

# **OVERVIEW OF SOME RECENT EU AND NATIONAL LEGISLATIVE DEVELOPMENTS**

## **BANKING LAW AND RESCUE PLANS**

**Stéphane Kerjean,  
EFMLG secretary**

**Frankfurt am Main, 11 November 2008**

## **On-going EU banking law initiatives**

- **Proposal for a directive amending the Banking Directive and the Capital Adequacy Directive, 1.10.2008**
- **Proposal for a directive amending the 1994 Directive on Deposit-guarantee schemes as regards the coverage level and the payout delay, 15.10.2008**
- **Consultation on credit rating agencies [proposal end 2008]**
- **Amendments to the decisions establishing the Lamfalussy Committees [end 2008]**
- **High Level Group chaired by J. de Larosière on prudential supervision**
- **Commission's White Paper on early intervention tools for dealing with ailing banks [Mid-2009]**

## **Financial crisis: main recent developments**

- **ECOFIN of 7 October 2008**  
**Definition of EU common principles**
- **Declaration on a concerted European action plan of the euro area countries of 12 October 2008**  
**More precise guidelines on coordination of actions, conditions for funding and recapitalisation measures**
- **European Council of 15-16 October 2008**
- **Commission's guidance on the application of State aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis/Assessment by the Commission of the national schemes**

## **Implementation of the concerted European action plan**

- **Consultation of the ECB with respect to several draft national emergency laws**
- **Various types of measures: State guarantees towards bank obligations related, in particular, to bank deposits (Ireland); asset swap operations (Spain); capital injections (UK); bank resolution procedures (also part of UK measures)**
- **Measures linked to prudential safeguards imposed on the supported institutions**
- **Rescue measures sometimes conducted by special-purpose structures, operated either as public entities (e.g. Germany, Spain, Sweden) or in co-operation with the banking sector (Austria, France, Denmark)**
- **ECB opinions define principles applicable to state guarantees over deposits, funding and recapitalisation measures and potential interaction with central bank actions**