

Mandate of the European Supervisory Authorities' Joint Committee Securitisation Committee (JCSC)

1. Framework

1. The main objective Specific Committee on Securitisation of the Joint Committee of the European Supervisory Authorities (hereafter referred to as "Specific Securitisation Committee (JCSSC or JCSC) is to assist the Competent Authorities (hereafter referred to as "CAs"), the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA) and the European Securities and Markets Authority (ESMA), i.e. the European Supervisory Authorities (ESAs), through their Joint Committee, in fulfilling their respective mandates pursuant to Regulation (EU) 2017/2402 (hereafter the "Securitisation Regulation").

2. Tasks

2. The JCSSC shall contribute to the work of and report to the Joint Committee and act as a forum for CAs and ESMA, EBA and EIOPA to closely cooperate and coordinate the duties under Articles 30 to 34 of the Securitisation Regulation to:
 - a. Enable CAs to discuss and assess practical and operational issues related to their supervision and enforcement duties as per Articles 30-34 of the Securitisation Regulation, and to develop joint positions and agree on common acts in relation to simple, transparent and standardised (STS) securitisation;
 - b. Ensure consistent approaches in the implementation of the STS criteria and supervisory best practice;
 - c. Provide a regulatory and supervisory input to CAs with respect to supervisory duties under Articles 30 to 34 of the Securitisation Regulation, including by identifying possible topics for level 3 work to be carried out by the relevant ESAs committee or, on topics involving a material cross-sectoral component itself;
 - d. As a complement to ESMA's general powers under Articles 19 and 20 of Regulation No 1095/2010, in the event of disagreement between the competent authorities, ESMA, and where appropriate, the Joint Committee of the European Supervisory Authorities (ESAs) shall exercise their binding mediation powers (Article 20 of Regulation No 1095/2010) in order to settle cross sectoral disagreements between CAs;

- e. In conjunction with the Securitisation Regulation, fulfil any other specific tasks set out and agreed by the ESAs' governing bodies, and as delegated by the Joint Committee, as appropriate.

3. Type of deliverables

3. To achieve the tasks set out in the previous paragraphs, the JCSSC will assist the ESAs and the CAs, to prepare deliverables including:
 - a. joint positions including reports as defined in Article 44 of the Securitisation Regulation and other level 3 related work (Article 56 of the ESA Regulations);
 - b. common acts (Article 56 of the ESA Regulations) on issues related to STS securitisation;
 - c. Joint Committee's decisions (Article 20 of the ESA Regulations) in the area of the implementation of the STS securitisations;
 - d. upon a request or on its own, provide opinions (Article 16a of the ESA Regulations) to the European Parliament, the Council, or the Commission on issues related to the STS securitisations;
 - e. coordinate on cross-sectoral Q&As (Article 16b);
 - f. develop and coordinate a training programme for competent authorities in the field of the implementation of the Securitisation Regulation.

4. Internal organisation

4.1. Membership

4. The Chairpersons of the ESAs are members of the JCSSC.
5. Each ESA shall nominate at least one expert to participate in the JCSSC.
6. Each voting member of the ESAs' Board of Supervisors (BoS) may nominate experts with expertise and experience in the area relevant to the tasks and deliverables of the JCSSC to be a member of the JCSSC.
7. In Member States where more than one competent authority is responsible for the securitisation supervision, then both/all those authorities – including where the latter is outside ESA's scope of application – could participate at the JCSSC. For those Member States who choose not to nominate a representative to attend the JCSSC, a contact person may be designated, to make sure that the respective authorities in that Member State are able to follow and contribute to the work of the JCSSC. During the term of appointment of the Chairperson, his/her competent authority or ESA may decide to send another high-level representative to assume the interests of the competent authorities or ESMA, EBA and EIOPA.
8. The following may participate as non-voting members of the JCSCC:
 - A representative, with relevant expertise and experience, from the national supervisor of an EEA-EFTA Member State and of the EFTA Surveillance Authority;

9. The following shall be invited as observers to the JCSSC meetings:

- The Executive Directors of the EBA, EIOPA and ESMA;
- Representatives from the ESRB;
- Representatives from the European Commission;

10. The following may be invited as observers to the JCSSC meetings:

- Representatives, with relevant expertise and experience, of the ECB;
- Representatives, with relevant expertise and experience, from non-voting members of the ESAs' BoS;
- A representative, with relevant expertise and experience, from the national supervisor of an applicant country of the EU; and
- Other observers and experts, where appropriate.

4.2. Members' profile and responsibilities

11. Members of the JCSSC should have expertise and experience in the area relevant to the tasks and deliverables of the JCSSC. They should also be empowered by their respective ESA or competent authority to represent and take decisions on their supervisory authority's behalf.

12. Members are expected to provide their comments and views within the suggested deadlines.

4.3. JCSSC Chairperson

13. The JCSSC should be chaired by a high-level representative and shall have sufficient seniority, expertise and experience. This representative shall preferably be a Member or alternate of the Board of Supervisors of one of the ESAs or a permanent representative or alternate in the case of EIOPA, or where agreed by the JCSSC, a representative of the ESAs. The term of the Chairperson's appointment shall be for two years and can be renewed once. Article 13.1 of the Joint Committee Rules of Procedure outlines the selection process of the Chairperson.

14. The JCSSC Chairperson should be responsible for ensuring the tasks allocated to the JCSSC, by the Joint Committee, are delivered.

15. The JCSSC Chairperson shall also be an Observer of the Joint Committee.

16. The JCSSC Chairperson may request to hold a partial or fully restricted meeting without non-voting members and observers, when deemed necessary.

17. The JCSSC Chairperson shall strive to reach decisions by consensus. In the event that a consensus cannot be reached, controversial issues shall be remitted by the JCSSC Chairperson to the Joint Committee for its consideration; when carrying out his tasks the JCSSC Chairperson shall act in the interest of the European Union.

4.4. Ongoing work and meetings

18. JCSSC ongoing work shall be directed by the JCSSC Chairperson and supported by ESAs' staff.

19. Meetings should be arranged to follow the schedule of the Joint Committee and timelines for external and internal deliverables.
20. Additional meetings can be scheduled if necessary.

4.5. Substructures

21. Subject to the approval of the Joint Committee, the JCSSC can set up Subgroups (SGs).
22. No Subgroup can generate further substructures.
23. Subgroups shall be chaired by a member of the JCSSC or, where appropriate, by a technical expert from a member or observer organisation or ESA staff, who shall be appointed by the JCSSC and confirmed by the Chair of the JCSSC, in consultation with the ESAs.
24. The members of the Subgroups of the JCSSC shall have expertise and experience in the substructure's allocated area.

4.6. External Relations

25. JCSSC engagement with stakeholders should primarily be with the ESAs' stakeholder groups, and where established, any Joint Committee industry group on Securitisation products together with any of the relevant ESAs' stakeholder group (Article 37 of the ESA regulations).
26. To the extent necessary, the JCSSC may seek input from or exchange views with the European Commission and/or relevant committees/groups, including the ESRB standard-setting bodies or other interested parties, and ensure that the JCSSC's interests are properly reflected at these levels.
27. To the extent necessary, the JCSSC will follow the work of the BCBS, IOSCO, Joint Forum subgroups on securitisation products, where established. The ESA staff will ensure adequate exchange of information and documents between the JCSSC and these international fora.
28. After having given prior information to the Joint Committee, regular contacts with competent authorities of Third Countries could also be established.

4.7. Review of the mandate

29. The mandate of the JCSC will, every two years, be subject to review and endorsement by the JC/ESAs' BoSs and, to the extent necessary, adapted to reflect new developments.

4.8. Effective date

30. This mandate, approved by the ESAs' BoSs, will come into effect on 1st January 2022.