Basic information

2017/0326(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
European Banking Authority (EBA): location of the seat Amending Regulation (EU) No 1093/2010 2009/0142(COD) **Subject** 2.50.04 Banks and credit 2.50.10 Financial supervision 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ECON Economic and Monetary Affairs	KARAS Othmar (PPE) BERÈS Pervenche (S&D)	18/01/2018 18/01/2018
	Shadow rapporteur LOONES Sander (ECR) KLINZ Wolf (ALDE) PAPADIMOULIS Dimitrios (GUE/NGL) GIEGOLD Sven (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	GEIER Jens (S&D)	11/12/2017
JURI Legal Affairs	The committee decided not to give an opinion.	
AFCO Constitutional Affairs	CASTALDO Fabio Massimo (EFDD)	26/02/2018

Council of the European Union

Council configuration	Meetings	Date
Foreign Affairs	3647	2018-11-09

European

Commission DG	Commissioner

Commission	Financial Stability, Financial Services and Capital Markets Union	DOMBROVSKIS Valdis
European Economic and Social Committee		
European Committee of the Regions		

Key events

Date	Event	Reference	Summary
29/11/2017	Legislative proposal published	COM(2017)0734	Summary
11/12/2017	Committee referral announced in Parliament, 1st reading		
23/04/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
24/04/2018	Vote in committee, 1st reading		
27/04/2018	Committee report tabled for plenary, 1st reading	A8-0153/2018	Summary
02/05/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
28/05/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
18/10/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE629.454 PE629.618	
25/10/2018	Decision by Parliament, 1st reading	T8-0426/2018	Summary
25/10/2018	Results of vote in Parliament		
09/11/2018	Act adopted by Council after Parliament's 1st reading		
14/11/2018	Final act signed		
14/11/2018	End of procedure in Parliament		
16/11/2018	Final act published in Official Journal		

Technical information

Procedure reference	2017/0326(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EU) No 1093/2010 2009/0142(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ECON/8/11693

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE616.660	23/02/2018	
Committee opinion	AFCO	PE616.916	27/02/2018	
Committee opinion	BUDG	PE616.580	21/03/2018	
Amendments tabled in committee		PE619.350	22/03/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0153/2018	27/04/2018	Summary
Text agreed during interinstitutional negotiations		PE629.454	17/10/2018	
Committee letter confirming interinstitutional agreement		PE629.618	17/10/2018	
Text adopted by Parliament, 1st reading/single reading		T8-0426/2018	25/10/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00039/2018/LEX	14/11/2018	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2017)0734	29/11/2017	Summary
Commission response to text adopted in plenary	SP(2018)755	21/11/2018	
Follow-up document	COM(2019)0451	09/10/2019	Summary
Follow-up document	COM(2020)0317	15/07/2020	
Follow-up document	COM(2021)0771	07/12/2021	
Follow-up document	COM(2022)0387	04/08/2022	
Follow-up document	COM(2023)0505	05/09/2023	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5890/2017	17/01/2018	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2018/1717 OJ L 291 16.11.2018, p. 0001	Summary

European Banking Authority (EBA): location of the seat

2017/0326(COD) - 27/04/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Economic and Monetary Affairs adopted the report prepared jointly by Burkhard BALZ (EPP, DE) and Pervenche BERÈS (S&D, FR) on the proposal for a 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 (EBA).

In the context of the United Kingdom's notification on 29 March 2017 of its intention to leave the Union, the Commission proposed to amend Regulation (EC) No 1093/2010 with a view to establishing the seat of the EBA in Paris, France.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal so as to make it clear that the relocation of the EBA **shall not have any consequences with regard to executing the distinct mandate or maintaining the separate legal status** of the European Supervisory Authorities, namely the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA) and the European Securities and Markets Authority (ESMA). At the latest on the date of application of the Regulation and every 12 months thereafter, the Commission shall report on the compliance of those Authorities with that requirement.

The relocation of the EBA 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.

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 into effect. Furthermore, they stressed that 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.

In a **statement** annexed to the draft Regulation, the European Parliament **regretted 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). They condemned 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 selection made for the new location of the seat by means of the ordinary legislative procedure.

Under these conditions, the European Parliament insisted 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.

European Banking Authority (EBA): location of the seat

2017/0326(COD) - 25/10/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 462 votes to 48, with 40 abstentions, a legislative resolution on the proposal for a 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 (EBA).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Following the notification by the **United Kingdom** on 29 March 2017 of its intention to withdraw from the Union, the Commission proposed to amend Regulation (EC) No 1093/2010 in order to re**locate the EBA's headquarters to Paris**, France.

The amended text specifies that the location of the seat of the Authority shall **not affect the Authority's execution of its tasks and powers**, the organisation of its governance structure, the operation of its main organisation, or the main financing of its activities.

The transfer of the seat of the Authority 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 Authority.

The relocation of the Authority should **not have any consequences with regard to the execution of the distinct mandates of the European Supervisory Authorities** or the maintenance of their separate legal status. The relocation might allow, where applicable, for the sharing among Union agencies of administrative support services and facility management services which are not related to core activities.

In its legislative resolution, Parliament stressed that the new premises should be ready and fit for the purpose of permanent relocation by 30 March 2019.

In addition, Members deplored that Parliament was not involved in the definition and the weighting of the criteria to select the location of the seat of the EBA despite Parliament's prerogatives.

They also deplored the **lack of transparency and accountability**, in the voting procedure the Council has undertaken on the 20 November 2017, leaving final decisions to the drawing of lots.

Members considered that Parliament should be systematically and on equal terms with the Commission and Council involved in defining and weighting the criteria for the location of all Union bodies and agencies. They requested the Commission and Council to launch a **revision of the Joint Statement of 19 July 2012 on decentralised agencies** with the aim of ensuring a strong involvement of Parliament whilst respecting in particular its co-decision powers.

In a **statement to the legislative resolution**, Parliament recognised the commitment of sincere and transparent cooperation, and in the light of the process followed for the relocation of the EMA and EBA, which was specific to the situation and did not constitute a precedent for location of agencies in the future.

The Council took note of the request by Parliament to revise, as soon as possible, the 2012 Joint Statement and Common Approach on decentralised Agencies. As a first step, it invited the Commission to provide, by April 2019, an in-depth analysis of the implementation of the Joint Statement and Common Approach as regards the location of decentralised Agencies.

European Banking Authority (EBA): location of the seat

2017/0326(COD) - 29/11/2017 - Legislative proposal

PURPOSE: to relocate the seat of the European Banking Authority following the notification by the United Kingdom to the European Council of its intention to leave the Union.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in accordance with Regulation (EU) No 1093/2010 establishing the **European Banking Authority** (EBA), the EBA is established in London, UK.

Following the **notification by the United Kingdom of its intention to leave the Union**, the 27 remaining Member States, in the margins of the General Affairs Council (Article 50), selected Paris, France, as the new seat for the European Banking Authority

CONTENT: the Commission proposes to amend Regulation (EC) No 1093/2010 in order to confirm the new seat of the EBA in Paris, France.

The EBA should occupy its new seat from the date on which the Treaties cease to apply to the United Kingdom or from 30 March 2019, whichever is the earlier.

It is proposed that the Regulation shall enter into force as a matter of urgency in order to give the European Banking Authority sufficient time to relocate.

BUDGETARY IMPLICATION: the relocation of the European Banking Authority will have budgetary implications, in particular in view of the **costs related to the early termination of its current rental contract in London** as a consequence of the withdrawal, the costs **related to the move itself and the costs related to the installation in the new premises** in Paris.

As set out in the negotiation directives of the Council of 22 May 2017, the United Kingdom should fully cover the specific costs related to the withdrawal process, such as the relocation of the agencies based in the United Kingdom.

Some of the relocation costs (e.g. costs related to the move itself) may have to be pre-financed by the EU budget prior to the final financial settlement. If necessary, the Commission will submit the relevant proposals to the European Parliament and the Council in the framework of the annual budgetary procedure for 2019 and, if necessary, for 2018.

In addition, the costs related to the installation in the new premises will also be presented in the context of the building procedure set out in Article 203 of the Financial Regulation, which requires prior approval from the European Parliament and the Council before contracts related to building projects are concluded. This procedure is expected to be launched as soon as possible (at the latest in early 2018).

European Banking Authority (EBA): location of the seat

2017/0326(COD) - 16/11/2018 - Final act

PURPOSE: to relocate the seat of the European Banking Authority following the notification by the United Kingdom to the European Council of its intention to leave the Union.

LEGISLATIVE ACT: Regulation (EU) 2018/1717 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.

CONTENT: this Regulation amends Regulation (EC) No 1093/2010 in order to **establish the location of the seat of the European Banking Authority (EBA) in Paris, France**.

Following the United Kingdom's notification of its intention to withdraw from the Union, the other 27 Member States, meeting on 20 November 2017 in the margins of the Council, chose Paris, France, as the new seat of the EBA.

The transfer of the seat of the Authority 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 Authority.

The relocation of the Authority should not have any consequences with regard to the execution of the distinct mandates of the European Supervisory Authorities or the maintenance of their separate legal status. The relocation might allow, where applicable, for the sharing among Union agencies of administrative support services and facility management services which are not related to core activities.

By 30 March 2019 at the latest and every 12 months thereafter, the Commission shall present a report to the European Parliament and the Council on the compliance of the European Supervisory Authorities with this requirement.

Given the United Kingdom's commitment 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 Authority arising from the decision of the United Kingdom to withdraw from the Union 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.

ENTRY INTO FORCE: 16.11.2018.

APPLICATION: from 30.3.2019.

European Banking Authority (EBA): location of the seat

2017/0326(COD) - 09/10/2019 - Follow-up document

The Commission presented a report on the European Banking Authority's (EBA) compliance with the requirements regarding the establishment of its seat.

In the context of the United Kingdom's withdrawal from the Union, the EBA Regulation had to be amended to move the headquarters from London to Paris. In addition to the change of seat, the amendment to the EBA regulation also introduced new requirements for EBA in relation to its seat and an obligation for the Commission to publish a report by 30 March 2019 and every 12 months thereafter on EBA’s compliance with these requirements.

The EBA provided the necessary input to fulfill these reporting requirements. This first report under the new reporting obligation is published after 30 March 2019 since full operations in Paris did not start until 3 June 2019.

According to the information available, the report concludes that the performance of the EBA's tasks and competences, its governance structure, its main organisation and the financing of its activities have not been affected by the transfer of the EBA headquarters to Paris, nor by the administrative arrangements for cooperation with the European Securities and Markets Authority (ESMA) and the European Insurance and Occupational Pensions Authority (EIOPA), which are not linked to the core activities of the EBA.

The report notes in particular the following points:

Headquarters agreement

The agreement was signed at a ceremony in Paris on 6 March 2019 and has not affected the EBA’s operations and governance. The agreement: (i) establishes the privilege for staff relocating from London to Paris of purchasing a car tax–free within twelve months of relocation, a privilege that has been extended to staff with French nationality; (ii) commits the French government to engage in a process to establish a European School in the Paris Region.

The EBA has also engaged with the Protocol office of the French Ministry of Europe and Foreign Affairs and with the French customs authorities to ensure a smooth process in relation to the arrival of staff and their families in France, the provision of special residence permits, and the application of tax privileges to the EBA.

Governance

The EBA received special funding from the French government to assist with the relocation costs:

- EUR 1.5 million to be used as a contribution to the costs of fitting out the Paris offices. This has been received and paid;

- EUR 7 million to be used as a contribution to the rent and building charges of the Paris offices. To date the EBA has received EUR 2.5 million of this amount. The balance will be received over the duration of the lease on the offices in Paris.

Until the arrival of the EBA's new Chairperson on 1 May 2019, the EBA's alternate chairperson acted as the EBA's Interim Chairperson.

Senior management has been operative from Paris as of 30 March 2019 where EBA secured limited temporary offices in the Europlaza building (the building of the new premises of the EBA). Full operations in Paris started on 3 June 2019 when all staff took up their duties in the EBA's new headquarters in the Europlaza building.

EBA data centre relocation

With its data centre hosting contracts expiring in 2019, EBA decided to migrate its data centre to an Interagency Community Cloud environment, in line with its hosting strategy and ahead of the expected March 2019 Brexit date.

EBA, in close collaboration with the European Insurance and Occupational Pensions Authority (EIOPA), designed, planned, contracted and fully implemented the transfer of its hosted data and infrastructure services. This ensured no disruption to the Agency's activities.

The EBA has joined two inter-institutional procurement procedures led by the European Securities and Markets Authority (ESMA): for information and communications technology (ICT) consultancy services, and for facility management consultancy services.