reporting took place in accordance with point b, the designated person or department shall either record the conversation in a durable and retrievable form or document the oral reporting in the form of accurate minutes*** |
|  | ***The reporting person shall be offered the possibility to check, rectify and agree with the or the minutes of the meeting by signing them.*** |
|  | ***3. The designated person or department shall acknowledge receipt of a report to the reporting person within five working days. Within 60 days from receipt of the report the designated person or authority shall inform the reporting person about the assessment of the information provided and whether any further action is envisaged, as well as any investigation findings. If the designated person or department does not provide this information within the above time-frame, the reporting person shall be informed in writing about the reasons for its failure to do so and about any further or corrective action taken or contemplated. The reporting person may request a review of the initial findings based on the original disclosure as well as submit additional information.*** |
|  | ***4. The information received under the first paragraph may refer professional secrecy and other information subject to confidentiality including information defined by Directive (EU) 2016/943 as trade secrets.”*** |

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

</Amend>

<Amend>Amendment <NumAm>854</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 53</Article>

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

<Article2>Article 73 – paragraph 2</Article2>

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|  | |
| Text proposed by the Commission | Amendment |
| 2. The ***Executive*** Board shall decide on the internal language arrangements for the Authority.; | 2. The ***Management*** Board shall decide on the internal language arrangements for the Authority.; |

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

</Amend>

<Amend>Amendment <NumAm>855</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 54</Article>

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

<Article2>Article 74 – paragraph 1</Article2>

|  |  |
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|  | |
| Text proposed by the Commission | Amendment |
| The necessary arrangements concerning the accommodation to be provided for the Authority in the Member State where its seat is located and the facilities to be made available by that Member State, as well as the specific rules applicable in that Member State to the staff of the Authority and members of their families shall be laid down in a Headquarters Agreement between the Authority and that Member State concluded after obtaining the approval of the ***Executive*** Board***.;*** | The necessary arrangements concerning the accommodation to be provided for the Authority in the Member State where its seat is located and the facilities to be made available by that Member State, as well as the specific rules applicable in that Member State to the ***Executive Director, the members of the Management Board, the*** staff of the Authority and members of their families shall be laid down in a Headquarters Agreement between the Authority and that Member State concluded after obtaining the approval of the ***Management*** Board |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>856</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 55</Article>

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

<Article2>Article 75a – paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 2. The power to adopt delegated acts referred to in ***Article*** 35c and ***Article*** 62a shall be conferred for ***an indeterminate*** period ***of time***. | 2. The power to adopt delegated acts referred to in ***Articles 31a,*** 35c and 62a shall be conferred for ***four years from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegated power by six months before the end of the four-year*** period***. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period***. |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>857</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 55</Article>

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

<Article2>Article 75a – paragraph 2</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 2. The power to adopt delegated acts referred to in ***Article 35c and*** Article 62a shall be conferred for an indeterminate period of time. | 2. The power to adopt delegated acts referred to in Article 62a shall be conferred for an indeterminate period of time. |

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

</Amend>

<Amend>Amendment <NumAm>858</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 55</Article>

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

<Article2>Article 75a – paragraph 3</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 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. | 3. The delegation of power referred to in 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. |

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

</Amend>

<Amend>Amendment <NumAm>859</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 55</Article>

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

<Article2>Article 75a – paragraph 4</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 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. | 4. Before adopting a delegated act, the Commission shall consult ***stakeholders and shall consult the*** 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. |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>860</NumAm>

<RepeatBlock-By><Members>Pervenche Berès, Jonás Fernández</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 55</Article>

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

<Article2>Article 75a – paragraph 4a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
|  | ***4 a. Powers conferred on the Commission under different Articles shall be exercised in separate delegated acts.*** |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>861</NumAm>

<RepeatBlock-By><Members>Barbara Kappel, Jörg Meuthen</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 55</Article>

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

<Article2>Article 75a – paragraph 6</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| 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.; | 6. A delegated act adopted pursuant to 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.; |

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

</Amend>

<Amend>Amendment <NumAm>862</NumAm>

<RepeatBlock-By><Members>Burkhard Balz</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 57</Article>

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

<Article2>Article 77a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Text proposed by the Commission | Amendment |
| ***(57) new Article 77a is inserted:*** | ***deleted*** |
| ***‘Article 77a*** |  |
| ***Transitional provisions*** |  |
| ***The tasks and position of the Executive Director appointed in accordance with Regulation No 1093/2010 as last amended by Directive (EU) 2015/2366 and in office on [PO: please insert date 3 months after the entry into force of this Regulation] shall cease on that date.*** |  |
| ***The tasks and position of the Chairperson appointed in accordance with Regulation No 1093/2010 as last amended by Directive (EU) 2015/2366 and in office on [PO: please insert date 3 months after the entry into force of this Regulation] shall continue until its expiry.*** |  |
| ***The tasks and position of the members of the Management Board appointed in accordance with Regulation No 1093/2010 as last amended by Directive (EU) 2015/2366 and in office on [PO: please insert date 3 months after the entry into force of this Regulation] shall cease on that date.’*** |  |
|  | *(This amendment also applies throughout Article 2 and Article 3.)* |

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

</Amend>

<Amend>Amendment <NumAm>863</NumAm>

<RepeatBlock-By><Members>Sven Giegold</Members>

<AuNomDe>{Verts/ALE}on behalf of the Verts/ALE Group</AuNomDe>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 57 a (new)</Article>

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

<Article2>Article 81 – paragraph 1 – point f a (new)</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(57 a) in Article 81, in paragraph 1 a new point (fa) is added:*** |
|  | ***‘(fa) how the decision making of the Joint Committee can be streamlined.’*** |

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

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

</Amend>

<Amend>Amendment <NumAm>864</NumAm>

<RepeatBlock-By><Members>Pervenche Berès</Members>

</RepeatBlock-By>

<DocAmend>Proposal for a regulation</DocAmend>

<Article>Article 1 – paragraph 1 – point 57 a (new)</Article>

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

<Article2>Article 81 – paragraph 1</Article2>

|  |  |
| --- | --- |
|  | |
| Present text | Amendment |
|  | ***(57 a) In Article 81, paragraph 1 is replaced by the following:*** |
| 1. By ***2 January 2014***, and every 3 years thereafter, the Commission shall publish a general report on the experience acquired as a result of the operation of the Authority and the procedures laid down in this Regulation. That report shall evaluate, inter alia: | "1. By ***18 months after the entry into of force of this Regulation***, and every 3 years thereafter, the Commission shall publish a general report on the experience acquired as a result of the operation of the Authority and the procedures laid down in this Regulation. That report shall evaluate, inter alia: |
| (a) the convergence in supervisory practices reached by competent authorities: | (a) the ***effectiveness and*** convergence in supervisory practices reached by competent authorities: |
| (i) the ***convergence in functional*** independence of the competent authorities and in standards equivalent to corporate governance; | (i) the independence of the competent authorities and ***convergence*** in standards equivalent to corporate governance; |
| (ii) the impartiality, objectivity and autonomy of the Authority; | (ii) the impartiality, objectivity and autonomy of the Authority; |
| (b) the functioning of the colleges of supervisors; | (b) the functioning of the colleges of supervisors; |
| (c) the progress achieved towards convergence in the fields of crisis prevention, management and resolution, including Union funding mechanisms; | (c) the progress achieved towards convergence in the fields of crisis prevention, management and resolution, including Union funding mechanisms; |
| (d) the role of the Authority as regards systemic risk; | (d) the role of the Authority as regards systemic risk; |
| (e) the application of the safeguard clause established in Article 38; | (e) the application of the safeguard clause established in Article 38; |
| (f) the application of the binding mediation role established in Article 19. | (f) the application of the binding mediation role established in Article 19." |
|  | *(This amendment also applies throughout Articles 2 and 3.)* |

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

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

</Amend>

</RepeatBlock-Amend>