

Monetary Policy and Banking Supervision: Coordination instead of separation

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A strict separation, or 'Chinese walls', between the supervisory and monetary policy arms of the European Central Bank is not needed. The economic literature is not unanimous on this issue and we argue that a strict separation of supervision and monetary policy is not desirable during a financial crisis when the systemic stability of the financial system represents the biggest threat to a monetary policy that aims at price stability. The key problem hampering the ECB today is that it lacks detailed information on the state of health of the banking system, which is often highly confidential. Chinese walls would not solve this problem.

Moreover, the new, proposed Supervisory Board will be composed to a large extent of representatives of the same institutions which also dominate the Governing Council. It does not make sense to have Chinese walls between two boards with largely overlapping memberships.

In addition, some members of the Supervisory Boards should be independents in order to reduce the tendency of supervisors to unduly delay the recognition of losses.

Executive Summary

The June 2012 European Council decided that the legal basis for the 'Single Supervisory Mechanism' should be Article 127(6) of the Treaty, and that the SSM should 'involve' the ECB. This implies only that supervision should be concentrated within the ECB. In the policy discussion it is, however, generally taken for granted that there should be 'Chinese walls' between the supervisory and monetary policy arms of the ECB. The current legislative proposal is explicit on this account.

However, the economic literature is not unanimous on this issue. One could even argue that a separation of supervision and monetary

policy is not desirable during a financial crisis when the systemic stability of the financial system represents the biggest threat to a monetary policy that aims at a low but stable inflation rate and has to worry both about the medium- to long-term threat of inflation as well as the short- to medium-term threat of deflation. The key problem hampering the ECB today is a lack of detailed information, which is often highly confidential, on the state of the health of the banking system.

Moreover, the proposed Supervisory Board will be composed to a large extent of representatives from the same institutions which also dominate the Governing Council. This raises the question

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whether it makes sense to have Chinese walls between two boards with largely overlapping memberships.

We would argue that a strict separation between the monetary policy and supervisory arms within the ECB is neither desirable nor feasible at this stage. We consider it more important to complement the single supervisory mechanism with a strong set-up for bank resolution. The tendency of all supervisors to practice forbearance as long as possible could be countered at least partially if some members of the supervisory board were independent experts, drawn neither from among national supervisors, nor from the ECB.

1. Introduction

The Euro Area Summit Statement issued in the context of the European Council meeting for 29 June 2012 declared:

We affirm that it is imperative to break the vicious circle between banks and sovereigns. The Commission will present Proposals on the basis of Article 127(6) for a single supervisory mechanism shortly. We ask the Council to consider these Proposals as a matter of urgency by the end of 2012.¹

In response, the Commission published in September 2012, a legislative proposal on the Single Supervisory Mechanism (SSM). In this proposal it is foreseen that the responsibility for supervision should come under a new 'Supervisory Board', to be created within the ECB. This new board would have six members from the ECB, a President and a Vice-president plus four other members. In addition, the other members of the Supervisory Board should represent national supervisors.

The proposal by the Commission says that a "representative of each national central bank or other national competent authority" will sit on the Supervisory Board (SB) to be created within the ECB:

The Chair of the supervisory board will be selected from the Members of the Executive

Board. ... The supervisory board will be led by a Chair and a Vice-Chair elected by the ECB Governing Council and composed in, addition to them, of four representatives of the ECB and of one representative of each national central bank or other national competent authority.²

In more than one-half of all euro area member states (11 out of 17), the central bank is also the supervisor, that is, the 'national competent authority' as defined under EU rules. The table in the annex shows in more detail the distribution of supervisory competence for banking supervision. In some member countries, this is a responsibility of the central bank, together with a separate financial supervisory authority. The SB will thus be composed largely of representatives of the same institutions which also numerically dominate the Governing Council (GC), namely the national central banks (NCBs). This domination of both boards by representatives of NCBs might be slightly decreased if there were the full participation of the non-euro area group of countries. Five out of nine would delegate a member of their national financial supervisory authority (FSA).

However, the individuals who sit on the two boards might still be different because only the governors of NCBs sit on the Governing Council while the existing legislative proposals suggest that somebody else might represent the NCBs on the SB. The key practical question that arises is whether many central banks will have two different representatives within the ECB: one for the GC (the governor) and somebody else for the SB (e.g. the vice governor or whoever is responsible for supervision). The two individuals will work most of their time in the same institution (probably also in the same building) and one (the governor) is hierarchically superior to the other (the head of supervision). It is difficult to imagine that these two individuals will not be in constant contact, thus rendering any Chinese walls between the GC and the SB somewhat permeable.

The presence of representatives of other institutions on the SB raises a delicate problem of

¹ See http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/131359.pdf.

² See European Commission (2012b).

independence. For example in Germany supervision of banks and insurance companies is the responsibility of the Bundesanstalt für Finanzdienstleistungsaufsicht (BAFIN). In reality supervision is executed together with the Bundesbank, whose staff participates in most on-site inspections and which prepares many of the reports. The Bundesbank has thus automatically an intimate knowledge of the state of the financial system and de facto has access to all necessary detailed information which is often highly confidential.

One problem this raises is that BAFIN (like other supervisors) is not independent from the German Finance Ministry (in German BAFIN is *'weisungsgebunden'*). This means that some members of the Supervisory Board will not be independent. Would this be compatible with the overall independence of the ECB?

Another problem is that in the countries where supervision does not reside in the central bank, the supervisors have other tasks, such as supervising insurance institutions or consumer protection.

2. Differences between monetary policy and supervision

Supervision and monetary policy are completely different functions in many respects, e.g. the nature of the decisions that are taken, the background information needed to take them, their implementation, the qualifications of the staff that is needed, etc.

Monetary policy, at least in normal times, required only relatively infrequent decisions about one variable, namely the interest rate that the ECB sets on its main refinancing operations. This decision was then implemented uniformly throughout the system by the national central banks, which all just changed essentially one element in their computer code. The NCBs thus had no discretion in how to implement monetary policy decisions. Moreover, central banks do not change their interest rate daily, but at most with a monthly frequency. Monetary policy could thus be decided by a body that does not need to manage 'hands on', but that meets only every second week and has essentially then one big decision to take (whether to change rates).

The staff of the ECB had naturally a key role in preparing the material for taking monetary policy decisions (inflation and general economic outlook), but the staff of the ECB did not have to manage on a daily basis the actual implementation, which could be left to the NCBs. The latter had no leeway in this matter in any event.

With the crisis, the nature of monetary policy has of course changed somewhat. For example, collateral requirements had to be changed frequently and the use of new collateral has to be monitored. But even here there is little need to take frequent decisions on specific cases as the collateral rules are set in such a way (mainly ratings requirements) that the staff of the ECB only has to check the fulfilment of the formal requirements.

Supervision is totally different from monetary policy in these practical aspects. Supervision is by nature an activity that requires hands-on management with thousands of detailed information to be collected. During normal times, when the financial system is stable few decisions have to be taken as supervisors try not to interfere with the daily business of their banks.

But during a crisis major decisions on individual banks have to be taken almost daily. This requires more than broad rules and guidelines. Interpretation of the rules and the way they are applied then become crucial. It follows that the SB will have little influence if it meets with the same frequency as the Governing Council (once every second week).³ Supervision can be said to be exercised by the ECB only if it is done directly by ECB personnel. Very little will change if the SB simply elaborates general guidelines for national supervisors.

Finally it usually argued that supervision can have immediate fiscal implications. Bini-Smaghi (2012a and b) argues that this is also the case for monetary policy in general. This is true and in terms of the size of the fiscal consequences of potential mistakes there might be little difference, as an increase in interest rates can cost a

³ One is tempted to say 'Supervision cannot just be supervised'.

government much more than a bank rescue operation.

But the important difference between monetary policy and supervision is that the fiscal implications of monetary policy are much more diffuse and arise throughout the euro area as a by-product of standard monetary policy operations, whereas the fiscal implications of supervision are much more direct and concentrated in perhaps only one member state (e.g. the decision to close down a bank or the failure to detect excessive lending). Moreover, supervision affects the interests of a wide variety of interests much more directly than monetary policy operations, whose impact is in general rather diffuse.

This makes it politically much more difficult to accept the fiscal consequences of supervision at both the national and EU level. But the best way to deal with this issue would be to create a European resolution fund and regime (as emphasised in Beck, 2012).

3. Market segmentation

Gros (2012) has shown how national supervisors have a natural incentive to ‘ring fence’ the banks under their watch, i.e. national supervisors actively encourage ‘their’ banks to reduce their cross-border exposure. This segmentation of the euro area’s financial markets is one key cause of the crisis because it means that the savings surpluses of countries like Germany or the Netherlands can no longer be recycled to those countries with a current account deficit and even the existing stocks of cross-border liabilities cannot be rolled over in the market. In some cases supervisors in savings surplus countries have even de facto prevented the local subsidiaries of cross-border banks to fund their headquarters located in countries under financial stress.

Would the set-up proposed so far deal with this problem? This is unlikely. As long as resolution (and deposit insurance) remains totally national, the incentives of the national supervisory agencies (mostly central banks, except in Germany, whose savings surplus is a lynchpin of the euro area economy) will continue to be to ring fence because any losses abroad might lead to costs for them (or rather their own governments). Delegating supervision to the supra-national level but without a concomitant move of resolution

powers will thus not help address the current crisis or change anything fundamentally in the set-up of the currency union. Some observers have even argued that this partial banking union might make things worse (Wyplosz, 2012).

The limited access to information is another problem whose solution would be hampered by Chinese walls. At present, the ECB can only observe that a number of banks have become dependent on its funding. Moreover, some have even needed Emergency Liquidity Assistance (ELA). Both developments are in general a sign of weakness, but the ECB has no way of knowing how weak or strong these institutions are in reality. Only the national central bank of the home country of these institutions has all the required information in its possession. But this information is not shared. National central banks have an obvious interest in championing the interests of their banks and thus are not unbiased judges of the health of their banking system or of the quality of the collateral that their banks use for ELA. ECB staff has no access to any confidential supervisory information and cannot thus form its own independent view of the health of the euro area’s banking system. The other members of the Governing Council (i.e. the governors of the NCBs) also do not have access to any information about the state of the health of banks in other countries and they naturally mistrust the judgment of their colleagues. This makes it of course very difficult for the Governing Council to form an unbiased opinion of the degree of financial market stress (and the measures needed to stem the crisis).

This is again totally different from monetary policy under normal circumstances when all the information required to assess the economic outlook in general and that for inflation in particular is publicly available.

With Chinese walls between the two functions of the ECB (monetary policy under the GC and supervision under the SB), this problem would not be resolved.

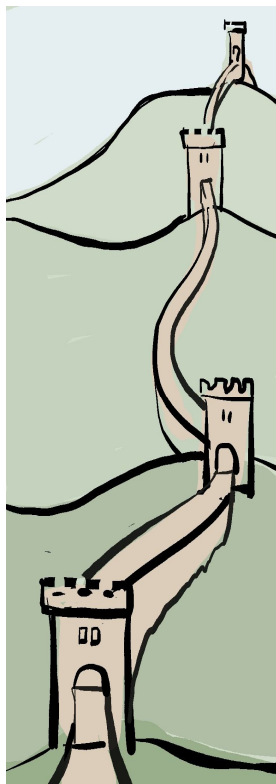
A key issue that has not yet even been broached is whether all members of the SB would have full access to all supervisory information, including that of a confidential nature. This must be provided for. Otherwise the board would not be able to be effective.

*Chinese wall between monetary policy and supervision?***ECB****Governing Council**

- 6 members of Executive Board, including President and Vice-President
- 17 governors of NCBs

Tasks:

- Taking decisions
- May delegate decision-making power to supervisory board

**Supervisory Board**

- Chair + Vice Chair elected by Governing Council (chair from the Executive Board)
- 4 representatives of ECB
- 17 representatives of euro area NCBs or other national competent authority
 - o 11 from NCBs
 - o 6 from FSAs
- Potentially 9 other representatives from non-euro-area countries
 - o 4 from NCBs
 - o 5 from FSAs

Tasks:

- Prepare decisions
- Taking decisions if decision-making power is delegated by the GC

Source: Authors' visualisation based on European Commission (2012a and b), Council of the European Union (2012) 15663/12, EBA (2012) and EIOPA (2012).

4. Review of the literature

The literature on supervisory structure contains arguments in favour and against concentrating responsibility for bank regulation and supervision within the Central Bank. Most of the literature assumes implicitly that there are no Chinese walls within the central bank between the supervisory arm and the decision-making organ on monetary policy. In this section, we list the main arguments in favour and against this assumption and also relate them to the current situation in the eurozone.

Benefits of involving the central bank in bank regulation and supervision

- *Access to better information.* The central bank needs accurate and timely information about banking sector performance in order to effectively exercise its monetary policy functions (Goodhart, 2000; Peek, Rosengren and Tootell, 1999). It might also help better assess the risk-taking consequences of loose monetary policy (Jiménez et al., 2012). In the context of the current crisis, this will give a better assessment of the current bottlenecks in the transmission channels of easing monetary policy. It will also help the ECB better execute its new task in macro-prudential regulation.

- *Crisis resolution.* If the central bank has supervisory powers, it may be able to act more effectively via the banking system in times of crisis (Goodhart and Schoenmaker, 1995). Critically, the ECB has de-facto taken over the lender-of-last resort function, without being able to judge the credit-worthiness of banks. This does not only exacerbate the tragedy of shared problems from the crisis (see below), but also increases risks on the ECB's balance sheet, i.e. the risk that weak banks will not be intervened in time (Wyplosz, 2102).
- *Independence.* Central banks are known for their independence, which is important for successful supervision (Abrams and Taylor, 2000). The ECB has achieved a reputation as being a truly European institution, well above national interests and being independent from political influence. In the context of constructing a banking union, it is therefore easiest to build on this already acquired reputation. The strong reputation of ECB might also help attract more skilled staff.

Disadvantages of involving the central bank in bank regulation and supervision

- *Conflicts of objectives.* Combining prudential supervision and monetary policy could result in an excessively loose monetary policy, since the central bank might want to avoid adverse effects on bank earnings and credit quality (Goodhart and Schoenmaker, 1995 and Ioannidou, 2012). In the current crisis, one could argue that the ECB might not necessarily be a tougher supervisor than national authorities. It might actually be more lenient, as it is concerned about contagion across the eurozone and because it has more resources available since it is also the lender of last resort (Allen, Carletti and Gimber, 2012). On the other hand, it is not clear whether monetary and financial stability policies conflict with each other with the rise of macro-prudential regulation as an additional policy tool.
- *Reputational risk.* If the credibility of the central bank as a prudential supervisor is undermined, this could also negatively affect its credibility in the area of monetary policy (Goodhart, 2000). This risk is especially great

in the area of bank stability as only the absence of such can be properly observed, while monetary stability is a more transparent target.

- *Loss of independence or too much power.* The central bank could become more prone to political capture when its role increases, thereby undermining its independence (Goodhart, 2000). In the context of the envisaged SSM within the ECB, this danger is especially grave, as representatives of national supervisory authorities do not enjoy the same degree of political independence as NCBs. Furthermore, supervisory decisions involving taxpayer-financed recapitalisation of banks might make the ECB vulnerable to more political pressure. On the other extreme, there is the fear that a central bank with banking supervisory power will become too powerful, with limited accountability to elected legislatures and governments. This concern might be especially pertinent in Europe, where the European Parliament still enjoys limited legitimacy.
- *Scope diseconomies.* An institution with several objectives might tend to mis-allocate resources and neglect one of its tasks (Abrams and Taylor, 2000). A related argument is that the boundaries of financial intermediation have moved far beyond banking and that a bank regulatory authority tasked with systemic financial stability has to expand significantly beyond banking. This is also reflected in the eurozone where bank supervisory authorities often have additional responsibilities for other segments of the financial sector.

It seems that while in general, there are arguments both pro and contra establishing bank regulation and supervision at the ECB, the current situation in the eurozone – both being in the crisis and thus the need for relatively fast action but also given its current governance structure – provides a strong argument for establishing the responsibility for bank supervision and regulation at the ECB. Or, expressed differently, some of the conflicts mentioned above will always exist, even if bank regulation and monetary policy are located in different institutions, but the ECB might be in a better position to internalise these conflicts

(Ioannidou, 2012). But in this case, Chinese walls between supervision and monetary policy do not make sense.

There are strong arguments to include bank regulation and supervision in the ECB's brief rather than locate the tasks with a different institution. The most convincing argument, however, refers to the tragedy of the common problems caused by the crisis in the eurozone as each member tries to shift the burden to the ECB. Only an institution that is free of direct national interference can overcome this problem and internalise the externalities stemming from national banking fragility for the overall currency union.

While the current situation might not be an appropriate one to distribute responsibilities across several institutions, there is a strong case to not bundle responsibility for bank resolution together with supervisory responsibilities at the ECB (Schoenmaker, 2012). The Commission is planning to come forward with proposals next year for a separate institution (which would need also funding) to deal with bank resolution. Such a separate institution could also counter the moral-hazard risk mentioned above, i.e. the risk that the ECB is reluctant to intervene in a bank to which it has high exposure as lender of last resort.

5. Conclusion

Our brief review of the literature suggests that during a financial crisis it makes little sense to try to separate supervision and monetary policy when both functions are for all practical purposes exercised within the same institution. Moreover, the two boards responsible for these two functions will overlap to a large extent, at least in terms of the institutions that are represented on them. Some 'osmosis' is thus inevitable between the SB and GC.

Theory (and practice) suggests that the nature of the relationship between supervision and monetary policy might differ fundamentally between crisis and normal times. Since the basis for the SSM is being laid during a crisis, it might be useful to have an explicit review clause so that the arrangements can be re-evaluated when financial market conditions have returned to normal.

National supervisors will always have a tendency to defend 'their' national champions, and the judgment of representatives of the ECB will be influenced by the lending that might be already at risk. We would argue that this problem could be addressed by stipulating that four members of the Supervisory Board should be independent, i.e. outsiders who are not beholden to any institution and who would thus be free of any conflict of interest.⁴

The real problem for the euro area going forward is not the separation of supervision and monetary policy or the details of the composition of the Supervisory Board, but rather how to ensure that supervision is linked to resolution in a framework that encourages early loss recognition. This applies in particular to the current crisis. The earlier losses are recognised, the better.

In the longer run, it will of course be essential to strengthen macro prudential supervision. Ensuring a proper flow of information and division of labour between the Supervisory Board and the ESRB will be essential for that task.

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⁴ The presence of independents on the SB will probably be seen as incompatible with the free flow of confidential information. But this should not be a concern as many companies have independent directors on their boards with access to highly confidential information.

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Annex. Who is responsible for banking supervision?

EBA member			Personnel	Budget	Other tasks
Euro area					
Austria	Finanzmarktaufsicht	FSA			
Belgium	Commission Bancaire, Financière et des Assurances	FSA			
Cyprus	Κεντρική Τράπεζα της Κύπρου	CB			
Estonia	Finantsinspektsioon	FSA			
Finland	Finanssivalvonta	FSA			
France	Autorité de Contrôle Prudentiel Bundesanstalt für Finanzdienstleistungsaufsicht	(CB) FSA			
Germany	Finanzdienstleistungsaufsicht	FSA			
Greece	Τράπεζα της Ελλάδος	CB			
Ireland	Central Bank of Ireland	CB			
Italy	Banca d'Italia	CB			
Luxembourg	Commission de Surveillance du Secteur Financier	FSA			
Malta	Malta Financial Services Authority	FSA			
Netherlands	De Nederlandsche Bank	CB/FSA			
Portugal	Banco de Portugal	CB			
Slovakia	Narodna Banka Slovenska	CB/FSA			
Slovenia	Banka Slovenije	CB			
Spain	Banco de España	CB			
Non-euro area					
Bulgaria	Българска народна банка	CB			
Czech Republic	Ceska Narodni Banka	CB			
Denmark	Finanstilsynet	FSA			
Hungary	Pénzügyi Szervezetek Állami Felügyelete	FSA			
Latvia	Finansu un Kapitāla Tirgus Komisija	FSA			
Lithuania	Lietuvos Bankas	CB			
Poland	Komisja Nadzoru Finansowego	FSA			
Romania	Banca Națională a României	CB			
Sweden	Finansinspektionen	FSA			
United Kingdom	Financial Services Authority	FSA			

Source: Authors' own compilation based on membership in the European Banking Authority (EBA).



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Research Institutes (ENEPRI)
European Policy Institutes Network (EPIN)