



Parlamentul României Senat

Bucharest, May 4, 2021

Courtesy translation

OPINION of the SENATE of ROMANIA

on the Digital Finance Package

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A Capital Markets Union for people and businesses-new action plan – COM(2020) 590 final,

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a Digital Finance Strategy for the EU- COM(2020) 591 final,

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a Retail Payments Strategy for the EU- COM(2020) 592 final,

Proposal for a Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937- COM(2020) 593 final,

Proposal for a Regulation of the European Parliament and of the Council on a pilot regime for market infrastructures based on distributed ledger technology- COM (2020) 594 final,

Proposal for a Regulation of the European Parliament and of the Council on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014 and (EU) No 909/2014- COM (2020) 595 final,

Proposal for a Directive of the European Parliament and of the Council amending Directives 2006/43/EC, 2009/65/EC, 2009/138/EU, 2011/61/EU, EU/2013/36, 2014/65/EU, (EU) 2015/2366 and EU/2016/2341- COM(2020) 596 final,

The Romanian Senate examined the communications and legislative proposals within the digital finance package - COM(2020) 590 final, COM(2020) 591 final, COM(2020) 592 final, COM(2020) 593 final, COM(2020) 594 final, COM(2020) 595 final and COM (2020) 596 final - in accordance with the provisions of the Treaty of Lisbon - Protocol (No 1) and Protocol (No 2).

Taking into account the report of the Committee for European Affairs, the Plenary of the Senate, during its session of May 4, 2021,

(1) Considers that the legislative proposals respect the principle of subsidiarity. Legislative proposals also respect the principle of proportionality in terms of the legal form chosen but are inadequate in terms of content.

(2) Greetings:

- a) the approach to changing the existing legal framework on incentives, financial advice and disclosure rules, in particular by establishing a common conceptual basis, reducing information overload and increasing the quality of financial advice. Providing additional financing opportunities within the European Union will gradually reduce dependence on bank financing and increase risk-sharing in the single market, thus making the European Union's financial system more stable and unlocking additional funds;
- b) the proposed actions to promote and diversify access to finance, in particular for small and innovative companies, by simplifying the current rules on listing on regulated markets and admission to trading aimed at increasing the level of financial intermediation, an important objective especially for the Romanian market.

(3) Expresses some reservations and requests:

- a) reviewing the adequacy of the current securitization framework to ensure that capital markets can absorb more exposure from banks and release banks' lending capacity without undermining prudential standards or creating significant risks to financial stability in the Union European;
- b) a clearer definition of the Regulation on crypto-asset markets (MiCA), so that the regulation covers only crypto-assets that have a function of financial instruments (used for payments or as investments). Romania considers that the use of cryptocurrencies provided for in the MiCA proposal must not interfere with the right to regulate the use of the national currency, as provided for in the national framework, as a prerogative of monetary sovereignty.
- c) an assessment of the specific risks posed by cryptocurrencies, including the identification of specific risk factors and the special way in which these risks are covered by the provisions of the Capital Requirements Regulation (CRR) and Directive 2013/36 / EU - Directive on Capital Requirements (CRD) - CRR / CRD. In this regard, Romania considers that the publication and entry into force of the MiCA should be correlated with the corresponding modification of the CRR / CRD framework;
- d) clarification of compliance with the principle of proportionality as regards the regime applicable to small enterprises and the scope (eg exclusion of payment systems, given that high value payment systems are the most critical infrastructure of the financial market). Critical payment systems should be clearly defined, including for non-euro area Member States;
- e) increased attention to the translation of specific terms into the official languages of the Member States, as the terms used in this new field need to be clarified with specialists in the field, in order to avoid any confusion.