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Association Européenne pour le Droit Bancaire et Financier
European Society for Banking and Financial Law

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FRANCE

SAVE THE DATE

Paris, 27 June 2025

Reforming the European rule-making process in the financial services sector
Around the *Less is more* report

Dear Members and Friends of the European Society for Banking and Financial Law,

Please save Friday, 27 June 2025 in your diaries.

The European Society for Banking and Financial Law (ESBFL/AEDBF Europe) and the Association Européenne pour le Droit Bancaire et Financier (AEDBF France) are organising an international conference in Paris on « Reforming the European rule-making process in the financial services sector - Around the *Less is more* report ».

Several recent reports, notably the Letta and Draghi reports, stress the need for a simplification of the current legal framework to improve the competitiveness of European financial markets and more broadly, the European economy. The objectives of the new European Commission and many publications also point in this direction.

But it is not only the content of the rules that is complex, it is also the process by which they are made, and of course the two are linked. As pointed out in the *Less is more* report, the rule-making process applicable to the financial sector in the European Union, with its tiered system of legislation, is extremely tangled and the system has reached saturation point.

Level 1 directives and regulations are supplemented by Level 2 acts adopted by the European Commission, most often drafted by one of the three European Supervisory Authorities (ESAs). In addition to these Level 1 and Level 2 acts (which, taken together, run to hundreds or even thousands of pages on a given topic), there are Level 3 acts, i.e. soft law (such as guidelines, guides or questions and answers) adopted by the ESAs, but also by the European Central Bank, the Single Resolution Board and soon by AMLA.

Undoubtedly, new fields of activity have emerged and crises have led to the regulation of activities that were not previously regulated. Undoubtedly also, Level 2 and 3 acts play an essential role, providing legal clarity, promoting the convergence of supervisory practices and the harmonised implementation of EU legislation. But even though Level 1 directives and regulations are increasingly numerous, voluminous and granular, they confer an increasing number of mandates on the European Commission and the ESAs. As a result, essential elements involving political arbitration are no longer in the hands of the co-legislators. Moreover, the normative inflation is accentuated by the increasingly rapid rate at which these texts are revised.

In the wake of the *Less is more* report, the conference aims to analyse the respective roles of EU institutions and EU agencies such as the ESAs in the rule-making process in the financial services sector, to invite discussion on the architecture of regulation and supervision, including
possible developments towards a more integrated supervision of financial markets.

Putting things in perspective with regard to the institutional balance of the Union and the principle of democracy, the conference will also invite reflection on the accountability of the European commission and of EU agencies with respect to their rulemaking activities and on issues relating to the judicial review of EU soft law.

The conference will also invite discussion on how the rule-making process could be improved. In the context of actions already undertaken by the European Commission in particular, it will be an opportunity to discuss the challenges of ensuring that competitiveness is better taken into account by co-legislators and ESAs alike and the challenges associated with simplification - how can the existing regulatory framework be simplified without the adaptations that this will require actually being sources of new constraints and costs for the players concerned? How to improve, for the future, the rule-making process in the financial services sector at Levels 1, 2 and 3, e.g. by improving dialogue with stakeholders or enhancing the quality of impact studies ?

The brochure with the detailed programme and practical information will be distributed in the coming days.

A guided tour of the newest exhibition at the Musée du Luxembourg and a gala dinner after the conference will give an opportunity to meet AEDBF/ESBFL members from different countries.

We look forward to welcoming many of you to this event.

Yours sincerely,

Pierre Minor

President of AEDBF/ESBFL Europe

Anne-Claire Rouaud

President of AEDBF France