



EUROPEAN CENTRAL BANK
BANKING SUPERVISION

Danièle NOUY

Chair of the Supervisory Board

COURTESY TRANSLATION

Mr Nuno Melo
Member of the European Parliament
European Parliament
60, rue Wiertz
B-1047 Brussels

Frankfurt am Main, 03 March 2016

Re: Your letters (QZ012-013/2016)

Honourable Member of the European Parliament, dear Mr Melo,

Thank you for your letter, which was passed on to me by Mr Roberto Gualtieri, Chair of the Committee on Economic and Monetary Affairs, accompanied by a cover letter dated 17 February 2016.

As Banco Internacional do Funchal, S.A. (Banif) was classified as a “less significant institution” in accordance with Article 6(4) of the SSM Regulation¹, the bank was directly supervised by Banco de Portugal in its competence as national competent authority and national resolution authority. Throughout the process, Banco de Portugal remained in the lead as the competent supervisory authority, with ECB Banking Supervision being involved in its supervisory oversight capacity. During the relevant period, Banco de Portugal, as the competent national resolution authority, was in charge of implementing the national legislation transposing the Bank Recovery and Resolution Directive² and, in particular, of proposing the resolution tools and measures applicable at that time. As Banif had already received State aid in 2013 and the State aid procedure was still ongoing, the European Commission was involved in discussing and approving the resolution proposal prepared by Banco de Portugal.

As the authority in charge, Banco de Portugal would be the right addressee for your question on the resolution of Banif. Questions regarding the European resolution framework effective since 1 January 2016 should be addressed to the Single Resolution Board.

Regarding your questions on the specific situation of Banif and Santander Group, please allow me to recall that, as also laid down in the Inter-institutional Agreement, any reporting obligations vis-à-vis the European Parliament are subject to the relevant professional secrecy requirements, as outlined in the Capital Requirements Directive IV³. Therefore, the situation of credit institutions under ECB supervision, and the

¹ Council Regulation (EU) No 1024/2013.

² Directive 2014/59/EU of the European Parliament and of the Council

³ Directive 2013/36/EU of the European Parliament and of the Council.

supervisory measures taken with respect to them, cannot be commented on. This also applies to the respective issues raised in your letter. For further information, please refer to the press release of Banco de Portugal of 20 December 2015, explaining the background and details of the sale of Banif.⁴

Yours sincerely,

[signed]

Danièle Nouy

⁴ <https://www.bportugal.pt/en-US/OBancoeEurosisistema/ComunicadoseNotasdeInformacao/Pages/comb20151220.aspx>