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*Committee on Economic and Monetary Affairs*

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**2010/0207(COD)**

5.4.2011

# **AMENDMENTS**

## **105 - 320**

**Draft report**  
**Peter Simon**  
(PE460.614v01-00)

Deposit guarantee schemes (recast)

Proposal for a directive  
(COM(2010)0368 – C7-0177/2010 – 2010/0207(COD))

AM\_Com\_LegReport

## Amendment 105

Anne E. Jensen, Olle Schmidt

### Proposal for a directive

#### Recital 2

##### *Text proposed by the Commission*

(2) In order to make it easier to take up and pursue the business of credit institutions, it is necessary to eliminate ***the*** differences between the laws of the Member States as regards the rules on Deposit Guarantee Schemes to which these institutions are subject.

##### *Amendment*

(2) In order to make it easier to take up and pursue the business of credit institutions, it is necessary to eliminate ***all*** differences between the laws of the Member States as regards the rules on Deposit Guarantee Schemes to which these institutions are subject, ***and thereby ensure full harmonisation.***

Or. en

##### *Justification*

*It is crucial to underline the importance of full harmonisation in order to put all depositors in the European Union equal and at the same time ensure a level playing field for all credit institutions.*

## Amendment 106

Corien Wortmann-Kool

### Proposal for a directive

#### Recital 2 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(2 a) In order to prevent future claims on Deposit Guarantee Schemes, there should be a strong focus on preventive action and supervision, ensuring a coordinated and transparent assessment of business models of new and existing players, based on a common approach agreed between EBA and the competent authorities, potentially resulting in additional supervisory requirements, mandatory changes to the business model, or even exclusion of credit institutions that take***

*irresponsible risks.*

Or. en

**Amendment 107**

**Gianni Pittella**

**Proposal for a directive**

**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) In order to prevent future unnecessary calls on a DGS, there should be a stronger focus on preventive action. In particular, the supervision should be enhanced and supervisors should conduct proper assessment of business models, of new and existing players, eventually resulting in mandatory changes, limitations in activities, or even exclusion.***

Or. en

**Amendment 108**

**Wolf Klinz**

**Proposal for a directive**

**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) The relevant authorities shall assume the responsibility for excluding Members from Institutional protection schemes, if these have a higher risk profile compared to the others and therefore do not meet the conditions of zero weighting defined in Article 80(8) of Directive 2006/48/EC. In this case the respective institution shall become automatically a member of a DGS on a statutory basis.***

Or. en

### *Justification*

*The financial crisis has revealed that there is a great correlation between the risk profile and the probability to default. Institutions within an institutional protection scheme, having the privilege of zero weighting - due to the assumption of equal (low) risk profiles - therefore shall be subject to a periodical review by the relevant authorities to examine the appropriateness of this privilege.*

#### **Amendment 109**

**Anne E. Jensen, Olle Schmidt**

#### **Proposal for a directive**

##### **Recital 5**

#### *Text proposed by the Commission*

(5) Directive 94/19/EC was based on the principle of minimum harmonisation. Consequently, a variety of Deposit Guarantee Schemes with very distinct features were established in the Union. This caused market distortions for credit institutions and limited the benefits of the Internal Market for depositors.

#### *Amendment*

(5) Directive 94/19/EC was based on the principle of minimum harmonisation. Consequently, a variety of Deposit Guarantee Schemes with very distinct features were established in the Union. This caused market distortions for credit institutions and limited the benefits of the Internal Market for depositors. ***Full harmonisation is therefore of utmost importance in order to eliminate these distortions.***

Or. en

### *Justification*

*It is crucial to underline the importance of full harmonisation in order to put all depositors in the European Union equal and at the same time ensure a level playing field for all credit institutions.*

#### **Amendment 110**

**Corien Wortmann-Kool**

#### **Proposal for a directive**

##### **Recital 7 a (new)**

#### *Text proposed by the Commission*

#### *Amendment*

***(7a) This Directive does not prevent***

*Member States to include within the scope of the Directive those institutions which satisfy the definition of credit institutions but are exempted under Article 2 of Directive 2006/48/EC. For the purpose of this Directive, all credit institutions affiliated to the same central body under Article 3(1) of Directive 2006/48/EC together with that central body are treated as one credit institution on a consolidated basis.*

Or. en

*Justification*

*Banking Groups supervised on a consolidated basis as referred to in Article 3(1) of Directive 2006/48/EC should also for DGS purposes be regarded as one consolidated entity.*

**Amendment 111**

**Vicky Ford**

**Proposal for a directive**

**Recital 9**

*Text proposed by the Commission*

(9) Although, in principle, all credit institutions should be members of a Deposit Guarantee Scheme, it should be recognised that there are systems which protect the credit institution itself (Institutional Protection Schemes) and, in particular, ensure its liquidity and solvency. Such schemes guarantee protection for depositors beyond that provided by a Deposit Guarantee Scheme. If such schemes are separate from Deposit Guarantee Schemes, their additional safeguard role of systems should be taken into account when the contributions of its members to Deposit Guarantee Schemes are determined. The harmonised level of coverage should not affect schemes protecting the credit institution itself unless they repay depositors. Depositors should

*Amendment*

(9) Although, in principle, all credit institutions should be members of a Deposit Guarantee Scheme, it should be recognised that there are systems which protect the credit institution itself (Institutional Protection Schemes) and, in particular, ensure its liquidity and solvency. Such schemes guarantee protection for depositors beyond that provided by a Deposit Guarantee Scheme. If such schemes are separate from Deposit Guarantee Schemes, their additional safeguard role of systems should be taken into account when the contributions of its members to Deposit Guarantee Schemes are determined. The harmonised level of coverage should not affect schemes protecting the credit institution itself unless they repay depositors. Depositors should

have a claim against all schemes, in particular if protection by a Mutual Guarantee Scheme cannot be ensured. No scheme or system should thus be excluded from this Directive.

have a claim against all schemes, in particular if protection by a Mutual Guarantee Scheme cannot be ensured. No scheme or system should thus be excluded from this Directive. ***Schemes with an obligation on the members to provide assistance, over and above the covered value of deposits, should not automatically qualify for zero risk weighting under article 80.8 of directive 2006/48/EC***

Or. en

**Amendment 112**  
**Corien Wortmann-Kool**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

(9) Although, in principle, all credit institutions should be members of a Deposit Guarantee Scheme, it should be recognised that there are systems which protect the credit institution itself (Institutional Protection Schemes) and, in particular, ensure its liquidity and solvency. Such schemes guarantee protection for depositors beyond that provided by a Deposit Guarantee Scheme. If such schemes are separate from Deposit Guarantee Schemes, their additional safeguard role of systems should be taken into account when the contributions of its members to Deposit Guarantee Schemes are determined. The harmonised level of coverage should not affect schemes protecting the credit institution itself unless they repay depositors. Depositors should have a claim against all schemes, in particular if protection by a Mutual Guarantee Scheme cannot be ensured. No scheme or system should thus be excluded from this Directive.

*Amendment*

(9) Although, in principle, all credit institutions should be members of a Deposit Guarantee Scheme, it should be recognised that there are systems which protect the credit institution itself (Institutional Protection Schemes) and, in particular, ensure its liquidity and solvency. Such schemes guarantee protection for depositors beyond that provided by a Deposit Guarantee Scheme. If such schemes are separate from Deposit Guarantee Schemes, their additional safeguard role of systems should be taken into account when the contributions of its members to Deposit Guarantee Schemes are determined. The harmonised level of coverage should not affect schemes protecting the credit institution itself unless they repay depositors. Depositors should have a claim against all schemes, in particular if protection by a Mutual Guarantee Scheme cannot be ensured. No scheme or system should thus be excluded from this Directive, ***thereby ensuring a***

*high level of consumer protection and a level-playing field between credit institutions as well as preventing regulatory competition.*

Or. en

**Amendment 113**  
**Corien Wortmann-Kool**

**Proposal for a directive**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

*(9 a) The key task of Deposit Guarantee Schemes is to protect depositors against the consequences of insolvency of a credit institution. Deposit Guarantee Schemes should be able to provide this protection at any time through a pure reimbursement ('paybox') function.*

Or. en

**Amendment 114**  
**Vicky Ford**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

(10) Institutional protection schemes are defined in Article 80(8) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of business of credit institutions (recast)<sup>17</sup> and may be **recognized** as Deposit Guarantee Schemes by the competent authorities if they fulfil all criteria laid down in that Article and in this Directive.

(10) Institutional protection schemes are defined in Article 80(8) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of business of credit institutions (recast)<sup>17</sup> and may be **recognised** as Deposit Guarantee Schemes by the competent authorities if they fulfil all criteria laid down in that Article and in this Directive. ***Schemes with an obligation on members to provide assistance over***



*and above the value of the covered deposits should not automatically qualify for zero risk weighting under article 80.8 of directive 2006/48/EC;*

Or. en

**Amendment 115**  
**Sharon Bowles**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) Institutional protection schemes are defined in Article 80(8) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of business of credit institutions (recast)<sup>17</sup> and may be recognized as Deposit Guarantee Schemes by the competent authorities if they fulfil all criteria laid down in that Article and in this Directive.

*Amendment*

(10) Institutional protection schemes are defined in Article 80(8) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of business of credit institutions (recast)<sup>17</sup> and may be recognized as Deposit Guarantee Schemes by the competent authorities if they fulfil all criteria laid down in that Article and in this Directive. ***Liabilities of Institutional Protection Schemes, or equivalent, should be fully recognised in the prudential requirements of the guaranteeing institution.***

Or. en

**Amendment 116**  
**Śławomir Witold Nitras**

**Proposal for a directive**  
**Recital 11**

*Text proposed by the Commission*

(11) In the recent financial crisis, uncoordinated increases in the coverage levels across the EU led to depositors shifting money to banks in countries where

*Amendment*

(11) In the recent financial crisis, uncoordinated increases in the coverage levels across the EU ***have in some cases*** led to depositors shifting money to banks

deposit guarantees were higher. This drained liquidity from banks in times of stress. ***In times of stability, different coverage levels may lead to depositors choosing the highest deposit protection rather than the most suitable deposit product. This may result in competitive distortions in the Internal Market.*** It is therefore ***indispensable*** to ensure a ***harmonised*** level of deposit protection wherever deposits are located in the Union. However, certain deposits relating to the personal situation of depositors may be covered at a higher level but for a limited time.

in countries where deposit guarantees were higher. This drained liquidity from banks in times of stress. It is therefore ***indispensable*** to ensure a ***harmonized*** level of deposit protection ***by all recognized DGS***, wherever deposits are located in the Union. However, certain deposits relating to the personal situation of depositors may be covered at a higher level but for a limited time.

Or. en

#### *Justification*

*The assumption that in times of stability, depositors may choose the highest deposit protection over the deposit product best suited to them is too far-reaching and logically inconsistent. The deletion of this statement does not lead to any changes concerning the effective provisions introduced by this directive.*

#### **Amendment 117** **Sven Giegold**

#### **Proposal for a directive** **Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11 a) During the financial crisis existing deposit guarantee schemes proved not being able to carry all losses to protect depositors.***

Or. en

#### **Amendment 118** **Iliana Ivanova**

**Proposal for a directive**  
**Recital 12**

*Text proposed by the Commission*

(12) The same **coverage level** should apply to all depositors regardless of **whether a Member State's currency is the Euro or not** and regardless of whether a bank is a member of a system which protects the credit institution itself. Member States outside the Euro area should have the possibility to round off the amounts resulting from the conversion without compromising the equivalent protection of depositors.

*Amendment*

(12) The same **legal entitlement in relation to the Deposit Guarantee Scheme** should apply to all depositors **in all Member States in accordance with the coverage level provided for in this Directive**, regardless of Member State's currency and regardless of whether a bank is a member of a system which protects the credit institution itself. Member States outside the Euro area should have the possibility to round off the amounts resulting from the conversion without compromising the equivalent protection of depositors.

Or. en

*Justification*

*The same legal entitlement should apply to all depositors in all Member States in accordance with the coverage level fixed by this directive, regardless of their national currency*

**Amendment 119**  
**Sharon Bowles**

**Proposal for a directive**  
**Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

**(20 a) (21) Member States shall establish rules for ex-ante or ex-post funding or a combination thereof and such rules shall take account of the capitalisation base of the banks covered by the scheme with higher ex-post funding allowed when there is a larger capital base.**

Or. en

**Amendment 120**  
**Wolf Klinz**

**Proposal for a directive**  
**Recital 21**

*Text proposed by the Commission*

(21) It is indispensable that the available financial means of Deposit Guarantee Schemes amount to a certain target level and that extraordinary contributions may be collected. Where necessary, Deposit Guarantee Schemes should have adequate alternative funding arrangements in place to enable them to obtain short term funding to meet claims made against them.

*Amendment*

(21) It is indispensable that the available financial means of Deposit Guarantee Schemes amount to a certain target level and that extraordinary contributions may be collected. ***The target level in this context shall reflect the failure of deposits over the last ten years in relation to the covered deposits within a statutory, contractual or institutional protection scheme as referred to in Article 80(8) of Directive 2006/48/EC. On this basis national authorities under scrutiny of the EBA shall have the power to adjust the concrete percentage of a target level to cover a changed risk.*** Where necessary, Deposit Guarantee Schemes should have adequate alternative funding arrangements in place to enable them to obtain short term funding to meet claims made against them.

Or. en

**Amendment 121**  
**José Manuel García-Margallo y Marfil**

**Proposal for a directive**  
**Recital 21**

*Text proposed by the Commission*

(21) It is indispensable that the available financial means of Deposit Guarantee Schemes amount to a certain target level and that extraordinary contributions may be collected. Where necessary, Deposit Guarantee Schemes should have adequate alternative funding arrangements in place to enable them to obtain short term funding

*Amendment*

(21) It is indispensable that the available financial means of Deposit Guarantee Schemes amount to a certain target level and that extraordinary contributions may be collected. Where necessary, Deposit Guarantee Schemes should have adequate alternative funding arrangements in place to enable them to obtain short term funding

to meet claims made against them.

to meet claims made against them.

Or. ES

## **Amendment 122**

**Vicky Ford**

### **Proposal for a directive**

#### **Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) Member States may decide to implement schemes that are either funded ex-ante or ex-post, subject to an observation period until 2015 to allow Member States to reassess the benefits of ex-ante or ex-post schemes in light of Basel periods for liquidity. If, following or during the observation period a scheme that has been partly or fully funded ex-post becomes ex-ante the 10 year funding period shall start from the date of conversion to ex-ante;***

Or. en

## **Amendment 123**

**Alfredo Pallone**

### **Proposal for a directive**

#### **Recital 22**

*Text proposed by the Commission*

*Amendment*

***(22) The financial means of Deposit Guarantee Schemes should principally be used for the repayment of depositors. They could, however, also be used in order to finance the transfer of deposits to another credit institution, provided that the costs borne by the Deposit Guarantee Scheme do***

***(22) The Member States shall determine the procedures for raising the resources needed to ensure that Deposit Guarantee Schemes have sufficient financial means for the repayment of depositors as laid down by this Directive in the event of insolvency of a credit institution. In many***

not exceed the amount of covered deposits at the credit institution concerned. *They could also to a certain extent, as circumscribed in the Directive, be used to finance the prevention of bank failures.* Such measures should comply with state aid rules. *This is* without prejudice to the future Commission policy concerning the establishment of national bank resolution funds.

*cases, however, support measures should be taken to avert the insolvency of a credit institution since they have a more favourable effect in guaranteeing deposits than reimbursement of depositors. Moreover, such measures may make it possible to avoid further costs and adverse effects on financial stability and the confidence of depositors. It should therefore also be possible to use the resources of Deposit Guarantee Schemes for support measures. Support measures should always entail conditions with which the institution receiving the support must comply. It should, however, also be possible to use them in conjunction with the proper functioning of a credit institution, provided that the costs borne by the Deposit Guarantee Scheme do not exceed the amount of covered deposits at the credit institution concerned. Such measures should comply with state aid rules. These options for action by Deposit Guarantee Scheme operators are* without prejudice to the future Commission policy concerning the establishment of national bank resolution funds.

Or. it

**Amendment 124**  
**Corien Wortmann-Kool**

**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

(22) The financial means of Deposit Guarantee Schemes should principally be used for the repayment of depositors. They could, *however*, also be used in order to finance the transfer of deposits to another credit institution, provided that the costs borne by the Deposit Guarantee Scheme do not exceed the amount of covered deposits

*Amendment*

(22) The financial means of Deposit Guarantee Schemes should principally be used for the repayment of depositors. They could *exceptionally* also be used in order to finance the transfer of deposits to another credit institution, provided that the costs borne by the Deposit Guarantee Scheme do not exceed the *lowest of a) the* amount of

at the credit institution concerned. *They could also to a certain extent, as circumscribed in the Directive, be used to finance the prevention of bank failures. Such measures should comply with state aid rules. This is without prejudice to the future Commission policy concerning the establishment of national bank resolution funds.*

covered deposits at the credit institution concerned *or b) the net costs resulting out of repayment according to Article 7, paragraph 1 of this Directive. The available financial means may not be used for other purposes or forms of resolution.*

Or. en

#### *Justification*

*Any contribution of the Scheme to a transfer of deposits to another credit institution is only allowed if this results in the cheapest alternative for the Scheme, calculated on a net basis, taking into account any future contributions of the failing bank to limit the loss of the Scheme.*

#### **Amendment 125** **Alfredo Pallone**

#### **Proposal for a directive** **Recital 24**

##### *Text proposed by the Commission*

(24) Contributions to Deposit Guarantee Schemes should take account of the degree of risk incurred by their members. ***This would allow to reflect*** the risk profiles of individual banks ***and lead*** to a ***fair*** calculation of contributions and ***to provide*** incentives to operate under a less risky business model. ***Developing a set of core indicators mandatory for all Member States and another set of optional supplementary indicators would introduce such harmonisation gradually.***

##### *Amendment*

(24) Contributions to Deposit Guarantee Schemes should take account of the degree of risk incurred by their members. ***To this end, a standard approach to the identification of risk-dependent contributions to Deposit Guarantee Schemes should be laid down. However, the nature of the risks accepted by the affiliated credit institutions may vary depending on market circumstances and the business activities of the credit institutions. It is therefore worthwhile, in addition to the standard approach, to make it possible for Deposit Guarantee Schemes also to use risk-dependent procedures of their own in so far as they comply with the guidelines to be drawn up by the European Banking Authority after consulting the European Forum of Deposit Insurers (EFDI). This takes***

*account of* the risk profiles of individual banks, *leads* to a *more precise* calculation of contributions, *tailored to market circumstances in the Member States*, and *provides* incentives to operate under a less risky business model. *In order to take account of particularly low-risk sectors of lending which are governed by special laws, corresponding reductions in the contributions to be paid should be provided for.*

Or. it

**Amendment 126**  
**Corien Wortmann-Kool**

**Proposal for a directive**  
**Recital 24**

*Text proposed by the Commission*

(24) Contributions to Deposit Guarantee Schemes should take account of the degree of risk incurred by their members. This would allow to reflect the risk profiles of individual banks and lead to a fair calculation of contributions and to provide incentives to operate under a less risky business model. Developing a set of core indicators mandatory for all Member States and another set of optional supplementary indicators would introduce such harmonisation gradually.

*Amendment*

(24) Contributions to Deposit Guarantee Schemes should take account of the degree of risk incurred by their members. This would allow to reflect the risk profiles of individual banks and lead to a fair calculation of contributions and to provide incentives to operate under a less risky business model. Developing a set of core indicators mandatory for all Member States and another set of optional supplementary indicators, *based on a common approach agreed between EBA and the competent authorities*, would introduce such harmonisation gradually.

Or. en

**Amendment 127**  
**Sven Giegold**

**Proposal for a directive**  
**Recital 24**



*Text proposed by the Commission*

(24) Contributions to Deposit Guarantee Schemes should take account of the degree of risk incurred by their members. This would allow to reflect the risk profiles of individual banks and lead to a fair calculation of contributions and to provide incentives to operate under a less risky business model. Developing a set of core indicators mandatory for all Member States and another set of optional supplementary indicators would introduce such harmonisation gradually.

*Amendment*

(24) Contributions to Deposit Guarantee Schemes should take account of the degree of risk incurred by their members. This would allow to reflect the risk profiles of ***different business models as well as those of*** individual banks and lead to a fair calculation of contributions and to provide incentives to operate under a less risky business model. Developing a set of core indicators mandatory for all Member States and another set of optional supplementary indicators would introduce such harmonisation gradually.

Or. en

**Amendment 128**  
**Sharon Bowles**

**Proposal for a directive**  
**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***(24a) It is noted that profitability has in some instances been used as a risk diminishing indicator for risk based premiums. This does not take account of the business model of mutuals which do not seek to be profit maximising. Further, motivation to drive up profit can create a perverse incentive towards adoption of riskier strategies. A holistic view of soundness of business model should be taken into account.***

Or. en

**Amendment 129**  
**Astrid Lulling**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

(26) The payout delay of at maximum six weeks from 31 December 2010 , runs counter to the need to maintain depositor confidence and does not meet their needs. The payout delay should therefore be reduced to a period of **one week**.

*Amendment*

(26) The payout delay of at maximum six weeks from 31 December 2010 , runs counter to the need to maintain depositor confidence and does not meet their needs. The payout delay should therefore be reduced to a period of **twenty working days**.

Or. en

**Amendment 130**  
**Carl Haglund, Anne E. Jensen**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

(26) The payout delay of at maximum six weeks from 31 December 2010 , runs counter to the need to maintain depositor confidence and does not meet their needs. The payout delay should therefore be reduced to a period of **one week**.

*Amendment*

(26) The payout delay of at maximum six weeks from 31 December 2010, runs counter to the need to maintain depositor confidence and does not meet their needs. The payout delay should therefore be reduced to a period of **four weeks**.

Or. en

*Justification*

*While it is essential to ensure timely payments, it will be counterproductive if meeting a very short deadline would be difficult to fulfil in practice. Additionally, very short payout requirements run the risk of causing both payment errors and unreasonable administrative costs. Before making additional changes, the deadline of Directive 2009/14/EC must be properly assessed.*

**Amendment 131**  
**Sven Giegold**

**Proposal for a directive**  
**Recital 32**

*Text proposed by the Commission*

(32) While respecting the supervision of deposit guarantee schemes by Member States, the European Banking Authority should contribute to the achievement of the objective of making it easier for credit institutions to take up and pursue their activities while at the same time ensuring effective protection for depositors. To that end, the Authority should confirm that the conditions of borrowing between Deposit Guarantee Schemes laid down in this Directive are fulfilled and state, within the strict limits set by this Directive, the amounts to be lent by each scheme, the initial interest rate as well as the duration of the loan. In this respect, the European Banking Authority should also collect information on Deposit Guarantee Schemes, in particular on the amount of deposits covered by them, confirmed by competent authorities. It should inform the other Deposit Guarantee Schemes about their obligation to lend.

*Amendment*

(32) While respecting the supervision of deposit guarantee schemes by Member States, the European Banking Authority should contribute to the achievement of the objective of making it easier for credit institutions to take up and pursue their activities while at the same time ensuring effective protection for depositors **and minimising the risk to taxpayers of having to step in**. To that end, the Authority should confirm that the conditions of borrowing between Deposit Guarantee Schemes laid down in this Directive are fulfilled and state, within the strict limits set by this Directive, the amounts to be lent by each scheme, the initial interest rate as well as the duration of the loan. In this respect, the European Banking Authority should also collect information on Deposit Guarantee Schemes, in particular on the amount of deposits covered by them, confirmed by competent authorities. It should inform the other Deposit Guarantee Schemes about their obligation to lend.

Or. en

**Amendment 132**

**Sylvie Goulard**

**Proposal for a directive**

**Recital 34 a (new)**

*Text proposed by the Commission*

*Amendment*

***(34a) In its resolution of 7 July 2010 with recommendations to the Commission on cross-border crisis management in the banking sector (Ferreira report) and in Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority***

*(European Banking Authority)(Garcia-Margallo y Marfil report), the European Parliament stressed the need for a European mechanism to resolve banking crises.*

Or. fr

**Amendment 133**

**Sylvie Goulard**

**Proposal for a directive**

**Recital 34 b (new)**

*Text proposed by the Commission*

*Amendment*

*(34b) The European Parliament stresses the urgent need to set up such a mechanism for banking crisis resolution without prejudice to the protection of depositors through a Deposit Guarantee Scheme.*

Or. fr

**Amendment 134**

**Olle Schmidt**

**Proposal for a directive**

**Recital 38 a (new)**

*Text proposed by the Commission*

*Amendment*

*(38a) Supervisors authorities should apply rigorous licensing procedure for each credit institution that intends to be part of a Deposit Guarantee Scheme.*

Or. en

*Justification*

*The deposit guarantee system can create moral hazard problems. It is necessary to have a rigorous licensing procedure to asses the business plan for each institution that make use of*

*the Deposit Guarantee Scheme. Licensing should be subject to adequate conditions.*

**Amendment 135**  
**Sharon Bowles**

**Proposal for a directive**  
**Recital 38 a (new)**

*Text proposed by the Commission*

*Amendment*

***(38a) Scheme funds may be used to finance the continuity of account operation for an institution's share of covered deposits***

Or. en

**Amendment 136**  
**Vicky Ford**

**Proposal for a directive**  
**Recital 38 a (new)**

*Text proposed by the Commission*

*Amendment*

***(38a) Given the different structures, concentrations and risks of the retail banking sector in each Member State a "one size fits all" approach to funding of schemes is not appropriate. There should be an observation period for the implementation of this Deposit Guarantee Scheme Directive (recast) ending in 2015 in which the impacts of the Deposit Guarantee Scheme funding options in Article 9 (1) shall be assessed in line with the Basel Committee recommended observation periods for the Net Stable Funding Ratio and the Liquidity Coverage Ratio;***

Or. en

**Amendment 137**

**Vicky Ford**

**Proposal for a directive**

**Recital 38 b (new)**

*Text proposed by the Commission*

*Amendment*

***(38b) Scheme funds are able to be used to finance the use of resolution tools. Member States should avoid the moral hazard implications of using scheme funds to avoid a institutions failure by providing capital, solvency or liquidity assistance;***

Or. en

**Amendment 138**

**Antolín Sánchez Presedo**

**Proposal for a directive**

**Article 1 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. This Directive lays down rules concerning the functioning of Deposit Guarantee Schemes.

1. This Directive lays down rules concerning the functioning of ***the European scheme for national*** Deposit Guarantee Schemes ***intended to provide depositors in the European Union with a common safety net offering a high level of protection.***

Or. es

**Amendment 139**

**Wolf Klinz**

**Proposal for a directive**

**Article 1 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. This Directive shall apply to all Deposit

2. This Directive shall apply to all Deposit

Guarantee Schemes *on a statutory or contractual basis and to* institutional protection schemes *recognized* as **Deposit Guarantee Schemes**.

Guarantee Schemes *recognised pursuant to Article 3(1). They may take the form of* statutory, *contractual* or institutional protection schemes as *referred to in Article 80(8) of Directive 2006/48/EC, whereby the relevant authorities shall have to examine, whether the laid down criteria of equal risk profiles by the members of an institutional protection scheme with regard to the zero weighting defined in Article 80(8) of Directive 2006/48/EC are still met. In case of notable discrepancies, the respective institution shall be instructed by the relevant authorities to become a member of a DGS on a statutory basis.*

Or. en

#### *Justification*

*The financial crisis has revealed that there is a great correlation between the risk profile and the probability to default. Institutions within an institutional protection scheme, having the privilege of zero weighting - due to the assumption of equal (low) risk profiles - therefore shall be subject to a periodical review by the relevant authorities to examine the appropriateness of this privilege.*

#### **Amendment 140** **Antolín Sánchez Presedo**

#### **Proposal for a directive** **Article 1 – paragraph 2**

##### *Text proposed by the Commission*

2. This Directive shall apply to all Deposit Guarantee Schemes on a statutory or contractual basis and to institutional protection schemes recognized as Deposit Guarantee Schemes.

##### *Amendment*

2. This Directive shall apply to all **credit institutions offering deposit services as well as to all** Deposit Guarantee Schemes on a statutory or contractual basis and to institutional protection schemes recognised as Deposit Guarantee Schemes.

Or. es

**Amendment 141**  
**Sylvie Goulard**

**Proposal for a directive**  
**Article 1 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Should a European fund for banking crisis resolution be set up, the Commission, supported by the European Banking Authority, shall make sure that the level of protection for depositors remains high.***

Or. fr

**Amendment 142**  
**Vicky Ford**

**Proposal for a directive**  
**Article 2 – paragraph -1 a (new)**

*Text proposed by the Commission*

*Amendment*

***-1a. ‘Preventive and support measures’ means measures adopted by Deposit Guarantee Scheme operators to prevent bank failure of the affiliated credit institutions. Such measures may include, inter alia:***

***(i) rights to verify the economic situation and the risk position of the affiliated credit institutions or, where an institution is being newly established, the basic plans, and with regard to a member of the company where a change occurs in a majority, facilitating control over the institution;***

***(ii) obligations for the affiliated credit institutions to provide information on the economic situation and the risk position, their development and intended changes to the business model;***

***(iii) the imposition of conditions to limit***



*the volume of deposits guaranteed or to limit certain business operations (wholly or partially) where on the basis of an audit or drawing on other sources there are indications that there may be an impending or acute danger of resort to the Deposit Guarantee Scheme;*

*(iv) the levying of contributions geared to the individual risk position of the institution;*

*(v) rights to information from the competent supervisory authorities and exemption from any obligations of confidentiality which may exist vis-à-vis these supervisory authorities;*

*(vi) granting of guarantees, loans and all types of liquidity and capital assistance, including satisfying third-party claims, subject however that schemes with an obligation on the members to provide such assistance, over and above the covered value of deposits, should not automatically qualify for zero risk weighting under article 80.8 of directive 2006/48/EC*

Or. en

**Amendment 143**  
**Wolf Klinz**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point a – introductory part**

*Text proposed by the Commission*

(a) ‘deposit’ means any credit balance which results from funds left in an account or from temporary situations deriving from normal banking transactions and which a credit institution must repay under the legal and contractual conditions applicable.

*Amendment*

(a) ‘deposit’ means any credit balance which results from funds left in an account or from temporary situations deriving from normal banking transactions ***including fixed term deposits, savings deposits and registered deposits*** and which a credit institution must repay under the legal and contractual conditions applicable.

**Amendment 144**  
**Antolín Sánchez Presedo**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***ca) depositor: the holder or, in the case of a shared or jointly held account, the joint holder of the deposit;***

Or. es

**Amendment 145**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(ga) ‘individual contribution base’ means: covered deposits of the individual member of the Deposit Guarantee Scheme multiplied by its risk weight as referred to in Article 11;***

Or. en

**Amendment 146**  
**Vicky Ford**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point h**

*Text proposed by the Commission*

*Amendment*

(h) ‘target level’ means 1.5% of ***eligible*** deposits ***for the coverage of which*** a

(h) ‘target level’ means ***an amount of no less than 1.0%*** of ***covered*** deposits

***Deposit Guarantee Scheme is responsible;***

***reached over a period of 10 years.***

Member States may decide to implement schemes that are either funded ex-ante or ex-post, subject to an observation period until 2015 to allow Member States to reassess the *benefits of ex-ante or ex-post schemes in light of Basel observation periods. If, following or during the observation period a scheme that has been partly or fully funded ex-post becomes ex-ante the 10 year funding period shall start from the date of conversion to ex-ante;*

Or. en

#### **Amendment 147**

**Corien Wortmann-Kool**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) 'target level' means 1.5% of ***eligible*** deposits for the coverage of which a Deposit Guarantee Scheme is responsible;

*Amendment*

(h) 'target level' means 1.5% of ***covered*** deposits for the coverage of which a Deposit Guarantee Scheme is responsible;

Or. en

#### **Amendment 148**

**Alfredo Pallone**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) 'target level' means ***1.5%*** of ***eligible*** deposits for the coverage of which a Deposit Guarantee Scheme is responsible;

*Amendment*

(h) 'target level' means ***1%*** of ***covered*** deposits for the coverage of which a Deposit Guarantee Scheme is responsible

Or. it

**Amendment 149**  
**David Casa**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) ‘target level’ means 1.5% of **eligible** deposits for the coverage of which a Deposit Guarantee Scheme is responsible;

*Amendment*

(h) ‘target level’ means 1.0% of **covered** deposits for the coverage of which a Deposit Guarantee Scheme is responsible;

Or. en

**Amendment 150**  
**Jean-Paul Gauzès**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(ha) The duty to pay contributions only applies when the amount of funds held by the DGS is less than the target level.***

Or. en

**Amendment 151**  
**Vicky Ford**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point i**

*Text proposed by the Commission*

(i) ‘available financial means’ means cash, deposits and low-risk assets with a residual term to final maturity of 24 months or less, which can be liquidated within a time limit not exceeding the limit set by Article 7(1);

*Amendment*

(i) ‘available financial means’ means cash, deposits and low-risk assets with a residual term to final maturity of 24 months or less, which can be liquidated within a time limit not exceeding the limit set by Article 7(1), ***pledged assets and, for an ex-post scheme, includes guarantees or commercial lending arrangements and lending facilities from public institutions***

*(including from Member States), provided that the terms and conditions for lending offered by those facilities are based on commercial grounds; or that the Member state should be able to demonstrate that measures are in place to provide adequate alternative funding to the scheme.*

Or. en

**Amendment 152**  
**Jean-Paul Gauzès**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point i**

*Text proposed by the Commission*

(i) ‘available financial means’ means cash, deposits and low-risk assets *with a residual term to final maturity of 24 months or less*, which can be liquidated within a time limit not exceeding the limit set by Article 7(1);

*Amendment*

(i) ‘available financial means’ means cash, deposits and low-risk assets, which can be liquidated within a time limit not exceeding the limit set by Article 7(1);

Or. en

**Amendment 153**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point i**

*Text proposed by the Commission*

(i) ‘available financial means’ means cash, deposits and low-risk assets with a residual term to final maturity of 24 months or less, which can be liquidated within a time limit not exceeding the limit set by Article 7(1);

*Amendment*

(i) ‘available financial means’ means cash, deposits and low-risk assets with a residual term to final maturity of 24 months or less, which can be liquidated within a time limit not exceeding the limit set by Article 7(1) *and all other callable guarantees or loans*;

Or. en

**Amendment 154**

**Vicky Ford**

**Proposal for a directive**

**Article 2 – paragraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

***(ia) "Pledged assets" means payment commitments which are duly backed by high quality collateral and subject to the following conditions:***

***- The collateral consists of low risk assets unencumbered by any third party rights, at the free disposal of the Deposit Guarantee Scheme which assumes full legal title of the assets.***

***-A credit institution will be entitled to the yield on the assets pledged by that credit institution as collateral***

***-The collateral will be subject to regular mark to market analysis, credit institutions will need to ensure the mark to market valuation of collateral is at least equal to that credit institutions commitment to the scheme.***

Or. en

**Amendment 155**

**Jean-Paul Gauzès**

**Proposal for a directive**

**Article 2 – paragraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

***(ia) Available financial means may also include:***

***(I) payment commitments which are duly backed by collateral and subject to the following conditions:***

*a) the collateral consists of low risk assets unencumbered by any third party rights, at the free disposal, and earmarked for the exclusive use of the Deposit Guarantee Scheme which has the irrevocable right to claim these payments on demand,*

*b) Valuation haircuts are applied in the valuation of underlying assets and the DGS requires the haircut-adjusted market value of the underlying assets to be maintained over time.*

Or. en

## **Amendment 156**

**Olle Schmidt**

### **Proposal for a directive**

#### **Article 3 – paragraph 1 – subparagraph 3**

##### *Text proposed by the Commission*

No credit institution may take deposits unless it is a member of such a scheme.

##### *Amendment*

No credit institution may take deposits unless it is a member of such a scheme *and fulfils requirements by supervisory authorities. It is necessary for supervisory authorities to have a rigorous licensing procedure to assess the credibility and correctness of the business plan for each financial or credit institution that want to be part of the Deposit Guarantee Scheme.*

Or. en

##### *Justification*

*We have seen a number of cases where institutions take on extreme levels of risk and therefore are able to offer high rates on deposits. These institutions can only attract customers because of the protection from Deposit Guarantee Schemes. Therefore it is necessary to at least have a rigorous licensing procedure to assess the soundness of the business plan for each institution that make use of the Deposit Guarantee Scheme. Licensing should be subject to adequate conditions.*

## Amendment 157

Wolf Klinz

### Proposal for a directive

#### Article 3 – paragraph 3

*Text proposed by the Commission*

3. If those measures fail to secure compliance on the part of the credit institution, the scheme may, where national law permits the exclusion of a member, with the express consent of the competent authorities, give not less than 1 month's notice of its intention of excluding the credit institution from membership of the scheme. Deposits made before the expiry of the notice period shall continue to be fully covered by the scheme. If, on the expiry of the notice period, the credit institution has not complied with its obligations, the **guarantee scheme** shall **proceed** to exclusion.

*Amendment*

3. If those measures fail to secure compliance on the part of the credit institution, the scheme may, where national law permits the exclusion of a member, with the express consent of the competent authorities, give not less than 1 month's notice of its intention of excluding the credit institution from membership of the scheme. Deposits made before the expiry of the notice period shall continue to be fully covered by the scheme. If, on the expiry of the notice period, the credit institution has not complied with its obligations, the **national supervision** shall **revoke the banking license leading automatically to an exclusion from DGS**.

Or. en

*Justification*

*A credit institution that does not comply with the obligations under the DGS should not be authorized to operate a bank.*

## Amendment 158

Antolín Sánchez Presedo

### Proposal for a directive

#### Article 3 – paragraph 5

*Text proposed by the Commission*

5. All Deposit Guarantee Schemes referred to in Article 1 shall be supervised by the competent authorities on an ongoing basis as to their compliance with this Directive.

*Amendment*

5. All Deposit Guarantee Schemes referred to in Article 1 shall be supervised **in accordance with the European supervisory system's existing rules and** by the competent authorities on an ongoing basis as to their compliance with this



Directive.

Or. es

## **Amendment 159**

**Alfredo Pallone**

### **Proposal for a directive**

#### **Article 3 – paragraph 6 – subparagraph 1**

##### *Text proposed by the Commission*

Member States shall ensure that Deposit Guarantee Schemes perform tests of their systems and that they are informed in the event that the competent authorities detect problems in a credit institution that are likely to give rise to the intervention of Deposit Guarantee Schemes.

##### *Amendment*

Member States shall ensure ***that the procedures adopted by Deposit Guarantee Schemes accord with the provisions of Article 11(3) or the guidelines adopted by the European Banking Authority pursuant to Article 11(5)***, that Deposit Guarantee Schemes perform tests of their systems and that they are informed ***immediately*** in the event that the competent authorities detect problems in a credit institution that are likely to give rise to the intervention of Deposit Guarantee Schemes.

Or. it

## **Amendment 160**

**Antolín Sánchez Presedo**

### **Proposal for a directive**

#### **Article 3 – paragraph 6 – subparagraph 1**

##### *Text proposed by the Commission*

Member States shall ensure that Deposit Guarantee Schemes perform tests of their systems and that they are informed in the event that the competent authorities detect problems in a credit institution that are likely to give rise to the intervention of Deposit Guarantee Schemes.

##### *Amendment*

Member States, ***coordinated by the European Banking Authority***, shall ensure that Deposit Guarantee Schemes perform tests of their systems and that they are informed in the event that the competent authorities detect problems in a credit institution that are likely to give rise to the intervention of Deposit Guarantee

Schemes.

Or. es

**Amendment 161**

**Sylvie Goulard**

**Proposal for a directive**

**Article 3 – paragraph 6 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The European Banking Authority shall forward to the European Systemic Risk Board (ESRB), on its own initiative or at the request of the ESRB, the information concerning Deposit Guarantee Schemes which is needed for systemic risk analysis.***

Or. fr

**Amendment 162**

**Wolf Klinz**

**Proposal for a directive**

**Article 3 – paragraph 6 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

The European Banking Authority shall periodically conduct peer reviews pursuant to Article 15 of the [EBA regulation] in this regard. Deposit Guarantee Schemes shall be bound to professional secrecy referred to in Article 56 of that Regulation when exchanging information with the European Banking Authority.

The European Banking Authority shall periodically conduct peer reviews pursuant to Article 15 of the [EBA regulation] in this regard. Deposit Guarantee Schemes shall be bound to professional secrecy referred to in Article 56 of that Regulation when exchanging information with the European Banking Authority.

***Additionally the European Banking Authority shall have the power to examine the stress resistance of Deposit Guarantee Schemes annually via different scenarios of predefined breaking points on the basis of updated figures to sort out if an adjustment of the current calculation***

*model and the target level might be appropriate. In this context the stress resistance test shall be based on the following scenarios:*

*a) a low-impact scenario*

*b) a medium-impact scenario*

*c) high-impact scenario*

Or. en

## **Amendment 163**

**Vicky Ford**

### **Proposal for a directive**

#### **Article 3 – paragraph 6 – subparagraph 3**

##### *Text proposed by the Commission*

The European Banking Authority shall periodically conduct peer reviews pursuant to Article 15 of the [EBA regulation] in this regard. Deposit Guarantee Schemes shall be bound to professional secrecy referred to in Article 56 of that Regulation when exchanging information with the European Banking Authority.

##### *Amendment*

The European Banking Authority shall periodically conduct peer reviews pursuant to Article 15 of the [EBA regulation] in this regard, ***such peer reviews are to include inter-alia corporate governance practices under article 3.7 a.*** Deposit Guarantee Schemes shall be bound to professional secrecy referred to in Article 56 of that Regulation when exchanging information with the European Banking Authority.

Or. en

## **Amendment 164**

**Sven Giegold**

### **Proposal for a directive**

#### **Article 3 – paragraph 7**

##### *Text proposed by the Commission*

7. Member States shall ensure that Deposit Guarantee Schemes, at any time and at their request, receive from their members

##### *Amendment*

7. Member States shall ensure that Deposit Guarantee Schemes, at any time and at their request, receive from their members

all information necessary to prepare a repayment of depositors, including markings under Article 4(2). Information necessary to perform stress tests shall be submitted to Deposit Guarantee Schemes on an ongoing basis. Such information shall be rendered anonymous. The information obtained may only be used for the performance of stress tests or the preparation of repayments and shall be kept *no longer than is necessary for those purposes*.

all information necessary to prepare a repayment of depositors, including markings under Article 4(2). Information necessary to perform stress tests shall be submitted to Deposit Guarantee Schemes on an ongoing basis. Such information shall be rendered anonymous. The information obtained may only be used for the performance of stress tests *and analysis of the historical evolution of DGS resilience* or the preparation of repayments and shall be kept *confidential*

Or. en

**Amendment 165**  
**Vicky Ford**

**Proposal for a directive**  
**Article 3 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*7a. Member states shall ensure that their schemes have sound corporate governance practices in place. Specifically;*

*(a) Schemes' boards must include at least one non-executive member and must have open and transparent board appointment processes;*

*(b) Schemes should produce an annual report on their activities.*

Or. en

**Amendment 166**  
**Wolf Klinz**

**Proposal for a directive**  
**Article 3 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. Member States shall also ensure that there is a legal protection for the deposit scheme and its employees from litigation arising out of their decisions and actions taken in good faith.***

Or. en

**Amendment 167**

**Corien Wortmann-Kool**

**Proposal for a directive**

**Article 4 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) Deposits in respect of which the depositor and the credit institution have contractually agreed that the deposit shall be applied towards the discharge of specific obligations of the depositor towards the credit institution or another party, provided that by virtue of the law or contractual arrangements, the amount of the deposit can be offset by the depositor or will be offset automatically against such obligations in circumstances where the deposit would otherwise have become an unavailable deposit;***

Or. en

*Justification*

*Deposits which act as collateral and are legally strongly connected to a loan or other obligation of the depositor should be exempted. These deposits act not as savings of the depositors but as collateral for obligations and decrease after netting the liabilities of the depositor.*

**Amendment 168**

**Śławomir Witold Nitras**

**Proposal for a directive**

**Article 4 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) deposits the holder of which has ***never*** been identified pursuant to Article 3(1) of Directive 91/308/EEC, ***when they have become unavailable***,

*Amendment*

(f) deposits the holder of which has been identified pursuant to Article 3 (1) of Directive 91/308/EEC ***at the time of the activation, during and following the repayment of deposit guarantees***,

Or. en

*Justification*

*The purpose of this amendment is the clarification that deposit guarantees which have been mistakenly paid out as a result of the insolvency of a credit institution to a holder which has not yet been identified pursuant to Article 3 (1) of Directive 91/308/EEC at the time of the pay-out may be withdrawn.*

**Amendment 169**

**Wolf Klinz**

**Proposal for a directive**

**Article 4 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) ***deposits by insurance undertakings***,

*Amendment*

(g) - ***deleted*** -

Or. en

**Amendment 170**

**Wolf Klinz**

**Proposal for a directive**

**Article 4 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) ***deposits by collective investment undertakings***,

*Amendment*

(h) - ***deleted*** -

Or. en

**Amendment 171**  
**Wolf Klinz**

**Proposal for a directive**  
**Article 4 – paragraph 1 – point i**

*Text proposed by the Commission*

**(i) *deposits by pension and retirement funds,***

*Amendment*

**(i) - *deleted -***

Or. en

**Amendment 172**  
**Vicky Ford**

**Proposal for a directive**  
**Article 4 – paragraph 1 – point i**

*Text proposed by the Commission*

**(i) deposits by pension and retirement funds,**

*Amendment*

**(i) deposits by pension and retirement funds, *except those held in personal pension schemes or in occupational pension schemes of an employer which is not a large company;***

Or. en

**Amendment 173**  
**Wolf Klinz**

**Proposal for a directive**  
**Article 4 – paragraph 1 – point j**

*Text proposed by the Commission*

**(j) *deposits by authorities,***

*Amendment*

**(j) - *deleted -***

Or. en

**Amendment 174**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 4 – paragraph 1 – point j**

*Text proposed by the Commission*

(j) deposits by authorities,

*Amendment*

(j) deposits by ***small local*** authorities ***that do not routinely employ a professional treasurer***

Or. en

**Amendment 175**  
**Vicky Ford**

**Proposal for a directive**  
**Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall ensure that deposits by local authorities are excepted from Article 4(1)(j)***

Or. en

**Amendment 176**  
**Vicky Ford**

**Proposal for a directive**  
**Article 5 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. In addition, Member States shall ensure that the following deposits are fully protected:***

***(a) deposits resulting from real estate transactions relating to private residential properties for up to 3 months (or longer at the Member State discretion but in any event not longer than 12 months) after the***



*amount has been credited;*

*(b) deposits that serve social purposes defined in national law and are linked to particular life events such as marriage, divorce, retirement, dismissal, invalidity or decease of a depositor, for up to 3 months (or longer at the Member State discretion but in any not longer than 12 months) after the amount has been credited;*

*(c) deposits that serve purposes defined in national law and are based on the payment of insurance benefits or compensation, for up to 3 months (or longer at the Member State discretion but in any event not longer than 12 months) after the amount has been credited.*

*Subject however that where amounts under (a) and (c) are unable to be legally moved (due to, for example, probate conditions) the 3 month period shall only commence from the date from which the funds can legally be moved*

Or. en

#### **Amendment 177**

**Sharon Bowles**

#### **Proposal for a directive**

#### **Article 5 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) deposits resulting from real estate transactions for private residential purposes for up to **12** months after the amount has been credited;

*Amendment*

(a) deposits resulting from real estate transactions for private residential purposes for up to **6** months after the amount has been credited **or from when such deposits become legally transferable.**

Or. en

**Amendment 178**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 5 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) deposits that fulfil social considerations defined in national law and are linked to particular life events such as marriage, divorce, invalidity or decease of a depositor. The coverage shall not exceed a time period of **12** months after such event.

*Amendment*

(b) deposits that fulfil social considerations defined in national law and are linked to particular life events such as marriage, divorce, invalidity or decease of a depositor. The coverage shall not exceed a time period of **6** months after such event ***or from when such deposits become legally transferable.***

Or. en

**Amendment 179**  
**Vicky Ford**

**Proposal for a directive**  
**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. With regard to deposit guarantee schemes in the EEA/EFTA States which may have been in place prior to 31st December 2010 with deposits of depositors whose principal place of residence is in an EEA/EFTA State, the State concerned may decide, by way of derogation from paragraph 1, that the coverage level which has been in force hitherto may remain in force unaltered. In that case, the target cover and the risk-dependent contributions of the credit institutions shall be adjusted accordingly.***

Or. en

**Amendment 180**  
**Antolín Sánchez Presedo**

**Proposal for a directive**  
**Article 5 – paragraph 4**

*Text proposed by the Commission*

4. Deposits shall be paid out in the currency in which the account was maintained. If the amounts expressed in euro referred to in paragraph 1 are converted into other currencies, the amounts effectively paid to depositors shall be equivalent to those set out in this Directive.

*Amendment*

4. Deposits shall be paid out in the currency ***of the Member State*** in which the account was maintained. ***Where deposits are denominated in a currency other than that of the Member State in which the account is held, the sums to be paid to depositors shall be converted into the currency of said Member State at the rate of exchange prevailing on the eve of the date on which the deposits ceased to be available.*** If the amounts expressed in euro referred to in paragraph 1 are converted into other currencies, the amounts effectively paid to depositors shall be equivalent to those set out in this Directive.

Or. es

**Amendment 181**  
**Elena Băsescu**

**Proposal for a directive**  
**Article 5 – paragraph 4**

*Text proposed by the Commission*

4. Deposits shall be paid out in the currency in ***which the account was maintained***. If the amounts expressed in euro referred to in paragraph 1 are converted into other currencies, the amounts effectively paid to depositors shall be equivalent to those set out in this Directive.

*Amendment*

4. Deposits shall be paid out in the ***national*** currency ***or*** in ***euro***. If the amounts expressed in euro referred to in paragraph 1 are converted into other currencies, the amounts effectively paid to depositors shall be equivalent to those set out in this Directive.

Or. en

**Amendment 182**  
**Slawomir Witold Nitras**

**Proposal for a directive**  
**Article 5 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

Without prejudice to the preceding subparagraph, Member States shall adjust the coverage levels converted into another currency to the amount referred to in paragraph 1 every **five** years. Member States may make an earlier adjustment of coverage levels, after having consulted the Commission, following the occurrence of unforeseen events such as currency fluctuations .

*Amendment*

Without prejudice to the preceding subparagraph, Member States shall adjust the coverage levels converted into another currency to the amount referred to in paragraph 1 every **three** years. Member States may make an earlier adjustment of coverage levels, after having consulted the Commission, following the occurrence of unforeseen events such as currency fluctuations.

Or. en

*Justification*

*Considering changes in the exchange rate occur fairly often, the adjustment shall take place every 3 rather than 5 years in order to avoid discrepancies between coverage levels in eurozone and non-eurozone Member States.*

**Amendment 183**  
**Sylvie Goulard**

**Proposal for a directive**  
**Article 5 – paragraph 6**

*Text proposed by the Commission*

6. The amount referred to in paragraph 1 shall be reviewed periodically by the Commission at least once every five years. If appropriate, the Commission shall submit to the European Parliament and to the Council a proposal for a Directive to adjust the amount referred to in paragraph 1, taking account in particular of developments in the banking sector and the economic and monetary situation in the Union . The first review shall not take place before 31 December 2015 unless

*Amendment*

6. The amount referred to in paragraph 1 shall be reviewed periodically by the Commission, **supported by the European Banking Authority**, at least once every five years. If appropriate, the Commission shall submit to the European Parliament and to the Council a proposal for a Directive to adjust the amount referred to in paragraph 1, taking account in particular of developments in the banking sector and the economic and monetary situation in the Union . The first review shall not take

unforeseen events necessitate an earlier review. .

place before 31 December 2015 unless unforeseen events necessitate an earlier review. .

Or. fr

**Amendment 184**  
**Antolín Sánchez Presedo**

**Proposal for a directive**  
**Article 5 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

The Commission *may* adjust the amounts referred to in paragraph 1 in accordance with inflation in the European Union on the basis of changes in the harmonised index of consumer prices published by the Commission.

*Amendment*

The Commission *shall* adjust *at least once each year* the amounts referred to in paragraph 1 in accordance with inflation in the European Union on the basis of changes in the harmonised index of consumer prices published by the Commission.

Or. es

**Amendment 185**  
**Antolín Sánchez Presedo**

**Proposal for a directive**  
**Article 6 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

*Member States may provide that deposits in an account to which two or more persons are entitled as members of a business partnership, association or grouping of a similar nature, without legal personality, may be aggregated and treated as if made by a single depositor for the purpose of calculating the limit provided for in Article 5 (1).*

*Amendment*

*deleted*

Or. es

**Amendment 186**  
**Slawomir Witold Nitras**

**Proposal for a directive**  
**Article 6 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

Member States **may** provide that deposits in an account to which two or more persons are entitled as members of a business partnership, association or grouping of a similar nature, without legal personality, **may** be aggregated and treated as if made by a single depositor for the purpose of calculating the limit provided for in Article 5 (1).

*Amendment*

Member States **must** provide that deposits in an account to which two or more persons are entitled as members of a business partnership, association or grouping of a similar nature, without legal personality, **can not** be aggregated and **must be** treated as if made by a single depositor for the purpose of calculating the limit provided for in Article 5 (1).

Or. en

*Justification*

*Each person holding deposits in an account to which two or more persons are entitled as members of a business partnership, association or grouping of a similar nature that does not have legal personality should be entitled to the same amount of protection with regards to the limit of deposit guarantees, however, nonetheless taking into account the holder's share of deposits in the joint account.*

**Amendment 187**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 6 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. Aggregation of deposits for different brands from the same credit institution shall not apply cross boarder.***

Or. en

**Amendment 188**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 6 – paragraph 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***7b. Member States may provide that aggregation of deposits for different brands shall not apply within their own Member State.***

Or. en

**Amendment 189**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 6 – paragraph 7 c (new)**

*Text proposed by the Commission*

*Amendment*

***7c. Where aggregation of deposits can take place across brands, this information shall be clearly indicated together with the names of the other brands when accounts are opened and on statements of accounts.***

Or. en

**Amendment 190**  
**Elena Băsescu**

**Proposal for a directive**  
**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Deposit Guarantee Schemes shall be in a position to repay unavailable deposits within 7 days of the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a

Deposit Guarantee Schemes shall be in a position to repay unavailable deposits within **20** days of the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a

ruling as referred to in Article 2(1)(e)(ii).

ruling as referred to in Article 2(1)(e)(ii).

***Additionally, in exceptional circumstances, a deposit-guarantee scheme may apply to the competent authorities for an extension of the time limit. Such extension shall not exceed 10 working days.***

Or. en

**Amendment 191**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Deposit Guarantee Schemes shall be in a position to repay unavailable deposits within 7 days of the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a ruling as referred to in Article 2(1)(e)(ii).

*Amendment*

Deposit Guarantee Schemes shall be in a position to repay unavailable deposits within **20** days of the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a ruling as referred to in Article 2(1)(e)(ii).

***By 31 December 2014 the Commission shall submit to the European Parliament and to the Council a report on the feasibility and costs of reducing the payout period to 7 days.***

Or. en

**Amendment 192**  
**Jean-Paul Gauzès**

**Proposal for a directive**  
**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

***Deposit*** Guarantee Schemes shall be in a position to repay unavailable deposits

*Amendment*

***As of 31 December 2016, deposit*** Guarantee Schemes shall be in a position to



within 7 days of the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a ruling as referred to in Article 2(1)(e)(ii).

repay unavailable deposits within 7 days of the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a ruling as referred to in Article 2(1)(e)(ii).

Or. en

## **Amendment 193**

**Astrid Lulling**

### **Proposal for a directive**

#### **Article 7 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Deposit Guarantee Schemes shall be in a position to repay unavailable deposits within 7 days of the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a ruling as referred to in Article 2(1)(e)(ii).

##### *Amendment*

Deposit Guarantee Schemes shall be in a position to repay unavailable deposits within **twenty working** days of the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a ruling as referred to in Article 2(1)(e)(ii).

Or. en

## **Amendment 194**

**Carl Haglund, Anne E. Jensen**

### **Proposal for a directive**

#### **Article 7 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Deposit Guarantee Schemes shall be in a position to repay unavailable deposits within **7 days** of the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a ruling as referred to in Article 2(1)(e)(ii).

##### *Amendment*

Deposit Guarantee Schemes shall be in a position to repay unavailable deposits within **four weeks** of the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a ruling as referred to in Article 2(1)(e)(ii).

Or. en

### *Justification*

*While it is essential to ensure timely payments, it will be counterproductive if meeting a very short deadline would be difficult to fulfil in practice. Additionally, very short payout requirements run the risk of causing both payment errors and unreasonable administrative costs. Before making additional changes, the deadline of Directive 2009/14/EC must be properly assessed.*

#### **Amendment 195**

**Antolín Sánchez Presedo**

#### **Proposal for a directive**

#### **Article 7 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

Member States may decide that deposits referred to in Article 6(3) are subject to a longer repayment period. However, that period shall not exceed 3 months from the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a ruling as referred to in Article 2(1)(e)(ii).

##### *Amendment*

Member States may decide that deposits referred to in Article 6(3) **and Article 5(2)** are subject to a longer repayment period. However, that period shall not exceed 3 months from the date on which the competent authorities make a determination as referred to in Article 2(1)(e)(i) or a judicial authority makes a ruling as referred to in Article 2(1)(e)(ii).

Or. es

#### **Amendment 196**

**Peter Simon**

#### **Proposal for a directive**

#### **Article 7 – paragraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***1a. If Member States have adopted a longer time limit for payout of 20 working days until 31 December 2016, depositors shall upon request receive a one-time payout of up to EUR 5 000 from the Deposit Guarantee Scheme within five working days on their deposit eligible for reimbursement.***

**Amendment 197**

**Vicky Ford**

**Proposal for a directive**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States may decide that until 31 December 2016 a time limit for payout of 20 working days should apply, provided that after a thorough examination the competent supervisory authority establishes that the Deposit Guarantee Schemes are not yet in a position to guarantee a time limit of seven days for payout. After 31 December 2016 a time limit for payout of 7 days should apply.***

Or. en

**Amendment 198**

**Vicky Ford**

**Proposal for a directive**

**Article 7 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Repayment or payout as referred to in 7.1 may be deferred in the following cases:***

***(i) The eligible claimant is the beneficiary of an account held on their behalf by another person***

***(ii) It is uncertain whether a person is legally entitled to receive a repayment or the deposit is subject to legal dispute***

***(iii) The deposit is subject to economic sanctions imposed by national governments or international bodies***

- (iv) The account is dormant.*
- (v) The account is maintained in a foreign currency*
- (vi) The amount is deemed part of a temporary high balance as defined in Article 5.1 (a)*

Or. en

**Amendment 199**  
**Vicky Ford**

**Proposal for a directive**  
**Article 7 – paragraph 1 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*If Member States have adopted a longer time limit for payout of 20 working days until 31 December 2016, depositors shall upon request receive a payout of up to EUR 5 000 from the Deposit Guarantee Scheme within seven days on their deposit eligible for reimbursement.*

Or. en

**Amendment 200**  
**Jean-Paul Gauzès**

**Proposal for a directive**  
**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. The beginning of the pay out period requires that accurate data on depositors and deposits, which are necessary for the verification of claims, and a valid account number for such pay out are available.*

Or. en

**Amendment 201**  
**Olle Schmidt**

**Proposal for a directive**  
**Article 7 – paragraph 1 – subparagraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***If Member States have adopted a longer time limit for payout of ten working days until 31 December 2015, depositors shall upon request receive a payout of up to EUR 5 000 from the Deposit Guarantee Scheme within five working days on their deposit eligible for reimbursement.***

Or. en

*Justification*

*A fast payout time is important for the depositors confidence in the system. If Member State has adopted a longer time limit for payout the depositor should have right to receive a payout up to EURO 5000 within five working days.*

**Amendment 202**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 7 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States can have a time limit for payout of 20 working days until 31st December 2016. After that date, the time limit for payout should be 5 working days.***

Or. en

**Amendment 203**  
**Vicky Ford**

**Proposal for a directive**

**Article 7 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Member States may decide that, for the purposes of the payout referred to in paragraph 1, the deposits of a depositor with the same credit institution should not be aggregated in so far as the law of the Member State permits credit institutions to operate under different brand names. Deposits with the same credit institution under the same brand name shall be aggregated, and the coverage level laid down in Article 5(1) shall apply to them. If this calculation leads to a larger amount of covered deposits per depositor and per credit institution than provided for by Article 5, the contributions to the Deposit Guarantee Scheme calculated pursuant to Article 9 and 11 shall be increased accordingly. Should a Member State decide not to allow separate deposit protection across brands within the same credit institution, then the Member State must introduce appropriate information and disclosure requirements so that it is clear which institution is the license holder and that brands are not separately guaranteed.*

Or. en

**Amendment 204**

**Antolín Sánchez Presedo**

**Proposal for a directive**

**Article 7 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Any correspondence between the Deposit Guarantee Scheme and the depositor shall be drawn up in the official language or languages of the Member State

3. Any correspondence between the Deposit Guarantee Scheme and the depositor shall be drawn up in the official **EU language used by the banking**

in which the guaranteed deposit is located. If a bank operates directly in another Member State without having established branches, the information shall be provided in the language that was chosen by the depositor when the account was opened.

***institution holding the guaranteed deposit when writing to the depositor or, failing this, in the official language*** or languages of the Member State in which the guaranteed deposit is located. If a bank operates directly in another Member State without having established branches, the information shall be provided in the language that was chosen by the depositor when the account was opened.

Or. es

**Amendment 205**  
**Antolín Sánchez Presedo**

**Proposal for a directive**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. Notwithstanding the time limit laid down in paragraph 1, where a depositor or any person entitled to or interested in sums held in an account has been charged with an offence arising out of or in relation to money laundering as defined in Article 1 of Directive 91/308/EEC, the Deposit Guarantee Scheme may suspend any payment pending the judgment of the court.

*Amendment*

4. Notwithstanding the time limit laid down in paragraph 1, where a depositor or any person entitled to or interested in sums held in an account has been charged with an offence arising out of or in relation to money laundering as defined in Article 1 of Directive 91/308/EEC, the Deposit Guarantee Scheme may suspend ***temporarily*** any payment ***in which the depositor is concerned*** pending the judgment of the court.

Or. es

**Amendment 206**  
**Wolf Klinz**

**Proposal for a directive**  
**Article 7 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Deposits which are lower than the***

*administrative costs occurring through a settlement of re-payment shall not be covered.*

Or. en

**Amendment 207**  
**Antolín Sánchez Presedo**

**Proposal for a directive**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that the depositor's rights to compensation may be the subject of an action by the depositor against the Deposit Guarantee Scheme.

*Amendment*

1. Member States shall ensure that the depositor's rights to compensation may be the subject of an ***individual or joint*** action by the depositor against the Deposit Guarantee Scheme.

Or. es

**Amendment 208**  
**Wolf Klinz**

**Proposal for a directive**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. Without prejudice to any other rights which they may have under national law and subject to paragraph 3 , schemes which make payments under guarantee shall have the right of subrogation to the rights of depositors in liquidation proceedings for an amount equal to their payments.

*Amendment*

2. Without prejudice to any other rights which they may have under national law and subject to paragraph 3 , schemes which make payments under guarantee ***within a national framework*** shall have the right of subrogation to the rights of depositors in liquidation proceedings for an amount equal to their payments.

***Rights subject to the right of subrogation referred to in this paragraph, shall have the first rank after the right of depositor referred to in paragraph 1 and before all other rights against the liquidator.***



### *Justification*

*The proposal introduces the principle that, in cases when a DGS lends to another scheme, the lending scheme shall have the first rank after the right of depositors in the liquidation proceedings. In order to treat all DGS in the same manner (regardless if they have lent to another Scheme) this principle shall be introduced as a general principle in all cases in which a bank fails and in order to ensure equal treatment among all DGS but only within a national framework.*

#### **Amendment 209** **Alfredo Pallone**

#### **Proposal for a directive** **Article 8 – paragraph 2**

##### *Text proposed by the Commission*

2. Without prejudice to any other rights which they may have under national law **and subject to paragraph 3**, schemes which make payments under guarantee shall have the right of subrogation to the rights of depositors in liquidation proceedings for an amount equal to their payments.

##### *Amendment*

2. Without prejudice to any other rights which they may have under national law, schemes which make payments under guarantee shall have the right of subrogation to the rights of depositors in liquidation proceedings for an amount equal to their payments.

***Rights subject to the right of subrogation referred to in this paragraph, shall have the first rank after the right of depositors referred to in paragraph 1 and before all other rights against the liquidator.***

#### **Amendment 210** **Vicky Ford**

#### **Proposal for a directive** **Article 9 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Member States shall ensure that Deposit

##### *Amendment*

Member States shall ensure that Deposit

Guarantee Schemes have in place adequate systems to determine their potential liabilities. The available financial means of Deposit Guarantee Schemes shall be proportionate to these liabilities.

Guarantee Schemes have in place adequate systems to determine their potential liabilities. The available financial means of Deposit Guarantee Schemes shall be proportionate to these liabilities. ***Member States may decide to implement schemes that are either funded ex-ante or ex-post, subject to an observation period until 2015 to allow Member States to reassess the benefits of ex-ante or ex-post schemes in light of Basel periods for liquidity. If, following or during the observation period a scheme that has been partly or fully funded ex-post becomes ex-ante the 10 year funding period shall start from the date of conversion to ex-ante;***

Or. en

#### **Amendment 211**

**Sharon Bowles**

#### **Proposal for a directive**

#### **Article 9 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Member States shall ensure that Deposit Guarantee Schemes have in place adequate systems to determine their potential liabilities. The available financial means of Deposit Guarantee Schemes shall be proportionate to these liabilities.

##### *Amendment*

Member States shall ensure that Deposit Guarantee Schemes have in place adequate systems to determine their potential liabilities. The available financial means of Deposit Guarantee Schemes shall be proportionate to these liabilities. ***Member States may implement schemes that are funded ex-ante, ex-post or by a combination thereof, provided that full ex-post funding shall only be permitted when the average capital base in a Member State is above a threshold to be determined by the EBA.***

Or. en

**Amendment 212**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 9 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall ensure that Deposit Guarantee Schemes have in place adequate systems to determine their potential liabilities. ***The available financial means of*** Deposit Guarantee Schemes shall be proportionate to these liabilities.

*Amendment*

Member States shall ensure that Deposit Guarantee Schemes have in place adequate systems to determine their potential liabilities ***represented by the deposits covered. The Member States shall determine the procedures for raising the resources to ensure that*** Deposit Guarantee Schemes ***have sufficient financial means*** proportionate to these liabilities ***to reimburse the deposits referred to in Article 7(1), first paragraph, of this Directive.***

Or. it

**Amendment 213**  
**Vicky Ford**

**Proposal for a directive**  
**Article 9 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Deposit Guarantee Schemes shall raise the available financial means by regular contributions from their members ***on 30 June and 30 December of*** each year. This shall not prevent additional financing from other sources. One-off entry fees may not be requested.

*Amendment*

Deposit Guarantee Schemes shall raise the available financial means ***either***

***a) by a fund financed through*** regular contributions from their members ***at least once*** each year. This shall not prevent additional financing from other sources. One-off entry fees may not be requested;  
***or***

***(b) a system of post-funding capable of***

*meeting the scheme's liabilities under the Directive; or*

*(c) a combination of the above.*

Or. en

#### **Amendment 214**

**Sharon Bowles**

#### **Proposal for a directive**

#### **Article 9 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Deposit Guarantee Schemes shall raise the available financial means by ***regular*** contributions from their members on ***30 June and 30 December of each year***. This shall not prevent additional financing from other sources. One-off entry fees may not be requested.

*Amendment*

Deposit Guarantee Schemes shall raise the available financial means by

***1) annual or more frequent*** contributions from their members

***2) a system of ex-post funding subject to EBA rules on capital adequacy***

***3) a combination of the above***

This shall not prevent additional financing from other sources. One-off entry fees may not be requested.

Or. en

#### **Amendment 215**

**Alfredo Pallone**

#### **Proposal for a directive**

#### **Article 9 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Deposit Guarantee Schemes shall raise the available financial means by ***regular***

*Amendment*

Deposit Guarantee Schemes shall raise the available financial means by contributions

contributions *from their members on 30 June and 30 December of each year*. This shall not prevent additional financing from other sources. One-off entry fees may not be requested.

*paid ex ante or ex post in accordance with the provisions taken by the Member State on the basis of their systemic stability*. This shall not prevent additional financing from other sources. One-off entry fees may not be requested..

Or. it

**Amendment 216**  
**Sylvie Goulard**

**Proposal for a directive**  
**Article 9 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Deposit Guarantee Schemes shall raise the available financial means by ***regular*** contributions from their members ***on 30 June and 30 December of each year***. This shall not prevent additional financing from other sources. ***One-off entry fees may not be requested.***

*Amendment*

Deposit Guarantee Schemes shall raise the available financial means by ***annual*** contributions from their members. This shall not prevent additional financing from other sources.

Or. fr

**Amendment 217**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 9 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

***The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached again. Where the available financial means amount to less than two thirds of the target level, the regular contribution shall not be less than 0.25%***

*Amendment*

***deleted***

*of eligible deposits.*

Or. en

#### **Amendment 218**

**Ramon Tremosa i Balcells**

#### **Proposal for a directive**

#### **Article 9 – paragraph 1 – subparagraph 3**

##### *Text proposed by the Commission*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached again. Where the available financial means amount to less than two thirds of the target level, the regular contribution shall not be less than 0.25% of eligible deposits.

##### *Amendment*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached again. ***The regular contributions shall not be less than 0.1% of the deposits covered, unless existing funds justify a lower annual contribution that allows the target level for 2025 to be reached.*** Where, ***after the target level has been reached on the first occasion,*** the available financial means amount to less than two thirds of the target level, the regular contribution shall not be less than 0.25% of eligible deposits.

Or. es

#### **Amendment 219**

**Olle Schmidt**

#### **Proposal for a directive**

#### **Article 9 – paragraph 1 – subparagraph 3**

##### *Text proposed by the Commission*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment ***of*** contributions shall resume at least until the target level is reached again. ***Where*** the available financial means

##### *Amendment*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment contributions shall resume at least until the target level is reached again. ***If*** the available financial means ***reach 1,7% of***

amount to less than two thirds of the target level, the regular contribution shall not be less **than** 0.25% of **eligible** deposits.

***the covered deposits no additional contributions should be paid. When the available financial means*** amount to less than two thirds of the target level, the regular contribution shall not be less **that** 0,125% of **covered** deposits.

Or. en

#### *Justification*

*It is necessary to decide on a maximum fund size above which it would not be allowed to raise additional contributions. It is also necessary to halve the minimum size of the regular contribution when the available financial means amount to less than two thirds of the target level. 0.25% of covered deposits.*

#### **Amendment 220** **Jean-Paul Gauzès**

#### **Proposal for a directive** **Article 9 – paragraph 1 – subparagraph 3**

##### *Text proposed by the Commission*

The available financial means shall **at least** reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume **at least** until the target level is reached again. **Where** the available financial means amount to less than two thirds of the target level, the regular contribution shall not be less than 0.25% of **eligible** deposits.

##### *Amendment*

The available financial means shall reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume until the target level is reached again. **The regular contributions are 0.1% of covered deposits. After the target level has been reached for the first time, where the available financial means amount to less than two thirds of the target level due to funds being paid out,** the regular contribution shall not be less than 0.25% of **covered** deposits.

Or. en

#### **Amendment 221** **Antolín Sánchez Presedo**

## Proposal for a directive

### Article 9 – paragraph 1 – subparagraph 3

#### *Text proposed by the Commission*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached again. Where the available financial means amount to less than two thirds of the target level, the regular contribution shall not be less than 0.25% of eligible deposits.

#### *Amendment*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached again. ***The regular contribution shall not be less than 0.1% of the eligible deposits.*** Where, ***after the target level has been reached on the first occasion,*** the available financial means amount to less than two thirds of the target level ***because of the use of funds,*** the regular contribution shall not be less than 0.25% of eligible deposits.

Or. es

## Amendment 222

Gianni Pittella

## Proposal for a directive

### Article 9 – paragraph 1 – subparagraph 3

#### *Text proposed by the Commission*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached ***again***. Where the available financial means amount to less than two thirds of the target level, the regular contribution shall not be less than 0.25% of ***eligible*** deposits.

#### *Amendment*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached. ***The regular contribution must not be less than 0.1% of the deposits covered as long as the target level has not been reached.*** Where, ***after the target level has been reached on the first occasion, the*** available financial means amount to less than two thirds of the target level ***because of the use of funds,*** the regular contribution shall not be less than 0.25% of deposits ***covered***

Or. en



**Amendment 223**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 9 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached again.  
***Where the available financial means amount to less than two thirds of the target level, the regular contribution shall not be less than 0.25% of eligible deposits.***

*Amendment*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached again  
***under procedures and timescales determined by the competent authorities of each Member State.***

Or. it

*Justification*

*It must be possible for the individual national authorities to assess the sustainability (procedures and timescales) of restoring the target level of each guarantee system, with the aim of ensuring the financial stability of the banking and financial system.*

**Amendment 224**  
**Vicky Ford**

**Proposal for a directive**  
**Article 9 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached again. Where the available financial means amount to less than two thirds of the target level, the regular contribution shall not be less than 0.25% of eligible deposits.

*Amendment*

The available financial means shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions ***or posting of guarantees or loans*** shall resume at least until the target level is reached again. Where the available financial means amount to less than two thirds of the target level, the regular contribution shall not be less than 0.25% of eligible deposits.

**Amendment 225**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The cumulated amount of deposits and investments of a scheme related to a single body shall not exceed 5% of its available financial means. Companies which are included in the same group for the purposes of consolidated accounts, as defined in Directive 83/349/EEC or in accordance with recognised international accounting rules, shall be regarded as a single body for the purpose of calculating this limit.***

***Deleted***

Or. it

**Amendment 226**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The cumulated amount of deposits and investments of a scheme related to a single body shall not exceed 5% of its available financial means. Companies which are included in the same group for the purposes of consolidated accounts, as defined in Directive 83/349/EEC or in accordance with recognised international accounting rules, shall be regarded as a single body for the purpose of calculating this limit.***

***deleted***

**Amendment 227**  
**Antolín Sánchez Presedo**

**Proposal for a directive**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. The ***cumulated amount of*** deposits and investments of a scheme related to a single body shall not exceed 5% of ***its*** available financial means. Companies which are included in the same group for the purposes of consolidated accounts, as defined in Directive 83/349/EEC or in accordance with recognised international accounting rules, shall be regarded as a single body for ***the purpose of calculating this limit.***

*Amendment*

2. The ***available financial means of a Deposit Guarantee Scheme shall be invested in a low-risk and sufficiently diversified manner and the*** deposits and investments of a scheme ***that are*** related to a single ***private*** body shall not ***in any way*** exceed 5% of ***the scheme's*** available financial means. Companies which are included in the same group for the purposes of consolidated accounts, as defined in Directive 83/349/EEC or in accordance with recognised international accounting rules, shall be regarded as a single body for ***this*** purpose.

**Amendment 228**  
**Sven Giegold**

**Proposal for a directive**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. The ***cumulated amount of deposits and investments of a scheme related to a single body shall not exceed 5% of its available financial means.*** Companies which are included in the same group for the purposes of consolidated accounts, as defined in Directive 83/349/EEC or in accordance with recognised international accounting rules, shall be regarded as a single body for ***the purpose of calculating***

*Amendment*

2. The ***available financial means of Deposit Guarantee Schemes must be invested in a low-risk and sufficiently diversified manner respecting the principles of socially responsible investment.*** Companies which are included in the same group for the purposes of consolidated accounts, as defined in Directive 83/349/EEC or in accordance with recognised international accounting

*this limit.*

rules, shall be regarded as a single body for *this* purpose.

Or. en

**Amendment 229**

**Alfredo Pallone**

**Proposal for a directive**

**Article 9 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

***3. If the available financial means of a Deposit Guarantee Scheme are insufficient to repay depositors when deposits become unavailable, its members shall pay extraordinary contributions not exceeding 0.5% of their eligible deposits per calendar year. That payment shall be executed one day before the time limit referred to in Article 7(1).***

***Deleted***

Or. it

**Amendment 230**

**Sharon Bowles**

**Proposal for a directive**

**Article 9 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

***3. If the available financial means of a Deposit Guarantee Scheme are insufficient to repay depositors when deposits become unavailable, its members shall pay extraordinary contributions not exceeding 0.5% of their eligible deposits per calendar year. That payment shall be executed one day before the time limit referred to in Article 7(1).***

***deleted***

Or. en

## Amendment 231

José Manuel García-Margallo y Marfil

### Proposal for a directive

#### Article 9 – paragraph 3

*Text proposed by the Commission*

3. *If* the available financial means *of a Deposit Guarantee Scheme* are insufficient to repay depositors when deposits become unavailable, its members shall pay extraordinary contributions not exceeding 0.5% of their eligible deposits per calendar year. That payment shall be executed one day before the time limit referred to in Article 7(1).

*Amendment*

3. The available financial means **shall at least reach the target level. Where the financing capacity falls short of the target level, the payment of contributions shall resume at least until the target level is reached again. The regular contribution shall not be less than 0.1% of the deposits covered, unless existing funds justify a lower annual contribution that allows the target level for 2025 to be reached. Where, after the target level has been reached on the first occasion, the available financial means amount to less than two thirds of the target level because of the use of funds, the regular contribution shall not be less than 0.25% of deposits covered.**

Or. es

## Amendment 232

Vicky Ford

### Proposal for a directive

#### Article 9 – paragraph 3

*Text proposed by the Commission*

3. If the available financial means of a Deposit Guarantee Scheme are insufficient to repay depositors when deposits become unavailable, its members shall pay extraordinary contributions not exceeding 0.5% of their **eligible** deposits per calendar year. That payment shall be executed one day before the time limit referred to in Article 7(1).

*Amendment*

3. If the available financial means of a Deposit Guarantee Scheme are insufficient to repay depositors when deposits become unavailable, **then either**

*a) its members shall pay extraordinary contributions not exceeding 0.5% of their **covered** deposits per calendar year. That payment shall be executed one day before the time limit referred to in Article 7(1); or*

*b) schemes have in place adequate alternative funding arrangements to enable them to obtain further funding to cover their liabilities under the Directive. These arrangements may include commercial lending arrangements and lending facilities from public institutions (including from Member States), provided that the terms and conditions for lending offered by those facilities are based on commercial grounds.*

Or. en

**Amendment 233**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 9 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. The cumulated amount of contributions referred to paragraphs 1 and 2 may not exceed 1% of eligible deposits per calendar year.***

***deleted***

***The competent authorities may entirely or partially exempt a credit institution from the obligation referred to in paragraph 2 if the sum of payments referred to in paragraphs 1 and 2 would jeopardize the settlement of claims of other creditors against it. Such exemption shall not be granted for a longer period than 6 months but may be renewed on request of the credit institution.***

Or. en

**Amendment 234**  
**Antolín Sánchez Presedo**

**Proposal for a directive**  
**Article 9 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The cumulated amount of contributions referred to paragraphs 1 and 2 may not exceed 1% of eligible deposits per calendar year.

*Amendment*

The cumulated amount of contributions referred to paragraphs 1 and 2 may not exceed ***as an average throughout the cycle*** 1% of eligible deposits per calendar year.

Or. es

**Amendment 235**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 9 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The cumulated amount of contributions referred to ***paragraphs 1 and 2*** may not exceed 1% of ***eligible*** deposits per calendar year.

*Amendment*

The cumulated amount of contributions referred to ***paragraph 1*** may not exceed 1% of ***covered*** deposits per calendar year.

Or. it

**Amendment 236**  
**Wolf Klinz**

**Proposal for a directive**  
**Article 9 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

The competent authorities may entirely or partially exempt a credit institution from the obligation referred to in paragraph 2 if the sum of payments referred to in paragraphs 1 and 2 would jeopardize the settlement of claims of other creditors against it. Such exemption shall not be

*Amendment*

The competent authorities may entirely or partially exempt a credit institution from the obligation referred to in paragraph 2 if the sum of payments referred to in paragraphs 1 and 2 would jeopardize the settlement of claims of other creditors against it. Such exemption shall not be

granted for a longer period than 6 months but may be renewed on request of the credit institution.

granted for a longer period than 6 months but may be renewed on request of the credit institution. ***The concerned sum shall be contributed at a later point in time, when the payment does not jeopardize anymore the settlement of claims of other creditors.***

Or. en

#### **Amendment 237**

**Alfredo Pallone**

#### **Proposal for a directive**

#### **Article 9 – paragraph 4 – subparagraph 2**

##### *Text proposed by the Commission*

The competent authorities may entirely or partially exempt a credit institution from the obligation referred to in paragraph 2 if the sum of payments referred to in ***paragraphs 1 and 2*** would jeopardize the settlement of claims of other creditors against it. Such exemption shall not be granted for a longer period than 6 months but may be renewed on request of the credit institution.

##### *Amendment*

The competent authorities may entirely or partially exempt a credit institution from the obligation referred to in ***that*** paragraph if the sum of payments referred to in ***paragraph 1*** would jeopardize the settlement of claims of other creditors against it. Such exemption shall not be granted for a longer period than 6 months but may be renewed on request of the credit institution.

Or. it

#### **Amendment 238**

**Antolín Sánchez Presedo**

#### **Proposal for a directive**

#### **Article 9 – paragraph 4 – subparagraph 2**

##### *Text proposed by the Commission*

The competent authorities may entirely or partially exempt a credit institution from the obligation referred to in paragraph 2 if the sum of payments referred to in paragraphs 1 and 2 would jeopardize the

##### *Amendment*

The competent authorities may ***temporarily suspend or*** entirely or partially exempt a credit institution from the obligation referred to in paragraph 2 if the sum of payments referred to in paragraphs 1 and 2



settlement of claims of other creditors against it. Such exemption shall not be granted for a longer period than 6 months but may be renewed on request of the credit institution.

would jeopardize the settlement of claims of other creditors against it. Such exemption shall not be granted for a longer period than 6 months but may be renewed on request of the credit institution.

Or. es

#### **Amendment 239**

**Sharon Bowles**

#### **Proposal for a directive**

#### **Article 9 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

***The financial means referred to in paragraphs 1, 2 and 3 of this Article shall principally be used in order to repay depositors pursuant to this Directive.***

*Amendment*

***deleted***

Or. en

#### **Amendment 240**

**José Manuel García-Margallo y Marfil**

#### **Proposal for a directive**

#### **Article 9 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

The financial means referred to in paragraphs 1, 2 and 3 of this Article shall principally be used in order to repay depositors pursuant to this Directive.

*Amendment*

The financial means referred to in paragraphs 1, 2 and 3 of this Article shall principally be used in order to repay depositors pursuant to this Directive. ***Up to two thirds of the available financial means may be used for preventive and support measures as referred to in this Directive. In that case, the Deposit Guarantee Scheme shall submit to the competent authority within one month a report showing that the limit of two thirds of the available financial means has been respected.***

**Amendment 241**  
**Antolín Sánchez Presedo**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

The financial means referred to in paragraphs 1, 2 and 3 of this Article shall principally be used in order to repay depositors pursuant to this Directive.

*Amendment*

The financial means referred to in paragraphs 1, 2 and 3 of this Article shall principally be used in order to repay depositors pursuant to this Directive.  
*However, up to two thirds of the available financial means may be used for preventive and support measures as referred to in this Directive. In that case, the Deposit Guarantee Scheme shall submit to the competent authority within one month a report showing that the limit of two thirds of the available financial means has been respected. Said measures shall be implemented in accordance with the rules of competition law and subject to submission by the competent authority of a cost-benefit analysis.*

**Amendment 242**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

The financial means *referred to in paragraphs 1, 2 and 3* of this Article shall *principally* be used in order to repay depositors pursuant to this Directive.

*Amendment*

The financial means *available under a Deposit Guarantee Scheme as defined in paragraph 1, first subparagraph*, of this Article shall be used in order to repay depositors pursuant to this Directive.

**Amendment 243**  
**Sharon Bowles**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

*They may however also be used in order to finance the transfer of deposits to another credit institution, provided that the costs borne by the Deposit Guarantee Scheme do not exceed the amount of covered deposits at the credit institution concerned. In this case, the Deposit Guarantee Scheme shall, within one month from the transfer of deposits, submit a report to the European Banking Authority proving that the limit referred to above was not exceeded.*

*Amendment*

*Member States may allow Deposit Guarantee Schemes to use the share of the fund that covers a credit institution for financing the use of resolution mechanisms and continuity of service provision, including transfer of deposits to another credit institution, up to the net cost of compensating depositors of that failed institution*

**Amendment 244**  
**Corien Wortmann-Kool**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

They may **however** also be used in order to finance the transfer of deposits to another credit institution, provided that the costs borne by the Deposit Guarantee Scheme do not exceed the amount of covered deposits at the credit institution concerned. In this case, the Deposit Guarantee Scheme shall, within one month from the transfer of deposits, submit a report to the European Banking Authority proving that the limit referred to above was not exceeded.

*Amendment*

They may **exceptionally** also be used in order to finance the transfer of deposits to another credit institution, provided that the **net** costs borne by the Deposit Guarantee Scheme do not exceed the **lowest of a) the** amount of covered deposits at the credit institution concerned **or b) the net costs resulting out of repayment according to Article 7, paragraph 1 of this Directive**. In this case, the Deposit Guarantee Scheme shall, within one month from the transfer of deposits, submit a report to the

European Banking Authority proving that the limit referred to above was not exceeded. ***The available financial means may not be used for other purposes or forms of resolution.***

Or. en

*Justification*

*Any contribution of the Scheme to a transfer of deposits to another credit institution is only allowed if this results in the cheapest alternative for the Scheme, calculated on a net basis, taking into account any future contributions of the failing bank to limit the loss of the Scheme.*

**Amendment 245**

**Corien Wortmann-Kool**

**Proposal for a directive**

**Article 9 – paragraph 5 – subparagraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

***Member States may allow Deposit Guarantee Schemes to use their financial means in order to avoid a bank failure without being restricted to financing the transfer of deposits to another credit institution, provided that the following conditions are met:***

***deleted***

***(a) a scheme's financial means exceed 1% of eligible deposits after such measure;***

***(b) the Deposit Guarantee Scheme, within one month from its decision to take such measure, submits a report to the European Banking Authority proving that the limit referred to above was not exceeded.***

Or. en

**Amendment 246**

**Sharon Bowles**

**Proposal for a directive**

**Article 9 – paragraph 5 – subparagraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

***Member States may allow Deposit Guarantee Schemes to use their financial means in order to avoid a bank failure without being restricted to financing the transfer of deposits to another credit institution, provided that the following conditions are met:***

***deleted***

***(a) a scheme's financial means exceed 1% of eligible deposits after such measure;***

***(b) the Deposit Guarantee Scheme, within one month from its decision to take such measure, submits a report to the European Banking Authority proving that the limit referred to above was not exceeded.***

Or. en

**Amendment 247**

**Alfredo Pallone**

**Proposal for a directive**

**Article 9 – paragraph 5 – subparagraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

***Member States may allow Deposit Guarantee Schemes to use their financial means in order to avoid a bank failure without being restricted to financing the transfer of deposits to another credit institution, provided that the following conditions are met:***

***The national authorities of each Member States shall determine the procedures under which the respective Deposit Guarantee Schemes may use their financial means in order to avoid a bank failure without being restricted to financing the transfer of deposits to another credit institution, provided that the following conditions are met:***

Or. it

**Amendment 248**  
**Vicky Ford**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

Member States may allow Deposit Guarantee Schemes to use their financial means *in order to avoid a bank failure without being restricted to financing the transfer of deposits to another credit institution, provided that the following conditions are met:*

Member States may allow Deposit Guarantee Schemes to use their financial means *for resolution tools, including deposit book transfer, up to the net cost of compensating covered deposits of that failed institution.*

Or. en

**Amendment 249**  
**Vicky Ford**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) a scheme's financial means exceed 1% of eligible deposits after such measure;*

*deleted*

Or. en

**Amendment 250**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) a scheme's financial means exceed 1% of eligible deposits after such measure;*

*a) the amount of a scheme's financial means used to avoid a bank failure do not exceed the amount of the covered deposits of the credit institution in difficulties;*

**Amendment 251**  
**Vicky Ford**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) the Deposit Guarantee Scheme, within one month from its decision to take such measure, submits a report to the European Banking Authority proving that the limit referred to above was not exceeded.*      *deleted*

Or. en

**Amendment 252**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the Deposit Guarantee Scheme, within one month from *its* decision to take such measure, submits a report to the European Banking Authority *proving that the limit referred to above was not exceeded.*

b) the Deposit Guarantee Scheme, within one month from *the* decision to take such measure, submits a report *via the competent authority* to the European Banking Authority *on its financial sustainability.*

Or. it

**Amendment 253**  
**Vicky Ford**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

***On a case by case basis and subject to authorisation by the competent authorities following a reasoned request by the Deposit Guarantee Scheme concerned, the percentage referred to in (a) may be set between 0,75 and 1 %.***

***deleted***

Or. en

#### **Amendment 254**

**Alfredo Pallone**

**Proposal for a directive**

**Article 9 – paragraph 5 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

***On a case by case basis and subject to authorisation by the competent authorities following a reasoned request by the Deposit Guarantee Scheme concerned, the percentage referred to in (a) may be set between 0,75 and 1 %.***

***deleted***

Or. it

#### **Amendment 255**

**Sharon Bowles**

**Proposal for a directive**

**Article 9 – paragraph 5 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

***On a case by case basis and subject to authorisation by the competent authorities following a reasoned request by the Deposit Guarantee Scheme concerned, the percentage referred to in (a) may be set between 0,75 and 1 %.***

***deleted***



**Amendment 256**  
**Corien Wortmann-Kool**

**Proposal for a directive**  
**Article 9 – paragraph 5 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

*On a case by case basis and subject to authorisation by the competent authorities following a reasoned request by the Deposit Guarantee Scheme concerned, the percentage referred to in (a) may be set between 0,75 and 1 %.*

*deleted*

Or. en

**Amendment 257**  
**Śławomir Witold Nitras**

**Proposal for a directive**  
**Article 9 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. Member States *shall* ensure that **Deposit Guarantee Schemes** have in place adequate alternative funding arrangements to *enable them to* obtain short-term funding *where necessary* to meet claims against those **Deposit Guarantee Schemes**.

6. Member States *must* ensure that **Deposit Guarantee Schemes** have in place adequate alternative funding arrangements *necessary* to obtain short-term funding to meet claims against those **Deposit Guarantee Schemes**. *The use of these arrangements shall be conditional on consultation with the European Banking Authority.*

Or. en

*Justification*

*Adequate alternative funding arrangements should be compulsory rather than optional for Member States in order to ensure that Deposit Guarantee Schemes are able to continue the pay-out of deposit guarantees before the ex-post contributions from credit institutions are activated and are readily available to be used as deposit guarantee payments. The*

*consultation with the European Banking Authority will ensure that the amount and conditions of short-term funding are supervised and limited in nature in order to avoid over-reliance on alternative funding.*

#### **Amendment 258**

**Sharon Bowles**

#### **Proposal for a directive**

#### **Article 9 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

***7. Member States shall monthly inform the European Banking Authority of the amount of eligible deposits and covered deposits in their Member State and of the amount of the available financial means of their Deposit Guarantee Schemes. This information shall be confirmed by the competent authorities and shall, accompanied by this confirmation, transmitted within 10 days from the end of each month to the European Banking Authority.***

***deleted***

***Member States shall ensure that the information referred to in the first subparagraph is published on the web-site of the Deposit Guarantee Schemes at least on an annual basis.***

Or. en

#### **Amendment 259**

**Vicky Ford**

#### **Proposal for a directive**

#### **Article 9 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall ***monthly*** inform the European Banking Authority of the amount of eligible deposits and covered deposits in their Member State and of the amount of

Member States shall ***annually*** inform the European Banking Authority of the amount of eligible deposits and covered deposits in their Member State and of the amount of

the available financial means of their Deposit Guarantee Schemes. This information shall be confirmed by the competent authorities and shall, accompanied by this confirmation, transmitted within **10 days** from the end of each **month** to the European Banking Authority.

the available financial means of their Deposit Guarantee Schemes. This information shall be confirmed by the competent authorities and shall, accompanied by this confirmation, transmitted within **4 months** from the end of each **year** to the European Banking Authority.

Or. en

**Amendment 260**  
**Antolín Sánchez Presedo**

**Proposal for a directive**  
**Article 9 – paragraph 7 – subparagraph 2**

*Text proposed by the Commission*

Member States shall ensure that the information referred to in the first subparagraph is published on the web-site of the Deposit Guarantee Schemes at least on an annual basis.

*Amendment*

Member States shall ensure that the information referred to in the first subparagraph is published on the website of the Deposit Guarantee Schemes **and the European Banking Authority** at least on an annual basis.

Or. es

**Amendment 261**  
**Wolf Klinz**

**Proposal for a directive**  
**Article 9 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. A Deposit Guarantee Scheme has to meet specific government rules and is supervised by a special board which is composed of high representatives of the scheme, its members and of the relevant authorities who work out and decide on transparent "investment guidelines" for the financial means. These guidelines**

*shall take into account principles like matching duration, quality, diversification and correlation of the investments.*

Or. en

**Amendment 262**

**José Manuel García-Margallo y Marfil**

**Proposal for a directive**

**Article 10 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

*A scheme shall have the right to borrow from all other Deposit Guarantee Schemes referred to in Article 1(2) within the Union provided that all of the following conditions are met:* *deleted.*

Or. en

**Amendment 263**

**Alfredo Pallone, Herbert Dorfmann**

**Proposal for a directive**

**Article 10 – paragraph 1 – subparagraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(g) the total amount lent may not exceed 0.5% of *eligible* deposits of the borrowing scheme.

g) the total amount lent may not exceed 0.5% of *covered* deposits of the borrowing scheme.

Or. it

**Amendment 264**

**Alfredo Pallone, Herbert Dorfmann**

**Proposal for a directive**

**Article 10 – paragraph 1 – subparagraph 1 – subparagraph 1**

*Text proposed by the Commission*

[amount of covered deposits to be repaid under Article 8(1)] – [available financial means]

*Amendment*

[[amount of covered deposits to be repaid under Article 8(1)] – [available financial means] + ***amount of alternative funding arrangements referred to in Article 9(6).***

Or. it

**Amendment 265**

**Alfredo Pallone, Herbert Dorfmann**

**Proposal for a directive**

**Article 10 – paragraph 2 – point a**

*Text proposed by the Commission*

a) each scheme shall lend the amount proportionate to the amount of ***eligible*** deposits at each scheme without taking account of the borrowing scheme and Deposit Guarantee Schemes referred to under point (a). The amounts shall be calculated pursuant to the latest confirmed monthly information referred to in Article 9(7).

*Amendment*

a) each scheme shall lend the amount proportionate to the amount of ***covered*** deposits at each scheme without taking account of the borrowing scheme and Deposit Guarantee Schemes referred to under point (a). The amounts shall be calculated pursuant to the latest confirmed monthly information referred to in Article 9(7).

Or. it

**Amendment 266**

**Sven Giegold**

**Proposal for a directive**

**Article 10 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the interest rate shall be equivalent to the marginal lending facility rate of the ***European Central Bank during the credit period.***

*Amendment*

(c) the interest rate ***during the credit period*** shall be equivalent to the marginal lending facility rate of the ***central bank issuing the currency in which the loan was made .***

**Amendment 267**  
**Elena Băsescu**

**Proposal for a directive**  
**Article 10 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

The European Banking Authority shall transmit its confirmation together with the information referred to in paragraph 1(h) to the lending Deposit Guarantee Schemes. They shall receive this confirmation and information within 2 working days. The lending Deposit Guarantee Schemes ***shall***, without delay ***but at the latest within further 2 working days after reception effect*** payment of the loan to the borrowing scheme.

*Amendment*

The European Banking Authority shall transmit its confirmation together with the information referred to in paragraph 1(h) to the lending Deposit Guarantee Schemes. They shall receive this confirmation and information within 2 working days. The lending Deposit Guarantee Schemes ***will***, without delay, ***effect*** the payment of the loan to the borrowing scheme. ***However, this mechanism should be only an option and leave the final decision to the member states.***

**Amendment 268**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 10 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall ensure that the contributions levied by the borrowing scheme are sufficient to reimburse the amount borrowed and to re-establish the target level ***as soon as possible***.

*Amendment*

4. Member States shall ensure that the contributions levied by the borrowing scheme are sufficient to reimburse the amount borrowed and to re-establish the target level ***in accordance with the procedures and timescales determined by the respective competent authorities***.

## **Amendment 269**

**Alfredo Pallone, Herbert Dorfmann**

### **Proposal for a directive**

#### **Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than 200% of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) **and (4)** pay lower contributions to Deposit Guarantee Schemes but not less than **37.5%** of the amount that a bank with an average risk would have to contribute.

*Amendment*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than 200% of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) pay lower contributions to Deposit Guarantee Schemes but not less than **45%** of the amount that a bank with an average risk would have to contribute..

Or. it

## **Amendment 270**

**Corien Wortmann-Kool**

### **Proposal for a directive**

#### **Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than **200%** of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) and (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

*Amendment*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than **300%** of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) and (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

*Justification*

*The ratio for premiums between relatively low and relatively high risk credit institutions should increase from 3 to 4 in order to provide incentives to operate under a less risky business model.*

**Amendment 271**

**Slawomir Witold Nitras**

**Proposal for a directive**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than **200%** of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1 **(3) and** (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

*Amendment*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than **300%** of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1 (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

*Justification*

*The suggested range of 75% to 200% (1 to 3) is too narrow and should be broadened in order to have a better distinction (1 to 4) between credit institutions that primarily take deposits and are subject to minimal risk, and those banks that take considerable risk.*

**Amendment 272**

**Sven Giegold**

**Proposal for a directive**

**Article 11 – paragraph 1**



*Text proposed by the Commission*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member ***on the basis of*** the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than **200%** of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) and (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

*Amendment*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member ***proportional to*** the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than **300%** of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) and (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

Or. en

**Amendment 273**  
**Gianni Pittella**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than **200%** of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) and (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

*Amendment*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than **300%** of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) and (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

Or. en

**Amendment 274**  
**Jean-Paul Gauzès**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than **200%** of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) **and** (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

*Amendment*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than **250%** of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1 (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

Or. en

**Amendment 275**  
**Thomas Mann**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than 200% ***of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) and (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5%*** of the amount that a ***bank*** with an average risk would have to contribute.

*Amendment*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than 200% of the amount that a ***credit institution*** with an average risk would have to contribute.

*Justification*

*In order to ensure a level competitive playing field, the additional rebate on the applicable risk category is deleted. A credit institution's membership of the systems referred to in Article 1(3) and (4) does not justify such rebate, as the intrinsic risk of its business model is not lowered and the effectiveness of its risk management is not improved. Risk adjustment should only be made on the basis of clear, pre-defined indicators applicable to all credit institutions.*

**Amendment 276**  
**Leonardo Domenici**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than 200% of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) and (4) pay lower contributions to Deposit Guarantee Schemes but not less than 37.5% of the amount that a bank with an average risk would have to contribute.

*Amendment*

1. The contributions to Deposit Guarantee Schemes referred to in Article 9 shall be determined for each member on the basis of the degree of risk incurred by it. Credit institutions shall not pay less than 75% or more than 200% of the amount that a bank with an average risk would have to contribute. Member States may decide that members of Schemes referred to in Article 1(3) and (4) pay lower contributions to Deposit Guarantee Schemes but not less than 30% of the amount that a bank with an average risk would have to contribute.

Or. en

**Amendment 277**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 11 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure, through their national competent authorities, that the Schemes referred to in Article 1(3)***

*hold sufficient financial resources in order to grant immediately and unconditionally the support necessary to avoid bankruptcy of its members in case it becomes necessary.*

Or. en

**Amendment 278**  
**Corien Wortmann-Kool**

**Proposal for a directive**  
**Article 11 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Member States may allow that all credit institutions affiliated to the same central body under Article 3(1) of Directive 2006/48/EC are subject as a whole to the risk weight determined for the central body and its affiliated institutions on a consolidated basis. Member States may decide that credit institutions shall pay a minimum contribution, irrespective of the amount of their covered deposits.*

Or. en

**Amendment 279**  
**Vicky Ford**

**Proposal for a directive**  
**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*2. The determination of the degree of risk incurred and the calculation of contributions shall be based on the elements referred to in Annex I and II.*

*deleted*

Or. en

**Amendment 280**  
**Wolf Klinz**

**Proposal for a directive**  
**Article 11 – paragraph 2**

*Text proposed by the Commission*

2. The determination of the degree of risk incurred and the calculation of contributions shall be based on the elements referred to in Annex I and II.

*Amendment*

2. The determination of the degree of risk incurred and the calculation of contributions shall be based on the elements referred to in Annex I and II, ***whereby the European Banking Authority (EBA) shall review on a regular base whether the criteria for the risk based contributions which are set out in Annex I and II are adequate to reflect the true coverage of at least a medium-sized failure of an institution. In case of obvious discrepancies the EBA shall have the power to demand national authorities within the Member States to instruct its relevant schemes for necessary adjustments.***

Or. en

**Amendment 281**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 11 – paragraph 2**

*Text proposed by the Commission*

2. The determination of the degree of risk ***incurred*** and the calculation of contributions shall be based on the ***elements referred to*** in Annex I and II.

*Amendment*

2. The determination of the degree of risk ***assumed*** and the calculation of contributions shall be based on the ***general principles laid down*** in Annex I and II, ***while it should be the task of the competent authorities of each Member State to set thresholds for the indicators, scores and weights in respect of the classification model for credit institutions***

*which are members of the scheme referred to in Article 1(2).*

Or. it

**Amendment 282**

**Wolf Klinz**

**Proposal for a directive**

**Article 11 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The European Banking Authority (EBA) should strive for full comparability in adjusting the ratios, whereby basic assumptions should be clearly defined and distortive elements should be avoided. In this context all calculations in the Member States should be based on pre-tax calculation, thus avoiding tax arbitrage.***

Or. en

**Amendment 283**

**Sharon Bowles**

**Proposal for a directive**

**Article 11 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Powers are delegated to the Commission to amend the composite score and sub scores for core and supplementary indicators in Annex I and the indicators, ratio, definitions, scores and risk weight coefficients in Annex II Parts A & B. Regulatory Technical Standards shall be adopted in accordance with the EBA regulation. The European Banking Authority may develop draft Regulatory Technical Standards for submission to the Commission.***

*Justification*

*This leaves the risk classes defined but allows variation if need be in the other factors; it should be noted that profitability should not be a risk class as deleted in other amendments.*

**Amendment 284****Vicky Ford****Proposal for a directive****Article 11 – paragraph 3***Text proposed by the Commission**Amendment*

**3. Paragraph 2 shall not apply to Deposit Guarantee Schemes referred to in Article 1(2).**

**deleted****Amendment 285****Alfredo Pallone****Proposal for a directive****Article 11 – paragraph 3***Text proposed by the Commission**Amendment*

**3. Paragraph 2 shall not apply to Deposit Guarantee Schemes referred to in Article 1(2).**

**3. By derogation from the standardised approach in paragraphs 1 and 2, Deposit Guarantee Schemes may use their own risk-based methods to determine the degree of risk incurred by members and calculate contributions by member bodies to the Deposit Guarantee Scheme. Calculation of the contributions shall be proportional to the commercial risk of the institute in question and take due consideration of the risk profiles of the various business models. The procedures may also calculate the contribution base from the assets side of the balance sheet and consider capital adequacy, the quality of the assets and liquidity at least as risk**

*indicators. The procedures must be approved by the respective national supervisory authorities and by the European Banking Authority and accord with the guidelines developed by the European Banking Authority pursuant to Article 11(5). The European Banking Authority shall conduct a review of compliance with the guidelines whenever the scheme is changed and at periodic intervals of at least every five years.*

Or. it

**Amendment 286**  
**Peter Simon**

**Proposal for a directive**  
**Article 11 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3a. By derogation from the standardised approach in paragraphs 1 and 2, Deposit Guarantee Schemes may use their own risk-based methods to determine the degree of risk incurred by members and calculate contributions by member bodies to the Deposit Guarantee Scheme. Calculation of the contributions shall be proportional to the commercial risk of the institute in question and take due consideration of the risk profiles of the various business models. The procedures may also calculate the contribution base from the assets side of the balance sheet and consider capital adequacy, the quality of the assets and liquidity at least as risk indicators. The procedures must be approved by the respective national supervisory authorities and by the European Banking Authority and accord with the guidelines developed by the European Banking Authority pursuant to Article 11(5). The European Banking Authority shall conduct a review of*



*compliance with the guidelines whenever the scheme is changed and at periodic intervals of at least every five years.*

Or. de

**Amendment 287**  
**Vicky Ford**

**Proposal for a directive**  
**Article 11 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3a. By derogation from the standardised approach in paragraphs 1 and 2, Deposit Guarantee Schemes may use their own risk-based methods to determine the degree of risk incurred by members and calculate contributions by member bodies to the Deposit Guarantee Scheme. Calculation of the contributions shall be proportional to the commercial risk of the institute in question and take due consideration of the risk profiles of the various business models. The procedures may also calculate the contribution base from the assets side of the balance sheet and consider capital adequacy, the quality of the assets and liquidity at least as risk indicators. The European Banking Authority shall conduct a review of compliance with the guidelines whenever the scheme is changed and at periodic intervals of at least every five years.*

Or. en

**Amendment 288**  
**Vicky Ford**

**Proposal for a directive**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. In order to ensure specify the elements of definitions and methods under Annex II Part A, powers are delegated to the Commission. These draft regulatory standards shall be adopted in accordance with Articles 7 to 7d of [EBA Regulation]. The European Banking Authority may develop draft regulatory standards for submission to the Commission.**

**deleted**

Or. en

**Amendment 289**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. In order to ensure *specify* the *elements of* definitions and methods *under* Annex II Part A, *powers are delegated to the Commission. These* draft regulatory standards *shall be adopted in accordance with Articles 7 to 7d of [EBA Regulation].* The European Banking Authority *may develop* draft regulatory standards *for submission* to the Commission.

4. In order to ensure *uniform conditions for the application of* the definitions and methods *described in* Annex II Part A *for the standardised approach set out in paragraphs 1 and 2, the European Banking Authority shall develop* draft regulatory standards. The European Banking Authority *shall submit its* draft *technical* regulatory standards to the Commission *by 31 December 2012. Powers shall be delegated to the Commission to adopt the technical regulatory standards mentioned in subparagraph 1 in accordance with the procedure laid down in Articles 10 to 14 of Regulation (EU) No 1093/2010.*

Or. it

**Amendment 290**  
**Sylvie Goulard**

**Proposal for a directive**  
**Article 11 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The European Banking Authority shall take account in its risk analyses, and for drawing up draft regulatory standards, of the governance control mechanisms set up by credit institutions. It shall ensure dissemination of best practices via the European financial supervision system.***

Or. fr

**Amendment 291**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 11 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. By 31 December 2012, the European Banking Authority shall issue guidelines on the application of Annex II Part B pursuant to ***[Article 8 of the EBA Regulation]***

5. By 31 December 2012, the European Banking Authority shall issue guidelines on the application of Annex II Part B ***and for the separate risk-based methods developed by the Deposit Guarantee Schemes under paragraph 3 pursuant to the procedure in Article 16 of Regulation (EU) No 1093/2010***

Or. it

**Amendment 292**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 11 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. By 31 December 2013, the Commission shall submit to the European***

*Parliament and to the Council a report on the possibility for applying reduced risk based contributions to the members of schemes which provide protection against insolvency in addition to Deposit Guarantee Schemes and whose financing and functioning is harmonised at European level.*

Or. en

**Amendment 293**

**Antolín Sánchez Presedo**

**Proposal for a directive**

**Article 12 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Depositors at branches set up by credit institutions in other Member States or in Member States where a credit institution authorised in another Member State operates shall be repaid by the scheme of the host Member State on behalf of the scheme in the home Member State. The home scheme shall reimburse the host scheme.

*Amendment*

Depositors at branches set up by credit institutions in other Member States or in Member States where a credit institution authorised in another Member State operates shall be repaid by the scheme of the host Member State on behalf of the scheme in the home Member State. The home scheme shall *advance the necessary funds to enable* the host *Member State* scheme *to meet the home Member State scheme's obligation to pay depositors as laid down in paragraph 1.*

Or. es

**Amendment 294**

**Slawomir Witold Nitras**

**Proposal for a directive**

**Article 12 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Depositors at branches set up by credit institutions in other Member States or in

*Amendment*

Depositors at branches set up by credit institutions in other Member States or in

Member States where a credit institution authorised in another Member State operates shall be repaid by the scheme of the host Member State on behalf of the scheme in the home Member State. The **home** scheme shall **reimburse** the host scheme.

Member States where a credit institution authorised in another Member State operates shall be repaid by the scheme of the host Member State on behalf of the scheme in the home Member State. The scheme **of the home Member State** shall, **as a first step, transfer the required amount of money to be repaid to depositors to the** host scheme, **which subsequently carries out the paying agent function.**

Or. en

#### *Justification*

*In a first step, the host scheme needs to receive the money from the home scheme; in a second step the host country fulfils the paying agent function. This is to ensure that no transfer of risk and responsibility takes place between Deposit Guarantee Schemes in Member States without explicit lending agreements.*

#### **Amendment 295** **Wolf Klinz**

#### **Proposal for a directive** **Article 12 – paragraph 2 – subparagraph 1**

##### *Text proposed by the Commission*

Depositors at branches set up by credit institutions in other Member States or in Member States where a credit institution authorised in another Member State operates shall be repaid by the scheme of the host Member State on behalf of the scheme in the home Member State. The home scheme shall **reimburse** the host scheme.

##### *Amendment*

Depositors at branches set up by credit institutions in other Member States or in Member States where a credit institution authorised in another Member State operates shall be repaid by the scheme of the host Member State on behalf of the scheme in the home Member State. The home scheme shall **transfer the required amount of money for reimbursement to the** host scheme.

Or. en

**Amendment 296**  
**Elena Băsescu**

**Proposal for a directive**  
**Article 12 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Depositors at branches set up by credit institutions in other Member States or in Member States where a credit institution authorised in another Member State operates shall be repaid by the scheme of the host Member State on behalf of the scheme in the home Member State. The home scheme shall reimburse the host scheme.

*Amendment*

Depositors at branches set up by credit institutions in other Member States or in Member States where a credit institution authorised in another Member State operates shall be repaid by the scheme of the host Member State, ***once the necessary funds are put forward***, on behalf of the scheme in the home Member State. The home scheme shall reimburse the host scheme.

Or. en

**Amendment 297**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a directive**  
**Article 12 – paragraph 3**

*Text proposed by the Commission*

3. If a credit institution ceases to be member of a scheme and joins another scheme, the ***contributions paid during the 6 months preceding the withdrawal of membership shall be reimbursed or transferred*** to the other scheme. This shall not apply if a credit institution has been excluded from a scheme pursuant to Article 3(3).

*Amendment*

3. If a credit institution ceases to be member of a scheme and joins another scheme the ***first scheme shall transfer the share of the available financial means assigned to the credit institution to the other scheme given that this does not risk the stability of the first scheme***. This shall not apply if a credit institution has been excluded from a scheme pursuant to Article 3(3).

Or. en

*Justification*

*All contributions should be recuperated, if a credit institution ceases to be member of a scheme and joins another scheme in order to not dilute the funds of the receiving scheme and*

*its previous members when the depositors of the moving institution is attached to the new scheme. Such a transfer of funds from the previous scheme also seems reasonable since the transfer of depositors from the scheme will significantly reduce the obligations of that scheme.*

**Amendment 298**  
**Gunnar Hökmark**

**Proposal for a directive**  
**Article 12 – paragraph 3**

*Text proposed by the Commission*

3. If a credit institution ceases to be member of a scheme and joins another *scheme*, the *contributions paid during the 6 months preceding the withdrawal of membership* shall be *reimbursed or* transferred to the *other* scheme. This shall not apply if a credit institution has been excluded from a scheme pursuant to Article 3(3).

*Amendment*

3. If a credit institution ceases to be member of a scheme and joins another *one*, the *available financial means of the first scheme attributed to that credit institution* shall be transferred to the *new* scheme, *provided this does not endanger the stability of the first scheme*. This shall not apply if a credit institution has been excluded from a scheme pursuant to Article 3(3).

Or. en

**Amendment 299**  
**Peter Simon**

**Proposal for a directive**  
**Article 12 – paragraph 3**

*Text proposed by the Commission*

(3) If a credit institution ceases to be member of a scheme and joins another scheme, the contributions paid during the *6 months* preceding the withdrawal of membership shall be reimbursed or transferred to the other scheme. This shall not apply if a credit institution has been excluded from a scheme pursuant to Article 3(3).

*Amendment*

(3) If a credit institution ceases to be member of a scheme and joins another scheme, the contributions paid during the *final year* preceding the withdrawal of membership shall be reimbursed or transferred to the other scheme, *provided that these are not regular contributions under Article 9(1), subparagraph 3, sentence 4 or extraordinary contributions under Article 9(3)*. This shall not apply if a credit institution has been excluded from a

scheme pursuant to Article 3(3).

Or. de

**Amendment 300**

**Slawomir Witold Nitras**

**Proposal for a directive**

**Article 12 – paragraph 4 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Credit institutions that wish to voluntarily transfer from one Deposit Guarantee Scheme to another, in accordance with the provisions of this directive, must give at least 6 months notice of this intention. During this period, the credit institution is still under the obligation to contribute to its original Deposit Guarantee Scheme both in terms of ex-ante and ex-post financing.***

Or. en

*Justification*

*In the case of the expectation or threat of one credit institution becoming insolvent in the near future, other credit institutions, which are members of the same DGS as the failing institution, face a very likely increase in their contributions to the scheme (both in the form of ex-post and increased regular contributions). There is thus a strong financial incentive for these institutions to transfer to another DGS in the same Member State, where no additional contributions will be imposed, as no other member of this DGS is expected to become insolvent. The 6 months notice period is thus considered as an appropriate period of time to ensure that the reason for a transfer of an institution is not the avoidance of ex-post payments and increased regular contributions in the future.*

**Amendment 301**

**Sven Giegold**

**Proposal for a directive**

**Article 13 – paragraph 1 – point 1 (new)**



*Text proposed by the Commission*

*Amendment*

***(1) The Commission shall adopt, by Regulatory technical standards in accordance with Article 10 of EU regulation No 1093/2010, measures aimed at establishing general equivalence criteria for the purpose of the first paragraph.***

Or. en

## **Amendment 302**

**Elena Băsescu**

### **Proposal for a directive Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Actual and intending depositors at branches established by a credit institution which has its head office outside the Union and is not member of a scheme operating in a Member State shall be provided by the credit institution with all relevant information concerning the guarantee arrangements which cover their deposits.

2. Actual and intending depositors at branches established by a credit institution which has its head office outside the Union and is not member of a scheme operating in a Member State shall be provided by the credit institution with all relevant information concerning the guarantee arrangements which cover their deposits ***together with a well built-in safety-net that should not place any extra financial burden.***

Or. en

## **Amendment 303**

**Burkhard Balz**

### **Proposal for a directive Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that credit

1. Member States shall ensure that credit

institutions make available to actual and intending depositors the information necessary for the identification of the Deposit Guarantee Scheme of which the institution and its branches are members within the Union . . . When a deposit is not guaranteed by a Deposit Guarantee Scheme in accordance with Article 4 , the credit institution shall inform the depositor accordingly.

institutions make available to actual and intending depositors the information necessary for the identification of the Deposit Guarantee Scheme of which the institution and its branches are members within the Union . . . When a deposit is not guaranteed by a Deposit Guarantee Scheme in accordance with Article 4, ***1 a-g, i-k and Article 4, 2*** , the credit institution shall inform the depositor accordingly.

Or. en

**Amendment 304**  
**Vicky Ford**

**Proposal for a directive**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Information to intending depositors shall be made available before entering into a contract on deposit-taking ***and shall be countersigned by intending depositors.*** The template in Annex III shall be used.

*Amendment*

2. Information to intending depositors shall be made available before entering into a contract on deposit-taking. The template in Annex III shall be used.

Or. en

**Amendment 305**  
**Śławomir Witold Nitras**

**Proposal for a directive**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Information to actual depositors shall be provided on their statements of account. This information shall consist of a confirmation that the deposits are eligible pursuant to Article 2(1) and Article 4. Moreover, reference shall be made to the information sheet in Annex III and where it

*Amendment*

3. Information to actual depositors shall be provided on their statements of account. This information shall consist of a confirmation that the deposits are eligible pursuant to Article 2(1) and Article 4. Moreover, reference shall be made to the information sheet in Annex III and where it

can be obtained. The **web site** of the responsible **Deposit Guarantee Scheme** **may also** be indicated.

can be obtained. The **website** of the responsible **DGS must** be indicated. **The website must contain the necessary information for depositors, in particular information concerning the provisions regarding the process and conditions of deposit guarantees as envisaged by this directive.**

Or. en

#### *Justification*

*The provisions of this directive should be easily accessible, so as to ensure that depositors are aware of their rights and obligations arising from this directive.*

#### **Amendment 306**

**Jürgen Klute**

#### **Proposal for a directive**

#### **Article 14 – paragraph 5 – subparagraph 2**

##### *Text proposed by the Commission*

Credit institutions **that are member of a scheme referred to in Article 1(3) and 1(4)** shall inform depositors adequately **on** the functioning of the **scheme**. Such information may not contain a reference to unlimited coverage of deposits.

##### *Amendment*

Credit institutions shall inform depositors adequately, **and in an easy-to-understand fashion, about** the functioning of the **Deposit Guarantee Scheme. In the process, the maximum coverage level and other sources of information on the Deposit Guarantee Scheme shall also be addressed.** Such information may not contain a reference to unlimited coverage of deposits, **however.**

Or. de

#### **Amendment 307**

**Wolf Klinz**

#### **Proposal for a directive**

#### **Article 14 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. Member States have to ensure that appropriate procedures are in place to enable deposit insurer to share information and communicate effectively with other participants in the financial safety net both within their own jurisdiction and with other agencies on a cross-border basis where appropriate.***

Or. en

**Amendment 308**

**Elena Băsescu**

**Proposal for a directive**

**Article 15 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

In the list of authorized credit institutions which it is required to draw up pursuant to Article 14 of Directive 2006/48/EC the Commission shall indicate the status of each credit institution with regard to this Directive.

In the list of authorized credit institutions which it is required to draw up pursuant to Article 14 of Directive 2006/48/EC the Commission shall indicate ***in a transparent method*** the status of each credit institution with regard to this Directive.

Or. en

**Amendment 309**

**Thomas Mann**

**Proposal for a directive**

**Article 19 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. If a credit institution is not able to determine the covered deposits of its customers, its individual contributions are calculated on the basis of eligible deposits.***

*Justification*

*This provision provides incentive for each credit institution to quickly make arrangements for the determination of covered deposits and to implement the single customer view (SCV).*

**Amendment 310**

**Antolín Sánchez Presedo**

**Proposal for a directive****Article 19 – paragraph 4***Text proposed by the Commission*

4. By 31 December 2015 the Commission shall submit a report, and, if appropriate, a legislative proposal to the European Parliament and the Council with the aim to determine whether existing Deposit Guarantee Schemes should be replaced by a single scheme for the whole Union.

*Amendment*

4. By 31 December 2015 the Commission shall submit a report, and, if appropriate, a legislative proposal to the European Parliament and the Council with the aim to determine whether existing Deposit Guarantee Schemes should be replaced by a single scheme for the whole Union.

***Likewise, by 2 January 2014 the date on which the review of Regulation (EU) No 1093/2010 of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority) is also due, the Commission shall submit a legislative proposal to the European Parliament and the Council setting out how Deposit Guarantee Schemes operating in the EU may form part of a European Deposit Guarantee Scheme through the creation of a European deposit guarantee fund intended to coordinate their operation, prevent risks arising from cross-border activities and protect deposits from these risks.***

**Amendment 311**

**Sylvie Goulard**

**Proposal for a directive**  
**Article 19 – paragraph 5**

*Text proposed by the Commission*

5. The Commission, supported by the [European Banking Authority], shall submit to the European Parliament and to the Council by 31 December 2015 a report on the progress towards the implementation of this Directive. This report should cover notably ***the possibility to determine*** the target level on the basis of covered deposits, ***without diminishing the*** protection of depositors.

*Amendment*

5. The Commission, supported by the [European Banking Authority], shall submit to the European Parliament and to the Council by 31 December 2015 a report on the progress towards the implementation of this Directive. This report should cover notably:

- the target level on the basis of covered deposits, ***with an assessment of the relevance of the percentage set or an assessment of other regulatory options;***
  - ***the cumulative effect of the regulatory obligations of credit institutions, such as capital requirements;***
  - ***the impact on the diversity of banking models, bearing in mind the need to safeguard it.***
- All this work shall be carried out in such a way that protection of depositors is maintained.***

Or. fr

**Amendment 312**  
**Alfredo Pallone**

**Proposal for a directive**  
**Article 19 – paragraph 5**

*Text proposed by the Commission*

5. The Commission, supported by the [~~European Banking Authority~~], shall submit to the European Parliament and to the Council by 31 December 2015 a report on the progress towards the

*Amendment*

5. The Commission, supported by the European Banking Authority, shall submit to the European Parliament and to the Council by 31 December 2015 a report on the progress towards the implementation of

implementation of this Directive. *This report should cover notably the possibility to determine the target level on the basis of covered deposits, without diminishing the protection of depositors.*

this Directive.

Or. it

#### **Amendment 313**

**Peter Simon**

#### **Proposal for a directive**

#### **Article 19 – paragraph 5**

##### *Text proposed by the Commission*

(5) The Commission, supported by the [European Banking Authority], shall submit to the European Parliament and to the Council by 31 December 2015 a report on the progress towards the implementation of this Directive. This report should cover notably the *possibility to determine* the target level *on the basis of covered deposits, without diminishing the protection of* depositors.

##### *Amendment*

(5) The Commission, supported by the [European Banking Authority], shall submit to the European Parliament and to the Council by 31 December 2015 a report on the progress towards the implementation of this Directive. This report should cover notably the *question of whether* the target level *ensures appropriate* protection *for* depositors.

Or. de

#### **Amendment 314**

**Alfredo Pallone**

#### **Proposal for a directive**

#### **Article 20 – paragraph 1 – subparagraph 3**

##### *Text proposed by the Commission*

By way of derogation from the first subparagraph, Member States shall bring into force the laws, regulations and administrative provisions necessary for them to comply with Article 7(1) and 9(5) by 31 December 2013. *However, the percentage of eligible deposits referred to*

##### *Amendment*

By way of derogation from the first subparagraph, Member States shall bring into force the laws, regulations and administrative provisions necessary for them to comply with Article 7(1) and 9(5) by 31 December 2013.

*in Article 9(5)(a) shall not apply before 1 January 2014. Until 31 December 2017, a percentage of 0.5% shall apply. After that date and until 31 December 2020, a percentage of 0.75% shall apply.*

Or. it

## **Amendment 315**

**Alfredo Pallone**

### **Proposal for a directive**

#### **Annex 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. The number of risk classes for calculating contributions based on risks to the Deposit Guarantee Schemes shall be determined in accordance with the provisions laid down in Directive 2006/48/EC and subsequent amendments, Annex VII, part 4, point 6 ‘Internal ratings based method’ (IRB method’).***

Or. it

## **Amendment 316**

**Sven Giegold**

### **Proposal for a directive**

#### **Annex 2 – Part A – point 1**

*Text proposed by the Commission*

Risk class	Indicator	Ratio
Capital adequacy	Own funds items referred to in Article 57 (a) to (ca) of Directive 2006/48/EC and risk-weighted assets referred to under Article 76 of Directive 2006/48/EC	$\frac{\text{Own funds}}{\text{Risk weighted assets}}$
Asset quality	Non-performing loans	$\frac{\text{Non performing loans}}{\text{Gross loans}}$
Profitability	Return on assets	$\frac{\text{Net income}}{\text{Average total assets}}$



Liquidity	To be determined by Member States subject to Article 11(4)
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*Amendment*

Risk class	Indicator	Ratio
Capital adequacy	Own funds items referred to in Article 57 (a) to (ca) of Directive 2006/48/EC and risk-weighted assets referred to under Article 76 of Directive 2006/48/EC	$\frac{\text{Own funds}}{\text{Risk weighted assets}}$
Asset quality	Non-performing loans	$\frac{\text{Non performing loans}}{\text{Gross loans}}$
Profitability	<i>Risk adjusted</i> return on assets	$\frac{\text{Net income}}{\text{Average total assets}}$
Liquidity	To be determined by Member States subject to Article 11(4)	

Or. en

## Amendment 317

Sharon Bowles

### Proposal for a directive

#### Annex 2 – Part A

*Text proposed by the Commission*

#### Core indicators

1. The following core indicators shall be used for calculating risk-based contributions:

Risk class	Indicator	Ratio
Capital adequacy	Own funds items referred to in Article 57 (a) to (ca) of Directive 2006/48/EC and risk-weighted assets referred to under Article 76 of Directive 2006/48/EC	$\frac{\text{Own funds}}{\text{Risk weighted assets}}$
Asset quality	Non-performing loans	$\frac{\text{Non performing loans}}{\text{Gross loans}}$
<i>Profitability</i>	<i>Return on assets</i>	$\frac{\text{Net income}}{\text{Average total assets}}$
Liquidity	To be determined by Member States subject to Article 11(4)	

2. The following scores shall be used in order to reflect risk profiles with regard to core indicators:

Risk level	Capital adequacy	Asset quality	<b>Profitability</b>	Liquidity
Very low risk	1	1	1	1
Low risk	2	2	2	2
Medium risk	3	3	3	3
High risk	4	4	4	4
Very high risk	5	5	5	5

3. The following scores shall be assigned to a member based on actual values of the indicators in a given risk class:

Element	Symbol (x)	$\rho^x = 1$	$\rho^x = 2$	$\rho^x = 3$	$\rho^x = 4$	$\rho^x = 5$
Capital adequacy	CA	$x > 12.3\%$	$12.3\% \geq x > 9.6\%$	$9.6\% \geq x > 8.2\%$	$8.2\% \geq x > 7\%$	$x \leq 7\%$
Asset quality	AQ	$x \leq 1\%$	$1\% < x \leq 2.1\%$	$2.1\% < x \leq 3.7\%$	$3.7\% < x \leq 6\%$	$x > 6\%$
<b>Profitability</b>	<b>P</b>	$x > 1.2\%$	$1.2\% \geq x > 0.9\%$	$0.9\% \geq x > 0.7\%$	$0.7\% \geq x > 0.5\%$	$x \leq 0.5\%$
Liquidity	L	Member States may determine the thresholds for each $\rho^x$ subject to Article 11(4)				

4. The following risk weights (coefficients) shall be assigned to a member depending on its composite score:

Composite score ( $\rho$ )	$1 < \rho \leq 1.5$	$1.5 < \rho \leq 2.5$	$2.5 < \rho \leq 3.5$	$3.5 < \rho \leq 4.5$	$4.5 < \rho \leq 5$
Risk coefficient ( $\beta$ )	75%	100%	125%	150%	200%

## Amendment

### Core indicators

1. The following core indicators shall be used for calculating risk-based contributions:

Risk class	Indicator	Ratio
Capital adequacy	Own funds items referred to in Article 57 (a) to (ca) of Directive 2006/48/EC and risk-weighted assets referred to under Article 76 of Directive 2006/48/EC	$\frac{\text{Own funds}}{\text{Risk weighted assets}}$
Asset quality	Non-performing loans	$\frac{\text{Non performing loans}}{\text{Gross loans}}$

Liquidity	To be determined by Member States subject to Article 11(4)
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2. The following scores shall be used in order to reflect risk profiles with regard to core indicators:

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Asset quality	AQ	$x \leq 1\%$	$1\% < x \leq 2.1\%$	$2.1\% < x \leq 3.7\%$	$3.7\% < x \leq 6\%$	$x > 6\%$
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Risk coefficient ( $\beta$ )	75%	100%	125%	150%	200%

Or. en

### Justification

*The characteristics and objectives of mutuals do not seek to be profit maximising, but this does not mean an increase in risk. Profit maximising can also create a perverse incentive to invest in riskier strategies such as whole sale lending.*

**Amendment 318**  
**Sharon Bowles**

**Proposal for a directive**  
**Annex 2 – Part A**

*Text proposed by the Commission*

**Supplementary indicators**

1. Member States shall determine supplementary indicators for calculating risk-based contributions. Some or all of the following indicators may be used for this purpose:

Risk class	Indicator / ratio	Definition
Capital adequacy	Total capital	$\frac{\text{Total capital}}{\text{Risk weighted assets}}$
	Excess capital *	$\frac{\text{Excess capital}}{\text{Total assets}} \quad \text{or} \quad \frac{\text{Excess capital}}{\text{Risk weighted assets}}$
Asset quality	Loan loss provision	$\frac{\text{Loan loss provision}}{\text{Net interest revenue}} \quad \text{or} \quad \frac{\text{Loan loss provision}}{\text{Operating income}}$
	Risk weighted assets	$\frac{\text{Risk weighted assets}}{\text{Total assets}}$
Profitability	Costs to income	$\frac{\text{Operating expenses}}{\text{Operating income}}$
	Net margin	$\frac{\text{Net margin}}{\text{Total capital}}$
Liquidity	To be determined by Member States subject to Article 11(5)	

\* Excess capital = Capital – own funds referred to in Article 57 (a) to (h) of Directive 2006/48/EC.

2. The following scores shall be used in order to reflect risk profiles with regard to supplementary indicators.

Risk level	Capital adequacy	Asset quality	Profitability	Liquidity
Very low risk	1	1	1	1
Low risk	2	2	2	2
Medium risk	3	3	3	3
High risk	4	4	4	4
Very high risk	5	5	5	5

3. The following risk weights (coefficients) shall be assigned to a member depending on its composite score:

Composite score ( $\rho$ )	$1 < \rho \leq 1.5$	$1.5 < \rho \leq 2.5$	$2.5 < \rho \leq 3.5$	$3.5 < \rho \leq 4.5$	$4.5 < \rho \leq 5$
Risk coefficient ( $\beta$ )	75%	100%	125%	150%	200%

*Amendment*

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Asset quality	Loan loss provision	$\frac{\text{Loan loss provision}}{\text{Net interest revenue}} \quad \text{or} \quad \frac{\text{Loan loss provision}}{\text{Operating income}}$
	Risk weighted assets	$\frac{\text{Risk weighted assets}}{\text{Total assets}}$
Liquidity	To be determined by Member States subject to Article 11(5)	

\* Excess capital = Capital – own funds referred to in Article 57 (a) to (h) of Directive 2006/48/EC.

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Risk coefficient ( $\beta$ )	75%	100%	125%	150%	200%

Or. en

### *Justification*

*The characteristics and objectives of mutuals do not seek to be profit maximising, but this does not mean an increase in risk. Profit maximising can also create a perverse incentive to invest in riskier strategies such as whole sale lending.*

## **Amendment 319**

**Wolf Klinz**

### **Proposal for a directive**

#### **Annex 3 – paragraph 9**

#### *Text proposed by the Commission*

[Only where applicable:] Your deposit is guaranteed by an Institutional Guarantee Scheme [recognized/not recognized] as a Deposit Guarantee Scheme. This means that all **banks** that are members of this scheme mutually support each other in order to avoid a **bank** failure. However, if a bank failure would nevertheless occur, your deposits will be repaid up to EUR 100 000.

#### *Amendment*

[Only where applicable:] Your deposit is guaranteed **also** by an Institutional Guarantee Scheme [recognized/not recognized] as a Deposit Guarantee Scheme. This means that all **institutions** that are members of this scheme mutually support each other in order to avoid a failure. However, if a bank failure would nevertheless occur, your deposits **within the framework of DGS recognized under national law** will be repaid up to EUR 100 000.

Or. en

## **Amendment 320**

**Śławomir Witold Nitras**

### **Proposal for a directive**

#### **Annex 3 – paragraph 9**

#### *Text proposed by the Commission*

[Only where applicable:] Your deposit is guaranteed by an Institutional Guarantee

#### *Amendment*

[Only where applicable:] Your deposit is guaranteed by an Institutional Guarantee

Scheme [recognized/not recognized] as a Deposit Guarantee Scheme. This means that all ***banks*** that are members of this scheme mutually support each other in order to avoid ***a bank failure***. However, if a bank failure would nevertheless occur, your deposits will be repaid up to EUR 100 000.

Scheme [recognized/not recognized] as a Deposit Guarantee Scheme. This means that all ***institutes*** that are members of this scheme mutually support each other in order to avoid ***insolvency***. However, if a bank failure would nevertheless occur, your deposits will be repaid up to EUR 100 000, ***in the framework of the approved deposit guarantee***.

Or. en

#### *Justification*

*The purpose of this amendment is the clarification of the information provided for the depositor.*