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The National Committee on Financial Stability. Why and how to reform it

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The National Committee on Financial Stability. Why and how to reform it

Executive Summary

Recent international experience reveals that a key ingredient in safeguarding financial stability consists in closer communication and coordination among relevant agencies. With that purpose, countries all over the world resorted to the creation of financial stability committees.

Why to reform the NCFS. In Moldova, the National Committee on Financial Stability (NCFS) was created in 2010. However, for many reasons, it proved to be inefficient in preventing and managing the current banking crisis. One main reason relates to its strong political flavour, since at least half of its members have strong political affiliations. Furthermore, the NCFS acted - de facto - as a law enforcement body rather than a communication platform, thus threatening the independence of the National Bank. On top, the body has an unclear mandate; many of its activities overlap with the responsibilities of member agencies. Finally, it acted more as a crisis managing institution, with limited focus on crisis prevention. All these features contradict international experience in setting similar committees. Therefore, there is a clear need for reforming the NCFS, taking into account the lessons learned in Moldova, as well as the experience in other countries.

How to reform the NFCS. The new NCFS should have a smaller number of members, with low political exposure and strong relevance for the financial stability area. In our view, it should include the heads of the National Bank, the National Commission for Financial Markets, the Ministry of Finance and the Deposit Insurance Fund. The secretariat should be ensured by the NBM and its chair should have a symbolic importance, with each member serving as chair based on annual rotation. Importantly, the NCFS should have a clear mandate, without any overlapping with the responsibilities of member agencies. It should not be a decision-making body, but rather a platform for communication and coordination of actions among members, focussed on preventing rather than fighting systemic crisis. The NCFS could adopt conclusions or positions, but only based on a consensus.

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1 Introduction

In 2010, the National Committee on Financial Stability (NCFS) has been set up in Moldova, which was followed by the Memorandum of Understanding on Safeguarding Financial Stability signed in 2011. Paradoxically, since then, the country's financial stability only worsened, and currently Moldova is in a middle of a banking crisis. Particularly, three banks representing about one-third of banking system's assets went bankrupt after being decapitalized of about 12% of GDP in 2015. Other banks, which are even more important, were placed under the NBM's regime of special supervision.

Recent events in the financial sector of Moldova provide serious reasons to doubt the efficiency of the NCFS in its current setting. Moreover, the report[1] conducted by a special investigative committee created by the Parliament of the Republic of Moldova concluded that the institutions responsible for the financial stability of the country (mainly NBM and the National Commission for Financial Markets (NCFM)) did not coordinate properly their interventions, and the communication was rather informal, meaning outside the NCFS. A similar conclusion has been supported by the Financial Sector Assessment report elaborated by the IMF and the World Bank in 2014.

Given the fact that the NCFS proved to be inefficient both in preventing and in resolving the current banking crisis, there seems to be a need for reforming the NCFS as part of the efforts to strengthen the financial stability of Moldova. The Prime Minister Filip declared his commitment to reform the NCFS, a measure that is also supported by the National Bank of Moldova (NBM), International Monetary Fund (IMF) and other relevant stakeholders.

Three crucial factors that need to be taken into account in reforming the NCFS are: (i) best relevant practices in setting similar committees in other countries; (ii) lessons learned from the current NCFS; (iii) local peculiarities of the financial system supervisory framework. Building on the analysis of these factors, the paper provides advice for reforming the NCFS or setting even a new similar tool for safeguarding financial stability.

[1] Report of the investigative committee of the Parliament of the Republic of Moldova regarding the situation in the domestic financial and monetary sector, No. 111, 20 March 2015.

2 Relevant international practices in setting financial stability committees

Financial stability committees (FSCs) are currently instrumental tools for safeguarding financial stability in many countries. They are mainly created in order to foster the communication and cooperation among the institutions responsible for macro-prudential regulation of various spheres of the financial sector. Most often, they are formed based on a memorandum of understanding signed by relevant institutions. In case of EU countries, such forms of cooperation were urged by ECOFIN Council back in 2006, with the goal to ensure the exchange of information between the authorities, as well as to prevent, appraise and manage possible difficulties having a systemic impact. FSCs differ from country to country (Table 1), and there are many debates about their fit-and-proper set-ups. The most important aspects of FSCs' set-ups are related to their *mandates* and *composition*.

Mandate of FSCs

In most countries, FSCs are platforms for discussions, their roles being limited to facilitating the communication among member agencies in order to prevent financial crises. In times of crises, the committees enforce the coordination of actions among members, in order to allow for a timelier and more efficient policy response. This is the case for the Eurozone countries as well, were there are supranational agencies responsible for managing systemic risks and crises. Thus, the European Systemic Risk Board (ESRB) coordinates the activities related to risk assessment and prevention, while the European Central Bank (ECB), through the Single Supervisory Mechanism, is in charge of the larger banks' supervision.

In some countries, these discussion platforms have – after some years further developed into law-enforcement institutions, acting as macro-prudential regulators. One relevant example is the Financial Policy Committee, which is established within the Bank of England, being entitled with setting countercyclical capital buffer (CCB) rates for UK firms, power of Direction to set sectorial capital requirements, and broader powers of policy recommendation.

Importantly, the responsibilities of FSCs do not overlap with those of their members, neither they undermine the independence and accountability of member agencies. This condition is enforced by stipulating it clearly in the memoranda of understanding. In most countries, this condition is ensured by keeping the mandates of FSCs as consultative bodies. It means that FSCs do not take any administrative decisions, but rather provide advice, and agree on conclusions and positions.

Composition of FSCs

The members of FSCs are usually the institutions with limited political exposure and dealing directly with financial stability issues: central banks, supervisory authorities and finance ministries. No evidence has been found about the participation of members of Government (except for the ministries of finance) or Parliament in such committees. In most cases, the central banks play the most pro-active role in FSCs, given their expertise in the area of financial stability and independence. Usually, the FSCs can form working groups where additional members can be invited, including from other state institutions or the independent experts' community.

In many countries, especially in the Eurozone, where the FSCs are created as platforms for information exchange and policy coordination, the roles of FSC chairs are rather symbolic, being occupied by the central bank governors or finance ministers. In most cases, such committees do not have any hierarchy, all members having the same attributions and no member can give orders to others.

Table 1. Key features of the institutional set-ups of FSCs in the world

Country	Name and Mandate	Composition	Chair
Romania	*National Committee for Financial Stability* *Mandate*: to promote a steady and efficient information exchange between the sectorial financial supervisors and the Ministry of Public Finance and the Bank Deposit Guarantee Fund, and to appraise, prevent and, where appropriate, manage financial crises at individual financial institutions level, financial groups level or financial market as a whole.	The Ministry of Public Finance, the National Bank of Romania, the Financial Supervisory Authority and the Chairman of the Bank Deposit Guarantee Fund.	Governor of the central bank, appointed in the first year of Committee's activity, being replaced by other members, by rotation, each year.
Poland	*Financial Stability Committee* *Mandate*: to ensure effective collaboration in the area of supporting and maintaining domestic financial sector stability by means of exchange of information, opinions and assessments of the state of the financial system within the country and abroad, as well as to coordinate action in this domain.	The Minister of Finance, the President of the National Bank, the President of the Financial Supervision Authority, the President of the Banking Guarantee Fund and other experts invited by the mentioned permanent members.	Ministry of Finance
Portugal	*National Financial Stability Committee* *Mandate*: to promote the regular exchange of information at times when financial systems and markets are operating smoothly, addressing issues such as financial stability prospects at national and international level, instruments for financial crisis prevention and management, and relevant developments in international cooperation mechanisms, particularly in the European Union.	Ministry of Finance and Public Administration, Banco de Portugal, Instituto de Seguros de Portugal - ISP (Portuguese Insurance Institute), Comissão do Mercado de Valores Mobiliários - CMVM (Securities Market Commission).	No specific chair
Germany	*Financial Stability Committee* *Mandate:* to regularly discuss the matters of decisive importance for financial stability based on analyses of the Bundesbank, to issue warnings of risks when these are identified and to make recommendations on how to prevent such risks. The Commission also discusses the warnings and recommendations of the ESRB. Another purpose is to strengthen cooperation among the institutions represented in the Commission in times of financial crisis.	Federal Ministry of Finance, the Federal Financial Supervisory Authority (BaFin) and the Deutsche Bundesbank as well as one non-voting member representing the Financial Market Stabilisation Agency (FMSA).	No specific chair

Nether-lands	*Financial Stability Committee* *Mandate*: to exchange information concerning the stability of the financial system in order to identify potential risks. To discuss issues and ways of mitigating potential risks to the stability of the financial system, as well as ways of strengthening the instruments available to DNB, AFM and the Minister in order to mitigate such risks. The Committee may identify risks and make recommendations about them. These recommendations shall be made public, unless their disclosure might jeopardise financial stability.	De Nederlandsche Bank NV (central bank), the Netherlands Authority for the Financial Markets, Ministry of Finance	Governor of the central bank.
Bulgaria	*Memorandum of Understanding* *Mandate:* to maintain financial stability through the exchange of information and the assessment of the national financial system, as well as the monitoring of potential systemic risks.	Minister of Finance, Governor of the central bank, Chair of the Financial Services Commission.	Minister of Finance
Estonia	*Joint committee formed on the basis of Memorandum of Understanding* *Mandate:* To cooperate on: - policymaking and legislative drafting in the financial sector; - establishment of the safety net in the financial sector; - financial sector policy cooperation and exchange of information in communication with EU institutions and other international organisations (World Bank, International Monetary Fund, Organisation for Economic Cooperation and Development, etc.); - exchange of information on the condition and risks of the financial sector; - communication with the public on subjects specified above.	Central bank, Financial Supervision Authority, Ministry of Finance.	Ministry of Finance
United Kingdom	*Financial Policy Committee* *Mandate:* to identify, monitor and take action to remove or reduce systemic risks with a view to protecting and enhancing the resilience of the UK financial system. The FPC has a secondary objective to support the economic policy of the Government.	The Governor, three of the Deputy Governors, the Chief Executive of the Financial Conduct Authority (FCA), the Bank's Executive Director for Financial Stability Strategy and Risk, four external members appointed by the Chancellor, and a non-voting representation of the Treasury	No specific chair

3 Why to reform the National Committee for Financial Stability? Lessons learned

The NCFS was set up in June 2010, based on a Government Decision[2]. Initially, it was supposed to follow the IMF recommendation on setting a platform for communication and coordination among institutions responsible for ensuring financial stability. However, the original idea was significantly diluted. There are three major weaknesses in the current NCFS set up:

1. *Strong political bias*

NCFS has eight members, many of whom are more politicians rather than professionals dealing with financial stability issues. Firstly, the chair of the committee is the Prime Minister, i.e. a political figure. Secondly, the State Chancellery, whose leadership, as in any other ministry, has strong political exposure, ensures the secretariat of the committee. Thirdly, one of the NCFS members is a Member of Parliament – the President of the Commission for Economy, Budget and Finances. As a result, it induced a strong political flavour to the discussions within NCFS, making the dialog highly inefficient. Thus, the World Bank and IMF report on Financial Sector Assessment for Moldova from December 2014 pointed on the limited coordination among NCFS members and lack of focus on issues related to safeguarding financial stability of the country.

In order to solve this problem, the IMF recommended the creation of a technical subcommittee of NCFS, which was set up in 2012. It has half the size of the NCFS (only 4 members), and comprised members with less political exposure, who deal directly with financial stability issues (Governor of NBM, Head of NCFM, Minister of Finance and the Minister of Economy). Despite the fact that this subcommittee met so far only three times, the meetings were much more constructive and efficient because they gathered relevant people, who were able to talk financial and economic policies rather than politics.

2. *Threatened NBM independence*

Initially, the IMF recommendation was that the NCFS should be an advisory body, being created based on the signature of a memorandum of understanding on safeguarding financial stability. However, de facto it became a law enforcement power structure, where the decisions on safeguarding financial stability and crisis resolution could be taken by a simple majority of votes. Coupled with the strong political bias of the NCFS, it represents a direct threat to the independence of NBM.

3. *Unclear mandate*

Since its creation, NCFS spurred a lot of uncertainty about its mandate. According to the Law[3], the purpose of the Committee is to enhance the coordination among relevant authorities, ensure a clear division of responsibilities among them and prompt for urgent measures in times of financial crisis. However, the analysis of its responsibilities, stipulated by the same law, reveals a clear bias towards crisis resolution activities. Most of its attributions were related to managing extraordinary financial crisis, defining systemic crisis, public communication in times of crisis or restoring the credibility of the banking system. In fact, the law does not entitle the Committee with what should have been - based on international best practice - its main preoccupation, namely to serve as an efficient communication and coordination platform aimed at safeguarding financial stability, as well as identification and prevention of potential financial crisis. Thus, NCFS was rather a National Committee of Financial *Stabilisation*, created in response to turbulences in the banking sector that started to emerge in 2009-2010.

[2] Government Decision No. 449 of 02 June 2010 on creation of the National Committee for Financial Stability

[3] Ibid

The problem of Commission's bias towards crisis resolution was aggravated by the fact that it created the impression for some NCFS members and the society in general that it is the key institution that ensures financial stability and stabilisation. As a result, the Committee acted, often, as a decision-making authority. For example, it approved a secret government decree that authorized issuance of a state guarantee to the NBM to provide liquidity to banks in an amount up to MDL 14.5 bn during 2014-2015 in order to compensate for withdrawal of bank deposits[4]. Additionally, in August 2015, the NCFS took the decision to liquidate three troubled banks that received those liquidities.

It generated at least two fundamental problems: the first one triggered the current banking crisis, while the second one risks fuelling similar crises in the future:

i. *Overlapping responsibilities, slow decision-making and blurred accountability.* The decision-making and law-enforcement activities of the Committee, in many cases, overlapped with the mandate of NBM that is entitled by the legislation to supervise and regulate the banks and ensure the financial stability. As a result, it blurred the accountability of the institutions responsible for financial stability, which undermined the incentives of policy makers to react more promptly and decisively to risks.

ii. *Lack of focus on financial stability and crisis prevention.* The emphasis on crisis resolution made the NCFS to devote less attention to early spotting and prevention of potential crises. This conclusion corroborates with the Financial Stability Assessment report published in December 2014, stating that the NCFS "lacks focus and is not forward looking", and "coordination among member agencies is limited"[5]. This is currently a major weakness of Moldova's financial stability framework.

Conclusion: So far, NCFS was part of the *problem*, rather than of the *solution* to the ongoing banking crisis. In its current setting, the Committee proved to be inefficient in preventing financial crises, in facilitating the communication among member agencies, as well as in managing the current banking crisis. Hence, NCFS needs to be urgently reformed in order to foster Moldova's financial stability framework.

[4] IMF Country Report no. 16/19

[5] Financial Sector Assessment – Moldova, The World Bank Group, December 2014

4 How to reform the National Committee on Financial Stability

One of the main weaknesses of Moldova's financial stability framework is related to its fragmentation and poor communication and coordination among line agencies: National Bank of Moldova (responsible for regulating the banks), National Commission of Financial Markets (responsible for regulating the financial non-banking organizations), Ministry of Finance (responsible for issuing government guarantees and any other funding or recapitalization arrangements when necessary) and the Deposit Insurance Fund (responsible for the pay-out in case of bank insolvency). In order to increase communication and coordination among these agencies, it is necessary to reform the existing NCFS. Overall, the new committee should follow three fundamental principles:

1. Isolation from political interference
2. Safeguarding independence of the member agencies
3. Clear mandate that does not overlap with the responsibilities of member agencies

Key recommendations for the new NCFS

- *Sign a new memorandum.* The Government Decision No. 449 of 02.06.2010 on the creation of the NCFS should be cancelled and a new Committee should be formed after signing a new memorandum of understanding for safeguarding financial stability. The memorandum would serve as the main document regulating the activity of the Committee, by stipulating its mandate, scope of work, attributions, membership, secretariat, communication and coordination tools. Other laws and regulations are not necessary and should thus be avoided.
- *Reduce the number of members.* The new memorandum should be signed between four institutions whose activity is directly related to safeguarding financial stability and which will represent the members of the new NCFS: (i) National Bank of Moldova; (ii) National Commission for Financial Market; (iii) Ministry of Finance (MoF); and (iv) the Deposit Guarantee Fund (DGF). NCFS could invite other institutions (e.g. Information and Security Service, National Anticorruption Center, Ministry of Economy) or independent experts to attend relevant meetings whenever the NCFS members consider necessary.
- *Agree on the NCFS chair.* The NCFS chair should have a symbolic role that will have a one year mandate, which will be switched from one member to another by rotation in the following order: NBM, NCFM, MoF, DGF.
- *Agree on the NCFS secretariat.* The secretariat should be ensured by NBM, given its independence and primary expertise in financial regulations.
- *Agree on the frequency of meetings.* NCFS will meet quarterly. However, any member should have the right to ask for additional meetings if necessary.
- *Define a clear mandate.* NCFS will serve a platform for information exchange among its members on issues related to financial stability, financial regulation, internal and external risks and their mitigation, as well as for policy coordination for preventing or fighting financial crises. Still, the primary focus of NCFS will be crisis prevention, rather than crisis resolution. Importantly, it will not be a decision-making body, the mandate being limited to adopting conclusions, positions and advises related to safeguarding financial stability.
- *Define the roles of each member.* Each NCFS member will be responsible for sharing the following information:
    - *NBM:* Analysis and risk assessment of the banking system, inflationary environment and the payments' system; stress-testing results in the banking sector; monetary policy conduct; macroeconomic forecasts and risks. NBM should also be a key source of expertise about methodologies used for stress testing, forecasting and risk assessment (especially for NCFM). Under the leadership of NBM and with the support of all NCFS

members, it will define the early-warning system for the financial stability and share its results and periodic updates with NCFS members. Also, NBM will elaborate the annual financial stability report, with the information support from NCFS members.
    - *NCFS:* Analysis, risk assessment and stress-testing results of the financial non-banking sector.
    - *MoF:* Current and projected fiscal and budgetary policies, updates on execution of the state budget and deficit financing, risks for the stability of the public finances system.
    - *DGF:* Current and projected inflows and outflows from the fund; discusses measures for capitalization of the fund; in cases of bank bankruptcies, the DGF updates the NCFS about the pay-outs.
- *Introduce the consensus clause.* All conclusions, positions and policy recommendations issued by NCFS will be agreed based on consensus.
- *Define rules for exchange of information.* Every member will keep confidentiality to the information shared by other members. Still, the information could be disclosed to the employees of the institutions represented in NCFS, but who were not present at the meetings, as well as to other relevant authorities and international organizations.
- *Sign memoranda on cross-border financial stability.* The committee will sign memoranda with similar bodies from EU, CIS, US and any other countries on cross-border cooperation for securing financial stability. Primarily, such memoranda would facilitate the exchange of information on the activity of companies, banks and other entities that are involved, directly or indirectly, in the financial sector.
- *Clause on secured independence of member agencies.* The memorandum regulating the activity of the reformed NCFS should have a clause clearly indicating that the Committee attributions by no means overlap with those of its members. Additionally, the Committee does not undermine to any extent the independence of its members.
- *Clause on communication.* The memorandum should also contain a clause regulating the ways the NCFS' members communicate with the public. This issue is of particular importance during a crisis. More specifically:
    - All public statements that are related to the activity of the NCFS should be coordinated in advance between all member agencies and agreed on based on consensus;
    - Every public statement of the NCFS should be published on the websites of all member agencies;
    - The NCFS should have a dedicated speaker – one official voice on behalf of all members. We suggest the speaker should be from the NBM.

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