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## **Conferência Internacional Anual**

No quadro da Parceria Científica do CIRSF – Centro de Investigação em Regulação e Supervisão do Setor Financeiro ([www.cirsf.eu](http://www.cirsf.eu)) com o Banco de Portugal e a Autoridade de Supervisão de Seguros e Fundos de Pensões

**Lisboa, 1 junho 2017**

**Auditório da Autoridade de Supervisão de Seguros e Fundos de Pensões**

**Av. da República 76, 1600-205 Lisboa**

**GRANDES TENDÊNCIAS DA SUPERVISÃO E REGULAÇÃO DO SETOR  
FINANCEIRO EM 2017  
E PRÓXIMOS DESENVOLVIMENTOS**

**APRESENTAÇÃO DA CONFERÊNCIA**

**Sessão inicial**

**Palavras de Abertura**

**Luís Silva Morais  
Coordenador do CIRSF**

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## APRESENTAÇÃO DA CONFERÊNCIA

### Sessão inicial

### Palavras de Abertura

Luís Silva Morais

Coordenador do CIRSF<sup>1</sup>

Muito bom dia – As nossas boas vindas a mais uma **Conferência anual** do **CIRSF – Centro de Investigação em Regulação e Supervisão do Sector Financeiro** e da **Cátedra Jean Monnet** da **Universidade de Lisboa** em **Regulação Económica**, ligada a este Centro, em cooperação com o **Banco de Portugal** e a **Autoridade de Supervisão de Seguros e de Fundos de Pensões**.

Permitam-me que refira aqui também, desde já, a propósito deste nosso Centro de Investigação (CIRSF), uma recente parceria científica com a **Agência de Gestão da Tesouraria e da Dívida Pública (IGCP)** pois propomo-nos igualmente refletir sobre os mercados de dívida pública e perspectivas de sua evolução (para além de alargarmos ainda mais a outros supervisores financeiros a nossa rede parcerias científicas no âmbito de contactos em curso).

Início estas (breves) palavras de Abertura dos nossos trabalhos em Português, tendo em conta a tradução simultânea, e passarei rapidamente para o Inglês em atenção à maior parte dos nossos Oradores internacionais nesta Conferência e por não ter, do meu lado, outras condicionantes Institucionais – Falo aqui só como Académico e não como Supervisor

<sup>1</sup> *O presente texto – intencionalmente - não é acompanhando de citações ou referências doutrinárias, jurisprudenciais ou de outro case law relevante, atendendo à sua natureza e carácter marcadamente coloquiais, como texto concebido para uma alocução verbal na Abertura dos trabalhos da Conferência.*

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(podendo assim, com essa liberdade académica, utilizar a língua predominante de trabalho desta Conferência).

Permitam-me só que refira – *ainda em Português* – o grande prazer que representa a presença de todos aqui nesta Conferência Internacional, com o fundamental apoio e Parceria Científica de Instituições de supervisão financeira nacionais, com especial vocação prudencial – o **Banco de Portugal** e a **Autoridade de Supervisão de Seguros e Fundos de Pensões** - Apoio e Parceria que muito agradeço, pelo seu significado, na pessoa do Professor José Almaça, Presidente da ASF, agradecendo-lhe aqui duplamente, na qualidade de nosso anfitrião hoje neste Auditório da Autoridade, querendo também realçar o gosto que temos em realizar esta Conferência anual na Autoridade de Seguros, à qual regresso sempre com boas memórias dos anos muito intensos que aqui vivi entre 1998 e 2001. Queria também saudar o Professor Almaça e a Autoridade, de forma especial, pelo marco que se comemora este ano dos 110 anos da supervisão de seguros em Portugal, desde a criação do Conselho de Seguros em 1907, sendo, a esse título, também muito apropriado realizarmos aqui a nossa Conferência anual sobre supervisão financeira.

Paralelamente, devo agradecer também esta fundamental Parceria científica que vimos desenvolvendo em matéria da supervisão financeira ao **Banco de Portugal** – o outro parceiro fundador do projeto – o que faço na pessoa do Senhor Governador do Banco de Portugal, Dr Carlos Costa que fará, como *Keynote Speaker*, a Intervenção de fundo que encerra os trabalhos desta manhã dentro de poucas horas.

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Skipping now to English - our main working language today - it is indeed a great pleasure to host this **International Conference** with the group of remarkable Speakers that I think we have been able, once again, to gather here in Lisbon - Some of them long-time friends and I would daresay partners in our scientific project in the field of supervision and regulation of the financial sector and deeply committed to it and others having contacted more recently with the Project and with whom we expect to develop a fruitful cooperation in the near future. As regards this last case, allow me emphasize the fact that our Research Centre within the University of Lisbon has been very recently admitted to the **European Banking Institute**, of Frankfurt (a development which actually occurred in these very last days of May) – A true scientific joint venture of entities committed to research and critical analysis in the field of supervision of the financial sector, thus allowing us access to a fundamental network of discussion within the EU. In this context, we have here today with us Enrico Leone, Chancellor of the **European Banking Institute**, who will also say a few words in this **Opening session**, and I would make a point of thanking him for this new cooperation and of giving him a very warm welcome to Lisbon.

With this **2017 Conference** we proceed with our project of critically assessing and discussing prospects for reforming financial supervision and for a continuous qualitative upgrade of this supervision in times which are still difficult in Europe. I would daresay that among the various challenges with which the EU is confronted these days, a lot will depend, *for better or worse*, on a structural improvement of conditions in which the financial

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sector operates – something that we have *not* been able to fully achieve, so far, *in spite of several steps in a good direction*. I would venture to add that we still have a long way in that road for the full stabilization of the financial systems in Europe and that, in the course of the latest twelve months, we have been confronted with further elements of **uncertainty**. I briefly recall that we held last year Conference on the 23<sup>rd</sup> of June of 2016, in the very day after the UK referendum and under the shock of Brexit and, in the meantime, the US election and other events have added further elements of **uncertainty** in our horizon, *but, hopefully, also some opportunities for further reforms in the EU*. Speaking about reforms, we seem to maintain our tradition of holding our annual Conference on momentous dates, and I would emphasize the potential importance of the “*Reflection Paper on the Deepening of the Economic and Monetary Union*” released *yesterday* (31<sup>st</sup> of May, 2017) by the European Commission, underlining – beside other major developments – the importance of completing the Banking Union...

As results from the Program, the General Theme or *leitmotif* of this year Conference is the critical discussion of “**Major Trends in Regulation and Supervision of the Financial Sector in the current year and looking beyond it, to the near future**” – after this pivotal year of 2017 with elections in France and Germany, the outcome of which will have a significant impact for a new direction and momentum in the EU and its projects, including the Banking Union and the European Capital Markets Union.

Within the broad, general theme of the Conference, we have considered **EIGHT main Strands of Discussion** (identified in the first part of the

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Program), which we believe illustrate, in a nutshell, the current crossroad for the financial sector in Europe (and, as such for the European economy in general).

These **Strands** include namely, *without following here necessarily their order of presentation in the **Program** or without being exhaustive for the sake of brevity:*

- **FIRST** – *Single Supervisory Mechanism (SSM) entering its third year – Convergence of banking supervision, subsidiarity and proportionality.*

In fact, as we have tried repeatedly to emphasize in this project of **CIRSF**, there are huge consequences of this transition to supranational banking supervision that have not yet been fully perceived by the main actors in the field. This transition represents a true ‘*game changer*’ with multiple corollaries, the full extension of which is still very much an open ‘game’ and one which depends on key strategic actions in the near future by some stakeholders at various levels. In this context, we will try to foster a better perception of some of the central issues at stake – and we are very fortunate, indeed, to have here today with us Dr Pentti Hakkarainen, from the Supervisory Board of the Single Supervisory Mechanism (SSM), who will address some of those issues.

Also in relation with various **Strands** of our **Program** today, and in a more transversal manner, we shall have an opportunity of discussing an overall perspective of the current Acquis of reforms of regulation and supervision of the banking sector in the wake of the financial crisis and of the

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prospective developments we may have in what remains, to my mind, still an unfinished agenda - with the intervention of Dr Fernando Restoy, Chair of the Financial Stability Institute of Basel.

Within the same overall context, I must especially emphasize the Keynote Address of the Governor of the Bank of Portugal, Dr Carlos Costa, closing our morning session which addresses, *inter alia*, issues related with financial stability pertaining to various **Strands** of our **Conference** and also involving the interaction between macroprudential and microprudential supervision.

Furthermore, such interaction between macroprudential and microprudential supervision will also be discussed from a multisector perspective, comprehending the *insurance sector*, with an intervention of Dr César Henriques from the Insurance Authority.

- **SECONDLY** - *I would like to emphasize the Strand related with the Status and Prospects of Solvency II and Insurance Supervision entering its first year of full application.*

In this domain particular reference must be made to the intervention of Dr Carlos Montalvo with the insight of his experience of former EIOPA Executive Director, in a crucial period for the preparation of the implementation of Solvency 2 (covering both the prudential and the conduct dimensions of insurance supervision).

- **THIRDLY** – *I would emphasize a very crucial dimension for the evolution of the European banking sector which we have entitled*

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*new Approaches on Banking Supervision and the problem of Non-Performing Loans (NPLs) - What scope for market-based or other hybrid solutions to NPLs at EU level and national level.*

In fact, given the deterioration of banks' loan portfolios after the financial crisis there is here a key problem of legacy which has been largely addressed in the US and remains to be tackled in the EU, although we have considerable divergences in the ratios of NPLs in the various EU Member States. Notwithstanding those divergences, I would daresay there exists here an European problem which may justify an European solution, pondering somehow the exceptional nature of the current problem in our hands. In this highly sensitive domain, with vast practical implications, we have an intervention of Dr Andrea Enria (Chair of EBA) with the most stimulating title of "*NPLs in the banking sector - Where there is a will, there is a way: completing the repair of the banking sector in Europe*", which will certainly fuel a fundamental debate here.

We are also fortunate to count with a joint Presentation by Professors Lamandini and Ramos Munoz, debating How to address NPLs and commenting the experience of the Italian and Spanish banking sectors with certain parallels with the problems experienced in Portugal in this field.

- **FOURTH** – *I would also emphasize the Strand related with Crisis management of financial institutions and resolution – resolution planning and resolution measures (a domain also in interplay with the previous topic, since certain solutions for NPLs may require a*

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*certain fine-tuning in the enforcement of resolution rules and also of state aid rules).*

Due to very last minute strictly personal reasons, Dr Jan Reinder De Carpentier, General Counsel of the Brussels based Single Resolution Board (SRB), couldn't join us today, but in his place - and building on his previously prepared Presentation - we shall have an intervention of Dr Brendon Pinch, also from the Single Resolution Board, who will particularly develop the very topical issues of resolution planning. What we may, in fact, call the preventing arm of the resolution regime, involving resolution planning and the highly sensitive matter, and with vast practical repercussions, of determining the so called Minimum Requirement for Own Funds and Eligible Liabilities (MREL) will, therefore, be specifically addressed here, for the great benefit, I believe, of all the major stakeholders in this domain.

- **FIFTH** – *I would like to stress the importance of the institutional framework and institutional issues for the organization of supervision and even to what we may call the governance and also the accountability of supervision.*

This includes various **Strands** of our **Program** that will be covered from various perspectives, *e.g.*, in the Interventions of Josina Kamerling of the CFA Institute, addressing, *inter alia*, the 2017 Review of the European financial supervisory authorities, based on the Public Consultation launched a few months ago by the European Commission.

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The institutional dimension and organization of supervisory authorities is indeed highly relevant, but requires – *at least to my mind* – a very gradual and balanced approach to avoid transition costs of too drastic reforms in this field (something worth debating when, as it happens in Portugal today, we may be initiating a public discussion on some degree of reform of the institutional architecture of financial supervision).

Another perspective related with this institutional dimension of supervisory authorities, and somehow related entities, will be offered through the most topical intervention of Dr Pedro Gustavo Teixeira, Director of the General Secretariat and Secretary to the Decision Making Bodies of the European Central Bank, focusing on the accountability and transparency in practice of the ECB. *Dr Pedro Gustavo Teixeira has been a first hour friend of our scientific project (of CIRSF) and I would like also to thank him publicly for his multiple inputs to such project.*

Somehow related to that critical domain of accountability of supervisors and central banks, is the highly sensitive topic of potential liability of banking supervisors for the exercise of their supervisory functions – a topic also related with the Seventh **Strand** of our **Program** of *individual rights in the financial regulatory structure* – which will be covered in a presentation by Prof Danny Busch, who has important research in this field.

- **LASTLY** - *but not least, and still related with the aforementioned Seventh **Strand** of our **Program**, of individual rights and financial supervision, we shall have the opportunity of debating the key building blocks of investors' protection, with a Presentation by Professor Veerle Colaert.*

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Professor Veerle Colaert has an extensive and invaluable research in this domain, leading, as well, to issues pertaining more to the building blocks of the capital markets union, also one of the **Strands** of our **Program**.

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I would like to conclude thanking heartily to all the Speakers and my fellow colleague in Moderating Panels, Dr Bracinha Vieira - *also a first hour friend of this project* - for having found time in their difficult schedules to be with us today. In some cases, we combine theoretical exposure to the problems we discuss today with high, burdensome, and very time consuming institutional responsibilities, and it is most appreciated the fact that Speakers of this calibre found a window of time or opportunity to join us in this Conference.

I would close in a lighter mode - before the Hardships of our long proceedings in the course of the day - with the humour of Grouch Marx, who famously stated – “*I have got **Values** and if you don’t like **these** I’ve got **others** to offer*”...

Financial Supervision, at the end of the day, is not only about technical issues but also, and *fundamentally*, about **Values** of public Interest, which have to be safeguarded in a proportional manner.

The technical instruments may vary and evolve widely, but the key **Values** underlying financial supervision - *contrary to the line of Groucho Marx* -

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should always be kept in mind and should essentially represent, over time,  
the same core content to be preserved in these post-crisis times...

**Thank you for your attention and I wish you an Excellent Conference!**