Toward an integrated enforcement of banking regulation: the case of the Single Supervisory Mechanism

Luxembourg, 29-30 November 2018
Cité judiciaire – Plateau du Saint Esprit – Bâtiment Commun
Thursday, 29 November 2018

Opening Ceremony – Banque centrale du Luxembourg, Boulevard Royal

12:00 Welcoming light lunch

12:15 Welcoming addresses:
- Gaston Reinesch*, Gouverneur de la Banque centrale du Luxembourg
- Francis Delaporte*, Président de la Cour administrative et Vice-président de la Cour constitutionnelle, Luxembourg
- Sonja Lohse, SSM Enforcement Network, Finnish Financial Supervisory Authority
- Katalin Ligeti, Dean of the Faculty of Law, Economics and Finance
- Enrico Leone, Chancellor of the European Banking Institute

12:30 Introduction: The EUBAR project
- Silvia Allegrezza, University of Luxembourg, Principal Investigator of the EUBAR

12:45 Opening speech: Four years of the SSM: achievements and challenges
- Petra Senkovic, European Central Bank, Secretary to the Supervisory Board

Cité judiciaire, Bâtiment Commun, Luxembourg

14:15 Session I: Crisis-driven reforms on banking supervision
Chair: André Prüm, University of Luxembourg

1. Choosing between criminal and administrative enforcement. An analysis from a criminal policy perspective
   - John Vervaele, Utrecht University

2. Ethics and banking. What regulation?
   - Sir William Blair, Queen Mary University of London

3. Prudential banking supervision in the EU: principles, rules, Treaty limits
   - Marco Lamandini, University of Bologna

   - Christos Hadjiemmanuil, London School of Economics and Piraeus University

15:30 Open discussion

* Invited
15:45 Coffee break

16:00 Session II: Crisis-driven reforms on banking supervision. What role for criminal law?
   Chair: Pierre-Henri Conac, University of Luxembourg

1. The role of law in fostering individual accountability within banks
   Blanaid Clarke, Trinity College Dublin

2. Is there a need for further criminalization in order to fight illegal financial and banking activities?
   Jonathan Foster, UK Financial Conduct Authority, London

3. Shifting paradigms between administrative and criminal sanctions: the case of the SSM
   Raffaele D’Ambrosio, Banca d’Italia

4. Ne bis in idem as a regulatory tool? Scope and limits of the ne bis in idem principle in the field of financial crimes
   Francesco Viganò, Italian Constitutional Court, Bocconi University

5. SSM sanctions as “quasi-criminal” sanctions: What constitutional framework?
   Paulo Pinto de Albuquerque, European Court of Human Rights

18:00 Open discussion

18:30 End of the first day

Friday, 30 November 2018

09:00 Session III: Enforcement and sanctions of banking regulation across the Atlantic
   Chair: Sonja Lohse, Chair of the SSM network on enforcement and sanctions

1. Enforcement and sanctions in the American system of banking supervision
   Monica Freas, Enforcement Director, Office of the Comptroller of the Currency, a bureau of the US Treasury

2. Investigatory powers, decisional powers and procedural safeguards in the SSM
   Jordi Viguer Pont, Single Supervisory Mechanism

* Invited
3. Immunities, confidentiality and secrecy in banking investigations
   Eleni Koupepidou*, European Central Bank

4. The role of the NCAs in a shared enforcement model
   Peter Jedlicka, Finanzmarktaufsicht, Austria

5. Facing supervision on both sides of the Atlantic: the point of view of the banking industry
   TBC

10:45 Open discussion

11:00 Coffee break

11:20 Session IV: Judicial review in the SSM. Internal and external control on investigative and sanctioning powers
   Chair: Marino Perassi, Banca d’Italia

   1. Discretionary powers and judicial control within the EU
      Joana Mendes, University of Luxembourg

   2. Nature, role and powers of the SSM Administrative Board of Review
      Concetta Brescia Morra, LUISS Rome, SSM Administrative Board of Review

   3. What role for the Court of Justice?
      Koen Lenaerts*, President of the Court of Justice of the European Union

   4. What role for national courts?
      Olivier Voordeckers, University of Luxembourg

12:20 Open discussion

12:40 Lunch break

14:00 Session V: Administrative and criminal enforcement: enemies or allies?
   Chair: Isabelle Riassetto, University of Luxembourg

   1. Banking supervision as a tool to detect financial crimes. The case of money laundering
      Max Braun, Céllule de renseignement financier, Luxembourg Prosecution Service

* Invited
2. Information and evidence sharing between administrative and criminal authorities  
   Michiel Luchtman, Utrecht University

3. Two enforcement systems and two sets of procedural safeguards?  
   Giulia Lasagni, University of Luxembourg

16:00 Concluding remarks
   1. The road ahead: toward and integrated enforcement at European level  
      Silvia Allegrezza, University of Luxembourg

16:30 Closing of the conference

Scientific Committee
Silvia Allegrezza
Olivier Voordeckers

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