



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Economic and Monetary Affairs*

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**2013/0253(COD)**

22.10.2013

# **AMENDMENTS**

## **83 - 403**

**Draft report**  
**Elisa Ferreira**  
(PE519.706v01-00)

on the proposal for a regulation of the European Parliament and of the Council establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2012 of the European Parliament and of the Council

Proposal for a regulation  
(COM(2013)0520 – C7-0223/2013 – 2013/0253(COD))

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PE521.747v01-00

**EN**

*United in diversity*

**EN**



**Amendment 83**  
**Auke Zijlstra**

**Draft legislative resolution**  
**Paragraph 1**

*Draft legislative resolution*

**1. Adopts its position at first reading hereinafter set out;**

*Amendment*

**1. Rejects the Commission's proposal;**

Or. en

**Amendment 84**  
**Bastiaan Belder**

**Draft legislative resolution**  
**Paragraph 1**

*Draft legislative resolution*

**1. Adopts its position at first reading hereinafter set out;**

*Amendment*

**1. Rejects the Commission proposal;**

Or. nl

**Amendment 85**  
**Auke Zijlstra**

**Draft legislative resolution**  
**Paragraph 1 a (new)**

*Draft legislative resolution*

**1a. Points out that Article 114 of the Treaty on the Functioning of the European Union is not a proper legal basis for the adoption of the proposal;**

Or. en

**Amendment 86**  
**Auke Zijlstra**

**Draft legislative resolution**  
**Paragraph 1 b (new)**

*Draft legislative resolution*

*Amendment*

***1b. Points out that the proposal infringes upon national budgetary sovereignty, therefore it would require a Treaty change in order for it to be legally submitted by the European Commission to the European Parliament and the Council.***

Or. en

**Amendment 87**  
**Sari Essayah, Anneli Jäätteenmäki**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Since the outbreak of the current international financial and economic crisis there has been uncertainty as to the amount of losses pending in the European banks and it is not known how many and which banks should actually be under resolution procedures if objective and uniform criteria were applied. The SSM is to make stress tests before the end of 2014. If according to these stress tests some banks will need extra funding it should be covered by the owners of these banks and the Member States which were responsible for their supervision. A Single Resolution Mechanism may only be applied after all legacy assets have been cleared, capital requirements are fulfilled and the banking system is deemed to be on sound footing also in other respects. Therefore the SRM should start functioning only after the end of 2017.***

Or. en

**Amendment 88**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Divergences in national resolution rules between different Member States and corresponding administrative practices and the lack of a unified decision making process at Union level for the resolution of cross-border banks contribute to this lack of confidence and market instability, as they do not ensure certainty and predictability as to the possible outcome of a bank failure. ***Resolution decisions taken at the national level only may lead to distortions of competition and ultimately to the undermining of the internal market.***

*Amendment*

(2) Divergences in national resolution rules between different Member States and corresponding administrative practices and the lack of a unified decision making process at Union level for the resolution of cross-border banks contribute to this lack of confidence and market instability, as they do not ensure certainty and predictability as to the possible outcome of a bank failure.

Or. en

**Amendment 89**  
**Peter Simon, Udo Bullmann**

**Proposal for a regulation**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) The link between states and the banking sector, which has had devastating effects on the economy throughout the Union during the crisis, should be eliminated in order to reduce the current fragmentation of financial markets. Although the banking union will have a stable foundation only once all three pillars have been established, i.e. once a common European mechanism for deposit guarantee schemes has been set up, the creation of a single resolution mechanism already represents a***

*significant step in that direction.*

Or. de

**Amendment 90**  
**Ramon Tremosa i Balcells**

**Proposal for a regulation**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*(4a) The inability of certain Member States to have well-functioning institutions in the field of bank resolution has increased the damage of the banking crisis over the last years*

Or. en

**Amendment 91**  
**Ramon Tremosa i Balcells**

**Proposal for a regulation**  
**Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

*(4b) National authorities may have incentives to bailout the banks with public money before approaching a resolution process, and so the creation of a European Resolution Mechanism will be fundamental to create a level playing field and a more neutral approach to decide if a given bank has to be resolved.*

Or. en

**Amendment 92**  
**Wolf Klinz, Olle Schmidt**

## Proposal for a regulation

### Recital 6

*Text proposed by the Commission*

(6) Directive [ ] of the European Parliament and of the Council<sup>13</sup> has harmonised to a certain extent national bank resolution rules and has provided for cooperation among resolution authorities when dealing with the failure of cross-border banks. However, the **harmonisation provided by the Directive [ ] is not complete and the** decision making process is not centralised. Directive [ ] essentially provides for common resolution tools and powers available for the national authorities of every Member State but leaves discretion to national authorities in the application of the tools and in the use of national financing arrangements in support of resolution procedures. Directive [ ] does not avoid the taking of separate and potentially inconsistent decisions by Member States regarding the resolution of cross-border groups which may affect the overall costs of resolution. Moreover, **as it provides for national financing arrangements, it does not sufficiently reduce the dependence of banks on the support from national budgets and does not prevent different approaches by Member States to the use of the** financing arrangements.

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<sup>13</sup> Directive of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directives 77/91/EEC and 82/891/EC, Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC and 2011/35/EC and Regulation (EU) No 1093/2010. OJ C, p. .

*Amendment*

(6) Directive [ ] of the European Parliament and of the Council<sup>13</sup> has harmonised to a certain extent national bank resolution rules and has provided for cooperation among resolution authorities when dealing with the failure of cross-border banks. However, the decision making process is not centralised. Directive [ ] essentially provides for common resolution tools and powers available for the national authorities of every Member State but leaves discretion to national authorities in the application of the tools and in the use of national financing arrangements in support of resolution procedures. Directive [ ] does not avoid the taking of separate and potentially inconsistent decisions by Member States regarding the resolution of cross-border groups which may affect the overall costs of resolution. Moreover, it provides for national financing arrangements.

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<sup>13</sup> Directive of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directives 77/91/EEC and 82/891/EC, Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC and 2011/35/EC and Regulation (EU) No 1093/2010. OJ C, p. .

Or. en

**Amendment 93**  
**Bastiaan Belder**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

***(7) Ensuring effective uniform resolution decisions for failing banks within the Union, including on the use of funding raised at Union level, is essential for the completion of the internal market in financial services. Within the internal market, the failure of banks in one Member State may affect the stability of the financial markets of the whole Union. Ensuring effective and uniform resolution rules and equal conditions of resolution financing across Member States is in the best interest not only of the Member States in which banks operate, but also of all Member States in general as a means to preserve competition and improve the functioning of the internal market. Banking systems in the internal market are highly interconnected, bank groups are international and banks have a large percentage of foreign assets. In the absence of a single resolution mechanism, bank crises in Member States participating in the Single Supervisory Mechanism (SSM) would have stronger negative systemic impact also in non-participating Member States. The establishment of the single resolution mechanism will increase stability of the banks of the participating Member States and prevent the spill-over of crises into non-participating Member States and will thus facilitate the functioning of the whole of the internal market.***

*Amendment*

***(7) Measures to tackle bad loans on bank balance sheets in crisis-affected countries are insufficiently guaranteed, given that, at neither national nor European level, are emergency funding provisions sufficient to meet capital requirements. The absence of a public backstop is problematic, particularly in view of the failure to adopt sufficient agreements regarding a fair distribution of burdens between the Member States on the one hand and between the eurozone and other Member States on the other. Furthermore, sound agreements must be adopted to prevent any possible recurrence of such debt imbalances in the eurozone. Given that, in this connection, no effective arrangements have been agreed, a banking union incorporating a single resolution mechanism and a single bank resolution fund is inadvisable.***

Or. nl



## Amendment 94

Olle Schmidt

### Proposal for a regulation

#### Recital 7

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

(7) Ensuring effective uniform resolution decisions for failing banks within the Union, including on the use of funding raised at Union level, is essential for the completion of the internal market in financial services. Within the internal market, the failure of banks in one Member State may affect the stability of the financial markets of the whole Union. Ensuring effective and uniform resolution rules and equal conditions of resolution financing across Member States is in the best interest not only of the Member States in which banks operate, but also of all Member States in general as a means to preserve competition and improve the functioning of the internal market. Banking systems in the internal market are highly interconnected, bank groups are international and banks have a large percentage of foreign assets. In the absence of a single resolution mechanism, bank crises in Member States participating in the Single Supervisory Mechanism (SSM) would have stronger negative systemic impact also in non-participating Member States. The establishment of the single resolution mechanism will increase stability of the banks of the participating Member States and prevent the spill-over of crises into non-participating Member States and will thus facilitate the functioning of the whole of the internal market.

##### *Amendment*

(7) Ensuring effective uniform resolution decisions for failing banks within the Union, including on the use of funding raised at Union level, is essential for the completion of the internal market in financial services. Within the internal market, the failure of banks in one Member State may affect the stability of the financial markets of the whole Union. Ensuring effective and uniform resolution rules and equal conditions of resolution financing across Member States is in the best interest not only of the Member States in which banks operate, but also of all Member States in general as a means to preserve competition and improve the functioning of the internal market. Banking systems in the internal market are highly interconnected, bank groups are international and banks have a large percentage of foreign assets. In the absence of a single resolution mechanism, bank crises in Member States participating in the Single Supervisory Mechanism (SSM) would have stronger negative systemic impact also in non-participating Member States. The establishment of the single resolution mechanism will increase stability of the banks of the participating Member States and prevent the spill-over of crises into non-participating Member States and will thus facilitate the functioning of the whole of the internal market. ***The mechanisms for cooperation regarding institutions established in both participating and non-participating Member States must be clear, and it is important to ensure that non-participating Member States are not discriminated against.***

**Amendment 95**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) In order to restore trust and credibility in the banking sector, the ECB will conduct a comprehensive balance sheet assessment of all banks supervised directly. For those banks in the participating Member States that are not subject to direct supervision by the ECB, the competent authorities should, in cooperation with the ECB, perform an equivalent balance sheet assessment that is proportionate to the size and business model of the bank. This would equally contribute to restore credibility and ensure that all banks will be subject to review.***

Or. en

**Amendment 96**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) Every current and new framework for banking recovery and resolution within the EU should solely be governed by the Directive of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms (BRRD).***

**Amendment 97**  
**Danuta Maria Hübner**

**Proposal for a regulation**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) Since the SSM will have a narrower scope than the SRM, it may be the case that a bank is supervised locally but resolved centrally. Coordination problems may thus arise and the SRM regulation should make provisions for addressing these problems.***

Or. en

**Amendment 98**  
**Peter Simon**

**Proposal for a regulation**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) In the banking union liability and supervision should apply at the same level, i.e. banks which are subject to direct supervision at European level should also be resolved at European level. Accordingly, the relevant national supervisory authority should be responsible for credit institutions which are supervised primarily at national level in the context of the common supervisory mechanism.***

Or. de

**Amendment 99**  
**Danuta Maria Hübner**

**Proposal for a regulation**  
**Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

***(8b) The SSM allows for the possibility of a non-euro area opt-in member state to terminate its close cooperation with the SSM. Thus a situation may arise in which a member state decides to leave the SSM but has on its territory an institution benefitting from resolution financing from the SRM fund. The SRM regulation should set out the provisions for addressing such a situation.***

Or. en

**Amendment 100**  
**Wolf Klinz**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) Whilst banks in Member States remaining outside the SSM benefit at national level from supervision, resolution and financial backstop arrangements which are aligned, banks in Member States participating in the SSM are subject to Union arrangements for supervision and national arrangements for resolution and financial backstops. This misalignment creates a competitive disadvantage for the banks in the Member States participating in the SSM compared to those in the other Member States. Because supervision and resolution are at two different levels within the SSM, intervention and resolution in banks in the Member States participating in the SSM would not be as rapid, consistent and effective as in banks in the Member

(9) Whilst banks in Member States remaining outside the SSM benefit at national level from supervision, resolution and financial backstop arrangements which are aligned, banks in Member States participating in the SSM are subject to Union arrangements for supervision and national arrangements for resolution and financial backstops. This misalignment creates a competitive disadvantage for the banks in the Member States participating in the SSM compared to those in the other Member States. Because supervision and resolution are at two different levels within the SSM, intervention and resolution in banks in the Member States participating in the SSM would not be as rapid, consistent and effective as in banks in the Member

States outside of the SSM. This has negative repercussions on the funding costs for these banks and creates a competitive disadvantage with detrimental effects for the Member States in which those banks operate and for the overall functioning of the internal market. Therefore, a centralised resolution mechanism for *all* banks operating in the Member States participating in the SSM is essential to guarantee a level playing field.

States outside of the SSM. This has negative repercussions on the funding costs for these banks and creates a competitive disadvantage with detrimental effects for the Member States in which those banks operate and for the overall functioning of the internal market. Therefore, a centralised resolution mechanism for banks operating in the Member States participating in the SSM *and subject to the direct ECB supervision* is essential to guarantee a level playing field.

Or. en

**Amendment 101**  
**Olle Schmidt**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) Whilst banks in Member States remaining outside the SSM benefit at national level from supervision, resolution and financial backstop arrangements which are aligned, banks in Member States participating in the SSM are subject to Union arrangements for supervision and national arrangements for resolution and financial backstops. This misalignment creates a competitive disadvantage for the banks in the Member States participating in the SSM compared to those in the other Member States. Because supervision and resolution are at two different levels within the SSM, intervention and resolution in banks in the Member States participating in the SSM would not be as rapid, consistent and effective as in banks in the Member States outside of the SSM. This has negative repercussions on the funding costs for these banks and creates a competitive disadvantage with detrimental effects for the Member States in which those banks operate and for the overall functioning of

*Amendment*

(9) Whilst banks in Member States remaining outside the SSM benefit at national level from supervision, resolution and financial backstop arrangements which are aligned, banks in Member States participating in the SSM are subject to Union arrangements for supervision and national arrangements for resolution and financial backstops. This misalignment creates a competitive disadvantage for the banks in the Member States participating in the SSM compared to those in the other Member States. Because supervision and resolution are at two different levels within the SSM, intervention and resolution in banks in the Member States participating in the SSM would not be as rapid, consistent and effective as in banks in the Member States outside of the SSM. This has negative repercussions on the funding costs for these banks and creates a competitive disadvantage with detrimental effects for the Member States in which those banks operate and for the overall functioning of

the internal market. Therefore, a centralised resolution mechanism for all banks operating in the Member States participating in the SSM is essential to guarantee a level playing field.

the internal market. Therefore, a centralised resolution mechanism for all banks operating in the Member States participating in the SSM is essential to guarantee a level playing field. ***It is of utmost importance to safeguard the functioning of the internal market. The creation of the SRM should not lead to discrimination against non-participating Member States, for example with regards to resolution of cross-border banks.***

Or. en

**Amendment 102**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) The sharing of resolution responsibilities between the national and the Union levels should be aligned to the sharing of supervision responsibilities between those levels. As long as supervision remains national in a Member State, that Member State should remain responsible for the financial consequences of a bank failure. The single resolution mechanism should therefore only extend to banks and financial institutions established in Member States participating in the SSM and subject to the supervision of the ECB within the framework of the SSM. Banks established in the Member States not participating in the SSM should not be subject to the single resolution mechanism. If such Member States became subject to the single resolution mechanism, this would ***create the wrong incentives for them. In particular, supervisors in these Member States may become more lenient towards banks in their jurisdictions as they would not have to bear the full financial risk of their failures.*** Therefore,

*Amendment*

(10) The sharing of resolution responsibilities between the national and the Union levels should be aligned to the sharing of supervision responsibilities between those levels. As long as supervision remains national in a Member State, that Member State should remain responsible for the financial consequences of a bank failure. The single resolution mechanism should therefore only extend to banks and financial institutions established in Member States participating in the SSM and subject to the supervision of the ECB within the framework of the SSM. Banks established in the Member States not participating in the SSM should not be subject to the single resolution mechanism. If such Member States became subject to the single resolution mechanism, this would ***replicate the jurisdictional mismatch that this Regulation aims to resolve for the SSM.*** Therefore, in order to ensure parallelism with the SSM, the single resolution mechanism should apply to Member States participating in the SSM.

in order to ensure parallelism with the SSM, the single resolution mechanism should apply to Member States participating in the SSM. As Member States join the SSM, they should also automatically become subject to the single resolution mechanism. Ultimately, the single resolution mechanism is expected to extend to the entire internal market.

As Member States join the SSM, they should also automatically become subject to the single resolution mechanism. Ultimately, the single resolution mechanism is expected to extend to the entire internal market.

Or. en

### **Amendment 103**

**Diogo Feio**

#### **Proposal for a regulation**

#### **Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) In the establishment of the SRM, and in parallel with what has been done in the SSM, the Board should be in charge of preparing a memorandum of understanding regarding the rules and procedure to be taken by national resolution authorities and the Board; The Board should be in charge of drafting the resolution plans of the credit institutions that are under the direct supervision of the ECB under the SSM framework, as well as all the cross-border institutions and groups, whereas the national resolution authorities should be in charge of drafting the resolution plans of the credit institutions that are exclusively located in their Member State and are not cross border entities, though always subject to a final approval by the Board; The same principle should be applied regarding the adoption of resolution schemes and actions on the basis of a strong and close cooperation;***

Or. en

**Amendment 104**

**Diogo Feio**

**Proposal for a regulation**

**Recital 10 b (new)**

*Text proposed by the Commission*

*Amendment*

***(10b) The creation of a Banking Union is a project that should not be underestimated, neither in its goals, nor in its unattended consequences. Although a single financial framework is needed, European Institutions and Member States should be aligned in their views regarding this project in order to achieve a complete and robust successful framework;***

Or. en

**Amendment 105**

**Diogo Feio**

**Proposal for a regulation**

**Recital 10 c (new)**

*Text proposed by the Commission*

*Amendment*

***(10c) A balance approach must be reached between predictability and flexibility in order not to jeopardize the future of our banking system; a balanced approach between the role of the central authorities and the national authorities should be safeguarded and the important role of the national authorities should never be underestimated; the impact that the entire project will have on senior unsecured creditors should be carefully assessed, including lower loss expectations in resolution than would be expected in insolvency;***

Or. en



**Amendment 106**

**Diogo Feio**

**Proposal for a regulation**

**Recital 10 d (new)**

*Text proposed by the Commission*

*Amendment*

***(10d) Before the entry into force of the Single Supervision Mechanism, the Bank Recovery and Resolution Directive and the Single Resolution Mechanism should be aligned as much as possible, mostly to avoid negative unintended consequences in the framework of possible resolutions of credit institutions that may occur in the transitional period, namely in Member States with higher sovereign credit risk;***

Or. en

**Amendment 107**

**Peter Simon**

**Proposal for a regulation**

**Recital 11**

*Text proposed by the Commission*

*Amendment*

(11) A single bank resolution fund (hereinafter referred to as the 'Fund') is an essential element without which a single resolution mechanism could not work properly. ***Different systems of national funding would distort the application of uniform bank resolution rules in the internal market. The Fund should help to ensure a uniform administrative practice in the financing of resolution and to avoid the creation of obstacles for the exercise of fundamental freedoms or the distortion of competition in the internal market due to divergent national practices.*** The Fund should be financed directly by banks and should be pooled at Union level so that the resolution resources can be objectively allocated across Member States thus

(11) A single bank resolution fund (hereinafter referred to as the 'Fund') is an essential element without which a single resolution mechanism could not work properly. The Fund should be financed directly by banks and should be pooled at Union level so that the resolution resources can be objectively allocated across Member States thus increasing financial stability and limiting the link between the perceived fiscal position of individual Member States and the funding costs of ***large, systemically relevant*** banks and undertakings operating in those Member States. ***Credit institutions which pay into the Fund should be exempted from the requirement to contribute to national resolution funds, in order to rule out***

increasing financial stability and limiting the link between the perceived fiscal position of individual Member States and the funding costs of banks and undertakings operating in those Member States.

*double payment.*

Or. de

## **Amendment 108**

**Sari Essayah, Anneli Jäätteenmäki**

### **Proposal for a regulation**

#### **Recital 11**

*Text proposed by the Commission*

(11) A **single** bank resolution **fund** (hereinafter referred to as the '**Fund**') is an essential element without which a single resolution mechanism could not work properly. Different systems of national funding would distort the application of uniform bank resolution rules in the internal market. The **Fund** should help to ensure a uniform administrative practice in the financing of resolution and to avoid the creation of obstacles for the exercise of fundamental freedoms or the distortion of competition in the internal market due to divergent national practices. The **Fund** should be financed directly by banks and should be pooled at Union level so that the resolution resources can be objectively allocated across Member States thus increasing financial stability and limiting the link between the perceived fiscal position of individual Member States and the funding costs of banks and undertakings operating in those Member States.

*Amendment*

(11) A **network of national** bank resolution **funds** (hereinafter referred to as the '**Fund**') is an essential element without which a single resolution mechanism could not work properly. Different systems of national funding would distort the application of uniform bank resolution rules in the internal market. The **Fund** should help to ensure a uniform administrative practice in the financing of resolution and to avoid the creation of obstacles for the exercise of fundamental freedoms or the distortion of competition in the internal market due to divergent national practices. The **national funds** should be financed directly by banks and should be pooled at Union level so that the resolution resources can be objectively allocated across **Member States. Only the national resolution funds of the** Member States **where the bank under resolution operates would participate in the funding, according to the share of financial activity**, thus increasing financial stability and limiting the link between the perceived fiscal position of individual Member States and the funding costs of banks and undertakings operating in those Member States.

**Amendment 109**  
**Olle Schmidt**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) A single bank resolution fund (hereinafter referred to as the ‘Fund’) is an essential element without which a single resolution mechanism could not work properly. Different systems of national funding would distort the application of uniform bank resolution rules in the internal market. The Fund should help to ensure a uniform administrative practice in the financing of resolution and to avoid the creation of obstacles for the exercise of fundamental freedoms or the distortion of competition in the internal market due to divergent national practices. The Fund should be financed directly by banks and should be pooled at Union level so that the resolution resources can be objectively allocated across Member States thus increasing financial stability and limiting the link between the perceived fiscal position of individual Member States and the funding costs of banks and undertakings operating in those Member States.

*Amendment*

(11) A single bank resolution fund (hereinafter referred to as the ‘Fund’) is an essential element without which a single resolution mechanism could not work properly. Different systems of national funding would distort the application of uniform bank resolution rules in the internal market. The Fund should help to ensure a uniform administrative practice in the financing of resolution and to avoid the creation of obstacles for the exercise of fundamental freedoms or the distortion of competition in the internal market due to divergent national practices. The Fund should be financed directly by banks and should be pooled at Union level so that the resolution resources can be objectively allocated across Member States thus increasing financial stability and limiting the link between the perceived fiscal position of individual Member States and the funding costs of banks and undertakings operating in those Member States. ***The participating banks should contribute to the funding of one scheme, either national or the single resolution fund.***

**Amendment 110**  
**Pablo Zalba Bidegain**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) A single bank resolution fund (hereinafter referred to as the ‘Fund’) is an essential element without which a single resolution mechanism could not work properly. Different systems of national funding would distort the application of uniform bank resolution rules in the internal market. The Fund should help to ensure a uniform administrative practice in the financing of resolution and to avoid the creation of obstacles for the exercise of fundamental freedoms or the distortion of competition in the internal market due to divergent national practices. The Fund should be financed directly by banks and should be pooled at Union level so that the resolution resources can be objectively allocated across Member States thus increasing financial stability and limiting the link between the perceived fiscal position of individual Member States and the funding costs of banks and undertakings operating in those Member States.

*Amendment*

(11) A single bank resolution fund (hereinafter referred to as the ‘Fund’) is an essential element without which a single resolution mechanism could not work properly. Different systems of national funding would distort the application of uniform bank resolution rules in the internal market. The Fund should help to ensure a uniform administrative practice in the financing of resolution and to avoid the creation of obstacles for the exercise of fundamental freedoms or the distortion of competition in the internal market due to divergent national practices. The Fund should be financed directly by banks and should be pooled at Union level so that the resolution resources can be objectively allocated across Member States thus increasing financial stability and limiting the link between the perceived fiscal position of individual Member States and the funding costs of banks and undertakings operating in those Member States. ***In order to preserve the legal basis provided by article 114 TFEU, and to further break that link, there should be a prohibition against the decisions of the Single Resolution Mechanism impinging directly on the fiscal responsibilities of the Member States.***

Or. en

**Amendment 111**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) A centralised application of the bank resolution rules set out in Directive [ ] by a single Union resolution authority in the

*Amendment*

(13) A centralised application of the bank resolution rules set out in Directive [ ] by a single Union resolution authority in the

participating Member States can only be ensured where the rules governing the establishment and functioning of a single resolution mechanism are directly applicable in the Member States to avoid divergent interpretations across the Member States. This should bring benefits to the internal market as a whole because it will contribute to ensuring fair competition and to preventing obstacles to the free exercise of fundamental freedoms not only in the participating Member States but in the whole internal market.

participating Member States can only be ensured where the rules governing the establishment and functioning of a single resolution mechanism are directly applicable in the Member States to avoid divergent interpretations across the Member States. ***In order to ensure the harmonised application of the resolution tools, the Board, together with the Commission, should adopt a resolution handbook setting out clear and detailed guidance for the use of the resolution tools set out in Directive [ ]***. This should bring benefits to the internal market as a whole because it will contribute to ensuring fair competition and to preventing obstacles to the free exercise of fundamental freedoms not only in the participating Member States but in the whole internal market.

Or. en

**Amendment 112**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) A centralised application of the bank resolution rules set out in Directive [ ] by a single Union resolution ***authority*** in the participating Member States can only be ensured where the rules governing the establishment and functioning of a single resolution mechanism are directly applicable in the Member States to avoid divergent interpretations across the Member States. This should bring benefits to the internal market as a whole because it will contribute to ensuring fair competition and to preventing obstacles to the free exercise of fundamental freedoms not only in the participating Member States but in

*Amendment*

(13) A centralised application of the bank resolution rules set out in Directive [ ] by a single Union resolution ***mechanism*** in the participating Member States can only be ensured where the rules governing the establishment and functioning of a single resolution mechanism are directly applicable in the Member States to avoid divergent interpretations across the Member States. This should bring benefits to the internal market as a whole because it will contribute to ensuring fair competition and to preventing obstacles to the free exercise of fundamental freedoms not only in the participating Member States but in

the whole internal market.

the whole internal market.

Or. en

**Amendment 113**  
**Peter Simon, Udo Bullmann**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

**(14) *Mirroring the scope of the Council Regulation (EU) No .../..., a single resolution mechanism should cover all credit institutions established in the participating Member States. However, within the framework of a single resolution mechanism, it should be possible to resolve directly any credit institution of a participating Member State in order to avoid asymmetries within the internal market in the treatment of failing institutions and creditors during a resolution process.*** To the extent that parent undertakings, investment firms and financial institutions are included in the consolidated supervision by the ECB, they should be included in the scope of the single resolution mechanism. Although the ECB will not supervise those institutions on a solo basis, it will be the only supervisor that will have a global perception of the risk to which a group, and indirectly the individual members, is exposed to. To exclude entities which form part of the consolidated supervision within the scope of the ECB from the scope of the single resolution mechanism would make it impossible to plan for the resolution of banking groups and to adopt a group resolution strategy, and would make any resolution decisions much less effective.

*Amendment*

**(14) *In a banking union liability and supervision should apply at the same level. Banks which are subject to direct supervision at European level should also be resolved at European level. The single resolution mechanism should therefore cover all credit institutions which are subject to direct supervision by the ECB.*** To the extent that parent undertakings, investment firms and financial institutions are included in the consolidated supervision by the ECB, they should be included in the scope of the single resolution mechanism. Although the ECB will not supervise those institutions on a solo basis, it will be the only supervisor that will have a global perception of the risk to which a group, and indirectly the individual members, is exposed to. To exclude entities which form part of the consolidated supervision within the scope of the ECB from the scope of the single resolution mechanism would make it impossible to plan for the resolution of banking groups and to adopt a group resolution strategy, and would make any resolution decisions much less effective.

Or. de

## Amendment 114

Burkhard Balz

### Proposal for a regulation

#### Recital 14

*Text proposed by the Commission*

(14) ***Mirroring the scope of the Council Regulation (EU) No .../..., a single resolution mechanism should cover all credit institutions established in the participating Member States. However, within the framework of a single resolution mechanism, it should be possible to resolve directly any credit institution of a participating Member State in order to avoid asymmetries within the internal market in the treatment of failing institutions and creditors during a resolution process.*** To the extent that parent undertakings, investment firms and financial institutions are included in the consolidated supervision by the ECB, they should be included in the scope of the single resolution mechanism. Although the ECB will not supervise those institutions on a solo basis, it will be the only supervisor that will have a global perception of the risk to which a group, and indirectly the individual members, is exposed to. To exclude entities which form part of the consolidated supervision within the scope of the ECB from the scope of the single resolution mechanism would make it impossible to plan for the resolution of banking groups and to adopt a group resolution strategy, and would make any resolution decisions much less effective.

*Amendment*

(14) ***Within the Banking Union, it should be differentiated between the supervision and resolution of credit institutions on the European and national level. Credit institutions which are directly supervised at the European level within the framework of the SSM should fall under the scope of this Regulation. The single resolution mechanism should hence cover all credit institutions which fall under the direct supervision of the ECB. Credit institutions which are supervised on the national level should also be resolved at the national level.*** To the extent that parent undertakings, investment firms and financial institutions are included in the consolidated supervision by the ECB, they should be included in the scope of the single resolution mechanism. Although the ECB will not supervise those institutions on a solo basis, it will be the only supervisor that will have a global perception of the risk to which a group, and indirectly the individual members, is exposed to. To exclude entities which form part of the consolidated supervision within the scope of the ECB from the scope of the single resolution mechanism would make it impossible to plan for the resolution of banking groups and to adopt a group resolution strategy, and would make any resolution decisions much less effective.

Or. en

## Amendment 115

Wolf Klinz

## Proposal for a regulation

### Recital 14

*Text proposed by the Commission*

***(14) Mirroring the scope of the Council Regulation (EU) No .../..., a single resolution mechanism should cover all credit institutions established in the participating Member States. However, within the framework of a single resolution mechanism, it should be possible to resolve directly any credit institution of a participating Member State in order to avoid asymmetries within the internal market in the treatment of failing institutions and creditors during a resolution process.*** To the extent that parent undertakings, investment firms and financial institutions are included in the consolidated supervision by the ECB, they should be included in the scope of the single resolution mechanism. Although the ECB will not supervise those institutions on a solo basis, it will be the only supervisor that will have a global perception of the risk to which a group, and indirectly the individual members, is exposed to. To exclude entities which form part of the consolidated supervision within the scope of the ECB from the scope of the single resolution mechanism would make it impossible to plan for the resolution of banking groups and to adopt a group resolution strategy, and would make any resolution decisions much less effective.

*Amendment*

(14) To the extent that parent undertakings, investment firms and financial institutions are included in the consolidated supervision by the ECB, they should be included in the scope of the single resolution mechanism. Although the ECB will not supervise those institutions on a solo basis, it will be the only supervisor that will have a global perception of the risk to which a group, and indirectly the individual members, is exposed to. To exclude entities which form part of the consolidated supervision within the scope of the ECB from the scope of the single resolution mechanism would make it impossible to plan for the resolution of banking groups and to adopt a group resolution strategy, and would make any resolution decisions much less effective.

Or. en

## Amendment 116

Sharon Bowles

## Proposal for a regulation

### Recital 15



*Text proposed by the Commission*

(15) Within the single resolution mechanism, decisions should be taken at the most appropriate level.

*Amendment*

(15) Within the single resolution mechanism, decisions should be taken at the most appropriate level. ***Accordingly, the Resolution Board of the Single Resolution Mechanism (hereinafter referred to as the 'Board') should be established to act as the single resolution authority.***

Or. en

**Amendment 117**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Within the single resolution mechanism, decisions should be taken at the most appropriate level.

*Amendment*

(15) Within the single resolution mechanism, decisions should be taken at the most appropriate level. ***The Board, and in particular the executive session of the Board, should be empowered to prepare and take all decisions concerning the resolution procedure to the fullest extent possible, while respecting the role of the Commission as established in the TFEU, in particular in Articles 114 and 107 thereof.***

Or. en

**Amendment 118**  
**Burkhard Balz**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) The ECB, as the supervisor within the

*Amendment*

(16) The ECB, as the supervisor within the

SSM, is the best placed to assess whether a credit institution is failing or likely to fail and whether there is no reasonable prospect that any alternative private sector or supervisory action would prevent its failure within a reasonable timeframe. ***The Board, upon notification of the ECB, should provide a recommendation to the Commission. Given the need to balance the different interests at stake the Commission should decide whether or not to place an institution under resolution and should also decide on a clear and detailed resolution framework establishing the resolution actions to be taken by the Board. Within this framework, the Board should decide on a resolution scheme and instruct the national resolution authorities on the resolution tools and powers to be executed at national level.***

SSM, is the best placed to assess whether a credit institution is failing or likely to fail and whether there is no reasonable prospect that any alternative private sector or supervisory action would prevent its failure within a reasonable timeframe.

Or. en

#### *Justification*

*In alignment with the amendment to Article 16(6), the Commission shall not have any leading role in the resolution procedure and shall not have any decision-making power related to the resolution of a credit institution. Hence, the Commission shall not decide whether or not to place an entity under resolution due to being a transgression of her competences.*

#### **Amendment 119** **Wolf Klinz, Olle Schmidt**

#### **Proposal for a regulation** **Recital 16**

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

(16) The ECB, as the supervisor within the SSM, is the best placed to assess whether a credit institution is failing or likely to fail and whether there is no reasonable prospect that any alternative private sector or supervisory action would prevent its failure within a reasonable timeframe. The

##### *Amendment*

(16) The ECB, as the supervisor within the SSM, is the best placed to assess whether a credit institution is failing or likely to fail and whether there is no reasonable prospect that any alternative private sector or supervisory action would prevent its failure within a reasonable timeframe. The

**Board, upon notification of the ECB, should provide a recommendation to the Commission. Given the need to balance the different interests at stake the Commission should decide whether or not to place an institution under resolution and should also decide on a clear and detailed resolution framework establishing the resolution actions to be taken by the Board.** Within this framework, the Board should decide on a resolution scheme and instruct the national resolution authorities on the resolution tools and powers to be executed at national level.

**ECB decides whether or not to place an institution under resolution, based on triggers set out in the Directive (BRRD). The Board** should decide on a clear and detailed resolution framework establishing the resolution actions to be taken by the **home national resolution authority.** Within this framework, the Board should decide on a resolution scheme and instruct the **home and where appropriate additionally the host** national resolution authorities on the resolution tools and powers to be executed at national level.

Or. en

#### *Justification*

*Following the ECON position on BRRD it shall be the competent authority (so the ECB within the SSM) to trigger the resolution.*

#### **Amendment 120 Sharon Bowles**

#### **Proposal for a regulation Recital 16**

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

(16) The ECB, as the supervisor within the SSM, is the best placed to assess whether a credit institution is failing or likely to fail and whether there is no reasonable prospect that any alternative private sector or supervisory action would prevent its failure within a reasonable timeframe. **The Board, upon notification of the ECB, should provide a recommendation to the Commission. Given the need to balance the different interests at stake the Commission should decide whether or not to place an institution under resolution and should also decide on a clear and detailed resolution framework establishing the resolution actions to be taken by the**

##### *Amendment*

(16) The ECB, as the supervisor within the SSM, is the best placed to assess whether a credit institution is failing or likely to fail and whether there is no reasonable prospect that any alternative private sector or supervisory action would prevent its failure within a reasonable timeframe. **Therefore the ECB should notify the Board when it considers that an institution is failing or likely to fail. The Board, upon notification of the ECB, should formulate a resolution scheme based on the resolution plans, provisions under the Bank Recovery and Resolution Directive [ ], and Commission rulings on State Aid,** and instruct the national

**Board.** *Within this framework, the Board should decide on a resolution scheme* and instruct the national resolution authorities on the resolution tools and powers to be executed at national level.

resolution authorities on the resolution tools and powers to be executed at national level.

Or. en

**Amendment 121**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) The ECB, as the supervisor within the SSM, is the best placed to assess whether a credit institution is failing or likely to fail and whether there is no reasonable prospect that any alternative private sector or supervisory action would prevent its failure within a reasonable timeframe. The Board, upon notification of the ECB, should provide a **recommendation** to the Commission. ***Given the need to balance the different interests at stake the Commission should decide whether or not to place an institution under resolution and should also decide on a clear and detailed resolution framework establishing the resolution actions to be taken by the Board.*** Within this framework, the Board should decide on a resolution scheme and instruct the national resolution authorities on the resolution tools and powers to be executed at national level.

*Amendment*

(16) ***The Supervisory Board of*** the ECB, as the supervisor within the SSM, is the best placed to assess whether a credit institution is failing or likely to fail and whether there is no reasonable prospect that any alternative private sector or supervisory action would prevent its failure within a reasonable timeframe. The Board, upon notification of the ECB, should provide a ***draft decision*** to the Commission ***whether or not to place an institution under resolution. This draft decision should include a recommendation for the framework of the resolution tools and, where appropriate, the framework of the use of the Fund. Given the need to balance the different interests at stake the Commission should decide to adopt the draft decision.*** Within this framework, the Board should decide on a resolution scheme and instruct the national resolution authorities on the resolution tools and powers to be executed at national level. ***The Commission may ask the Board to revise its draft decision.***

Or. en

## Amendment 122

Diogo Feio

### Proposal for a regulation

#### Recital 16

*Text proposed by the Commission*

(16) The ECB, as the supervisor within the SSM, is the best placed to assess whether a credit institution is failing or likely to fail and whether there is no reasonable prospect that any alternative private sector or supervisory action would prevent its failure within a reasonable timeframe. The Board, upon notification of the ECB, should provide a recommendation to the Commission. Given the need to balance the different interests at stake the Commission should decide whether or not to place an institution under resolution and should also decide on a clear and detailed resolution framework establishing the resolution actions to be taken by the Board. Within this framework, the Board should decide on a resolution scheme and instruct the national resolution authorities on the resolution tools and powers to be executed at national level.

*Amendment*

(16) The ECB, as the supervisor within the SSM, is the best placed to assess whether a credit institution is failing or likely to fail and whether there is no reasonable prospect that any alternative private sector or supervisory action would prevent its failure within a reasonable timeframe. The Board, ***in its executive session***, upon notification of the ECB, should provide a recommendation to the Commission. Given the need to balance the different interests at stake the Commission should decide whether or not to place an institution under resolution and should also decide on a clear and detailed resolution framework establishing the resolution actions to be taken by the Board. Within this framework, the Board, ***in its executive session***, should decide on a resolution scheme and instruct the national resolution authorities on the resolution tools and powers to be executed at national level.

Or. en

## Amendment 123

Burkhard Balz

### Proposal for a regulation

#### Recital 16 a (new)

*Text proposed by the Commission*

*Amendment*

***(16a) The European Commission should not have a leading role in the resolution procedure as set out in this Regulation and should not have any decision-making power in relation to the resolution of a credit institution referred to in Article 2.***

**Amendment 124****Sari Essayah, Anneli Jäätteenmäki****Proposal for a regulation****Recital 17***Text proposed by the Commission*

(17) The Board should be empowered to take decisions, in particular, in connection with resolution planning, the assessment of resolvability, the removal of impediments to resolvability and the preparation of resolution actions. National resolution authorities should assist the Board in resolution planning and in the preparation of resolution decisions. In addition, as the exercise of resolution powers involves the application of national law, national resolution authorities should be responsible for the implementation of resolution decisions.

*Amendment*

(17) The Board should be empowered to take decisions, in particular, in connection with resolution planning, the assessment of resolvability, the ***specification of burden sharing in the network of resolution funds, the*** removal of impediments to resolvability and the preparation of resolution actions. National resolution authorities should assist the Board in resolution planning and in the preparation of resolution decisions. In addition, as the exercise of resolution powers involves the application of national law, national resolution authorities should be responsible for the implementation of resolution decisions.

Or. en

**Amendment 125****Wolf Klinz, Olle Schmidt****Proposal for a regulation****Recital 18***Text proposed by the Commission*

(18) It is instrumental for the good functioning of the internal market that the same rules apply to all resolution measures, regardless of whether they are taken by national resolution authorities under Directive [ ] or within the framework of the single resolution mechanism The Commission will assess those measures

*Amendment*

(18) It is instrumental for the good functioning of the internal market that the same rules apply to all resolution measures, regardless of whether they are taken by national resolution authorities under Directive [ ] or within the framework of the single resolution mechanism The Commission will assess those measures

under Article 107 of the TFEU. ***Where the use of resolution financing arrangements does not involve State aid pursuant to Article 107 (1) of the TFEU, the Commission should, in order to ensure a level playing field within the internal market, assess those measures by analogy to Art 107 of the TFEU. If a notification under Article 108 of the TFEU is not necessary as no state aid pursuant to Article 107 of the TFEU is entailed in the proposed use of the Fund by the Board,*** in order to ensure the integrity of the internal market between participating and non-participating Member States, the Commission should apply the relevant State aid rules under Article 107 of the TFEU ***by way of analogy when assessing the proposed use of the Fund. The Board should not decide on a resolution scheme until the Commission has ensured, by way of analogy with State aid rules, that the use of the Fund follows the same rules as interventions by national financing arrangements.***

under Article 107 of the TFEU ***and*** in order to ensure the integrity of the internal market between participating and non-participating Member States, the Commission should apply the relevant State aid rules under Article 107 of the TFEU.

Or. en

## **Amendment 126**

**Diogo Feio**

### **Proposal for a regulation**

#### **Recital 18**

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

(18) It is instrumental for the good functioning of the internal market that the same rules apply to all resolution measures, regardless of whether they are taken by national resolution authorities under Directive [ ] or within the framework of the single resolution mechanism The Commission will assess those measures under Article 107 of the TFEU. Where the use of resolution financing arrangements does not involve State aid pursuant to

##### *Amendment*

(18) It is instrumental for the good functioning of the internal market that the same rules apply to all resolution measures, regardless of whether they are taken by national resolution authorities under Directive [ ] or within the framework of the single resolution mechanism The Commission will assess those measures under Article 107 of the TFEU. Where the use of resolution financing arrangements does not involve State aid pursuant to

Article 107 (1) of the TFEU, the Commission should, in order to ensure a level playing field within the internal market, assess those measures by analogy to Art 107 of the TFEU. If a notification under Article 108 of the TFEU is not necessary as no state aid pursuant to Article 107 of the TFEU is entailed in the proposed use of the Fund by the Board, in order to ensure the integrity of the internal market between participating and non-participating Member States, the Commission should apply the relevant State aid rules under Article 107 of the TFEU by way of analogy when assessing the proposed use of the Fund. The Board should not decide on a resolution scheme until the Commission has ensured, by way of analogy with State aid rules, that the use of the Fund follows the same rules as interventions by national financing arrangements.

Article 107 (1) of the TFEU, the Commission should, in order to ensure a level playing field within the internal market, assess those measures by analogy to Art 107 of the TFEU. If a notification under Article 108 of the TFEU is not necessary as no state aid pursuant to Article 107 of the TFEU is entailed in the proposed use of the Fund by the Board, *as envisaged in its executive session*, in order to ensure the integrity of the internal market between participating and non-participating Member States, the Commission should apply the relevant State aid rules under Article 107 of the TFEU by way of analogy when assessing the proposed use of the Fund. The Board should not decide on a resolution scheme until the Commission has ensured, by way of analogy with State aid rules, that the use of the Fund follows the same rules as interventions by national financing arrangements.

Or. en

## **Amendment 127** **Krišjānis Kariņš**

### **Proposal for a regulation** **Recital 19**

#### *Text proposed by the Commission*

(19) In order to ensure a swift and effective decision making process in resolution, the Board should be a specific Union agency with a specific structure, corresponding to its specific tasks, and which departs from the model of all other agencies of the Union. Its composition should ensure that due account is taken of all relevant interests at stake in resolution procedures. The Board should operate in executive and plenary sessions. In its executive session, it should be composed of an Executive Director, a Deputy Executive Director, and

#### *Amendment*

(19) In order to ensure a swift and effective decision making process in resolution, the Board should be a specific Union agency with a specific structure, corresponding to its specific tasks, and which departs from the model of all other agencies of the Union. Its composition should ensure that due account is taken of all relevant interests at stake in resolution procedures. The Board should operate in executive and plenary sessions. In its executive session, it should be composed of an Executive Director, a Deputy Executive Director, and



representatives of the Commission and the ECB. Considering the missions of the Board, the Executive Director and Deputy Executive Director should be appointed by the Council on a proposal from the Commission and after hearing the European Parliament. When deliberating on the resolution of a bank or group established within a single participating Member State, the executive session of the Board should also convene and involve in the decision-making process the member appointed by the Member State concerned representing its national resolution authority. When deliberating on a cross-border group, the members appointed by the home and all host Member States concerned representing the relevant national resolution authorities should also be convened and involved in the decision-making process of the executive session of the Board. ***However, home authorities and host authorities should have a balanced influence on the decision, so host authorities should have jointly one single*** vote. Observers, including a representative of the ESM and of the Euro Group, may also be invited to attend the meetings of the Board.

representatives of the Commission and the ECB. Considering the missions of the Board, the Executive Director and Deputy Executive Director should be appointed by the Council on a proposal from the Commission and after hearing the European Parliament. When deliberating on the resolution of a bank or group established within a single participating Member State, the executive session of the Board should also convene and involve in the decision-making process the member appointed by the Member State concerned representing its national resolution authority. When deliberating on a cross-border group, the members appointed by the home and all host Member States concerned representing the relevant national resolution authorities should also be convened and involved in the decision-making process of the executive session of the Board. ***To ensure a balanced influence on the decision that has a negative fiscal effect for Member States where the cross-border group operates, each member representing the relevant national resolution authority should have one*** vote. Observers, including a representative of the ESM and of the Euro Group, may also be invited to attend the meetings of the Board.

Or. en

**Amendment 128**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(19) In order to ensure a swift and effective decision making process in resolution, the Board should be a specific Union agency with a specific structure, corresponding to its specific tasks, and which departs from the model of all other agencies of the

*Amendment*

(19) In order to ensure a swift and effective decision making process in resolution, the Board should be a specific Union agency with a specific structure, corresponding to its specific tasks, and which departs from the model of all other agencies of the

Union. Its composition should ensure that due account is taken of all relevant interests at stake in resolution procedures. The Board should operate in executive and plenary sessions. In its *executive* session, it should be composed of an Executive Director, a Deputy Executive Director, and representatives of *the Commission and the ECB*. Considering the missions of the Board, the Executive Director and Deputy Executive Director should be appointed by the Council *on a proposal from the Commission and* after hearing the European Parliament. When deliberating on the resolution of a bank or group established within a single participating Member State, the executive session of the Board should also convene and involve in the decision-making process the member appointed by the Member State concerned representing its national resolution authority. When deliberating on a cross-border group, the members appointed by the home and all host Member States concerned representing the relevant national resolution authorities should also be convened and involved in the decision-making process of the executive session of the Board. However, home authorities and host authorities should have a balanced influence on the decision, so host authorities should have jointly *one single vote*. Observers, including a representative of the ESM and of the Euro Group, may also be invited to attend the meetings of the Board.

Union. Its composition should ensure that due account is taken of all relevant interests at stake in resolution procedures. The Board should operate in executive and plenary sessions. In its *plenary* session, it should be composed of an Executive Director, a Deputy Executive Director, *a representative of the ECB* and representatives of *each national resolution authority from all participating Member States*. *In its executive session, it should be composed of an Executive Director, a Deputy Executive Director, and a representative of the ECB*. Considering the missions of the Board, the Executive Director and Deputy Executive Director should be appointed by the Council after hearing the European Parliament. When deliberating on the resolution of a bank or group established within a single participating Member State, the executive session of the Board should also convene and involve in the decision-making process the member appointed by the Member State concerned representing its national resolution authority. When deliberating on a cross-border group, the members appointed by the home and all host Member States concerned representing the relevant national resolution authorities should also be convened and involved in the decision-making process of the executive session of the Board. However, home authorities and host authorities should have a balanced influence on the decision, so host authorities should have jointly *two votes*. *The home authority should also have two votes*. Observers, including a representative of the ESM and of the Euro Group, may also be invited to attend the meetings of the Board.

Or. en

**Amendment 129**  
**Sharon Bowles**

## Proposal for a regulation

### Recital 19

#### *Text proposed by the Commission*

(19) In order to ensure a swift and effective decision making process in resolution, the Board should be a specific Union agency with a specific structure, corresponding to its specific tasks, ***and which departs from the model of all other agencies of the Union***. Its composition should ensure that due account is taken of all relevant interests at stake in resolution procedures. The Board should operate in executive and plenary sessions. In its executive session, it should be composed of an Executive Director, a Deputy Executive Director, and representatives of the Commission and the ECB. Considering the missions of the Board, the Executive Director and Deputy Executive Director should be appointed by the Council on a proposal from the Commission and after ***hearing*** the European Parliament. When deliberating on the resolution of a bank or group established within a single participating Member State, the executive session of the Board should also convene and involve in the decision-making process the member appointed by the Member State concerned representing its national resolution authority. When deliberating on a cross-border group, the members appointed by the home and all host Member States concerned representing the relevant national resolution authorities should also be convened and involved in the decision-making process of the executive session of the Board. However, home authorities and host authorities should have a balanced influence on the decision, ***so host authorities should have jointly one single vote***. Observers, including a representative of the ESM and of the Euro Group, may also be invited to attend the meetings of the Board.

#### *Amendment*

(19) In order to ensure a swift and effective decision making process in resolution, the Board should be a specific Union agency with a specific structure, corresponding to its specific tasks. Its composition should ensure that due account is taken of all relevant interests at stake in resolution procedures. The Board should operate in executive and plenary sessions. In its executive session, it should be composed of an Executive Director, a Deputy Executive Director, and representatives of the Commission and the ECB. Considering the missions of the Board, the Executive Director and Deputy Executive Director should be appointed by the Council on a proposal from the Commission and after ***approval by*** the European Parliament. When deliberating on the resolution of a bank or group established within a single participating Member State, the executive session of the Board should also convene and involve in the decision-making process the member appointed by the Member State concerned representing its national resolution authority. When deliberating on a cross-border group, the members appointed by the home and all host Member States concerned representing the relevant national resolution authorities should also be convened and involved in the decision-making process of the executive session of the Board. However, home authorities and host authorities should have a balanced influence on the decision ***that takes account of the respective size of undertakings in the Member State***. Observers, including a representative of the ESM and of the Euro Group, may also be invited to attend the meetings of the Board.

Or. en

## **Amendment 130**

**Philippe Lamberts, Sven Giegold**

on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Recital 19**

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

(19) In order to ensure a swift and effective decision making process in resolution, the Board should be a specific Union agency with a specific structure, corresponding to its specific tasks, and which departs from the model of all other agencies of the Union. Its composition should ensure that due account is taken of all relevant interests at stake in resolution procedures. The Board should operate in executive and plenary sessions. In its executive session, it should be composed of an Executive Director, a Deputy Executive Director, and representatives of the Commission and the ECB. Considering the missions of the Board, the Executive Director and Deputy Executive Director should be appointed by the Council on a proposal from the Commission and after hearing the European Parliament. When deliberating on the resolution of a bank or group established within a single participating Member State, the executive session of the Board should also convene and involve in the decision-making process the member appointed by the Member State concerned representing its national resolution authority. When deliberating on a cross-border group, the members appointed by the home and all host Member States concerned representing the relevant national resolution authorities should also be convened and involved in the decision-making process of the executive session of the Board. However, home authorities and host authorities should have a balanced influence on the decision, so host authorities should have jointly one single

##### *Amendment*

(19) In order to ensure a swift and effective decision making process in resolution, the Board should be a specific Union agency with a specific structure, corresponding to its specific tasks, and which departs from the model of all other agencies of the Union. Its composition should ensure that due account is taken of all relevant interests at stake in resolution procedures. The Board should operate in executive and plenary sessions. In its executive session, it should be composed of an Executive Director, a Deputy Executive Director, and representatives of the Commission and the ECB. Considering the missions of the Board, the Executive Director and Deputy Executive Director should be appointed by the Council on a proposal from the Commission and after hearing the European Parliament. When deliberating on the resolution of a bank or group established within a single participating Member State, the executive session of the Board should also convene and involve in the decision-making process the member appointed by the Member State concerned representing its national resolution authority. When deliberating on a cross-border group, the members appointed by the home and all host Member States concerned representing the relevant national resolution authorities should also be convened and involved in the decision-making process of the executive session of the Board. However, home authorities and host authorities should have a balanced influence on the decision, so host authorities should have jointly one single

vote. Observers, including a representative of the ESM and of the Euro Group, may also be invited to attend the meetings of the Board.

vote. ***In those deliberations due consideration should be given to the volumes of the liabilities affected and the size of the institutions concerned in the different Member States when proposing resolution actions.*** Observers, including a representative of the ESM and of the Euro Group, may also be invited to attend the meetings of the Board

Or. en

## **Amendment 131**

**Diogo Feio**

### **Proposal for a regulation**

#### **Recital 19**

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

(19) In order to ensure a swift and effective decision making process in resolution, the Board should be a specific Union agency with a specific structure, corresponding to its specific tasks, and which departs from the model of all other agencies of the Union. Its composition should ensure that due account is taken of all relevant interests at stake in resolution procedures. The Board should operate in executive and plenary sessions. In its executive session, it should be composed of an Executive Director, a Deputy Executive Director, and representatives of the Commission and the ECB. Considering the missions of the Board, the Executive Director and Deputy Executive Director should be appointed by the Council on a proposal from the Commission and after hearing the European Parliament. When deliberating on the resolution of a bank or group established within a single participating Member State, the executive session of the Board should also convene and involve in the decision-making process the member appointed by the Member State concerned representing its national resolution

##### *Amendment*

(19) In order to ensure a swift and effective decision making process in resolution, the Board should be a specific Union agency with a specific structure, corresponding to its specific tasks, and which departs from the model of all other agencies of the Union. Its composition should ensure that due account is taken of all relevant interests at stake in resolution procedures. The Board should operate in executive and plenary sessions. ***The plenary session should take place on a quarterly basis.*** In its executive session, it should be composed of an Executive Director, a Deputy Executive Director, and representatives of the Commission and the ECB. Considering the missions of the Board, the Executive Director and Deputy Executive Director should be appointed by the Council on a proposal from the Commission and after hearing the European Parliament. When deliberating on the resolution of a bank or group established within a single participating Member State, the executive session of the Board should also convene and involve in the decision-making process the member

authority. When deliberating on a cross-border group, the members appointed by the home and all host Member States concerned representing the relevant national resolution authorities should also be convened and involved in the decision-making process of the executive session of the Board. However, home authorities and host authorities should have a balanced influence on the decision, so host authorities should have jointly one single vote. Observers, including a representative of the ESM and of the Euro Group, may also be invited to attend the meetings of the Board.

appointed by the Member State concerned representing its national resolution authority. When deliberating on a cross-border group, the members appointed by the home and all host Member States concerned representing the relevant national resolution authorities should also be convened and involved in the decision-making process of the executive session of the Board. However, home authorities and host authorities should have a balanced influence on the decision, so host authorities should have jointly one single vote. ***In this context, the Board should also establish an Administrative Board of Review for the purposes of carrying out an internal administrative review of the decisions taken in its executive sessions concerning resolution schemes and/or measures, following a request for review, submitted by the national resolution authority.*** Observers, including a representative of the ESM and of the Euro Group, may also be invited to attend the meetings of the Board ***and are subject to the same professional secrecy requirements as Members of the Board, staff of the Board and staff exchanged with or seconded by participating Member States carrying out resolution duties.***

Or. en

**Amendment 132**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 19 a (new)**

*Text proposed by the Commission*

*Amendment*

***(19a) The Board should establish internal resolution teams composed of its own staff and staff of the national resolution authorities of the participating Member States, that should act as resolution colleges and should be headed by***

*Coordinators appointed from the Board's senior staff. Coordinators should participate in the executive sessions of the Board, but would not be attributed any voting rights, when deliberations and decisions are at stake. In case of an unresolved dispute at the resolution team's level, the Coordinator and/or any of the national resolution authorities might appeal to the Board that will address and resolve the dispute in its executive sessions. National resolution authorities might appeal from the Board's decision taken in their executive sessions to the Administrative Board of Review.*

Or. en

**Amendment 133**  
**Vicky Ford, Danuta Maria Hübner**

**Proposal for a regulation**  
**Recital 19 a (new)**

*Text proposed by the Commission*

*Amendment*

*(19a) The Commission and the Board and the resolution authorities and competent authorities of Member States that are not participating Member States should conclude a memorandum of understanding describing in general terms how they will cooperate with one another in the performance of their tasks under the [BRRD]. The memorandum of understanding could, inter alia, clarify the consultation relating to decisions of the Commission and the Board having effect on subsidiaries or branches established in the non-participating Member State whose parent undertaking is established in a participating Member State. The memorandum should be reviewed on a regular basis.*

Or. en

**Amendment 134**  
**Vicky Ford**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) In the light of the **Board's missions** and the resolution objectives which include the protection of public funds, the functioning of the Board should be financed from contributions paid by the institutions in the participating Member States.

*Amendment*

(20) In the light of the **tasks of the Commission and the Board under this Regulation** and the resolution objectives which include the protection of public funds, the functioning of the **SRM, including all costs of the Commission and the Board in connection with the performance of their respective tasks under this Regulation and any non-contractual liabilities of the Board or the Commission arising in connection with their tasks under this Regulation**, should be financed from contributions paid by the institutions in the participating Member States. **Under no circumstances should the budgetary liability of the Member States or the Union be engaged in meeting these costs and liabilities.**

Or. en

**Amendment 135**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) In the light of the Board's missions and the resolution objectives which include the protection of public funds, the functioning of the Board should be financed from contributions paid by the institutions in the participating Member States.

*Amendment*

(20) In the light of the Board's missions and the resolution objectives which include the protection of public funds, the functioning of the Board should be financed from contributions paid by the institutions in the participating Member States. **These institutions should not, under any circumstances, provide**



*extraordinary annual contributions to cover administrative expenditure and should not be called to contribute to the budget of their national resolution authorities.*

Or. en

**Amendment 136**

**Philippe Lamberts, Sven Giegold**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

*(20a) Directive [BRRD] should govern recovery and resolution planning, early intervention, conditions for and principles of resolution as well as the use of resolution tools by the SRM. It is therefore appropriate that this regulation covers only those aspects required to ensure that the SRM implements that directive and that appropriate additional funding required is at its disposal.*

Or. en

**Amendment 137**

**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

*Amendment*

(21) The Board *and the Commission, where relevant*, should *replace* the national resolution authorities designated under Directive [ ] in respect of all aspects related to the resolution decision-making process. The national resolution authorities designated under Directive [ ] should

(21) The Board should *coordinate* the national resolution authorities designated under Directive [ ] in respect of all aspects related to the resolution decision-making process. The national resolution authorities designated under Directive [ ] should continue to carry out activities related to

continue to carry out activities related to the implementation of resolution schemes adopted by the Board. In order to ensure transparency and democratic control, as well as to safeguard the rights of the Union institutions, the Board should be accountable to the European Parliament and to the Council for any decisions taken on the basis of this proposal. For the same reasons of transparency and democratic control, national parliaments should have certain rights to obtain information about the activities of the Board and to engage in a dialogue with it.

the implementation of resolution schemes adopted by the Board. In order to ensure transparency and democratic control, as well as to safeguard the rights of the Union institutions, the Board should be accountable to the European Parliament and to the Council for any decisions taken on the basis of this proposal. For the same reasons of transparency and democratic control, national parliaments should have certain rights to obtain information about the activities of the Board and to engage in a dialogue with it.

Or. en

**Amendment 138**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

(21) The Board **and the Commission, where relevant**, should replace the national resolution authorities designated under Directive [ ] in respect of all aspects related to the resolution decision-making process. The national resolution authorities designated under Directive [ ] should continue to carry out activities related to the implementation of resolution schemes adopted by the Board. In order to ensure transparency and democratic control, as well as to safeguard the rights of the Union institutions, the Board should be accountable to the European Parliament and to the Council for any decisions taken on the basis of this proposal. For the same reasons of transparency and democratic control, national parliaments should have certain rights to obtain information about the activities of the Board and to engage in a dialogue with it.

*Amendment*

(21) The Board should replace the national resolution authorities designated under Directive [ ] in respect of all aspects related to the resolution decision-making process **that do not involve the provision of national funds**. The national resolution authorities designated under Directive [ ] should continue to carry out activities related to the implementation of resolution schemes adopted by the Board. In order to ensure transparency and democratic control, as well as to safeguard the rights of the Union institutions, the Board should be accountable to the European Parliament and to the Council for any decisions taken on the basis of this proposal. For the same reasons of transparency and democratic control, national parliaments should have certain rights to obtain information about the activities of the Board and to engage in a dialogue with it.

**Amendment 139****Peter Simon****Proposal for a regulation****Recital 21***Text proposed by the Commission*

(21) The Board and the Commission, where relevant, should replace the national resolution authorities designated under Directive [ ] in respect of all aspects related to the **resolution** decision-making process. The national resolution authorities designated under Directive [ ] should continue to carry out activities related to the implementation of resolution schemes adopted by the Board. In order to ensure transparency and democratic control, as well as to safeguard the rights of the Union institutions, the Board should be accountable to the European Parliament and to the Council for any decisions taken on the basis of this proposal. For the same reasons of transparency and democratic control, national parliaments should have certain rights to obtain information about the activities of the Board and to engage in a dialogue with it.

*Amendment*

(21) The Board and the Commission, where relevant, should replace the national resolution authorities designated under Directive [ ] in respect of all aspects related to the decision-making process **concerning the resolution of entities covered by this Regulation**. The national resolution authorities designated under Directive [ ] should continue to carry out activities related to the implementation of resolution schemes adopted by the Board. In order to ensure transparency and democratic control, as well as to safeguard the rights of the Union institutions, the Board should be accountable to the European Parliament and to the Council for any decisions taken on the basis of this proposal. For the same reasons of transparency and democratic control, national parliaments should have certain rights to obtain information about the activities of the Board and to engage in a dialogue with it.

Or. de

**Amendment 140****Diogo Feio****Proposal for a regulation****Recital 21***Text proposed by the Commission*

(21) The Board and the Commission, where relevant, should replace the national

*Amendment*

(21) The Board and the Commission, where relevant, should replace the national

resolution authorities designated under Directive [ ] in respect of all aspects related to the resolution decision-making process. The national resolution authorities designated under Directive [ ] should continue to carry out activities related to the implementation of resolution schemes adopted by the Board. In order to ensure transparency and democratic control, as well as to safeguard the rights of the Union institutions, the Board should be accountable to the European Parliament and to the Council for any decisions taken on the basis of this proposal. For the same reasons of transparency and democratic control, national parliaments should have certain rights to obtain information about the activities of the Board and to engage in a dialogue with it.

resolution authorities designated under Directive [ ] in respect of all aspects related to the resolution decision-making process. The national resolution authorities designated under Directive [ ] should continue to carry out activities related to the implementation of resolution schemes adopted by the Board. In order to ensure transparency and democratic control, as well as to safeguard the rights of the Union institutions, the Board should be accountable to the European Parliament and to the Council for any decisions taken on the basis of this proposal ***to the extent that it has not planned and/or acted in accordance with specific instructions from the Commission***. For the same reasons of transparency and democratic control, national parliaments should have certain rights to obtain information about the activities of the Board and to engage in a dialogue with it.

Or. en

#### **Amendment 141** **Burkhard Balz**

#### **Proposal for a regulation** **Recital 23**

*Text proposed by the Commission*

***(23) To ensure a uniform approach for institutions and groups*** the Board should be empowered to draw up resolution plans for such institutions and groups. ***The Board should assess the resolvability of institutions and groups, and take measures aimed at removing impediments to resolvability, if any. The Board should require national resolution authorities to apply such appropriate measures designed to remove impediments to resolvability in order to ensure consistency and the resolvability of the institutions concerned.***

*Amendment*

***(23) Given the sensitivity of the information which need to be included in the resolution plans***, the Board should ***not*** be empowered to draw up resolution plans for such institutions and groups. ***It should be the national resolution authorities that draw up the resolution plans for the credit institutions and groups concerned.***

*Justification*

*In alignment with the amendments to Article 7 and given the sensitivity of the information which need to be included in the resolution plans, resolution plans need to be drafted by the relevant national resolution authority. The Board shall only receive the information necessary to fulfil its tasks under this Regulation. Confidential or sensitive business information of a credit institution may not be forwarded to the Board.*

**Amendment 142**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) To ensure a uniform approach for institutions and groups the Board should be empowered to **draw** up resolution plans for such institutions and groups. The Board should assess the resolvability of institutions and groups, and take measures aimed at removing impediments to resolvability, if any. The Board should require national resolution authorities to apply such appropriate measures designed to remove impediments to resolvability in order to ensure consistency and the resolvability of the institutions concerned.

*Amendment*

(23) To ensure a uniform approach for institutions and groups the Board should be empowered to **coordinate drawing** up resolution plans for such institutions and groups. The Board should assess the resolvability of institutions and groups, and take measures aimed at removing impediments to resolvability, if any. The Board should require national resolution authorities to apply such appropriate measures designed to remove impediments to resolvability in order to ensure consistency and the resolvability of the institutions concerned.

Or. en

**Amendment 143**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) To ensure a uniform approach for institutions and groups the Board should be

*Amendment*

(23) To ensure a uniform approach for institutions and groups the Board should be

empowered to draw up resolution plans for such institutions and groups. The Board should assess the resolvability of institutions and groups, and take measures aimed at removing impediments to resolvability, if any. The Board should require national resolution authorities to apply such appropriate measures designed to remove impediments to resolvability in order to ensure consistency and the resolvability of the institutions concerned.

empowered to draw up resolution plans for such institutions and groups. The Board should assess the resolvability of institutions and groups, and take measures aimed at removing impediments to resolvability, if any. The Board should require national resolution authorities to apply such appropriate measures designed to remove impediments to resolvability in order to ensure consistency and the resolvability of the institutions concerned.

***Because of the institution-specific and confidential nature of the information contained in the resolution plans, decisions concerning the drawing up and assessment of the resolution plans and the application of appropriate measures should be taken by the Board in its executive session.***

Or. en

**Amendment 144**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) To ensure a uniform approach for institutions and groups the Board should be empowered to draw up resolution plans for such institutions and groups. The Board should assess the resolvability of institutions and groups, and take measures aimed at removing impediments to resolvability, if any. The Board should require national resolution authorities to apply such appropriate measures designed to remove impediments to resolvability in order to ensure consistency and the resolvability of the institutions concerned.

*Amendment*

(23) To ensure a uniform approach for institutions and groups the Board, ***in its executive session***, should be empowered to draw up resolution plans for such institutions and groups. The Board should assess the resolvability of institutions and groups, and take measures aimed at removing impediments to resolvability, if any. The Board should require national resolution authorities to apply such appropriate measures designed to remove impediments to resolvability in order to ensure consistency and the resolvability of the institutions concerned.

Or. en

**Amendment 145**  
**Olle Ludvigsson**

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

*Text proposed by the Commission*

*Amendment*

***(24a) Resolution plans should take the impact on employees into account and should include procedures for informing and consulting with employees or their representatives throughout the resolution process. Where applicable, collective agreements, or other arrangements provided for by social partners, should be respected in this regard. Resolution plans, including any update, should as soon as they have been finalised be communicated to the employees or their representatives.***

Or. en

**Amendment 146**  
**Philippe Lamberts, Sven Giegold**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

***(24a) Global systemically important institutions (G-SIIs) and other systemically important institutions (O-SIIs) are by their nature not compatible with an efficient and robust market economy, inter alia because they benefit from large implicit subsidies, and even with the use of resolution tools, the risk will persist that they cannot be resolved without public funds being deployed. Pre-emptive action by the Board within a reasonable time frame, including a significant reduction in their size, inter-***

*connectedness and complexity, is therefore imperative*

Or. en

**Amendment 147**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) The single resolution mechanism should be constructed on the frameworks of Directive [ ] and the SSM. Therefore, the Board should be **empowered** to intervene at an early stage where the financial situation or the solvency of an institution is deteriorating. The information that the Board receives from the national resolution authorities or the ECB at this stage is instrumental in making a determination on the action it might take in order to prepare for the resolution of the institution concerned.

*Amendment*

(25) The single resolution mechanism should be constructed on the frameworks of Directive [ ] and the SSM. Therefore, the Board should be **authorised** to intervene at an early stage where the financial situation or the solvency of an institution is deteriorating. The information that the Board receives from the national resolution authorities or the ECB at this stage is instrumental in making a determination on the action it might take in order to prepare for the resolution of the institution concerned.

Or. en

**Amendment 148**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) The single resolution mechanism should be constructed on the frameworks of Directive [ ] and the SSM. Therefore, the Board should be empowered to intervene at an early stage where the financial situation or the solvency of an institution is deteriorating. The information that the Board receives from the **national**

*Amendment*

(25) The single resolution mechanism should be constructed on the frameworks of Directive [ ] and the SSM. Therefore, the Board should be empowered to intervene at an early stage where the financial situation or the solvency of an institution is deteriorating. The information that the Board receives from the ECB at



*resolution authorities or the* ECB at this stage is instrumental in making a determination on the action it might take in order to prepare for the resolution of the institution concerned.

this stage is instrumental in making a determination on the action it might take in order to prepare for the resolution of the institution concerned.

Or. en

**Amendment 149**  
**Peter Simon**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) The single resolution mechanism should be **constructed** on the frameworks of Directive [ ] and the SSM. Therefore, the Board should be empowered to intervene at an early stage where the financial situation or the solvency of an institution is deteriorating. The information that the Board receives from the national resolution authorities or the ECB at this stage is instrumental in making a determination on the action it might take in order to prepare for the resolution of the institution concerned.

*Amendment*

(25) The single resolution mechanism should be **based** on the frameworks of Directive [ ] and the SSM. Therefore, the Board should be empowered to intervene at an early stage where the financial situation or the solvency of an institution is deteriorating. The information that the Board receives from the national resolution authorities or the ECB at this stage is instrumental in making a determination on the action it might take in order to prepare for the resolution of the institution concerned.

Or. de

**Amendment 150**  
**Burkhard Balz**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short **time**. **The** Commission should, **throughout the resolution procedure, have**

*Amendment*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short **time**. **The** Commission should **not have any leading role** in the resolution

*access to any information which it deems necessary to take an informed decision in the resolution process. Where the Commission decides to put an institution under resolution, the Board should immediately adopt a resolution scheme establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements.*

process *and* should *not have the power to decide to put a credit institution under resolution.*

Or. en

**Amendment 151**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short time. The Commission should, throughout the resolution procedure, have access to any information which it deems necessary *to take an informed decision in the resolution process*. Where the *Commission* decides to put an institution under resolution, the Board should immediately adopt a resolution scheme establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements.

*Amendment*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short time. The Commission should, throughout the resolution procedure, have access to any information which it deems necessary *for the purposes of State aid rules and impact on the single market as a whole, including on any Member State or undertaking affected but not part of the SRM*. Where the *ECB* decides to put an institution under resolution, the Board should immediately adopt a resolution scheme establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements.

Or. en

**Amendment 152**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short time. The **Commission** should, throughout the resolution procedure, have access to any information which it deems necessary to take an informed decision in the resolution process. Where the **Commission** decides to put an institution under resolution, the Board should immediately adopt a resolution scheme establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements.

*Amendment*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short time. The **Board** should, throughout the resolution procedure, have access to any information which it deems necessary to take an informed decision in the resolution process. Where the **ECB** decides to put an institution under resolution, the Board **together with the home national resolution authorities** should immediately adopt a resolution scheme establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements.

Or. en

**Amendment 153**  
**Peter Simon**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short time. The Commission should, throughout the resolution procedure, have access to any information which it deems necessary to take an informed decision in the resolution process. Where the Commission decides to put an institution under resolution, the Board should immediately adopt a resolution scheme establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements.

*Amendment*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short time. **Depositors should be granted access at least to the guaranteed deposits at the earliest possible juncture, and at the latest within a time frame shorter than that in which depositors are afforded access to guaranteed deposits in the context of a normal insolvency procedure, in accordance with Directive [...] of the European Parliament and of the Council on deposit guarantee schemes.** The Commission should, throughout the resolution procedure, have access to any information which it deems necessary to take an informed decision in the resolution process. Where the

Commission decides to put an institution under resolution, the Board should immediately adopt a resolution scheme establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements. ***In that connection, the Board should work closely with the competent national authorities and resolution authorities and the deposit guarantee schemes.***

Or. de

**Amendment 154**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short time. The Commission should, throughout the resolution procedure, have access to any information which it deems necessary to take an informed decision in the resolution process. Where the Commission decides to put an institution under resolution, the Board should immediately adopt a resolution scheme establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements.

*Amendment*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short time. The Commission should, throughout the resolution procedure, have access to any information which it deems necessary to take an informed decision in the resolution process. Where the Commission decides to ***adopt the draft decision prepared by the Board to*** put an institution under resolution, the Board should immediately adopt a resolution scheme establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements.

Or. en

**Amendment 155**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short time. The Commission should, throughout the resolution procedure, have access to any information which it deems necessary to take an informed decision in the resolution process. Where the **Commission** decides to put an institution under resolution, the Board should immediately adopt a resolution scheme establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements.

*Amendment*

(27) In order to minimise disruption to the financial market and to the economy, the resolution process should be accomplished in a short time. The Commission should, throughout the resolution procedure, have access to any information which it deems necessary to take an informed decision in the resolution process. Where the **Commission, following a recommendation of the Board**, decides to put an institution under resolution, the Board should immediately adopt a resolution scheme, **as proposed in the recommendation**, establishing the details of the resolution tools and powers to be applied, and the use of any financing arrangements.

Or. en

*Justification*

*The Commission is entitled to have access to the information by participating fully in the Board. It shall be the Board, as a legal and separate entity, that shall follow each situation and it shall be the Board, as an independent body and created to this end, that shall make the material decision regarding the need to place an Institution under resolution. The Commission shall be responsible for the formal decision in order to obey the Union Treaties.*

**Amendment 156**  
**Thomas Händel**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

(28) Liquidation of a failing institution under normal insolvency proceedings could jeopardise financial stability, interrupt the provision of essential services, and affect the protection of depositors. In such a case there is a public interest in applying resolution tools. The objectives of resolution should therefore be to ensure the

*Amendment*

(28) Liquidation of a failing institution under normal insolvency proceedings could jeopardise financial stability, interrupt the provision of essential services, and affect the protection of depositors. In such a case there is a public interest in applying resolution tools. The objectives of resolution should therefore be to ensure the

continuity of essential financial services, to maintain the stability of the financial system, to reduce moral hazard by minimising reliance on public financial support to failing institutions, *and* to protect depositors.

continuity of essential financial services, to maintain the stability of the financial system, to reduce moral hazard by minimising reliance on public financial support to failing institutions, to protect depositors *and to contribute to sustainable and balanced economic growth*.

Or. en

**Amendment 157**  
**Thomas Händel**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) However, the winding up of an insolvent institution through normal insolvency proceedings should always be considered before a decision could be taken to maintain the institution as a going concern. An insolvent institution *should* be maintained as a going concern for financial stability purposes and with the use, *to the extent possible*, of private funds. That may be achieved either through sale to or merger with a private sector purchaser, or after having written down the liabilities of the institution, or after having converted its debt to equity in order to do a recapitalisation.

*Amendment*

(29) However, the winding up of an insolvent institution through normal insolvency proceedings should always be considered before a decision could be taken to maintain the institution as a going concern. An insolvent institution *may* be maintained as a going concern for financial stability purposes and with the use of private funds. That may be achieved either through sale to or merger with a private sector purchaser, or after having written down the liabilities of the institution, or after having converted its debt to equity in order to do a recapitalisation.

Or. en

**Amendment 158**  
**Thomas Händel**

**Proposal for a regulation**  
**Recital 29 a (new)**

*Text proposed by the Commission*

*Amendment*

**(29a) *The current economic crisis was***

*largely caused by the financial industry where many actors have become too-big-to fail and had to be bailed-out with public funds. In contrast to any market-economy logic, losses were socialised and profits privatised. It needs to be recalled that the key role of financial institutions is to channel savings into productive investments. With the invention of various toxic financial instruments and dubious business practices, which for example set exorbitantly high profit targets, this role has been squeezed out to the benefit of short-term profit maximisation with limited added value for the society. It is therefore imperative to reduce the financial sector to its core functions. Hence, institutions that have reached a size and level of interconnectedness which is likely to pose a systemic threat to the functioning of the economies of single Member States or the EU as a whole should be resolved as this will in the long term lead to more balanced and sustainable growth.*

Or. en

**Amendment 159**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) When exercising resolution powers, the *Commission and the* Board should make sure that shareholders and creditors bear an appropriate share of the losses, that the managers are replaced, that the costs of the resolution of the institution are minimised, and that all creditors of an insolvent institution that are of the same class are treated in a similar manner.

*Amendment*

(30) When exercising resolution powers, the Board should make sure that shareholders and creditors bear an appropriate share of the losses, that the managers are replaced *or further special managers added*, that the costs of the resolution of the institution are minimised, and that all creditors of an insolvent institution that are of the same class are treated in a similar manner.

**Amendment 160**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) When exercising resolution powers, the **Commission and the Board** should make sure that shareholders and creditors bear an appropriate share of the losses, that the managers are replaced, that the costs of the resolution of the institution are minimised, and that all creditors of an insolvent institution that are of the same class are treated in a similar manner.

*Amendment*

(30) When exercising resolution powers, the **Board and national authorities** should make sure that shareholders and creditors bear an appropriate share of the losses, that the managers are replaced, that the costs of the resolution of the institution are minimised, and that all creditors of an insolvent institution that are of the same class are treated in a similar manner.

Or. en

**Amendment 161**  
**Thomas Händel**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

(31) ***The limitations on the rights of shareholders and creditors should comply with Article 52 of the Charter of Fundamental Rights.*** The resolution tools should ***therefore*** be applied ***only*** to those institutions that are failing or likely to fail, ***and only when it is necessary to pursue the objective of financial stability in the general interest. In particular, resolution tools should be applied where the institution cannot be wound up under normal insolvency proceedings without destabilizing the financial system and the measures are necessary in order to ensure the rapid transfer and continuation of***

*Amendment*

(31) The resolution tools should be applied to those institutions that are failing or likely to fail ***or to institutions that have reached a critical size, and only when it is necessary to pursue the objective of financial stability and sustainable and balanced economic growth in the general interest.***



*systemically important functions and where there is no reasonable prospect for any alternative private solution, including any increase of capital by the existing shareholders or by any third party sufficient to restore the full viability of the institution.*

Or. en

**Amendment 162**  
**Thomas Händel**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) Interference with property rights should not be disproportionate. As a consequence, affected shareholders and creditors should not incur greater losses than those which they would have incurred had the institution been wound up at the time that the resolution decision is taken. In the event of partial transfer of assets of an institution under resolution to a private purchaser or to a bridge institution, the residual part of the institution under resolution should be wound up under normal insolvency proceedings. In order to protect existing shareholders and creditors of the institution during the winding up proceedings, they should be entitled to receive in payment of their claims not less than what it is estimated they would have recovered if the whole institution had been wound up under normal insolvency proceedings.

*Amendment*

(32) Interference with property rights should not be disproportionate ***and should always be in line with the protection of the general public interest.*** As a consequence, affected shareholders and creditors should not incur greater losses than those which they would have incurred had the institution been wound up at the time that the resolution decision is taken. In the event of partial transfer of assets of an institution under resolution to a private purchaser or to a bridge institution, the residual part of the institution under resolution should be wound up under normal insolvency proceedings. In order to protect existing shareholders and creditors of the institution during the winding up proceedings, they should be entitled to receive in payment of their claims not less than what it is estimated they would have recovered if the whole institution had been wound up under normal insolvency proceedings.

Or. en

## Amendment 163

Peter Simon

### Proposal for a regulation

#### Recital 32

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

(32) Interference with property rights should not be disproportionate. As a consequence, affected shareholders and creditors should not incur greater losses than those which they would have incurred had the institution been wound up at the time that the resolution decision is taken. In the event of partial transfer of assets of an institution under resolution to a private purchaser or to a bridge institution, the residual part of the institution under resolution should be wound up under normal insolvency proceedings. In order to protect existing shareholders and creditors of the institution during the winding up proceedings, they should be entitled to receive in payment of their claims not less than what it is estimated they would have recovered if the whole institution had been wound up under normal insolvency proceedings.

##### *Amendment*

(32) Interference with property rights should not be disproportionate. As a consequence, affected shareholders and creditors should not incur greater losses than those which they would have incurred had the institution been wound up at the time that the resolution decision is taken. In the event of partial transfer of assets of an institution under resolution to a private purchaser or to a bridge institution, the residual part of the institution under resolution should be wound up under normal insolvency proceedings. In order to protect existing shareholders and creditors of the institution during the winding up proceedings, they should be entitled to receive in payment of their claims not less than what it is estimated they would have recovered if the whole institution had been wound up under normal insolvency proceedings. ***When powers to effect a conversion to equity under the bail-in tool are exercised, attention should be paid to the legal form of the institution concerned, on the grounds that the conversion of claims or debt instruments to equity may not be appropriate, as for example in the case of shares in cooperatives.***

Or. de

##### *Justification*

*The legal form of the institution may mean that the conversion of claims or debt instruments to equity is not appropriate because the shares (e.g. shares in cooperatives) are not fungible.*

**Amendment 164**  
**Marianne Thyssen**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) It is important that losses be recognised upon failure of the institution. The guiding principle for the valuation of assets and liabilities of failing institutions should be their market value at the moment when the resolution tools are applied and to the extent that markets are functioning *properly*. When markets are truly dysfunctional, valuation should be performed at the duly justified long term economic value of assets and liabilities. It should be possible, for reasons of urgency, that the Board makes a rapid provisional valuation of the assets or liabilities of a failing institution which should apply until an independent valuation is carried out.

*Amendment*

(34) It is important that losses be recognised upon failure of the institution. The guiding principle for the valuation of assets and liabilities of failing institutions should be their market value at the moment when the resolution tools are applied and to the extent that markets are functioning *efficiently*. When markets are truly dysfunctional, valuation should be performed at the duly justified long term economic value of assets and liabilities. It should be possible, for reasons of urgency, that the Board makes a rapid provisional valuation of the assets or liabilities of a failing institution which should apply until an independent valuation is carried out.

Or. nl

**Amendment 165**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

(36) The **Commission** should provide the framework for the resolution action to be taken depending on the circumstances of the case and should be able to designate for use all necessary resolution tools. Within that clear and precise framework, the Board should decide on the detailed resolution scheme. The relevant resolution tools should include the sale of business tool, the bridge institution tool, the bail-in tool and the asset separation tool, which are also provided for by Directive [ ]. The

*Amendment*

(36) The **Board together with national resolution authorities** should provide the framework for the resolution action to be taken depending on the circumstances of the case and should be able to designate for use all necessary resolution tools. Within that clear and precise framework, the Board should decide on the detailed resolution scheme. The relevant resolution tools should include the sale of business tool, the bridge institution tool, the bail-in tool and the asset separation tool, which

framework should also make it possible to assess whether the conditions for the write-down and conversion of capital instruments are met.

are also provided for by Directive [ ]. The framework should also make it possible to assess whether the conditions for the write-down and conversion of capital instruments are met.

Or. en

**Amendment 166**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

(36) The **Commission** should provide the framework for the resolution action to be taken depending on the circumstances of the case and should be able to designate for use all necessary resolution tools. Within that clear and precise framework, the Board should decide on the detailed resolution scheme. The relevant resolution tools should include the sale of business tool, the bridge institution tool, the bail-in tool and the asset separation tool, which are also provided for by Directive [ ]. The framework should also make it possible to assess whether the conditions for the write-down and conversion of capital instruments are met.

*Amendment*

(36) The **Board** should provide the framework for the resolution action to be taken ***following the resolution plans of the entities concerned and*** depending on the circumstances of the case and should be able to designate for use all necessary resolution tools. Within that clear and precise framework, the Board should decide on the detailed resolution scheme. The relevant resolution tools should include the sale of business tool, the bridge institution tool, the bail-in tool and the asset separation tool, which are also provided for by Directive [ ]. The framework should also make it possible to assess whether the conditions for the write-down and conversion of capital instruments are met.

Or. en

**Amendment 167**  
**Sari Essayah**

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

(36) The Commission should provide the framework for the resolution action to be taken depending on the circumstances of the case and should be able to designate for use all necessary resolution tools. Within that clear and precise framework, the Board should decide on the detailed resolution scheme. The relevant resolution tools should include the sale of business tool, the bridge institution tool, the bail-in tool and the asset separation tool, which are also provided for by Directive [ ]. The framework should also make it possible to assess whether the conditions for the write-down and conversion of capital instruments are met.

*Amendment*

(36) The Commission **and the Council** should provide the framework for the resolution action to be taken depending on the circumstances of the case and should be able to designate for use all necessary resolution tools. Within that clear and precise framework, the Board should decide on the detailed resolution scheme. The relevant resolution tools should include the sale of business tool, the bridge institution tool, the bail-in tool and the asset separation tool, which are also provided for by Directive [ ]. The framework should also make it possible to assess whether the conditions for the write-down and conversion of capital instruments are met.

Or. en

**Amendment 168**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

(36) The Commission should provide the framework for the resolution action to be taken depending on the circumstances of the case and should be able to designate for use all necessary resolution tools. Within that clear and precise framework, the Board should decide on the detailed resolution scheme. The relevant resolution tools should include the sale of business tool, the bridge institution tool, the bail-in tool and the asset separation tool, which are also provided for by Directive [ ]. The framework should also make it possible to assess whether the conditions for the write-down and conversion of capital instruments are met.

*Amendment*

(36) The Commission, **based on a draft decision prepared by the Board**, should provide the framework for the resolution action to be taken depending on the circumstances of the case and should be able to designate for use all necessary resolution tools. Within that clear and precise framework, the Board should decide on the detailed resolution scheme. The relevant resolution tools should include the sale of business tool, the bridge institution tool, the bail-in tool and the asset separation tool, which are also provided for by Directive [ ]. The framework should also make it possible to assess whether the conditions for the write-

down and conversion of capital instruments are met.

Or. en

**Amendment 169**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

(36) The Commission should provide the framework for the resolution action to be taken depending on the circumstances of the case and should be able to designate for use all necessary resolution tools. Within that clear and precise framework, the Board should decide on the detailed resolution scheme. The relevant resolution tools should include the sale of business tool, the bridge institution tool, the bail-in tool and the asset separation tool, which are also provided for by Directive [ ]. The framework should also make it possible to assess whether the conditions for the write-down and conversion of capital instruments are met.

*Amendment*

(36) The Commission should provide, ***following a recommendation by the Board***, the framework for the resolution action to be taken depending on the circumstances of the case and should be able to designate for use all necessary resolution tools. Within that clear and precise framework, the Board should decide on the detailed resolution scheme. The relevant resolution tools should include the sale of business tool, the bridge institution tool, the bail-in tool and the asset separation tool, which are also provided for by Directive [ ]. The framework should also make it possible to assess whether the conditions for the write-down and conversion of capital instruments are met.

Or. en

**Amendment 170**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) The sale of business tool should enable the sale of the institution or parts of its business to one or more purchasers

*Amendment*

(37) ***In accordance with the Bank Recovery and Resolution Directive [ ],*** the sale of business tool should enable the sale

without the consent of shareholders.

of the institution or parts of its business to one or more purchasers without the consent of shareholders.

Or. en

**Amendment 171**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

(38) The asset separation tool should enable authorities to transfer under-performing or impaired assets to a separate vehicle. That tool should be used only in conjunction with other tools to prevent an undue competitive advantage for the failing institution.

*Amendment*

(38) ***In accordance with the Bank Recovery and Resolution Directive [ ]***, the asset separation tool should enable authorities to transfer under-performing or impaired assets to a separate vehicle. That tool should be used only in conjunction with other tools to prevent an undue competitive advantage for the failing institution.

Or. en

**Amendment 172**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 39**

*Text proposed by the Commission*

(39) An effective resolution regime should minimise the costs of the resolution of a failing institution borne by the taxpayers. It should also ensure that even large institutions of systemic importance can be resolved without jeopardising financial stability. The bail-in tool achieves that objective by ensuring that shareholders and creditors of the entity suffer appropriate losses and bear an appropriate part of those costs. To this end, statutory debt write

*Amendment*

(39) An effective resolution regime should minimise the costs of the resolution of a failing institution borne by the taxpayers. It should also ensure that even large institutions of systemic importance can be resolved without jeopardising financial stability. The bail-in tool achieves that objective by ensuring that shareholders and creditors of the entity suffer appropriate losses and bear an appropriate part of those costs. To this end, statutory debt write

down powers should be included in a framework for resolution as ***an additional option*** in conjunction with other resolution tools, as recommended by the Financial Stability Board.

down powers should be included in a framework for resolution as ***the first choice tool*** in conjunction with other resolution tools, as recommended by the Financial Stability Board.

Or. en

**Amendment 173**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 40**

*Text proposed by the Commission*

(40) In order to ensure the necessary flexibility to allocate losses to creditors in a range of circumstances, it is appropriate that the bail-in tool be applicable both where the objective is to resolve the failing institution as a going concern if there is a realistic prospect that the institution's viability may be restored, and where systemically important services are transferred to a bridge institution and the residual part of the institution ceases to operate and is wound up.

*Amendment*

(40) ***As provided in the Bank Recovery and Resolution Directive [ ]***, in order to ensure the necessary flexibility to allocate losses to creditors in a range of circumstances, it is appropriate that the bail-in tool be applicable both where the objective is to resolve the failing institution as a going concern if there is a realistic prospect that the institution's viability may be restored, and where systemically important services are transferred to a bridge institution and the residual part of the institution ceases to operate and is wound up.

Or. en

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

**Proposal for a regulation**  
**Recital 41**

*Text proposed by the Commission*

(41) Where the bail-in tool is applied with the objective of restoring the capital of the failing institution to enable it to continue to operate as a going concern, resolution

*Amendment*

(41) ***As provided in the Bank Recovery and Resolution Directive***, where the bail-in tool is applied with the objective of restoring the capital of the failing



through bail-in should always be accompanied by the replacement of management and a subsequent restructuring of the institution and its activities in a way that addresses the reasons for its failure. That restructuring should be achieved through the implementation of a business reorganisation plan.

institution to enable it to continue to operate as a going concern, resolution through bail-in should always be accompanied by the replacement of management and a subsequent restructuring of the institution and its activities in a way that addresses the reasons for its failure. That restructuring should be achieved through the implementation of a business reorganisation plan.

Or. en

**Amendment 175**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 42**

*Text proposed by the Commission*

(42) It is not appropriate to apply the bail-in tool to claims in so far as they are secured, collateralised or otherwise guaranteed. However, in order to ensure that the bail-in tool is effective and achieves its objectives, it should be possible to apply it to as wide a range of the unsecured liabilities of a failing institution as possible. Nevertheless, it is appropriate to exclude certain kinds of unsecured liability from the scope of application of the bail-in tool. For reasons of public policy and effective resolution, the bail-in tool should not apply to those deposits that are protected under Directive 94/19/EC of the European Parliament and of the Council<sup>15</sup>, to liabilities to employees of the failing institution or to commercial claims that relate to goods and services necessary for the daily functioning of the institution.

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<sup>15</sup> Directive 94/19/EC of the European

*Amendment*

(42) ***As provided in the Bank Recovery and Resolution Directive [ ]***, it is not appropriate to apply the bail-in tool to claims in so far as they are secured, collateralised or otherwise guaranteed. However, in order to ensure that the bail-in tool is effective and achieves its objectives, it should be possible to apply it to as wide a range of the unsecured liabilities of a failing institution as possible. Nevertheless, it is appropriate to exclude certain kinds of unsecured liability from the scope of application of the bail-in tool. For reasons of public policy and effective resolution, the bail-in tool should not apply to those deposits that are protected under Directive 94/19/EC of the European Parliament and of the Council<sup>15</sup>, to liabilities to employees of the failing institution or to commercial claims that relate to goods and services necessary for the daily functioning of the institution.

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<sup>15</sup> Directive 94/19/EC of the European

Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes. OJ L 135, 31.5.1994, p. 5–14.

Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes. OJ L 135, 31.5.1994, p. 5–14.

Or. en

## **Amendment 176**

**Nuno Melo**

### **Proposal for a regulation**

#### **Recital 42**

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

(42) It is not appropriate to apply the bail-in tool to claims in so far as they are secured, collateralised or otherwise guaranteed. However, in order to ensure that the bail-in tool is effective and achieves its objectives, it should be possible to apply it to as wide a range of the unsecured liabilities of a failing institution as possible. Nevertheless, it is appropriate to exclude certain kinds of unsecured liability from the scope of application of the bail-in tool. For reasons of public policy and effective resolution, the bail-in tool *should* not apply to those deposits that are protected under Directive 94/19/EC of the European Parliament and of the Council<sup>15</sup>, to liabilities to employees of the failing institution or to commercial claims that relate to goods and services necessary for the daily functioning of the institution.

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<sup>15</sup> *OJ L 135, 31.5.1994, pp. 5–14.*

##### *Amendment*

(42) It is not appropriate to apply the bail-in tool to claims in so far as they are secured, collateralised or otherwise guaranteed. However, in order to ensure that the bail-in tool is effective and achieves its objectives, it should be possible to apply it to as wide a range of the unsecured liabilities of a failing institution as possible. Nevertheless, it is appropriate to exclude certain kinds of unsecured liability from the scope of application of the bail-in tool. For reasons of public policy and effective resolution, the bail-in tool *shall* not apply to those deposits, *of whatever nature or value*, that are protected under Directive 94/19/EC of the European Parliament and of the Council, to liabilities to employees of the failing institution or to commercial claims that relate to goods and services necessary for the daily functioning of the institution.

Or. pt

## **Amendment 177**

**Wolf Klinz, Olle Schmidt**

## Proposal for a regulation

### Recital 42

*Text proposed by the Commission*

(42) It is not appropriate to apply the bail-in tool to claims in so far as they are secured, collateralised or otherwise guaranteed. However, in order to ensure that the bail-in tool is effective and achieves its objectives, it should be possible to apply it to as wide a range of the unsecured liabilities of a failing institution as possible. Nevertheless, it is appropriate to exclude certain kinds of unsecured liability from the scope of application of the bail-in tool. For reasons of public policy and effective resolution, the bail-in tool should not apply to those deposits that are protected under Directive 94/19/EC of the European Parliament and of the Council<sup>15</sup>, to liabilities to employees of the failing institution or to commercial claims that relate to goods and services necessary for the daily functioning of the institution.

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<sup>15</sup> Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes. OJ L 135, 31.5.1994, p. 5–14.

*Amendment*

(42) It is not appropriate to apply the bail-in tool to claims in so far as they are secured, collateralised or otherwise guaranteed. However, in order to ensure that the bail-in tool is effective and achieves its objectives, it should be possible to apply it to as wide a range of the unsecured liabilities of a failing institution as possible. Nevertheless, it is appropriate to exclude certain kinds of unsecured liability from the scope of application of the bail-in tool. For reasons of public policy and effective resolution, the bail-in tool should not apply to those deposits that are protected under Directive 94/19/EC of the European Parliament and of the Council<sup>15</sup>, to liabilities to employees of the failing institution, ***to covered bonds*** or to commercial claims that relate to goods and services necessary for the daily functioning of the institution.

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<sup>15</sup> Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes. OJ L 135, 31.5.1994, p. 5–14.

Or. en

## Amendment 178

Sharon Bowles

## Proposal for a regulation

### Recital 43

*Text proposed by the Commission*

(43) Depositors that hold deposits guaranteed by a deposit guarantee scheme should not be subject to the exercise of the bail-in tool. The deposit guarantee scheme,

*Amendment*

(43) ***As provided in the Bank Recovery and Resolution Directive [ ],*** depositors that hold deposits guaranteed by a deposit guarantee scheme should not be subject to

however, contributes to funding the resolution process to the extent that it would have had to indemnify the depositors. The exercise of the bail-in powers would ensure that depositors continue having access to their deposits which is the main reason why the deposit guarantee schemes have been established. Not providing for the involvement of those schemes in such cases would constitute an unfair advantage with respect to the other creditors which would be subject to the exercise of the powers by the resolution authority.

the exercise of the bail-in tool. The deposit guarantee scheme, however, contributes to funding the resolution process to the extent that it would have had to indemnify the depositors. The exercise of the bail-in powers would ensure that depositors continue having access to their deposits which is the main reason why the deposit guarantee schemes have been established. Not providing for the involvement of those schemes in such cases would constitute an unfair advantage with respect to the other creditors which would be subject to the exercise of the powers by the resolution authority.

Or. en

**Amendment 179**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 43**

*Text proposed by the Commission*

(43) Depositors that hold deposits guaranteed by a deposit guarantee scheme ***should not be subject to the exercise of the bail-in tool.*** The deposit guarantee scheme, ***however, contributes to funding the resolution process to the extent that it would have had to indemnify the depositors.*** The exercise of the bail-in powers would ensure that depositors continue having access to their deposits ***which is the main reason why the deposit guarantee schemes have been established.*** ***Not providing for the involvement of those schemes in such cases would constitute an unfair advantage with respect to the other creditors which would be subject to the exercise of the powers by the resolution authority.***

*Amendment*

(43) Depositors that hold deposits guaranteed by a deposit guarantee scheme ***and*** the deposit guarantee scheme ***itself should not be subject to the exercise of the bail-in tool.*** The exercise of the bail-in powers would ensure that depositors continue having access to their deposits.

Or. en

## Amendment 180

Nuno Melo

### Proposal for a regulation

#### Recital 43

*Text proposed by the Commission*

(43) Depositors that hold deposits ***guaranteed by a deposit guarantee scheme should*** not be subject to the exercise of the bail-in tool. The deposit guarantee scheme, however, contributes to funding the resolution process to the extent that it would have had to indemnify the depositors. The exercise of the bail-in powers would ensure that depositors continue having access to their deposits which is the main reason why the deposit guarantee schemes have been established. Not providing for the involvement of those schemes in such cases would constitute an unfair advantage with respect to the other creditors which would be subject to the exercise of the powers by the resolution authority.

*Amendment*

(43) Depositors that hold deposits ***of whatever nature or value shall*** not be subject to the exercise of the bail-in tool. The deposit guarantee scheme, however, contributes to funding the resolution process to the extent that it would have had to indemnify the depositors. The exercise of the bail-in powers would ensure that depositors continue having access to their deposits which is the main reason why the deposit guarantee schemes have been established. Not providing for the involvement of those schemes in such cases would constitute an unfair advantage with respect to the other creditors which would be subject to the exercise of the powers by the resolution authority.

Or. pt

## Amendment 181

Diogo Feio

### Proposal for a regulation

#### Recital 44

*Text proposed by the Commission*

(44) In order to implement the burden-sharing by shareholders and junior creditors, as required under State aid rules, the single resolution mechanism would be able to apply, by way of analogy, as of the entry into application of this Regulation, the bail-in tool.

*Amendment*

(44) In order to implement the burden-sharing by shareholders and junior creditors, as required under State aid rules, the single resolution mechanism would be able to apply, by way of analogy, as of the entry into application of this Regulation, the bail-in tool ***to those stakeholders***.

Or. en

**Amendment 182**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 44**

*Text proposed by the Commission*

(44) In order to implement the burden-sharing by shareholders and junior creditors, as required under State aid rules, the single resolution mechanism would be able to apply, by way of analogy, as of the entry into application of **this Regulation**, the bail-in tool.

*Amendment*

(44) In order to implement the burden-sharing by shareholders and junior creditors, as required under State aid rules, the single resolution mechanism would be able to apply, by way of analogy, as of the entry into application of **the Directive (BRRD)**, the bail-in tool.

Or. en

**Amendment 183**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 45**

*Text proposed by the Commission*

(45) To avoid institutions structuring their liabilities in a manner that impedes the effectiveness of the bail in tool, the Board should be able to establish that the institutions hold an aggregate amount of own funds, subordinated debt and senior liabilities subject to the bail-in tool expressed as a percentage of the total liabilities of the institution, **that do not qualify as own funds for the purposes of Regulation (EU) No 575/2013 of the European Parliament and of the Council<sup>16</sup> and of Directive 2013/36/EU of 26 June 2013 of the European Parliament and of the Council<sup>17</sup>**, which institutions should have at all times.

*Amendment*

(45) To avoid institutions structuring their liabilities in a manner that impedes the effectiveness of the bail in tool, the Board should be able to establish that the institutions hold an aggregate amount of own funds, subordinated debt and senior liabilities subject to the bail-in tool expressed as a percentage of the total liabilities of the institution, **including own-funds**, which institutions should have at all times.

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<sup>16</sup> **Regulation (EU) No 575/2013 of the**

***European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012, OJ L 176, 27.6.2013, p.1.***

***<sup>17</sup> Directive 2013/36/EU of 26 June 2013 of the European Parliament and of the Council on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L 176, 27.6.2013, p. 338.***

Or. en

**Amendment 184**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 45**

*Text proposed by the Commission*

(45) To avoid institutions structuring their liabilities in a manner that impedes the effectiveness of the bail in tool, the Board should be able to establish that the institutions hold an aggregate amount of own funds, subordinated debt and senior liabilities subject to the bail-in tool expressed as a percentage of the total liabilities of the institution, that do not qualify as own funds for the purposes of Regulation (EU) No 575/2013 of the European Parliament and of the Council<sup>16</sup> and of Directive 2013/36/EU of 26 June 2013 of the European Parliament and of the Council<sup>17</sup>, which institutions should have at all times.

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<sup>16</sup> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements

*Amendment*

(45) To avoid institutions structuring their liabilities in a manner that impedes the effectiveness of the bail in tool, the Board should be able to establish that the institutions hold an aggregate amount of own funds, subordinated debt and senior liabilities subject to the bail-in tool expressed as a percentage of the total liabilities of the institution, that do not qualify as own funds for the purposes of Regulation (EU) No 575/2013 of the European Parliament and of the Council<sup>16</sup> and of Directive 2013/36/EU of 26 June 2013 of the European Parliament and of the Council<sup>17</sup>, which institutions should have at all times ***and which is set out in the resolution plans.***

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<sup>16</sup> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements

for credit institutions and investment firms and amending Regulation (EU) No 648/2012, OJ L 176, 27.6.2013, p.1.

<sup>17</sup> Directive 2013/36/EU of 26 June 2013 of the European Parliament and of the Council on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L 176, 27.6.2013, p. 338.

for credit institutions and investment firms and amending Regulation (EU) No 648/2012, OJ L 176, 27.6.2013, p.1.

<sup>17</sup> Directive 2013/36/EU of 26 June 2013 of the European Parliament and of the Council on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L 176, 27.6.2013, p. 338.

Or. en

**Amendment 185**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 46**

*Text proposed by the Commission*

(46) The best method of resolution should be chosen depending on the circumstances of the case and for this purpose, all the resolution tools provided for by Directive [ ] should be available.

*Amendment*

(46) The best method of resolution should be chosen depending on the circumstances of the case, ***without discrimination to any participating or non-participating Member State or group of Member States***, and for this purpose all the resolution tools provided for by ***the Bank Recovery and Resolution*** Directive [ ] should be available ***and applied in line with the provisions of that Directive***.

Or. en

**Amendment 186**  
**Sari Essayah**

**Proposal for a regulation**  
**Recital 47**

*Text proposed by the Commission*

(47) Directive [ ] has conferred the power to write down and convert capital

*Amendment*

(47) Directive [ ] has conferred the power to write down and convert capital



instruments on national resolution authorities, since the conditions for the write-down and conversion of capital instruments may coincide with the conditions for resolution and in such a case, an assessment is to be made of whether the sole write-down and conversion of the capital instruments is sufficient to restore the financial soundness of the entity concerned or it is also necessary to take resolution action. As a rule, it will be used in the context of resolution. The Commission should replace national resolution authorities also in this function and should therefore be empowered to assess whether the conditions for the write-down and conversion of capital instruments are met and to decide whether to place an entity under resolution, if the requirements for resolution are also fulfilled.

instruments on national resolution authorities, since the conditions for the write-down and conversion of capital instruments may coincide with the conditions for resolution and in such a case, an assessment is to be made of whether the sole write-down and conversion of the capital instruments is sufficient to restore the financial soundness of the entity concerned or it is also necessary to take resolution action. As a rule, it will be used in the context of resolution. The **Board, the Commission and the Council** should replace national resolution authorities also in this function and should therefore be empowered to assess whether the conditions for the write-down and conversion of capital instruments are met and to decide whether to place an entity under resolution, if the requirements for resolution are also fulfilled.

Or. en

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

**Proposal for a regulation**  
**Recital 47**

*Text proposed by the Commission*

(47) Directive [ ] has conferred the power to write down and convert capital instruments on national resolution authorities, since the conditions for the write-down and conversion of capital instruments may coincide with the conditions for resolution and in such a case, an assessment is to be made of whether the sole write-down and conversion of the capital instruments is sufficient to restore the financial soundness of the entity concerned or it is also necessary to take resolution action. As a rule, it will be used in the context of resolution. The **Commission** should replace

*Amendment*

(47) Directive [ ] has conferred the power to write down and convert capital instruments on national resolution authorities, since the conditions for the write-down and conversion of capital instruments may coincide with the conditions for resolution and in such a case, an assessment is to be made of whether the sole write-down and conversion of the capital instruments is sufficient to restore the financial soundness of the entity concerned or it is also necessary to take resolution action. As a rule, it will be used in the context of resolution. The **Board** should replace

national resolution authorities also in this function and should therefore be empowered to assess whether the conditions for the write-down and conversion of capital instruments are met and to decide whether to place an entity under resolution, if the requirements for resolution are also fulfilled.

national resolution authorities also in this function and should therefore be empowered to assess whether the conditions for the write-down and conversion of capital instruments are met and to decide whether to place an entity under resolution, if the requirements for resolution are also fulfilled.

Or. en

**Amendment 188**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 48**

*Text proposed by the Commission*

(48) The efficiency and uniformity of resolution action should be ensured in all the participating Member States. For this purpose, the Board should be empowered in exceptional cases and where a national resolution authority has not or not sufficiently applied the decision of the Board to ***transfer to another person specified rights, assets or liabilities of an institution under resolution or to require the conversion of debt instruments which contain a contractual term for conversion in certain circumstances***. Any action by national resolution authorities that would restrain or affect the exercise of powers or functions of the Board should be excluded.

*Amendment*

(48) The efficiency and uniformity of resolution action should be ensured in all the participating Member States. For this purpose, the Board should be empowered, in exceptional cases and where a national resolution authority has not or not sufficiently applied the decision of the Board to ***override it in order to ensure that such decision is accomplished***. Any action by national resolution authorities that would restrain or affect the exercise of powers or functions of the Board should be excluded.

Or. en

**Amendment 189**  
**Olle Ludvigsson**

**Proposal for a regulation**  
**Recital 49 a (new)**

*Text proposed by the Commission*

*Amendment*

**(49a) When applying resolution tools and exercising resolution powers, the Board should inform and consult with the employees or their representatives. Where applicable, collective agreements, or other arrangements provided for by social partners, should be respected in this regard.**

Or. en

## **Amendment 190**

**Wolf Klinz**

### **Proposal for a regulation**

#### **Recital 50**

*Text proposed by the Commission*

*Amendment*

(50) Since the Board **replaces** national resolution authorities of the participating Member States in their resolution decisions, the Board should also **replace** those authorities for the purposes of the cooperation with non-participating Member States as far as the resolution functions are concerned. In particular, the Board should represent all authorities from the participating Members in the resolution colleges including authorities from non-participating Member States.

(50) Since the Board **supports** national resolution authorities of the participating Member States in their resolution decisions, the Board should also **co-operate with** those authorities for the purposes of the cooperation with non-participating Member States as far as the resolution functions are concerned. In particular, the Board should represent all authorities from the participating Members in the resolution colleges including authorities from non-participating Member States.

Or. en

## **Amendment 191**

**Sharon Bowles**

### **Proposal for a regulation**

#### **Recital 50**

*Text proposed by the Commission*

(50) Since the Board replaces national resolution authorities of the participating Member States in their resolution decisions, the Board should also replace those authorities for the purposes of the cooperation with non-participating Member States as far as the resolution functions are concerned. In particular, the Board should **represent** all authorities from the participating Members in the resolution colleges including authorities from non-participating Member States.

*Amendment*

(50) Since the Board replaces national resolution authorities of the participating Member States in their resolution decisions, the Board should also replace those authorities for the purposes of the cooperation with non-participating Member States as far as the resolution functions are concerned. In particular, the Board should **include** all authorities from the participating Members in the resolution colleges including authorities from non-participating Member States.

Or. en

**Amendment 192**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 51**

*Text proposed by the Commission*

(51) As many institutions operate not only within the Union, but internationally, an effective resolution mechanism needs to set out principles of cooperation with the relevant third country authorities. Support to third country authorities should be provided in accordance with the legal framework provided by Article 88 of Directive [ ]. ***For this purpose, as the Board should be the single authority empowered to resolve failing banks in the participating Member States, the Board should be exclusively empowered to conclude non-binding cooperation agreements with those third country authorities, on behalf of the national authorities of the participating Member States.***

*Amendment*

(51) As many institutions operate not only within the Union, but internationally, an effective resolution mechanism needs to set out principles of cooperation with the relevant third country authorities. Support to third country authorities should be provided in accordance with the legal framework provided by Article 88 of Directive [ ].

Or. en

**Amendment 193**  
**Sharon Bowles**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) In order to carry out its tasks effectively, the Board should have appropriate investigatory powers. It should be able to require all necessary information either directly or through national resolution authorities, and to conduct investigations and on-site inspections, where appropriate in cooperation with national competent authorities. In the context of resolution, on-site inspections would be available for the Board to effectively monitor implementation by national authorities and to ensure that the **Commission and the** Board take their decisions on the basis of fully accurate information.

*Amendment*

(52) In order to carry out its tasks effectively, the Board should have appropriate investigatory powers. It should be able to require all necessary information either directly or through national resolution authorities, and to conduct investigations and on-site inspections, where appropriate in cooperation with national competent authorities. In the context of resolution, on-site inspections would be available for the Board to effectively monitor implementation by national authorities and to ensure that the Board take their decisions on the basis of fully accurate information.

Or. en

**Amendment 194**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) In order to carry out its tasks effectively, the Board should have appropriate investigatory powers. It should be able to require all necessary information either directly or through national resolution authorities, and to conduct investigations and on-site inspections, where appropriate in cooperation with national competent authorities. In the context of resolution, on-site inspections

*Amendment*

(52) In order to carry out its tasks effectively, the Board should have appropriate investigatory powers. It should be able to require all necessary information either directly or through national resolution authorities, and to conduct investigations and on-site inspections, where appropriate in cooperation with national competent authorities. In the context of resolution, on-site inspections

would be available for the Board to effectively monitor implementation by national authorities and to ensure that the **Commission and the Board** take their decisions on the basis of fully accurate information.

would be available for the Board to effectively monitor implementation by national authorities and to ensure that the Board take their decisions on the basis of fully accurate information.

Or. en

**Amendment 195**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) In order to carry out its tasks effectively, the Board should have appropriate investigatory powers. It should be able to require all necessary information either directly or through national resolution authorities, and to conduct investigations and on-site inspections, where appropriate in cooperation with national competent authorities. In the context of resolution, on-site inspections would be available for the Board to effectively monitor implementation by national authorities and to ensure that the Commission and the Board take their decisions on the basis of fully accurate information.

*Amendment*

(52) In order to carry out its tasks effectively, the Board should have appropriate investigatory powers. It should be able to require all necessary information either directly or through national resolution authorities, and to conduct investigations and on-site inspections, where appropriate in cooperation with national competent authorities, **making full use of all information available at the ECB and the national competent authorities**. In the context of resolution, on-site inspections would be available for the Board to effectively monitor implementation by national authorities and to ensure that the Commission and the Board take their decisions on the basis of fully accurate information.

Or. en

**Amendment 196**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) In order to carry out its tasks effectively, the Board should have appropriate investigatory powers. It should be able to require all necessary information either directly or through national resolution authorities, and to conduct investigations and on-site inspections, where appropriate in cooperation with national competent authorities. In the context of resolution, on-site inspections would be available for the Board to effectively monitor implementation by national authorities and to ensure that the Commission and the Board take their decisions on the basis of fully accurate information.

*Amendment*

(52) In order to carry out its tasks effectively, the Board should have appropriate investigatory powers. It should be able to require all necessary information either directly or through national resolution authorities, and to conduct investigations and on-site inspections, where appropriate in cooperation with national competent authorities. In the context of resolution, on-site inspections would be available for the Board to effectively monitor implementation by national authorities and to ensure that the Commission and the Board take their decisions on the basis of fully accurate information. ***Where the national resolution authority has no means available to afford the necessary assistance, it should use its powers to request the necessary assistance of other national resolution authorities.***

Or. en

**Amendment 197**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

***(52a) The procedure regarding the exchange of information between the Board, competent authorities and national resolution authorities should be defined and implemented through a memorandum of understanding.***

Or. en

**Amendment 198**  
**Olle Ludvigsson**

**Proposal for a regulation**  
**Recital 53**

*Text proposed by the Commission*

(53) So as to ensure that the Board has access to all relevant information, the employees should not be able to invoke professional secrecy rules to prevent the disclosure of information to the Board.

*Amendment*

(53) So as to ensure that the Board has access to all relevant information, the employees should not be able to invoke professional secrecy rules to prevent the disclosure of information to the Board. ***At the same time, the disclosure of such information to the Board should never be seen as a breach of professional secrecy.***

Or. en

**Amendment 199**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 54**

*Text proposed by the Commission*

(54) In order to ensure that decisions adopted within the framework of the single resolution mechanism are respected, proportionate and dissuasive sanctions should be imposed in case of infringement. The Board should be entitled ***to instruct national resolution authorities*** to impose fines or periodic penalty payments on undertakings for failure to comply with obligations under its decisions. ***In order to ensure consistent, efficient and effective enforcement practices the Board should be entitled to issue guidelines addressed to national resolution authorities concerning the application of fines and penalty payments.***

*Amendment*

(54) In order to ensure that decisions adopted within the framework of the single resolution mechanism are respected, proportionate and dissuasive sanctions should be imposed in case of infringement. The Board should be entitled to impose fines or periodic penalty payments on undertakings for failure to comply with obligations under its decisions. ***This fines or periodic penalty payments should be determined by the Board, together with the competent authorities, and the Commission.***

Or. en



**Amendment 200**

**Diogo Feio**

**Proposal for a regulation**

**Recital 54 a (new)**

*Text proposed by the Commission*

*Amendment*

***(54a) To ensure that decisions are fully respected across the Union, proportionate and dissuasive sanctions should be imposed in case of infringement and equally applied across all Member States; For this reason the framework for the adoption of administrative sanctions and legal sanctions should be harmonized at the Union level in order to ensure effective compliance; Therefore common minimum rules should be laid down in order to have a fully European mechanism;***

Or. en

*Justification*

*There should be a harmonization regarding minimum requirements that are to be applied by all Member States in case of infringement. Financial Institutions should not have the possibility to take advantage of lighter regimes in some Member States*

**Amendment 201**

**Diogo Feio**

**Proposal for a regulation**

**Recital 54 b (new)**

*Text proposed by the Commission*

*Amendment*

***(54b) Member States and the Board should ensure that any penalties imposed pursuant to Regulation (EC) No (...) are publicly disclosed only where such public disclosure would be proportionate.***

Or. en

**Amendment 202**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 55**

*Text proposed by the Commission*

*Amendment*

***(55) Where a national resolution authority infringes the rules of the single resolution mechanism by not using the powers conferred on it under national law to implement an instruction by the Board, the Member State concerned may be liable to make good any damage caused to individuals, including where applicable to the entity or group under resolution, or any creditor of any part of that entity or group in any Member State, in accordance with that case law.***

***deleted***

Or. en

**Amendment 203**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 56**

*Text proposed by the Commission*

*Amendment*

(56) Appropriate rules should be laid down governing the ***budget of the Board, the preparation of the budget, the adoption of internal rules specifying the procedure for the establishment and implementation of its budget***, and the internal and external audit of the accounts.

(56) Appropriate rules should be laid down governing the ***adoption of internal rules specifying the procedure for the establishment and implementation of the budget of the Board, its preparation, monitoring and control on a quarterly basis by the Board's plenary session***, and the internal and external audit of the accounts.

Or. en

**Amendment 204**

**Diogo Feio**

**Proposal for a regulation**

**Recital 56 a (new)**

*Text proposed by the Commission*

*Amendment*

***(56a) The Board's plenary session should also adopt its annual work programme, monitor and control it on a quarterly basis, and issue opinions and/or recommendations on the quarterly draft report by the Executive-Director which should include a section on the resolution activities and the ongoing resolution cases of the Board, and a section on financial and administrative matters.***

Or. en

**Amendment 205**

**Corien Wortmann-Kool**

**Proposal for a regulation**

**Recital 58**

*Text proposed by the Commission*

*Amendment*

(58) It is necessary to ensure that the Fund is fully available for the purpose of the resolution of failing institutions. Therefore, the Fund should not be used for any other purpose than the efficient implementation of resolution tools and powers.

Furthermore, it should be used only in accordance with the applicable resolution objectives and principles. Accordingly, the Board should ensure that any losses, costs or other expenses incurred in connection with the use of the resolution tools are first borne by the shareholders and the creditors of the institution under resolution. It is only if the resources from shareholders and creditors are exhausted, that the losses, costs or other expenses incurred with the resolution tools should be borne by the

(58) It is necessary to ensure that the Fund is fully available for the purpose of the resolution of failing institutions. Therefore, the Fund should not be used for any other purpose than the efficient implementation of resolution tools and powers.

Furthermore, it should be used only in accordance with the applicable resolution objectives and principles, ***fully respecting the provisions laid down in Directive [BRRD]. The Fund should not be used to directly absorb the losses of an institution or for recapitalisation purposes.***

Accordingly, the Board should ensure that any losses, costs or other expenses incurred in connection with the use of the resolution tools are first borne by the shareholders and the creditors of the institution under

Fund.

resolution. It is only if the resources from shareholders and creditors are exhausted, that the losses, costs or other expenses incurred with the resolution tools should be borne by the Fund.

Or. en

#### **Amendment 206**

**Sari Essayah, Anneli Jäätteenmäki**

#### **Proposal for a regulation**

#### **Recital 58**

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

(58) It is necessary to ensure that the Fund is fully available for the purpose of the resolution of failing institutions. Therefore, the Fund should not be used for any other purpose than the efficient implementation of resolution tools and powers.

Furthermore, it should be used only in accordance with the applicable resolution objectives and principles. Accordingly, the Board should ensure that any losses, costs or other expenses incurred in connection with the use of the resolution tools are first borne by the shareholders and the creditors of the institution under resolution. It is only if the resources from shareholders and creditors are exhausted, that the losses, costs or other expenses incurred with the resolution tools should be borne by the Fund.

##### *Amendment*

(58) It is necessary to ensure that the Fund is fully available for the purpose of the resolution of failing institutions. Therefore, the Fund should not be used for any other purpose than the efficient implementation of resolution tools and powers.

Furthermore, it should be used only in accordance with the applicable resolution objectives and principles. Accordingly, the Board should ensure that any losses, costs or other expenses incurred in connection with the use of the resolution tools are first borne by the shareholders and the creditors of the institution under resolution. It is only if the resources from shareholders and creditors are exhausted, that the losses, costs or other expenses incurred with the resolution tools should be borne by the Fund *in relation to the share of activity of the failing bank in the Member States concerned.*

Or. en

#### **Amendment 207**

**Pablo Zalba Bidegain**

#### **Proposal for a regulation**

#### **Recital 58 a (new)**

*Text proposed by the Commission*

*Amendment*

***(58a) However, it is justified to use the Fund before exhausting all the creditors when, in the resolution process, preferred deposits would start to be bailed-in. The trust of citizens that their savings will be safe in absolutely risk-free deposits that have a correspondingly low return is a cornerstone of the overall confidence in the banking system. Protecting deposits is doubtless one of the critical functions of banks, and the lack of confidence in the safety of preferred deposits could have the potential to provoke a bank run; a phenomenon with disastrous effects on financial stability. Thus, safeguarding these preferred deposits in the resolution process pursues resolution objectives, therefore deserving a particular effort.***

Or. en

**Amendment 208**  
**Danuta Maria Hübner**

**Proposal for a regulation**  
**Recital 59 a (new)**

*Text proposed by the Commission*

*Amendment*

***(59a) If national bank levies are in place in a participating member state, the situation may arise in which a bank is required to contribute both to the national bank levy as well as to the SRM fund. This situation should be addressed such that financial institutions do not end up making a double contribution.***

Or. en

**Amendment 209**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 59 a (new)**

*Text proposed by the Commission*

*Amendment*

***(59a) A credit facility for the Resolution Fund should be envisaged guaranteeing a full European backstop that can at any given moment effectively stop a contagious effect in the financial system. This credit facility will allow the economic agents to base their decisions according to the soundness of each financial institution rather than on the perceived sovereign risk of the Member States where the different institutions are based; With this credit facility the link between sovereign credit risk and the banking system will finally cease to exist;***

Or. en

*Justification*

*The EFSM should be an option.*

**Amendment 210**  
**Corien Wortmann-Kool, Othmar Karas**

**Proposal for a regulation**  
**Recital 59 a (new)**

*Text proposed by the Commission*

*Amendment*

***(59a) Where Member States have already imposed bank levies, taxes or resolution contributions in response to the crisis, those should be replaced by contributions to the Fund in order to avoid double payments.***

Or. en

**Amendment 211**  
**Pablo Zalba Bidegain**

**Proposal for a regulation**  
**Recital 61 a (new)**

*Text proposed by the Commission*

*Amendment*

***(61a) To ensure the immediate availability of adequate financial means for the purposes established in this Regulation, a loan facility should be established, preferably from a Community public instrument. Full availability of funding is essential for the credibility of the whole system.***

Or. en

**Amendment 212**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Recital 62**

*Text proposed by the Commission*

*Amendment*

***(62) Where participating Member States have already established national resolution financing arrangements, they should be able to provide that the national resolution financing arrangements use their available financial means, collected from institutions in the past by way of ex-ante contributions, to compensate institutions for the ex-ante contributions which those institutions should pay into the Fund. Such restitution should be without prejudice to the obligations of Member States under Directive 94/18/EC of the European Parliament and of the Council<sup>18</sup>.***

***deleted***

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<sup>18</sup> ***Directive 94/18/EC of the European Parliament and of the Council of 30 May 1994 amending Directive 80/390/EEC***

*coordinating the requirements for the drawing up, scrutiny and distribution of the listing particulars to be published for the admission of securities to official stock-exchange listing, with regard to the obligation to publish listing particulars. OJ L 135, 31.5.1994, p. 1.*

Or. en

## **Amendment 213**

**Diogo Feio**

### **Proposal for a regulation**

#### **Recital 62**

*Text proposed by the Commission*

(62) Where participating Member States have already established national resolution financing arrangements, *they should be able to provide that the national resolution financing arrangements use their available financial means, collected from institutions in the past by way of ex-ante contributions, to compensate institutions for the ex-ante contributions which those institutions should pay into the Fund. Such restitution* should be without prejudice to the obligations of Member States under Directive 94/18/EC of the European Parliament and of the Council<sup>18</sup>.

*Amendment*

(62) Where participating Member States have already established national resolution financing arrangements, *funds already collected under these arrangements* should be *transferable* to the *Single Resolution Fund*.

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<sup>18</sup> *Directive 94/18/EC of the European Parliament and of the Council of 30 May 1994 amending Directive 80/390/EEC coordinating the requirements for the drawing up, scrutiny and distribution of the listing particulars to be published for the admission of securities to official stock-exchange listing, with regard to the obligation to publish listing particulars. OJ L 135, 31.5.1994, p. 1.*

Or. en



**Amendment 214**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 63**

*Text proposed by the Commission*

(63) In order to ensure a fair calculation of contributions and provide incentives to operate under a model which presents less risk, contributions to the Fund should take account of the degree of risk incurred by credit institutions.

*Amendment*

(63) In order to ensure a fair calculation of contributions and provide incentives to operate under a model which presents less risk, contributions to the Fund ***which are to be determined by the Board, following a proposal by the competent authority,*** should take account of the degree of risk incurred by credit institutions.

Or. en

**Amendment 215**  
**Sari Essayah, Anneli Jäätteenmäki**

**Proposal for a regulation**  
**Recital 63**

*Text proposed by the Commission*

(63) In order to ensure a fair calculation of contributions and provide incentives to operate under a model which presents less risk, contributions to the Fund should take account of the degree of risk incurred by credit institutions.

*Amendment*

(63) In order to ensure a fair calculation of contributions and provide incentives to operate under a model which presents less risk, contributions to the Fund should take account of the degree of risk incurred by credit institutions. ***In each Member State the contributions should amount to the same percentage target.***

Or. en

**Amendment 216**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 66**

*Text proposed by the Commission*

(66) The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU in order to determine the type of contributions to the Fund and the matters for which contributions are due, the manner in which the amount of the contributions is calculated and the way in which they are to be paid; specify registration, accounting, reporting and other rules necessary to ensure that the contributions are fully and timely paid; determine the contribution system for institutions that have been authorized to operate after the Fund has reached its target level; determine the criteria for the spreading out in time of the contributions; determine the circumstances under which the payment of contributions may be advanced; determine the criteria for establishing the annual contributions; determine the measures to specify the circumstances and modalities under which an institution may be partially or entirely exempted from ex post contributions, **and the measures to specify the circumstances and modalities under which an institution may be partially or entirely exempted from ex-post contributions.**

*Amendment*

(66) The Commission, **after a proposal from the Board**, should be empowered to adopt delegated acts in accordance with Article 290 TFEU in order to determine the type of contributions to the Fund and the matters for which contributions are due, the manner in which the amount of the contributions is calculated and the way in which they are to be paid; specify registration, accounting, reporting and other rules necessary to ensure that the contributions are fully and timely paid; determine the contribution system for institutions that have been authorized to operate after the Fund has reached its target level; determine the criteria for the spreading out in time of the contributions; determine the circumstances under which the payment of contributions may be advanced **or delayed**; determine the criteria for establishing the **amount of** annual contributions; determine the measures to specify the circumstances and modalities under which an institution may be partially or entirely exempted from ex post contributions.

Or. en

**Amendment 217**

**Sari Essayah**

**Proposal for a regulation**

**Recital 66**

*Text proposed by the Commission*

(66) The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU in order to determine the type of contributions to the Fund and the matters for which

*Amendment*

(66) The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU in order to determine the type of contributions to the Fund and the matters for which

contributions are due, the manner in which the amount of the contributions is calculated and the way in which they are to be paid; specify registration, accounting, reporting and other rules necessary to ensure that the contributions are fully and timely paid; determine the contribution system for institutions that have been authorized to operate after the Fund has reached its target level; determine the criteria for the spreading out in time of the contributions; determine the circumstances under which the payment of contributions may be advanced; determine the criteria for establishing the annual contributions; determine the measures to specify the circumstances and modalities under which an institution may be partially or entirely exempted from ex post contributions, and the measures to specify the circumstances and modalities under which an institution may be partially or entirely exempted from ex-post contributions.

contributions are due, the manner in which the amount of the contributions is calculated and the way in which they are to be paid; specify registration, accounting, reporting and other rules necessary to ensure that the contributions are fully and timely paid; determine the contribution system for institutions that have been authorized to operate after the Fund has reached its target level; determine the criteria for the spreading out in time of the contributions; determine the circumstances under which the payment of contributions may be advanced; determine the criteria for establishing the annual contributions ***in the limits set by this Regulation***; determine the measures to specify the circumstances and modalities under which an institution may be partially or entirely exempted from ex post contributions, and the measures to specify the circumstances and modalities under which an institution may be partially or entirely exempted from ex-post contributions.

Or. en

**Amendment 218**  
**Vicky Ford**

**Proposal for a regulation**  
**Recital 66 a (new)**

*Text proposed by the Commission*

*Amendment*

***(66a) In order to ensure a level playing field, in performing their tasks under this Regulation, the Commission and the Board should act in conformity with the requirements of the [BRRD] and any delegated acts adopted in accordance with that Directive. The Commission and the Board should also be subject to the guidelines and recommendations adopted by the EBA in relation to the [BRRD] and, where applicable, any decisions of the EBA in the course of binding***

**Amendment 219**  
**Diogo Feio**

**Proposal for a regulation**  
**Recital 67**

*Text proposed by the Commission*

(67) To preserve the confidentiality of the work of the Board, its members, staff of the Board, including the staff exchanged with or seconded by participating Member States for the purpose of carrying out resolution duties should be subject to requirements of professional secrecy, even after their duties have ceased. For the purpose of carrying out the tasks conferred upon it, the Board should be authorized, subject to conditions, to exchange information with national or Union authorities and bodies.

*Amendment*

(67) To preserve the confidentiality of the work of the Board, its members, staff of the Board, including the staff exchanged with or seconded by participating Member States for the purpose of carrying out resolution duties should be subject to requirements of professional secrecy, even after their duties have ceased. ***These requirements should also apply to other persons authorised by the Board and persons authorised or appointed by the national resolution authorities of the Member States to conduct on-site inspections, and to observers invited to attend the plenary and executive sessions of the Board.*** For the purpose of carrying out the tasks conferred upon it, the Board should be authorized, subject to conditions, to exchange information with national or Union authorities and bodies.

**Amendment 220**  
**Gunnar Hökmark**

**Proposal for a regulation**  
**Recital 68 a (new)**

*Text proposed by the Commission*

*Amendment*

***(68a) To the extent that decisions under***

***this Regulation are to be subject to EBA binding mediation pursuant to Article 19 of Regulation (EU) No 1093/2010, such decisions shall be binding for all parties involved.***

Or. en

*Justification*

*Under the assumption that the Commission is to be involved in the Single resolution mechanism, it is unclear whether the EBA, as an agency, will be able to enforce a binding mediation decision upon the Commission which is an institution established by the Treaty. To the extent that decisions pursuant to this Regulation are to be subject to EBA binding mediation - an extent which is to be settled in the BRRD file - it should be made clear that such decisions are not only binding for the resolution authorities of non-participating Member States but also vis-à-vis the Commission.*

**Amendment 221**

**Diogo Feio**

**Proposal for a regulation**

**Recital 69**

*Text proposed by the Commission*

(69) Until the Board is fully operational, the Commission should be responsible for the initial operations including collecting contributions necessary to cover administrative expenses and the designation of an interim executive director to authorise all necessary payments on behalf of the Board.

*Amendment*

(69) Until the Board is fully operational, the Commission should be responsible for the initial operations including collecting ***the first*** contributions necessary to cover administrative expenses and the designation of an interim executive director to authorise all necessary payments on behalf of the Board.

Or. en

**Amendment 222**

**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**

**Recital 69**

*Text proposed by the Commission*

(69) Until the Board is fully operational, the **Commission** should be responsible for the initial operations including collecting contributions necessary to cover administrative expenses and the designation of an interim executive director to authorise all necessary payments on behalf of the Board.

*Amendment*

(69) Until the Board is fully operational, the **national resolution authorities** should be responsible for the initial operations including collecting contributions necessary to cover administrative expenses and the designation of an interim executive director to authorise all necessary payments on behalf of the Board.

Or. en

**Amendment 223**  
**Olle Ludvigsson**

**Proposal for a regulation**  
**Recital 70**

*Text proposed by the Commission*

(70) This Regulation respects the fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, notably the right to property, the protection of personal data, the freedom to conduct a business, the right to an effective remedy and to a fair trial, and has to be implemented in accordance with those rights and principles.

*Amendment*

(70) This Regulation respects the fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, notably the right to property, the protection of personal data, the freedom to conduct a business, **workers' right to information and consultation within the undertaking**, the right to an effective remedy and to a fair trial, and has to be implemented in accordance with those rights and principles.

Or. en

**Amendment 224**  
**Jean-Paul Gauzès**

**Proposal for a regulation**  
**Recital 71 a (new)**

*Text proposed by the Commission*

*Amendment*

***(71a) With the view of breaking the link between sovereigns and banks and ensuring the efficiency and the credibility of the Single Resolution Mechanism, especially as long as the Single Resolution Fund is not entirely funded, it is essential to establish a European public loan facility from the day the Single Resolution Mechanism enters into force. Any loan from that loan facility should be reimbursed by the Single Resolution Fund within an agreed timeframe.***

Or. en

**Amendment 225**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Recital 71 a (new)**

*Text proposed by the Commission*

*Amendment*

***(71a) With the view of breaking the link between sovereign debt and banks and ensuring the efficiency and the credibility of the Single Resolution Mechanism, especially as long as the Single Resolution Fund has not reached full funding levels, it is essential to establish a common community loan facility (fiscal backstop) for the participating Member States. Any loan from that loan facility should be reimbursed by the Single Resolution Fund within an agreed timeframe.***

Or. en

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

**Proposal for a regulation**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

Those uniform rules and procedure shall be applied by **the Commission together with** a Board **and** the resolution authorities of the participating Member States within the framework of a single resolution mechanism established by this Regulation. The single resolution mechanism shall be supported by a single bank resolution fund (hereinafter called the Fund).

*Amendment*

Those uniform rules and procedure shall be applied by a Board, the resolution authorities of the participating Member States **and the Commission in the context of State aid rules** within the framework of a single resolution mechanism established by this Regulation. The single resolution mechanism shall be supported by a single bank resolution fund (hereinafter called the Fund).

Or. en

**Amendment 227**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

Those uniform rules and procedure shall be applied by **the Commission** together with **a Board** and the resolution authorities of the participating Member States within the framework of a single resolution mechanism established by this Regulation. The single resolution mechanism shall be supported by a single bank resolution fund (hereinafter called the Fund).

*Amendment*

Those uniform rules and procedure shall be applied by **a Board** together with **the Commission** and the resolution authorities of the participating Member States within the framework of a single resolution mechanism established by this Regulation. The single resolution mechanism shall be supported by a single bank resolution fund (hereinafter called the Fund).

Or. en

**Amendment 228**  
**Sari Essayah, Anneli Jäätteenmäki**

**Proposal for a regulation**  
**Article 1 – paragraph 2**



*Text proposed by the Commission*

Those uniform rules and procedure shall be applied by the Commission together with a Board and the resolution authorities of the participating Member States within the framework of a single resolution mechanism established by this Regulation. The single resolution mechanism shall be supported by a **single** bank resolution **fund** (hereinafter called the Fund).

*Amendment*

Those uniform rules and procedure shall be applied by the Commission together with a Board and the resolution authorities of the participating Member States within the framework of a single resolution mechanism established by this Regulation. The single resolution mechanism shall be supported by a **network of national** bank resolution **funds which is centrally coordinated** (hereinafter called the Fund).

Or. en

**Amendment 229**

**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**

**Article 2 – paragraph 1 – introductory part**

*Text proposed by the Commission*

This Regulation shall apply to the following **entities**:

*Amendment*

This Regulation shall apply to the following:

Or. en

**Amendment 230**

**Wolf Klinz**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) credit institutions established in participating Member States;

*Amendment*

(a) credit institutions established in participating Member States **and subject to direct supervision carried out by the ECB in accordance with Article 4 of Council Regulation (EU) No [ ] conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit**

*institutions;*

Or. en

**Amendment 231**

**Markus Ferber**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) credit institutions established in participating Member States;

*Amendment*

(a) ***significant credit institutions according to Art. 6 Council Regulation (EU) No. /2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions established in participating Member States;***

Or. en

**Amendment 232**

**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) ***credit institutions established in participating Member States;***

*Amendment*

(a) ***entities for which the ECB has the direct responsibility for supervision, in accordance to Art. 6 of the SSM Regulation;***

Or. en

**Amendment 233**

**Burkhard Balz**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) credit institutions established in participating Member States;

(a) credit institutions established in participating Member States ***which are directly supervised by the Single Supervisory Mechanism according to Article 6(4) of Council Regulation (EU) No [ ] conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions;***

*(This amendment applies throughout the text.)*

Or. en

*Justification*

*It has to be differentiated between the supervision and resolution of credit institutions on the European and national level. Credit institutions which are directly supervised at the European level within the framework of the SSM have to be subject to a resolution mechanism at the European level. Thus, the single resolution mechanism shall cover all credit institutions which are systemically relevant and carry out cross-border operations falling under the direct supervision of the ECB. Credit institutions which are supervised on the national level should also be resolved at the national level.*

**Amendment 234**

**Leonardo Domenici, Peter Simon, Udo Bullmann, Gianni Pittella**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) credit institutions ***established in participating Member States;***

(a) credit institutions ***directly supervised by the European Central Bank in accordance with Article 6 paragraph 4 of Council Regulation (EU) No [ ] conferring specific tasks on the ECB concerning policies relating to the prudential supervision of credit institutions;***

Or. en

**Amendment 235**  
**Herbert Dorfmann**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) credit institutions established in participating Member States;

*Amendment*

(a) credit institutions established in participating Member States, ***respecting the principles of subsidiarity and proportionality***;

Or. en

**Amendment 236**  
**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

***(b) parent undertakings established in one of the participating Member States, including financial holding companies and mixed financial holding companies when subject to consolidated supervision carried out by the ECB in accordance with Article 4(1)(i) of Council Regulation (EU)No[ ] conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions;***

*Amendment*

***deleted***

Or. en

**Amendment 237**  
**Werner Langen**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***unless they are classified as less important pursuant to Article 6(4) of the Council Regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (SSM).***

Or. de

**Amendment 238**  
**Sharon Bowles**

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

*Text proposed by the Commission*

*Amendment*

***No action or policy under this Regulation shall discriminate either directly or indirectly against any Member State or group of Member States as a venue for the provision of banking or any other service in any currency.***

Or. en

**Amendment 239**  
**Peter Simon**

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

*Text proposed by the Commission*

*Amendment*

***Development banks shall be excluded from the scope of this Regulation.***

Or. de

**Amendment 240**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 2a**

***The Single Resolution Board may, on its own initiative, address its instructions in line with this Regulation to any credit institution in participating Member States where it considers its failure may result in a serious disturbance to financial stability.***

Or. en

**Amendment 241**  
**Leonardo Domenici, Gianni Pittella**

**Proposal for a regulation**  
**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 2a**

***Cooperation within the SRM***

***1. The Commission, the Board and national resolution authorities shall carry out their tasks within a single resolution mechanism in accordance with their fields of competence under the rules of BRRD and this Regulation.***

***2. The Commission, the Board and national resolution authorities shall be subject to a duty of cooperation in good faith, an obligation to exchange information and converge to consistent resolution practices.***

***3. The Commission shall exercise oversight over the functioning of the mechanism based on the responsibilities***

*and procedure set out in this Regulation.*

Or. en

**Amendment 242**  
**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**  
**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 2a**

**1. The Commission, the Board and national resolution authorities shall carry out their tasks within a single resolution mechanism in accordance with their fields of competence under the rules of BRRD and this Regulation.**

**2. The Commission, the Board and national resolution authorities shall be subject to a duty of cooperation in good faith, an obligation to exchange information and converge to consistent resolution practices.**

**3. The Commission shall exercise oversight over the functioning of the mechanism based on the responsibilities and procedure set out in this Regulation.**

Or. en

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

**Proposal for a regulation**  
**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

For the purposes of this Regulation, the definitions laid down in Article 2 of Directive [ ] **and** Article 3 of Directive 2013/36/EU of 26 June 2013 of the

For the purposes of this Regulation, the definitions laid down in Article 2 of Directive [ ], Article 3 of Directive 2013/36/EU of 26 June 2013 of the

European Parliament and of the Council<sup>19</sup> shall apply. In addition, the following definitions shall apply:

European Parliament and of the Council<sup>19</sup>, **and Article 4(1) of Regulation (EU) No 575/2013** shall apply. In addition, the following definitions shall apply:

Or. en

*Justification*

*This paragraph stipulates that definitions from BRRD, CRD4 and CRR apply, alongside the additional definitions provided in this Article. Replicating definitions throughout this Article is therefore unnecessary inconsistent with this paragraph.*

**Amendment 244**

**Corien Wortmann-Kool**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1a) 'ECB' means the Supervisory Board of the European Central Bank as established by Council Regulation (EU) No [ ];**

Or. en

**Amendment 245**

**Slawomir Nitras**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

(2) 'national resolution authority' means an authority designated by a Member State in accordance with Article 3 of Directive [ ];

(2) 'national resolution authority' means an authority designated by a **participating** Member State in accordance with Article 3 of Directive [ ];

Or. en



*Justification*

*The definition of “national resolution authority” should be limited to an authority designated by a participating Member State, which would be also consistent with the approach applied in the SSM Regulation.*

**Amendment 246**

**Sharon Bowles**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) 'the Board' means the resolution Board of the Single Resolution Mechanism as defined in Articles 38 and 39 of this Regulation***

Or. en

**Amendment 247**

**Sharon Bowles**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 6**

*Text proposed by the Commission*

*Amendment*

***(6) ‘group level resolution authority’ means the national resolution authority of the participating Member State in which the institution, or parent undertaking subject to consolidated supervision, is established;***

***deleted***

Or. en

**Amendment 248**

**Sharon Bowles**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 7**

*Text proposed by the Commission*

*Amendment*

**(7) ‘credit institution’ means credit institution as defined in point (1) of Article 4(1) of Regulation (EU) No 575/2013<sup>20</sup> ;** *deleted*

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<sup>20</sup> *Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012, OJ L 176, 27.6.2013, p.1.*

Or. en

**Amendment 249**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 8**

*Text proposed by the Commission*

*Amendment*

**(8) ‘investment firm’ means an investment firm as defined in point (2) of Article 4(1) of Regulation (EU) No 575/2013 that are subject to the initial capital requirement specified in Article 9 of that Regulation;** *deleted*

Or. en

**Amendment 250**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 9**

*Text proposed by the Commission*

*Amendment*

**(9) ‘financial institution’ means a financial institution as defined in point** *deleted*

*(26) of Article 4(1) of Regulation (EU) No 575/2013;*

Or. en

**Amendment 251**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 10**

*Text proposed by the Commission*

*Amendment*

*(10) ‘parent undertaking’ means a parent undertaking as defined in point (15) of Article 4(1) of Regulation (EU) No 575/2013, including an institution, a financial holding company or a mixed financial holding company;* *deleted*

Or. en

**Amendment 252**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 11**

*Text proposed by the Commission*

*Amendment*

*(11) ‘institution under resolution’ means an entity referred to in Article 2 in respect of which a resolution action is taken;* *deleted*

Or. en

**Amendment 253**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 12**

*Text proposed by the Commission*

*Amendment*

**(12) ‘institution’ means a credit institution, or an investment firm covered by consolidated supervision in accordance with point (c) of Article 2;**

*deleted*

Or. en

**Amendment 254  
Sharon Bowles**

**Proposal for a regulation  
Article 3 – paragraph 1 – point 13**

*Text proposed by the Commission*

*Amendment*

**(13) ‘group’ means a parent undertaking and its subsidiaries, which are entities as referred to in Article 2;**

*deleted*

Or. en

**Amendment 255  
Sharon Bowles**

**Proposal for a regulation  
Article 3 – paragraph 1 – point 14**

*Text proposed by the Commission*

*Amendment*

**(14) ‘subsidiaries’ means subsidiary as defined in point (16) of Article 4(1) of Regulation (EU) No 575/2013;**

*deleted*

Or. en

**Amendment 256  
Sharon Bowles**

**Proposal for a regulation  
Article 3 – paragraph 1 – point 15**

*Text proposed by the Commission*

*Amendment*

**(15) ‘sale of business tool’ means the transfer of instruments of ownership, or assets, rights or liabilities, of an institution that meets the conditions for resolution to a purchaser that is not a bridge institution;**

*deleted*

Or. en

**Amendment 257**

**Sharon Bowles**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 16**

*Text proposed by the Commission*

*Amendment*

**(16) ‘bridge institution tool’ means the transfer of the assets, rights or liabilities of an institution that meets the conditions for resolution to a bridge institution;**

*deleted*

Or. en

**Amendment 258**

**Sharon Bowles**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 17**

*Text proposed by the Commission*

*Amendment*

**(17) ‘asset separation tool’ means the transfer of assets and rights of an institution that meets the conditions for resolution to an asset management vehicle;**

*deleted*

Or. en

**Amendment 259**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 18**

*Text proposed by the Commission*

***(18) ‘bail-in tool’ means the write-down and conversion powers of liabilities of an institution that meets the conditions for resolution;***

*Amendment*

***deleted***

Or. en

**Amendment 260**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 19 a (new)**

*Text proposed by the Commission*

***(19a) The Commission and the Board and the resolution authorities and competent authorities of Member States that are not participating Member States shall conclude a memorandum of understanding describing in general terms how they will cooperate with one another in the performance of their tasks under the [BRRD]. The memorandum of understanding shall, inter alia, clarify the consultation relating to decisions of the Commission and the Board having effect on subsidiaries or branches established in the non-participating Member State whose parent undertaking is established in a participating Member State. The memorandum shall be reviewed on a regular basis.***

*Amendment*

Or. en

**Amendment 261**

**Thomas Händel**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 20 a (new)**

*Text proposed by the Commission*

*Amendment*

***(20a) 'critical size' means the size or interconnectedness of an entity referred to in Article 2 which has reached a level that is in times of crisis beyond the possibility of orderly resolution as any resolution action or orderly insolvency would lead to significant economic disruptions and therefore public bail-out and the socialisation of losses would become unavoidable.***

Or. en

**Amendment 262**

**Wolf Klinz**

**Proposal for a regulation**

**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Where, by virtue of this Regulation, ***the Commission or*** the Board exercises tasks or powers, which, according to Directive [ ] are to be exercised by the national resolution authority of a participating Member State, the Board shall, for the application of this Regulation and Directive [ ], be considered to be ***the*** relevant national resolution authority or, in case of cross-border group resolution, the relevant group national resolution ***authority***.

1. Where, by virtue of this Regulation, the Board exercises tasks or powers, which, according to Directive [ ] are to be exercised by the national resolution authority of a participating Member State, the Board shall, for the application of this Regulation and Directive [ ], be considered to be ***a coordinator for the*** relevant national resolution authority or, in case of cross-border group resolution, the relevant group national resolution ***authorities***.

Or. en

## Amendment 263

Sharon Bowles

### Proposal for a regulation

#### Article 5 – paragraph 1

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

1. Where, by virtue of this Regulation, the **Commission or the** Board exercises tasks or powers, which, according to Directive [ ] are to be exercised by the national resolution authority of a participating Member State, the Board shall, for the application of this Regulation and Directive [ ], be considered to be the relevant national resolution authority or, in case of cross-border group resolution, the relevant group national resolution authority.

##### *Amendment*

1. Where, by virtue of this Regulation, the Board exercises tasks or powers, which, according to Directive [ ] are to be exercised by the national resolution authority of a participating Member State, the Board shall, for the application of this Regulation and Directive [ ], be considered to be the relevant national resolution authority or, in case of cross-border group resolution, the relevant group national resolution authority.

Or. en

## Amendment 264

Olle Schmidt

### Proposal for a regulation

#### Article 5 – paragraph 1

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

1. Where, by virtue of this Regulation, **the Commission** or the Board exercises tasks or powers, which, according to Directive [ ] are to be exercised by the national resolution authority of a participating Member State, the Board shall, for the application of this Regulation and Directive [ ], be considered to be the relevant national resolution authority or, in case of cross-border group resolution, the relevant group national resolution authority.

##### *Amendment*

1. Where, by virtue of this Regulation, or the Board exercises tasks or powers, which, according to Directive [ ] are to be exercised by the national resolution authority of a participating Member State, the Board shall, for the application of this Regulation and Directive [ ], be considered to be the relevant national resolution authority or, in case of cross-border group resolution, the relevant group national resolution authority.

Or. en



**Amendment 265**  
**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. Where, by virtue of this Regulation, the Commission or the Board exercises tasks or powers, which, according to Directive [ ] are to be exercised by the national resolution authority of a participating Member State, the Board shall, for the application of this Regulation and Directive [ ], be considered to be the relevant national resolution authority or, in case of cross-border group resolution, the relevant group national resolution authority.

*Amendment*

1. ***Without prejudice to Article 2*** of this Regulation, where, by virtue of this Regulation, the Commission or the Board exercises tasks or powers, which, according to Directive [ ] are to be exercised by the national resolution authority of a participating Member State, the Board shall, for the application of this Regulation and Directive [ ], be considered to be the relevant national resolution authority or, in case of cross-border group resolution, the relevant group national resolution authority.

Or. en

**Amendment 266**  
**Leonardo Domenici, Gianni Pittella**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. ***Where, by virtue*** of this Regulation, the Commission or the Board exercises tasks or powers, which, according to Directive [ ] are to be exercised by the national resolution authority of a participating Member State, the Board shall, for the application of this Regulation and Directive [ ], be considered to be the relevant national resolution authority or, in case of cross-border group resolution, the relevant group national resolution authority.

*Amendment*

1. ***Without prejudice to Article 2*** of this Regulation, the Commission or the Board exercises tasks or powers, which, according to Directive [ ] are to be exercised by the national resolution authority of a participating Member State, the Board shall, for the application of this Regulation and Directive [ ], be considered to be the relevant national resolution authority or, in case of cross-border group resolution, the relevant group national resolution authority.

Or. en

**Amendment 267**

**Markus Ferber**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

**2. The Board, when acting as national resolution authority, shall act, where relevant, under authorisation of the Commission.**

*Amendment*

**deleted**

Or. en

**Amendment 268**

**Werner Langen**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

**2. The Board, when acting as national resolution authority, shall act, where relevant, under authorisation of the Commission.**

*Amendment*

**2. The Board shall act in accordance with the powers granted to it under this Regulation.**

Or. de

**Amendment 269**

**Sharon Bowles**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

**2. The Board, when acting as national resolution authority, shall act, where relevant, under authorisation of the Commission.**

*Amendment*

**2. The Board shall act on the basis of, and in conformity with, the Bank Recovery and Resolution Directive [ ]. Non-participating Member States or entities therein shall not be discriminated against or be worse off as a result of actions taken**

*under this Regulation than if they had been conducted entirely under the Bank Recovery and Resolution Directive [ ]*.

Or. en

**Amendment 270**

**Olle Schmidt**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. The Board, when acting as national resolution authority, shall act, where relevant, ***under authorisation of*** the Commission.

*Amendment*

2. The Board, when acting as national resolution authority, shall act, where relevant, ***in consultation with*** the Commission.

Or. en

**Amendment 271**

**Wolf Klinz**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. The Board, when acting as national resolution authority, shall act, where relevant, under authorisation of the ***Commission***.

*Amendment*

2. The Board, when acting as national resolution authority, shall act, where relevant, under authorisation of the ***national resolution authorities***.

Or. en

**Amendment 272**

**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**

**Article 5 – paragraph 3**

*Text proposed by the Commission*

3. Subject to the provisions of this Regulation, the national resolution authorities of the participating Member State shall act on the basis of and in conformity with the relevant provisions of national law, as harmonized by Directive [ ].

*Amendment*

3. Subject to the provisions of this Regulation ***as referred to in Art. 2***, the national resolution authorities of the participating Member State shall act on the basis of and in conformity with the relevant provisions of national law, as harmonized by Directive [ ].

Or. en

**Amendment 273**

**Leonardo Domenici, Peter Simon, Udo Bullmann, Gianni Pittella**

**Proposal for a regulation**

**Article 5 – paragraph 3**

*Text proposed by the Commission*

3. Subject to the provisions of this Regulation, the national resolution authorities of the participating Member State shall act on the basis of and in conformity with the relevant provisions of national law, as harmonized by Directive [ ].

*Amendment*

3. Subject to the provisions of this Regulation, ***as referred to in Art. 2***, the national resolution authorities of the participating Member State shall act on the basis of and in conformity with the relevant provisions of national law, as harmonized by Directive [ ].

Or. en

**Amendment 274**

**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**

**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. National resolution authority shall inform the Commission and the Board on measures taken or the measures it intends to take pursuant paragraph 3 of this article.***

**Amendment 275**  
**Leonardo Domenici, Gianni Pittella**

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

*Text proposed by the Commission*

*Amendment*

***3a. National resolution authority shall inform the Commission and the Board on measures taken or the measures it intends to take pursuant paragraph 3 of this article.***

Or. en

**Amendment 276**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 5a***

***Consistency with the [BRRD]***

***Subject to the provisions of this Regulation, in performing their respective tasks under this Regulation, the Commission and the Board shall:***

***(a) act in conformity with the requirements of the [BRRD] and any delegated acts adopted in accordance with that Directive;***

***(b) act in conformity with any decisions of the EBA in accordance with Article 19(3) of Regulation (EU) No 1093/2010 under the relevant provisions of the [BRRD] where the Commission or the Board (as the case may be) is party to the mediation; and***

*(c) be subject to any guidelines and recommendations adopted by the EBA on the basis of Article 16 of Regulation (EU) No 1093/2010 and in accordance with the relevant provisions of the [BRRD].*

Or. en

**Amendment 277**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. No action, proposal or policy of the Board, **the Commission** or a national resolution authority shall discriminate against entities referred to in Article 2, deposit holders, investors or other creditors established in the Union on grounds of their nationality or place of business.

*Amendment*

1. No action, proposal or policy of the Board or a national resolution authority shall discriminate against entities referred to in Article 2, deposit holders, investors or other creditors established in the Union on grounds of their nationality or place of business.

Or. en

**Amendment 278**  
**Ildikó Gáll-Pelcz, Theodor Dumitru Stolojan**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. No action, proposal or policy of the Board, the Commission or a national resolution authority shall discriminate against **entities referred to in Article 2**, deposit holders, investors or other creditors established in the Union on grounds of their nationality or place of business.

*Amendment*

1. No action, proposal or policy of the Board, the Commission or a national resolution authority shall discriminate against **credit institutions**, deposit holders, investors or other creditors established in the Union on grounds of their nationality or place of business.

Or. en

## *Justification*

*Concerning the ‘general principles’ article, we should keep in mind that the Commission is responsible for the Internal Market as well, thus the principle of non-discrimination should be applied irrespective of the place of establishment of the credit institution, regardless whether it is in a participating or in a non-participating Member State . The clarification thus brings in line the treatment of credit institutions with the non-discrimination of deposit holders, investors and other creditors.*

### **Amendment 279**

**Vicky Ford, Danuta Maria Hübner**

#### **Proposal for a regulation**

##### **Article 6 – paragraph 1**

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

1. No action, proposal or policy of the Board, the Commission or a national resolution authority shall discriminate against entities referred to in Article 2, deposit holders, investors or other creditors established in the Union on grounds of their nationality or place of business.

###### *Amendment*

1. No action, proposal or policy of the Board, the Commission or a national resolution authority shall discriminate against entities referred to in Article 2 ***or entities established in non-participating Member States***, deposit holders, investors or other creditors established in the Union on grounds of their nationality or place of business.

Or. en

### **Amendment 280**

**Sari Essayah**

#### **Proposal for a regulation**

##### **Article 6 – paragraph 1**

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

1. No action, proposal or policy of the Board, the Commission or a national resolution authority shall discriminate against entities referred to in Article 2, deposit holders, investors or other creditors established in the Union on grounds of their nationality or place of business.

###### *Amendment*

1. No action, proposal or policy of the Board, the Commission, ***the Council*** or a national resolution authority shall discriminate against entities referred to in Article 2, deposit holders, investors or other creditors established in the Union on grounds of their nationality or place of business.

**Amendment 281**

**Sharon Bowles**

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. No action, proposal or policy of the Board, the Commission or a national resolution authority shall discriminate against entities referred to in Article 2, deposit holders, investors or other creditors established in the Union on grounds of their nationality or place of business.

*Amendment*

1. No action, proposal or policy of the Board, the Commission or a national resolution authority shall discriminate against entities referred to in Article 2, deposit holders, investors or other creditors established in the Union on grounds of their nationality, **currency** or place of business.

Or. en

**Amendment 282**

**Olle Schmidt**

**Proposal for a regulation**

**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The following general principles shall apply to the Board. The Board shall:***

- (a) act independently;***
- (b) maintain a clear separation between supervisory competences and resolution;***
- (c) have the necessary expertise on bank restructuring and insolvency;***
- (d) be able to deal with large banking groups;***
- (e) be able to act swiftly and impartially;***
- (f) ensure appropriate account is taken of national financial stability, financial stability of the European Union and the***



*internal market; and*  
*(g) be accountable to the European Parliament and the Council.*

Or. en

**Amendment 283**  
**Slawomir Nitras**

**Proposal for a regulation**  
**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Every action, proposal or policy of the Board, the Commission or a national resolution authority in the framework of the Single Resolution Mechanism shall be undertaken with a view to promoting the stability of the financial system within the EU and within each participating Member State in the EU with full regard and duty of care for the unity and integrity of the internal market, so as to avoid a disproportionate increase in the costs to the participating Member State, to the extent that they would be greater than in the case when institution had been resolved outside the framework of Single Resolution Mechanism.*

Or. en

*Justification*

*There should be a “no country worse-off” general principle and a general non-discrimination clause (protecting all Member States) included in the text, as it is the case in the Art. 1 of the SSM Regulation.*

**Amendment 284**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. When making decisions or taking action, which may have an impact in more than one participating Member State, and in particular when taking decisions concerning groups established in two or more participating Member States, the **Commission** shall give due consideration to all of the following factors:

*Amendment*

2. When making decisions or taking action, which may have an impact in more than one participating Member State **or on a non-participating Member State**, and in particular when taking decisions concerning groups established in two or more participating Member States, the **Board** shall give due consideration to all of the following factors:

Or. en

**Amendment 285**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. When making decisions or taking action, which may have an impact in more than one participating Member State, and in particular when taking decisions concerning groups established in two or more participating Member States, the **Commission** shall give due consideration to all of the following factors:

*Amendment*

2. When making decisions or taking action, which may have an impact in more than one participating Member State, and in particular when taking decisions concerning groups established in two or more participating Member States, the **Board** shall give due consideration to all of the following factors:

Or. en

**Amendment 286**  
**Slawomir Nitras**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. When making decisions or taking action, which may have an impact in more than one participating Member State, and in

*Amendment*

2. When making decisions or taking action, which may have an impact in more than one participating Member State, and in

particular when taking decisions concerning groups established in two or more participating Member States, the Commission shall give due consideration to all of the following factors:

particular when taking decisions concerning groups established in two or more participating **and non-participating** Member States, **the Board and** the Commission shall give due consideration to all of the following factors:

Or. en

#### *Justification*

*This paragraph should refer to the Resolution Board as well and should apply also in cases where decisions or action will have an impact in more than one Member State, including non-participating Member State. It should be borne in mind that resolution actions undertaken in the framework of the SRM may have wide impact on the banking systems and financial markets in all Member States.*

#### **Amendment 287**

**Vicky Ford**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 2 – introductory part**

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

2. When making decisions or taking action, which may have an impact in more than one **participating** Member State, and in particular when taking decisions concerning groups established in two or more **participating** Member States, the Commission shall give due consideration to all of the following factors:

##### *Amendment*

2. When making decisions or taking action, which may have an impact in more than one Member State, and in particular when taking decisions concerning groups established in two or more Member States, the Commission **and the Board** shall give due consideration to all of the following factors:

Or. en

#### **Amendment 288**

**Diogo Feio**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. When making decisions or taking action, which may have an impact in more than one participating Member State, and in particular when taking decisions concerning groups established in two or more participating Member States, the Commission shall give due consideration to all of the following factors:

*Amendment*

2. When making decisions or taking action, which may have an impact in more than one participating Member State, and in particular when taking decisions concerning groups established in two or more participating Member States, the Commission **and the Board** shall give due consideration to all of the following factors:

Or. en

**Amendment 289**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the interests of the **participating** Member States where a group operates and in particular the impact of any decision or action or inaction on the financial stability, the economy, the deposit guarantee scheme or the investor compensation scheme of any of those Member States;

*Amendment*

(a) the interests of the Member States where a group operates and in particular the impact of any decision or action or inaction on the financial stability, the economy, the deposit guarantee scheme or the investor compensation scheme of any of those Member States;

Or. en

**Amendment 290**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the interests of the **participating** Member States where a group operates and in particular the impact of any decision or action or inaction on the financial stability,

*Amendment*

(a) the interests of the Member States where a group operates and in particular the impact of any decision or action or inaction on the financial stability, the

the economy, the deposit guarantee scheme or the investor compensation scheme of any of those Member States;

economy, the deposit guarantee scheme or the investor compensation scheme of any of those Member States;

Or. en

**Amendment 291**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the interests of the participating Member States where a group operates and in particular the impact of any decision or action or inaction on the financial stability, the economy, the deposit guarantee scheme or the investor compensation scheme of any of those Member States;

*Amendment*

(a) the interests of the participating Member States where a group operates and in particular the impact of any decision or action or inaction on the financial stability, the economy, ***including the level of employment***, the deposit guarantee scheme or the investor compensation scheme of any of those Member States;

Or. en

**Amendment 292**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the objective of balancing the interests of the various Member States involved and avoiding unfairly prejudicing or unfairly protecting the interests of a ***participating*** Member State;

*Amendment*

(b) the objective of balancing the interests of the various Member States involved and avoiding unfairly prejudicing or unfairly protecting the interests of a ***Member State or unfairly prejudicing the interests of a non-participating*** Member State;

Or. en

**Amendment 293**  
**Ildikó Gáll-Pelcz, Theodor Dumitru Stolojan**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the need to avoid a negative impact for other parts of a group of which ***an entity referred to in Article 2***, which is subject to a resolution, is a member;

*Amendment*

(c) the need to avoid a negative impact for other parts of a group of which ***a credit institution***, which is subject to a resolution, is a member;

Or. en

*Justification*

*The issue and the justification is the same as for Article 6.1, however note as well that this should be point (d) according to the correct numbering.*

**Amendment 294**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the interest of the group as a whole in full respect of its business model;***

Or. en

**Amendment 295**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) the need to avoid a disproportionate increase in the costs imposed on the creditors ***of these entities referred to in Article 2***, to the extent that it would be

*Amendment*

(d) the need to avoid a disproportionate increase in the costs imposed on the creditors, to the extent that it would be greater than the one that they will have

greater than the one that they will have incurred had they been resolved through normal insolvency proceedings;

incurred had they been resolved through normal insolvency proceedings;

Or. en

**Amendment 296**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*When exercising the resolution powers in accordance with the provisions of Directive [BRRD ], it shall be ensured that any losses, costs or other expenses are first borne by shareholders and the creditors of the institution under resolution, before the Fund is used to support the efficient implementation of the resolution tools and powers;*

Or. en

**Amendment 297**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) the decisions to be taken under Article 107 of the TFEU and referred to in Article 16(10).*

*deleted*

Or. en

**Amendment 298**  
**Ildikó Gáll-Pelcz, Theodor Dumitru Stolojan, Danuta Maria Hübner**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point e (a) (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) the interest of the internal market as a whole***

Or. en

*Justification*

*Similar clarification as Article 6.1 to strengthen the commitment of the Commission in line with the Treaty.*

**Amendment 299**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) Whether a participating Member State is a member of the single currency or not and whether a differentiated approach might be necessary in certain circumstances as a result of this.***

Or. en

**Amendment 300**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The **Commission** shall balance the factors referred to in paragraph 2 with the resolution objectives referred to in Article 12 as appropriate to the nature and circumstances of each case.

3. The **Board** shall balance the factors referred to in paragraph 2 with the resolution objectives referred to in Article 12 as appropriate to the nature and circumstances of each case ***but at all times without favour, preference or prejudice***



*between Member States, location or currency.*

Or. en

**Amendment 301**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

3. The **Commission** shall balance the factors referred to in paragraph 2 with the resolution objectives referred to in Article 12 as appropriate to the nature and circumstances of each case.

*Amendment*

3. The **Board** shall balance the factors referred to in paragraph 2 with the resolution objectives referred to in Article 12 as appropriate to the nature and circumstances of each case.

Or. en

**Amendment 302**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall balance the factors referred to in paragraph 2 with the resolution objectives referred to in Article 12 as appropriate to the nature and circumstances of each case.

*Amendment*

3. The Commission **and the Board** shall balance the factors referred to in paragraph 2 with the resolution objectives referred to in Article 12 as appropriate to the nature and circumstances of each case.

Or. en

**Amendment 303**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall balance the factors referred to in paragraph 2 with the resolution objectives referred to in Article 12 as appropriate to the nature and circumstances of each case.

*Amendment*

3. The Commission **and the Board** shall balance the factors referred to in paragraph 2 with the resolution objectives referred to in Article 12 as appropriate to the nature and circumstances of each case.

Or. en

**Amendment 304**  
**Sari Essayah**

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall balance the factors referred to in paragraph 2 with the resolution objectives referred to in Article 12 as appropriate to the nature and circumstances of each case.

*Amendment*

3. **The Board and** the Commission shall balance the factors referred to in paragraph 2 with the resolution objectives referred to in Article 12 as appropriate to the nature and circumstances of each case.

Or. en

**Amendment 305**  
**Marianne Thyssen**

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. No decision of the Board or the Commission shall require Member States to provide extraordinary public financial support.

*Amendment*

4. No decision of the Board or the Commission shall require Member States to provide extraordinary public financial support ***unless approved by a Member State in accordance with its national budgetary procedures. Member States shall establish a procedure for deciding on approval within five days of approval being requested by the Board or the Commission. Where a Member State has***

*not agreed to provision of this support, it shall, within the same period, submit a proposal for the winding up of the entity and, where applicable, the group, at minimal cost. Where the Board takes the view that the alternative proposal submitted is not in accordance with this Regulation, national insolvency law shall apply.*

Or. nl

**Amendment 306**  
**Ildikó Gáll-Pelcz, Theodor Dumitru Stolojan**

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. No decision of the Board or the Commission shall require Member States to provide *extraordinary* public financial support.

*Amendment*

4. No decision of the Board or the Commission shall require Member States to provide public financial support, *unless a Member State has, according to its national budgetary procedures, approved the provision of the support. Member shall have a procedure in place which leads to a decision on the approval within [2 days] after the Board or the Commission has requested the approval.*

Or. en

*Justification*

*To have a legally sound text, the legislation has to respect the budgetary independence of the Member States and their budgetary procedures. The amendment balances this legal and democratic need with the issue of the short timeframe in the situation of a resolution.*

**Amendment 307**  
**Jean-Paul Gauzès**

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. No decision of the Board or the Commission shall require Member States to provide extraordinary public financial support.

*Amendment*

4. No decision of the Board or the Commission shall require Member States to provide extraordinary public financial support, ***unless, pending the establishment of a European public backstop, a Member State has accepted the provision of extraordinary public financial support, where no other less costly alternative was available to preserve financial stability.***

Or. en

**Amendment 308**  
**Sari Essayah**

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. No decision of the Board or the Commission shall require Member States to provide ***extraordinary*** public ***financial*** support.

*Amendment*

4. No decision of the Board or the Commission shall require Member States to provide public ***funds to*** support ***the resolution action. No decision by the Council to allow for the borrowing by the Fund shall come into force before all participating Member States have informed the Secretary-General of the completion of their applicable national procedures.***

Or. en

*Justification*

*BRRD Art 2(26) definition of "'extraordinary public financial support' means State Aid (excluding the use of private financing arrangements or DGS) within the meaning of Article 107 (1) of the TFEU, that is provided in order to preserve or restore the viability, liquidity or solvency of an institution or group.*

**Amendment 309**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. No decision of the Board or the Commission shall require Member States to provide *extraordinary* public financial support.

*Amendment*

4. No decision of the Board or the Commission shall require Member States *collectively or individually* to provide public financial support *or distort loss allocation as between participating and non-participating Member States*.

Or. en

**Amendment 310**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. No decision of the Board *or the Commission* shall require Member States to provide extraordinary public financial support.

*Amendment*

4. No decision of the Board shall require Member States to provide extraordinary public financial support.

Or. en

**Amendment 311**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 6 – paragraph 4 – subparagraph 1a (new)**

*Text proposed by the Commission*

*Amendment*

*All relevant authorities shall consider the principle of proportionality when applying the Regulation. The principle of proportionality implies in particular the impact that a failure of an institution*

*could have, due to the nature of its business, its shareholding structure, its legal form, its risk profile, size and legal status, the interconnectedness to other institutions or to the financial system in general, the scope and the complexity of its activities and its membership of an Institutional Protection Scheme within the meaning of Art. 113 para. 7 Regulation (EU) Nr. 575/2013.*

Or. en

**Amendment 312**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 6 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. In order to respect the right to conduct business laid down by Article 16 of the Charter of Fundamental Rights, the Board's discretion shall be limited to what is necessary to simplify the structure and operations of the institution solely to improve its resolvability. In addition, any measure imposed for such purposes shall be consistent with Union law. Measures shall neither directly nor indirectly be discriminatory on ground of nationality, and shall be justified by the overriding reason of the public interest in financial stability. To determine whether an action was taken in the general public interest, the Board, acting in the general public interest, shall be able to achieve the resolution objectives without encountering impediments to the application of resolution tools or its ability to exercise the powers conferred on it. Furthermore, an action shall not go beyond the minimum necessary to attain the objectives.*

Or. en

**Amendment 313**  
**Slawomir Nitras**

**Proposal for a regulation**  
**Article 6 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. If any decision or resolution action taken in the framework of the SRM at any stage implies extraordinary public financial support by a Member State, the acceptance of the Member State is a precondition for applying such an action. If the Member State does not consent, national insolvency laws apply to the case.***

Or. en

**Amendment 314**  
**Vicky Ford, Danuta Maria Hübner**

**Proposal for a regulation**  
**Article 6 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. No action, proposal, decision or policy of the Commission, the Board or a national resolution authority under this Regulation shall, directly or indirectly, discriminate against any Member State or group of Member States as a venue for the provision of banking or financial services, deposit holders, investors or other creditors established in the Union on grounds of their nationality or place of business.***

Or. en

**Amendment 315**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 6 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. For the purpose of carrying out the tasks conferred on the Commission and the Board by this Regulation, the Commission and the Board shall apply all relevant Union law and, where the Union law is composed of Directives, the national legislation transposing those Directives.***

***To that effect the Commission and the Board shall take decisions subject to and in compliance with the relevant Union law and in particular any legislative and non-legislative acts, including those referred to in Article 290 and 291 TFEU. They shall in particular be subject to binding regulatory and implementing technical standards developed by EBA and adopted by the Commission in accordance with Articles 10 to 15 of Regulation (EU) No 1093/2010, to Article 16 of that Regulation and to any applicable decisions of the EBA in accordance with Article 19(3) of Regulation (EU) No 1093/2010.***

Or. en

**Amendment 316**  
**Vicky Ford, Danuta Maria Hübner**

**Proposal for a regulation**  
**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 6a***

***Performance of tasks by the Commission***

***1. When carrying out the tasks conferred on it by Article 16 of this Regulation, the Commission shall act independently and***



*strictly in accordance the objectives and principles set out in this Regulation.*

*2. The Commission shall carry out the tasks conferred on it by Article 16 of this Regulation without prejudice to and separately from its other tasks.*

*3. The Commission staff involved in supporting the Commission in the performance of the tasks conferred on it by Article 16 of this Regulation shall be organisationally separated from, and subject to, separate reporting lines from the staff involved in other tasks of the Commission.*

*4. With a view to ensuring separation between the performance of the tasks conferred on the Commission by Article 16 of this Regulation and other tasks of the Commission, the Commission shall ensure that operation of the College of Commissioners is completely differentiated as regards the performance of these and other of its tasks. Such differentiation shall include strictly separated meetings and agendas.*

*5. For the purposes of paragraphs 1 to 4 the Commission shall adopt and make public any necessary internal rules, including rules regarding professional secrecy and information exchange.*

*6. The Commissioner overseeing resolution functions shall not have any vote in the College of Commissioners on issues relating to competition policy enforcement and State aid issues.*

Or. en

**Amendment 317**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The **Board shall draw up resolution plans for the entities** referred to *in* Article 2 **and for groups**.

1. The **national resolution authority of the participating Member State in which the entity or group** referred to *under* Article 2 **is established shall draw up a resolution plan for the entity or group concerned**.

*(This amendment applies throughout the text.)*

Or. en

*Justification*

*Given the sensitivity of the information which need to be included in the resolution plans, resolution plans need to be drafted by the relevant national resolution authority. The Board shall only receive the information necessary to fulfil its tasks under this Regulation. Confidential or sensitive business information of a credit institution may not be forwarded to the Board.*

#### **Amendment 318**

**Danuta Maria Hübner, Vicky Ford**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Board shall **draw up** resolution **plans** for the entities referred to in Article 2 and for groups.

1. The Board shall **review the national resolution plans drawn up by national resolution authorities in conformity with the BRR directive** for the entities referred to in Article 2 and for groups.

Or. en

*Justification*

*As it stands, the resolution board to be constructed under the SRM proposal will have the task of drawing up resolution plans for all institutions falling under the scope of the SRM. However, under the BRR, each institution is already required to have in place adequate resolution plans. The duplication of existing plans should be avoided.*

**Amendment 319**

**Diogo Feio**

**Proposal for a regulation**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall draw up resolution plans for the entities *referred to in Article 2* and for *groups*.

*Amendment*

1. The Board shall draw up resolution plans for the entities *that are under direct supervision of the European Central Bank under the Single Supervisory Mechanism Regulation n° [ ]* and for *all cross border entities*.

Or. en

**Amendment 320**

**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall draw up resolution plans for the entities referred to in Article 2 and for groups.

*Amendment*

1. The Board shall *together with national resolution authorities* draw up resolution plans for the entities referred to in Article 2 and for groups.

Or. en

**Amendment 321**

**Corien Wortmann-Kool**

**Proposal for a regulation**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall draw up resolution plans for the entities referred to in Article 2 and for groups.

*Amendment*

1. The Board, *in its executive session*, shall draw up resolution plans for the entities referred to in Article 2 and for groups.

Or. en

**Amendment 322**  
**Diogo Feio**

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

*Text proposed by the Commission*

*Amendment*

***1a. The national resolution authorities shall draw up the resolution plans for the credit institutions that are exclusively located in their Member State and are not cross border entities.***

Or. en

**Amendment 323**  
**Diogo Feio**

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

*Text proposed by the Commission*

*Amendment*

***1b. All resolution plans shall be submitted to final approval by the Board in its executive session.***

Or. en

*Justification*

*There is a need to ensure maximum confidentiality for the resolution plans and for that we should create a mechanism where the number of people involved is limited to the essential.*

**Amendment 324**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. For the purposes of paragraph 1, the national resolution authorities shall forward to the Board all information necessary to draw up and implement the resolution plans, as obtained by them in accordance with Articles 10 and 12(1) of Directive [ ], without prejudice to Chapter 5 of this Title.**

**deleted**

Or. en

*Justification*

*See justification to amendment 7. It has to be the national resolution authority that draws up the resolution plan for the credit institution concerned.*

**Amendment 325  
Olle Schmidt**

**Proposal for a regulation  
Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. For the purposes of paragraph 1, the national resolution authorities shall forward to the Board all information necessary to draw up and implement **the** resolution plans, **as obtained by them** in accordance with Articles 10 and 12(1) of Directive [ ], without prejudice to Chapter 5 of this Title.

2. For the purposes of paragraph 1, the national resolution authorities shall forward to the Board all information necessary to draw up and implement **group** resolution plans **for institutions subject to direct supervision by the ECB, without prejudice to Chapter 5 of this Title. For other entities referred to in Article 2, national resolution authorities shall forward resolution plans drawn up** in accordance with Articles 10 and 12(1) of Directive [ ], without prejudice to Chapter 5 of this Title.

Or. en

## Amendment 326

Burkhard Balz

### Proposal for a regulation

#### Article 7 – paragraph 4

*Text proposed by the Commission*

4. The resolution plan shall provide for the resolution actions which ***the Commission and the Board may take*** where an entity referred to in Article 2 or a group meet the conditions for resolution. The resolution plan shall take into consideration a range of scenarios including that the event of failure may be idiosyncratic or may occur at a time of broader financial instability or of system wide events. The resolution plan shall not assume any extraordinary public financial support besides the use of the Fund established in accordance with this Regulation.

*Amendment*

4. The resolution plan shall provide for the resolution actions which ***need to be taken*** where an entity referred to in Article 2 or a group meet the conditions for resolution. The resolution plan shall take into consideration a range of scenarios including that the event of failure may be idiosyncratic or may occur at a time of broader financial instability or of system wide events. The resolution plan shall not assume any extraordinary public financial support besides the use of the Fund established in accordance with this Regulation.

Or. en

## Amendment 327

Diogo Feio

### Proposal for a regulation

#### Article 7 – paragraph 4

*Text proposed by the Commission*

4. The resolution plan shall provide for the resolution actions which the ***Commission and the Board*** may take where an entity referred to in ***Article 2 or a group*** meet the conditions for resolution. The resolution plan shall take into consideration a range of scenarios including that the event of failure may be idiosyncratic or may occur at a time of broader financial instability or of system wide events. The resolution plan shall not assume any extraordinary public financial support besides the use of the Fund established in accordance with this Regulation.

*Amendment*

4. The resolution plan shall provide for the resolution actions which the ***Board or the national resolutions authorities*** may take where an entity referred to in ***paragraph 1 and 1a*** meet the conditions for resolution. The resolution plan shall take into consideration a range of scenarios including that the event of failure may be idiosyncratic or may occur at a time of broader financial instability or of system wide events. The resolution plan shall not assume any extraordinary public financial support besides the use of the Fund established in accordance with this

**Amendment 328**  
**Wolf Klinz, Olle Schmidt**

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

*Text proposed by the Commission*

4. The resolution plan shall provide for the resolution actions which the **Commission and the Board** may take where an entity referred to in Article 2 or a group meet the conditions for resolution. The resolution plan shall take into consideration a range of scenarios including that the event of failure may be idiosyncratic or may occur at a time of broader financial instability or of system wide events. The resolution plan shall not assume any extraordinary public financial support **besides the use of the Fund established in accordance with this Regulation.**

*Amendment*

4. The resolution plan shall provide for the resolution actions which the **Board and national resolution authorities** may take where an entity referred to in Article 2 or a group meet the conditions for resolution. The resolution plan shall take into consideration a range of scenarios including that the event of failure may be idiosyncratic or may occur at a time of broader financial instability or of system wide events. The resolution plan shall not assume any extraordinary public financial support.

**Amendment 329**  
**Sharon Bowles**

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

*Text proposed by the Commission*

4. The resolution plan shall provide for the resolution actions which the **Commission and the Board** may take where an entity referred to in Article 2 or a group meet the conditions for resolution. The resolution plan shall take into consideration a range of scenarios including that the event of failure may be idiosyncratic or may occur at a

*Amendment*

4. The resolution plan shall provide for the resolution actions which the Board may take where an entity referred to in Article 2 or a group meet the conditions for resolution. The resolution plan shall take into consideration a range of scenarios including that the event of failure may be idiosyncratic or may occur at a time of

time of broader financial instability or of system wide events. The resolution plan shall not assume any extraordinary public financial support *besides the use of* the Fund *established in accordance with this Regulation*.

broader financial instability or of system wide events. The resolution plan shall not assume any extraordinary public financial support *or reliance on* the Fund.

Or. en

**Amendment 330**  
**Thomas Händel**

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

*Text proposed by the Commission*

4. The resolution plan shall provide for the resolution actions which the Commission and the Board may take where an entity referred to in Article 2 or a group meet the conditions for resolution. The resolution plan shall take into consideration a range of scenarios including that the event of failure may be idiosyncratic or may occur at a time of broader financial instability or of system wide events. The resolution plan shall not assume any extraordinary public financial support besides the use of the Fund established in accordance with this Regulation.

*Amendment*

4. The resolution plan shall provide for the resolution actions which the Commission and the Board may take where an entity referred to in Article 2 or a group meet the conditions for resolution. The resolution plan shall take into consideration a range of scenarios including that the event of failure may be idiosyncratic or may occur at a time of broader financial instability or of system wide events. The resolution plan shall not assume any extraordinary public financial support besides the use of the Fund established in accordance with this Regulation. *Where this cannot be guaranteed because an entity has reached or is likely to reach a critical size, the board shall ensure that the entity adapts its business strategy accordingly so that in case of failure or crisis orderly resolution can be achieved.*

Or. en

**Amendment 331**  
**Wolf Klinz, Olle Schmidt**

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



*Text proposed by the Commission*

*Amendment*

**4a. The resolution plan for each entity shall include all items set out in Chapter 2 of the Directive (BRRD).**

Or. en

**Amendment 332**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – introductory part**

*Text proposed by the Commission*

*Amendment*

5. The resolution plan for each entity shall **include** all of the **following**:

5. The resolution plan for each entity shall **be prepared in accordance with, and contain** all of the **elements specified within Article 11 of Directive [.../...BRRD]**.

Or. en

**Amendment 333**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) a summary of the key elements of the plan;**

**deleted**

Or. en

**Amendment 334**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) a summary of the material changes to the institution that have occurred after the latest resolution information was filed;*** *deleted*

Or. en

**Amendment 335**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) a demonstration of how critical functions and core business lines could be legally and economically separated, to the extent necessary, from other functions so as to ensure continuity upon the failure of the institution;*** *deleted*

Or. en

**Amendment 336**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point d**

*Text proposed by the Commission*

*Amendment*

***(d) an estimation of the timeframe for executing each material aspect of the plan;*** *deleted*

Or. en

**Amendment 337**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point e**

*Text proposed by the Commission*

*Amendment*

***(e) a detailed description of the assessment of resolvability carried out in accordance with Article 8;***

***deleted***

Or. en

**Amendment 338**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point f**

*Text proposed by the Commission*

*Amendment*

***(f) a description of any measures required pursuant to Article 8(5) to address or remove impediments to resolvability identified as a result of the assessment carried out in accordance with Article 8;***

***deleted***

Or. en

**Amendment 339**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point g**

*Text proposed by the Commission*

*Amendment*

***(g) a description of the processes for determining the value and marketability of the critical functions, core business lines and assets of the institution;***

***deleted***

Or. en

**Amendment 340**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point h**

*Text proposed by the Commission*

*Amendment*

***(h) a detailed description of the arrangements for ensuring that the information required pursuant to Article 8 is up to date and at the disposal of the resolution authorities at all times;***

***deleted***

Or. en

**Amendment 341**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point i**

*Text proposed by the Commission*

*Amendment*

***(i) an explanation by the resolution authority as to how the resolution options could be financed without the assumption of any extraordinary public financial support;***

***deleted***

Or. en

**Amendment 342**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point i**

*Text proposed by the Commission*

*Amendment*

**(i) an explanation by the resolution authority as to how the resolution options could be financed without the assumption of any extraordinary public financial support;**

**(i) an explanation by the resolution authority as to how the resolution options could be financed without the assumption of any extraordinary public financial support *or reliance on the Fund;***

**Amendment 343**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point j**

*Text proposed by the Commission*

*Amendment*

*(j) a detailed description of the different resolution strategies that could be applied according to the different possible scenarios;* *deleted*

Or. en

**Amendment 344**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point k**

*Text proposed by the Commission*

*Amendment*

*(k) a description of critical interdependencies;* *deleted*

Or. en

**Amendment 345**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point l**

*Text proposed by the Commission*

*Amendment*

*(l) an analysis of the impact of the plan on other institutions within the group;* *deleted*

Or. en

**Amendment 346**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point m**

*Text proposed by the Commission*

*Amendment*

***(m) a description of options for preserving access to payments and clearing services and other infrastructures;*** ***deleted***

Or. en

**Amendment 347**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point n**

*Text proposed by the Commission*

*Amendment*

***(n) a plan for communicating with the media and the public;*** ***deleted***

Or. en

**Amendment 348**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point o**

*Text proposed by the Commission*

*Amendment*

***(o) the minimum requirement for own funds and eligible liabilities required pursuant to Article 10 and a deadline to reach that level, where applicable;*** ***deleted***

Or. en

**Amendment 349**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point p**

*Text proposed by the Commission*

*Amendment*

*(p) where applicable, the minimum requirement for own funds and contractual bail-in instruments pursuant to Article 10, and a deadline to reach that level, where applicable;*

*deleted*

Or. en

**Amendment 350**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point q**

*Text proposed by the Commission*

*Amendment*

*(q) a description of essential operations and systems for maintaining the continuous functioning of the institution's operational processes;*

*deleted*

Or. en

**Amendment 351**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 7 – paragraph 5 – point r**

*Text proposed by the Commission*

*Amendment*

*(r) a description of the impact on employees of implementing the plan, including an assessment of any associated costs.*

*deleted*

Or. en

**Amendment 352**

**Olle Ludvigsson**

**Proposal for a regulation**

**Article 7 – paragraph 5 – point r a (new)**

*Text proposed by the Commission*

*Amendment*

*(ra) a description of the procedures to be used for informing and consulting with employees or their representatives in the process of carrying out the plan.*

Or. en

**Amendment 353**

**Slawomir Nitras**

**Proposal for a regulation**

**Article 7 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. Group resolution plans shall include a plan for the resolution of the group as a whole ***and shall identify measures for the resolution of the parent undertakings and the subsidiaries that are part of the group.***

6. Group resolution plans shall include a plan for the resolution of the group as a whole. ***On the motivated request of the national resolution authority or of a representative in the Resolution Board, particularly in the case when operations of the subsidiary constitute a significant share of that Member State's financial system, the group resolution plan shall also include a separate plan for the resolution of the subsidiary located in that participating Member State.***

Or. en

**Amendment 354**

**Ildikó Gáll-Pelcz, Theodor Dumitru Stolojan**

**Proposal for a regulation**

**Article 7 – paragraph 6 – subparagraph 1 a (new)**



*Text proposed by the Commission*

*Amendment*

***Notwithstanding this provision, the national resolution authorities of non-participating Member States may draw up and maintain resolution plans for subsidiaries that are part of a group established in a participating Member State in accordance with Articles 11 and 12 of Directive [ ].***

Or. en

*Justification*

*This amendment clarifies the situations in case of subsidiaries, in line with the BRRD (reference to article 11 and 12 thereof), since individual plans are even more important if the subsidiary is outside of SRM.*

**Amendment 355**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 7 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

***7. The Board shall draw up the resolution plans in cooperation with the supervisor or consolidating supervisor and with the national resolution authorities of the participating Member States in which the entities are established.***

***deleted***

Or. en

*Justification*

*See justification to amendment 7 and 8.*

**Amendment 356**  
**Danuta Maria Hübner, Vicky Ford**

**Proposal for a regulation**  
**Article 7 – paragraph 7**

*Text proposed by the Commission*

7. The Board shall draw up the resolution plans in cooperation with the supervisor or consolidating supervisor **and** with the national resolution authorities of the participating Member States in which the entities are established.

*Amendment*

7. The Board shall draw up the resolution plans in cooperation with the supervisor or consolidating supervisor, with the national resolution authorities of the participating Member States in which the entities **are established and with the national authorities of non-participating member states where subsidiaries** are established.

Or. en

*Justification*

*Plans which impact the subsidiaries located on the territory of non-participating member states can have important implications for local financial market stability. Plans should therefore be drawn up together with the consolidating, the national authorities of the participating member states in which the entities are established and national authorities of non-participating member states where subsidiaries are established.*

**Amendment 357**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 7 – paragraph 7**

*Text proposed by the Commission*

7. The Board shall draw up the resolution plans in cooperation with the supervisor or consolidating supervisor and with the national resolution authorities of the participating Member States in which the entities are established.

*Amendment*

7. The Board shall draw up the resolution plans in cooperation with the supervisor or consolidating supervisor and with the national resolution authorities of the participating Member States in which the entities are established. **The Board shall cooperate with resolution authorities in non-participating Member States where there are entities in those Member States included in consolidated supervision.**

Or. en

**Amendment 358**  
**Ślawomir Nitras**

**Proposal for a regulation**  
**Article 7 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7 a. In case of credit institutions regarded as non-systemic, according to the definition included in Regulation 2012/0242, the national resolution authorities draw draft resolution plans. The Resolution Board can only accept or reject a draft plan with a comprehensive justification. In case of a second rejection, the draft plan is referred to the plenary session of the Resolution Board.**

Or. xm

*Justification*

*Należy utrzymać pewien zakres kompetencji, szczególnie za instytucje o charakterze niesystemowym, na poziomie national resolution authorities. Należy bowiem mieć na uwadze, że instytucje te mają większą wiedzę nt. Specyfiki danego systemu finansowego. Ponadto zadania realizowane w ramach SRM będą również obejmować sporządzanie planów resolution, przegląd planów resolution, jak również ocenę możliwości przeprowadzenia skutecznej restrukturyzacji i uporządkowanej likwidacji instytucji kredytowych, co może prowadzić do znacznego obciążenia organu na szczeblu centralnym, a tym samym prowadzić do obniżenia jego efektywności i spowolnienia procesów decyzyjnych.*

**Amendment 359**  
**Ślawomir Nitras**

**Proposal for a regulation**  
**Article 7 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

8. **The Board may require** national resolution authorities **to** prepare preliminary draft resolution plans and the group level resolution authority **to prepare** a preliminary draft group resolution plan.

8. National resolution authorities prepare preliminary draft resolution plans and the group level resolution authority **prepares** a preliminary draft group resolution plan. **If the Board decides to amend a submitted draft resolution plan it shall provide a comprehensive justification.**

**Amendment 360**  
**Corien Wortmann-Kool**

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

*Text proposed by the Commission*

*Amendment*

***9a. Decisions regarding the drawing up and assessment of the resolution plans and the application of appropriate measures shall be taken by the Board in its executive session.***

Or. en

**Amendment 361**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 7a***

***The Board shall have a memorandum of understanding with the resolution authorities of non-participating Member States.***

Or. en

**Amendment 362**  
**Philippe Lamberts, Sven Giegold**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 7a**

***Application of Directive [BRRD]***

***The actions of the SRM in relation to institutions shall be governed by Directive [BRRD].***

Or. en

**Amendment 363**

**Philippe Lamberts, Sven Giegold**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 7b**

***Resolvability of Systemically Important Institutions***

***For institutions referred to in article 2 of this regulation and identified as global systemically important institutions (G-SIIs) or as other systemically important institutions (O-SIIs) pursuant to Article 131 of DIRECTIVE 2013/36/EU, the Board shall prioritise the assessment of their resolvability in accordance with Article 13 [BRRD] and draw up a plan for each of these institutions to remove impediments to resolvability in accordance with Article 14 [BRRD].***

***The plan shall include at least the following:***

***(a) requiring the institution to divest specific assets;***

***(b) requiring the institution to limit or cease specific existing or proposed activities;***

***(c) restricting or preventing the development or sale of new business lines***

*or products;*

*(d) requiring changes to legal or operational structures of the institution so as to reduce complexity in order to ensure that critical functions may be legally and economically separated from other functions through the application of the resolution tools;*

Or. en

**Amendment 364**

**Sharon Bowles**

**Proposal for a regulation**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. When drafting resolution plans in accordance with Article 7, the Board, after consultation with the competent authority, including the ECB, and the resolution authorities of non-participating Member States in which significant branches are located insofar as is relevant to the significant branch, shall conduct an assessment of the extent to which institutions and groups are resolvable without the assumption of extraordinary public financial support *besides the use of the Fund established in accordance with Article 64.*

*Amendment*

1. When drafting resolution plans in accordance with Article 7, the Board, after consultation with the competent authority, including the ECB, and the resolution authorities of non-participating Member States in which significant branches *or subsidiaries* are located insofar as is relevant to the significant branch, *subsidiary and financial stability*, shall conduct an assessment of the extent to which institutions and groups are resolvable without the assumption of extraordinary public financial support.

Or. en

**Amendment 365**

**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. When drafting resolution plans in

*Amendment*

1. When drafting resolution plans in

accordance with Article 7, the Board, after consultation with the competent authority, including the ECB, and the resolution authorities of non-participating Member States in which significant branches are located insofar as is relevant to the significant branch, shall conduct an assessment of the extent to which institutions and groups are resolvable without the assumption of extraordinary public financial support ***besides the use of the Fund established in accordance with Article 64.***

accordance with Article 7, the Board, after consultation with the competent authority, including the ECB, and the resolution authorities of non-participating Member States in which significant branches are located insofar as is relevant to the significant branch, shall conduct an assessment of the extent to which institutions and groups are resolvable without the assumption of extraordinary public financial support.

Or. en

**Amendment 366**  
**Slawomir Nitras**

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

*Text proposed by the Commission*

1. When drafting resolution plans in accordance with Article 7, the Board, after consultation with the competent authority, including the ECB, and the resolution authorities of ***non-participating*** Member States ***in which significant branches are located insofar as is relevant to the significant branch,*** shall conduct an assessment of the extent to which institutions and groups are resolvable without the assumption of extraordinary public financial support besides the use of the Fund established in accordance with Article 64.

*Amendment*

1. When drafting resolution plans in accordance with Article 7, the Board, after consultation with the competent authority, including the ECB, and the resolution authorities of ***non-participating*** Member States ***when it refers to entity operating under its jurisdiction,*** shall conduct an assessment of the extent to which institutions and groups are resolvable without the assumption of extraordinary public financial support besides the use of the Fund established in accordance with Article 64. ***The draft group resolution plan and ensuing resolution decisions shall not be binding for the resolution authority of the non-participating Member State.***

Or. en

**Amendment 367**  
**Ildikó Gáll-Pelcz, Theodor Dumitru Stolojan**

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

*Text proposed by the Commission*

1. When drafting resolution plans in accordance with Article 7, the Board, after consultation with the competent **authority**, including the ECB, and the resolution authorities of non-participating Member States in which significant branches are located insofar as is relevant to the significant branch, shall conduct an assessment of the extent to which institutions and groups are resolvable without the assumption of extraordinary public financial support besides the use of the Fund established in accordance with Article 64.

*Amendment*

1. When drafting resolution plans in accordance with Article 7, the Board, after consultation with the competent **authorities**, including the ECB, and the resolution authorities of non-participating Member States in which **subsidiaries and** significant branches are located insofar as is relevant to the significant branch, shall conduct an assessment of the extent to which institutions and groups are resolvable without the assumption of extraordinary public financial support besides the use of the Fund established in accordance with Article 64.

Or. en

*Justification*

*The original text was inconsistent with Article 7, where it refers to subsidiaries as well. The amendment clarifies the situations in case of subsidiaries, in line with the BRRD.*

**Amendment 368**  
**Diogo Feio**

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

*Text proposed by the Commission*

2. When drafting a resolution plan for entities referred to in Article 2, the Board shall assess the extent to which such an entity is resolvable in accordance with this Regulation. An entity shall be deemed resolvable if it is feasible and credible for the resolution authority to either liquidate it under normal insolvency proceedings or to

*Amendment*

2. When drafting a resolution plan for entities referred to in Article 7 **paragraph 1 or giving the final approval to resolution plans for entities referred in Article 7 paragraph 1a**, the Board shall assess the extent to which such an entity is resolvable in accordance with this Regulation. An entity shall be deemed resolvable if it is



resolve it by applying to it the different resolution tools and powers without giving rise to significant adverse consequences for financial systems, including circumstances of broader financial instability or system wide events, of the Member State in which the entity is situated, or other Member States, or the Union and with a view to ensuring the continuity of critical functions carried out by the entity.

feasible and credible for the resolution authority to either liquidate it under normal insolvency proceedings or to resolve it by applying to it the different resolution tools and powers without giving rise to significant adverse consequences for financial systems, including circumstances of broader financial instability or system wide events, of the Member State in which the entity is situated, or other Member States, or the Union and with a view to ensuring the continuity of critical functions carried out by the entity.

Or. en

**Amendment 369**  
**Robert Goebbels**

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

*Text proposed by the Commission*

2. When drafting a resolution plan for entities referred to in Article 2, the Board shall assess the extent to which such an entity is resolvable in accordance with this Regulation. An entity shall be deemed resolvable if it is feasible and credible for the resolution authority to either liquidate it under normal insolvency proceedings or to resolve it by applying to it the different resolution tools and powers without giving rise to significant adverse consequences for financial systems, including circumstances of broader financial instability or system wide events, of the Member State in which the entity is situated, or other Member States, or the Union and with a view to ensuring the continuity of critical functions carried out by the entity.

*Amendment*

2. When drafting a resolution plan for entities referred to in Article 2, the Board shall assess the extent to which such an entity is resolvable in accordance with this Regulation. An entity shall be deemed resolvable if it is feasible and credible for the resolution authority to either liquidate it under normal insolvency proceedings or to resolve it by applying to it the different resolution tools and powers without giving rise to significant adverse consequences for financial systems, including circumstances of broader financial instability or system wide events, of the Member State in which the entity is situated, ***having regard to the financial, economic and social stability in the same*** or other Member States, or the Union and with a view to ensuring the continuity of critical functions carried out by the entity.

Or. en

**Amendment 370**

**Thomas Händel**

**Proposal for a regulation**

**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. When drafting a resolution plan for entities referred to in Article 2, the Board shall assess the extent to which such an entity is resolvable in accordance with this Regulation. An entity shall be deemed resolvable if it is feasible and credible for the resolution authority to either liquidate it under normal insolvency proceedings or to resolve it by applying to it the different resolution tools and powers without giving rise to significant adverse consequences for financial systems, including circumstances of broader financial instability or system wide events, of the Member State in which the entity is situated, or other Member States, or the Union and with a view to ensuring the continuity of critical functions carried out by the entity.

*Amendment*

2. When drafting a resolution plan for entities referred to in Article 2, the Board shall assess the extent to which such an entity is resolvable in accordance with this Regulation. An entity shall be deemed resolvable if it is feasible and credible for the resolution authority to either liquidate it under normal insolvency proceedings or to resolve it by applying to it the different resolution tools and powers without giving rise to significant adverse consequences for financial systems, including circumstances of broader financial instability or system wide events, of the Member State in which the entity is situated, or other Member States, or the Union and with a view to ensuring the continuity of critical functions carried out by the entity. ***Entities which have reached a critical size as defined in Article 3 and which are deemed not to be resolvable with the existing tools referred to in Article 19 shall be restructured accordingly. In this case property rights shall be subordinated to the general public interest.***

Or. en

**Amendment 371**

**Sharon Bowles**

**Proposal for a regulation**

**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. When drafting resolution plans for

*Amendment*

3. When drafting resolution plans for

groups, the Board shall assess the extent to which groups are resolvable in accordance with this Regulation. A group shall be deemed resolvable if it is feasible and credible for the resolution authorities to either wind up group entities under normal insolvency proceedings or to resolve group entities by applying resolution tools and powers to group entities without giving rise to significant adverse consequences for the financial systems, including circumstances of broader financial instability or system wide events, of the Member States in which entities belonging to a group are situated, or other Member States or the Union and with a view to ensuring the continuity of critical functions carried out by those entities, either because they can be easily separated in a timely manner or by other means.

groups, the Board shall assess the extent to which groups are resolvable in accordance with *the Bank Recovery and Resolution Directive [ ] subject to the modifications in this Regulation adapting it to the establishment of the Board*. A group shall be deemed resolvable if it is feasible and credible for the resolution authorities to either wind up group entities under normal insolvency proceedings or to resolve group entities by applying resolution tools and powers to group entities without giving rise to significant adverse consequences for the financial systems, including circumstances of broader financial instability or system wide events, of the Member States in which entities belonging to a group are situated, or other Member States or the Union and with a view to ensuring the continuity of critical functions carried out by those entities, either because they can be easily separated in a timely manner or by other means.

Or. en

**Amendment 372**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. When drafting resolution plans for groups, the Board shall assess the extent to which groups are resolvable in accordance with this Regulation. A group shall be deemed resolvable if it is feasible and credible for the resolution authorities to either wind up group entities under normal insolvency proceedings or to resolve group entities by applying resolution tools and powers to group entities without giving rise to significant adverse consequences for the financial systems, including circumstances of broader financial instability or system

*Amendment*

3. When drafting resolution plans for groups, the Board shall assess the extent to which groups are resolvable in accordance with this Regulation. A group shall be deemed resolvable if it is feasible and credible for the resolution authorities to either wind up group entities under normal insolvency proceedings or to resolve group entities by applying resolution tools and powers to group entities without giving rise to significant adverse consequences for the financial systems, including circumstances of broader financial instability or system

wide events, of the Member States in which entities belonging to a group are situated, or other Member States or the Union and with a view to ensuring the continuity of critical functions carried out by those entities, either because they can be easily separated in a timely manner or by other means.

wide events, of the Member States in which entities belonging to a group are situated, ***having regard to the financial, economic and social stability in these Member States*** or other Member States or the Union and with a view to ensuring the continuity of critical functions carried out by those entities, either because they can be easily separated in a timely manner or by other means.

Or. en

### *Justification*

*Where resolution will be triggered, it is supposed that the framework of the resolution tools and the framework of the use of the Fund, would be as much in line with the resolution plan as possible. As stated in the context of Article 6, consideration should be given to the negative impact on the economic and social situation in each Member State. In particular, the role played by any institution in terms of credit provider to physical persons and SMEs as well as in terms of employment provider, should be considered. Thus these considerations are of relevance when drawing up the resolution plan or group resolution plan as well. It is therefore suggested to complete the provisions by adding a reference to the impact on the economy and social stability of a Member State.*

### **Amendment 373** **Slawomir Nitras**

#### **Proposal for a regulation** **Article 8 – paragraph 6**

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

6. The report shall be notified to the entity or parent undertaking concerned, to the competent authorities and to the resolution authorities of non-participating Member States ***in which significant branches are located***. It shall be supported by reasons for the assessment or determination in question and shall indicate how that assessment or determination complies with the requirement for proportionate application set out in Article 6.

##### *Amendment*

6. The report shall be notified to the entity or parent undertaking concerned, to the competent authorities and to the resolution authorities of non-participating Member States. It shall be supported by reasons for the assessment or determination in question and shall indicate how that assessment or determination complies with the requirement for proportionate application set out in Article 6.

Or. en

**Amendment 374**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 8 – paragraph 6**

*Text proposed by the Commission*

6. The report shall be notified to the entity or parent undertaking concerned, to the competent authorities and to the resolution authorities of non-participating Member States in which significant branches are located. It shall be supported by reasons for the assessment or determination in question and shall indicate how that assessment or determination complies with the requirement for proportionate application set out in Article 6.

*Amendment*

6. The report shall be notified to the entity or parent undertaking concerned, to the competent authorities and to the resolution authorities of non-participating Member States in which significant branches **or subsidiaries** are located. It shall be supported by reasons for the assessment or determination in question and shall indicate how that assessment or determination complies with the requirement for proportionate application set out in Article 6.

Or. en

**Amendment 375**  
**Slawomir Nitras**

**Proposal for a regulation**  
**Article 8 – paragraph 7**

*Text proposed by the Commission*

7. Within four months from the date of receipt of the report, the entity or the parent undertaking may submit observations and propose to the Board alternative measures to remedy the impediments identified in the report. The Board shall communicate any measure proposed by the entity or parent undertaking to the competent authorities and to the resolution authorities of non-participating Member States **in which significant branches are located**.

*Amendment*

7. Within four months from the date of receipt of the report, the entity or the parent undertaking may submit observations and propose to the Board alternative measures to remedy the impediments identified in the report. The Board shall communicate any measure proposed by the entity or parent undertaking to the competent authorities and to the resolution authorities of non-participating Member States.

Or. en

**Amendment 376**

**Sharon Bowles**

**Proposal for a regulation**

**Article 8 – paragraph 7**

*Text proposed by the Commission*

7. Within four months from the date of receipt of the report, the entity or the parent undertaking may submit observations and propose to the Board alternative measures to remedy the impediments identified in the report. The Board shall communicate any measure proposed by the entity or parent undertaking to the competent authorities and to the resolution authorities of non-participating Member States in which significant branches are located.

*Amendment*

7. Within four months from the date of receipt of the report, the entity or the parent undertaking, ***or the competent authority, or resolution authority of a non-participating Member State***, may submit observations and propose to the Board alternative measures to remedy the impediments identified in the report. The Board shall communicate any measure proposed by the entity or parent undertaking to the competent authorities and to the resolution authorities of non-participating Member States in which significant branches ***or subsidiaries*** are located.

Or. en

**Amendment 377**

**Sharon Bowles**

**Proposal for a regulation**

**Article 8 – paragraph 8 – introductory part**

*Text proposed by the Commission*

8. If the measures proposed by the entity or parent undertaking concerned do not effectively remove the impediments to resolvability, the Board shall take a decision, after consultation with the competent authority and, where appropriate, the macroprudential authority, indicating that the measures proposed do not effectively remove the impediments to resolvability, and instructing the national resolution authorities to require the

*Amendment*

8. If the measures proposed by the entity or parent undertaking concerned do not effectively remove the impediments to resolvability, the Board shall take a decision, after consultation with the competent authority and, where appropriate, the macroprudential authority, ***competent authority and resolution authority of non-participating Member States***, indicating that the measures proposed do not effectively remove the

institution, the parent undertaking, or any subsidiary of the group concerned, to take any of the measures listed in paragraph 9, based on the following criteria:

impediments to resolvability, and instructing the national resolution authorities to require the institution, the parent undertaking, or any subsidiary of the group concerned, to take any of the measures listed in paragraph 9, based on the following criteria:

Or. en

**Amendment 378**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 8 – paragraph 8 – point b**

*Text proposed by the Commission*

(b) the need to avoid a negative impact on financial stability in participating Member States;

*Amendment*

(b) the need to avoid a negative impact on financial stability in participating Member States, **any affected non-participating Member States and the Union as a whole**;

Or. en

**Amendment 379**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 8 – paragraph 8 – point b**

*Text proposed by the Commission*

(b) the need to avoid a negative impact on financial stability in participating Member States;

*Amendment*

(b) the need to avoid a negative impact on financial stability in participating **and non-participating** Member States;

Or. en

**Amendment 380**  
**Slawomir Nitras**

**Proposal for a regulation**  
**Article 8 – paragraph 10**

*Text proposed by the Commission*

10. The national resolution authorities shall implement the instructions of the Board in accordance with Article 26.

*Amendment*

10. The national resolution authorities shall implement the instructions of the Board in accordance with Article 26. ***In case of the resolution of a non-systemic credit institution, the national resolution authority under whose jurisdiction institution operates, may object to the instructions of the Board. After objecting, the authority shall propose its own actions, which are effective only when approved by the plenary session of the Resolution Board.***

Or. en

**Amendment 381**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 8a***

***Non-participating Member States cannot be bound without their agreement by the Board. Where there is a dispute it shall be referred to the EBA for binding mediation.***

Or. en

**Amendment 382**  
**Wolf Klinz**

**Proposal for a regulation**  
**Article 9 – paragraph 1**



*Text proposed by the Commission*

1. The Board, ***on its own initiative or upon proposal by a national resolution authority, may*** apply simplified obligations in relation to the drafting of resolution plans referred to, ***in Article 7*** or may waive the obligation of drafting those plans.

*Amendment*

1. The Board ***shall*** apply simplified obligations in relation to the drafting of resolution plans referred to ***in Chapter 1 of the Directive (BRRD)*** or may waive the obligation of drafting those plans.

Or. en

### **Amendment 383**

**Alfredo Pallone, Fabrizio Bertot**

#### **Proposal for a regulation Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The Board, ***on its own initiative or upon proposal by a national resolution authority, may*** apply simplified obligations in relation to the drafting of resolution plans referred to, ***in Article 7*** or may waive the obligation of drafting those plans.

*Amendment*

1. The Board may apply simplified obligations in relation to the drafting of resolution plans referred to, ***in Article 7*** or may waive the obligation of drafting those plans.

Or. en

### **Amendment 384**

**Leonardo Domenici, Gianni Pittella**

#### **Proposal for a regulation Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The Board, ***on its own initiative or upon proposal by a national resolution authority, may*** apply simplified obligations in relation to the drafting of resolution plans referred to, ***in Article 7*** or may waive the obligation of drafting those plans.

*Amendment*

1. The Board may apply simplified obligations in relation to the drafting of resolution plans referred to, ***in Article 7*** or may waive the obligation of drafting those plans.

Or. en

**Amendment 385**

**Sharon Bowles**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The Board, on its own initiative or upon proposal by a national resolution authority, may apply simplified obligations in relation to the drafting of resolution plans referred to, in Article 7 *or may waive the obligation of drafting those plans.*

*Amendment*

1. The Board, on its own initiative or upon proposal by a national resolution authority, may apply simplified obligations in relation to the drafting of resolution plans referred to, in Article 7 *and as allowed under the Bank Recovery and Resolution Directive [ ]*.

Or. en

*Justification*

*CRD4 requires all institution to have a resolution plan, this is now in BRRD.*

**Amendment 386**

**Wolf Klinz**

**Proposal for a regulation**

**Article 9 – paragraph 2**

*Text proposed by the Commission*

*2. National resolution authorities may propose to the Board to apply simplified obligations or to waive the obligation of drafting resolution plans for specific institutions or groups. That proposal shall be reasoned and shall be supported by all the relevant documentation.*

*Amendment*

*deleted*

Or. en

**Amendment 387**

**Sharon Bowles**

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

*Text proposed by the Commission*

2. National resolution authorities may propose to the Board to apply simplified obligations *or to waive the obligation of drafting resolution plans for specific institutions or groups*. That proposal shall be reasoned and shall be supported by all the relevant documentation.

*Amendment*

2. National resolution authorities may propose to the Board to apply simplified obligations *as allowed under the Bank Recovery and Resolution Directive [ ]*. That proposal shall be reasoned and shall be supported by all the relevant documentation.

Or. en

**Amendment 388**  
**Wolf Klinz**

**Proposal for a regulation**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

*3. On receiving a proposal pursuant to paragraph 1, or when acting on its own initiative, the Board shall conduct an assessment of the institutions or group concerned. The assessment shall be made having regard to the potential impact that the failure of the institution or group could have, due to the nature of its business, its size or its interconnectedness to other institutions or to the financial system in general, on financial markets, on other institutions, or on funding conditions.*

*Amendment*

*deleted*

Or. en

**Amendment 389**  
**Wolf Klinz**

**Proposal for a regulation**  
**Article 9 – paragraph 4 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

***Where the national resolution authority which has proposed the application of simplified obligation or the grant of a waiver in accordance with paragraph 1 considers that the decision to apply simplified obligation or to grant the waiver must be withdrawn, it shall submit a proposal to the Board to that end. In that case, the Board shall take a decision on the proposed withdrawal taking full account of the justification for withdrawal put forward by the national resolution authority in the light of the elements set out in paragraph 3.***

*deleted*

Or. en

**Amendment 390**  
**Wolf Klinz**

**Proposal for a regulation**  
**Article 9 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***5. The Board may grant, in accordance with paragraphs 3 and 4, a waiver concerning the obligation of drafting recovery plans to individual institutions affiliated to a central body as in Article 21 of Directive 2013/36/EU and wholly or partially exempted from prudential requirements in national law in accordance with Article 2(5) of Directive 2013/36/EU. In that case the obligation of drafting the resolution plan shall apply on a consolidated basis to the central body.***

*deleted*

Or. en

**Amendment 391**  
**Wolf Klinz**

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

*Text proposed by the Commission*

**6. *The Board may grant waiver concerning the application of the obligation of drafting resolution plans to institutions that belong to an institutional protection scheme in accordance with Article 113(7) of Regulation (EU) No 575/2013.*** When deciding to grant a waiver to an institution that belongs to an institutional protection scheme, the Board shall consider whether the institutional protection scheme is likely to be able to meet simultaneous demands placed on the scheme in relation to its members.

*Amendment*

6. When deciding to grant a waiver to an institution that belongs to an institutional protection scheme, the Board shall consider whether the institutional protection scheme is likely to be able to meet simultaneous demands placed on the scheme in relation to its members.

Or. en

**Amendment 392**  
**Wolf Klinz**

**Proposal for a regulation**  
**Article 9 – paragraph 7**

*Text proposed by the Commission*

7. The Board shall inform the EBA about its application of ***paragraphs 1, 4 and 5.***

*Amendment*

7. The Board shall inform the EBA about its application of ***paragraph 1.***

Or. en

**Amendment 393**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall, in consultation with competent authorities, including the ECB,

*Amendment*

1. The Board shall, in consultation with competent authorities, including the ECB,

determine the minimum requirement of own funds and eligible liabilities, as referred to in paragraph 2, subject to write down and conversion powers, that institutions and parent undertakings referred to in Article 2 shall be required to maintain.

determine the minimum requirement of own funds and eligible liabilities, as referred to in paragraph 2, subject to write down and conversion powers, that institutions and parent undertakings referred to in Article 2 shall be required to maintain. ***For credit institutions which are not active on capital markets the obligation to maintain the minimum requirement shall be waived by the Board.***

Or. en

**Amendment 394**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

2. The minimum requirement shall be calculated as ***the amount of own funds and eligible liabilities expressed as a percentage of the total liabilities and own funds, excluding liabilities arising from derivatives, of the institutions and parent undertakings referred to in Article 2.***

*Amendment*

2. The minimum requirement shall be calculated as ***in the Bank Recovery and Resolution Directive [ ]***.

Or. en

*Justification*

*The MREL shall be calculated in line with the BRRD and so the replication of BRRD text in this Article is unnecessary.*

**Amendment 395**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

2. The minimum requirement shall be calculated ***as the amount of own funds and eligible liabilities expressed as a percentage of the total liabilities and own funds, excluding liabilities arising from derivatives, of the institutions and parent undertakings referred to in Article 2.***

*Amendment*

2. The minimum requirement shall be calculated ***according to the rules set out in the Directive (BRRD).***

Or. en

**Amendment 396**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 10 – paragraph 3**

*Text proposed by the Commission*

[...]

*Amendment*

*deleted*

Or. en

**Amendment 397**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 10 – paragraph 3**

*Text proposed by the Commission*

[...]

*Amendment*

*deleted*

Or. en

**Amendment 398**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – subparagraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) the extent to which the Deposit Guarantee Scheme according to Article 2 Paragraph 2 [...] is expected to contribute to the financing of resolution;***

Or. en

**Amendment 399**  
**Sharon Bowles**

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

*Text proposed by the Commission*

*Amendment*

***4. The determination referred to in paragraph 1 may provide that the minimum requirement of own funds and eligible liabilities is partially met on a consolidated or an individual basis through contractual bail-in instrument.***

***deleted***

Or. en

**Amendment 400**  
**Wolf Klinz, Olle Schmidt**

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

*Text proposed by the Commission*

*Amendment*

4. The determination referred to in paragraph 1 ***may*** provide that the minimum requirement of own funds and eligible liabilities is ***partially*** met on a consolidated ***or*** an individual basis through contractual bail-in instrument.

4. The determination referred to in paragraph 1 ***shall*** provide that the minimum requirement of own funds and eligible liabilities is met on a consolidated ***and*** an individual basis. ***The minimum requirement may be met*** through contractual bail-in instrument.

Or. en



**Amendment 401**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 10 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. To qualify as a contractual bail-in instrument under paragraph 4, the Board must be satisfied that the instrument:**

*deleted*

**(a) contains a contractual term providing that, where the Commission decides to apply the bail-in tool to that institution, the instrument shall be written down or converted to the extent required before other eligible liabilities are written down or converted; and**

**(b) is subject to a binding subordination agreement, undertaking or provision under which in the event of normal insolvency proceedings, it ranks below other eligible liabilities and cannot be repaid until other eligible liabilities outstanding at the time have been settled.**

Or. en

**Amendment 402**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 10 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. The Board shall take any determination referred to in paragraph 1 in the course of developing and maintaining resolution plans pursuant to Article 7.**

*deleted*

Or. en

**Amendment 403**

**Markus Ferber**

**Proposal for a regulation**

**Article 10 – paragraph 8**

*Text proposed by the Commission*

8. The Board shall inform the ECB and the EBA of the minimum requirement that it has determined for each institution and parent undertaking *under paragraph 1*.

*Amendment*

8. The Board shall inform the ECB and the EBA of the minimum requirement that it has determined for each institution and parent undertaking *according to Article 2 subparagraph 1*.

Or. en