(English version)

Priority question for written answer P-002421/26
to the Commission
Maria Zacharia (NI)
(11 June 2026)

Subject: Independence of the monitoring trustee and effective risk transfer in the 'Hercules' programme (SA.53519)

The 'Hercules' programme was approved by the European Commission as a state guarantee mechanism for securitisation of non-performing loans. The approval was based, among other things, on the existence of an independent monitoring mechanism (monitoring trustee) and the effective transfer of risk outside the banking system.

However, publicly available data raise serious questions regarding the independence of the monitoring trustee, possible direct or indirect relationships of credit institutions with servicers, funds or other entities that acquired or managed portfolios of non-performing loans and the compatibility of certain structures with the requirement of effective risk transfer.

In view of this:

1. If the monitoring supervisor had or has direct or indirect professional, financial or business relationships with servicers, funds, investors or other entities in the non-performing loan market, does the Commission believe that this calls into question the independence of the supervisory mechanism and what measures does it intend to take?

2. With regard to evidence that credit institutions had or have financial involvement, relationships of control or a substantial financial interest in funds, servicers or vehicles that acquired or managed such loans, does the Commission intend to review the extent to which substantive transfer of risk was actually ensured in accordance with the terms of approval of the 'Hercules' programme?

3. Does the Commission intend to make public, even partially and with the necessary redactions, the independence assessment documents, the monitoring trustee reports and the relevant correspondence with the Greek authorities regarding the approval, implementation, extension and renewal of the programme?

Submitted: 11.6.2026

Answer given by Executive Vice-President Ribera on behalf of the European Commission
(3 July 2026)

As described by recitals (32) to (34) of the 2019 Hellenic Asset Protection Scheme (HAPS) decision ([1]), Greece committed to ensure that the scheme would be subject to regular monitoring by an independent monitoring trustee.

The monitoring trustee's mandate required it to flag any conflicts of interest or any relationship that may impair the trustee's objectivity and independence, as codified by Article 16 of Greek Law 4649/2019 that governs HAPS.

The Commission received the monitoring trustee's declaration that it had (i) no conflict of interest regarding the tasks to be performed and (ii) no contacts with the banks that could potentially conflict with its duties.

Regarding the question on transfer of risk, a substantial portion of the riskier, i.e. junior and mezzanine, notes that were issued by the special purpose vehicles to finance the transactions had to be sold to third-party private investors, excluding the originating bank, to ensure a Significant Risk Transfer recognition by the bank's supervisor, i.e. the European Central Bank for the significant institutions.

Lastly, there is a presumption that access to documents in a state aid case would undermine the interests protected by Article 4(1) to (3) of Regulation (EC) No 1049/2001. As the requested documents are part of a state aid case, the Commission does not have an intention to make those public.

([1]) Commission Decision C(2019)7309 final of 10 October in case SA.53519 (2019/N) (OJ C 388, 15.11.2019, p. 2).