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COUNCIL IMPLEMENTING DECISION

of 13 September 2013

**on approving the macroeconomic adjustment programme for Cyprus and repealing Decision
2013/236/EU**

(2013/463/EU)

(OJ L 250, 20.9.2013, p. 40)

Amended by:

		Official Journal		
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► <u>M1</u>	Council Implementing Decision 2014/169/EU of 24 March 2014	L 91	40	27.3.2014
► <u>M2</u>	Council Implementing Decision 2014/919/EU of 9 December 2014	L 363	145	18.12.2014



COUNCIL IMPLEMENTING DECISION

of 13 September 2013

**on approving the macroeconomic adjustment programme for
Cyprus and repealing Decision 2013/236/EU**

(2013/463/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability ⁽¹⁾, and in particular Article 7(2) and (5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 472/2013 applies to Member States already in receipt of financial assistance, including those from the European Stability Mechanism (ESM), at the time of its entry into force.
- (2) Regulation (EU) No 472/2013 sets the rules for the approval of macroeconomic adjustment programmes for Member States in receipt of financial assistance; those rules need to be consistent with the provisions of the Treaty Establishing the European Stability Mechanism.
- (3) Upon a request of 25 June 2012 by Cyprus for financial assistance from the ESM, the Council decided on 25 April 2013 by Decision 2013/236/EU ⁽²⁾, that Cyprus was to rigorously implement a macroeconomic adjustment programme.
- (4) On 24 April 2013, the ESM Board of Governors decided to grant, in principle, stability support to Cyprus and approved the Memorandum of Understanding on Specific Economic Policy Conditionality (hereinafter the 'MoU') and its signing by the Commission on behalf of the ESM.
- (5) In accordance with Article 1(2) of Decision 2013/236/EU, the Commission, in liaison with the European Central Bank (ECB), and, where appropriate, with the International Monetary Fund (IMF), has conducted the first review to assess the progress with the implementation of the agreed measures as well as their effectiveness and economic and social impact. As a consequence of this review, an update has been made to the existing macroeconomic adjustment programme, reflecting the steps taken by the Cypriot authorities by the second quarter of 2013.

⁽¹⁾ OJ L 140, 27.5.2013, p. 1.

⁽²⁾ Council Decision 2013/236/EU of 25 April 2013 addressed to Cyprus on specific measures to restore financial stability and sustainable growth (OJ L 141, 28.5.2013, p. 32).

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- (6) Following the entry into force of Regulation (EU) No 472/2013, the macroeconomic adjustment programme is now to be adopted in the form of a Council implementing decision. For the sake of clarity and legal certainty, the programme should be readopted on the basis of Article 7(2) of Regulation (EU) No 472/2013. The substance of the programme should remain identical to the one approved by Decision 2013/236/EU, but also incorporate the results of the review carried out in accordance with Article 1(2) of that Decision. At the same time, Decision 2013/236/EU should be repealed.

- (7) The Commission, in liaison with the ECB and the IMF, has conducted the first review to assess the progress on the implementation of the agreed measures as well as their effectiveness and economic and social impact. As a result, the MoU has been updated in the areas of financial sector reform, fiscal policy and structural reforms, in particular with regard to (i) a roadmap for the gradual relaxation of capital controls, (ii) establishing the legal framework for a new governance structure to manage the stake of the State in the cooperative credit sector, (iii) an anti-money laundering action plan, (iv) a compensation scheme for provident funds and retirement funds which held deposits at the Cyprus Popular Bank, (v) ensuring that the necessary national funds remain available to cover national contributions for projects funded by the Structural and other EU funds, (vi) providing details of the planned reform of public assistance, and (vii) preparing detailed policy proposals for activation policies and taking swift action to create opportunities for young people and improve their employability prospects. The implementation of comprehensive and ambitious reforms in financial, fiscal and structural areas should safeguard the medium-term sustainability of the Cypriot public debt.

- (8) Throughout the implementation of Cyprus' comprehensive policy package, the Commission should provide additional policy advice and technical assistance in specific areas. A Member State subject to a macroeconomic adjustment programme experiencing insufficient administrative capacity is to seek technical assistance from the Commission, which may constitute, for that purpose, groups of experts.

- (9) The Cypriot authorities should seek the view, in accordance with current national rules and practices, of social partners and civil society organisations in the preparation, implementation, monitoring and evaluation of the macroeconomic adjustment programme,

HAS ADOPTED THIS DECISION:

Article 1

1. In order to facilitate the return of the Cypriot economy to a path of sustainable growth and to fiscal and financial stability, Cyprus shall rigorously implement the macroeconomic adjustment programme (the 'programme'), the main elements of which are laid down in Article 2 of this Decision.

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2. The Commission, in liaison with the ECB and, where appropriate, with the IMF, shall monitor Cyprus' progress in implementing the programme. Cyprus shall give the Commission and the ECB its full cooperation. It shall, in particular, provide them with all the information that they deem necessary for the monitoring of the programme. The Cypriot authorities shall consult *ex ante* the Commission, the ECB and the IMF on the adoption of policies that are not included in this Decision but that could have a material impact on the achievement of programme objectives.

3. The Commission, in liaison with the ECB and, where appropriate, with the IMF, shall examine with the Cypriot authorities any changes and updates to the programme that may be needed in order to take proper account of, *inter alia*, any significant gap between macro-economic and fiscal forecasts and realised figures (including employment), negative spill-over effects, as well as macroeconomic and financial shocks.

In order to ensure the smooth implementation of the programme and to help the correction of imbalances in a sustainable way, the Commission shall ensure the provision of continued advice and guidance on fiscal, financial market and structural reforms.

The Commission shall at regular intervals assess the economic impact of the programme and shall recommend necessary corrections with a view to enhancing growth and job creation, securing the necessary fiscal consolidation, and minimising harmful social impacts. The macro-economic adjustment programme, including its objectives and the expected distribution of the adjustment effort, shall be made public.

Article 2

1. The key objectives of the programme shall be: to restore the soundness of the Cypriot banking sector; to continue the ongoing process of fiscal consolidation; and to implement structural reforms to support competitiveness and sustainable and balanced growth. The programme shall address the specific risks emanating from Cyprus for the financial stability of the euro area and shall aim to rapidly re-establish a sound and sustainable economic and financial situation in Cyprus and restore its capacity to finance itself fully on the international financial markets. The programme shall take due account of the Council recommendations addressed to Cyprus under Articles 121, 126, 136 and 148 Treaty as well as Cyprus' actions to comply with them, while aiming to broaden, strengthen and deepen the policy measures required.

2. Cyprus shall pursue fiscal consolidation consistent with its obligations under the excessive deficit procedure by means of high-quality permanent measures while minimising the impact on vulnerable groups.

3. In order to bring its deficit below 3 % of GDP by 2016, Cyprus shall stand ready to take additional consolidation measures. Specifically, in the event of underperformance of revenue or higher social spending needs due to adverse macroeconomic effects, the Cypriot Government shall stand ready to take additional measures to preserve programme

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objectives, including by reducing discretionary spending, while minimising the impact on vulnerable groups. Over the programme period, cash revenue above the programme projections, including any windfall gains, shall be saved or used to reduce debt. Conversely, over-performance, to the extent that it is deemed permanent, can reduce the need for additional measures in the outer years.

4. Cyprus shall preserve the good implementation of Structural and other EU Funds, in respect of the programme's budgetary targets. In order to ensure the effective implementation of EU funds, the Cypriot Government shall ensure that the necessary national funds remain available to cover national contributions, including non-eligible expenditure, under the European Structural and Investment Funds (ERDF, ESF, Cohesion Fund, EAFRD and EFF/EMFF) in the framework of the 2007-13 and 2014-20 programme periods, while taking into account available European Investment Bank funding. The authorities shall ensure that the institutional capacity to implement current and future programmes is improved and the appropriate human resources of Managing Authorities and implementing bodies are available.

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5. With a view to restoring the soundness of its financial sector, Cyprus shall continue to implement the restructuring of the banking and cooperative credit institution sectors, continue to strengthen supervision and regulation in the context of the ongoing transition to the SSM, undertake a reform of the debt restructuring framework, and gradually remove restrictive measures in line with its roadmap, while safeguarding financial stability.

The programme shall provide for the following measures and outcomes:

- (a) ensuring that the liquidity situation of the banking sector shall be closely monitored. The temporary restrictions on the free movement of capital (inter alia, limits on payments and transfers) shall be closely monitored. The gradual relaxation of the external restrictive measures shall be consistent with financial sector stability and preserve comfortable liquidity buffers. The Cyprus Central Bank (CBC) will conduct on-site inspections of the implementation of the restrictions, and take appropriate supervisory actions, as needed. Further liberalisation of external restrictive measures will only be considered by the authorities after the successful completion of the comprehensive assessment and a smooth transition to the SSM. The goal is that controls shall remain in place only for as long as is strictly necessary to mitigate serious risks for the stability of the financial system. After the result of the comprehensive assessment, the roadmap for the gradual relaxation of restrictive measures will be updated and published. The funding and capital plans of domestic banks relying on central bank funding or receiving state aid shall realistically reflect the anticipated deleveraging in the banking sector, and reduce dependency on borrowing from the central bank, while avoiding asset fire sales and a credit crunch;

▼ **M2**

- (b) adapting the minimum capital requirements, taking into account the parameters of the balance sheet assessment and the Union-wide stress test;
- (c) ensuring that any restructuring plans shall be formally approved under State aid rules, before any State aid is provided. Banks with a capital shortfall may, if other measures do not suffice, ask for recapitalisation aid from the State in accordance with State aid procedures. Banks with restructuring plans shall report on the progress in their implementation of the plans;
- (d) ensuring that the credit register is created and operational;
- (e) taking into account the transition to the SSM, ensuring the full implementation of the regulatory framework with respect to loan origination, asset impairment and provisioning;
- (f) introducing mandatory disclosure requirements to ensure that banks regularly communicate to authorities and to markets on the progress in restructuring their operations;
- (g) ensuring the revision of the governance directive, which will specify, among others, the interaction between banks' internal audit units and bank supervisors;
- (h) strengthening the banks' governance, including by prohibiting lending to independent board members or their connected parties;
- (i) ensuring the necessary staff and amendments in light of the new responsibility taken on by the CBC, including by ensuring a separation between resolution and supervisory functions, the transposition into national law of the Single Rulebook, including Directive 2014/59/EU of the European Parliament and of the Council ⁽¹⁾ and Directive 2014/49/EU of the European Parliament and of the Council ⁽²⁾;
- (j) strengthening the management of non-performing loans, taking into account the developments and timelines of the SSM. This notably includes: a revision of the Code of Conduct and of bank arrears management policies and practices; the monitoring restructuring targets set by the CBC; measures to allow lenders to obtain adequate financial information on the financial situation of borrowers, and to file for, obtain, and realise an attachment of financial assets and earnings of delinquent borrowers; measures to allow and facilitate the transfer by lenders to third parties of existing individual loans, together with all collateral and securities, without having to obtain the consent of the borrower;

⁽¹⁾ Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).

⁽²⁾ Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (OJ L 173, 12.6.2014, p. 149).

▼ M2

- (k) easing constraints on the seizure of collateral. This shall accompany the preparation of legislation on the basis of a comprehensive reform framework establishing appropriate corporate and personal insolvency procedures, as well as ensuring the smooth and effective functioning of the revised foreclosure and insolvency frameworks. In addition, once reformed, the new private sector debt restructuring legal framework shall be reviewed and additional measures shall be defined as needed;
- (l) completing the harmonisation of the regulation and supervision of cooperative credit institutions with those of commercial banks;
- (m) ensuring the Cooperative Group provides for timely and complete implementation of the agreed restructuring plan and takes further measures to improve its operational capacity notably in the areas of arrears management, Management Information System, governance, and management capacity;
- (n) continuing to further strengthen the anti-money laundering framework and implementing an action plan ensuring the application of improved practices with regard to customer due diligence and entity transparency, in line with best practice.

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6. Over 2013, the Cypriot authorities shall rigorously implement the 2013 Budget Law (as amended), including the additional permanent measures adopted prior to the granting of the first disbursement of financial assistance, which shall amount to at least EUR 351 million (2,1 % of GDP). Cyprus shall adopt the following measures:

- (a) a reform of its tax system for motor vehicles, based on environmentally-friendly principles and with a view to raising additional revenue in the medium term;
- (b) a compensation scheme for provident and retirement funds which held deposits at the Cyprus Popular Bank, which ensures comparable treatment with such funds in the Bank of Cyprus, takes into account the cash-flow and actuarial position of each fund and minimises the impact on the general government deficit. Given the social welfare nature of such funds, the 2013 general government deficit target may be revised to incorporate the budgetary impact of this scheme; and
- (c) full implementation of the consolidation measures adopted since December 2012.

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7. During 2014, the Cypriot authorities shall fully implement the permanent measures included in the 2014 Budget Law which shall amount to at least EUR 270 million. They shall also ensure the full implementation of the consolidation measures adopted since December 2012.

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7a. For the fiscal policy in 2015-16, the Cypriot authorities shall pursue a general government balance in line with the adjustment path respecting the excessive deficit procedure (EDP) recommendation.

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8. In order to ensure the long-term sustainability of public finances, Cyprus shall implement fiscal-structural reforms, comprising, inter alia, the following measures and outcomes:

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- (a) if necessary, further reforms of the general and public sector pension system to ensure the viability of the pension system in the long term, while addressing the adequacy of pensions;

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- (b) control of the growth of health expenditure in order to ensure sufficient means for fundamental healthcare by strengthening the sustainability of the funding structure and the efficiency of public healthcare provision; implement a National Health System, ensuring its financial sustainability while providing universal coverage;
- (c) improvement in the efficiency of public spending and the budgetary process by means of an effective medium-term budgetary framework as part of an improved public finance management, thereby contributing to the budgetary consolidation efforts while taking into account the need to ensure sufficient means for fundamental policies, such as education and healthcare. This framework shall be fully compliant with the Council Directive 2011/85/EU ⁽¹⁾ and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, signed in Brussels on 2 March 2012;
- (d) adoption of an adequate legal and institutional framework for Public Private Partnerships designed according to best practice;

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- (e) adoption of a law to achieve a solid corporate governance system for State-owned and semi-public enterprises and implementation of a privatisation plan to help improve economic efficiency and restore debt sustainability;

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- (f) elaboration and implementation of a comprehensive reform plan to improve the effectiveness and efficiency of tax collection and administration, including measures to fight against tax fraud and evasion and safeguard the full and timely application of laws and standards governing international tax cooperation and the exchange of tax information;
- (g) reform of the immovable property tax regime;

⁽¹⁾ Council Directive 2011/85/EU of 8 November 2011 on requirements for budgetary frameworks of the Member States (OJ L 306, 23.11.2011, p. 41).

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- (h) reform of the public administration to improve its functioning and cost-effectiveness, in particular by reviewing the size, employment conditions and functional organisation of the public service in order to ensure the efficient use of government resources and the provision of a quality service to the population;
- (i) reforms of the overall structure and the levels of welfare benefits, with the aim of producing an efficient use of resources and ensuring an appropriate balance between welfare assistance and incentives to take up work. The planned reform of public assistance shall ensure that social assistance serves as a safety net to ensure a minimum income for those unable to achieve a basic standard of living, while safeguarding incentives to take up work; and
- (j) undertaking a comprehensive audit of its public finances in order, inter alia, to assess the reasons that led to the building up of excessive levels of debt.

9. Cyprus shall ensure that the suspension of wage indexation in the wider public sector remains in place until the end of the programme. Any change in the minimum wage shall be in line with the economic and labour market developments, and shall be adopted after consultation with the social partners.

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10. Cyprus shall ensure the implementation of the agreed measures to address the identified shortcomings in its activation policies. Cyprus shall take swift action to create opportunities for young people and improve their employability prospects, in line with the objectives of the Council Recommendation on establishing a Youth Guarantee ⁽¹⁾. The design, management and implementation of the measures targeted to youth shall be well integrated within the broader system of activation policies and be coherent with the reform of the social welfare system and the agreed budgetary targets.

11. Cyprus shall stand ready to adopt any further necessary amendments to sector-specific legislation required in order to fully implement Directive 2006/123/EC of the European Parliament and of the Council ⁽²⁾. The Cypriot authorities shall further improve the functioning of the regulated professions. The competition framework shall be improved by enhancing the functioning of the competent competition authority and by reinforcing the independence and powers of the National Regulatory Authorities.

12. Cyprus shall ensure a reduction in the title deed issuance backlog, take action to accelerate the swift clearing of encumbrances on title deeds to be transferred to purchases of immovable property, and define deadlines for the issuance of building certificates and title deeds.

⁽¹⁾ Council Recommendation of 22 April 2013 on establishing a Youth Guarantee (OJ C 120, 26.4.2013, p. 1).

⁽²⁾ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

▼ M2

13. The pace of court case handling shall be improved and court backlogs shall be eliminated by the end of the programme. Cyprus shall take initiatives to strengthen the competitiveness of its tourism sector, by implementing a concrete action plan leading to the attainment of the quantified targets identified, inter alia, in the recently revised Tourism Strategy for 2011-2015, and by assessing Cyprus Tourism Organisation Law, namely those articles that may hamper competition in the tourism sector. Cyprus shall implement an aero-political strategy leading to the adaptation of Cyprus's external aviation policy, taking into account EU external aviation and the EU aviation agreements, while ensuring sufficient air connectivity.

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14. In the energy sector, Cyprus shall fully implement the Third Energy Package, notwithstanding Article 44(2) of Directive 2009/72/EC of the European Parliament and of the Council ⁽¹⁾ and Article 49(1) of Directive 2009/73/EC of the European Parliament and of the Council ⁽²⁾. Cyprus shall consider whether to make use of the derogations provided to it in those Articles. In parallel, a comprehensive development plan for the rearrangement of the Cypriot energy sector shall be formulated. That plan shall consist of:

- (a) a roll-out plan for the infrastructure required for the exploitation of natural gas, taking into account commercial options and risks;

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- (b) a comprehensive outline of the regulatory regime and market organisation for the restructured energy and gas sector, including a preliminary assessment of the potential for increasing electricity production by renewable energy sources; and

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- (c) a plan to establish the institutional framework for the management of hydrocarbon resources, including a resource fund, which should receive and manage public revenue from offshore gas exploitation and which is set up on the basis of internationally-recognised best practice.

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15. Cyprus shall submit an updated request to the Commission for technical assistance during the programme period. The request shall identify and specify the areas of technical assistance or advisory services which the Cypriot authorities consider essential for the implementation of its macroeconomic adjustment programme.

⁽¹⁾ Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).

⁽²⁾ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

▼ M2

16. When developing a comprehensive and coherent growth strategy, Cyprus shall take into account the ongoing public administration reform, the public financial management reform, other commitments in Cyprus's macroeconomic adjustment programme and relevant Union initiatives taking into account the Partnership Agreement for the implementation of the European Structural and Investment Funds. The growth strategy will be developed, coordinated and enforced through the single body that will evolve out of the Task Force for Growth already established and will be anchored in the national institutional framework.

▼ B*Article 3*

Decision 2013/236/EU is repealed.

Article 4

This Decision is addressed to the Republic of Cyprus.