Modelos de Supervisão Financeira e a Arquitetura Europeia de Supervisão em Fluxo

CONFERÊNCIA INTERNACIONAL CIRSF/CÁTEDRA JEAN MONNET /EUROPEAN BANKING INSTITUTE: REFORMA DO MODELO DE SUPERVISÃO DO SETOR FINANCEIRO EM PORTUGAL E NO CONTEXTO DA UNIÃO EUROPEIA,

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Structure of the presentation

• Financial supervisors and their objectives

• Institutional models of financial supervision

• The EU model of financial supervision, its evolution and future
What is a financial supervisor?

• Independent agencies
• Central Banks
• Ministries or government departments
• Self-regulatory organisations
• Private companies
The role of financial supervisors

• Regulation

• Supervision
  – Authorisation
  – Monitoring/supervision
  – Enforcement
  – Crisis management
The targets of financial supervision

• Financial stability

• Safety and soundness of financial institutions

• Investor/consumer protection
Objectives (1): Financial stability
Macro-prudential supervision
Objectives (2): Safety and soundness of financial institutions

Micro-prudential supervision
Objectives (3): Investor/consumer protection
Conduct of business supervision
Models of financial supervision

- Institutional/three pillar/sectoral

- Integrated/single supervisor

- Functional/twin Peaks/supervision by objectives

- Mix of models
Institutional/three-pillar/sectoral

Securities

Banking

Insurance

Prudential supervision
Conduct of business supervision
Integrated/single supervisor

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Securities
Banking
Insurance

Prudential supervision
Conduct of business supervision
Functional/twin-peaks/supervision by objectives

Conduct of business supervision
- Securities
- Banking
- Insurance

Prudential supervision
- Securities
- Banking
- Insurance
Mix of models
The EU institutional model of financial supervision
EU financial supervision from the early beginnings to the global financial crisis

• Until the end of 1990s: bilateral cooperation agreements

• End of 1990s
  – Greater harmonisation of rules on financial supervision in the EU
  – Multilateral agreements on supervisory cooperation in the EU:
    – FESCO Multilateral Memorandum of Understanding (1999)

• Lamfalussy Committees (2001/2003)
  – Guidelines on supervisory cooperation
  – Mediation between member state’s supervisors (non-binding)
The EU post-crisis supervisory patchwork

EUROPEAN SYSTEM OF FINANCIAL SUPERVISION

MICRO-PRUDENTIAL SUPERVISION

MACRO-PRUDENTIAL SUPERVISION

BANKING UNION

SINGLE SUPERVISORY MECHANISM

SINGLE RESOLUTION MECHANISM

EUROPEAN DEPOSIT INSURANCE SCHEME

Competent Supervisory Authorities (CSAs) of member states
The review of the ESFS and the EU supervisory architecture

• The De Larosière report (2009):
  – Suggested future move towards twin-peaks model
  – Foresaw remote possibility of single supervisor

• Parliament’s Report on ESFS (2013)
  – Arguments in favour of three-pillar:
    • EU financial law organised along sectoral lines
    • Cooperation between ESAs works
  – Envisaged future move towards twin-peaks

• Commission’s Report on operation of ESAs/ESFS (2014)
Commission’s Public consultation on operation of ESAs (2017)

- Does the model of sectoral supervision work?

- Towards a twin peaks model? (merger of EBA and EIOPA as prudential supervisors and ESMA as conduct of business supervisor)

- Respondents:
  - Majority: support sectoral approach
  - Some respondents: propose integrated/twin-peaks
  - Some respondents: reinforce role of Joint Committee
Is there a model better than the others?

- No clear correlation between institutional choice and supervisory efficiency

- One size does not fit all: the role of the institutional setting

- The governance, accountability and independence of financial supervisors
Muito obrigado!