Decision (EU) 2020/1335 of the European Central Bank of 15 September 2020 nominating heads of work units to adopt delegated decisions on passporting, acquisition of qualifying holdings and withdrawal of authorisations of credit institutions and repealing Decision (EU) 2019/1377 (ECB/2020/43)

DECISION (EU) 2020/1335 OF THE EUROPEAN CENTRAL BANK

of 15 September 2020

nominating heads of work units to adopt delegated decisions on passporting, acquisition of qualifying holdings and withdrawal of authorisations of credit institutions and repealing Decision (EU) 2019/1377 (ECB/2020/43)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 11.6 thereof,

Having regard to Decision (EU) 2017/933 of the European Central Bank of 16 November 2016 on a general framework for delegating decision-making powers for legal instruments related to supervisory tasks (ECB/2016/40)[(1)], and in particular Articles 4 and 5 thereof,

Having regard to Decision (EU) 2019/1376 of the European Central Bank of 23 July 2019 on delegation of the power to adopt decisions on passporting, acquisition of qualifying holdings and withdrawal of authorisations of credit institutions (ECB/2019/23)[(2)], and in particular Article 3 thereof,

Whereas:

(1) To address the considerable number of decisions that the European Central Bank (ECB) is to adopt for the performance of its supervisory tasks, a procedure for the adoption of specific delegated decisions has been established.

(2) A delegation decision is effective upon the adoption of a decision by the Executive Board nominating one or more heads of work units to take decisions on the basis of a delegation decision.

(3) The importance of the delegation decision and the number of addressees to whom delegated decisions need to be sent should be taken into account by the Executive Board in nominating heads of work units.

(4) Decision (EU) 2019/1377 of the European Central Bank (ECB/2019/26)[(3)] specifies the heads of work units to adopt delegated decisions pursuant to Articles 3, 4, 5 and 6 of Decision (EU) 2019/1376 (ECB/2019/23).

(5) Article 10.1 of Decision ECB/2004/2[(4)] provides that the Executive Board is to decide upon the number, name and respective competence of each of the work units of the ECB.

Changes to legislation: *There are currently no known outstanding effects for the Decision (EU) 2020/1335 of the European Central Bank. (See end of Document for details)*

(6) On 1 October 2020, organisational changes will take place in ECB Banking Supervision, including the creation of two additional business areas, the redistribution of tasks and the renaming of business areas. As a result, Decision (EU) 2019/1377 (ECB/2019/26) will no longer reflect the organisational structure of ECB Banking Supervision.

(7) The Chair of the Supervisory Board has been consulted on the heads of work units to whom the power to adopt decisions on passporting, acquisition of qualifying holdings and withdrawal of authorisations of credit institutions should be delegated.

(8) Therefore, Decision (EU) 2019/1377 (ECB/2019/26) should be repealed,

HAS ADOPTED THIS DECISION:

Article 1

Delegated qualifying holding decisions

1 Delegated decisions pursuant to Articles 3 and 4 of Decision (EU) 2019/1376 (ECB/2019/23) that involve significant supervised entities as defined in point (16) of Article 2 of Regulation (EU) No 468/2014 of the European Central Bank (ECB/2014/17)[(5)] shall be adopted by the Director-General or the Deputy Director-General of the Directorate-General SSM Governance and Operations – or if they are unavailable the Head of the Authorisation Division – and one of the following heads of work units:

a the Director-General or a Deputy Director-General of the Directorate-General Systemic and International Banks, if supervision of the relevant supervised entity or group is carried out by the Directorate-General Systemic and International Banks;

b the Director-General or a Deputy Director-General of the Directorate-General Universal and Diversified Institutions, if supervision of the relevant supervised entity or group is carried out by the Directorate-General Universal and Diversified Institutions;

c the Director-General or a Deputy Director-General of the Directorate-General Specialised Institutions and Less Significant Institutions, if supervision of the relevant supervised entity or group is carried out by the Directorate-General Specialised Institutions and Less Significant Institutions.

If a delegated decision pursuant to Articles 3 and 4 of Decision (EU) 2019/1376 (ECB/2019/23) involves more than one significant supervised entity, the relevant supervised entity shall be the supervised entity or group in which the qualifying holding is acquired.

2 Delegated decisions pursuant to Articles 3 and 4 of Decision (EU) 2019/1376 (ECB/2019/23) that do not involve significant supervised entities shall be adopted by the Director-General or the Deputy Director-General of the Directorate-General SSM Governance and Operations – or if they are unavailable the Head of the Authorisation Division.

Article 2

Delegated withdrawal decisions

1 Delegated decisions pursuant to Articles 3 and 5 of Decision (EU) 2019/1376 (ECB/2019/23) in relation to significant supervised entities as defined in point (16) of Article 2 of Regulation (EU) No 468/2014 (ECB/2014/17) shall be adopted by the Director-General

or the Deputy Director-General of the Directorate-General SSM Governance and Operations – or if they are unavailable the Head of the Authorisation Division – and one of the following heads of work units:

a the Director-General or a Deputy Director-General of the Directorate-General Systemic and International Banks, if supervision of the relevant supervised entity or group is carried out by the Directorate-General Systemic and International Banks;

b the Director-General or a Deputy Director-General of the Directorate-General Universal and Diversified Institutions, if supervision of the relevant supervised entity or group is carried out by the Directorate-General Universal and Diversified Institutions;

c the Director-General or a Deputy Director-General of the Directorate-General Specialised Institutions and Less Significant Institutions, if supervision of the relevant supervised entity or group is carried out by the Directorate-General Specialised Institutions and Less Significant Institutions.

2 Delegated decisions pursuant to Articles 3 and 5 of Decision (EU) 2019/1376 (ECB/2019/23) in relation to less significant supervised entities as defined in point (7) of Article 2 of Regulation (EU) No 468/2014 (ECB/2014/17) shall be adopted by the Director-General or the Deputy Director-General the Directorate-General SSM Governance and Operations – or if they are unavailable the Head of the Authorisation Division.

Article 3

Delegated passporting decisions

Delegated decisions pursuant to Articles 3 and 6 of Decision (EU) 2019/1376 (ECB/2019/23) shall be adopted by one of the following heads of work units:

(a) the Director-General or a Deputy Director-General of the Directorate-General Systemic and International Banks, if supervision of the relevant supervised entity or group is carried out by the Directorate-General Systemic and International Banks;

(b) the Director-General or a Deputy Director-General of the Directorate-General Universal and Diversified Institutions, if supervision of the relevant supervised entity or group is carried out by the Directorate-General Universal and Diversified Institutions;

(c) the Director-General or a Deputy Director-General of the Directorate-General Specialised Institutions and Less Significant Institutions, if supervision of the relevant supervised entity or group is carried out by the Directorate-General Specialised Institutions and Less Significant Institutions.

Article 4

Repeal and entry into force

1 Decision (EU) 2019/1377 (ECB/2019/26) is repealed.

2 This Decision shall enter into force on 1 October 2020.