



REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) No 1093/2010 as regards the location of the seat of the European Banking Authority

Document dated: 07 June 2018 *post Technical Meeting EP/Council/COM*

Nr.	Ref.	COM	Council	EP	Compromise
1.		REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
2.		amending Regulation (EU) No 1093/2010 as regards the location of the seat of the European Banking Authority	amending Regulation (EU) No 1093/2010 as regards the location of the seat of the European Banking Authority	amending Regulation (EU) No 1093/2010 as regards the location of the seat of the European Banking Authority	amending Regulation (EU) No 1093/2010 as regards the location of the seat of the European Banking Authority
3.		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
4.	Cit. 1	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,
5.	Cit. 1a (new)			<i>Having regard to the Treaty on European Union, and in particular Article 13(2) thereof,</i>	TM 7/6: <i>deleted</i>
6.	Cit. 2	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
7.	Cit. 3	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,



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8.	Cit. 4	Having regard to the opinion of the European Central Bank ¹ ,	Having regard to the opinion of the European Central Bank ² ,	Having regard to the opinion of the European Central Bank ³ ,	Having regard to the opinion of the European Central Bank ⁴ ,
9.	Cit. 5	Having regard to the opinion of the European Social and European Committee ⁵ ,	Having regard to the opinion of the European Social and European Committee ⁶ ,	Having regard to the opinion of the European Social and European Committee ⁷ ,	Having regard to the opinion of the European <i>Economic and</i> Social and European Committee ⁸ ,
10.	Cit. 6	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
11.		Whereas:	Whereas:	Whereas:	Whereas:
12.	Rec. 1	(1) In the context of the United Kingdom's notification on 29 March 2017 of its intention to leave the Union, pursuant to Article 50 of the Treaty on European Union, the other 27 Member States, meeting in the margins of the General Affairs Council ('Article 50'), selected Paris, France, as the new seat of the European Banking Authority.	(1) In the context of the United Kingdom's notification on 29 March 2017 of its intention to leave the Union, pursuant to Article 50 of the Treaty on European Union, the other 27 Member States, meeting in the margins of the General Affairs Council ('Article 50'), selected Paris, France, as the new seat of the European Banking Authority.	(1) In the context of the United Kingdom's notification on 29 March 2017 of its intention to leave the Union, pursuant to Article 50 of the Treaty on European Union (<i>TEU</i>), the other 27 Member States, meeting in the margins of the General Affairs Council ('Article 50'), selected Paris, France, as the new seat of the <i>European Supervisory Authority (European Banking Authority) (EBA)</i> .	TM 7/6 (1) In the context of the United Kingdom's notification on 29 March 2017 of its intention to leave the Union, pursuant to Article 50 of the Treaty on European Union (<i>TEU</i>), the other 27 Member States, meeting in the margins of the General Affairs Council ('Article 50'), selected Paris, France, as the new seat of the <i>European Supervisory Authority (European Banking Authority) (EBA)</i> .

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13.	Rec. 1a (new)			<p><i>(1a) The costs of the relocation of the seat of the EBA arise as a result of the unilateral decision of the United Kingdom to leave the Union. Nevertheless, on the basis of the joint report from the negotiators of the European Union and the United Kingdom Government agreed on 8 December 2017 and of the commitment of the United Kingdom to contribute to the general budget of the Union for the financial years 2019 and 2020 as if it remained in the Union and to contribute to its share of the financing of the commitments outstanding at 31 December 2020, those costs are to be borne by all Union taxpayers through the general budget of the Union. The United Kingdom has offered to discuss with those Union agencies that are located in London how they could reduce their withdrawal costs.</i></p>	<p>TM 7/6</p> <p><i>(1a) The costs of the relocation of the seat of the EBA arise as a result of the unilateral decision of the United Kingdom to leave the Union. Nevertheless, on the basis</i> <i>Taking note of the “Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom’s orderly withdrawal from the European Union” agreed on 8 December 2017 and in particular its chapter on financial settlement, and of the commitment of the United Kingdom to contribute to the general budget of the Union for the financial years 2019 and 2020 as if it remained in the Union and to contribute to its share of the financing of the commitments outstanding at 31 December 2020, the costs of relocation of the seat of the EBA, arising from the decision of the United Kingdom to leave the Union, those costs are to be borne by all Union taxpayers through the</i></p>



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					<i>general budget of the Union. The United Kingdom has offered to discuss with those Union agencies that are located in London how they could reduce their withdrawal costs.</i>
14.	Rec. 2	(2) Having regard to Article 50(3) of the Treaty on European Union, the European Banking Authority should take its new seat as from the date on which the Treaties cease to apply to the United Kingdom or from 30 March, 2019, whichever is the earlier.	(2) Having regard to Article 50(3) of the Treaty on European Union, the European Banking Authority should take its new seat as from the date on which the Treaties cease to apply to the United Kingdom or from 30 March, 2019, whichever is the earlier.	(2) Having regard to Article 50(3) TEU , the EBA should take its new seat as from the date on which the Treaties cease to apply to the United Kingdom or from 30 March, 2019, whichever is the earlier.	TM 7/6 (2) Having regard to Article 50(3) TEU , the EBA should take its new seat as from the date on which the Treaties cease to apply to the United Kingdom or from 30 March, 2019, whichever is the earlier.
15.	Rec. 3	(3) To ensure the proper functioning of the European Banking Authority in its new location, a headquarters agreement should be concluded before the European Banking Authority takes up its new seat.	(3) To ensure the proper functioning of the European Banking Authority in its new location, a headquarters agreement should be concluded before the European Banking Authority takes up its new seat.	(3) To ensure the proper functioning of the EBA in its new location, a headquarters agreement should be concluded <i>and a building project in accordance with Article 88 of Commission Delegated Regulation (EU) No 1271/2013⁹ should be approved</i> before the EBA takes up its new seat. <i>The new premises should be ready and fit for the purpose of permanent relocation by the time the withdrawal of the United Kingdom from the Union comes</i>	TM 7/6 (3) To ensure the proper functioning of the EBA in its new location, a headquarters agreement should be concluded <i>and a building project in accordance with Article 88 of Commission Delegated Regulation (EU) No 1271/2013¹⁰ should be approved</i> before the EBA takes up its new seat. <i>The new premises should be ready and fit for the purpose of permanent relocation by <u>30 March 2019</u> the time the</i>

⁹ Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

¹⁰ Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).



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				<i>into effect. The headquarters agreement should reflect the responsibility of the French authorities to provide the most appropriate conditions and the most efficient solution for the location of the EBA.</i>	<i>withdrawal of the United Kingdom from the Union comes into effect. The headquarters agreement should reflect the responsibility of the French authorities to provide the most appropriate conditions in order to ensure the proper functioning of the Authority in the context of its relocation, and the most efficient solution for the location of the EBA.</i>
16.	Rec. 3a (new)			<i>(3a) The transfer of the seat of the EBA does not call into question the establishment plan as adopted by the European Parliament and the Council, nor the application of the Staff Regulations to officials or other agents who work at the EBA.</i>	TM 7/6 <i>(3a) The transfer of the seat of the EBA does not call into question the establishment plan as adopted by the European Parliament and the Council, nor the application of the Staff Regulations to officials or other agents who work at the EBA.</i>
17.	Rec. 4	(4) To give the European Banking Authority sufficient time to relocate, this Regulation should enter into force as a matter of urgency.	(4) To give the European Banking Authority sufficient time to relocate, this Regulation should enter into force as a matter of urgency.	(4) To give the EBA sufficient time to relocate, this Regulation should enter into force as a matter of urgency while taking into account the co-decision powers of the European Parliament and the Council.	TM 7/6 (4) To give the EBA sufficient time to relocate, this Regulation should enter into force as a matter of urgency <u>following its adoption in accordance with the ordinary legislative procedure</u> <i>while taking into account the co-decision powers of the European Parliament and the Council.</i>



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18.	Rec. 4a (new)			<i>(4a) In order to acknowledge that it is possible for the location of a decentralised agency to be set out in a Union legislative act which is subject to the ordinary legislative procedure, the European Parliament, the Council and the Commission are committed to concluding, by 31 December 2018, a revision of the Joint Statement on decentralised agencies. The location of a Union agency should be selected in a transparent procedure which reinforces democratic accountability and by jointly defining and weighting the selection criteria.</i>	
19.	Rec. 4b (new)			<i>(4b) The relocation of the EBA should not have any consequences with regard to executing the distinct mandate or maintaining the separate legal status of the European Supervisory Authorities. The relocation might allow, where applicable, for the sharing of administrative support services and facility management services among Union agencies which are not related to core activities. To address the efficiency of those</i>	TM 7/6: last sentence of EP text to be further discussed <i>(4b) The relocation of the EBA should not have any consequences with regard to executing the distinct mandate or maintaining the separate legal status of the European Supervisory Authorities. The relocation might allow, where applicable, for the sharing of administrative support services and facility management services</i>



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				agencies, the European Parliament, the Council and the Commission should, when revising the Joint Statement on decentralised agencies, also build on the recommendations of the Interinstitutional Working Group on decentralised agencies' resources.	among Union agencies which are not related to core activities.
20.	Rec. 5	(5) Regulation (EU) No 1093/2010 of the European Parliament and of the Council ¹¹ should therefore be amended accordingly,	(5) Regulation (EU) No 1093/2010 of the European Parliament and of the Council ¹² should therefore be amended accordingly,	(5) Regulation (EU) No 1093/2010 of the European Parliament and of the Council ¹³ should therefore be amended accordingly.	(5) Regulation (EU) No 1093/2010 of the European Parliament and of the Council ¹⁴ should therefore be amended accordingly.
21.	Rec. 5a (new)			(5a) Article 13(2) TEU requires relations between the institutions of the Union to be carried out in mutual sincere cooperation, while each of them is acting within the limits of the powers conferred on it in the Treaties and in conformity with the procedures, conditions and objectives set out in them. The European Parliament is to be	TM 7/6 (5a) Article 13(2) TEU requires Relations between the institutions of the Union <u>are</u> to be carried out in mutual sincere cooperation, while each of them is acting within the limits of the powers conferred on it in the Treaties and in conformity with the procedures, conditions and objectives set out in them. The

¹¹ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

¹² Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

¹³ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

¹⁴ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).



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				<i>fully informed and involved throughout all steps of the ordinary legislative procedure,</i>	<i>European Parliament is to be fully informed and involved throughout all steps of the ordinary legislative procedure,</i>
22.		HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
23.	Article 1	Article 1	Article 1	Article 1	Article 1
24.	Art. 1 - para 1	Article 7 of Regulation (EU) No 1093/2010 is replaced by the following:	Article 7 of Regulation (EU) No 1093/2010 is replaced by the following:	Article 7 of Regulation (EU) No 1093/2010 is replaced by the following:	Article 7 of Regulation (EU) No 1093/2010 is replaced by the following:
25.	Art. 1 - para 1 Article 7	“Article 7	“Article 7	“Article 7	“Article 7
26.	Art. 1 - para 1 Art. 7 - title	Seat	Seat	Seat	Seat
27.	Art. 1 - para 1 Art. 7 - para 1	The Authority shall have its seat in Paris, France.”	The Authority shall have its seat in Paris, France.”	The Authority shall have its seat in Paris, France.	The Authority shall have its seat in Paris, France.
28.	Art. 1 - para 1 Art. 7 - para 1a (new)			<i>The Authority, the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) shall separately execute their powers and tasks, organise their governance structure, operate their main organisation, and</i>	<i>TM 7/6</i> <i>Comments: COM to disagree with this text, also given reporting obligations in Article 81.</i> <i>The location of the seat of the EBA shall not affect EBA’s execution of its powers and tasks, the organisation of its governance structure, the operation of its main organisation, or the main</i>



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				<i>ensure the main financing of their activities, which all are different in their field of competence, independent of their location, while, where applicable, allowing for the sharing of administrative support services and facility management services among Union agencies which are not related to core activities. By ... [date of application of this Regulation] and every 12 months thereafter, the Commission shall report to the European Parliament and the Council on the compliance of those Authorities with that requirement."</i>	<i>financing of its activities, which all are different in their field of competence, independent of their location, while, where applicable, while allowing, where applicable, for the sharing of administrative support services and facility management services, which are not related to its core activities, with Union agencies. By ... [date of application of this Regulation] and every 12 months thereafter, the Commission shall report to the European Parliament and the Council on the compliance of those Authorities with that requirement."</i>
29.	Article 2	Article 2	Article 2	Article 2	Article 2
30.	Art. 2 - para 1	This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.
31.	Art. 2 - para 2	This Regulation shall apply from the date on which the Treaties cease to apply to the United Kingdom or from 30 March 2019, whichever is the earlier.	This Regulation shall apply from the date on which the Treaties cease to apply to the United Kingdom or from 30 March 2019, whichever is the earlier.	This Regulation shall apply from the date on which the Treaties cease to apply to the United Kingdom or from 30 March 2019, whichever is the earlier.	This Regulation shall apply from the date on which the Treaties cease to apply to the United Kingdom or from 30 March 2019, whichever is the earlier.
32.	Concluding sentence	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.



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33.	Statement of the EP - title			ATTACHMENT TO REGULATION 2018/... STATEMENT OF THE EUROPEAN PARLIAMENT	
34.	Paragraph 1			<i>The European Parliament regrets that its role of co-legislator has not been duly taken into account since it was not involved in the procedure leading to the selection of the new seat of the European Banking Authority (EBA).</i>	
35.	Paragraph 2			<i>The European Parliament wishes to recall its prerogatives as co-legislator and insists on the full respect of the ordinary legislative procedure in relation to the location of bodies and agencies.</i>	
36.	Paragraph 3			<i>As the only directly elected Union institution and representative of the Union's citizens, it is the first guarantor of the respect of the democratic principle in the Union.</i>	
37.	Paragraph 4			<i>The European Parliament condemns the procedure followed for the selection of the new location of the seat, which has de facto deprived the European Parliament of its prerogatives since it was not effectively involved in the process, but is now expected to simply confirm the</i>	



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				<i>selection made for the new location of the seat by means of the ordinary legislative procedure.</i>	
38.	Paragraph 5			<i>The European Parliament recalls that the Common Approach annexed to the Joint Statement of the European Parliament, Council and European Commission on decentralised agencies signed in 2012 is legally non-binding, as acknowledged in the Statement itself and that it was agreed without prejudice to the legislative powers of the institutions.</i>	
39.	Paragraph 6			<i>Therefore, the European Parliament insists that the procedure followed for the selection of a new location for the agencies will be revised and not used anymore in this form in the future.</i>	
40.	Paragraph 7			<i>Finally, the European Parliament wishes to recall as well that in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making¹⁵, the three institutions committed to sincere and transparent cooperation</i>	

¹⁵ OJ L 123, 12.5.2016, p. 1.



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				<i>while recalling the equality of both co-legislators as enshrined in the Treaties.</i>	