



CESR 05-405
CEBS 05 99
CEIOPS-3L3-01/05

**Joint Protocol on Cooperation
between CESR, CEBS and CEIOPS**

***The Committee of European Securities Regulators,
the Committee of European Banking Supervisors and
the Committee of European Insurance and Occupational Pensions Supervisors
agree the following regarding their cooperation and coordination in the areas of
regulation, policy, information exchange and other tasks
with a common interest***

The cooperation between the Level 3 Committees has increasingly become a subject of interest, both within CESR, CEBS and CEIOPS and externally. On various subjects, it has been pointed out by involved European and domestic institutions and by the industry that the work done in one sector should be consistent with the work done in the other financial sectors on Level 1, 2 and 3 as well as in relation to work which lies outside the structure of Lamfalussy. Subjects of common interest exist in many aspects of the work undertaken by the Committees.

The Committees therefore agree, where necessary and relevant, to align the work on these subjects in general. The results of this work should be consistent and/or take into account the effect in other sectors of such work, without implying that the results need to be identical. Differences would, however, need to be explained by the differences in objectives or underlying conditions and the necessity of prioritizing. The following objectives with common interest to all three Level 3 Committees have been identified:

- a. Sharing information in order to have compatible approaches;*
- b. Exchanging of experiences which can facilitate supervisors' ability to cooperate;*
- c. Producing joint work or reports to relevant EU committees and groups;*
- d. Reducing supervisory burdens and streamlining processes;*
- e. Having similar basic functioning of the three Committees.*

Working from the premise that the coordination is not so much a theoretical but a practical problem, the Committees should have practical arrangements to support consistency between them. Such practical arrangements should be purposeful in nature. They should take into account the fact that developments at the EU or global level may well lead the Committees to work at any one time on rather different topics. The Committees could also be dealing with Community legislation at different levels of the Lamfalussy process and with provisions affecting the interests of a different set of market participants.

When cooperating in accordance with this Protocol the Committees should respect the prerogative of the European Commission and in particular its right of initiative.

The main responsibility for facilitating and ensuring good cooperation shall lie with the Chairs, assisted in this effort by the Secretariats. Based on existing cooperation experiences between the Chairs and the Secretariats, the Committees have agreed the following practical working arrangements:

Article 1 Meetings and contacts

- a. The Chairs and Secretary Generals of the 3L3 Committees will meet two or three times a year, to discuss issues of joint interest, and to discuss the priorities and progress of issues if and where necessary. The Chair of a joint conglomerates group will be invited to attend if and when such a group is established. The Chairs will decide on the necessary practical arrangements for chairing these meetings and will appoint a chair for their meetings.
- b. Representatives of each Secretariat will meet at least three times per year, to discuss practical work in progress and provide information which might be of interest to the other Committees. The location of these meetings will be alternated between the three Committees and the hosting Secretary General will chair the meeting for practical purposes.
- c. An inventory of issues of common interest will be part of the meetings mentioned under a and b, together with proposals for the methods to be used to ensure consistency on the prioritised issues and to promote consistency across all subjects (e.g. by cross participation in expert groups/working groups, nomination of contact persons, contacts between chairs of expert groups/working groups, joint working groups or joint papers).
- d. In addition to the above, the Secretariats will establish a general contact point between them, and will create specific contact points if and when needed on specific subjects.

Article 2 Access to information

- a. For the purpose of access to and distribution of papers every Secretariat will be included in the list of recipients of the documents for the plenary meetings, the minutes thereof and the documents for written procedures of CEBS, CESR and CEIOPS, except for strictly confidential information restricted to the involved competent authorities. This will also facilitate the identification of common interests and areas where a joint approach on (public) accountability is necessary.
- b. In areas in which cross-sector interests have been identified, working documents discussed at the level of expert groups/working groups will also be circulated to the other Secretariats at an early stage.

Article 3 Joint work

- a. The Committees may decide to conduct work jointly on their own initiative, or when receiving mandates on similar subjects, provided that the timelines are compatible. The Committees may also decide to create joint working groups with the appropriate expertise, if and where necessary. Depending on the issues, one Secretariat may be appointed as a 'lead' Secretariat, meaning that it will be asked to draft the proposals, inviting and processing the comments and input from the other Committees' structures. The joint work would be based on a mandate from the relevant Committees. The decision on approval of the final product will remain within the remit of each Committee itself.
- b. On cross sector risks there will be joint reporting to the various interested European institutions and/or committees.

Article 4 Reporting to the Committees

- a. The respective Committees will be briefed regularly, at least at each plenary meeting, on the ongoing contacts and work under these arrangements, including by the joint working groups mentioned under Article 3. The Committees will be notified of forthcoming meetings and agendas of the Chairs of the 3L3 Committees and have the opportunity to propose items for the agenda. The conclusions of the meetings referred to in Article 1 will be distributed to the Committees. The documents produced by joint working groups under Article 3 will be given a wide distribution within the Committees.
- b. A joint work programme for cross-sector co-operation will be prepared each year, in connection with the adoption of the annual work programme of each sector Committee. The joint work programme will be approved by the Committees and regularly published, for the first time with reference to

the year 2006. The Chairs will monitor the progress achieved and report periodically to the respective Committees.

- c. Prior approval by the Committees is required for making agreements or arrangements with third parties.
- d. The Committees will discuss annually the implementation and results of this cooperation and will publish their conclusions in their respective annual reports.

Article 5 Miscellaneous

- a. Each Committee will bear its own costs.
- b. The Committees may decide to host joint seminars on cross sector issues.
- c. These arrangements will be effective as of the date of execution. They will be published on the websites of all three Committees.

As agreed and signed on 24 November 2005,

For the Committee of European Securities Regulators:

Arthur Docters van Leeuwen (Chair)

For the Committee of European Banking Supervisors:

José María Roldán (Chair)

For the Committee of European Insurance and Occupational Pensions Supervisors:

Henrik Bjerre-Nielsen (Chair)