TABEL DE CONCORDANȚĂ

Actul normativ comunitar		Act normativ național		Observații
Art./ Para.	**Directive 2009/111/EC of the European Parliament and of the Council amending Directives 2006/48/EC, 2006/49/EC and 2007/64/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management**	**Art./ Para.**	**Ordonanța de urgență a Guvernului nr. 99/2006 privind instituțiile de credit și adecvarea capitalului, aprobata cu modificări și completări prin Legea nr. 227/2007, cu modificările și completările ulteriore și Ordonanța de urgență a Guvernului nr. 113/2009 privind serviciile de plată**	
1	**2**	**3**	**4**	**5**
Article 1 Amend. to D2006/48/ EC				
D2009/111 /EC Art.1 (1)	Directive 2006/48/EC is hereby amended as follows:			
D2009/111 /EC Art.1.(1) art. 3 (1)	Article 3(1) is amended as follows:			
D2009/111 /EC Art.1 (1) let. a) art. 3 (1)	a) in the first subparagraph, the introductory part is replaced by the following:			
D2009/111 /EC Art.1.(1) let. a) art. 3 (1)	"1. One or more credit institutions situated in the same Member State and which are permanently affiliated to a central body which supervises them and which is established in the same Member State, may be exempted from the requirements of Article 7 and Article 11(1) if national law provides that:";	**Art. 338 alin.(1)** **Art. 383**	Autorizarea cooperativelor de credit se realizează în condițiile aplicabile instituțiilor de credit prevăzute în cap.II din titlul I partea I, cu excepția art. 11 și art. 17, ale căror prevderi nu se aplică la nivelul cooperativelor de credit din rețea. Prin excepție de la dispozițiile Legii nr. 31/1990 privind societățile comerciale, republicată, cu modificăriole și completările ulterioare, cooperativele de credit care au cel mult 5.000 de membri cooperatori pot desemna un singur administrator, care va trebui să delege atribuțiile de conducere cel puțin unui director sau, după caz, pot desemna un director general unic, sub controlul permanent al unei persoane care îndeplinește atribuțiile consiliului de supraveghere.	

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D2009/111 /EC Art.1.(1) let. b) art. 3 (2) and (3)	b) the second and third subparagraphs are deleted;			nu necesită transpunere
D2009/111 /EC Art.1 (2)	Article 4 is amended as follows:			
D2009/111 /EC Art.1 (2) let.a)	point (6) is replaced by the following:			se va transpune prin reglementări
D2009/111 /EC Art.1 (2) let.a) point 6	"(6) "institutions" for the purposes of Sections 2, 3 and 5 of Title V, Chapter 2, means institutions as defined in Article 3(1)(c) of Directive 2006/49/EC;"			
D2009/111 /EC Art.1 (2) let.b)	in point (45) point (b) is replaced by the following: "(b) two or more natural or legal persons between whom there is no relationship of control as described in point (a) but who are to be regarded as constituting a single risk because they are so interconnected that, if one of them were to experience financial problems, in particular funding or repayment difficulties, the other or all of the others would also be likely to encounter funding or repayment difficulties.";			se va transpune prin reglementări
D2009/111 /EC Art.1 (2) let.c) art. 4 (48)	the following point is added:" (48) "consolidating supervisor" means the competent authority responsible for the exercise of supervision on a consolidated basis of EU parent credit institutions and credit institutions controlled by EU parent financial holding companies;"	**Art. 7 alin.(1) pct. 2^1** din proiectul de modificare a OUG 99/2006	supraveghetor consolidant – autoritatea competentă cu exercitarea supravegherii pe bază consolidată a instituțiilor de credit-mamă la nivelul Uniunii Europene și a instituțiilor de credit controlate de societăți financiare holding-mame la nivelul Uniunii Europene;	
D2009/111 /EC Art.1 (3) art. 40	in Article 40, the following paragraph is added:			
D2009/111 /EC Art.1 (3) art. 40 (3)	"3. The competent authorities in one Member State shall, in the exercise of their general duties, duly consider the potential impact of their decisions on the stability of the financial system in all other Member States concerned and, in particular, in emergency situations, based on the information available at the relevant time."	**Art. 172 alin.(2^1)** din proiectul de modificare a OUG 99/2006	În exercitarea atribuțiilor sale generale de supraveghere prudențială, Banca Națională a României va avea în vedere, în mod corespunzător, impactul potențial al deciziilor sale asupra stabilității sistemului financiar din toate celelalte state membre în cauză, în special în situații de urgență, pe baza informațiilor disponibile la momentul respectiv.	
D2009/111 /EC Art.1 (4)	the following Articles are inserted:			

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	"Article 42a			
D2009/111 /EC Art.1 (4) art. 42a 1.1	1. The competent authorities of a host Member State may make a request to the consolidating supervisor where Article 129(1) applies or to the competent authorities of the home Member State, for a branch of a credit institution to be considered as significant.	**Art. 210^1 alin.(1)** din proiectul de modificare a OUG 99/2006	Banca Națională a României poate solicita autorității competente cu supravegherea consolidată, în considerarea atribuțiilor acesteia similare celor prevăzute la art. 181, sau autorităților competente din statul membru de origine, să considere sucursala din România a unei instituții de credit dintr-un alt stat membru ca fiind semnificativă.	
D2009/111 /EC Art.1 (4) art. 42a 1.2	That request shall provide reasons for considering the branch to be significant with particular regard to the following:	**Art. 210^1 alin.(2)** din proiectul de modificare a OUG 99/2006	Solicitarea va specifica motivele pentru care sucursala ar trebui considerată semnificativă, având în vedere în special următoarele elemente:	
D2009/111 /EC Art.1 (4) art. 42a 1.2 a)	(a) whether the market share of the branch of a credit institution in terms of deposit exceeds 2 % in the host Member State;	**Art. 210^1 alin.(2) lit. a)** din proiectul de modificare a OUG 99/2006	cota de piață a sucursalei instituției de credit, în ceea ce privește depozitele, depășește 2% în România;	
D2009/111 /EC Art.1 (4) art. 42a 1.2 b)	(b) the likely impact of a suspension or closure of the operations of the credit institution on market liquidity and the payment and clearing and settlement systems in the host Member State; and	**Art. 210^1 alin.(2) lit. b)** din proiectul de modificare a OUG 99/2006	impactul probabil al suspendării sau închiderii operațiunilor din România ale instituției de credit asupra lichidității pieței și asupra sistemelor de plăți și a celor de compensare și decontare din România;	
D2009/111 /EC Art.1 (4) art. 42a 1.2 c)	(c) the size and the importance of the branch in terms of number of clients within the context of the banking or financial system of the host Member State.	**Art. 210^1 alin.(2) lit. c)** din proiectul de modificare a OUG 99/2006	dimensiunea și importanța sucursalei din perspectiva numărului de clienți, în contextul sistemului financiar-bancar din România.	
D2009/111 /EC Art.1 (4) art. 42a 1.3	The competent authorities of the home and host Member States, and the consolidating supervisor where Article 129(1) applies, shall do everything within their power to reach a joint decision on the designation of a branch as being significant.	**Art. 173^1 alin.(1)** din proiectul de modificare a OUG 99/2006 **Art. 210^2 alin.(1)** din proiectul de modificare a	În cazul în care i se solicită considerarea unei sucursale dintr-un alt stat membru a unei instituții de credit, persoană juridică română, ca fiind semnificativă, Banca Națională a României trebuie să depună toate diligențele pentru a ajunge la o decizie comună cu autoritatea competentă din statul membru gazdă și, dacă este cazul, cu autoritatea competentă cu supravegherea consolidată, în considerarea atribuțiilor acesteia din urmă similare celor prevăzute la art. 181. Banca Națională a României trebuie să depună toate diligențele pentru a ajunge la o decizie comună cu autoritățile competente prevăzute la art. 210^1 alin.(1), cu privire la desemnarea unei sucursale ca fiind	

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		OUG 99/2006	semnificativă.	
D2009/111 /EC Art.1 (4) art. 42a 1.4	If no joint decision is reached within two months of receipt of a request under the first subparagraph, the competent authorities of the host Member State shall take their own decision within a further period of two months on whether the branch is significant. In taking their decision, the competent authorities of the host Member State shall take into account any views and reservations of the consolidating supervisor or the competent authorities of the home Member State.	**Art. 210^2 alin.(2)** din proiectul de modificare a OUG 99/2006	În cazul în care nu se ajunge la o decizie comună în termen de 2 luni de la primirea solicitării trimise potrivit prevederilor art. 210^1 alin.(1), Banca Națională a României decide, în termen de alte 2 luni, cu privire la desemnarea sucursalei ca fiind semnificativă. În luarea deciziei, Banca Națională a României va avea în vedere orice opinii și rezerve ale autorității competente cu supravegherea consolidată sau ale autorităților competente din statul membru de origine.	
D2009/111 /EC Art.1 (4) art. 42a 1.5	The decisions referred to in the third and fourth subparagraph shall be set out in a document containing the fully reasoned decision and transmitted to the competent authorities concerned, and shall be recognised as determinative and applied by the competent authorities in the Member States concerned.	**Art. 173^1 alin.(3)** din proiectul de modificare a OUG 99/2006 **Art. 210^2 alin.(3)** din proiectul de modificare a OUG 99/2006	Dacă nu se ajunge la o decizie comună potrivit prevederilor alin.(1), decizia luată de autoritățile competente din statul membru gazdă este definitivă și opozabilă Băncii Naționale a României, care trebuie să o aplice în mod corespunzător. Deciziile prevăzute la alin.(1) și (2) sunt incluse într-un document care cuprinde motivele pe care se întemeiază și sunt transmise autorităților competente implicate. Deciziile luate potrivit prevederilor de la alin.(1) sunt definitive și opozabile Băncii Naționale a României, care trebuie să le aplice în mod corespunzător.	
D2009/111 /EC Art.1 (4) art. 42a 1.6	The designation of a branch as being significant shall not affect the rights and responsibilities of the competent authorities under this Directive.	**Art. 210^3** din proiectul de modificare a OUG 99/2006	Desemnarea unei sucursale ca fiind semnificativă nu aduce atingere drepturilor și responsabilităților Băncii Naționale a României prevăzute de prezenta ordonanță de urgență.	
D2009/111 /EC Art.1 (4) art. 42a 2.1	The competent authorities of the home Member State shall communicate to the competent authorities of a host Member State where a significant branch is established the information referred to in Article 132(1)(c) and (d) and carry out the tasks referred to in Article 129(1)(c) in cooperation with the competent authorities of the host Member State.	**Art. 173^2 alin.(1)** din proiectul de modificare a OUG 99/2006	Banca Națională a României comunică autorităților competente din statul membru gazdă pe teritoriul căruia este înființată o sucursală semnificativă de către o instituție de credit, persoană juridică română, informațiile prevăzute la art. 186 alin.(4) lit. c) și d) și îndeplinește atribuțiile prevăzute la art. 181 lit. c), în cooperare cu autoritățile competente din statul membru gazdă.	
D2009/111 /EC Art.1 (4) art. 42a 2.2	If a competent authority of a home Member State becomes aware of an emergency situation within a credit institution as referred to in Article 130(1), it shall alert as soon as practicable the authorities referred to in the fourth paragraph of Article 49 and in Article 50.	**Art. 173^2 alin.(2)** din proiectul de modificare a OUG 99/2006	În cazul în care Banca Națională a României constată prezența unei situații de urgență la nivelul unei instituții de credit, potrivit prevederilor art. 183 alin.(1), aceasta alertează în cel mai scurt timp posibil autoritățile prevăzute la art. 222 alin.(6) și la art. 222^1.	
D2009/111 /EC Art.1 (4) art. 42a 3.1	Where Article 131a does not apply, the competent authorities supervising a credit institution with significant branches in other Member States shall establish and chair a college of supervisors to facilitate	**Art. 173^3 alin.(1)** din proiectul de modificare a	În cazul unei instituții de credit, persoană juridică română, având sucursale semnificative în alte state membre, dacă nu se aplică prevederile art. 185^1 - 185^5, Banca Națională a României stabilește și conduce un	

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	the cooperation under paragraph 2 of this Article and Article 42. The establishment and functioning of the college shall be based on written arrangements determined, after consultation with competent authorities concerned, by the competent authority of the home Member State. The competent authority of the home Member State shall decide which competent authorities participate in a meeting or in an activity of the college.	OUG 99/2006 **alin.(2)** **alin.(3)**	colegiu al supraveghetorilor pentru a facilita cooperarea potrivit prevederilor art. 173 și ale art. 173^2. Stabilirea și funcționarea colegiului se bazează pe acorduri scrise stabilite, după consultarea celorlalte autorități competente implicate, de către Banca Națională a României. Stabilirea modului de funcționare operațională a colegiilor de supraveghetori are în vedere și ghidurile elaborate în acest sens de Comitetul European al Supraveghetorilor Bancari. Banca Națională a României decide autoritățile competente participante la o reuniune sau activitate a colegiului.	
D2009/111 /EC Art.1 (4) art. 42a 3.2	The decision of the competent authority of the home Member State shall take account of the relevance of the supervisory activity to be planned or coordinated for those authorities, in particular the potential impact on the stability of the financial system in the Member States concerned referred to in Article 40(3) and the obligations referred to in paragraph 2 of this Article.	**Art. 173^3 alin.(4)** din proiectul de modificare a OUG 99/2006	Decizia Băncii Naționale a României trebuie să aibă în vedere relevanța activității de supraveghere ce urmează a fi planificată sau coordonată de aceste autorități, în special impactul potențial asupra stabilității financiare a sistemului financiar al statelor membre în cauză, prevăzut la art. 172 alin.(2^1), precum și obligațiile Băncii Naționale a României prevăzute la art. 173^2.	
D2009/111 /EC Art.1 (4) art. 42a 3.3	The competent authority of the home Member State shall keep all members of the college fully informed, in advance, of the organisation of such meetings, the main issues to be discussed and the activities to be considered. The competent authority of the home Member State shall also keep all the members of the college fully informed, in a timely manner, of the actions taken in those meetings or the measures carried out.	**Art. 173^3 alin.(5)** din proiectul de modificare a OUG 99/2006	Banca Națională a României informează complet, în prealabil, pe toți membrii colegiului cu privire la organizarea reuniunilor, aspectele principale de discutat și activitățile ce urmează a fi analizate. De asemenea, Banca Națională a României informează complet și la timp pe toți membrii colegiului, în legătură cu măsurile și acțiunile întreprinse în cadrul respectivelor reuniuni.	
D2009/111 /EC Art.1 (4) art. 42b 1	Article 42b 1. In the exercise of their duties, the competent authorities shall take into account the convergence in respect of supervisory tools and supervisory practices in the application of the laws, regulations and administrative requirements adopted pursuant to this Directive. For that purpose, Member States shall ensure that:	**Art. 173^4 alin.(1)** din proiectul de modificare a OUG 99/2006	În exercitarea competențelor sale, Banca Națională a României trebuie să aibă în vedere convergența instrumentelor și practicilor de supraveghere în aplicarea legii, reglementărilor și cerințelor autorităților competente, adoptate în domeniu la nivel național și comunitar. În acest scop:	
D2009/111 /EC Art.1 (4) article 42b 1 let.a)	(a) the competent authorities participate in the activities of the Committee of European Banking Supervisors;	**Art. 173^4 alin.(1) lit. a)** din proiectul de modificare a OUG 99/2006	Banca Națională a României trebuie să participe la activitățile Comitetului Supraveghetorilor Bancari Europeni;	
D2009/111	(b) the competent authorities follow the guidelines,	**Art. 173^4**	Banca Națională a României trebuie să urmeze	

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/EC Art.1 (4) article 42b 1 let.b)	recommendations, standards and other measures agreed by the Committee of European Banking Supervisors and shall state the reasons if they do not do so;	**alin.(1) lit. b)** din proiectul de modificare a OUG 99/2006	ghidurile, recomandările, standardele și celelalte măsuri agreate la nivelul Comitetului Supraveghetorilor Bancari Europeni au trebuie să declare motivele pentru care nu le urmează;	
D2009/111 /EC Art.1 (4) article 42b 1 let.c)	(c) national mandates conferred on the competent authorities do not inhibit the performance by them of their duties as members of the Committee of European Banking Supervisors or under this Directive.	**Art. 173^{4} alin.(1) lit. c)** din proiectul de modificare a OUG 99/2006	mandatul național conferit Băncii Naționale a României nu împiedică respectarea obligațiilor care îi revin în calitate de membru al Comitetului Supraveghetorilor Bancari Europeni sau a altor obligații la nivelul Uniunii Europene în domeniul supravegherii prudențiale a instituțiilor de credit.	
D2009/111 /EC Art.1 (4) article 42b 2	2. The Committee of European Banking Supervisors shall report to the European Parliament, the Council and the Commission on the progress made towards supervisory convergence every year starting from 1 January 2011.";			nu necesită transpunere
D2009/111 /EC Art.1 (5)	Article 49 is amended as follows:			
D2009/111 /EC Art.1 (5) let.a) art. 49 para.1 let. a)	(a) in the first paragraph, point (a) is replaced by the following: "(a) central banks of the European system of the central banks and other bodies with a similar function in their capacity as monetary authorities when this information is relevant for the exercise of their respective statutory tasks, including the conduct of monetary policy and related liquidity provision, oversight of payments, clearing and settlement systems, and the safeguarding of stability of the financial system";	**Art. 222 alin.(1) lit.a)** din proiectul de modificare a OUG 99/2006	băncile centrale aparținând Sistemului European al Băncilor Centrale și alte organisme cu funcții similare, în calitate de autorități monetare, dacă aceste informații sunt relevante pentru exercitarea atribuțiilor statutare care le revin, inclusiv coordonarea politicii monetare și furnizarea de lichidități, supravegherea sistemelor de plăți, a sistemelor de compensare și decontare și menținerea stabilității sistemului financiar;	
D2009/111 /EC Art.1 (5) let.b) art. 49 para. 4	(b) the following paragraph is added: "In an emergency situation as referred to in Article 130(1), Member States shall allow competent authorities to communicate information to the central banks of the European system of the central banks when this information is relevant for the exercise of their statutory tasks, including the conduct of monetary policy and related liquidity provision, the oversight of payments, clearing and settlement systems, and safeguarding the stability of the financial system.";	**Art. 222 alin.(6)** din proiectul de modificare a OUG 99/2006	În cazul apariției unei situații de urgență, astfel cum este prevăzută la art. 183 alin.(1), Banca Națională a României poate transmite informații băncilor centrale aparținând Sistemului European al Băncilor Centrale, dacă aceste informații sunt relevante pentru exercitarea atribuțiilor statutare care le revin, inclusiv coordonarea politicii monetare și furnizarea de lichidități, supravegherea sistemelor de plăți, a sistemelor de compensare și decontare și menținerea stabilității sistemului financiar.	
D2009/111 /EC Art.1 (6) art. 50	in Article 50, the following paragraph is added: "In an emergency situation as referred to in Article 130(1), Member States shall allow	**Art. 222^{1} alin.(3)** din proiectul de	În cazul apariției unei situații de urgență, astfel cum este prevăzută la art. 183 alin.(1), Banca Națională a României poate furniza informații relevante pentru	

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para. 3	competent authorities to disclose information which is relevant to the departments referred to in the first paragraph of this Article in all Member States concerned.";	modificare a OUG 99/2006	departamentele prevăzute la alin.(1) din toate statele membre în cauză.	
D2009/111 /EC Art.1 (7)	Article 57 is amended as follows:			se va transpune prin reglementări
D2009/111 /EC Art.1 (7) let.a)	(a) point (a) is replaced by the following: "(a) capital within the meaning of Article 22 of Directive 86/635/EEC, in so far as it has been paid up, plus the related share premium accounts, it fully absorbs losses in going concern situations, and in the event of bankruptcy or liquidation ranks after all other claims;";			se va transpune prin reglementări
D2009/111 /EC Art.1 (7) let.b)	(b) the following point is inserted: "(ca) "instruments other than those referred to in point (a), which meet the requirements set out in points (a), (c), (d) and (e) of Article 63(2) and in Article 63a;";			se va transpune prin reglementări
D2009/111 /EC Art.1 (7) let.c)	(c) the third paragraph is replaced by the following: "For the purposes of point (b), the Member States shall permit inclusion of interim or year-end profits before a formal decision has been taken only if these profits have been verified by persons responsible for the auditing of the accounts and if it is proved to the satisfaction of the competent authorities that the amount thereof has been evaluated in accordance with the principles set out in Directive 86/635/EEC and is net of any foreseeable charge or dividend.";			se va transpune prin reglementări
D2009/111 /EC Art.1 (8)	8) the first paragraph of Article 61 is replaced by the following: "The concept of own funds as defined in points (a) to (h) of Article 57 embodies a maximum number of items and amounts. Member States may decide on the use of those items and on the deduction of items other than those listed in points (i) to (r) of Article 57.";			se va transpune prin reglementări
D2009/111 /EC Art.1 (9)	9) in Article 63(2), the following subparagraph is added: "Instruments referred to in point (ca) of Article 57 shall comply with the requirements set out in points (a), (c), (d) and (e) of this Article.";			se va transpune prin reglementări
D2009/111	10) the following Article is inserted:			se va transpune prin reglementări

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/EC Art.1 (10)	"Article 63a			
D2009/111 /EC Art.1 (10) point 1	1. Instruments referred to in point (ca) of Article 57 shall comply with the requirements set out in paragraphs 2 to 5 of this Article.			se va transpune prin reglementări
D2009/111 /EC Art.1 (10) point 2.1	2. The instruments shall be undated or have an original maturity of at least 30 years. The instruments may include one or more call options at the sole discretion of the issuer, but they shall not be redeemed before five years after the date of issue. If the provisions governing undated instruments provide for a moderate incentive for the credit institution to redeem as determined by the competent authorities, such incentive shall not occur within ten years of the date of issue. The provisions governing dated instruments shall not permit an incentive to redeem on a date other than the maturity date.			se va transpune prin reglementări
D2009/111 /EC Art.1 (10) point 2.2	Dated and undated instruments may be called or redeemed only with the prior consent of the competent authorities. The competent authorities may grant permission provided the request is made at the initiative of the credit institution and either financial or solvency conditions of the credit institution are not unduly affected. The competent authorities may require institutions to replace the instrument by items of the same or better quality referred to in point (a) or (ca) of Article 57.			se va transpune prin reglementări
D2009/111 /EC Art.1 (10) point 2.3	The competent authorities shall require the suspension of the redemption for dated instruments if the credit institution does not comply with the capital requirements set out in Article 75 and may require such suspension at other times based on the financial and solvency situation of credit institutions.			se va transpune prin reglementări
D2009/111 /EC Art.1 (10) point 2.4	The competent authority may at any time grant permission for early redemption of dated or undated instruments in the event that there is a change in the applicable tax treatment or regulatory classification of such instruments which was unforeseen at the date of issue.			se va transpune prin reglementări
D2009/111 /EC Art.1	3. The provisions governing the instrument shall allow the credit institution to cancel, when			se va transpune prin reglementări

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(10) point 3.1	necessary, the payment of interest or dividends for an unlimited period of time, on a non-cumulative basis.			
D2009/111 /EC Art.1 (10) point 2.2	However, the credit institution shall cancel such payments if it does not comply with the capital requirements set out in Article 75.			se va transpune prin reglementări
D2009/111 /EC Art.1 (10) point 2.3	The competent authorities may require the cancellation of such payments based on the financial and solvency situation of the credit institution. Any such cancellation shall not prejudice the right of the credit institution to substitute the payment of interest or dividend by a payment in the form of an instrument referred to in point (a) of Article 57, provided that any such mechanism allows the credit institution to preserve financial resources. Such substitution may be subject to specific conditions established by the competent authorities.			se va transpune prin reglementări
D2009/111 /EC Art.1 (10) point 4	4. The provisions governing the instrument shall provide for principal, unpaid interest or dividend to be such as to absorb losses and to not hinder the recapitalisation of the credit institution through appropriate mechanisms, as elaborated by the Committee of European Banking Supervisors under paragraph 6.			se va transpune prin reglementări
D2009/111 /EC Art.1 (10) point 5	5. In the event of the bankruptcy or liquidation of the credit institution, the instruments shall rank after the items referred to in Article 63(2).			se va transpune prin reglementări
D2009/111 /EC Art.1 (10) point 6	6. The Committee of European Banking Supervisors shall elaborate guidelines for the convergence of supervisory practices with regard to the instruments referred to in paragraph 1 of this Article and in point (a) of Article 57 and shall monitor their application. By 31 December 2011, the Commission shall review the application of this Article and shall report to the European Parliament and the Council together with any appropriate proposals to ensure the quality of own funds.";			nu necesită transpunere
D2009/111 /EC Art.1 (11)	11) in Article 65(1), point (a) is replaced by the following:			se va transpune prin reglementări

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	"(a) any minority interests within the meaning of Article 21 of Directive 83/349/EEC, where the global integration method is used. Any instruments referred to in point (ca) of Article 57, which give rise to minority interests shall meet the requirements under points (a), (c), (d) and (e) of Article 63(2) and Articles 63a and 66;";			
D2009/111 /EC Art.1 (12)	12) Article 66 is amended as follows:			se va transpune prin reglementări
D2009/111 /EC Art.1 (12) let.a)	(a) paragraphs 1 and 2 are replaced by the following:			se va transpune prin reglementări
D2009/111 /EC Art.1 (12) let.a)point 1	"1. The items referred to in points (d) to (h) of Article 57 shall be subject to the following limits:			se va transpune prin reglementări
D2009/111 /EC Art.1 (12) let.a)point 1 a)	(a) the total of the items referred to in points (d) to (h) of Article 57 must not exceed a maximum of 100 % of the items in points (a) to (ca) minus (i), (j) and (k) of that Article; and			se va transpune prin reglementări
D2009/111 /EC Art.1 (12) let.a)point 1 b)	(b) the total of the items referred to in points (g) to (h) of Article 57 must not exceed a maximum of 50 % of the items in points (a) to (ca) minus (i), (j) and (k) of that Article.			se va transpune prin reglementări
D2009/111 /EC Art.1 (12) let.a)point 1a	1a. Notwithstanding paragraph 1 of this Article, the total of the items in point (ca) of Article 57 shall be subject to the following limits:			se va transpune prin reglementări
D2009/111 /EC Art.1 (12) let.a)point 1a let.a)	(a) instruments that must be converted during emergency situations and may be converted at the initiative of the competent authority, at any time, based on the financial and solvency situation of the issuer into items referred to in point (a) of Article 57 within a pre-determined range must in total not exceed a maximum of 50 % of the items in points (a) to (ca) minus (i), (j) and (k) of that article;			se va transpune prin reglementări
D2009/111 /EC Art.1	(b) within the limit referred to in point (a) of this paragraph, all other instruments must not exceed a			se va transpune prin reglementări

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(12) let.a)point 1a let.b)	maximum of 35 % of the items in points (a) to (ca) minus (i), (j) and (k) of Article 57;			
D2009/111 /EC Art.1 (12) let.a)point 1a let.c)	(c) within the limits referred to in points (a) and (b) of this paragraph, dated instruments and instruments with provisions that provide for an incentive for the credit institution to redeem must not exceed a maximum of 15 % of the items in points (a) to (ca) minus (i), (j) and (k) of Article 57;			se va transpune prin reglementări
D2009/111 /EC Art.1 (12) let.a)point 1a let.d)	(d) the amount of items exceeding the limits set out in points (a), (b) and (c) must be subject to the limit set out in paragraph 1 of this Article.			se va transpune prin reglementări
D2009/111 /EC Art.1 (12) point 2	2. The total of the items referred to in points (l) to (r) of Article 57 shall be deducted half from the total of the items referred to in points (a) to (ca) minus (i), (j) and (k) of that Article, and half from the total of the items referred to in points (d) to (h) of that Article, after application of the limits laid down in paragraph 1 of this Article. To the extent that half of the total of the items (l) to (r) of Article 57 exceeds the total of the items (d) to (h) of that Article, the excess shall be deducted from the total of the items (a) to (ca) minus (i), (j) and (k) of that Article. Items referred to in point (r) of Article 57 shall not be deducted if they have been included in the calculation of risk-weighted exposure amounts for the purposes of Article 75 as referred to in Annex IX, Part 4.";			se va transpune prin reglementări
D2009/111 /EC Art.1 (12) let.b)	(b) paragraph 4 is replaced by the following: "4. The competent authorities may authorise credit institutions to exceed the limits laid down in paragraphs 1 and 1a temporarily during emergency situations.";			se va transpune prin reglementări
D2009/111 /EC Art.1 (13)	13) the subtitle of Title V, Chapter 2, Section 2, Subsection 2 "Calculation of requirements" is replaced by "Calculation and reporting requirements";			se va transpune prin reglementări
D2009/111 /EC Art.1 (14)	14) in Article 74(2) the following subparagraph is inserted after the first subparagraph: "For the communication of those calculations by			se va transpune prin reglementări

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	credit institutions, competent authorities shall apply, from 31 December 2012, uniform formats, frequencies and dates of reporting. To facilitate this, the Committee of European Banking Supervisors shall elaborate guidelines to introduce, within the Community, a uniform reporting format before 1 January 2012. The reporting formats shall be proportionate to the nature, scale and complexity of the credit institutions' activities.";			
D2009/111 /EC Art.1 (15) point 2	15) Article 81(2) is replaced by the following: "2. The competent authorities shall recognise an ECAI as eligible for the purpose of Article 80 only if they are satisfied that its assessment methodology complies with the requirements of objectivity, independence, ongoing review and transparency, and that the resulting credit assessments meet the requirements of credibility and transparency. For those purposes, the competent authorities shall take into account the technical criteria set out in Annex VI, Part 2. Where an ECAI is registered as a credit rating agency in accordance with Regulation (EC) No .../2009 of ... of the European Parliament and of the Council on Credit Rating Agencies* +, the competent authorities shall consider the requirements of objectivity, independence, ongoing review and transparency with respect to its assessment methodology to be satisfied.			se va transpune prin reglementări
D2009/111 /EC Art.1 (16)	16) Article 87 is amended as follows:			se va transpune prin reglementări
D2009/111 /EC Art.1 (16)let.a) point 11.1	(a) paragraph 11 is replaced by the following: "11. Where exposures in the form of a collective investment undertaking (CIU) meet the criteria set out in Annex VI, Part 1, points 77 and 78 and the credit institution is aware of all or parts of the underlying exposures of the CIU, the credit institution shall look through to those underlying exposures in order to calculate risk-weighted exposure amounts and expected loss amounts in accordance with the methods set out in this Subsection. Paragraph 12 shall apply to the part of			se va transpune prin reglementări

+ OJ: Please insert number, date and OJ reference of the regulation referred to in recital 23.

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	the underlying exposures of the CIU the credit institution is not aware of or could not reasonably be aware of. In particular, paragraph 12 shall apply where it would be unduly burdensome for the credit institution to look through the underlying exposures in order to calculate risk-weighted exposure amounts and expected loss amounts in accordance with methods set out in this Subsection.			
D2009/111 /EC Art.1 (16)let.a) point 11.2	Where the credit institution does not meet the conditions for using the methods set out in this Subsection for all or parts of the underlying exposures of the CIU, risk weighted exposure amounts and expected loss amounts shall be calculated in accordance with the following approaches:			se va transpune prin reglementări
D2009/111 /EC Art.1 (16)let.a) point 11.2 a)	(a) for exposures belonging to the exposure class referred to in point (e) of Article 86(1), the approach set out in Annex VII, Part 1, points 19 to 21.			se va transpune prin reglementări
D2009/111 /EC Art.1 (16)let.a) point 11.2 b)	(b) for all other underlying exposures, the approach set out in Articles 78 to 83, subject to the following modifications:			se va transpune prin reglementări
D2009/111 /EC Art.1 (16)let.a) point 11.2 b) i)	(i) for exposures subject to a specific risk weight for unrated exposures or subject to the credit quality step yielding the highest risk weight for a given exposure class, the risk weight must be multiplied by a factor of two but must not be higher than 1 250 %;			se va transpune prin reglementări
D2009/111 /EC Art.1 (16)let.a) point 11.2 b) ii).1	(ii) for all other exposures, the risk weight must be multiplied by a factor of 1.1 and must be subject to a minimum of 5 %.			se va transpune prin reglementări
D2009/111 /EC Art.1 (16)let.a) point 11.2 b) ii).2	Where, for the purposes of point (a), the credit institution is unable to differentiate between private equity, exchange-traded and other equity exposures, it shall treat the exposures concerned as other equity exposures. Without prejudice to Article 154(6), where those exposures, taken together with the credit institution's direct exposures in that exposure class, are not material			se va transpune prin reglementări

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	within the meaning of Article 89(2), Article 89(1) may be applied subject to the approval of the competent authorities.";			
D2009/111 /EC Art.1 (16)let.a) point 11.2 b	in paragraph 12, the second subparagraph is replaced by the following: "Alternatively to the method described in the first subparagraph, credit institutions may calculate themselves or may rely on a third party to calculate and report the average risk weighted exposure amounts based on the CIU's underlying exposures in accordance with the approaches referred to in points (a) and (b) of paragraph 11, provided that the correctness of the calculation and the report is adequately ensured.";			se va transpune prin reglementări
D2009/111 /EC Art.1 (17) d	17) in point (d) of Article 89(1), the introductory part is replaced by the following: "(d) exposures to central governments of the Member States and their regional governments, local authorities and administrative bodies provided that:";			se va transpune prin reglementări
D2009/111 /EC Art.1 (18)point 2	18) Article 97(2) is replaced by the following: "2.The competent authorities shall recognise an ECAI as eligible for the purpose of paragraph 1 of this Article only if they are satisfied as to its compliance with the requirements laid down in Article 81, taking into account the technical criteria set out in Annex VI, Part 2, and that it has a demonstrated ability in the area of securitisation, which may be evidenced by a strong market acceptance. Where an ECAI is registered as a credit rating agency in accordance with the Regulation (EC) No .../2009[+], the competent authorities shall consider the requirements of objectivity, independence, ongoing review and transparency with respect to its assessment methodology to be satisfied.";			se va transpune prin reglementări
D2009/111 /EC Art.1 (19)	19) Article 106 is amended as follows:			se va transpune prin reglementări
D2009/111 /EC Art.1 (19).1	a) paragraph 2 is replaced by the following: "2.Exposures shall not include any of the following:.			se va transpune prin reglementări

[+] OJ: Please insert number of the Regulation referred to in recital 23.

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D2009/111 /EC Art.1 (19).1 a)	(a) in the case of foreign exchange transactions, exposures incurred in the ordinary course of settlement during the two working days following payment;			
D2009/111 /EC Art.1 (19).1 b)	(b) in the case of transactions for the purchase or sale of securities, exposures incurred in the ordinary course of settlement during five working days following payment or delivery of the securities, whichever the earlier;			se va transpune prin reglementări
D2009/111 /EC Art.1 (19).1 c)	(c) in the case of the provision of money transmission including the execution of payment services, clearing and settlement in any currency and correspondent banking or financial instruments clearing, settlement and custody services to clients, delayed receipts in funding and other exposures arising from client activity which do not last longer than the following business day; or			se va transpune prin reglementări
D2009/111 /EC Art.1 (19).1 d)	(d) in the case of the provision of money transmission including the execution of payment services, clearing and settlement in any currency and correspondent banking, intra-day exposures to institutions providing those services.			se va transpune prin reglementări
D2009/111 /EC Art.1 (19).2	The Committee of European Banking Supervisors shall provide for guidelines in order to enhance the convergence of supervisory practises in applying the exemptions in points (c) and (d).";			nu necesită transpunere
D2009/111 /EC Art.1 (19).2 b) point 3	(b) the following paragraph is added: "3. In order to determine the existence of a group of connected clients, in respect of exposures referred to in points (m), (o) and (p) of Article 79(1), where there is an exposure to underlying assets, a credit institution shall assess the scheme, its underlying exposures, or both. For that purpose, a credit institution shall evaluate the economic substance and the risks inherent in the structure of the transaction.";			se va transpune prin reglementări
D2009/111 /EC Art.1 (20).	Article 107 is replaced by the following: "Article 107 For the purposes of calculating the value of exposures in accordance with this Section, the term "credit institution" also means any private or public			se va transpune prin reglementări

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	undertaking, including its branches, which meets the definition of "credit institution" and has been authorised in a third country.";			
Art.1 (21).1	Article 110 is replaced by the following: "Article 110			se va transpune prin reglementări
Art.1 (21).1 point1	1. A credit institution shall report the following information about every large exposure to the competent authorities, including large exposures exempted from the application of Article 111(1):			se va transpune prin reglementări
Art.1 (21).1 point1 a)	(a) the identification of the client or the group of connected clients to which a credit institution has a large exposure;			se va transpune prin reglementări
Art.1 (21).1 point1 b)	(b) the exposure value before taking into account the effect of the credit risk mitigation, when applicable;			se va transpune prin reglementări
Art.1 (21).1 point1 c)	(c) where used, the type of funded or unfunded credit protection;			se va transpune prin reglementări
Art.1 (21).1 point1 d)	(d) the exposure value after taking into account the effect of the credit risk mitigation calculated for the purpose of Article 111(1).			se va transpune prin reglementări
Art.1 (21).2	If a credit institution is subject to Articles 84 to 89, its 20 largest exposures on a consolidated basis, excluding those exempted from the application of Article 111(1), shall be made available to the competent authorities.			se va transpune prin reglementări
Art.1 (21).point 2	2. Member States shall provide that reporting is to be carried out at least twice a year. The competent authorities shall apply, from 31 December 2012, uniform formats, frequencies and dates of reporting. To facilitate this, the Committee of European Banking Supervisors shall elaborate guidelines to introduce, within the Community, a uniform reporting format before 1 January 2012. The reporting formats shall be proportionate to the nature, scale and complexity of the credit institutions' activities.			se va transpune prin reglementări
Art.1 (21).point 3	3. Member States shall require credit institutions to analyse, to the extent possible, their exposures to collateral issuers, providers of unfunded credit protection and underlying assets pursuant to Article 106(3) for possible concentrations and where appropriate take action and report any significant findings to their competent authority.";			se va transpune prin reglementări

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Art.1 (22)a)	22) Article 111 is amended as follows: (a) paragraph 1 is replaced by the following:			
Art.1 (22)a) point 1.1	"1.A credit institution shall not incur an exposure, after taking into account the effect of the credit risk mitigation in accordance with Articles 112 to 117, to a client or group of connected clients the value of which exceeds 25 % of its own funds.			se va transpune prin reglementări
Art.1 (22)a) point 1.2	Where that client is an institution or where a group of connected clients includes one or more institutions, that value shall not exceed 25 % of the credit institution's own funds or EUR 150 million, whichever the higher, provided that the sum of exposure values, after taking into account the effect of the credit risk mitigation in accordance with Articles 112 to 117, to all connected clients that are not institutions does not exceed 25 % of the credit institution's own funds.			se va transpune prin reglementări
Art.1 (22)a) point 1.3	Where the amount of EUR 150 million is higher than 25 % of the credit institution's own funds, the value of the exposure, after taking into account the effect of credit risk mitigation in accordance with Articles 112 to 117, shall not exceed a reasonable limit in terms of the credit institution's own funds. That limit shall be determined by credit institutions, consistently with the policies and procedures referred to in Annex V, point 7, to address and control concentration risk, and shall not be higher than 100 % of the credit institution's own funds.			se va transpune prin reglementări
Art.1 (22)a) point 1.4	Member States may set a lower limit than EUR 150 million and shall inform the Commission.";			se va transpune prin reglementări
Art.1 (22)b)	(b) paragraphs 2 and 3 are deleted;			se vor elimina prin reglementări
Art.1 (22)c) point 4	(c) paragraph 4 is replaced by the following: "4.A credit institution shall at all times comply with the relevant limit laid down in paragraph 1. If, in an exceptional case, exposures exceed this limit, the value of the exposure shall be reported without delay to the competent authorities which may, where the circumstances warrant it, allow the credit institution a limited period of time in which to comply with the limit.			se va transpune prin reglementări
Art.1 (23)	23) Article 112 is amended as follows:			se va transpune prin reglementări

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Art.1 (23) a) point 2	(a) paragraph 2 is replaced by the following: "2. Subject to paragraph 3 of this Article, where, under Articles 113 to 117, the recognition of funded or unfunded credit protection is permitted, this shall be subject to compliance with the eligibility requirements and other minimum requirements, set out in Articles 90 to 93.";			
Art.1 (23) b) point 4	(b)the following paragraph is added: "4. For the purpose of this Section, a credit institution shall not take into account the collateral referred to in Annex VIII, Part 1, points 20 to 22, unless permitted under Article 115.";			se va transpune prin reglementări
Art.1 (24)	24) Article 113 is amended as follows:			se va transpune prin reglementări
Art.1 (24) a)	(a) paragraphs 1 and 2 are deleted;			se vor elimina prin reglementări
Art.1 (24)b)	(b)paragraph 3 is amended as follows:			se va transpune prin reglementări
Art.1 (24)b) i) point 3	(i) the introductory part is replaced by the following: "3. The following exposures shall be exempted from the application of Article 111(1):";			se va transpune prin reglementări
Art.1 (24)b) ii) let.e)	(ii) points (e) and (f) are replaced by the following: "(e) asset items constituting claims on regional governments or local authorities of Member States where those claims would be assigned a 0 % risk weight under Articles 78 to 83 and other exposures to or guaranteed by those regional governments or local authorities, claims on which would be assigned a 0 % risk weight under Articles 78 to 83;			se va transpune prin reglementări
Art.1 (24)b) ii) let.f)	(f) exposures to counterparties referred to in paragraph 7 or paragraph 8 of Article 80 if they would be assigned a 0 % risk weight under Articles 78 to 83; exposures that do not meet those criteria, whether or not exempted from Article 111(1), shall be treated as exposures to a third party.";			se va transpune prin reglementări
Art.1 (24)b) iii) let.i)	(iii) point (i) is replaced by the following: "(i) exposures arising from undrawn credit facilities that are classified as low-risk off-balance sheet items in Annex II and provided that an			se va transpune prin reglementări

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	agreement has been concluded with the client or group of connected clients under which the facility may be drawn only if it has been ascertained that it will not cause the limit applicable under Article 111(1) to be exceeded.";			
Art.1 (24)b) iv)	(iv) points (j) to (t) are deleted;			se vor elimina prin reglementări
Art.1 (24)b) v)	(v) the third, fourth and fifth subparagraphs are deleted			se va transpune prin reglementări
Art.1 (24)c point4	c) the following paragraph is added: "4. Member States may fully or partially exempt the following exposures from the application of Article 111(1):			se va transpune prin reglementări
Art.1 (24)c point4 a)	(a) covered bonds falling within the terms of Annex VI, Part 1, points 68, 69 and 70;			se va transpune prin reglementări
Art.1 (24)c point4 b)	(b) asset items constituting claims on regional governments or local authorities of Member States where those claims would be assigned a 20 % risk weight under Articles 78 to 83 and other exposures to or guaranteed by those regional governments or local authorities, claims on which would be assigned a 20 % risk weight under Articles 78 to 83;			se va transpune prin reglementări
Art.1 (24)c point4 c)	(c) notwithstanding point (f) of paragraph 3 of this Article, exposures, including participations or other kinds of holdings, incurred by a credit institution to its parent undertaking, to other subsidiaries of that parent undertaking or to its own subsidiaries, in so far as those undertakings are covered by the supervision on a consolidated basis to which the credit institution itself is subject, in accordance with this Directive or with equivalent standards in force in a third country; exposures that do not meet these criteria, whether or not exempted from Article 111(1), shall be treated as exposures to a third party;			se va transpune prin reglementări
Art.1 (24)c point4 d)	(d) asset items constituting claims on and other exposures, including participations or other kinds of holdings, to regional or central credit institutions with which the credit institution is associated in a network in accordance with legal or statutory provisions and which are responsible, under those provisions, for cash-clearing operations within the network;			se va transpune prin reglementări

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Art.1 (24)c point4 e)	(e) asset items constituting claims on and other exposures to credit institutions incurred by credit institutions operating on a non-competitive basis, providing loans under legislative programmes or their statutes, to promote specified sectors of the economy under some form of government oversight and restrictions on the use of the loans, provided that the respective exposures arise from such loans that are passed on to the beneficiaries via other credit institutions;			se va transpune prin reglementări
Art.1 (24)c point4 f)	(f) asset items constituting claims on and other exposures to institutions, provided that those exposures do not constitute such institutions' own funds, do not last longer than the following business day and are not denominated in a major trading currency;			se va transpune prin reglementări
Art.1 (24)c point4 g)	(g) asset items constituting claims on central banks in the form of required minimum reserves held at those central banks which are denominated in their national currencies;			se va transpune prin reglementări
Art.1 (24)c point4 h)	(h) asset items constituting claims on central governments in the form of statutory liquidity requirements held in government securities which are denominated and funded in their national currencies provided that, at the discretion of the competent authority, the credit assessment of those central governments assigned by a nominated ECAI is investment grade;			se va transpune prin reglementări
Art.1 (24)c point4 i)	(i) 50 % of medium/low risk off-balance-sheet documentary credits and of medium/low risk off-balance sheet undrawn credit facilities referred to in Annex II, and subject to the competent authorities' agreement, 80 % of guarantees other than loan guarantees which have a legal or regulatory basis and are given for their members by mutual guarantee schemes possessing the status of credit institutions;			se va transpune prin reglementări
Art.1 (24)c point4 j)	(j) legally required guarantees used when a mortgage loan financed by issuing mortgage bonds is paid to the mortgage borrower before the final registration of the mortgage in the land register, provided the guarantee is not used as reducing the risk in calculating the risk weighted assets.";			se va transpune prin reglementări

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Art.1 (25) a)	25) Article 114 is amended as follows: (a) paragraph 1 is replaced by the following:			se va transpune prin reglementări
Art.1 (25) a) point 1	"1.Subject to paragraph 3 of this Article, for the purposes of calculating the value of exposures for the purposes of Article 111(1) a credit institution may use the "fully adjusted exposure value" as calculated under Articles 90 to 93, taking into account the credit risk mitigation, volatility adjustments, and any maturity mismatch (E*).";			se va transpune prin reglementări
Art.1 (25) b)	(b) paragraph 2 is amended as follows:			se va transpune prin reglementări
Art.1 (25) b) let.i)	(i) the first subparagraph is replaced by the following: "Subject to paragraph 3 of this Article, a credit institution permitted to use own estimates of LGDs and conversion factors for an exposure class under Articles 84 to 89 shall be permitted, where it is able to the satisfaction of the competent authorities to estimate the effects of financial collateral on their exposures separately from other LGD-relevant aspects, to recognise such effects in calculating the value of exposures for the purposes of Article 111(1).";			se va transpune prin reglementări
Art.1 (25) b) let.ii)	(ii) the fourth subparagraph is replaced by the following: "Credit institutions permitted to use own estimates of LGDs and conversion factors for an exposure class under Articles 84 to 89 which do not calculate the value of their exposures using the method referred to in the first subparagraph of this paragraph may use the Financial Collateral Comprehensive Method or the approach set out in Article 117(1)(b) for calculating the value of exposures.";			se va transpune prin reglementări
Art.1 (25) c)	(c) paragraph 3 is amended as follows:			se va transpune prin reglementări
Art.1 (25) c) let.i)	(i) the first subparagraph is replaced by the following:			se va transpune prin reglementări

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	"A credit institution that makes use of the Financial Collateral Comprehensive Method or is permitted to use the method described in paragraph 2 of this Article in calculating the value of exposures for the purposes of Article 111(1), shall conduct periodic stress tests of their credit-risk concentrations, including in relation to the realisable value of any collateral taken.";			
Art.1 (25) c) let.ii)	(ii) the fourth subparagraph is replaced by the following: "In the event that such a stress test indicates a lower realisable value of collateral taken than would be permitted to be taken into account while making use of the Financial Collateral Comprehensive Method or the method described in paragraph 2 of this Article as appropriate, the value of collateral permitted to be recognised in calculating the value of exposures for the purposes of Article 111(1) shall be reduced accordingly.";			se va transpune prin reglementări
Art.1 (25) c) let.iii) b	(iii) in the fifth subparagraph, point (b) is replaced by the following: "(b) policies and procedures in the event that a stress test indicates a lower realisable value of collateral than taken into account while making use of the Financial Collateral Comprehensive Method or the method described in paragraph 2; and";			se va transpune prin reglementări
Art.1 (25) d)	(d)paragraph 4 is deleted;			se va elimina prin reglementări
Art.1 (26)	26) Article 115 is replaced by the following:			se va transpune prin reglementări
Art.1 (26).1	"Article 115 1. For the purpose of this Section, a credit institution may reduce the exposure value by up to 50 % of the value of the residential property concerned, if either of the following conditions is met:			se va transpune prin reglementări
Art.1 (26).1 a)	(a)the exposure is secured, by mortgages on residential property or by shares in Finnish residential housing companies, operating in accordance with the Finnish Housing Company Act of 1991 or subsequent equivalent legislation;			se va transpune prin reglementări
Art.1 (26).1 b)	(b)the exposure relates to a leasing transaction under which the lessor retains full ownership of the residential property leased for as long as the lessee has not exercised his option to purchase.			

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Art.1 (26).1.2	The value of the property shall be calculated, to the satisfaction of the competent authorities, on the basis of prudent valuation standards laid down by law, regulation or administrative provisions. Valuation shall be carried out at least once every three years for residential property.			se va transpune prin reglementări
Art.1 (26).1.3	The requirements in Annex VIII, Part 2, point 8, and in Annex VIII Part 3, points 62 to 65 shall apply for the purpose of this paragraph.			se va transpune prin reglementări
Art.1 (26).1.4	"Residential property" shall mean a residence to be occupied or let by the owner.			se va transpune prin reglementări
Art.1 (26).2.1	2. For the purpose of this Section, a credit institution may reduce the exposure value by up to 50 % of the value of the commercial property concerned only if the competent authorities concerned in the Member State where the commercial property is situated allow the following exposures to receive a 50 % risk weight in accordance with Articles 78 to 83:			se va transpune prin reglementări
Art.1 (26).2.1 a)	(a) exposures secured by mortgages on offices or other commercial premises, or by shares in Finnish housing companies, operating in accordance with the Finnish Housing Company Act of 1991 or subsequent equivalent legislation, in respect of offices or other commercial premises; or			se va transpune prin reglementări
Art.1 (26).2.1 b)	(b) exposures related to property leasing transactions concerning offices or other commercial premises.			se va transpune prin reglementări
Art.1 (26).2.2	The value of the property shall be calculated, to the satisfaction of the competent authorities, on the basis of prudent valuation standards laid down by law, regulation or administrative provisions.			se va transpune prin reglementări
Art.1 (26).2.3	Commercial property shall be fully constructed, leased and produce appropriate rental income.";			se va transpune prin reglementări
Art.1 (27).	27) Article 116 is deleted;			se va elimina prin reglementări
Art.1 (28).1	28) Article 117 is amended as follows:			se va transpune prin reglementări
Art.1 (28).1a) point 1	(a) paragraph 1 is replaced by the following: "1. Where an exposure to a client is guaranteed by a third party, or secured by collateral issued by a third party, a credit institution may:			se va transpune prin reglementări
Art.1 (28).1a) point 1 a)	(a) treat the portion of the exposure which is guaranteed as having been incurred to the guarantor rather than to the client provided that the unsecured			se va transpune prin reglementări

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	exposure to the guarantor would be assigned an equal or lower risk weight than a risk weight of the unsecured exposure to the client under Articles 78 to 83;			
Art.1 (28).1a) point 1 b)	(b) treat the portion of the exposure collateralised by the market value of recognised collateral as having been incurred to the third party rather than to the client, if the exposure is secured by collateral and provided that the collateralised portion of the exposure would be assigned an equal or lower risk weight than a risk weight of the unsecured exposure to the client under Articles 78 to 83.			se va transpune prin reglementări
Art.1 (28).2	The approach referred to in point (b) of the first subparagraph shall not be used by a credit institution where there is a mismatch between the maturity of the exposure and the maturity of the protection.			se va transpune prin reglementări
Art.1 (28).3	For the purpose of this Section, a credit institution may use both the Financial Collateral Comprehensive Method and the treatment provided for in point (b) of the first subparagraph only where it is permitted to use both the Financial Collateral Comprehensive Method and the Financial Collateral Simple Method for the purposes of Article 75(a).";			se va transpune prin reglementări
Art.1 (28).3 b) point 2	(b) in paragraph 2, the introductory part is replaced by the following: "2. Where a credit institution applies point (a) of paragraph 1:";			se va transpune prin reglementări
Art.1 (29).	29) Article 119 is deleted;			se va elimina prin reglementări
Art.1 (30).	30) the following Section is added in Chapter 2: "Section 7 Exposures to transferred credit risk Article 122a			se va transpune prin reglementări
Art.1 (30).1 point 1	1. A credit institution, other than when acting as an originator, a sponsor or original lender, shall be exposed to the credit risk of a securitisation position in its trading book or non-trading book only if the originator, sponsor or original lender has explicitly disclosed to the credit institution that it will retain, on an ongoing basis, a material net economic interest which, in any event, shall not be less than 5 %.			se va transpune prin reglementări

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Art.1 (30).2	For the purpose of this Article, "retention of net economic interest" means:			se va transpune prin reglementări
Art.1 (30).2 a)	(a) retention of no less than 5 % of the nominal value of each of the tranches sold or transferred to the investors;			se va transpune prin reglementări
Art.1 (30).2 b)	(b) in the case of securitisations of revolving exposures, retention of the originator's interest of no less than 5 % of the nominal value of the securitised exposures;			se va transpune prin reglementări
Art.1 (30).2 c)	(c) retention of randomly selected exposures, equivalent to no less than 5 % of the nominal amount of the securitised exposures, where such exposures would otherwise have been securitised in the securitisation, provided that the number of potentially securitised exposures is no less than 100 at origination; or			se va transpune prin reglementări
Art.1 (30).2 d)	(d) retention of the first loss tranche and, if necessary, other tranches having the same or a more severe risk profile than those transferred or sold to investors and not maturing any earlier than those transferred or sold to investors, so that the retention equals in total no less than 5 % of the nominal value of the securitised exposures.			se va transpune prin reglementări
Art.1 (30).3	Net economic interest is measured at the origination and shall be maintained on an ongoing basis. It shall not be subject to any credit risk mitigation or any short positions or any other hedge. The net economic interest shall be determined by the notional value for off-balance sheet items.			se va transpune prin reglementări
Art.1 (30).4	For the purpose of this Article, "ongoing basis" means that retained positions, interest or exposures are not hedged or sold.			se va transpune prin reglementări
Art.1 (30).5	There shall be no multiple applications of the retention requirements for any given securitisation.			se va transpune prin reglementări
Art.1 (30).1 point 2	2. Where an EU parent credit institution or an EU financial holding company, or one of its subsidiaries, as an originator or a sponsor, securitises exposures from several credit institutions, investment firms or other financial institutions which are included in the scope of supervision on a consolidated basis, the requirement referred to in paragraph 1 may be satisfied on the basis of the consolidated situation of the related EU parent credit institution or EU			se va transpune prin reglementări

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	financial holding company. This paragraph shall apply only where credit institutions, investment firms or financial institutions which created the securitised exposures have committed themselves to adhere to the requirements set out in paragraph 6 and deliver, in a timely manner, to the originator or sponsor and to the EU parent credit institution or an EU financial holding company the information needed to satisfy the requirements referred to in paragraph 7.			
Art.1 (30).1 point 3	3. Paragraph 1 shall not apply where the securitised exposures are claims or contingent claims on or fully, unconditionally and irrevocably guaranteed by:			se va transpune prin reglementări
Art.1 (30).1 point 3 a)	(a) central governments or central banks;			se va transpune prin reglementări
Art.1 (30).1 point 3 b)	(b) regional governments, local authorities and public sector entities of Member States;			se va transpune prin reglementări
Art.1 (30).1 point 3 c)	(c) institutions to which a 50 % risk weight or less is assigned under Articles 78 to 83; or			se va transpune prin reglementări
Art.1 (30).1 point 3 d)	(d) multilateral development banks.			se va transpune prin reglementări
Art.1 (30).1.2	Paragraph 1 shall not apply to:			se va transpune prin reglementări
Art.1 (30).1.2 a)	(a) transactions based on a clear, transparent and accessible index, where the underlying reference entities are identical to those that make up an index of entities that is widely traded, or are other tradable securities other than securitisation positions; or			se va transpune prin reglementări
Art.1 (30).1.2 b)	(b) syndicated loans, purchased receivables or credit default swaps where these instruments are not used to package and/or hedge a securitisation that is covered by paragraph 1.			se va transpune prin reglementări
Art.1 (30).1 point 4	4. Before investing, and as appropriate thereafter, credit institutions, shall be able to demonstrate to the competent authorities for each of their individual securitisation positions, that they have a comprehensive and thorough understanding of and have implemented formal policies and procedures			se va transpune prin reglementări

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	appropriate to their trading book and non-trading book and commensurate with the risk profile of their investments in securitised positions for analysing and recording:			
Art.1 (30).1 point 4 a)	(a) information disclosed under paragraph 1, by originators or sponsors to specify the net economic interest that they maintain, on an ongoing basis, in the securitisation;			se va transpune prin reglementări
Art.1 (30).1 point 4 b)	(b) the risk characteristics of the individual securitisation position;			se va transpune prin reglementări
Art.1 (30).1 point 4 c)	(c) the risk characteristics of the exposures underlying the securitisation position;			se va transpune prin reglementări
Art.1 (30).1 point 4 d)	(d) the reputation and loss experience in earlier securitisations of the originators or sponsors in the relevant exposure classes underlying the securitisation position;			se va transpune prin reglementări
Art.1 (30).1 point 4 e)	(e) the statements and disclosures made by the originators or sponsors, or their agents or advisors, about their due diligence on the securitised exposures and, where applicable, on the quality of the collateral supporting the securitised exposures;			se va transpune prin reglementări
Art.1 (30).1 point 4 f)	(f) where applicable, the methodologies and concepts on which the valuation of collateral supporting the securitised exposures is based and the policies adopted by the originator or sponsor to ensure the independence of the valuer; and			se va transpune prin reglementări
Art.1 (30).1 point 4 g)	(g) all the structural features of the securitisation that can materially impact the performance of the credit institution's securitisation position.			se va transpune prin reglementări
Art.1 (30).1.2	Credit institutions shall regularly perform their own stress tests appropriate to their securitisation positions. To this end, credit institutions may rely on financial models developed by an ECAI provided that credit institutions can demonstrate, when requested, that they took due care prior to investing to validate the relevant assumptions in and structuring of the models and to understand methodology, assumptions and results.			se va transpune prin reglementări
Art.1 (30).1 point 5.1	5. Credit institutions, other than when acting as originators or sponsors or original lenders, shall establish formal procedures appropriate to their trading book and non-trading book and			se va transpune prin reglementări

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	commensurate with the risk profile of their investments in securitised positions to monitor on an ongoing basis and in a timely manner performance information on the exposures underlying their securitisation positions. Where relevant, this shall include the exposure type, the percentage of loans more than 30, 60 and 90 days past due, default rates, prepayment rates, loans in foreclosure, collateral type and occupancy, and frequency distribution of credit scores or other measures of credit worthiness across underlying exposures, industry and geographical diversification, frequency distribution of loan to value ratios with band widths that facilitate adequate sensitivity analysis. Where the underlying exposures are themselves securitisation positions, credit institutions shall have the information set out in this subparagraph not only on the underlying securitisation tranches, such as the issuer name and credit quality, but also on the characteristics and performance of the pools underlying those securitisation tranches.			
Art.1 (30).1 point 5.2	Credit institutions shall have a thorough understanding of all structural features of a securitisation transaction that would materially impact the performance of their exposures to the transaction such as the contractual waterfall and waterfall related triggers, credit enhancements, liquidity enhancements, market value triggers, and deal-specific definition of default.			se va transpune prin reglementări
Art.1 (30).1 point 5.3	Where the requirements in paragraphs 4, 7 and in this paragraph are not met in any material respect by reason of the negligence or omission of the credit institution, Member States shall ensure that the competent authorities impose a proportionate additional risk weight of no less than 250 % of the risk weight (capped at 1 250 %) which would, but for this paragraph, apply to the relevant securitisation positions under Annex IX, Part 4, and shall progressively increase the risk weight with each subsequent infringement of the due diligence provisions. The competent authorities shall take into account the exemptions for certain securitisations provided in paragraph 3 by reducing			se va transpune prin reglementări

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	the risk weight it would otherwise impose under this Article in respect of a securitisation to which paragraph 3 applies.			
Art.1 (30).1 point 6.1	6. Sponsor and originator credit institutions shall apply the same sound and well-defined criteria for credit-granting in accordance with the requirements of Annex V, point 3 to exposures to be securitised as they apply to exposures to be held on their book. To this end the same processes for approving and, where relevant, amending, renewing and re-financing credits shall be applied by the originator and sponsor credit institutions. Credit institutions shall also apply the same standards of analysis to participations or underwritings in securitisation issues purchased from third parties whether such participations or underwritings are to be held on their trading or non-trading book.			se va transpune prin reglementări
Art.1 (30).1 point 6.2	Where the requirements referred to in the first subparagraph of this paragraph are not met, Article 95(1) shall not be applied by an originator credit institution and that originator credit institution shall not be allowed to exclude the securitised exposures from the calculation of its capital requirements under this Directive.			se va transpune prin reglementări
Art.1 (30).1 point 7	7. Sponsor and originator credit institutions shall disclose to investors the level of their commitment under paragraph 1 to maintain a net economic interest in the securitisation. Sponsor and originator credit institutions shall ensure that prospective investors have readily available access to all materially relevant data on the credit quality and performance of the individual underlying exposures, cash flows and collateral supporting a securitisation exposure as well as such information that is necessary to conduct comprehensive and well informed stress tests on the cash flows and collateral values supporting the underlying exposures. For that purpose, materially relevant data shall be determined as at the date of the securitisation and where appropriate due to the nature of the securitisation thereafter.			se va transpune prin reglementări
Art.1 (30).1 point 8	8. Paragraphs 1 to 7 shall apply to new securitisations issued on or after 1 January 2011. Paragraphs 1 to 7 shall, after 31 December 2014,			se va transpune prin reglementări

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	apply to existing securitisations where new underlying exposures are added or substituted after that date. Competent authorities may decide to suspend temporarily the requirements referred to in paragraphs 1 and 2 during periods of general market liquidity stress.			
Art.1 (30).1 point 9	9. Competent authorities shall disclose the following information:			se va transpune prin reglementări
Art.1 (30).1 point 9 a)	(a) by 31 December 2010, the general criteria and methodologies adopted to review the compliance with paragraphs 1 to 7;			se va transpune prin reglementări
Art.1 (30).1 point 9 b1)	(b) without prejudice to the provisions laid down in Chapter 1, Section 2, a summary description of the outcome of the supervisory review and description of the measures imposed in cases of non-compliance with paragraphs 1 to 7 identified on an annual basis from 31 December 2011.			se va transpune prin reglementări
Art.1 (30).1 point 9 b2)	The requirement set out in this paragraph is subject to the second subparagraph of Article 144.			se va transpune prin reglementări
Art.1 (30).1 point 10	10. The Committee of European Banking Supervisors shall report annually to the Commission about the compliance by competent authorities with this Article. The Committee of European Banking Supervisors shall elaborate guidelines for the convergence of supervisory practices with regard to this Article, including the measures taken in case of breach of the due diligence and risk management obligations.";			nu necesită transpunere
Art.1 (31) art. 129	31) Article 129 is amended as follows:			
Art.1 (31) a) art. 129 1	(a) in paragraph 1 point (b) is replaced by the following:			
Art.1 (31) a) art. 129 1 b)	"(b) planning and coordination of supervisory activities in going-concern situations, including in relation to the activities referred to in Articles 123, 124, 136, in Chapter 5 and in Annex V, in cooperation with the competent authorities involved;	**Art. 181 alin.(1) lit. b)** din proiectul de modificare a OUG 99/2006	planifică și coordonează activitățile de supraveghere în condițiile desfășurării normale a activității, inclusiv în legătură cu activitățile prevăzute la art. 24, 148, 159-163, 166, 226, în cooperare cu autoritățile competente implicate;	
Art.1 (31) a) art. 129	(c) planning and coordination of supervisory activities in cooperation with the competent	**Art. 181 alin.(1)**	planifică și coordonează activitățile de supraveghere, în cooperare cu autoritățile competente implicate și, dacă	

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1 c)	authorities involved, and if necessary with central banks, in preparation for and during emergency situations, including adverse developments in credit institutions or in financial markets using, where possible, existing defined channels of communication for facilitating crisis management.	**lit. c)** din proiectul de modificare a OUG 99/2006	e necesar, cu băncile centrale, pentru pregătirea pentru situații de urgență și pe parcursul acestora, inclusiv pentru cazul unor evoluții nefavorabile la nivelul instituțiilor de credit sau al piețelor financiare, utilizând, dacă este posibil, canalele de comunicare existente, pentru a facilita managementul respectivelor situații de criză.	
Art.1 (31) art. 129 2	The planning and coordination of supervisory activities referred to in point (c) includes exceptional measures referred to in Article 132(3)(b), the preparation of joint assessments, the implementation of contingency plans and communication to the public.";	**Art. 181 alin.(2)** din proiectul de modificare a OUG 99/2006	Planificarea și coordonarea activităților de supraveghere, prevăzute la alin.(1) lit. c), include măsurile excepționale prevăzute la art. 188 alin.(1) lit. b), pregătirea evaluărilor comune, punerea în aplicare a planurilor de urgență și comunicările adresate publicului.	
Art.1 (31) b) art. 129 3	(b) the following paragraph is added:			
Art.1 (31) b) art. 129 3.1	"3. The consolidating supervisor and the competent authorities responsible for the supervision of subsidiaries of an EU parent credit institution or an EU parent financial holding company in a Member State shall do everything within their power to reach a joint decision on the application of Articles 123 and 124 to determine the adequacy of the consolidated level of own funds held by the group with respect to its financial situation and risk profile and the required level of own funds for the application of Article 136(2) to each entity within the banking group and on a consolidated basis.	**Art. 182^1 alin.(1)** din proiectul de modificare a OUG 99/2006 **alin.(2)**	Banca Națională a României, în calitate de supraveghetor consolidant, trebuie să depună toate diligențele pentru a ajunge la o decizie comună cu autoritățile responsabile cu supravegherea filialelor unei instituții de credit-mamă la nivelul Uniunii Europene sau ale unei societăți financiare holding-mamă la nivelul Uniunii Europene, în ceea ce privește aplicarea prevederilor art. 148 și 166, pentru a determina adecvarea fondurilor proprii la nivel consolidat, deținute de grup, raportat la situația financiară și profilul de risc ale acestuia, precum și nivelul fondurilor proprii solicitat, potrivit celor prevăzute la art. 226 alin.(3), pentru fiecare entitate din cadrul grupului bancar și la nivel consolidat. Prevederile de la alin.(1) sunt aplicabile și în cazul în care Banca Națională a României este autoritate responsabilă cu supravegherea la nivel individual al instituțiilor de credit, persoane juridice române, care sunt filiale ale unei instituții de credit-mamă la nivelul Uniunii Europene sau ale unei societăți financiare holding-mamă la nivelul Uniunii Europene	
Art.1 (31) b) art. 129 3.2	The joint decision shall be reached within four months after submission by the consolidating supervisor of a report containing the risk assessment of the group in accordance with Articles 123 and 124 to the other relevant competent authorities. The joint decision shall also duly consider the risk assessment of subsidiaries	**Art. 182^2 alin.(1)** din proiectul de modificare a OUG 99/2006	Decizia comună trebuie luată în termen de 4 luni de la data transmiterii de către Banca Națională a României, în calitate de supraveghetor consolidant, către celelalte autorități competente relevante, a unui raport referitor la evaluarea riscului la nivel de grup, în sensul prevederilor art. 148 și 166. Decizia comună ia în	

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	performed by relevant competent authorities in accordance with Articles 123 and 124.		considerare în mod corespunzător evaluarea riscului filialelor, realizată de autoritățile competente implicate, în sensul prevederilor art. 148 și 166.	
Art.1 (31) b) art. 129 3.3	The joint decision shall be set out in a document containing the fully reasoned decision which shall be provided to the EU parent credit institution by the consolidating supervisor. In the event of disagreement, the consolidating supervisor shall at the request of any of the other competent authorities concerned consult the Committee of European Banking Supervisors. The consolidating supervisor may consult the Committee of European Banking Supervisors on its own initiative.	**Art. 182^2 alin.(2)** din proiectul de modificare a OUG 99/2006 **alin.(3)**	Decizia comună este inclusă într-un document care cuprinde motivele pe care se întemeiază și este transmisă instituției de credit-mamă la nivelul Uniunii Europene de către Banca Națională a României, în calitate de supraveghetor consolidant. În cazul în care nu se ajunge la acord, Banca Națională a României, în calitate de supraveghetor consolidant, la cererea oricăreia dintre celelalte autorități competente implicate, va consulta Comitetului Supraveghetorilor Bancari Europeni Banca Națională a României, în calitate de autoritate competentă cu supravegherea consolidată, poate consulta Comitetului Supraveghetorilor Bancari Europeni din proprie inițiativă.	
Art.1 (31) b) art. 129 3.4	In the absence of such a joint decision between the competent authorities within four months, a decision on the application of Articles 123 and 124 and Article 136(2) shall be taken on a consolidated basis by the consolidating supervisor after duly considering the risk assessment of subsidiaries performed by relevant competent authorities.	**Art. 182^3** din proiectul de modificare a OUG 99/2006	În cazul în care nu se ajunge la o decizie comună între autoritățile competente în termen de 4 luni, decizia cu privire la aplicarea prevederilor art. 148, 166 și ale art. 226 alin.(3) trebuie luată, pe bază consolidată, de Banca Națională a României, în calitate de supraveghetor consolidant, după luarea în considerare în mod corespunzător a evaluării riscului filialelor, efectuate de autoritățile competente relevante.	
Art.1 (31) b) art. 129 3.5	The decision on the application of Articles 123 and 124 and Article 136(2) shall be taken by the respective competent authorities responsible for supervision of subsidiaries of an EU parent credit institution or an EU parent financial holding company on an individual or sub-consolidated basis after duly considering the views and reservations expressed by the consolidating supervisor.	**Art. 182^4** din proiectul de modificare a OUG 99/2006	Decizia referitoare la aplicarea prevederilor art. 148, 166 și ale art. 226 alin.(3) se ia, pe bază individuală sau sub-consolidată, după caz, de Banca Națională a României, în calitate de autoritate responsabilă cu supravegherea la nivel individual a instituțiilor de credit, persoane juridice române, care sunt filiale ale unei instituții de credit-mamă la nivelul Uniunii Europene sau ale unei societăți financiare holding-mamă la nivelul Uniunii Europene, cu luarea în considerare a punctelor de vedere și a rezervelor exprimate de supraveghetorul consolidant.	
Art.1 (31) b) art. 129 3.6	The decisions shall be set out in a document containing the fully reasoned decisions and shall take into account the risk assessment, views and reservations of the other competent authorities expressed during the four-month period. The document shall be provided by the consolidating supervisor to all competent authorities concerned and to the EU parent credit institution.	**Art. 182^5** din proiectul de modificare a OUG 99/2006	Deciziile prevăzute la art. 182^2 – 182^4 sunt incluse într-un document care cuprinde motivele pe care se întemeiază și iau în considerare evaluările de risc, punctele de vedere și rezervele celorlalte autorități competente exprimate în cursul celor 4 luni prevăzute la art. 182^2. Documentul este transmis de Banca Națională a României tuturor autorităților competente implicate, precum și instituției de credit-mamă la	

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			nivelul Uniunii Europene.	
Art.1 (31) b) art. 129 3.7	Where the Committee of European Banking Supervisors has been consulted, all competent authorities shall consider such advice, and explain any significant deviation therefrom.	**Art. 182^6 alin.(1)** din proiectul de modificare a OUG 99/2006 **alin.(2)**	În cazul în care consultă Comitetului Supraveghetorilor Bancari Europeni potrivit prevederilor art. 182^2 alin.(2), Banca Națională a României ține seama de opinia acestuia și explică orice abatere semnificativă de la aceasta. Banca Națională a României ține seama de opiniile Comitetului Supraveghetorilor Bancari Europeni și explică orice abatere semnificativă de la acestea și în cazul în care consultarea se realizează de altă autoritate competentă, în calitate de supraveghetor consolidant.	
Art.1 (31) b) art. 129 3.8	The joint decision referred to in the first subparagraph and the decisions taken by the competent authorities in the absence of a joint decision shall be recognised as determinative and shall be applied by the competent authorities in the Member State concerned.	**Art. 182^7 alin.(1)** din proiectul de modificare a OUG 99/2006 **alin.(2)**	Deciziile comune adoptate potrivit prevederilor art. 182^1 și deciziile adoptate potrivit prevederilor art. 182^3 și 182^4 sunt definitive. În cazul în care Banca Națională a României nu are calitatea de supraveghetor consolidant, deciziile comune adoptate, în mod similar celor prevăzute la art. 182^1, precum și deciziile adoptate în mod similar celor prevăzute la art. 182^3 și 182^4, de către un supraveghetor consolidant, respectiv de către autorități responsabile cu supravegherea la nivel individual a instituțiilor de credit, filiale ale unei instituții de credit-mamă la nivelul Uniunii Europene sau ale unei societăți financiare holding-mamă la nivelul Uniunii Europene, sunt definitive și opozabile Băncii Naționale a României, care trebuie să le aplice în mod corespunzător.	
Art.1 (31) b) art. 129 3.9	The joint decision referred to in the first subparagraph and any decision taken in the absence of a joint decision in accordance with the fourth and fifth subparagraphs, shall be updated on an annual basis or, in exceptional circumstances, where a competent authority responsible for the supervision of subsidiaries of an EU parent credit institution or, an EU parent financial holding company makes a written and fully reasoned request to the consolidating supervisor to update the decision on the application of Article 136(2). In the latter case, the update may be addressed on a bilateral basis between the consolidating supervisor and the competent authority making the request.	**Art. 182^8 alin.(1)** din proiectul de modificare a OUG 99/2006 **alin.(2)**	Deciziile comune adoptate potrivit prevederilor art. 182^1 și deciziile adoptate potrivit prevederilor art. 182^3 și 182^4 trebuie să fie actualizate anual sau în situații excepționale, în cazul în care o autoritate responsabilă cu supravegherea filialelor unei instituții de credit-mamă la nivelul Uniunii Europene sau ale unei societăți financiare holding-mamă la nivelul Uniunii Europene solicită în scris și motivat Băncii Naționale a României, în calitate de supraveghetor consolidant, actualizarea deciziei referitoare la aplicarea prevederilor art. 226 alin.(3). Banca Națională a României, în calitate de autoritate responsabilă cu supravegherea la nivel individual a instituțiilor de credit, persoane juridice române, filiale ale unei instituții de credit-mamă la nivelul Uniunii	

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		alin.(3)	Europene sau ale unei societăți financiare holding-mamă la nivelul Uniunii Europene, poate solicita în scris și motivat supraveghetorului consolidant actualizarea deciziilor comune adoptate potrivit prevederilor art. 182^1, precum și a celor adoptate, în mod similar celor prevăzute la art. 182^3 și 182^4, la nivel consolidat de supraveghetorul consolidant și, respectiv, la nivel individual sau sub-consolidat de către o altă autoritate responsabilă cu supravegherea filialelor unei instituții de credit-mamă la nivelul Uniunii Europene sau ale unei societăți financiare holding-mamă la nivelul Uniunii Europene. În cazul solicitărilor de actualizare formulate potrivit prevederilor de la alin.(1) și (2), acestea pot fi tratate pe bază bilaterală, între Banca Națională a României și autoritatea responsabilă cu supravegherea filialelor unei instituții de credit-mamă la nivelul Uniunii Europene sau ale unei societăți financiare holding-mamă la nivelul Uniunii Europene sau între Banca Națională a României și supraveghetorul consolidant, după caz.	
Art.1 (31) b) art. 129 3.10	The Committee of European Banking Supervisors shall elaborate guidelines for the convergence of supervisory practices with regard to the joint decision process referred to in this paragraph and with regard to the application of Articles 123, 124 and 136(2) with a view to facilitating joint decisions.";			nu necesită transpunere
Art.1 (32) art. 130 1	32) in Article 130, paragraph 1 is replaced by the following:			
Art.1 (32) art. 130 1.1	"1. Where an emergency situation, including adverse developments in financial markets, arises, which potentially jeopardises the market liquidity and the stability of the financial system in any of the Member States where entities of a group have been authorised or where significant branches as referred to in Article 42a are established, the consolidating supervisor shall, subject to Chapter 1, Section 2, alert as soon as is practicable, the authorities referred to in the fourth subparagraph of Article 49 and in Article 50, and shall communicate all information that is essential for the pursuance of their tasks. Those obligations shall apply to all competent authorities under Articles 125 and 126 and to the competent authority identified under Article 129(1).	**Art. 183 alin.(1)** din proiectul de modificare a OUG 99/2006	În cazul apariției unei situații de urgență, inclusiv în cazul unor evoluții nefavorabile ale piețelor financiare, care ar putea pune în pericol lichiditatea pieței și stabilitatea sistemului financiar în oricare dintre statele membre în care entitățile unui grup au fost autorizate sau în care au fost înființate sucursale semnificative, Banca Națională a României, în calitate de supraveghetor consolidant, alertează în cel mai scurt timp posibil, cu respectarea cerințelor referitoare la păstrarea secretului profesional, autoritățile prevăzute la art. 222 alin.(6) și 222^1 și le comunică toate informațiile esențiale îndeplinirii atribuțiilor acestora.	

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Art.1 (32) art. 130 1.2	If the authority referred to in the fourth paragraph of Article 49 becomes aware of a situation described in the first subparagraph of this paragraph, it shall alert as soon as is practicable the competent authorities referred to in Articles 125 and 126.	**Art. 183 alin.(1^1)** din proiectul de modificare a OUG 99/2006	Dacă Banca Națională a României, în exercitarea atribuțiilor acesteia de bancă centrală, constată existența unei situații descrise la alin.(1), alertează în cel mai scurt timp posibil autoritățile competente cu exercitarea supravegherii pe bază consolidată a instituțiilor de credit.	
Art.1 (32) art. 130 1..3	Where possible, the competent authority and the authority referred to in the fourth paragraph of Article 49 shall use existing defined channels of communication.";	**Art. 183 alin.(1^2)** din proiectul de modificare a OUG 99/2006	În aplicarea prevederilor alin.(1) și (1^1), dacă este posibil, se utilizează canalele de comunicare existente.	
Art.1 (33)	33) the following Article is inserted:			
Art.1 (33) art. 131a 1.1	"Article 131a 1. The consolidating supervisor shall establish colleges of supervisors to facilitate the exercise of the tasks referred to in Article 129 and Article 130(1) and subject to the confidentiality requirements of paragraph 2 of this Article and compatibility with Community law, ensure appropriate coordination and cooperation with relevant third-country competent authorities where appropriate.	**Art. 185^1 alin.(1)** din proiectul de modificare a OUG 99/2006	Banca Națională a României, în calitate de supraveghetor consolidant, stabilește colegii de supraveghetori pentru a facilita exercitarea atribuțiilor prevăzute la art. 181 și 183 alin.(1) - (1^2) și, cu respectarea cerințelor referitoare la păstrarea secretului profesional și a legislației Uniunii Europene, pentru a asigura coordonarea și cooperarea corespunzătoare cu autoritățile competente din state terțe, dacă este cazul.	
Art.1 (33) art. 131a 1.2	Colleges of supervisors shall provide a framework for the consolidating supervisor and the other competent authorities concerned to carry out the following tasks:	**Art. 185^1 alin.(3)** din proiectul de modificare a OUG 99/2006	Colegiile de supraveghetori asigură Băncii Naționale a României și celorlalte autorități competente implicate cadrul pentru exercitarea următoarelor atribuții:	
Art.1 (33) art. 131a 1.2 a)	(a) exchanging information;	**Art. 185^1 alin.(3) lit. a)** din proiectul de modificare a OUG 99/2006	schimbul de informații;	
Art.1 (33) art. 131a 1.2 b)	(b) agreeing on voluntary entrustment of tasks and voluntary delegation of responsibilities where appropriate;	**Art. 185^1 alin.(3) lit. b)** din proiectul de modificare a OUG 99/2006	convenirea asupra încredințării voluntare de atribuții și a delegării voluntare de responsabilități, dacă este cazul;	
Art.1 (33) art. 131a 1.2 c)	(c) determining supervisory examination programmes based on a risk assessment of the group in accordance with Article 124;	**Art. 185^1 alin.(3) lit. c)** din proiectul de modificare a OUG 99/2006	determinarea programelor de supraveghere pe baza evaluării riscului la nivel de grup în cadrul procesului desfășurat de autoritățile competente, de verificare a cadrului de administrare, a strategiilor, proceselor și mecanismelor implementate de instituțiile de credit și de evaluare a riscurilor la care instituțiile de credit sunt sau ar putea fi expuse;	

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Art.1 (33) art. 131a 1.2 d)	(d) increasing the efficiency of supervision by removing unnecessary duplication of supervisory requirements, including in relation to the information requests referred to in Article 130(2) and Article 132(2);	**Art. 185[1] alin.(3) lit. d)** din proiectul de modificare a OUG 99/2006	creşterea eficienţei supravegherii prin eliminarea suprapunerii inutile a cerinţelor de supraveghere, inclusiv în ceea ce priveşte solicitările de informaţii potrivit prevederilor art. 183 alin.(2) şi ale art. 187;	
Art.1 (33) art. 131a 1.2 e)	(e) consistently applying the prudential requirements under this Directive across all entities within a banking group without prejudice to the options and discretions available in Community legislation;	**Art. 185[1] alin.(3) lit. e)** din proiectul de modificare a OUG 99/2006	aplicarea uniformă a cerinţelor prudenţiale prevăzute la nivel comunitar în privinţa tuturor entităţilor din cadrul unui grup bancar, fără a se aduce atingere opţiunilor naţionale şi ale autorităţilor de supraveghere, prevăzute de legislaţia Uniunii Europene;	
Art.1 (33) art. 131a 1.2 f)	(f) applying Article 129(1)(c) taking into account the work of other forums that may be established in this area.	**Art. 185[1] alin.(3) lit. f)** din proiectul de modificare a OUG 99/2006	aplicarea prevederilor art. 181 alin.(1) lit. c), cu luarea în considerare a lucrărilor altor forumuri ce ar putea fi stabilite în acest domeniu.	
Art.1 (33) art. 131a 1.3	The competent authorities participating in the colleges of supervisors shall cooperate closely. The confidentiality requirements under Chapter 1, Section 2 shall not prevent competent authorities from exchanging confidential information within colleges of supervisors. The establishment and functioning of colleges of supervisors shall not affect the rights and responsibilities of the competent authorities under this Directive.	**Art. 185[1] alin.(4)** din proiectul de modificare a OUG 99/2006 **alin.(5)**	În cadrul colegiilor de supraveghetori, Banca Naţională a României cooperează în mod strâns cu celelalte autorităţi competente participante. Cerinţele referitoare la păstrarea secretului profesional nu împiedică Banca Naţională a României să schimbe informaţii cu celelalte autorităţi competente în cadrul colegiilor de supraveghetori. Înfiinţarea şi funcţionarea colegiilor de supraveghetori nu aduc atingere drepturilor şi responsabilităţilor Băncii Naţionale a României în domeniul supravegherii prudenţiale, prevăzute de prezenta ordonanţă de urgenţă.	
Art.1 (33) art. 131a 2.1	2. The establishment and functioning of the colleges shall be based on written arrangements referred to in Article 131, determined after consultation with competent authorities concerned by the consolidating supervisor.	**Art. 185[2] alin.(1)** din proiectul de modificare a OUG 99/2006	Înfiinţarea şi funcţionarea colegiilor de supraveghetori se fundamentează pe acordurile scrise prevăzute la art. 184 şi 185, stabilite în urma consultării autorităţilor competente implicate de către Banca Naţională a României, în calitate de supraveghetor consolidant.	
Art.1 (33) art. 131a 2.2	The Committee of European Banking Supervisors shall elaborate guidelines for the operational functioning of colleges, including in relation to Article 42a(3).	**Art. 185[2] alin.(2)** din proiectul de modificare a OUG 99/2006	Stabilirea modului de funcţionare operaţională a colegiilor de supraveghetori are în vedere şi ghidurile elaborate în acest sens de Comitetul European al Supraveghetorilor Bancari.	
Art.1 (33) art. 131a 2.3	The competent authorities responsible for the supervision of subsidiaries of an EU parent credit institution or an EU parent financial holding company and the competent authorities of a host country where significant branches as referred to in Article 42a are established, central banks as appropriate, and third countries' competent authorities where appropriate and	**Art. 185[5]** din proiectul de modificare a OUG 99/2006	Banca Naţională a României, în cazul în care este autoritate responsabilă cu supravegherea instituţiilor de credit, persoane juridice române, filiale ale unei instituţii de credit-mamă la nivelul Uniunii Europene sau a unei societăţi financiare holding-mamă la nivelul Uniunii Europene, sau în cazul în care sucursalele din România ale unor instituţii de credit din alte state	

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	subject to confidentiality requirements that are equivalent, in the opinion of all competent authorities, to the requirements under Chapter 1 Section 2, may participate in colleges of supervisors.	**Art. 185[1] alin.(2)** din proiectul de modificare a OUG 99/2006	membre sunt semnificative potrivit prevederilor art. 210[1], poate participa în colegii de supraveghetori. Autoritățile competente din state terțe pot participa în cadrul colegiilor de supraveghetori dacă cerințele referitoare la păstrare secretului profesional sunt considerate echivalente celor stabilite în Uniunea Europeană, de către toate autoritățile competente implicate	
Art.1 (33) art. 131a 2.4	The consolidating supervisor shall chair the meetings of the college and shall decide which competent authorities participate in a meeting or in an activity of the college. The consolidating supervisor shall keep all members of the college fully informed, in advance, of the organisation of such meetings, the main issues to be discussed and the activities to be considered. The consolidating supervisor shall also keep all the members of the college fully informed, in a timely manner, of the actions taken in those meetings or the measures carried out.	**Art. 185[3] alin.(3)** din proiectul de modificare a OUG 99/2006	Banca Națională a României, în calitate de supraveghetor consolidant, informează complet și în prealabil pe toți membrii colegiului în legătură cu organizarea reuniunilor, aspectele principale de discutat și activitățile ce urmează a fi analizate. De asemenea, Banca Națională a României informează complet și la timp pe toți membrii colegiului, în legătură cu măsurile și acțiunile întreprinse în cadrul respectivelor reuniuni.	
Art.1 (33) art. 131a 2..5	The decision of the consolidating supervisor shall take account of the relevance of the supervisory activity to be planned or coordinated for those authorities, in particular the potential impact on the stability of the financial system in the Member States concerned referred to in Article 40(3) and the obligations referred to in Article 42a(2).	**Art. 185[3] alin.(2)** din proiectul de modificare a OUG 99/2006	Decizia Băncii Naționale a României luată potrivit prevederilor alin.(1) trebuie să aibă în vedere importanța activității de supraveghere care urmează să fie planificată sau coordonată, pentru aceste autorități și în special impactul potențial asupra stabilității financiare în statele membre prevăzute la art. 172 alin.(2[1]), precum și obligațiile prevăzute la art. 173[2].	
Art.1 (33) art. 131a 2. 6	The consolidating supervisor, subject to the confidentiality requirements under Chapter 1, Section 2, shall inform the Committee of European Banking Supervisors of the activities of the college of supervisors, including in emergency situations, and communicate to that Committee all information that is of particular relevance for the purposes of supervisory convergence.";	**Art. 185[4]** din proiectul de modificare a OUG 99/2006	Banca Națională a României, în calitate de supraveghetor consolidant, cu respectarea cerințelor referitoare la păstrarea secretului profesional, informează Comitetul European al Supraveghetorilor Bancari în legătură cu activitățile colegiilor de supraveghetori pe care le stabilește, inclusiv în situații de urgență, și comunică acestui comitet toate informațiile care prezintă o relevanță deosebită pentru asigurarea convergenței supravegherii.	
Art.1 (34) art. 132	(34) Article 132 is amended as follows:			se va transpune prin reglementări
Art.1 (34) art. 132 a)	(a) in point (d) of paragraph 1, the reference to Article 136 is replaced by the reference to Article 136(1);			se va transpune prin reglementări
Art.1 (34) art. 132 b)	(b) in point (b) of paragraph 3, the reference to Article 136 is replaced by the reference to Article 136(1);			se va transpune prin reglementări
Art.1	Article 150 is amended as follows:			nu necesită transpunere

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(35).1				
Art.1 (35).1 a)	(a) in paragraph 1, points (k) and (l) are replaced by the following:			nu necesită transpunere
Art.1 (35).1 a) let.k)	"(k) the list and classification of off-balance sheet items in Annexes II and IV;			nu necesită transpunere
Art.1 (35).1 a) let.l)	(l) adjustment of the provisions in Annexes III and V to XII in order to take account of developments on financial markets (in particular new financial products) or in accounting standards or requirements which take account of Community legislation, or with regard to convergence of supervisory practice. ";			nu necesită transpunere
Art.1 (35).1 b)	(b) in paragraph 2, point (c) is replaced by the following:			nu necesită transpunere
Art.1 (35).1 b) let.c)	"(c) clarification of exemptions provided for in Article 113;";			nu necesită transpunere
Art.1 (36).	in Article 153, the third paragraph is replaced by the following: "In the calculation of risk weighted exposure amounts for the purposes of Annex VI, Part 1, point 4, until 31 December 2015 the same risk weight shall be assigned in relation to exposures to Member States' central governments or central banks denominated and funded in the domestic currency of any Member State as would be applied to such exposures denominated and funded in their domestic currency.";			se va transpune prin reglementări
Art.1 (37).1 point 8	in Article 154, the following paragraphs are added: "8. Credit institutions which do not comply by 31 December 2010 with the limits set out in Article 66(1a) shall develop strategies and processes on the necessary measures to resolve this situation before the dates set out in paragraph 9 of this Article.			se va transpune prin reglementări
Art.1 (37).2	Those measures shall be reviewed under Article 124.			se va transpune prin reglementări
Art.1 (37).1 point 9	Instruments that by 31 December 2010, according to national law were deemed equivalent to the items referred to in points (a), (b) and (c) of Article 57 but do not fall within point (a) of Article 57 or do not comply with the criteria set out in Article 63a, shall be deemed to fall within point (ca) of Article 57			se va transpune prin reglementări

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	until 31 December 2040, subject to the following limitations:			
Art.1 (37).1 point 9 a)	(a) up to 20 % of the sum of points (a) to (ca) of Article 57, less the sum of points (i), (j) and (k) of Article 57 between 10 and 20 years after 31 December 2010;			se va transpune prin reglementări
Art.1 (37).1 point 9 b)	(b) up to 10 % of the sum of points (a) to (ca) of Article 57, less the sum of points (i), (j) and (k) of Article 57 between 20 and 30 years after 31 December 2010.			se va transpune prin reglementări
Art.1 (37).2	The Committee of European Banking Supervisors shall monitor, until 31 December 2010, the issuance of those instruments.			nu necesită transpunere
Art.1 (37).1 point 10	For the purpose of Section 5, assets items constituting claims on and other exposures to institutions incurred prior to 31 December 2009 shall continue to be subject to the same treatment as applied in accordance with Article 115(2) and Article 116 as they stood prior to...[+], however not longer than until 31 December 2012.			se va transpune prin reglementări
Art.1 (37).1 point 11	Until 31 December 2012, the time period referred to in Article 129(3) shall be six months.";			se va transpune prin reglementări
Art.1 (38).1	Article 156 is replaced by the following: "Article 156 The Commission, in cooperation with Member States, and taking into account the contribution of the European Central Bank, shall periodically monitor whether this Directive taken as a whole, together with Directive 2006/49/EC, has significant effects on the economic cycle and, in the light of that examination, shall consider whether any remedial measures are justified.			nu necesită transpunere
Art.1 (38).2	Based on that analysis and taking into account the contribution of the European Central Bank, the Commission shall draw up a biennial report and submit it to the European Parliament and to the Council, together with any appropriate proposals. Contributions from credit taking and credit lending			nu necesită transpunere

[+] OJ please insert date of entry into force of Directive 2009/111/EC.

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	parties shall be adequately acknowledged when the report is drawn up.			
Art.1 (38).3	By 31 December 2009, the Commission shall review this Directive as a whole to address the need for better analysis of and response to macro-prudential problems, including the examination of:			nu necesită transpunere
Art.1 (38).3 a)	(a) measures that mitigate the ups and downs of the business cycle, including the need for credit institutions to build counter-cyclical buffers in good times that can be used during a downturn;			nu necesită transpunere
Art.1 (38).3 b)	(b) the rationale underlying the calculation of capital requirements in this Directive; and			nu necesită transpunere
Art.1 (38).3 c)	(c) supplementary measures to risk-based requirements for credit institutions, to help constrain the build-up of leverage in the banking system.			nu necesită transpunere
Art.1 (38).4	The Commission shall submit a report on the above issues to the European Parliament and to the Council with any appropriate proposals.			nu necesită transpunere
Art.1 (38).5	The Commission shall, as soon as possible and in any event by 31 December 2009 present to the European Parliament and the Council a report on the need for further reform of the supervisory system, including relevant Articles of this Directive, and, in accordance with the applicable procedure under the Treaty, any appropriate legislative proposal.			nu necesită transpunere
Art.1 (38).6	By 1 January 2011, the Commission shall review the progress made by the Committee of European Banking Supervisors towards uniform formats, frequencies and dates of reporting referred to in Article 74(2). In light of that review, the Commission shall report to the European Parliament and the Council.			nu necesită transpunere
Art.1 (38).7	By 31 December 2011, the Commission shall review and report on the application of this Directive with particular attention to all aspects of Articles 68 to 73, 80(7), 80(8) and its application to microcredit finance and shall submit this report to the European Parliament and the Council together with any appropriate proposals.			nu necesită transpunere
Art.1 (38).8	By 31 December 2011 the Commission shall review and report on the application of Article 113(4) including whether exemptions			nu necesită transpunere

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	should be a matter of national discretion and shall submit this report to the European Parliament and the Council together with any appropriate proposals. With respect to the potential elimination of the national discretion under Article 113(4)(c) and its potential application at the EU level, the review shall in particular take into account the efficiency of group's risk management while ensuring that sufficient safeguards are in place to ensure financial stability in all Member States in which an entity of a group is incorporated.			
Art.1 (38).9	By 31 December 2009 the Commission shall review and report on measures to enhance transparency of OTC markets, including the credit default swap markets, such as by clearing through central counterparties, and shall submit this report to the European Parliament and the Council together with any appropriate proposals.			nu necesită transpunere
Art.1 (38).10	By 31 December 2009 the Commission shall report on the expected impact of Article 122a, and shall submit that report to the European Parliament and the Council, together with any appropriate proposal. The Commission shall draw up its report after consulting the Committee of European Banking Supervisors. The report shall consider, in particular, whether the minimum retention requirement under Article 122a(1) delivers the objective of better alignment between the interests of originators or sponsors and investors and strengthens financial stability, and whether an increase of the minimum level of retention would be appropriate taking into account international developments.			nu necesită transpunere
Art.1 (38).11	By 1 January 2012, the Commission shall report to the European Parliament and the Council on the application and effectiveness of Article 122a in the light of international market developments.";			nu necesită transpunere
Art.1 (39.)	Annex III is amended as follows:			se va transpune prin reglementări
Art.1 (39.) a)	(a) in Part 1, point 5, the following sentence is added: "Under the method set out in Part 6 of this Annex (IMM), all netting sets with a single counterparty may be treated as single netting set if negative simulated market values of the individual netting sets are set to 0 in the estimation of expected			se va transpune prin reglementări

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	exposure (EE).";			
Art.1 (39.) b)	(b) in Part 2, point 3 is replaced by the following:			se va transpune prin reglementări
Art.1 (39.) b) point 3.1	"3. When a credit institution purchases credit derivative protection against a non-trading book exposure, or against a CCR exposure, it may compute its capital requirement for the hedged asset in accordance with Annex VIII, Part 3, points 83 to 92, or subject to the approval of the competent authorities, in accordance with Annex VII, Part 1, point 4 or Annex VII, Part 4, points 96 to 104.			se va transpune prin reglementări
Art.1 (39.) b) point 3.2	In those cases, and where the option in the second sentence of point 11 in Annex II of Directive 2006/49/EC is not applied, the exposure value for CCR for those credit derivatives is set to zero.			se va transpune prin reglementări
Art.1 (39.) b) point 3.3	However, an institution may choose consistently to include for the purposes of calculating capital requirements for counterparty credit risk all credit derivatives not included in the trading book and purchased as protection against a non-trading book exposure or against a CCR exposure where the credit protection is recognised under this Directive.";			se va transpune prin reglementări
Art.1 (39.) c)	(c) in Part 5, point 15 is replaced by the following:			se va transpune prin reglementări
Art.1 (39.) c) point 15	"15. There is one hedging set for each issuer of a reference debt instrument that underlies a credit default swap. "Nth to default" basket credit default swaps shall be treated as follows:			se va transpune prin reglementări
Art.1 (39.) c) point 15 a)	(a) the size of a risk position in a reference debt instrument in a basket underlying an "nth to default" credit default swap is the effective notional value of the reference debt instrument, multiplied by the modified duration of the "nth to default" derivative with respect to a change in the credit spread of the reference debt instrument;			se va transpune prin reglementări
Art.1 (39.) c) point 15 b)	(b) there is one hedging set for each reference debt instrument in a basket underlying a given "nth to default" credit default swap; risk positions from different "nth to default" credit default swaps shall not be included in the same hedging set;			se va transpune prin reglementări
Art.1 (39.)	(c) the CCR multiplier applicable to each hedging			se va transpune prin reglementări

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c) point 15 c)	set created for one of the reference debt instruments of an "nth to default" derivative is 0,3 % for reference debt instruments that have a credit assessment from a recognised ECAI equivalent to credit quality step 1 to 3 and 0,6 % for other debt instruments.";			
Art.1 (40)	Annex V is amended as follows:			se va transpune prin reglementări
Art.1 (40) a) point 8	(a) point 8 is replaced by the following: "8. The risks arising from securitisation transactions in relation to which the credit institutions are investor, originator or sponsor, including reputational risks (such as arise in relation to complex structures or products) shall be evaluated and addressed through appropriate policies and procedures, to ensure in particular that the economic substance of the transaction is fully reflected in the risk assessment and management decisions.";			se va transpune prin reglementări
Art.1 (40) b) point 14	(b) point 14 is replaced by the following: "14. Robust strategies, policies, processes and systems shall exist for the identification, measurement, management and monitoring of liquidity risk over an appropriate set of time horizons, including intra-day, so as to ensure that credit institutions maintain adequate levels of liquidity buffers. Those strategies, policies, processes and systems shall be tailored to business lines, currencies and entities and shall include adequate allocation mechanisms of liquidity costs, benefits and risks.";			se va transpune prin reglementări
Art.1 (40) c) point 14 a)	(c) the following point is inserted: "14a. The strategies, policies, processes and systems referred to in point 14 shall be proportionate to the complexity, risk profile, scope of operation of the credit institution and risk tolerance set by the management body and reflect the credit institution's importance in each Member State, in which it carries on business. Credit institutions shall communicate risk tolerance to all relevant business lines.";			se va transpune prin reglementări
Art.1 (40) d) point 15	(d) point 15 is replaced by the following:			se va transpune prin reglementări

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	"15. Credit institutions shall develop methodologies for the identification, measurement, management and monitoring of funding positions. Those methodologies shall include the current and projected material cash-flows in and arising from assets, liabilities, off-balance-sheet items, including contingent liabilities and the possible impact of reputational risk.			
Art.1 (40) d) point 16	16. Credit institutions shall distinguish between pledged and unencumbered assets that are available at all times, in particular during emergency situations. They shall also take into account the legal entity in which assets reside, the country where assets are legally recorded either in a register or in an account as well as their eligibility and shall monitor how assets can be mobilised in a timely manner.			se va transpune prin reglementări
Art.1 (40) d) point 17	17. Credit institutions shall also have regard to existing legal, regulatory and operational limitations to potential transfers of liquidity and unencumbered assets amongst entities, both within and outside the EEA.			se va transpune prin reglementări
Art.1 (40) d) point 18	18. A credit institution shall consider different liquidity risk mitigation tools, including a system of limits and liquidity buffers in order to be able to withstand a range of different stress events and an adequately diversified funding structure and access to funding sources. Those arrangements shall be reviewed regularly.			se va transpune prin reglementări
Art.1 (40) d) point 19	19. Alternative scenarios on liquidity positions and on risk mitigants shall be considered and the assumptions underlying decisions concerning the funding position shall be reviewed regularly. For these purposes, alternative scenarios shall address, in particular, off-balance sheet items and other contingent liabilities, including those of SSPEs or other special purpose entities, in relation to which the credit institution acts as sponsor or provides material liquidity support.			se va transpune prin reglementări
Art.1 (40) d) point 20	20. Credit institutions shall consider the potential impact of institution-specific, market-wide and combined alternative scenarios. Different time horizons and varying degrees of stressed conditions shall be considered.			se va transpune prin reglementări

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Art.1 (40) d) point 21	21. Credit institutions shall adjust their strategies, internal policies and limits on liquidity risk and develop effective contingency plans, taking into account the outcome of the alternative scenarios referred to in point 19.			se va transpune prin reglementări
Art.1 (40) d) point 22	22. In order to deal with liquidity crises, credit institutions shall have in place contingency plans setting out adequate strategies and proper implementation measures in order to address possible liquidity shortfalls. Those plans shall be regularly tested, updated on the basis of the outcome of the alternative scenarios set out in point 19, be reported to and approved by senior management, so that internal policies and processes can be adjusted accordingly.";			se va transpune prin reglementări
Art.1 (41) point7a.	in Annex IX, Part 3, Section 2, the following point is added: "7a. Competent authorities shall, furthermore, take the necessary measures to ensure that, with regard to credit assessments relating to structured finance instruments, the ECAI is committed to make available publicly the explanation how the performance of pool assets affects its credit assessments.";			se va transpune prin reglementări
Art.1 (42)1	Annex XI is amended as follows:			se va transpune prin reglementări
Art.1 (42)1 a) let.c)	(a) in point 1, point (e) is replaced by the following: "(e) the exposure to, measurement and management of liquidity risk by the credit institutions, including the development of alternative scenario analyses, the management of risk mitigants (in particular the level, composition and quality of liquidity buffers) and effective contingency plans;";			se va transpune prin reglementări
Art.1 (42)1 b) let.1a	(b) the following point is inserted: "1a. For the purposes of point 1(e), the competent authorities shall regularly carry out a comprehensive assessment of the overall liquidity risk management by credit institutions and promote the development of sound internal methodologies. While conducting those reviews, the competent authorities shall have regard to the role played by credit institutions in the financial markets. The competent authorities in one Member State shall duly consider the potential impact of their decisions			se va transpune prin reglementări

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	on the stability of the financial system in all other Member States concerned.";			
Art.1 (43)1	in point 3 of Part 2 of Annex XII, points (a) and (b) are replaced by the following:			se va transpune prin reglementări
Art.1 (43)1 a)	"(a) summary information on the terms and conditions of the main features of all own-funds items and components thereof, including instruments referred to in point (ca) of Article 57, instruments the provisions of which provide an incentive for the credit institution to redeem them, and instruments subject to Article 154(8) and (9);			se va transpune prin reglementări
Art.1 (43)1 b)	(b) the amount of the original own funds, with separate disclosure of all positive items and deductions; the overall amount of instruments referred to in point (ca) of Article 57 and instruments the provisions of which provide an incentive for the credit institution to redeem them, shall also be disclosed separately; those disclosures shall each specify instruments subject to Article 154(8) and (9);".			se va transpune prin reglementări
Article 2 Amend. to Directive 2006/49/EC				
Art.2 (1)	Directive 2006/49/EC is hereby amended as follows:			se va transpune prin reglementări
Art.2 (1) point 1	1) in Article 12, the first paragraph is replaced by the following: ""Original own funds" means the sum of points (a) to (ca), less the sum of points (i), (j) and (k) of Article 57 of Directive 2006/48/EC.";			se va transpune prin reglementări
Art.2 (1) point 2	2) Article 28 is amended as follows:			se va transpune prin reglementări
Art.2 (1) point 2 a)	(a) paragraph 1 is replaced by the following: "1. Institutions, except investment firms that fulfil the criteria set out in paragraph 2 or 3 of Article 20 of this Directive, shall monitor and control their large exposures in accordance with Articles 106			se va transpune prin reglementări

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	to 118 of Directive 2006/48/EC.";			
Art.2 (1) point 2 b)	(b)paragraph 3 is deleted;			se va elimina prin reglementări
Art.2 (1) point 3.4	2) in Article 30, paragraph 4 is replaced by the following: "4.By derogation from paragraph 3 competent authorities may allow assets constituting claims and other exposures on recognised third country investment firms and recognised clearing houses and exchanges to be subject to the same treatment as laid down in Article 111(1) of Directive 2006/48/EC and in point (c) of Article 106(2) of that Directive respectively.";			se va transpune prin reglementări
Art.2 (1) point 4	4) Article 31 is amended as follows:			se va transpune prin reglementări
Art.2 (1) point 4 a)	(a) in the first paragraph, points (a) and (b) is replaced by the following: "(a) the exposure on the non-trading book to the client or group of clients in question does not exceed the limit laid down in Article 111(1) of Directive 2006/48/EC, this limit being calculated with reference to own funds as specified in that Directive, so that the excess arises entirely on the trading book;			se va transpune prin reglementări
Art.2 (1) point 4 b)	b) the institution meets an additional capital requirement on the excess in respect of the limit laid down in Article 111(1) of Directive 2006/48/EC, that additional capital requirement being calculated in accordance with Annex VI to this Directive;";			se va transpune prin reglementări
Art.2 (1) point 4 b) e	(b) in the first paragraph, point (e) is replaced by the following: "(e) institutions shall report to the competent authorities every three months all cases where the limit laid down in Article 111(1) of Directive 2006/48/EC has been exceeded during the preceding three months.";			se va transpune prin reglementări
Art.2 (1) point 4 c)	(c) the second paragraph is replaced by the following: "In relation to point (e), in each case in which the limit has been exceeded, the amount of the excess and the name of the client concerned shall be reported.";			se va transpune prin reglementări
Art.2 (1) point 5	5) in Article 32(1), the first subparagraph is replaced by the following:			se va transpune prin reglementări

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Art.2 (1) point 5 point 1	"1.The competent authorities shall establish procedures to prevent institutions from deliberately avoiding the additional capital requirements that they would otherwise incur, on exposures exceeding the limit laid down in Article 111(1) of Directive 2006/48/EC once those exposures have been maintained for more than 10 days, by means of temporarily transferring the exposures in question to another company, whether within the same group or not, and/or by undertaking artificial transactions to close out the exposure during the 10-day period and create a new exposure.";			se va transpune prin reglementări
Art.2 (1) point 6	6) in Article 35, the following paragraph is added:			se va transpune prin reglementări
Art.2 (1) point 6'	"6.Investment firms shall be covered by the uniform formats, frequencies and dates of reporting referred to in Article 74(2) of Directive 2006/48/EC.";			se va transpune prin reglementări
Art.2 (1) point 7	7) in Article 38, the following paragraph is added:			se va transpune prin reglementări
Art.2 (1) point 7.3	"3.Article 42a of Directive 2006/48/EC, with the exception of point (a) of its paragraph 1, shall apply mutatis mutandis to the supervision of investment firms unless the investment firms fulfil the criteria set out in Article 20(2), 20(3) or 46(1) of this Directive.";			se va transpune de către CNVM în legea de aprobare a acestei ordonanțe, în funcție de analiza ce va fi efectuată de către această autoritate
Art.2 (1) point 8	8) in Article 45(1), the date "31 December 2010" is replaced by "31 December 2014";			se va transpune prin reglementări
Art.2 (1) point 9	9) in Article 47, the date "31 December 2009" is replaced by "31 December 2010" and the reference to points 4 and 8 of Annex V of the Directive 93/6/EEC is replaced by reference to points 4 and 8 of Annex VIII;			se va transpune prin reglementări
Art.2 (1) point 10	10) in Article 48(1), the date "31 December 2010" is replaced by "31 December 2014".			se va transpune prin reglementări

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Article 3 Amend. to Directive 2 007/64/EC				
Art.3 (1)	Point (a) of Article 1(1) of Directive 2007/64/EC is replaced by the following:			
Art.3 (1) let.a)	"(a) credit institutions within the meaning of Article 4(1)(a) of Directive 2006/48/EC, including branches within the meaning of Article 4(3) of that Directive located in the Community of credit institutions having their head offices inside or, in accordance with Article 38 of that Directive, outside the Community;".	**Art.2 lit.a)** OUG nr. 113/2009 privind serviciile de plată	Art. 2 – Prezenta ordonanță de urgență se aplică serviciilor de plată prestate de către următoarele categorii de prestatori de servicii de plată: a) instituții de credit în sensul art. 7, alin. (1), pct. 10, lit. a) din Ordonanța de urgență a Guvernului nr. 99/2006 privind instituțiile de credit și adecvarea capitalului, aprobată cu modificări și completări prin Legea nr. 227/2007, cu modificările și completările ulterioare;	
Article 4 Transposit ion				
Art.4 (1) point 1	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 October 2010.	**Art.III lit.b)** din proiectul de modificare a OUG 99/2006	Prevederile prezentei ordonanțe de urgență intră în vigoare în termen de 3 zile de la data publicării, cu următoarele excepții: ..... b) prevederile de la art. I pct. 4, pct. 13 – 17, pct. 19 – 22 și pct. 24 – 27 intră în vigoare la data de 31 octombrie 2010.	
Art.4 (2)	They shall apply those measures from 31 December 2010.	**Art.III lit.b)** din proiectul de modificare a OUG 99/2006	Prevederile prezentei ordonanțe de urgență intră în vigoare în termen de 3 zile de la data publicării, cu următoarele excepții: ..... b) prevederile de la art. I pct. 4, pct. 13 – 17, pct. 19 – 22 și pct. 24 – 27 intră în vigoare la data de 31 octombrie 2010.	
Art.4 (3)	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of	**Dispoziții finale** din proiectul de modificare a	Prevederile art. I pct. 4, pct. 13 – 17, pct. 19 – 22 și pct. 24 – 27 transpun dispozițiile art. 1 paragraful (2) litera c), paragrafele (3) – (6) și paragrafele (31) – (33) din	

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	their official publication. Member States shall determine how such reference is to be made.	OUG 99/2006	Directiva 2009/111/CE a Parlamentului European și a Consiliului din 16 septembrie 2009 de modificare a directivelor 2006/48/CE, 2006/49/CE și 2007/64/CE în ceea ce privește băncile afiliate instituțiilor centrale, anumite elemente ale fondurilor proprii, expunerile mari, acordurile de supraveghere, precum și managementul situațiilor de criză.	
Art.4 (1) point 2	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.			nu necesită transpunere
Article 5 Entry into force				
Art.5	This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.*			nu necesită transpunere
Article 6 Addressees				
Art.6	This Directive is addressed to the Member States.			nu necesită transpunere