Agenda

I. The ECB Brand
II. Understanding the situation of banks
III. Issues of competence and procedure
IV. The reasoning of ECB decisions
V. Challenging ECB decisions
VI. Conclusion
I. The ECB-brand

„Tough, intrusive, fair“

- Comprehensive assessment (AQR, Stress Test)
- Additional own fund requirements after the SREP
- Alignment of options provided by CRR to supervisors
- Applying Basel III as much as possible
II. Understanding the situation of banks

Confidentiality Agreement within the AQR

Request not to disclose additional own fund requirements after SREP
III. Issues of competence and procedure

Is ECB competent for the entire prudential supervision of significant banks?

Do fit and proper reviews require a decision?
IV. The reasoning of ECB decisions

Particular circumstances excluding significance

Own fund requirements after the SREP

Or more general: How does ECB hold it with the rule of law
V. Challenging ECB decisions

The ABoR as recommendable option to challenge ECB decisions?
VI. Conclusion

- Current behaviour shapes the future
- Continuous adjustments required by the supervised
- ECB needs to improve its approach in order to achieve better acceptance
- ABoR has to prove its independence
About
A financial services lawyer specialising in banking and investment services regulation, with close knowledge of the German and European financial regulators.

Skills and experience
Klaus advises banks and other financial institutions, and also unregulated entities, on all areas of financial services regulation. He specialises in banking and capital markets regulation. His recent experience includes advising with regard to the Comprehensive Assessment by the European Central Bank as well as to a proceeding with the Administrative Board of Review of the European Central Bank.
Thank you

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