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Impact of national legislation of EU member states on the powers of the European Central Bank: Analysis of conflicts and overlaps

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Abstract

The purpose of the study was to analyse the impact of the national legislation of EU member states on the powers of the European Central Bank and identify legal conflicts and overlaps of competencies between it and national financial regulators. To achieve this goal, special legal methods were used, in particular, comparative legal analysis, formal legal method, system approach method, and legal modelling method. The study showed that there are significant legal conflicts between national legislation and regulatory mechanisms of the European Union regarding the supervisory powers of the European Central Bank. Overlaps in the functions of national financial regulators and the European Central Bank were revealed, which can lead to legal contradictions and inefficient functioning of supervisory institutions. The analysis of coordination mechanisms between national regulators and the European Central Bank has shown that the lack of a unified approach to the implementation of European norms in national legislation creates legal difficulties in the harmonisation of financial law. It was also revealed that the existing mechanisms of interaction between the European Central Bank and national regulators need to be improved, in particular, in the field of supervision of systemically important banks. The analysis helped to formulate recommendations for strengthening coordination of supervisory functions of the European Central Bank and national regulators, and to suggest ways to eliminate legal conflicts and overlaps of powers. The proposals developed included improving information exchange mechanisms, expanding the role of the European Central Bank in overseeing the banking sector, and creating effective legal mechanisms to resolve contradictions between European and national financial supervisors

Keywords:

banking supervision; harmonisation; coordination; supervisory mechanism; financial stability

Introduction

The relevance of the study is conditioned by the need to ensure consistency between the national legislation of the member states of the European Union (EU) and the legal norms governing the activities of the European Central Bank (ECB). The conditions for the function-

ing of the ECB directly depend on the legal framework established both at the EU level and within individual states. Despite the harmonisation of financial regulation, there are still cases of regulatory disagreements that may affect the implementation of monetary

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policy, banking supervision, and ensuring financial stability. The presence of such contradictions complicates decision-making, creates legal uncertainty and potential risks to the stability of the EU financial system. In particular, the differences may relate to the scope of banking regulation, the procedure for supervision of financial institutions, macroprudential control procedures, and mechanisms for sharing responsibility between the ECB and national regulators. This can lead to fragmentation of the regulatory environment, reduced effectiveness of monetary policy, and difficulties in responding to crisis situations.

The harmonisation of legal norms within the EU is a prerequisite not only for ensuring the stability of the eurozone, but also for enhancing financial integration and strengthening the single market. Identifying and analysing such legal differences helps to assess their impact on the ECB's activities and consider possible ways to improve regulation in this area. The scientific discourse actively considers various aspects of the interaction of national and supranational regulatory mechanisms, but there are still a number of unresolved issues regarding potential legal conflicts and overlaps of functions.

The role of market discipline and macroprudential policy in ensuring the stability of banks is the subject of research by F.A. Matos *et al.* (2024). They concluded that the effectiveness of financial regulation largely depends on a combination of national and supranational control mechanisms, which confirms the need for a detailed analysis of the interaction of national legal norms with the ECB's regulatory policy. P.-L. Tseng & W.-C. Guo (2022) investigated the impact of the presence of state-owned banks in the financial system on the level of risky operations of private banks. The researchers found that in conditions of mixed markets, state-owned banks can act as a stabilising factor, but at the same time create potential challenges for a single financial policy, since their activities are regulated mainly at the national level.

Macroprudential regulation under conditions of uncertainty requires an adaptive approach, which was confirmed by the findings of Z. Venter (2022). The researcher emphasised that different legal models can both enhance the stability of the banking system and lead to legal conflicts between the ECB and national regulators. M.Á. López & M.D.L.L. Matea (2020) analysed the mortgage valuation system in Spain and its international counterparts, conducting a comparative review of practices in different jurisdictions. They emphasised the role of regulation in ensuring financial stability and stressed the importance of clear criteria for evaluating collateral to reduce systemic risks. The study also examined the mechanisms of regulatory control over mortgage lending that have an impact on the overall macroprudential policy and sustainability of the banking system.

In times of systemic crises, the effectiveness of macroprudential policies becomes particularly important. T.F.A. Matos *et al.* (2023) analysed their impact on bank sustainability during the COVID-19 pandemic. The researchers evaluated the effectiveness of buffer capital regulation and mechanisms for limiting credit risk, noting that the level of integration of banks into the global financial system affects the effectiveness of such measures. C. Wang & Y. Lin (2021) investigated the impact of bank income diversification on risk levels in the Asia-Pacific region. The researchers found that different approaches to banking regulation can lead to an uneven distribution of risks in the financial system, which is relevant for studying legal conflicts between the ECB and national regulators.

Ukrainian researchers also addressed issues of macroprudential regulation. O. Antnonyuk (2020) analysed macroprudential policy tools, focusing on their use in Ukraine, which allowed drawing parallels with the ECB mechanisms. L. Zherdetska & M. Kam-bur (2021) conducted a macroprudential analysis of the banking sector of Ukraine, identifying factors that can affect the stability of the financial system. Research by V.V. Kovalenko & N.V. Radova (2019) on monitoring the financial stability of the banking system of Ukraine was also valuable for understanding the problems of regulatory interaction. The EU's experience in implementing macroprudential measures is valuable for further financial reforms. O.M. Oliynyk (2019) examined the main regulatory tools, in particular, counter-cyclical capital buffers and measures to control financial risks. The researcher reviewed the effectiveness of macroprudential measures introduced by the European Central Bank and assessed their adaptability in the national economies of EU member states. Special attention was paid to the prospects for implementing these approaches in the financial system of Ukraine. A. Tsvytkov (2024) showed that the EU banking sector still faces challenges, including low profitability and problems in cooperation between banks and government agencies.

The analysis of scientific sources showed that considerable attention was paid to the issues of macroprudential regulation, financial stability, and interaction between public and private banks. However, aspects of legal conflicts between national legislative norms and ECB regulatory policies have not been sufficiently investigated. This creates the need for a systematic analysis of the impact of the national legislation of EU member states on the competence of the ECB, which will identify problematic aspects and potential ways to resolve them.

The purpose of the study was to analyse possible conflicts and overlaps between national legal norms and the ECB's regulatory policy. The objectives of the study were: to review the national legislation of the EU member states concerning the activities of central banks and financial regulation; to carry out a systematic analysis of national and supranational legal norms to

identify possible conflicts and overlaps between them; to classify identified conflicts and overlaps by areas of activity and the nature of their impact on the functioning of the ECB.

Materials and Methods

The study of the impact of the national legislation of the EU member states on the powers of the ECB was carried out based on the use of special legal methods, which allowed for a comprehensive approach to the analysis of legal conflicts and overlap of powers between the ECB and national regulators. The mechanisms of coordination of supervisory powers between the ECB and national financial control bodies were analysed using the example of Germany, France, and Poland. The choice of these countries was explained by their impact on the EU financial system, differences in legal regulation and the role of their central banks in banking supervision processes. Germany was chosen as a country with one of the largest banking systems in Europe and a powerful regulatory body, the Federal Financial Supervisory Authority (BaFin), which oversees financial institutions together with the Bundesbank. France was considered because of its active participation in shaping European financial policy, and the activities of the French Prudential Supervision and Resolution Authority (ACPR), which coordinates supervision with the ECB. Poland was chosen as an example of a state in Central and Eastern Europe that is not part of the eurozone, but actively implements EU regulations through the activities of the Financial Supervision Commission (KNF) and the National Bank of Poland.

The main method of research was comparative legal analysis, which was used to assess the compliance of the national banking legislation of individual EU member states with EU regulations governing the activities of the ECB. Within the framework of this

method, the provisions of legislative acts of Germany, France, and Poland were compared with the main international and European regulatory documents. The formal legal method was used for a detailed analysis of the structure and content of key regulatory legal acts regulating the activities of financial institutions and banking supervision in Germany, France, and Poland. The main documents for the analysis were: Law on the Federal Financial Supervisory Authority (Financial Services Supervision Act – FinDAG)¹, Monetary and Financial Code², Law No. 2010-1249 “On Banking and Financial Regulation”³, Act on the National Bank of Poland⁴, Act on Financial Market Supervision⁵, Basic Law for the Federal Republic of Germany⁶, Banking Act (Kreditwesengesetz – KWG)⁷, Constitution of the Republic of Poland⁸, Directive No. 2013/36/EU of the European Parliament and of the Council “On Access to the Activity of Credit Institutions and the Prudential Supervision of Credit Institutions”⁹, Act on the Restructuring of Cooperative Banks and the Bank Gospodarki Żywnościowej and on Amending Certain Acts¹⁰, Protocol (No. 4) on the Statute of the European System of Central Banks and of the European Central Bank¹¹, Agreement Between the European Central Bank and the National Central Banks of the Member States Outside the Euro Area Laying Down the Operating Procedures for an Exchange Rate Mechanism in Stage Three of Economic and Monetary Union¹², Opinion of the European Central Bank “On a Draft Law Abolishing the State Guarantee Provided in Connection with Emergency Liquidity Assistance (CON/2016/55)”¹³. The study included an analysis of the rules defining the boundaries and mechanisms of interaction between the ECB and national financial regulators, and legal provisions that create possible conflicts and overlaps of powers in this area.

The study used the analysis of court decisions to assess the interaction of national legal systems with

¹ Law on the Federal Financial Supervisory Authority (Financial Services Supervision Act – FinDAG). (2002, April). Retrieved from <https://www.gesetze-im-internet.de/findag/BJNR131010002.html>.

² Monetary and Financial Code. (2001, January). Retrieved from https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006072026/2001-01-01.

³ Law of France No. 2010-1249 “On Banking and Financial Regulation”. (2010, October). Retrieved from <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000022940663>.

⁴ Act on the National Bank of Poland. (1997, August). Retrieved from <https://nbp.pl/o-nbp/akty-prawne-i-dokumenty/ustawa-o-nbp/>.

⁵ Act on Financial Market Supervision of Poland. (2006, July). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20061571119/U/D20061119Lj.pdf>.

⁶ Basic Law of the Federal Republic of Germany. (1949, May). Retrieved from <https://www.gesetze-im-internet.de/gg/BJNR000010949.html>.

⁷ Banking Act of the Federal Republic of Germany. (1961, July). Retrieved from <https://www.gesetze-im-internet.de/kredwg/BJNR008810961.html>.

⁸ Constitution of the Republic of Poland. (1997, April). Retrieved from <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>.

⁹ Directive of the European Parliament and of the Council No. 2013/36/EU “On Access to the Activity of Credit Institutions and the Prudential Supervision of Credit Institutions”. (2013, June). Retrieved from <https://eur-lex.europa.eu/eli/dir/2013/36/oj/eng>.

¹⁰ Act on the Restructuring of Cooperative Banks and the Bank Gospodarki Żywnościowej and on Amending Certain Acts. (1994, June). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19940800369/U/D19940369Lj.pdf>.

¹¹ Protocol (No. 4) on the Statute of the European System of Central Banks and of the European Central Bank. (2016, June). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:12016M/PRO/04>.

¹² Agreement Between the European Central Bank and the National Central Banks of the Member States Outside the Euro Area Laying Down the Operating Procedures for an Exchange Rate Mechanism in Stage Three of Economic and Monetary Union. (2006, March). Retrieved from [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006X0325\(01\)&from=cs](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006X0325(01)&from=cs).

¹³ Opinion of the European Central Bank “On a Draft Law Abolishing the State Guarantee Provided in Connection with Emergency Liquidity Assistance (CON/2016/55)”. (2016, November). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52016AB0055>.

supranational EU norms. In particular, an important case for understanding the limits of central bank independence and the impact of national legislation was the Judgment of the Court (Grand Chamber) Proceedings Brought by Heinrich Weiss and Others¹, examined by the German Federal Constitutional Court (BVerfG). The use of the case study method allowed tracing real legal conflicts and their impact on national financial regulators.

In addition, the legal modelling method was applied, which helped to assess possible scenarios for the development of the EU regulatory policy in the field of banking supervision and interaction of the ECB with national regulators in the context of further integration of the EU financial market. In particular, the study examined the prospects for improving the mechanisms for coordinating powers between the ECB and national regulators, eliminating conflicts in law enforcement, and improving the effectiveness of implementing financial supervision policies.

Results

Legal status of the ECB in the context of the European Union. The establishment of the European System of Central Banks (ESCB) was a key legal step in the development of the European Union, which led to the creation of new institutional mechanisms for managing monetary policy and transforming the legal status of national central banks of the eurozone member states. As a result, national banks lost some of their autonomy, becoming part of the EU's unified financial structure, which guarantees their independence from national governments and regulators.

The legal status and powers of the ESCB are determined by a number of key treaties of the European Union, in particular, the Treaty on European Union², Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts³, Treaty of Nice Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts⁴, the Treaty of Lisbon Amending the Treaty on European Union, and the Treaty Establishing the European Community⁵. The central regulatory act governing the operation of this system is Protocol (No. 4)⁶, which is annexed to the Treaty on European Union as an

integral part of it. According to Article 127 of the Treaty on European Union, the primary goal of the ESCB is to ensure price stability in the eurozone, which is the main prerequisite for sustainable economic development and integration of the financial markets of the member states. The ESCB's activities are based on the principles of an open market economy, competition, and efficient allocation of financial resources, which is stipulated in Article 119(3) of the Treaty on European Union.

The key tasks of the ESCB include the definition and implementation of the EU common monetary policy, the implementation of operations in the foreign exchange market, the management of official foreign exchange reserves of member states, ensuring the effective functioning of payment systems, and promoting the stability of the financial system and the effective implementation of banking supervision (Protocol (No. 4) on the Statute⁷). According to Article 127 of the Treaty on European Union⁸, the ESCB plays an important role in ensuring the proper functioning of financial institutions by establishing common regulatory norms and providing recommendations on prudential supervision.

The European Central Bank is the central body in the ESCB system that manages monetary policy and coordinates the actions of national central banks. It has the authority to provide instructions to the central banks of its member countries, ensuring the implementation of a single policy in the field of financial regulation. Despite the fact that the ECB is a separate legal entity, it operates within the limits of the powers defined by the Treaty on European Union⁹, and is subject to the common goals and principles of the European Union. National central banks, in turn, are required to perform their functions in accordance with ECB directives and decisions, which is stipulated in the ESCB's statutory documents (Pham *et al.*, 2021).

Of particular importance are the EU secondary law acts that regulate the activities of the ECB and the ESCB. Such acts include regulations, directives, decisions, recommendations, and conclusions adopted by the European Central Bank within its competence. They are binding on the member states of the eurozone and define the legal framework for the activities of national central banks. An important mechanism of legal regulation is also intrasystem agreements, which are adopted

¹ Judgment of the Court (Grand Chamber) in Case No. C-493/17 "Heinrich Weiss and Others". (2018, December). Retrieved from <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-493/17>.

² Treaty on European Union. (1992, July). Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_1992_191_R_0001_01.

³ Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts. (1997, November). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11997D/TXT>.

⁴ Treaty of Nice Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts. (2001, March). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12001C/TXT>.

⁵ Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community. (2007, December). Retrieved from <https://eur-lex.europa.eu/eli/treaty/lis/sign/eng>.

⁶ Protocol (No. 4) on the Statute of the European System of Central Banks and the European Central Bank. (2016, June). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:12016M/PRO/04>.

⁷ Ibidem, 2016.

⁸ Treaty on European Union. (1992, July). Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_1992_191_R_0001_01.

⁹ Ibidem, 1992.

exclusively within the framework of the ESCB's activities. For example, the Agreement Between the European Central Bank and the National Central Banks of the Member States Outside the Euro Area Laying Down the Operating Procedures for an Exchange Rate Mechanism in Stage Three of Economic and Monetary Union¹ sets out the operating procedures for the exchange rate mechanism within the third stage of Economic and Monetary Union. All these legal acts are aimed at ensuring effective coordination between national and supra-national financial institutions.

The European system of Central Banks covers all EU member states, regardless of whether they are part of the eurozone. A distinction should be made between eurozone member states and derogatory states that have not switched to the euro. The latter include, in particular, Denmark, which has an official deviation from the obligation to introduce the euro, and Poland, Hungary, the Czech Republic, Sweden, Romania, and Bulgaria, which still retain their national currencies. They are not involved in making decisions on the EU's single monetary policy, but can cooperate with the ECB within the framework of agreed mechanisms for coordinating monetary policy and financial supervision. After joining the eurozone, national central banks become full participants in the Eurosystem, which plays a central role in shaping the Union's financial policy.

The ECB's activities are financed by contributions from the national central banks of the member states. The share of each National Bank is determined based on a special coefficient calculated considering the

country's share in the total gross domestic product of the EU and its demographic indicators. This ratio is reviewed every five years, which allows adapting the financial system of the ESCB to changes in the structure of the economies of member states. The participation of non-eurozone countries in making decisions on a single monetary policy is limited.

Thus, the legal status of the European system of central banks and its key body – the European Central Bank – is based on a comprehensive system of legal norms of primary and secondary EU law. The ESCB ensures the unity of the Union's financial policy, promotes economic stability and regulates the activities of national central banks, forming a single monetary policy for the eurozone member states. The relationship between the ECB and national banks is determined by the principles of coordination and subsidiarity, which ensures the effective functioning of the ESCB in the context of multi-level financial integration of the EU.

Features of national legislation of EU member states. Within the European Union, the legislative regulation of central banks is largely unified by the provisions of the Treaty on the Functioning of the European Union² and Protocol (No. 4)³. However, the national legislation of the member states continues to play an important role, which leads to differences in the interaction of central banks with the ECB and in the level of their independence. Analysis of the legislation of Germany, France, and Poland allows identifying different approaches to financial regulation and specifying mechanisms that can affect the competence of the ECB (Table 1).

Table 1. Features of national approaches of Germany, France, and Poland to financial regulation and interaction with the ECB

Germany	France	Poland
Legislative framework		
Act on the German Bundesbank, Law on the Federal Financial Supervisory Authority	Monetary and Financial Code, Law No. 2010-1249	Act on the National Bank of Poland, Act on Financial Market Supervision
Status of the central bank		
Bundesbank is an independent institution, but operates within the Eurosystem	Banque de France has relative autonomy, but performs important government functions, in particular, regarding financial stability	Narodowy Bank Polski (NBP) is independent, but not part of the eurozone, so it has broader internal powers
Cooperation with the ECB		
The Bundesbank is one of the most influential institutions in the ECB, and its role is historically strong	Banque de France is an active participant in the ECB's policy, in particular, on financial stability issues	Poland is not a member of the eurozone, so its cooperation with the ECB is limited to advisory mechanisms and macroeconomic monitoring.
Financial regulation		
BaFin is responsible for regulating banks, insurance companies, and capital markets	ACPR regulates the financial sector accountable to the Bank of France	KNF exercises overall control over the financial sector

¹ Agreement Between the European Central Bank and the National Central Banks of the Member States Outside the Euro Area Laying Down the Operating Procedures for an Exchange Rate Mechanism in Stage Three of Economic and Monetary Union. (2006, March). Retrieved from [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006X0325\(01\)&from=cs](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006X0325(01)&from=cs).

² Treaty on the Functioning of the European Union. (2017, December). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum:4301854>.

³ Protocol (No. 4) on the Statute of the European System of Central Banks and of the European Central Bank. (2016, June). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:12016M/PRO/04>.

Table 1, Continued

Germany	France	Poland
Level of autonomy in monetary policy		
Bundesbank operates within the ECB, but historically has a strong position in decision-making on the eurozone	Banque de France serves as an adviser to the government, but also operates within the ECB	NBP has its own monetary policy, as Poland retains its own currency (PLN)

Source: compiled by the author based on Act on the German Bundesbank¹; Law on the Federal Financial Supervisory Authority²; Monetary and Financial Code³; Law No. 2010-1249⁴; Act on the National Bank of Poland⁵; Act on Financial Market Supervision⁶

Comparative analysis indicates that the main difference between the countries under study is the degree of influence of national legislation on the activities of central banks. Germany demonstrates the most stringent model of central bank independence, which is stipulated in the Act on the German Bundesbank⁷, according to which the Bundesbank operates independently of the government and cannot receive instructions from the federal government or other authorities. The Law also stipulates that the central bank is required to perform its functions exclusively within the framework of EU and ECB legislation, which further limits the possibility of government intervention.

France adheres to the model of a balanced approach, which is confirmed by the provisions of the Monetary and Financial Code⁸. According to Article L141-1, the Bank of France is formally independent, but has an obligation to advise the government on economic and financial policy issues. In addition, according to Law No. 2010-1249⁹, the financial regulator ACPR, accountable to Banque de France, performs supervisory functions, while coordinating its activities with government agencies, which demonstrates a certain level of government influence.

Poland, in turn, retains elements of state influence through the mechanisms of appointing the bank's management and coordinating monetary policy, which is consolidated in the Act on the National Bank of Poland¹⁰. According to Article 9, the President of the National Bank of Poland is appointed by the President

of Poland with the consent of the Sejm, which creates opportunities for political influence. Additionally, according to the Act on Financial Market Supervision¹¹, the KNF, which regulates the financial sector, has significant powers, but its leadership is also appointed by government agencies, which indicates a certain level of coordination with government agencies. This confirms that Poland has not yet completed the process of integration into the eurozone and remains more flexible in implementing national policies. These differences are important for understanding how national legislation can influence the implementation of the ECB's monetary policy and the effectiveness of its regulatory functions within the EU.

The national legislation of Germany, France, and Poland contains provisions that directly or indirectly affect the powers of the European Central Bank, defining the boundaries of interaction between national regulators and supranational financial authorities. An important feature is the different level of integration of these countries into the European financial system and the specific features of their legal approaches to regulating the banking sector (Poghosyan, 2020). In Germany, the main provisions on financial regulation and cooperation with the ECB are contained in the Act on the German Bundesbank¹², which defines the role of the Bundesbank as a body operating within the European system of central banks. Moreover, this law retains significant financial supervisory powers for Bundesbank, which, despite its integration into the ESCB,

¹ Act on the German Bundesbank. (1957, July). Retrieved from <https://www.gesetze-im-internet.de/bbankg/BJNR007450957.html>.

² Law on the Federal Financial Supervisory Authority (Financial Services Supervision Act – FinDAG). (2002, April). Retrieved from <https://www.gesetze-im-internet.de/findag/BJNR131010002.html>.

³ Monetary and Financial Code of France. (2001, January). Retrieved from https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006072026/2001-01-01.

⁴ Law of France No. 2010-1249 “On Banking and Financial Regulation”. (2010, October). Retrieved from <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000022940663>.

⁵ Act on the National Bank of Poland. (1997, August). Retrieved from <https://nbp.pl/o-nbp/akty-prawne-i-dokumenty/ustawa-o-nbp/>.

⁶ Act of Poland on Financial Market Supervision. (2006, July). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20061571119/U/D20061119Lj.pdf>.

⁷ Act on the German Bundesbank. (1957, July). Retrieved from <https://www.gesetze-im-internet.de/bbankg/BJNR007450957.html>.

⁸ Monetary and Financial Code of United Kingdom. (2001, January). Retrieved from https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006072026/2001-01-01.

⁹ Law of France No. 2010-1249 “On Banking and Financial Regulation”. (2010, October). Retrieved from <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000022940663>.

¹⁰ Act on the National Bank of Poland. (1997, August). Retrieved from <https://nbp.pl/o-nbp/akty-prawne-i-dokumenty/ustawa-o-nbp/>.

¹¹ Act on Financial Market Supervision of France. (2006, July). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20061571119/U/D20061119Lj.pdf>.

¹² Act on the German Bundesbank. (1957, July). Retrieved from <https://www.gesetze-im-internet.de/bbankg/BJNR007450957.html>.

creates conditions for autonomous influence on domestic financial stability policies. Banking Act¹ defines the rules for the functioning of the banking system, contains provisions on ensuring financial stability and establishes banking supervision mechanisms that are coordinated with the ECB, but simultaneously leave a significant amount of authority to German regulators, in particular BaFin. Law on the Federal Financial Supervisory Authority², which regulates the activities of the Federal Office of Financial Supervision, which cooperates with the ECB in matters of regulatory control, but retains a certain institutional independence.

France, unlike Germany, has a more centralised model of financial regulation, which is defined by the provisions of the Monetary and Financial Code³. This regulatory act establishes the functions of Banque de France as a key regulator of monetary policy, but in the context of membership in the eurozone, its powers largely depend on the decisions of the ECB. The Law No. 2010-1249⁴ establishes oversight mechanisms for financial institutions and provides for France's participation in the Single Supervisory Mechanism (SSM), which restricts the sovereignty of national regulators in key financial control issues. The French financial supervision system is concentrated in the activities of the ACPR, which regulates banking activities and coordinates with the ECB, but simultaneously maintains direct links with government structures, which can potentially affect the degree of independence from pan-European monetary decisions.

A significant difference between Poland and Germany with France is that this country is not a member of the eurozone, which means that NBP retains full control over its domestic monetary policy in accordance with the provisions of the Act on the National Bank of Poland⁵. This legislation defines the independence of the NBP in setting interest rates, regulating the money supply, and managing the exchange rate of the national currency. The Act on Financial Market Supervision⁶ sets the rules for the functioning of the KNF, which oversees the banking sector and coordinates certain aspects of regulation in accordance with EU requirements.

Although Poland does not delegate NBP directly to the ECB's single monetary policy mechanisms, national regulations are being adapted to European directives, in particular, through macroeconomic monitoring mechanisms and cooperation with the European Systemic Risk Board (ESRB) (2025).

In Germany, the regulatory framework retains significant institutional powers for Bundesbank, which allows it to actively influence European Monetary Policy. French law formally provides for the broad participation of Banque de France in the regulation of the financial system, but due to the centrality of decision-making in the ECB, its actual autonomy is limited. Poland, while remaining outside the eurozone, has an Independent National Bank, whose legislative powers allow the country to independently determine monetary policy, which narrows the ECB's influence on Poland's financial sector compared to the eurozone states.

Analysis of conflicts and overlaps between national and supranational legislation. Legal conflicts between the national laws of Germany, France, Poland, and European Union regulations in the field of financial regulation are a serious challenge for legal integration within the eurozone. The main contradictions arise due to differences in approaches to regulation of central banks, the division of competence between national authorities and the ECB, and the specifics of the implementation of European norms in domestic legislation.

One example of legal conflicts between German law and EU norms is the Judgment of the Court (Grand Chamber) Proceedings Brought by Heinrich Weiss and Others⁷, in which the German Federal Constitutional Court (BVerfG) questioned the legitimacy of the Public Sector Purchase Programme (PSPP) (European Central Bank, n.d.). The main contradiction arose due to the conflict between Articles 123 and 127 of the Treaty on the Functioning of the European Union⁸, establishing the independence of the ECB in monetary policy, and Article 20 Basic Law for the Federal Republic of Germany⁹, which assumes that Germany retains state sovereignty and restricts the powers of supranational bodies.

¹ Banking Act (Kreditwesengesetz – KWG) of Federal Republic of Germany. (1961, July). Retrieved from <https://www.gesetze-im-internet.de/kredwrg/BJNR008810961.html>.

² Law on the Federal Financial Supervisory Authority (Financial Services Supervision Act – FinDAG) of Federal Republic of Germany. (2002, April). Retrieved from <https://www.gesetze-im-internet.de/findag/BJNR131010002.html>.

³ Monetary and Financial Code of France. (2001, January). Retrieved from https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006072026/2001-01-01.

⁴ Law of France No. 2010-1249 "On Banking and Financial Regulation". (2010, October). Retrieved from <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000022940663>.

⁵ Act on the National Bank of Poland. (1997, August). Retrieved from <https://nbp.pl/o-nbp/akty-prawne-i-dokumenty/ustawa-o-nbp/>.

⁶ Act of Poland on Financial Market Supervision. (2006, July). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20061571119/U/D20061119Lj.pdf>.

⁷ Judgment of the Court (Grand Chamber) in Case No. C-493/17 "Heinrich Weiss and Others". (2018, December). Retrieved from <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-493/17>.

⁸ Treaty on the Functioning of the European Union. (2017, December). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum:4301854>.

⁹ Basic Law of the Federal Republic of Germany. (1949, May). Retrieved from <https://www.gesetze-im-internet.de/gg/BJNR000010949.html>.

Article 3 of the Banking Act¹ establishes the independence of the Bundesbank, but requires that national economic interests be respected. This has sparked a conflict with Article 130 of the TFEU, which requires national central banks not to receive any guidance from national governments. In its Headnotes to the Judgment of the Second Senate², the court ruled that the PSPP exceeds the ECB's mandate because its impact on national economies is not sufficiently justified, contrary to the principle of proportionality (Article 5(4) of the Treaty on European Union³). This has created the risk of a precedent where domestic courts begin to assess the lawfulness of supranational institutions' actions.

France has a high level of harmonisation of national legislation with EU norms, but some contradictions still exist. Monetary and Financial Code⁴ establishes broad powers of the Bank of France, but they are limited by the requirements of European Banking Supervision. For example, Article L141-1 of the Monetary and Financial Code defines the independence of Banque de France, but it is not absolute, since the French government has influence on decision-making processes. This creates a legal conflict with Article 130 of the Treaty on European Union⁵ on the independence of central banks.

In the field of banking regulation, France faced problems with the implementation of Directive No. 2013/36/EU⁶ regarding capital claims, in particular, in connection with the provisions of Articles L511-41 and L511-42 of the Monetary and Financial Code⁷. The requirements of French legislation provided for a higher level of liquidity reserves for banks than established by pan-European standards, which contradicted the principle of harmonisation of financial regulation within the EU. The issue sparked legal and regulatory

disputes between the French government and the ECB in 2014. As a result of negotiations and legal assessment, Order No. 2014-158 "Containing Various Provisions for Adapting Legislation to European Union Law in Financial Matters"⁸ was adopted to align French regulations with the requirements of Directive No. 2013/36/EU of the European Parliament and of the Council, while preserving certain national peculiarities in the management of systemically important banks.

Poland, which is not a member of the eurozone, has the largest number of conflict-of-laws rules in relations with the EU, as it retains broader autonomy in financial regulation issues. The main problem is the conflict between the Act on the National Bank of Poland⁹ and the Treaty on the Functioning of the European Union¹⁰. Moreover, Polish legislation contains a number of provisions that duplicate European norms: for example, the provisions of the Act on the Restructuring of Cooperative Banks and the Bank Gospodarki Żywnościowej and on Amending Certain Acts¹¹ contain similar criteria for the rehabilitation of financial institutions, which are already fixed in Directive No. 2014/59/EU¹².

In particular, Article 227 of the Constitution of the Republic of Poland¹³ guarantees the independence of the NBP, but the Act on the National Bank of Poland¹⁴ in Article 23 provides that the bank's governor is appointed by a person approved by the President of Poland, which contradicts Article 14.2 of Protocol (No. 4)¹⁵, which stipulates that the heads of national banks should be independent of political influence. This led to a conflict with the ECB in 2016, when the Polish government tried to change the procedure for appointing the NBP governor, which was regarded as a violation of the principle of central bank independence. In response,

¹ Banking Act (Kreditwesengesetz – KWG) of the Federal Republic of Germany. (1961, July). Retrieved from <https://www.gesetze-im-internet.de/kredwgb/BjNR008810961.html>.

² Headnotes to the Judgment of the Second Senate of the Federal Republic of Germany. (2020, May). Retrieved from https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2020/05/rs20200505_2bvr085915en.html.

³ Treaty on European Union. (1992, July). Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_1992_191_R_0001_01.

⁴ Monetary and Financial Code of France. (2001, January). Retrieved from https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006072026/2001-01-01.

⁵ Treaty on European Union. (1992, July). Retrieved from https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_1992_191_R_0001_01.

⁶ Directive of the European Parliament and of the Council No. 2013/36/EU "On Access to the Activity of Credit Institutions and the Prudential Supervision of Credit Institutions". (2013, June). Retrieved from <https://eur-lex.europa.eu/eli/dir/2013/36/oj/eng>.

⁷ Monetary and Financial Code of France. (2001, January). Retrieved from https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006072026/2001-01-01.

⁸ Order of the Government of France No. 2014-158 "Containing Various Provisions for Adapting Legislation to European Union Law in Financial Matters". (2014, February). Retrieved from <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000028625279>.

⁹ Act on the National Bank of Poland. (1997, August). Retrieved from <https://nbp.pl/o-nbp/akty-prawne-i-dokumenty/ustawa-o-nbp/>.

¹⁰ Treaty on the Functioning of the European Union. (2017, December). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum:4301854>.

¹¹ Act on the Restructuring of Cooperative Banks and the Bank Gospodarki Żywnościowej and on Amending Certain Acts. (1994, June). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19940800369/U/D19940369Lj.pdf>.

¹² Directive of the European Parliament and of the Council No. 2014/59/EU "Establishing a Framework for the Recovery and Resolution of Credit Institutions and Investment Firms". (2014, June). Retrieved from <https://eur-lex.europa.eu/eli/dir/2014/59/oj/eng>.

¹³ Constitution of the Republic of Poland. (1997, April). Retrieved from <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>.

¹⁴ Act on the National Bank of Poland. (1997, August). Retrieved from <https://nbp.pl/o-nbp/akty-prawne-i-dokumenty/ustawa-o-nbp/>.

¹⁵ Protocol (No. 4) on the Statute of the European System of Central Banks and the European Central Bank. (2016, June). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:12016M/PRO/04>.

the ECB in its Opinion of the European Central Bank¹ pointed out the inconsistency of the proposed changes with European legislation and highlighted the risks of political influence on the NBP. As a result, the Polish government revised its initiative, retaining the current procedure for appointing the bank's governor.

There were also significant conflicts during the implementation of Directive No. 2014/59/EU² on mechanisms for resolving banking crises. Act on the Restructuring of Cooperative Banks and the Bank Gospodarki Żywnościowej and on Amending Certain Acts³ requires that decisions on the rehabilitation of financial institutions be made exclusively by the Polish Financial Stability Committee, whereas Article 114 of Directive No. 2014/59/EU provides for coordination of such actions with the ECB and the European Banking Supervision Authority (EBA).

Legal conflicts between the national laws of Germany, France, Poland, and EU regulations in the field of financial regulation are an important aspect of legal integration within the eurozone. In the context of these conflicts, it is advisable to classify them based on such criteria as the independence of central banks, the implementation of European norms, the economic interests of member states, and the coordination of national and European bodies.

The first criterion on which the classification is based is the independence of central banks. Within this category, the main conflicts arise due to differences in approaches to determining the degree of political influence on national institutions. The second important

criterion is the implementation of European norms in national legislation. There are legal contradictions here due to differences in the interpretation and implementation of EU directives in national legal systems. Legal conflicts between national norms and European legislation in the field of financial regulation demonstrate the complexity of integrating national systems into the EU common economic space. In Germany, the main conflicts are related to the definition of the limits of competence of the ECB and national institutions, which is revealed in case-law court cases. France faces difficulties in harmonising national financial norms with European standards, especially in the field of banking supervision and taxation. Poland, having the status of a non-member country of the eurozone, demonstrates the greatest legal autonomy, which causes numerous conflicts with the requirements of the ECB and the norms of European law. The third classification criterion concerns the economic interests of member states. Problems arise when national governments try to consider the specifics of their economic interests, which may contradict the European principles of integration and economic unity. The fourth important aspect is the coordination of national and European bodies. Legal conflicts may arise as a result of differences in the distribution of competencies between national authorities and the European Central Bank or other European institutions. Table 2 below provides the main criteria for classifying legal conflicts, which help to better systematise these problems and highlight the main aspects of their occurrence.

Table 2. Classification of legal conflicts in the field of financial regulation

Indicators	Characteristics
Independence of central banks	Political influence on central bank decisions
	Different levels of central bank autonomy in national systems
	Defining the boundaries of political influence in financial policy
Implementation of European standards	Partial or complete harmonisation of national laws with European legislation
	Difference in the interpretation and application of EU directives
	Problems in integrating European standards into national legal systems
Economic interests of member states	Consideration of national economic priorities in monetary policy implementation
	Differences in financial policy at the national level that contradict European requirements
	Influence of national interests on the management of economic processes within the EU
Coordination of national and European bodies	Distribution of competencies between national authorities and European institutions
	Conflicts between national and European authorities regarding the regulation of financial markets and banking activities
	Problems in coordinating national and European financial strategies

Source: compiled by the authors based on D. Paravisini *et al.* (2023), J. Radojičić & S. Marinković (2023) and E.J. Reite (2023)

As a result, legal conflicts between the national legislation of the EU member states and European norms

in the field of financial regulation demonstrate the need for further unification of legal norms and more detailed

¹ Opinion of the European Central Bank "On a Draft Law Abolishing the State Guarantee Provided in Connection with Emergency Liquidity Assistance (CON/2016/55)". (2016, November). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52016AB0055>.

² Directive of the European Parliament and of the Council No. 2014/59/EU "Establishing a Framework for the Recovery and Resolution of Credit Institutions and Investment Firms". (2014, June). Retrieved from <https://eur-lex.europa.eu/eli/dir/2014/59/oj/eng>.

³ Act of Poland on the Restructuring of Cooperative Banks and the Bank Gospodarki Żywnościowej and on Amending Certain Acts. (1994, June). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19940800369/U/D19940369Lj.pdf>.

adaptation of European standards to the specifics of national economic systems. This will ensure more effective integration of financial systems and minimise legal contradictions, contributing to the stability and growth of the EU common economic space.

Areas for improving interaction between the ECB and national regulators. Considering the identified legal conflicts, it is advisable to highlight several strategic areas for improving cooperation between the ECB and National Financial Supervisory Authorities. Firstly, a necessary step is to increase the level of coordination between the ECB and national regulators in the process of implementing European norms in national legislation. The introduction of a unified approach to the harmonisation of financial law will reduce contradictions between EU norms and the legal systems of individual states. To this end, it is advisable to expand the ECB's advisory role in developing national legislative initiatives, and improve the mechanisms for information exchange between national regulators and European institutions. Secondly, an important aspect is the expansion of the ECB's authority to oversee financial institutions. In the context of modern financial integration, the existing regulatory mechanisms do not always allow responding effectively to crisis phenomena, which requires strengthening the supervisory function of the ECB. One possible area is the introduction of a Single Supervisory Mechanism that would give the ECB the right to directly monitor systemically important banks, regardless of their jurisdiction. Thirdly, it is necessary to improve the mechanisms for allocating competencies between the ECB and national regulators. A clear definition of the limits of responsibility of each body will help to reduce legal contradictions and increase the efficiency of regulatory activities. In this context, it is appropriate to develop a detailed regulation of powers that should consider the specifics of the financial systems of individual member states and pan-European economic priorities. Fourthly, enhanced cooperation under the joint oversight mechanism is an important aspect. Since this mechanism plays a key role in regulating the EU banking sector, it is necessary to ensure its further development by improving joint decision-making procedures, expanding opportunities for national regulators to participate in strategic planning and strengthening responsibility for implementing joint decisions. Fifthly, in order to minimise legal conflicts, it is advisable to improve the mechanisms for resolving contradictions between national and European regulatory authorities. The creation of an effective arbitration mechanism or a special commission for resolving financial and legal conflicts will help to reduce the level of imbalance in law enforcement and build trust between institutions. In general, improving interaction between the ECB and national regulators requires a comprehensive approach that combines legal, organisational, and economic aspects. Optimising these

processes will help to strengthen the EU's financial stability, improve the effectiveness of regulatory policies, and harmonise banking supervision within the common economic space.

Discussion

The results of the study confirmed the importance of the national legislation of the EU member states as one of the key factors influencing the powers of the ECB. The analysis showed that macroprudential policy, which is implemented through regulatory legal acts at the national level, plays a critical role in ensuring the financial stability of the banking system. This is consistent with the conclusions of M. Ampudia *et al.* (2021), who emphasised the importance of preventive regulatory measures to minimise the likelihood of financial crises. Their research showed that effective macroprudential mechanisms integrated into national legislation can mitigate systemic risks and prevent them from developing into crisis phenomena. In this context, the results of this study confirmed that the presence in national legal systems of provisions on increased requirements for capital and liquidity of banks can significantly reduce the threat to the stability of the financial sector.

The analysis showed that adapting national regulatory approaches to EU standards is a complex and ambiguous process that can create both opportunities and threats to the functioning of the ECB. This correlates with the findings of F. Franch *et al.* (2021), who analysed the cross-border effects of macroprudential regulation in the eurozone. They noted that the harmonisation of national regulatory practices with supranational EU norms can have both positive and negative consequences for the financial systems of individual countries, depending on the level of their economic development and the specifics of banking markets. This study showed that the lack of unified approaches to macroprudential regulation in EU member states leads to conflicts between national and supranational norms, which complicates the implementation of a single monetary policy of the ECB.

In addition, the results of the study showed that the level of integration of financial markets is influenced by such key economic indicators as the short-term and long-term interest spread. This was supported by H.A. Ahmed & M.W.R. Khan (2022), who indicated a link between the dynamics of the yield curve and banking risks. Their research showed that narrowing the spread between short-term and long-term rates can pose a threat to banks' profitability, which increases their risky behaviour. In the context of legal regulation, this means that national legislation should consider the risks associated with interest rate policies and create conditions for stabilising the financial sector.

It was confirmed that global banks show different models of capital allocation depending on their localisation, which is consistent with the findings of

C. D'Avino (2024), J. Kelly *et al.* (2019). In particular, the analysis showed that large multinational banks have advantages in accessing international capital markets and can diversify their assets in different jurisdictions. However, regional banks are more dependent on local economic conditions and regulatory environments, which creates problems in coordinating national and supranational norms. This supports the hypothesis that regional differences in financial regulation and macroeconomic indicators influence banks' strategic approaches to capital allocation and Risk Management, in particular, due to the need to comply with both local legislation and international regulatory standards.

The findings indicate that the risks associated with regulatory arbitration remain a significant problem for the global banking system. This was confirmed by B. Clark & A. Ebrahim (2022), D. Heller *et al.* (2025), who reported that banks actively exploit regulatory gaps and jurisdictional differences to minimise regulatory compliance costs. This situation arises due to the lack of uniform mechanisms for interaction between national and supranational regulators, which leads to overlap or, conversely, to the emergence of conflicting requirements. This practice can create systemic risks, especially during economic crises, when the weaknesses of the financial system become more pronounced. Given this, it is particularly important to improve regulatory oversight mechanisms and strengthen international coordination in the field of financial regulation, which would reduce the level of regulatory conflicts.

The analysis also showed that macroprudential measures aimed at reducing risks in the banking sector have a mixed impact on its stability. This is consistent with the findings of F. Meuleman & R.V. Vennet (2022), who analysed the relationship between macroprudential and monetary policy. It was found that strict macroprudential restrictions, such as increasing capital requirements or introducing restrictions on lending, can help strengthen financial stability. However, if there is no consistency between international standards (e.g., the Basel Accords) and national legislation, individual jurisdictions may impose excessive restrictions or, conversely, leave gaps in regulation, making it difficult to ensure equal conditions for competition.

In the context of improving cooperation between the ECB and national regulators, the results of this study confirmed the need to increase the level of coordination and the introduction of a Single Supervisory Mechanism, which is an important step towards the harmonisation of financial norms in the EU. Support for this idea was reflected in the study by F. McCann & C. O'Toole (2019), who pointed out the need to strengthen macroprudential policy in the context of international financial integration and investigate its impact on risky banking operations. In particular, the researchers emphasised the importance of stable coor-

dination between countries to reduce financial crises and increase the effectiveness of supervision.

As for the expansion of the ECB's powers, the results of this analysis are consistent with the views expressed in the paper by D. Kuvshinov *et al.* (2022), who emphasised the need to strengthen the central bank's monitoring functions in response to financial shocks. The study added to the idea of the possibility of direct supervision of systemically important banks, which goes beyond the research of these researchers, who did not focus on the need for centralised supervision.

Another important issue is to improve the division of competences between the ECB and national authorities, which, as shown by the analysis of E. Meuleman & R.V. Vennet (2022), can significantly increase the effectiveness of supervisory activities. It was noted that the division of powers avoids legal contradictions, which was confirmed by the conclusions of this study, which proposed to develop detailed regulations to clarify the responsibility of each body. The strengthening of cooperation under the joint oversight mechanism proposed in this study was also supported by L. Laeven & F. Valencia (2020), J.E. Galán & M. Lamas (2025), who emphasised the need to improve joint decision-making processes to ensure the stability of the banking sector in times of crisis. Their conclusions are more focused on general principles, while the current study focuses on specific mechanisms that will help to improve strategic planning.

Ultimately, considering the issue of resolving legal contradictions between the ECB and national regulatory authorities, the results of this study partially coincide with the findings of P.J. Morgan *et al.* (2019) and T.T. Le *et al.* (2022), who discussed the importance of macroprudential policy regulation for reducing financial risks. However, the proposal to establish a special commission to resolve financial conflicts is a new aspect that requires further study and clarification. Overall, the study confirms the importance of an integrated approach to regulating financial relations in the EU and points to key areas for improving interaction between the ECB and national regulators. Comparison with existing studies shows that new solutions have been proposed to improve the legal harmonisation and stability of financial institutions within the EU.

Conclusions

The establishment of the ESCB was a key stage in the integration development of the European Union, which provided for the creation of effective institutional mechanisms for monetary management and the reorganisation of the legal status of national central banks of the eurozone member states. This has led to a reduction in the autonomy of national banks, which now operate within a single financial system that guarantees independence from governments and regulators. The legal status of the ESCB and the ECB, defined by the main EU

treaties, ensures price stability and economic integration. The ESCB performs numerous functions, including monetary policy, foreign exchange operations, foreign exchange reserve management, and banking supervision. A special feature is the operation of the ECB as a central body that coordinates the actions of national banks, establishing common regulatory norms. EU secondary law acts and intra-system agreements play an important role in ensuring the legal regulation of the ECB and ESCB. Cooperation with non-eurozone member states is limited, but it still contributes to financial coordination. Contributions from national banks that finance the ECB's activities confirm the importance of balancing the economic performance of member countries. Consequently, the legal structure of the ESCB ensures the stability and efficiency of the single monetary space, while simultaneously contributing to the integration and economic development of the EU through coordination and cooperation between different levels of financial institutions.

The findings on the legal conflicts between the national laws of Germany, France, Poland and the European Union's financial regulatory acts demonstrated significant challenges for legal integration in the eurozone. In particular, differences in the interpretation of the independence of central banks, and difficulties in implementing European norms in national legislation, indicate the need for further improvement of coordination mechanisms between national and European bodies. The specifics of national economic interests, which do not always coincide with the requirements of the EU, become a source of legal conflicts, which makes it difficult to achieve a single legal space in the financial sphere.

Germany, France, and Poland have different approaches to balancing national autonomy and EU requirements, which creates contradictions regarding the independence of their central banks and the division of powers between national and European institutions. In the case of Germany and France, problems arise because of national legal norms that restrict or contradict European standards, and Poland, given its status as a country outside the eurozone, shows the greatest legal autonomy, which also leads to numerous conflicts.

Overall, these conflicts point to the need for further reforms to ensure greater harmony between national legal systems and EU regulations, which will help to strengthen legal integration and stability in financial regulation at the eurozone level. Prospects for further research include extending the analysis to other EU member states, in particular, those that joined after 2004, to assess their approaches to central bank independence and integration into the European Central Banking System. It is also expedient to conduct empirical studies of the impact of court decisions on the law enforcement practice of member states and the mechanisms for adapting national legislation to EU requirements.

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Вплив національного законодавства держав-членів ЄС на повноваження Європейського центрального банку: аналіз колізій та дублювання

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Анотація

Метою дослідження був аналіз впливу національного законодавства держав – членів ЄС на повноваження Європейського центрального банку й виявлення правових колізій та дублювання компетенцій між ним і національними фінансовими регуляторами. Для досягнення цієї мети застосовано спеціальні юридичні методи, зокрема порівняльно-правовий аналіз, формально-юридичний метод, метод системного підходу та метод правового моделювання. Дослідження засвідчило, що наявні значні правові колізії між національними законодавствами й регуляторними механізмами Європейського Союзу, які стосуються наглядових повноважень Європейського центрального банку. Виявлено дублювання функцій національних фінансових регуляторів і Європейського центрального банку, що може призводити до правових суперечностей та неефективного функціонування наглядових інститутів. Аналіз механізмів координації між національними регуляторами та Європейським центральним банком дав підстави стверджувати, що відсутність єдиного підходу до імплементації європейських норм у національне законодавство ускладнює гармонізацію фінансового права. Також з'ясовано, що наявні механізми взаємодії між Європейським центральним банком і національними регуляторами потребують удосконалення, зокрема у сфері нагляду за системно важливими банками. Здійснений аналіз дав змогу сформулювати рекомендації щодо посилення координації наглядових функцій Європейського центрального банку й національних регуляторів, а також запропонувати шляхи для усунення правових колізій і дублювання повноважень. Розроблені пропозиції спрямовані на оптимізування механізмів обміну інформацією, розширення ролі Європейського центрального банку в надгляді за банківським сектором, а також створення ефективних правових механізмів для вирішення суперечностей між європейськими та національними органами фінансового нагляду.

Ключові слова:

банківський надгляд; гармонізація; координація; наглядовий механізм; фінансова стабільність