

***Reflections on competent authorities' "measures"
in EU banking law***

**An event organised under the auspices of the
Malta Presidency of the EU**

9 June 2017

*Malta Financial Services Authority
MFSA Conference Room
Notabile Road
Attard BKR 3000
Malta*

Friday, 9 June 2017

12:30 Registration

12:45 Opening speech and introduction to the European Banking Institute

Thomas Gstädtner, President of the Supervisory Board of the European Banking Institute

13:00 Opening address

Edward Scicluna, Minister for Finance, Malta

13:15 First session: “*Supervisory*” and “*administrative*” measures under Article 65 and 66/67 CRD IV.

Chair: Bart Joosen, European Banking Institute and University of Amsterdam

Raffaele D’Ambrosio, Senior Legal Counsel at Banca d’Italia - “*The fundamental distinction between supervisory decisions, administrative measures and administrative sanctions*”

Christos Hadjiemmanuil, European Banking Institute and University of Piraeus - “*Administrative measures, administrative sanctions and the allocation of responsibilities between the ECB and the NCAs within the SSM*”

Discussion and Q&A

14:15 Second session: Early intervention measures under Article 104 CRD IV, Article 16(1) SSMR, Articles 27-29 BRRD and an early intervention phase under and Article 13 SRMR

Chair: Chiara Zilioli, General Counsel of the European Central Bank

Blanaid Clarke, European Banking Institute and Trinity College Dublin - *“The set of supervisory measures under CRD IV and the SSM and SRM regulations and their use as early intervention measures (conditions for the application of both)”*

David Ramos Muñoz – European Banking Institute, University Carlos III Madrid and University of Bologna *“Early intervention measures and judicial review “*

Discussion and Q&A

15:15 Coffee Break

15:30 Key note speech

Mario Nava, European Commission, FISMA - *“Prospects of reform for European banking regulation and supervision: from the Bank Reform Package to the White Paper and beyond*

16:15 Third session: Measures in the context of recovery and resolution planning

Chair: Thomas Gstädtner, President of the Supervisory Board of the European Banking Institute

Georg Gruber, Head of Section, SSM Secretariat, European Central Bank – *“Recovery planning – Legal framework and practical experience”*

Ewa Klima, Deputy General Counsel of Single Resolution Board, *“Resolution planning – Legal framework and practical experience “*

Luis Morais, SRB Appeal Panel and University of Lisbon – *“Procedural safeguards and review of resolution measures also in light of practical experiences at national level”*

Discussion and Q&A

17:45 Closing Speech

Enrico Leone, Chancellor of the European Banking Institute

18:00 End of the Conference/Reception

The European Banking Institute

1. Overview

The European Banking Institute is an international center for banking studies resulting from the joint venture of the most highly regarded European academic institutions which have decided to share and coordinate their commitments and structure their research activities in order to provide the highest quality legal and economic studies in the fields of banking regulation and supervision in Europe.

The European Banking Institute's ambition is to become the point of reference for banking regulation research in Europe and an instrument to facilitate the interactions between academia, supervisors, regulators and industry. The close relationship with regulators, supervisors and the private sector is expected to guarantee an academic research production which is state of the art.

The European Banking Institute is strategically located in Frankfurt am Main (Germany) in order to benefit from the proximity to the European Central Bank, the biggest banking supervisor in Europe. The European Banking Institute is registered as a non-profit association "Eingetragener Verein (e.V.)" under German laws. The official language of the institute is English and all its activities will be carried out in English.

2. The Institute

The European Banking Institute (hereafter also "**EBI**" or the "**Institute**") has been created to develop a pan-European research center for banking regulation and supervision which mirrors the pan-European character and the set-up of the SSM (hub and spokes model). EBI focuses on high-quality research into the legal and economic aspects of banking regulation and supervision. The Institute will focus its work in research projects in the field of law, economics and accounting. The Institute shall endeavor to provide academic input to banking regulators, supervisors and the private sector in Europe.

The purpose of the Institute is to conduct high quality research, to distribute knowledge and to promote the dialogue between scholars, regulators, industry representatives and advisors in relation to issues concerning the regulation and supervision of financial institutions and financial markets from a legal, economic and any other related viewpoint. EBI will thus collaborate mainly with European academic institutions and the relevant public and private sector institutions.

At a second stage, EBI endeavors to develop a policy center with the target to establish a new truly pan-European think tank in the area of banking regulation, supervision and banking resolution and any related areas.

3. Membership

The Founding Members of EBI are 24 European top-tier universities who have a research focus on banking regulation and supervision. They are the basis of the joint venture and are required, together with any members who will be accepted at a later stage, to contribute to EBI by participating in research and policy projects. As of today, the Academic Members of the European Banking Institute are the following:

3.1 Academic Members

As of the 1st March 2017 the Academic Members of the European Banking Institute are the following:

1. Universiteit van Amsterdam, Amsterdam, The Netherlands
2. Πανεπιστήμιο Πειραιώς / University of Piraeus, Athens, Greece
3. Alma Mater Studiorum – Università di Bologna, Bologna, Italy
4. Academia de Studii Economice din București (ASE), Bucharest, Romania,
5. Universität Bonn, Bonn, Germany
6. Trinity College, Dublin, Ireland
7. Goethe-Universität, Frankfurt, Germany
8. Universiteit Gent, Ghent, Belgium
9. Universiteit Leiden, Leiden, The Netherlands
10. Universidade Católica Portuguesa, Lisbon, Portugal

11. Univerze v Ljubljani / University of Ljubljana, Ljubljana, Slovenia
12. Queen Mary University of London, London, United Kingdom
13. Université du Luxembourg, Luxembourg
14. Universidad Autónoma Madrid, Madrid, Spain
15. Johannes Gutenberg University Mainz (JGU), Mainz, Germany
16. University of Malta, Malta
17. Università Cattolica del Sacro Cuore, Milan, Italy
18. Πανεπιστήμιο Κύπρου / University of Cyprus, Nicosia, Cyprus
19. Radboud Universiteit, Nijmegen, The Netherlands
20. Université Panthéon - Sorbonne (Paris 1), Paris, France
21. Université Panthéon-Assas (Paris 2), Paris, France
22. Labex ReFi, Paris, France
23. Stockholms Universitet/University of Stockholm, Stockholm, Sweden
24. Tartu Ülikool / University of Tartu, Tartu, Estonia

EBI is currently engaged in the procedure to select candidate academic institutions in a number of countries and targets to have one Academic Member in every European country by Q4 2017.

A number of professors, professionals and experts in relevant areas for the Institute have been accepted as Fellow Academic Members.

3.2 Supporting Members

European and national banking associations, law and accounting firms, banks and other financial institutions are being admitted as Supporting Members.

As of March 2017 the Supporting Members of the European Banking Institute are the following:

- Banking Sector
 1. European Banking Federation (EBF)
 2. *Bundesverband deutscher Banken* / Association of German Banks (BDB)
 3. *Ελληνική Ένωση Τραπεζών* / Hellenic Bank Association (HBA)
 4. *Associazione Bancaria Italiana* / Italian Banking Association (ABI)
 5. *Asociația Română a Băncilor* / Romanian Banking Association (ARB)
 6. *Asociación Española de Banca* / Spanish Banking Association (AEB)
 7. *Nederlandse Vereniging van Banken* / Dutch Banking Association (NVB)

- Advisory Company
 1. Deloitte

4. Working Programme

EBI is currently engaging in scholarly research in the following areas:

- Enhancements of the Single Rule Book and issues concerning convergence of supervisory practice in the EU;
- Proportionality of banking supervision laws, the limitation of risk orientated approaches and interaction between ICAAP/ILAAP and the SREP process;
- The interaction between early intervention measures and resolution planning and the need for pairing the SSM and SRM objectives;
- Bank business models, structural separation of trading and banking activities and profitability objectives;
- Interaction between macro prudential and micro prudential supervision, discretion of EU authorities and issues concerning a European level playing field;

- The foundations of enhanced supervision of significant and systemically important institutions: accounting, auditing, capital adequacy, cross border risk management and resolvability;
- Alignment of bank supervision, recovery and resolution objectives with principles of common insolvency law;
- Legal systems governing banks and their openness to innovation, including FinTech;
- Individual rights in the financial regulatory structure, including judicial adjudication of matters concerning market supervision in the EU and an impact assessment of the establishment of a specialised EU court; and
- Corporate governance models and remuneration policies for banks and the implementation of the governance provisions in the CRD IV package.

EBI will welcome research of high international visibility that also employs innovative methods.

The 2016/2018 Academic Programme also includes:

- a) organising two pan-European conference(s) on banking regulation and supervision every year in Frankfurt;
- b) organising 3-4 local conferences every year in collaboration with one or more Academic Members;
- c) organising regular seminars on current topics of banking regulation and supervision;
- d) publishing the *EBI Working Paper Series* which include a selection of the academic researches published by EBI Academic Members;
- e) developing a pan-European policy center.

5. Information

Additional information on the European Banking Institute, its members and governing bodies are available on www.ebi-europa.eu.