

**YEAR 2019****Cases assessed regarding former senior staff members who notified their intention to engage in an occupational activity within 12 months of leaving the service****Name of senior staff member**

Adam Farkas

Date of departure of the senior staff member

31 January 2020

Type of post held by the senior staff member and a description of the duties carried out during the last three years in the EU civil service:

Executive Director

The duties of the Executive Director are established in Article 53 of the [EBA founding Regulation](#) and concern the following:

- manage the EBA and prepare the work of the Management Board.
- to be responsible for implementing the EBA's annual work programme under the guidance of the Board of Supervisors and under the control of the Management Board.
- to take the necessary measures, notably the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the EBA, in accordance with its founding Regulation.
- to prepare a multi-annual work programme and a work programme for the following year.
- to draw up the EBA's preliminary draft budget and implement its budget.
- prepare a draft report with a section on the EBA's regulatory and supervisory activities and a section on financial and administrative matters.
- exercise in respect to the EBA staff the powers laid down in Article 68 of the founding Regulation and manage staff matters.

Name of the (intended) future employer and a description of the type of duties to be carried out in the new occupational activity; alternatively, a description of the intended self-employed activities:

Chief Executive Officer (CEO) of the Association for Financial Markets in Europe (AFME).

In that position, he would be responsible for advising the Board of AFME and preparing its work, as well as providing overall management of AFME's policy activities and operations, managing its budget and staff and representing AFME publicly at conferences and seminars.

Is the (intended) future employer or the self-owned company registered on the EU Transparency Register?

- If yes, link to the relevant register entry: 65110063986-76 ([here](#))

Detailed assessment of the case, including its conclusion on whether to authorise it (with or without mitigating measures) and a statement as to whether the intended activity may entail lobbying and advocacy and thus warrants the imposition of a lobbying and advocacy ban.

Adam Farkas submitted his resignation on 02 August 2019 and notified his intention to engage in an occupational activity as Chief Executive Officer (CEO) of the Association for Financial Markets in Europe (AFME).

By Decision of 12 September 2019, the Board of Supervisors (BoS) of the EBA adopted a series of restrictions concerning both the time until Adam Farkas remained in the service of the EBA and upon his taking up his new activity.

Restrictions while in the service of the EBA

- Adam Farkas's responsibilities are limited to organisational and operational matters. In particular, Adam Farkas does not participate in the preparation of EBA regulatory and supervisory policies and does not attend discussions in the Management Board, Board of Supervisors or Joint Committee of the ESAs on such items. In the case of doubt in relation to a particular activity, Adam Farkas consults the Chairperson who determines the appropriate role for Adam Farkas in relation to that activity.
- Adam Farkas has no access to EBA information that is outside the scope of the Operations Department and the Accounting function.
- Adam Farkas does not represent the EBA externally except on the instruction of the EBA Chairperson or on the express request of the European Parliament, the Council or the European Commission.
- Adam Farkas is required by 31 October 2019 to delegate his functions to one or more Directors or Heads of Unit.
- From 1 November 2019 until the expiry of Adam Farkas's notice on 31 January 2020 Mr Farkas will not attend the EBA's premises except upon request of the Chairperson and ceases to have access to EBA systems.

Restrictions after leaving the service of the EBA

- Adam Farkas is required not, for 24 months after leaving the service of the EBA, to engage in lobbying or advocacy of the EBA or its staff on matters for which he was responsible during the last three years of service.
- Adam Farkas is required not, for 24 months after leaving the service of the EBA, to have professional contacts with EBA staff on behalf of AFME.
- Adam Farkas is required for 18 months after leaving the service of the EBA to refrain from assisting AFME members, and otherwise contributing to AFME's activities on topics directly linked to work carried out by him during his last three years of service. This includes in particular: the EU impact and implementation of the finalised Basel III standards; prudential

policies relating to the fundamental review of the trading book, non-performing loans and securitisation; the EBA stress test; ML/TF risks in the prudential supervisory process; and secure customer authentication and API implementation under the Payment Services Directive 2. In case of doubt, Adam Farkas is required to contact the EBA.

- Adam Farkas is required not, without authorisation, to disclose information received in the line of duty unless that information has already been made public or is accessible to the public (Article 17(1) Staff Regulations). Adam Farkas is required not to exploit insights of a confidential nature in policy, strategy or internal processes that he has acquired in the line of duty and that have not been made public or is otherwise accessible to the public.

You can access [here](#) the response that the EBA provided to the European Ombudsman in the context of her inquiry into how the EBA handled the move of its former executive director to become CEO of a financial industry lobby group.