

Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions

DIRECTIVE 2000/12/EC OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 20 March 2000

relating to the taking up and pursuit of the business of credit institutions

^{F1}TITLE I

DEFINITIONS AND SCOPE

Article 1

Definitions

.....

Article 2

Scope

.....

Article 3

Prohibition for undertakings other than credit institutions from carrying on the business of taking deposits or other repayable funds from the public

.....

Textual Amendments

F1 Repealed by [Directive 2006/48/EC of the European Parliament and of the council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions \(recast\) \(Text with EEA relevance\)](#).

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

^{F1}TITLE II

REQUIREMENTS FOR ACCESS TO THE TAKING UP AND PURSUIT OF THE BUSINESS OF CREDIT INSTITUTIONS

Article 4

Authorisation

.....

Article 5

Initial capital

.....

Article 6

Management body and place of the head office of credit institutions

.....

Article 7

Shareholders and members

.....

Article 8

Programme of operations and structural organisation

.....

Article 9

Economic needs

.....

Article 10

Authorisation refusal

.....

Article 11

Notification of the authorisation to the Commission

.....

Article 12

Prior consultation with the competent authorities of other Member States

.....

Article 13

Branches of credit institutions authorised in another Member State

.....

Article 14

Withdrawal of authorisation

.....

Article 15

Name

.....

Article 16

Qualifying holding in a credit institution

.....

Article 17

Procedures and internal control mechanisms

.....

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

F1TITLE III

PROVISIONS CONCERNING THE FREEDOM OF ESTABLISHMENT AND THE FREEDOM TO PROVIDE SERVICES

Article 18

Credit institutions

.....

Article 19

Financial institutions

.....

Article 20

Exercise of the right of establishment

.....

Article 21

Exercise of the freedom to provide services

.....

Article 22

Power of the competent authorities of the host Member State

.....

F1TITLE IV

RELATIONS WITH THIRD COUNTRIES

Article 23

Notification of the subsidiaries of third countries' undertakings and conditions of access to the markets of these countries

.....

Article 24

Branches of credit institutions having their head offices outside the Community

.....

Article 25

**Cooperation with third countries' competent authorities
regarding supervision on a consolidated basis**

.....

^{F1}TITLE V

**PRINCIPLES AND TECHNICAL INSTRUMENTS
FOR PRUDENTIAL SUPERVISION**

CHAPTER 1

PRINCIPLES OF PRUDENTIAL SUPERVISION

Article 26

Competence of control of the home Member State

.....

Article 27

Competence of the host Member State

.....

Article 28

Collaboration concerning supervision

.....

Article 29

On-the-spot verification of branches established in another Member State

.....

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Article 30

Exchange of information and professional secrecy

.....

Article 31

Duty of persons responsible for the legal control of annual and consolidated accounts

.....

Article 32

Power of sanction of the competent authorities

.....

Article 33

Right to apply to the courts

.....

Article 33a

.....

CHAPTER 2

TECHNICAL INSTRUMENTS OF PRUDENTIAL SUPERVISION

Section 1

Own funds

Article 34

General principles

.....

Article 35

Other items

.....

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Article 36

Other provisions concerning own funds

.....

Article 37

Calculation of own funds on a consolidated basis

.....

Article 38

Deductions and limits

.....

Article 39

Provision of proof to the competent authorities

.....

Section 2

Solvency ratio

Article 40

General principles

.....

Article 41

The numerator: own funds

.....

Article 42

The denominator: risk-adjusted assets and off-balance-sheet items

.....

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Article 43

Risk weightings

.....

Article 44

Weighting of claims for regional governments or local authorities of the Member States

.....

Article 45

Other weighting

.....

Article 46

Administrative bodies and non-commercial undertakings

.....

Article 47

Solvency ratio level

.....

Section 3

Large exposures

Article 48

Reporting of large exposures

.....

Article 49

Limits on large exposures

.....

Article 50

Supervision on a consolidated or unconsolidated basis of large exposures

.....

Section 4

Qualifying holdings outside the financial sector

Article 51

Limits to non-financial qualifying holdings

.....

CHAPTER 3

SUPERVISION ON A CONSOLIDATED BASIS

Article 52

Supervision on a consolidated basis of credit institutions

.....

Article 53

Competent authorities responsible for exercising supervision on a consolidated basis

.....

Article 54

Form and extent of consolidation

.....

Article 54a

Management body of financial holding companies

.....

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Article 55

Information to be supplied by mixed-activity holding companies and their subsidiaries

.....

Article 55a

Intra-group transactions with mixed-activity holding companies

.....

Article 56

Measures to facilitate supervision on a consolidated basis

.....

Article 56a

Third-country parent undertakings

.....

^{F1}TITLE VI

BANKING ADVISORY COMMITTEE

Article 57

Composition and tasks of the Banking Advisory Committee

.....

Article 58

Examination of the requirements for authorisation

.....

Article 59

Observation ratios

.....

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

^{F1}TITLE VII

POWERS OF EXECUTION

Article 60

Technical adaptations

.....

^{F1}TITLE VIII

TRANSITIONAL AND FINAL PROVISIONS

CHAPTER 1

TRANSITIONAL PROVISIONS

Article 61

Transitional provisions regarding Article 36

.....

Article 62

Transitional provisions regarding Article 43

.....

Article 63

Transitional provisions regarding Article 47

.....

Article 64

Transitional provisions regarding Article 49

.....

Article 65

Transitional provisions regarding Article 51

.....

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

CHAPTER 2

FINAL PROVISIONS

Article 66

Commission information

.....

Article 67

Repealed Directives

.....

Article 68

Implementation

.....

Article 69

Addressees

.....

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

ANNEX I

LIST OF ACTIVITIES SUBJECT TO MUTUAL RECOGNITION

1.
2.
3.
4.
5.
6.
7. Trading for own account or for account of customers in:
.....
8.
9.
10.
11.
12.
13.
14.

ANNEX II

CLASSIFICATION OF OFF-BALANCE-SHEET ITEMS

-
-
-
-
-
-
-
-
-
-

ANNEX III

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

THE TREATMENT OF OFF-BALANCE-SHEET ITEMS

1. CHOICE OF THE METHOD

.....

2. METHODS

Method the 'mark to market' approach
1:

.....

Method the 'original exposure' approach
2:

.....

.....

3. CONTRACTUAL NETTING (CONTRACTS FOR NOVATION AND OTHER NETTING AGREEMENTS)

(a) Types of netting that competent authorities may recognise

.....

.....

.....

(b) Conditions for recognition

.....

.....

.....

.....

.....

.....

(c) Effects of recognition

(i) Contracts for novation

.....

.....

.....

(ii) Other netting agreements

.....

.....

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

.....
.....
.....
.....

ANNEX IV

TYPES OF OFF-BALANCE-SHEET ITEMS

1. **Interest-rate contracts:**
.....
2. **Foreign-exchange contracts and contracts concerning gold:**
.....
3. **Contracts of a nature similar to those in points 1(a) to (e) and 2(a) to (d) concerning other reference items or indices concerning:**
.....

ANNEX V

PART A

**REPEALED DIRECTIVES TOGETHER
WITH THEIR SUCCESSIVE AMENDMENTS**

(referred to in Article 67)
.....

PART B

DEADLINES FOR IMPLEMENTATION

(referred to in Article 67)
.....

ANNEX VI

CORRELATION TABLE
.....