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*Committee on Economic and Monetary Affairs*

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**2013/0253(COD)**

22.10.2013

# **AMENDMENTS 727 - 1051**

**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))

AM\_Com\_LegReport

**Amendment 727**

**Peter Simon**

**Proposal for a regulation**

**Article 28 – paragraph 1**

*Text proposed by the Commission*

1. Both the Board and the national resolution authorities shall be subject to a duty of cooperation in good faith and an obligation to exchange information.

*Amendment*

1. Both the Board and the national resolution authorities shall be subject to a duty of cooperation in good faith and an obligation to exchange information.

***Where procedures are implemented pursuant to Article 2, letters a to c, to wind up entities which are not subject to direct supervision by the European Central Bank in accordance with Article 6(4) of Council Regulation [...] conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, the national resolution authorities and the Board shall be required to exchange information.***

Or. de

**Amendment 728**

**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**

**Article 28 – paragraph 2**

*Text proposed by the Commission*

2. The Board shall provide the Commission with any information relevant for fulfilling its tasks under ***this Regulation and, where applicable***, Article 107 of the TFEU.

*Amendment*

2. The Board shall provide the Commission with any information relevant for fulfilling its tasks under Article 107 of the TFEU.

Or. en

**Amendment 729**  
**Slawomir Nitras**

**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

Where a group includes entities established in participating Member States as well as in non-participating Member States, without prejudice to any approval by the Commission required under this Regulation, the Board shall represent the national resolution authorities of the participating Member States, for the purposes of cooperation with non-participating Member States in accordance with Articles 7, 8, 11, 12, 15, 50, and 80 to 83 of Directive [ ].

*Amendment*

Where a group includes entities established in participating Member States as well as in non-participating Member States, without prejudice to any approval by the Commission required under this Regulation, the Board shall represent the national resolution authorities of the participating Member States, for the purposes of cooperation with non-participating Member States in accordance with Articles 7, 8, 11, 12, 15, 50 and 80 to 83 of Directive [ ]. ***The Board shall inform national resolution authorities of non-participating Member States of any action it takes in order to prepare for resolution where a group includes entities established in participating Member States as well as in non-participating Member States. In case of disagreements in cross-border situations the provisions on European Banking Authority binding mediation specified in the Regulation 1093/2010 find full application. The Board, in its capacity of a national resolution authority is obliged to act in accordance with the EBA's decision and the Commission cannot take actions which infringe the EBA's decision.***

Or. en

**Amendment 730**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

Where a group includes entities established in participating Member States as well as in non-participating Member States, without prejudice to any approval by the **Commission** required under this Regulation, the Board shall represent the national resolution authorities of the participating Member States, for the purposes of cooperation with non-participating Member States in accordance with Articles 7, 8, 11, 12, 15, 50, and 80 to 83 of Directive [ ].

*Amendment*

Where a group includes entities established in participating Member States as well as in non-participating Member States, without prejudice to any approval by the **Board** required under this Regulation, the Board shall represent the national resolution authorities of the participating Member States, for the purposes of cooperation with non-participating Member States in accordance with Articles 7, 8, 11, 12, 15, 50, and 80 to 83 of Directive [ ].

Or. en

**Amendment 731**

**Vicky Ford, Ivo Strejček**

**Proposal for a regulation**

**Article 30 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In case of a cross-border resolution of a group that includes entities established in participating Member States as well as in non-participating Member States, the national resolution authorities of non-participating Member States where there are no branches and subsidiaries shall be invited by the Board to participate in its executive session as observers without the right to vote.***

Or. en

**Amendment 732**

**Vicky Ford**

**Proposal for a regulation**

**Article 31 – paragraph 1 – subparagraph 1 a (new)**

***Non-binding cooperation arrangements shall include provisions on coordination and cooperation procedures between the Single Resolution Board and third-country host authorities represented in Crisis Management Groups on the following matters:***

***(a) the exchange of information necessary for the preparation, development and maintenance of resolution plans;***

***(b) the exchange of information necessary for the application of resolution tools and exercise of resolution powers and similar powers under the law of the relevant third countries;***

***(c) early warning to or consultation of parties to the cooperation arrangement before taking any significant action under this Regulation or relevant third country law affecting the institution or group to which the arrangement relates;***

***(d) the coordination of public communication in case of joint resolution actions;***

***(e) coordination, cooperation and exchange of information under points (a) to (d) shall be subject to strict confidentiality standards.***

Or. en

**Amendment 733  
Pablo Zalba Bidegain**

**Proposal for a regulation  
Article 31 – paragraph 1**

***Non-binding cooperation arrangements shall include provisions on coordination***

*and cooperation procedures between the Single Resolution Board and third-country host authorities represented in Crisis Management Groups on the following matters:*

*(a) the exchange of information necessary for the preparation, development and maintenance of resolution plans;*

*(b) the exchange of information necessary for the application of resolution tools and exercise of resolution powers and similar powers under the law of the relevant third countries;*

*(c) early warning to or consultation of parties to the cooperation arrangement before taking any significant action under this Regulation or relevant third country law affecting the institution or group to which the arrangement relates;*

*(d) the coordination of public communication in case of joint resolution actions;*

*(e) coordination, cooperation and exchange of information under points (a) to (d) shall be subject to strict confidentiality standards.*

Or. en

**Amendment 734**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 31 – paragraph 1**

*Text proposed by the Commission*

*The Commission and* the Board within *each of their* respective responsibilities shall be exclusively responsible to conclude, on behalf of the national resolution authorities of participating Member States, the non-binding cooperation arrangements referred to in

*Amendment*

The Board within *its* respective responsibilities shall be exclusively responsible to conclude, on behalf of the national resolution authorities of participating Member States, the non-binding cooperation arrangements referred to in Article 88 (4) of Directive [ ] and

Article 88 (4) of Directive [ ] and shall notify them in accordance with paragraph 6 of that Article.

shall notify them in accordance with paragraph 6 of that Article.

Or. en

**Amendment 735**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 32 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. For the purpose of exercising the tasks referred to in Articles 7, 8, 11, 16 and 17, the Board may, either directly or through the national resolution authorities, require the following legal or natural persons to provide all information that is necessary in order to carry out the tasks conferred upon it by this Regulation:

*Amendment*

1. For the purpose of exercising the tasks referred to in Articles 7, 8, 11, 16 and 17, the Board may, either directly or through the national resolution authorities, ***making full use of all information available at the ECB or the national competent authorities***, require the following legal or natural persons to provide all information that is necessary in order to carry out the tasks conferred upon it by this Regulation:

Or. en

**Amendment 736**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 32 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) third parties to whom the entities referred to in Article 2 have outsourced functions or activities.

*Amendment*

(c) third parties ***established or located in a participating Member State*** to whom the entities referred to in Article 2 have outsourced ***critical*** functions or activities.

Or. en



**Amendment 737**  
**Elisa Ferreira**

**Proposal for a regulation**  
**Article 32 – paragraph 2**

*Text proposed by the Commission*

2. The entities *referred to in Article 2 and any* persons referred to in *point (b) of* paragraph 1 shall supply the information requested pursuant to paragraph 1. Professional secrecy provisions shall not exempt those entities and persons from the duty to provide that information. The supply of the information requested shall not be deemed to be a breach of professional secrecy.

*Amendment*

2. The entities **and** persons referred to in paragraph 1 shall supply the information requested pursuant to paragraph 1. Professional secrecy provisions shall not exempt those entities and persons from the duty to provide that information. The supply of the information requested shall not be deemed to be a breach of professional secrecy.

Or. en

**Amendment 738**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 32 – paragraph 4**

*Text proposed by the Commission*

4. The Board shall be able to obtain on a continuous basis any information on capital, liquidity, assets and liabilities concerning any institution subject to its resolution powers **which are material for resolution purposes**.

*Amendment*

4. The Board shall be able to obtain on a continuous basis any information on capital, liquidity, assets and liabilities concerning any institution subject to its resolution powers.

Or. en

**Amendment 739**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 32 – paragraph 5**

*Text proposed by the Commission*

5. The **Board, the competent authorities and the national resolution authorities may draw up memorandum of understanding with a procedure concerning the exchange of information.**

*Amendment*

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

Or. en

**Amendment 740**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 32 – paragraph 5**

*Text proposed by the Commission*

5. The Board, the competent authorities and the national resolution authorities may draw up memorandum of understanding with a procedure concerning the exchange of information.

*Amendment*

5. The Board, the competent authorities and the national resolution authorities may draw up memorandum of understanding with a procedure concerning the exchange of information. ***The exchange of information among the Board, the competent authorities and the national resolution authorities shall not be deemed to be a breach of professional secrecy.***

Or. en

**Amendment 741**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 32 – paragraph 5**

*Text proposed by the Commission*

5. The Board, the competent authorities and the national resolution authorities may draw up memorandum of understanding with a procedure concerning the exchange

*Amendment*

5. The Board, the competent authorities ***of participating Member States*** and the national resolution authorities may draw up memorandum of understanding with a

of information.

procedure concerning the exchange of information.

Or. en

**Amendment 742**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 32 – paragraph 5**

*Text proposed by the Commission*

5. The Board, the competent authorities and the national resolution authorities may draw up memorandum of understanding with a procedure concerning the exchange of information.

*Amendment*

5. The Board, the competent authorities, ***including the ECB***, and the national resolution authorities may draw up memorandum of understanding with a procedure concerning the exchange of information.

Or. en

**Amendment 743**

**Vicky Ford**

**Proposal for a regulation**

**Article 32 – paragraph 6**

*Text proposed by the Commission*

6. Competent authorities, including the ECB where relevant, and national resolution authorities shall cooperate with the Board in order to verify whether some or all of the information requested is already available. Where such information is available, competent authorities, including the ECB where relevant, or national resolution authorities shall provide that information to the Board.

*Amendment*

6. Competent authorities ***of participating Member States***, including the ECB where relevant, and national resolution authorities shall cooperate with the Board in order to verify whether some or all of the information requested is already available. Where such information is available, competent authorities ***of participating Member States***, including the ECB where relevant, or national resolution authorities shall provide that information to the Board.

Or. en

**Amendment 744**  
**Elisa Ferreira, Diogo Feio**

**Proposal for a regulation**  
**Article 34 – paragraph 5**

*Text proposed by the Commission*

5. Where the officials of and other accompanying persons authorised or appointed by the Board find that a person opposes an inspection ordered pursuant to paragraph 1, the national resolution authorities of the participating Member States concerned shall afford them the necessary assistance in accordance with national law. To the extent necessary for the inspection, this assistance shall include the sealing of any business premises and books or records. Where that power is not available to the national resolution authorities concerned, it shall use its powers to request the necessary assistance of other *the* national *resolution* authorities.

*Amendment*

5. Where the officials of and other accompanying persons authorised or appointed by the Board find that a person opposes an inspection ordered pursuant to paragraph 1, the national resolution authorities of the participating Member States concerned shall afford them the necessary assistance in accordance with national law. To the extent necessary for the inspection, this assistance shall include the sealing of any business premises and books or records. Where that power is not available to the national resolution authorities concerned, it shall use its powers to request the necessary assistance of other national authorities.

Or. en

**Amendment 745**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 34 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. The officials and other persons referred to in paragraphs 2 and 4 shall be subject to the professional secrecy requirement laid down in Article 79.***

Or. en

**Amendment 746**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 35 – paragraph 2**

*Text proposed by the Commission*

2. Where authorisation as referred to in paragraph 1 is applied for, the national judicial authority shall control that the decision of the Board is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the inspection. In its control of the proportionality of the coercive measures, the national judicial authority may ask the Board for detailed explanations, in particular relating to the grounds the Board has for suspecting that an infringement of the acts referred to in Article 26 has taken place and the seriousness of the suspected infringement and the nature of the involvement of the person subject to the coercive measures. However, the national judicial authority shall not review the necessity for the inspection or demand to be provided with the information on the Board's file. The lawfulness of the Board's decision shall be subject to review only by the Court of Justice of the European Union.

*Amendment*

2. Where authorisation as referred to in paragraph 1 is applied for, the national judicial authority shall, ***promptly and without delay***, control that the decision of the Board is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the inspection. In its control of the proportionality of the coercive measures, the national judicial authority may ask the Board for detailed explanations, in particular relating to the grounds the Board has for suspecting that an infringement of the acts referred to in Article 26 has taken place and the seriousness of the suspected infringement and the nature of the involvement of the person subject to the coercive measures. However, the national judicial authority shall not review the necessity for the inspection or demand to be provided with the information on the Board's file. The lawfulness of the Board's decision shall be subject to review only by the Court of Justice of the European Union.

Or. en

**Amendment 747**  
**Elisa Ferreira**

**Proposal for a regulation**  
**Article 37 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The Board shall instruct the national resolution authority concerned to impose a

*Amendment*

1. The Board shall instruct the national resolution authority concerned to impose a

periodic penalty payment in respect of the relevant entity referred to in Article 2 in *accordance with Directive [ ]in* order to compel:

periodic penalty payment in respect of the relevant entity referred to in Article 2 in order to compel:

Or. en

**Amendment 748**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 38 – paragraph 1**

*Text proposed by the Commission*

1. A Single Resolution Board is hereby established. The Board shall be a European Union agency with a specific structure corresponding to its tasks. It shall have legal personality.

*Amendment*

1. A Single Resolution Board is hereby established. The Board shall be a European Union agency *under the auspices of the ECB* with a specific structure corresponding to its tasks. It shall have legal personality.

Or. en

**Amendment 749**  
**Sari Essayah**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the Executive Director;

*Amendment*

(a) the Executive Director *with voting right*;

Or. en

**Amendment 750**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the Executive Director;

(a) the Executive Director, ***with voting rights***;

Or. en

**Amendment 751**  
**Marianne Thyssen**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the Executive Director;

(a) the Executive Director ***with voting rights***;

Or. nl

**Amendment 752**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) 4 independent members;***

Or. en

*Justification*

*It is suggested to add 4 independent members to the Board, which do not represent any Member State or national authority in order to strengthen the European dimension of the Board and of any decision taken. This amendment is to be read together with the amendments in Articles 49, 51, 52 and 53.*

**Amendment 753**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point b**

*Text proposed by the Commission*

**(b) the Deputy Executive Director;**

*Amendment*

**deleted**

Or. en

**Amendment 754**  
**Werner Langen**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point b**

*Text proposed by the Commission*

**(b) the Deputy Executive Director;**

*Amendment*

**(b) the Deputy Executive Director, *as a member without the right to vote*;**

Or. de

**Amendment 755**  
**Marianne Thyssen**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point b**

*Text proposed by the Commission*

**(b) *the* Deputy Executive *Director*;**

*Amendment*

**(b) *two* Deputy Executive *Directors with voting rights*;**

Or. nl

**Amendment 756**  
**Sari Essayah**



**Proposal for a regulation**  
**Article 39 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the Deputy Executive Director;

*Amendment*

(b) the Deputy Executive Director *with voting right*;

Or. en

**Amendment 757**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the Deputy Executive Director;

*Amendment*

(b) the Deputy Executive Director, *with voting rights*;

Or. en

**Amendment 758**  
**Wolf Klinz**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point c**

*Text proposed by the Commission*

*(c) a member appointed by the Commission;*

*Amendment*

*deleted*

Or. en

**Amendment 759**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) a member appointed by the Commission;***

***deleted***

Or. en

**Amendment 760**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) a member appointed by the Commission;***

***deleted***

Or. en

*Justification*

*The cumulating of tasks by the Commission (final decision-making, State aid and competition authority, regulatory powers) may give rise to conflicts of interest. It is hence proposed to give the COM an observer status to minimise the conflicts of interests. This amendment is to be read together with the amendments in Articles 49, 51, 52 and 53.*

**Amendment 761**  
**Slawomir Nitras**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) a member appointed by the Commission;***

***deleted***

Or. en

**Amendment 762**  
**Werner Langen**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) a member appointed by the Commission;

*Amendment*

(c) a member appointed by the Commission, ***as a member without the right to vote;***

Or. de

**Amendment 763**  
**Sari Essayah**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) a member appointed by the Commission;

*Amendment*

(c) a member appointed by the Commission ***without voting right;***

Or. en

**Amendment 764**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) ***a member*** appointed by the Commission;

*Amendment*

(c) ***an observer*** appointed by the Commission ***who shall not have access to confidential information relating to individual institutions;***

Or. en

**Amendment 765**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) a member appointed by the Commission;

*Amendment*

(c) a member appointed by the Commission, *with voting rights*;

Or. en

**Amendment 766**  
**Marianne Thyssen**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) a member appointed by the Commission;

*Amendment*

(c) a member appointed by the Commission *with voting rights*;

Or. nl

**Amendment 767**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d**

*Text proposed by the Commission*

*(d) a member appointed by the ECB;*

*Amendment*

*deleted*

Or. en

**Amendment 768**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) a member appointed by the ECB;**                      *deleted*

Or. en

*Justification*

*Given the ECB's role as a competent authority it is suggested to give the ECB an observer status so as to minimise its potential conflicts of interests. This amendment is to be read together with the amendments in Articles 49, 51, 52 and 53.*

**Amendment 769**  
**Slawomir Nitras**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) a member appointed by the ECB;**                      *deleted*

Or. en

**Amendment 770**  
**Thomas Händel**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) a member appointed by the ECB;**                      *deleted*

Or. en

**Amendment 771**  
**Werner Langen**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) a member *appointed by the ECB*;

*Amendment*

(d) *the President of the ECB Supervisory Board, as a member without the right to vote*;

Or. de

**Amendment 772**  
**Astrid Lulling**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) a member appointed by the ECB;

*Amendment*

(d) a member appointed by the ECB; *who shall be non-voting*

Or. en

**Amendment 773**  
**Sari Essayah**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) a member appointed by the ECB;

*Amendment*

(d) a member appointed by the ECB *without voting right*;

Or. en

**Amendment 774**  
**Marianne Thyssen**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) a member appointed by the ECB;

*Amendment*

(d) a member appointed by the ECB  
***without voting rights;***

Or. nl

**Amendment 775**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) a member appointed by the ECB;

*Amendment*

(d) a member appointed by the ECB, ***with voting rights;***

Or. en

**Amendment 776**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) an independent expert appointed by the ECB, with voting rights;***

Or. en

**Amendment 777**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) a member appointed by the European Parliament;***

Or. en

**Amendment 778**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***(db) a non-voting member appointed by the ESM;***

Or. en

**Amendment 779**  
**Werner Langen**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) a member appointed by the ESM, as a member without the right to vote;***

Or. de

**Amendment 780**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 39 – paragraph 1 a (new)**



*Text proposed by the Commission*

*Amendment*

***1a. A member appointed by the ESM;***

Or. en

**Amendment 781**

**Sari Essayah**

**Proposal for a regulation**

**Article 39 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) a member appointed by each participating Member State, representing the national resolution authority.

(e) a member appointed by each participating Member State, representing the national resolution authority, ***with voting right.***

Or. en

**Amendment 782**

**Corien Wortmann-Kool**

**Proposal for a regulation**

**Article 39 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) a member appointed by each participating Member State, representing the national resolution authority.

(e) a member appointed by each participating Member State, representing the national resolution authority, ***with voting rights.***

Or. en

**Amendment 783**

**Marianne Thyssen**

**Proposal for a regulation**

**Article 39 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) a member appointed by each participating Member State, representing the national resolution authority.

*Amendment*

(e) a member appointed by each participating Member State, representing the national resolution authority ***with voting rights.***

Or. nl

**Amendment 784**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 39 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) an observer member appointed by EBA, without voting rights.***

Or. en

**Amendment 785**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 39 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The members appointed by the ECB and the European Parliament shall each have a high level of relevant expertise and knowledge, for example by virtue of their academic background in the financial sector. They shall act independently from the institutions that appointed them and shall not be considered liable for the institutions that appointed them. The term of office shall be five years and not renewable.***

Or. en

**Amendment 786**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 39 – paragraph 2**

*Text proposed by the Commission*

2. The term of office of the Executive Director, the Deputy Executive Director and of the **members** of the Board appointed by **the Commission and** the ECB shall be five years. Subject to Article 53(6), that term shall not be renewable.

*Amendment*

2. The term of office of the Executive Director, the Deputy Executive Director and of the **member** of the Board appointed by the ECB shall be five years. Subject to Article 53(6), that term shall not be renewable.

Or. en

**Amendment 787**  
**Slawomir Nitras**

**Proposal for a regulation**  
**Article 39 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) a plenary session of the Board, **which shall exercise the tasks set out in Article 47;**

*Amendment*

(a) a plenary session of the Board

Or. en

**Amendment 788**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 40 – paragraph 1**

*Text proposed by the Commission*

The Board shall act in compliance with Union law, **in particular with the Commission decisions pursuant to this**

*Amendment*

The Board shall act in compliance with Union law.

*Regulation.*

Or. en

**Amendment 789**

**Diogo Feio**

**Proposal for a regulation**

**Article 41 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall be accountable to the European Parliament, the Council and the Commission for the implementation of this Regulation, in accordance with paragraphs 2 to 8.

*Amendment*

1. The Board shall be accountable to the European Parliament, the Council and the Commission for the implementation of this Regulation, in accordance with paragraphs 2 to 8 ***to the extent that it has not planned and/or acted in accordance with specific instructions from the Commission.***

Or. en

**Amendment 790**

**Sharon Bowles**

**Proposal for a regulation**

**Article 41 – paragraph 2**

*Text proposed by the Commission*

2. The Board shall submit each year a report to the European Parliament, the Council, the Commission and the European Court of Auditors on the execution of the tasks conferred upon it by this Regulation.

*Amendment*

2. The Board shall submit each year a report to the European Parliament, the Council, the Commission and the European Court of Auditors on the execution of the tasks conferred upon it by this Regulation. ***Subject to the requirements on professional secrecy, this report will be published on the Board's website.***

Or. en

**Amendment 791**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 41 – paragraph 2**

*Text proposed by the Commission*

2. The Board shall submit each year a report to the European Parliament, the Council, the Commission and the European Court of Auditors on the execution of the tasks conferred upon it by this Regulation.

*Amendment*

2. The Board shall submit each year a report to the European Parliament, the Council, the ***Eurogroup, the*** Commission and the European Court of Auditors on the execution of the tasks conferred upon it by this Regulation.

Or. en

**Amendment 792**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 41 – paragraph 3**

*Text proposed by the Commission*

3. The Executive Director shall present that report in public to the European Parliament, and to the ***Council***.

*Amendment*

3. The Executive Director shall present that report in public to the European Parliament, and to the ***Eurogroup in the presence of representatives from the participating Member States whose currency is not the euro***.

Or. en

**Amendment 793**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 41 – paragraph 4**

*Text proposed by the Commission*

4. At the request of the European Parliament, the Executive Director shall

*Amendment*

4. At the request of the European Parliament, the Executive Director shall

participate in a hearing on the execution of its resolution tasks by the competent committees of the Parliament.

participate in a hearing on the execution of its resolution tasks by the competent committees of the Parliament. ***A hearing shall take place at least once every calendar year.***

Or. en

**Amendment 794**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 41 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. At the request of the European Parliament, the Deputy Executive Director shall participate in a hearing on the execution of its resolution tasks by the competent committees of the Parliament.***

Or. en

**Amendment 795**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 41 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The Executive Director may, at the request of the ***Council***, be heard on the execution of its resolution tasks by the ***Council***.

5. The Executive Director may, at the request of the ***Eurogroup***, be heard on the execution of its resolution tasks by the ***Eurogroup and representatives from the participating Member States whose currency is not the euro.***

Or. en

**Amendment 796**  
**Herbert Dorfmann**

**Proposal for a regulation**  
**Article 41 – paragraph 5**

*Text proposed by the Commission*

5. The Executive Director may, at the request of the Council, be heard on the execution of its resolution tasks by the Council.

*Amendment*

5. The Executive Director may, at the request of the **European Parliament and the Council**, be heard on the execution of its resolution tasks by the Council.

Or. en

**Amendment 797**  
**Othmar Karas**

**Proposal for a regulation**  
**Article 41 – paragraph 6**  
2013/0253 (COD)  
Article 41 paragraph 6

*Text proposed by the Commission*

6. The Board shall reply orally or in writing to questions addressed to it by the European Parliament or by the Council, according to its own procedures, in the presence of representatives from any participating Member States whose currency is not the Euro.

*Amendment*

6. The Board shall reply orally or in writing to questions addressed to it by the European Parliament or by the Council, according to its own procedures, in the presence of representatives from any participating Member States whose currency is not the Euro. ***Questions should be replied as promptly as possible, and in any event within five weeks of their transmission to the Board.***

Or. en

*Justification*

*In order to ensure the effectiveness of the controlling rights of Council and EP, a maximum time limit for delivering answers should be set. Five weeks constitute the same time frame as the ECB and the EP agreed upon in their IIA with regard to the SSM.*

**Amendment 798**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 41 – paragraph 6**

*Text proposed by the Commission*

6. The Board shall reply orally or in writing to questions addressed to it by the European Parliament or by the **Council, according to its own procedures, in the presence of** representatives from any participating Member States whose currency is not the Euro.

*Amendment*

6. The Board shall reply orally or in writing to questions addressed to it by the European Parliament or by the **Eurogroup and** representatives from any participating Member States whose currency is not the Euro **according to its own procedures.**

Or. en

**Amendment 799**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 41 – paragraph 6**

*Text proposed by the Commission*

6. The Board shall reply orally or in writing to questions addressed to it by the European Parliament or by the Council, according to its own procedures, in the presence of representatives from any participating Member States whose currency is not the Euro.

*Amendment*

6. The Board shall reply orally or in writing to questions addressed to it by the European Parliament or by the Council, according to its own procedures, in the presence of representatives from any participating **and non-participating** Member States whose currency is not the Euro.

Or. en

**Amendment 800**  
**Philippe Lamberts, Sven Giegold**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 41 – paragraph 8**



*Text proposed by the Commission*

8. During any investigations by the Parliament, the Board shall cooperate with the Parliament, subject to the TFEU. The Board and the Parliament shall conclude appropriate arrangements on the practical modalities of the exercise of democratic accountability and oversight over the exercise of the tasks conferred on the Board by this Regulation. Those arrangements shall cover, inter alia, access to information, cooperation in investigations and information on the selection procedure of the Executive Director.

*Amendment*

8. During any investigations by the Parliament, the Board shall cooperate with the Parliament, subject to the TFEU. The Board and the Parliament shall conclude **by 1 March 2015** appropriate arrangements on the practical modalities of the exercise of democratic accountability and oversight over the exercise of the tasks conferred on the Board by this Regulation. Those arrangements shall cover, inter alia, access to information, cooperation in investigations and information on the selection procedure of the Executive Director **and the Deputy Director and shall have in all relevant aspects have at least the scope and substance covered by the IIA adopted by the EP on 9.10.2013 in the framework of the SSM pursuant to article 20 paragraph 9 of regulation [SSM]. These arrangements shall include an agreement between the Board and the Parliament on the principles and procedures for the classification, transmission to Parliament and delayed public disclosure of confidential information other than those covered by the IIA concluded pursuant to article 20 paragraph 9 of regulation [SSM].**

Or. en

**Amendment 801**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 42 – paragraph 2**

*Text proposed by the Commission*

2. The national Parliament of a participating Member State may invite the Executive Director to participate in an exchange of views in relation to the

*Amendment*

2. The national Parliament of a participating Member State may invite the Executive Director to participate in an exchange of views in relation to the

resolution of *credit institutions* in that Member State together with a representative of the national resolution authority.

resolution of *entities referred to in Article 2* in that Member State together with a representative of the national resolution authority.

Or. en

**Amendment 802**  
**Vicky Ford, Ivo Strejček**

**Proposal for a regulation**  
**Article 42 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. National parliaments of non-participating Member States may invite the Executive Director of the Board together with a representative of their own national resolution authority to participate in an exchange of views on all the possible spill-over effects of the resolution of credit institutions in participating Member States on entities outside of the SRM scope.***

Or. en

**Amendment 803**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 43 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The members of the Board referred to in Article **40(2)** shall act independently and objectively in the interest of the Union as a whole and shall neither seek nor take instructions from the Union's institutions or bodies, from any Government of a Member State or from any other public or private body.

2. The members of the Board referred to in Article **39 (1)** shall act independently and objectively in the interest of the Union as a whole and shall neither seek nor take instructions from the Union's institutions or bodies, from any Government of a Member State or from any other public or private body.

**Amendment 804**  
**Werner Langen**

**Proposal for a regulation**  
**Article 44 – paragraph 1**

*Text proposed by the Commission*

The Board shall have its seat in **Brussels, Belgium**.

*Amendment*

The Board shall have its seat in **Frankfurt am Main, Germany**.

**Amendment 805**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 44 – paragraph 1**

*Text proposed by the Commission*

The Board shall have its seat in **Brussels, Belgium**.

*Amendment*

The Board shall have its seat in **Frankfurt am Main, Germany**.

**Amendment 806**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 46 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) adopt, by 30 November of each year, the Board's annual work programme for the coming year in accordance with Article 49(1), based on a draft put forward by the Executive Director and shall transmit it for information to the European Parliament,

*Amendment*

(a) adopt, by 30 November of each year, the Board's annual work programme for the coming year in accordance with Article 49(1), based on a draft put forward by the Executive Director and shall transmit it for information to the European Parliament,

the Council, the Commission, and the European Central Bank;

the Council, the Commission, and the European Central Bank; ***the implementation of the Board's annual work programme should be monitored and controlled on a quarterly basis by the Board's plenary.***

Or. en

**Amendment 807**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 46 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) adopt, by 30 November of each year, the Board's annual work programme for the coming year in accordance with Article 49(1), based on a draft put forward by the Executive Director and shall transmit it for information to the European Parliament, the ***Council***, the Commission, and the European Central Bank;

*Amendment*

(a) adopt, by 30 November of each year, the Board's annual work programme for the coming year in accordance with Article 49(1), based on a draft put forward by the Executive Director and shall transmit it for information to the European Parliament, the ***Eurogroup and representatives from the participating Member States whose currency is not the euro***, the Commission, and the European Central Bank;

Or. en

**Amendment 808**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 46 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) adopt the annual budget of the Board in accordance with Article ***59(2)***;

*Amendment*

(b) adopt, ***monitor and control***, the annual budget of the Board in accordance with Article ***58 (2), and 58 (2a)***. ***The monitoring and control should be done on a quarterly basis.***

**Amendment 809**

**Diogo Feio**

**Proposal for a regulation**

**Article 46 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) issue opinions and/or recommendations on the quarterly draft report of the Executive-Director mentioned in Article 52 (2)(g)*

Or. en

**Amendment 810**

**Diogo Feio**

**Proposal for a regulation**

**Article 46 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) decide on the voluntary borrowing between financing arrangements in accordance with Article 68, the mutualisation of national financing arrangements in accordance with Article 72 and on the lending to deposit guarantee scheme in accordance with Article 73;

(c) decide on the voluntary borrowing between financing arrangements in accordance with Article 68, the mutualisation of national financing arrangements in accordance with Article 72 and on the lending to deposit guarantee scheme in accordance with Article 73 **(4)**;

Or. en

**Amendment 811**

**Diogo Feio**

**Proposal for a regulation**

**Article 46 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) adopt **an** annual activity report on the Board's activities referred to in Article **42**. This report shall present detailed explanations on the implementation of the budget;

*Amendment*

(d) adopt **the** annual activity report on the Board's activities referred to in Article **41**. This report shall present detailed explanations on the implementation of the budget;

Or. en

**Amendment 812**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 47 – paragraph 2**

*Text proposed by the Commission*

2. The Board in its plenary session shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of the Executive Director, at the request of the **Commission**, or at the request of at least one-third of its members.

*Amendment*

2. The Board in its plenary session shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of the Executive Director, at the request of the **ECB**, or at the request of at least one-third of its members.

Or. en

**Amendment 813**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 47 – paragraph 2**

*Text proposed by the Commission*

2. The Board in its plenary session shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of the Executive Director, at the request of the Commission, or at the request of at least one-third of its members.

*Amendment*

2. The Board in its plenary session shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of the Executive Director, at the request of the Commission, **at the request of the ECB**, or at the request of at least one-third of its members.

**Amendment 814**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 47 – paragraph 2**

*Text proposed by the Commission*

2. The Board in its plenary session shall hold at least **two** ordinary meetings a year. In addition, it shall meet on the initiative of the Executive Director, at the request of the Commission, or at the request of at least one-third of its members.

*Amendment*

2. The Board in its plenary session shall hold at least **four** ordinary meetings a year. In addition, it shall meet on the initiative of the Executive Director, at the request of the Commission, or at the request of at least one-third of its members.

Or. en

**Amendment 815**  
**Wolf Klinz**

**Proposal for a regulation**  
**Article 48 – paragraph 1**

*Text proposed by the Commission*

1. The Board, in its plenary session, shall take its decisions by a **simple** majority of its members. **However, decisions referred to in point (c) of Article 47(1) shall be taken by a majority of two-thirds of its members.**

*Amendment*

1. The Board, in its plenary session, shall take its decisions by a **qualified** majority of its members.

Or. en

**Amendment 816**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 48 – paragraph 1**

*Text proposed by the Commission*

1. The Board, in its plenary session, shall take its decisions by a ***simple majority of its members. However, decisions referred to in point (c) of Article 47(1) shall be taken by a*** majority of two-thirds of its members.

*Amendment*

1. The Board, in its plenary session, shall take its decisions by a majority of two-thirds of its members.

Or. en

**Amendment 817**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 48 – paragraph 2**

*Text proposed by the Commission*

2. The Executive Director shall take part in the voting.

*Amendment*

2. The Executive Director shall take part in the voting. ***The members appointed by the Commission, the ECB and the ESM shall not have voting rights.***

Or. en

**Amendment 818**  
**Werner Langen**

**Proposal for a regulation**  
**Article 48 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. If a decision taken by the Board would be such as to infringe the budgetary sovereignty of a Member State, approval of that decision shall be contingent upon the consent of the Member State in question.***

Or. de



**Amendment 819**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 49 – paragraph 1**

*Text proposed by the Commission*

1. Subject to paragraphs 2 and 3, the members of the Board referred to in Article 40(1)(a) to (d) shall participate in the executive sessions of the Board.

*Amendment*

1. Subject to paragraphs 2 and 3, the members of the Board referred to in Article 39(1)(a) to (d) shall participate in the executive sessions of the Board. ***The members appointed by the Commission, the ECB and the ESM shall not have voting rights.***

Or. en

**Amendment 820**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 49 – paragraph 1**

*Text proposed by the Commission*

1. Subject to paragraphs 2 and 3, the members of the Board referred to in ***Article 40(1)(a) to (d)*** shall participate in the executive sessions of the Board.

*Amendment*

1. Subject to paragraphs 2 and 3, the members of the Board referred to in ***Article 39(1)(a) and (aa)*** shall participate in the executive sessions of the Board.

Or. en

*Justification*

*In order to ensure the European dimension of the SRM and of the Board, only the Executive and the 4 independent members should be voting members of the Board in its executive session. This amendment is to be read together with the amendments in Articles 39, 51, 52 and 53.*

**Amendment 821**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 49 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on an entity referred to in Article 2 or a group of entities established only in one participating Member State, the member appointed by that Member State shall also participate in the deliberations **and in the decision-making process in accordance with Article 52(1) and (3)**.

*Amendment*

2. When deliberating on an entity referred to in Article 2 or a group of entities established only in one participating Member State, the member appointed by that Member State shall also participate in the deliberations **as an observer without voting rights**.

Or. en

*Justification*

*In order to ensure the European dimension of the SRM and of the Board, only the Executive and the 4 independent members should be voting members of the Board in its executive session. The Board shall however not take a decision without hearing the member appointed by the concerned Member State and taking their views duly into account. This amendment is to be read together with the amendments in Articles 39, 51, 52 and 53.*

**Amendment 822**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 49 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on an entity referred to in Article 2 or a group of entities established only in one participating Member State, the member appointed by that Member State shall also participate in the deliberations and in the decision-making process in accordance with Article **52(1)** and (3).

*Amendment*

2. When deliberating on an entity referred to in Article 2 or a group of entities established only in one participating Member State, the member appointed by that Member State shall also participate in the deliberations and in the decision-making process in accordance with **Article 51(1)** and (3).

Or. en

**Amendment 823**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 49 – paragraph 3**

*Text proposed by the Commission*

3. When deliberating on a cross-border group the member appointed by the Member State in which the group level resolution authority is situated, as well as the members appointed by the Member States in which a subsidiary or entity covered by consolidated supervision is established, shall participate in the deliberations and in the decision-making process in accordance with Article 52(2) and (3).

*Amendment*

3. When deliberating on a cross-border group the member appointed by the Member State in which the group level resolution authority is situated, as well as the members appointed by the Member States in which a subsidiary, **branch** or entity covered by consolidated supervision is established, shall **also** participate in the deliberations and in the decision-making process in accordance with Article 51(2) and (3).

Or. en

**Amendment 824**

**Robert Goebbels**

**Proposal for a regulation**

**Article 49 – paragraph 3**

*Text proposed by the Commission*

3. When deliberating on a cross-border group the member appointed by the Member State in which the group level resolution authority is situated, as well as the members appointed by the Member States in which a subsidiary or entity covered by consolidated supervision is established, shall participate in the deliberations **and in the decision-making process in accordance with Article 52(2) and (3)**.

*Amendment*

3. When deliberating on a cross-border group the member appointed by the Member State in which the group level resolution authority is situated, as well as the members appointed by the Member States in which a subsidiary or entity covered by consolidated supervision is established, shall participate in the deliberations **as observers without voting rights**.

Or. en

*Justification*

*In order to ensure the European dimension of the SRM and of the Board, only the Executive and the 4 independent members should be voting members of the Board in its executive session. The Board shall however not take a decision without hearing the members appointed by the Home and Host Member States and taking their views duly into account. This amendment is to be read together with the amendments in Articles 39, 51, 52 and 53.*

**Amendment 825**

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

**Proposal for a regulation**

**Article 49 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Where relevant, the Board may also call additional observers to participate in the meetings of its executive session, in particular national resolution authorities of non-participating Member States when deliberating on a group that has subsidiaries or significant branches in those non-participating Member States.***

Or. en

**Amendment 826**

**Diogo Feio**

**Proposal for a regulation**

**Article 49 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Coordinators of internal resolution teams, mentioned in Article 77, will also participate in the executive sessions of the Board, but without any voting rights, when deliberations and decisions will be taken with regard to entities referred to in Article 2.***

Or. en

**Amendment 827**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 49 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. The Board shall establish an Administrative Board of Review for the purposes of carrying out an internal administrative review of the decisions taken in its executive sessions, in the exercise of the powers conferred on it by this Regulation, and concerning resolution schemes and/or measures, following a request for review, submitted by the national resolution authorities whose members have participated in the deliberations and the decision making in accordance with paragraphs 2 and 3, in case of a major dissent from the decisions of the Board.***

Or. en

**Amendment 828**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 50 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) prepare decisions to be adopted by the Board in its plenary session;

(a) prepare ***all*** decisions to be adopted by the Board in its plenary session;

Or. en

**Amendment 829**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 50 – paragraph 2 – point b – point i**

*Text proposed by the Commission*

*Amendment*

**(i) providing the Commission, as early as possible, with any relevant information allowing the Commission to assess and take a reasoned decision pursuant to Article 16(6);**

*deleted*

Or. en

**Amendment 830**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 50 – paragraph 2 – point b – point i**

*Text proposed by the Commission*

*Amendment*

**(i) providing the Commission, as early as possible, with any relevant information allowing the Commission to assess and take a reasoned decision pursuant to Article 16(6);**

**(i) providing the Commission, as early as possible, with any relevant information;**

Or. en

**Amendment 831**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 50 – paragraph 2 – point b – point i**

*Text proposed by the Commission*

*Amendment*

**(i) providing the Commission, as early as possible, with any relevant information allowing the Commission to assess and take a reasoned decision pursuant to Article 16(6);**

**(i) providing the national competent authorities, as early as possible, with any relevant information allowing the national competent authorities to assess and take a reasoned decision pursuant to Article 16(6);**

**Amendment 832**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 50 – paragraph 2 – point b – point i**

*Text proposed by the Commission*

(i) providing the Commission, as early as possible, **with any** relevant information allowing the Commission to assess and take a reasoned decision pursuant to Article 16(6);

*Amendment*

(i) providing the Commission, as early as possible, **with a draft decision in accordance with Article 16 accompanied by all** relevant information, allowing the Commission to assess and take a reasoned decision pursuant to Article 16(6);

Or. en

**Amendment 833**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 50 – paragraph 2 – point b – point ii a (new)**

*Text proposed by the Commission*

*Amendment*

**(iia) the preparation and assessment of the resolution plans in accordance with Articles 7 to 9;**

Or. en

**Amendment 834**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 50 – paragraph 2 – point b – point ii b (new)**

*Text proposed by the Commission*

*Amendment*

**(iib) determining the minimum**

*requirement for own funds and eligible liabilities that institutions and parent undertakings need to maintain in accordance with Article 10;*

Or. en

**Amendment 835**  
**Ildikó Gáll-Pelcz, Theodor Dumitru Stolojan**

**Proposal for a regulation**  
**Article 50 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. When necessary, because of urgency, the Board, in its executive session may take certain provisional decisions on behalf of the Board in its plenary session, in particular on administrative management matters, including budgetary matters.**

*deleted*

Or. en

*Justification*

*In line with the BRRD, all resolution authorities of the group should be consulted, as time is quite important in a resolution situation. It is essential to involve them as early as possible, so not to risk complications at the college level.*

**Amendment 836**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 50 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Board, in its executive session, shall meet on the initiative of the Executive Director or at the request of its members.**

*deleted*



**Amendment 837**  
**Ildikó Gáll-Pelcz, Theodor Dumitru Stolojan**

**Proposal for a regulation**  
**Article 50 – paragraph 4**

*Text proposed by the Commission*

4. The Board, in its executive session, shall meet on the initiative of the Executive Director or at the request of its members.

*Amendment*

4. The Board, in its executive session, shall meet on the initiative of the Executive Director or at the request of **any of** its members.

**Amendment 838**  
**Elisa Ferreira**

**Proposal for a regulation**  
**Article 50 – paragraph 4**

*Text proposed by the Commission*

4. The Board, in its executive session, shall meet on the initiative of the Executive Director or at the request of its members.

*Amendment*

4. The Board, in its executive session, shall meet on the initiative of the Executive Director or at the request of **any of** its members.

**Amendment 839**  
**Astrid Lulling**

**Proposal for a regulation**  
**Article 51 – paragraph 1**

*Text proposed by the Commission*

1. When deliberating on an individual entity or a group established only in one

*Amendment*

1. When deliberating on an individual entity or a group established only in one

participating Member State, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. In case of a tie the Executive Director shall have a casting vote.

participating Member State, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. In case of a tie the Executive Director shall have a casting vote. ***The distribution of voting rights shall be the following :***

***(a) the Executive Director : one vote***

***(b) the Deputy Executive Director : one vote***

***(c) the member appointed by the Commission : two votes***

***(d) the member appointed by the participating Member State, representing the national resolution authority : two votes***

Or. en

**Amendment 840**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 51 – paragraph 1**

*Text proposed by the Commission*

1. ***When deliberating on an individual entity or a group established only in one participating Member State***, the Board shall take its decisions in its executive sessions by a simple majority of its ***participating*** members. In case of a tie the Executive Director shall have a casting vote.

*Amendment*

1. The Board shall take its decisions in its executive sessions by a simple majority of its ***voting*** members. In case of a tie the Executive Director shall have a casting vote.

Or. en

*Justification*

*In order to ensure the European dimension of the SRM and of the Board, only the Executive and the 4 permanent independent members should be voting members of the Board in its executive session. This amendment is to be read together with the amendments in Articles 39,*

49, 52 and 53.

**Amendment 841**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 51 – paragraph 1**

*Text proposed by the Commission*

1. When deliberating on an individual entity or a group established only in one participating Member State, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. In case of a tie the Executive Director shall have a casting vote.

*Amendment*

1. When deliberating on an individual entity or a group established only in one participating Member State, the Board shall take its decisions in its executive sessions by a simple majority of its participating members ***with voting rights***. In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 842**  
**Philippe Lamberts, Sven Giegold**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 51 – paragraph 1**

*Text proposed by the Commission*

1. When deliberating on an individual entity or a group established only in one participating Member State, the Board shall take its decisions in its executive sessions by a simple majority of ***its*** participating members. In case of a tie the Executive Director shall have a casting vote.

*Amendment*

1. When deliberating on an individual entity or a group established only in one participating Member State, the Board shall take its decisions in its executive sessions by a simple majority of ***the*** participating members ***referred to in article 49(2)***. In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 843**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.**

**deleted**

Or. en

*Justification*

*In order to ensure the European dimension of the SRM and of the Board, only the Executive and the 4 permanent independent members should be voting members of the Board in its executive session. This amendment is to be read together with the amendments in Articles 39, 49, 52 and 53.*

**Amendment 844**  
**Slawomir Nitras**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. When deliberating on a cross-border group, the Board shall take its decisions in

2. When deliberating on a cross-border group, the Board shall take its decisions **on**

its executive sessions by a *simple majority* of its participating members. The members of the Board *referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated* shall each have one vote. The *other participating members* shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

*resolution actions* in its executive sessions by a *way of unanimity* of its participating members. The members of the Board shall each have one vote. The *executive session has 7 days to reach a decision. If the joint agreement is not achieved, then the draft decision shall be referred to the plenary session and adopted by simple majority.*

Or. en

**Amendment 845**  
**Ildikó Gáll-Pelcz**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions *by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated* shall each have one vote. The *other participating members* shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

*Amendment*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions. Members of the *executive session of the Board* shall reach a joint decision.

*In the absence of a joint decision the Board shall take its decision in its plenary*

*session as referred to in Article 48.*

Or. en

*Justification*

*National resolution authorities are incentivized to put their efforts to reach a joint decision. If they fail to reach a consensus, all the other participating Member States will deliberate on the question and vote by simple majority (one member one vote).*

**Amendment 846**  
**Astrid Lulling**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) **and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the** Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

*Amendment*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 39(1) **shall have the following voting rights :**

**(a) the Executive Director : one vote**

**(b) the Deputy Executive Director : one vote**

**(c) the member appointed by the Commission : two votes**

**(d) the member appointed by the Member State in which the group level resolution authority is situated : one vote**

*(e) the members appointed by the Member States in which a subsidiary or entity covered by consolidated supervision is established shall have one vote, up to maximum of two votes where the number of such members is bigger than two.*

In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 847**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

*Amendment*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members **with voting rights**. The members of the Board referred to in Article 39(1)(a), (b) and (e) and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The other participating members **with voting rights** shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 848**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated ***shall each have one vote. The other participating members shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established.*** In case of a tie the Executive Director shall have a casting vote.

*Amendment*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated ***and the participating Member States where a subsidiary or branch of the parent institution is situated shall each have one vote.*** In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 849**  
**Krišjānis Kariņš**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the ***member*** appointed by ***the*** Member ***State*** in which the group level resolution ***authority is*** situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of one vote ***and the number of national resolution authorities of the Member States in which a subsidiary or entity***

*Amendment*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the ***members*** appointed by Member ***States*** in which the group level ***and host*** resolution ***authorities are*** situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of one vote. In case of a tie the Executive Director shall have a casting vote.



*covered by consolidated supervision is established.* In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 850**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

*Amendment*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2), ***except the Commission***, and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 851**  
**Danuta Maria Hübner**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border group, the Board shall take its decisions in

*Amendment*

2. When deliberating on a cross-border group, the Board shall take its decisions in

its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of **one vote** and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of **two votes** and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established, ***provided the cross-border resolution decision concerns at least two participating States in which a subsidiary or entity covered by consolidated supervision is established. If only one Member State with a subsidiary or entity covered by consolidated supervision is concerned by the cross-border resolution decision, then the resolution authority of the Member State in question shall have one vote only.*** In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 852**  
**Marianne Thyssen**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border group, the Board ***shall take its decisions in its executive sessions by a simple majority of its participating members. The*** members of the Board referred to in Article 40(2) ***and*** the member appointed by the Member State in which the group level resolution authority is situated ***shall each have one vote. The other participating members shall each have a voting right***

*Amendment*

2. When deliberating on a cross-border group ***in the executive sessions of*** the Board, ***the*** members of the Board referred to in ***points (a), (b) and (c) of Article 39(1),*** the member appointed by the Member State in which the group level resolution authority is situated ***and the other participating members of the national resolution authorities of the Member States in which a subsidiary or***

*equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established.* In case of a tie the Executive Director shall have a casting vote.

*entity under consolidated supervision is situated shall do all in their power to reach a joint decision within the deadline set by the Board, taking account of the urgency of the specific matter. If no joint decision is taken under paragraph 1, the members of the Board referred to in points (a), (b) and (c) of Article 39(1) shall decide by simple majority, with each voting member having one vote.* In case of a tie the Executive Director shall have a casting vote.

Or. nl

**Amendment 853**  
**Elisa Ferreira**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

*Amendment*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 39(2) and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The other participating members shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary, **branch** or entity covered by consolidated supervision is established. ***The determination of the fraction of the vote of the national resolution authority of each Member State in which a subsidiary, branch or entity covered by consolidated supervision is established shall take into account the relative importance of the subsidiary, branch or entity covered by consolidated supervision in the economy of each host***

**Member State and in the group as a whole.** In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 854**

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

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of **its** participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The **other** participating members **shall each have a voting right equal to a fraction of one vote and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established.** In case of a tie the Executive Director shall have a casting vote.

*Amendment*

2. When deliberating on a cross-border group, the Board shall take its decisions in its executive sessions by a simple majority of **the** participating members **referred to in article 49(3) with the following modifications:** The members of the Board referred to in Article 39(1) **points a) to d)** and the member appointed by the Member State in which the group level resolution authority is situated shall each have one vote. The participating members **in which a subsidiary or entity covered by consolidated supervision is established shall each have a voting right equal to one divided by their number.** In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 855**

**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. When deliberating on a cross-border

*Amendment*

2. When deliberating on a cross-border

group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated shall each have **one vote**. The other participating members shall each have a voting right equal to a fraction of **one vote** and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

group, the Board shall take its decisions in its executive sessions by a simple majority of its participating members. The members of the Board referred to in Article 40(2) and the member appointed by the Member State in which the group level resolution authority is situated shall each have **two votes**. The other participating members shall each have a voting right equal to a fraction of **two votes** and the number of national resolution authorities of the Member States in which a subsidiary or entity covered by consolidated supervision is established. In case of a tie the Executive Director shall have a casting vote.

Or. en

**Amendment 856**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 51 – paragraph 3**

*Text proposed by the Commission*

**3. *Until the target funding level referred to in Article 65 is reached***, a member appointed by a Member State shall be able to require once a further deliberation of the Board where a decision under discussion impinges on the fiscal responsibilities of that Member State.

*Amendment*

3. A member appointed by a Member State shall be able to require once a further deliberation of the Board where a decision under discussion impinges on the fiscal responsibilities of that Member State.

Or. en

**Amendment 857**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 51 – paragraph 3**

*Text proposed by the Commission*

3. ***Until the target funding level referred to in Article 65 is reached, a*** member appointed by a Member State shall be able to require once a further deliberation of the Board where a decision under discussion impinges on the fiscal responsibilities of that Member State.

*Amendment*

3. *A* member appointed by a Member State shall be able to require once a further deliberation of the Board where a decision under discussion impinges on the fiscal responsibilities of that Member State.

Or. en

**Amendment 858**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 51 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

Meetings of the Board in its executive session shall be convened by the Executive Director on his own initiative or upon request of ***two*** members, and shall be chaired by the Executive Director. The Board may invite observers to attend its ***executive sessions*** on an ad hoc basis.

*Amendment*

Meetings of the Board in its executive session shall be convened by the Executive Director on his own initiative or upon request of ***any of its*** members, and shall be chaired by the Executive Director. The Board ***in its executive session*** may invite observers to attend its ***meetings*** on an ad hoc basis.

Or. en

**Amendment 859**

**Danuta Maria Hübner, Vicky Ford**

**Proposal for a regulation**

**Article 51 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

Meetings of the Board in its executive session shall be convened by the Executive Director on his own initiative or upon request of ***two members***, and shall be

*Amendment*

Meetings of the Board in its executive session shall be convened by the Executive Director on his own initiative or upon request of ***at least one member***, and shall

chaired by the Executive Director. The Board may invite observers to attend its executive sessions on an ad hoc basis.

be chaired by the Executive Director. The Board may invite observers to attend its executive sessions on an ad hoc basis

Or. en

*Justification*

*It should be possible to convene the executive sessions of the board following the initiative of only one member (not following the initiative of two as is currently the case in the Commission proposal):*

**Amendment 860**

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

**Proposal for a regulation**

**Article 51 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

Meetings of the Board in its executive session shall be convened by the Executive Director on his own initiative or upon request of **two** members, and shall be chaired by the Executive Director. The Board may invite observers to attend its executive sessions on an ad hoc basis.

*Amendment*

Meetings of the Board in its executive session shall be convened by the Executive Director on his own initiative or upon request of **any of its** members, and shall be chaired by the Executive Director. The Board may invite observers to attend its executive sessions on an ad hoc basis.

Or. en

**Amendment 861**

**Diogo Feio**

**Proposal for a regulation**

**Article 52 – paragraph 2 – point g**

*Text proposed by the Commission*

(g) **each year the Executive Director shall prepare a** draft report with a section on the resolution activities of the Board and a section on financial and administrative matters.

*Amendment*

(g) **the preparation of a quarterly** draft report with a section on the resolution activities **and the ongoing resolution cases** of the Board, and a section on financial and administrative matters.

**Amendment 862**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 52 – paragraph 4**

*Text proposed by the Commission*

4. The Executive Director and the Deputy Executive Director shall be appointed on the basis of merit, skills, knowledge of banking and financial matters, of experience relevant to financial supervision and regulation.

*Amendment*

4. The Executive Director and the Deputy Executive Director shall be appointed on the basis of merit, skills, knowledge of banking and financial matters, of experience relevant to financial supervision and regulation. ***The appointment procedure will pay respect to the principle of gender balance.***

Or. en

**Amendment 863**  
**Marianne Thyssen**

**Proposal for a regulation**  
**Article 52 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Executive Director and two Deputy Executive Directors shall be chosen on the basis of an open selection procedure, taking account of the principle of gender balance, and the European Parliament and the Council kept duly informed.***

Or. nl

**Amendment 864**  
**Marianne Thyssen**



**Proposal for a regulation**  
**Article 52 – paragraph 5**

*Text proposed by the Commission*

5. ***After hearing the Board, in its plenary session, the Commission shall propose a list of candidates to the Council for the appointment of the Executive Director and the Deputy Executive Director. The Council shall appoint the Executive Director and the Deputy Executive Director after hearing the European Parliament.***

*Amendment*

5. ***The Commission shall forward to the European Parliament committee a list of candidates for the posts of Executive Director and Deputy Executive Directors.***

***The Commission shall forward to the European Parliament for approval its proposals for the appointment of the Executive Director and two Deputy Executive Directors. On approval of the proposals, the Council shall, by implementing decision, appoint the Executive Director and two Deputy Executive Directors.***

Or. nl

**Amendment 865**  
**Thomas Händel**

**Proposal for a regulation**  
**Article 52 – paragraph 5**

*Text proposed by the Commission*

5. After hearing the Board, in its plenary session, the Commission shall propose a list of candidates to the Council for the appointment of the Executive Director and the Deputy Executive Director. The Council shall appoint the Executive Director and the Deputy Executive Director after ***hearing*** the European Parliament.

*Amendment*

5. After hearing the Board, in its plenary session, the Commission shall propose a list of candidates to the Council ***and the European Parliament*** for the appointment of the Executive Director and the Deputy Executive Director. The Council shall appoint the Executive Director and the Deputy Executive Director after ***the approval of*** the European Parliament.

**Amendment 866**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 52 – paragraph 5**

*Text proposed by the Commission*

5. After hearing the Board, in its plenary session, the Commission shall propose a list of candidates to the Council for the appointment of the Executive Director and the Deputy Executive Director. The Council shall appoint the Executive Director and the Deputy Executive Director after *hearing* the European Parliament.

*Amendment*

5. After hearing the Board, in its plenary session, the Commission shall propose a list of candidates to the Council for the appointment of the Executive Director and the Deputy Executive Director. The Council shall appoint the Executive Director and the Deputy Executive Director after *approval by* the European Parliament.

**Amendment 867**  
**Herbert Dorfmann**

**Proposal for a regulation**  
**Article 52 – paragraph 5**

*Text proposed by the Commission*

5. After hearing the Board, in its plenary session, the Commission shall propose a list of candidates to the Council for the appointment of the Executive Director and the Deputy Executive Director. The Council shall appoint the Executive Director and the Deputy Executive Director after hearing the European Parliament.

*Amendment*

5. After hearing the Board, in its plenary session, the Commission shall propose a list of candidates to the *European Parliament and the* Council for the appointment of the Executive Director and the Deputy Executive Director. The Council shall appoint the Executive Director and the Deputy Executive Director after hearing the European Parliament.

**Amendment 868**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 52 – paragraph 7**

*Text proposed by the Commission*

7. **An Executive Director or** Deputy Executive Director whose term of office has been extended shall not participate in another selection procedure for the same post at the end of the overall period.

*Amendment*

7. **A** Deputy Executive Director whose term of office has been extended shall not participate in another selection procedure for the same post at the end of the overall period.

Or. en

**Amendment 869**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 52 – paragraph 8**

*Text proposed by the Commission*

8. If the Executive Director or the Deputy Executive Director no longer fulfil the conditions required for the performance of their duties or have been guilty of serious misconduct, the Council may, on a proposal from the Commission and after **hearing** the European Parliament, remove the Executive Director or the Deputy Executive Director from office.

*Amendment*

8. If the Executive Director or the Deputy Executive Director no longer fulfil the conditions required for the performance of their duties or have been guilty of serious misconduct, the Council may, on a proposal from the Commission and after **approval by** the European Parliament, remove the Executive Director or the Deputy Executive Director from office.

Or. en

**Amendment 870**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 52 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8a. The 4 independent members of the Board shall be appointed by the Council, after hearing the European Parliament, on the basis of merit, skills, knowledge of banking and financial matters, of experience relevant to financial supervision regulation and resolution.***

***When appointing the 4 independent members, the Council and the European Parliament shall ensure an appropriate geographical and gender balance as well as a balanced representation of participating Member states as a whole while taking into account the diversity of the participating Member states.***

***The term of office of the 4 independent members shall be five years. That term shall be renewable once.***

Or. en

*Justification*

*It is suggested to add 4 independent members to the Board, which do not represent any Member State or national authority in order to strengthen the European dimension of the Board and of any decision taken. This amendment is to be read together with the amendments in Articles 39, 49, 51 and 53.*

**Amendment 871**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 53 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The Executive Director and the Deputy Executive Director shall exercise their tasks in conformity with the decisions of the Commission and of the Board.

The Executive Director and the Deputy Executive Director shall exercise their tasks in conformity with the decisions of the Commission, **ECB** and of the Board.

**Amendment 872**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 53 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

When taking part in the deliberations and decision-making processes within the Board, the Executive Director and the Deputy Executive Director shall neither seek nor take instructions from the Union institutions or bodies, but express their own views and vote independently. In those deliberations and decision-making processes the ***Deputy Executive Director*** shall not be under the authority of the Executive Director.

*Amendment*

When taking part in the deliberations and decision-making processes within the Board, the Executive Director and the Deputy Executive Director ***and the 4 independent members*** shall neither seek nor take instructions from the Union institutions or bodies, but express their own views and vote independently. In those deliberations and decision-making processes the ***4 independent members*** shall not be under the authority of the Executive Director.

Or. en

*Justification*

*It is suggested to add 4 independent members to the Board, which do not represent any Member State or national authority in order to strengthen the European dimension of the Board and of any decision taken. This amendment is to be read together with the amendments in Articles 39, 49, 51 and 52.*

**Amendment 873**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 53 – paragraph 2**

*Text proposed by the Commission*

2. Neither Member States nor any other public or private body shall seek to influence the Executive Director and the Deputy Executive Director in the

*Amendment*

2. Neither Member States nor any other public or private body shall seek to influence the Executive Director and the Deputy Executive Director ***and the 4***

performance of their tasks.

*independent members* in the performance of their tasks.

Or. en

*Justification*

*It is suggested to add 4 independent members to the Board, which do not represent any Member State or national authority in order to strengthen the European dimension of the Board and of any decision taken. This amendment is to be read together with the amendments in Articles 39, 49, 51 and 52.*

**Amendment 874**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 53 – paragraph 3**

*Text proposed by the Commission*

3. In accordance with the Staff Regulations referred to in Article 78(6), the Executive Director and the Deputy Executive Director shall, after leaving service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

*Amendment*

3. In accordance with the Staff Regulations referred to in Article 78(6), the Executive Director and the Deputy Executive Director **and the 4 independent members** shall, after leaving service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

Or. en

*Justification*

*It is suggested to add 4 independent members to the Board, which do not represent any Member State or national authority in order to strengthen the European dimension of the Board and of any decision taken. This amendment is to be read together with the amendments in Articles 39, 49, 51 and 52.*

**Amendment 875**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Part 3 – title 4 a (new)**

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*Text proposed by the Commission*

*Amendment*

*Advisory committees*

Or. en

**Amendment 876**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 53 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 53 a*

*The Board may establish committees to provide the SRM with advice and guidance on various policies such as systemic resolution and investments. The Board may decide to call on the expertise of the Advisory Scientific Committee of the ESRB.*

Or. en

**Amendment 877**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 54 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Board shall be responsible for devoting the necessary financial and human resources to the exercise of the tasks conferred upon it by this Regulation.

The Board shall be responsible for devoting the necessary financial and human resources to the exercise of the tasks conferred upon it by this Regulation.

*The budget of the Commission in relation to its tasks under Article 16 of this Regulation, the funding of the Board's activities under this Regulation and the funding of resolution activities under this*

***Regulation, may under no circumstances engage the budgetary liability of the Member States nor the Union.***

Or. en

**Amendment 878**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 55 – paragraph 2**

*Text proposed by the Commission*

2. The Board's budget shall be balanced in terms of revenue and expenditure.

*Amendment*

2. The Board's **administration** budget shall be balanced in terms of revenue and expenditure.

Or. en

**Amendment 879**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 55 – paragraph 3**

*Text proposed by the Commission*

3. The budget shall comprise **two** parts: Part I for the administration of the Board and Part **II** for the Fund.

*Amendment*

3. The budget shall comprise **three** parts: Part I for the administration of the Board, **Part II for the administration of the Commission in relation to its tasks under Article 16 of this Regulation** and Part **III** for the Fund.

Or. en

**Amendment 880**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 56 – paragraph 1**



*Text proposed by the Commission*

1. The revenues of Part I of the budget shall consist of the annual contributions necessary to cover the administrative expenditure in accordance with Article 62(1) (a).

*Amendment*

1. The revenues of Part I of the budget shall consist of the annual contributions necessary to cover the **annual estimated** administrative expenditure in accordance with Article 62(1) (a).

Or. en

**Amendment 881**  
**Robert Goebbels**

**Proposal for a regulation**  
**Article 56 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. This Article is without prejudice to the right of the national resolution authorities to levy fees in accordance with national law, in respect of its costs, including costs for cooperating with and assisting the Board and acting on its instructions.***

Or. en

*Justification*

*Pursuant to Article 85 of the draft SRM Regulation, the national resolution financing arrangements as laid down in the BRRD would be replaced by the SRF. However, the national resolution authorities of participating Member States will have to execute the resolution measures decided by the Board. They will as well be requested to provide “input” (e.g. draft resolution plans). Thus they will incur administrative costs which otherwise would have been covered by the national resolution financing arrangements. At this stage, the draft SRM Regulation does not elaborate on the possibility or rather the need to levy fees.*

**Amendment 882**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 56 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 56 a**

***Part II of the budget on the administration of the Commission in relation to its tasks under Article 16 of this Regulation***

***1. The revenues of Part II of the budget shall consist of the annual contributions necessary to cover the administrative expenditure of the Commission in relation to its tasks under Article 16 of this Regulation.***

***2. The expenditure of Part II of the budget shall include at least staff, remuneration, administrative, infrastructure, professional training and operational expenses of the Commission in connection with its tasks under Article 16 of this Regulation.***

***3. Estimates of all the Commission's expenditure referred to in paragraph 2 shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in a budget statement prepared by the Commission and provided to the Board on an annual basis for the purposes of this Regulation. This statement shall appear as Part II of the Board's budget.***

Or. en

**Amendment 883**

**Vicky Ford**

**Proposal for a regulation**

**Article 57 – title**

*Text proposed by the Commission*

*Amendment*

***Part II*** of the budget on the Fund

***Part III*** of the budget on the Fund

**Amendment 884**

**Vicky Ford**

**Proposal for a regulation**

**Article 57 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The revenues of Part **II** of the budget shall consist, in particular, of the following:

*Amendment*

1. The revenues of Part **III** of the budget shall consist, in particular, of the following:

Or. en

**Amendment 885**

**Markus Ferber**

**Proposal for a regulation**

**Article 57 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) contributions paid by institutions established in the participating Member States in accordance with Article 62 except for the annual contribution referred to in Article 62(1)(a);

*Amendment*

(a) contributions paid by institutions established in the participating Member States in accordance with Article 62 except for the annual contribution referred to in Article 62(1)(a); ***the amount of payments depends on the institutional guarantee system. A bank organised in an institute guarantee system may pay a smaller amount.***

Or. en

**Amendment 886**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 57 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(da) interest paid on loans received in the framework of the loan facility referred to in Article 64(2a).**

Or. en

**Amendment 887**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 58 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The budget of the Board shall be adopted by the plenary session of the Board on the basis of the statement of estimates. ***Where necessary, it shall be adjusted accordingly.***

2. The budget of the Board shall be adopted by the plenary session of the Board on the basis of the statement of estimates ***which shall include the budget statement prepared by the Commission pursuant to Article 56a.***

Or. en

**Amendment 888**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 58 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The budget of the Board shall be adopted by the plenary session of the Board on the basis of the statement of estimates. ***Where necessary, it shall be adjusted accordingly.***

2. The budget of the Board shall be adopted by the plenary session of the Board on the basis of the statement of estimates.

Or. en

**Amendment 889**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 58 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Where necessary, the budget of the Board might be adjusted accordingly, in plenary session, following its quarterly review by the Board.**

Or. en

**Amendment 890**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 60 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. By 31 March of each year the Board, in its executive session, shall transmit to the European Parliament, the **Council**, the Commission, and the Court of Auditors accounts of the Board's provisional accounts for the preceding financial year.

3. By 31 March of each year the Board, in its executive session, shall transmit to the European Parliament, the **Eurogroup and representatives from the participating Member States whose currency is not the euro**, the Commission, and the Court of Auditors accounts of the Board's provisional accounts for the preceding financial year.

Or. en

**Amendment 891**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 60 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The Executive Director shall, by 1 July

5. The Executive Director shall, by 1 July

following each financial year, shall send the final accounts to the European Parliament, the **Council**, the Commission, and the Court of Auditors.

following each financial year, shall send the final accounts to the European Parliament, the **Eurogroup and representatives from the participating Member States whose currency is not the euro**, the Commission, and the Court of Auditors.

Or. en

**Amendment 892**  
**Vicky Ford, Derk Jan Eppink**

**Proposal for a regulation**  
**Article 60 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 60 a*

*Court of Auditors*

**1. Following the consideration of the final accounts prepared by the Board pursuant to Article 60, the Court of Auditors shall prepare a report on its findings and shall submit the report to the European Parliament and the Council by 1 December following each financial year.**

**2. The Court of Auditors shall, in particular, report on:**

**(a) the economy, efficiency and effectiveness with which monies (including monies from the Fund) have been used;**

**(b) any contingent liabilities (whether for the Commission, the Board or otherwise) arising as a result of the performance by the Commission and the Board of their tasks under the Regulation.**

**3. Notwithstanding the tasks referred to in paragraph 1, the Court of Auditors shall produce a special report in relation to each decision pursuant to Article 16 to resolve an entity of a kind referred to in**

*Article 2. Each report shall, in addition to the matters referred to in paragraph 2, examine whether:*

*(a) the resolution was in accordance with the requirements of this Regulation;*

*(b) the resolution was well planned and designed, having regard in particular to the resolution framework and resolution scheme;*

*(c) sufficient regard was had to economy.*

*4. Each report under paragraph 3 shall be produced within 12 months of the date on which the decision pursuant to Article 16 was taken by the Commission in relation to the entity concerned.*

*5. Without prejudice to Article 287(4) TFEU, the European Parliament and the Council may request that the Court of Auditors examine in a report under paragraph 3, or a supplemental report, such other matters as may be specified from time to time.*

Or. en

**Amendment 893**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 60 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 60 a*

*Court of Auditors*

*1. Following the consideration of the final accounts prepared by the Board as set out in Article 60, the Court of Auditors shall submit a report on its findings to the European Parliament and the Council by 1 December following each financial year.*

***2. The report produced by the Court of Auditors shall include:***

***(a) the economy, efficiency and effectiveness with which any finance, including from the Fund, has been used;***

***(b) any contingent liabilities arising as a result of the Board carrying out its duties under this Regulation.***

***3. The Court of Auditors shall also produce a report on each decision taken under Article 16 to resolve an entity. Each report shall, in addition to the provisions of paragraph 2, examine whether:***

***(a) the resolution was in accordance with the requirements of this Regulation and the Bank Recovery and Resolution Directive [ ];***

***(b) the resolution was well planned and designed, having regard in particular to the resolution framework and resolution scheme;***

***(c) sufficient regard was had to the economy and to non-discrimination;***

***(d) that any use of the Fund was justified.***

***4. Each report under paragraph 3 shall be produced within 12 months of the date on which the resolution decision under Article 16 was taken.***

***5. Without prejudice to Article 287(4) TFEU, the European Parliament and the Council may request that the Court of Auditors examine in a report under paragraph 3, or additional report, such other matters as may be specified from time to time.***

Or. en

**Amendment 894  
Sharon Bowles**



**Proposal for a regulation**  
**Article 61 – paragraph 2**

*Text proposed by the Commission*

As far as is compatible with the particular nature of the Board, the financial provisions shall be based on the framework financial Regulation adopted for bodies set up under the TFEU in accordance with Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union.

*Amendment*

As far as is compatible with the particular nature of the Board, ***and taking into account that not all Member States participate or benefit***, the financial provisions shall be based on the framework financial Regulation adopted for bodies set up under the TFEU in accordance with Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union.

Or. en

**Amendment 895**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 62 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Entities referred to in Article 2 shall contribute to the budget of the Board in accordance with this Regulation and the ***delegated acts*** on contributions adopted pursuant to paragraph 5. The contributions shall comprise the following:

*Amendment*

1. Entities referred to in Article 2 shall contribute to the budget of the Board in accordance with this Regulation and the ***guidelines*** on contributions adopted pursuant to paragraph 5. The contributions shall comprise the following:

Or. en

**Amendment 896**  
**Werner Langen**

**Proposal for a regulation**  
**Article 62 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Entities referred to in Article 2 shall contribute to the budget of the Board in accordance with this Regulation and the ***delegated acts*** on contributions adopted pursuant to paragraph 5. The contributions shall comprise the following:

*Amendment*

1. Entities referred to in Article 2 shall contribute to the budget of the Board in accordance with this Regulation and the ***guidelines*** on contributions adopted pursuant to paragraph 5. The contributions shall comprise the following:

Or. de

**Amendment 897**

**Vicky Ford**

**Proposal for a regulation**

**Article 62 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) annual contributions necessary to cover the administrative expenditures;

*Amendment*

(a) annual contributions necessary to cover the administrative expenditures, ***including of the Commission under Article 56a, calculated in accordance with Article 66;***

Or. en

**Amendment 898**

**Vicky Ford**

**Proposal for a regulation**

**Article 62 – paragraph 2**

*Text proposed by the Commission*

2. The amounts of the contributions shall be fixed at such a level as to ensure that the revenue in respect thereof is in principle sufficient for the budget of the Board ***to be balanced each year and for the missions of the Fund.***

*Amendment*

2. The amounts of the contributions shall be fixed at such a level as to ensure that the revenue in respect thereof is in principle sufficient for the budget of the Board, ***including the budget of the Commission in relation to its tasks under Article 16 of this Regulation.***

Or. en

**Amendment 899**  
**Elisa Ferreira, Diogo Feio**

**Proposal for a regulation**  
**Article 62 – paragraph 3**

*Text proposed by the Commission*

3. **The Board shall determine**, in accordance with the delegated acts referred to in paragraph 5, the contributions due by each entity referred to in Article 2 in a decision addressed to the entity concerned. The Board shall apply procedural, reporting and other rules ensuring that contributions are fully and timely paid.

*Amendment*

3. **Following a proposal by the competent authority, including the ECB**, in accordance with the delegated acts referred to in paragraph 5, **the Board shall determine** the contributions due by each entity referred to in Article 2 in a decision addressed to the entity concerned. The Board shall apply procedural, reporting and other rules ensuring that contributions are fully and timely paid.

Or. en

**Amendment 900**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 62 – paragraph 3**

*Text proposed by the Commission*

3. The Board shall determine, in accordance with the **delegated acts** referred to in paragraph 5, the contributions due by each entity referred to in Article 2 in a decision addressed to the entity concerned. The Board shall apply procedural, reporting and other rules ensuring that contributions are fully and timely paid.

*Amendment*

3. The Board shall determine, in accordance with the **guidelines** referred to in paragraph 5, the contributions due by each entity referred to in Article 2 in a decision addressed to the entity concerned. The Board shall apply procedural, reporting and other rules ensuring that contributions are fully and timely paid.

Or. en

**Amendment 901**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 62 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Entities referred to in Article 2 shall not be called, under any circumstances, to provide extraordinary annual contributions for the purposes mentioned in paragraph 1(a);***

Or. en

**Amendment 902**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 62 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. Entities referred to in Article 2 shall not be called to contribute to the budget of the national resolution authorities.***

Or. en

**Amendment 903**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 62 – paragraph 4 c (new)**

*Text proposed by the Commission*

*Amendment*

***4c. Funds already collected under existing national resolution financing arrangements shall be transferred to the Single Resolution Fund.***

Or. en

**Amendment 904**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 62 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. The Commission shall be empowered to adopt *delegated acts* on contributions in accordance with Article 82 in order to:

*Amendment*

5. The Commission shall be empowered to adopt *guidelines* on contributions in accordance with Article 82 in order to:

Or. en

**Amendment 905**  
**Werner Langen**

**Proposal for a regulation**  
**Article 62 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. The Commission shall be empowered to adopt *delegated acts* on contributions *in accordance with Article 82* in order to:

*Amendment*

5. The Commission shall be empowered to adopt *guidelines* on contributions in order to:

Or. de

**Amendment 906**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 62 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. The *Commission* shall *be empowered to adopt delegated acts* on contributions in accordance with Article 82 in order to:

*Amendment*

5. The *EBA* shall *develop draft regulatory technical standards* on contributions in accordance with Article 82 in order to:

Or. en

**Amendment 907**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 62 – paragraph 5 – point d**

*Text proposed by the Commission*

(d) determine the annual contributions necessary to cover the administrative expenditure of the Board before it becomes fully operational.

*Amendment*

(d) determine the **amount of the first** annual contributions necessary to cover the administrative expenditure of the Board before it becomes fully operational.

Or. en

**Amendment 908**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 62 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. EBA shall submit those draft regulatory technical standards by (date)**  
**Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of regulation (EU) No 1095/2010.**

Or. en

**Amendment 909**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 63 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over the

2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over the

beneficiaries, contractors and subcontractors who have received **Union** funds from the Board.

beneficiaries, contractors and subcontractors who have received funds from the Board.

Or. en

**Amendment 910**  
**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**  
**Part 3 – title 5 – chapter 2 – title**

*Text proposed by the Commission*

The Single **Bank** Resolution **Fund**

*Amendment*

The Single Resolution **Financing Mechanism**

Or. en

**Amendment 911**  
**Leonardo Domenici, Gianni Pittella**

**Proposal for a regulation**  
**Part 3 – title 5 – chapter 2 – title**

*Text proposed by the Commission*

The Single **Bank** Resolution **Fund**

*Amendment*

The Single Resolution **Financing Mechanism**

Or. en

**Amendment 912**  
**Sari Essayah, Anneli Jäätteenmäki**

**Proposal for a regulation**  
**Article 64 – paragraph 1**

*Text proposed by the Commission*

1. The Single Bank Resolution Fund is hereby established.

*Amendment*

1. The Single Bank Resolution Fund is hereby established **as a coordinated**

*network of national resolution funds.*

Or. en

**Amendment 913**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 64 – paragraph 1**

*Text proposed by the Commission*

1. The Single Bank Resolution Fund is hereby established.

*Amendment*

1. The Single Bank Resolution Fund is hereby established. ***The Fund replaces the National Resolution Funds according to Directive [BRRD] for participating Member States.***

Or. en

*Justification*

*Consistency with BRRD: single resolution fund contributions should be subject to an annual affordability cap to avoid destabilising healthy banks.*

**Amendment 914**  
**Leonardo Domenici, Gianni Pittella**

**Proposal for a regulation**  
**Article 64 – paragraph 1**

*Text proposed by the Commission*

1. The ***Single Bank*** Resolution Fund is hereby established.

*Amendment*

1. The ***European*** Resolution Fund ***for Institutions with systemic relevance*** is hereby established.

Or. en

**Amendment 915**  
**Sharon Bowles**



**Proposal for a regulation**  
**Article 64 – paragraph 2**

*Text proposed by the Commission*

2. The Board shall use the Fund only for the purpose of ensuring the efficient implementation of the resolution tools and powers specified in Part II, Title I and in accordance with the resolution objectives and the principles governing resolution set out in Articles 12 and 13. Under no circumstances shall the Union budget be held liable for expenses or losses of the Fund.

*Amendment*

2. The Board shall use the Fund only for the purpose of ensuring the efficient implementation of the resolution tools and powers specified in Part II, Title I and in accordance with the resolution objectives and the principles governing resolution set out in Articles 12 and 13. Under no circumstances shall the Union budget be held liable for expenses or losses of the Fund ***or for any liability of the Board.***

Or. en

**Amendment 916**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 64 – paragraph 2**

*Text proposed by the Commission*

2. The Board shall use the Fund only for the purpose of ensuring the efficient implementation of the resolution tools and powers specified in Part II, Title I and in accordance with the resolution objectives and the principles governing resolution set out in Articles 12 and 13. Under no circumstances shall the Union budget be held liable for expenses or losses of the Fund.

*Amendment*

2. The Board shall use the Fund only for the purpose of ensuring the efficient implementation of the resolution tools and powers specified in Part II, Title I and in accordance with the resolution objectives and the principles governing resolution set out in Articles 12 and 13. Under no circumstances shall the Union budget ***nor the national budgets of Member States*** be held liable for expenses or losses of the Fund.

Or. en

**Amendment 917**  
**Pablo Zalba Bidegain**

**Proposal for a regulation**  
**Article 64 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The Fund shall be complemented with a loan facility preferably from a Community public instrument, to ensure the immediate availability of adequate financial means for the purposes of this Regulation. Any loan from that loan facility shall be reimbursed by the Fund within an agreed timeframe.***

Or. en

**Amendment 918**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 64 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. A Member State may, for the purpose of fulfilling its obligations under Article 65(2), establish its national financing arrangement through mandatory contributions from institutions which are authorised in its territory, which contributions are based on the criteria referred to in Article 66 (1) and 94(7) BRRD and which are not held through a fund controlled by its resolution authority provided that all of the following conditions are fulfilled:***

***(a) the amount raised by contributions is at least equal to the amount that is required to be raised by Article 65;***

***(b) the Member State's resolution authority is entitled to an amount that is equal to the amount of such contributions, which the Member State will make immediately available to that resolution authority upon the latter's***

*request, for use exclusively for the purposes set out in Article 71 (1). The Member State shall notify the Commission of that amount at least annually; and*

*(c) where a Member State avails of the discretion to structure its financing arrangement in accordance with this paragraph it shall notify the Commission and it shall be required to comply with the requirements of this Regulation.*

*The available financial means to be taken into account in order to reach the target level specified in Article 65 may include mandatory contributions from any scheme of mandatory contributions established by a Member State at any date between 17 June 2010 and the [date of publication of this Directive in the Official Journal] from institutions in its territory for the purposes of covering the costs related to systemic risk, failure and resolution of institutions, provided that the Member State complies with this Title VII. Contributions to deposit guarantee schemes shall not count towards the target level for resolution financing arrangements set out in Article 65.*

Or. en

**Amendment 919**  
**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**  
**Article 64 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 64 a*

*1. The Single Resolution Financing Mechanism is composed by:*

*(i) National resolution funds established under BRRD, for financial institutions*

*not directly supervised by the ECB as referred to in Art. 6 of the SSM Regulation;*

*(ii) The European resolution fund established under this Regulation, for entities directly supervised by the ECB or included in the scope of this Regulation as referred to in Art. 2*

*2. In case of a systemic shock in a participating Member State or where a National resolution fund has available financial resources less than what will be needed to finance an impending resolution, rules set out in Art. 97 and 103 of the BRRD shall be applied.*

Or. en

**Amendment 920**  
**Leonardo Domenici, Gianni Pittella**

**Proposal for a regulation**  
**Article 64 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 64 a*

*The Single Resolution Financing  
Mechanism*

*1. The Single Resolution Financing  
Mechanism is composed by:*

*(i) National resolution funds established under BRRD, for financial institutions not directly supervised by the ECB as referred to in art. 6 paragraph 4 of Council Regulation (EU) [ ] conferring specific tasks on the ECB concerning policies relating to the prudential supervision of credit institutions;*

*(ii) The European resolution fund established under this Regulation, for entities directly supervised by the ECB or included in the scope of this Regulation as*

*referred to in Art. 2*

**2. In case of a systemic shock in a participating Member State or where a National resolution fund has available financial resources less than what will be needed to finance an impending resolution, rules set out in Art. 97 and 103 of the BRRD shall be applied.**

Or. en

**Amendment 921**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 65 – paragraph 1**

*Text proposed by the Commission*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least **1%** of the **amount of** deposits of all credit institutions authorised in the **participating Member States which are guaranteed under Directive 94/19/EC**.

*Amendment*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund **and the means of the national financing arrangements** shall **overall** reach at least [ ] % of the **liabilities less own funds and less covered** deposits of all credit institutions authorised in the **relevant Member State**.

Or. en

**Amendment 922**  
**Thomas Händel**

**Proposal for a regulation**  
**Article 65 – paragraph 1**

*Text proposed by the Commission*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least 1% of the amount of deposits of all credit institutions authorised in the

*Amendment*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least 1% of the amount of **total liabilities excluding own funds and**

participating Member States which are guaranteed under Directive 94/19/EC.

**covered** deposits of all credit institutions authorised in the participating Member States which are guaranteed under Directive 94/19/EC.

Or. en

### Amendment 923

Diogo Feio

#### Proposal for a regulation

##### Article 65 – paragraph 1

*Text proposed by the Commission*

1. In a period no longer than **10** years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least **1%** of the amount of deposits of all credit institutions authorised in the participating Member States **which are guaranteed under Directive 94/19/EC**.

*Amendment*

1. In a period no longer than **15** years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least **0,8 %** of the amount of **covered deposits, according to Directive 94/19/EC**, of all credit institutions authorised in the participating Member States.

Or. en

### Amendment 924

Peter Simon, Udo Bullmann

#### Proposal for a regulation

##### Article 65 – paragraph 1

*Text proposed by the Commission*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least **1%** of the amount of deposits of all **credit** institutions **authorised in the participating Member States** which are guaranteed under Directive 94/19/EC.

*Amendment*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least **1.5%** of the amount of deposits of all institutions **covered by this Regulation** which are guaranteed under Directive 94/19/EC.

Or. de

**Amendment 925**  
**Philippe Lamberts**

**Proposal for a regulation**  
**Article 65 – paragraph 1**

*Text proposed by the Commission*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least **1%** of the amount of deposits of all credit institutions authorised in the participating Member States which are guaranteed under Directive 94/19/EC.

*Amendment*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least **3%** of the amount of deposits of all credit institutions authorised in the participating Member States which are guaranteed under Directive 94/19/EC.

Or. en

**Amendment 926**  
**Anne E. Jensen, Nils Torvalds**

**Proposal for a regulation**  
**Article 65 – paragraph 1**

*Text proposed by the Commission*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach **at least 1%** of the amount of deposits of all credit institutions authorised in the participating Member States which are guaranteed under Directive 94/19/EC.

*Amendment*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach **0.5 %** of the amount of deposits of all credit institutions authorised in the participating Member States which are guaranteed under Directive 94/19/EC

Or. en

**Amendment 927**  
**Vicky Ford, Derk Jan Eppink**

**Proposal for a regulation**  
**Article 65 – paragraph 1**

*Text proposed by the Commission*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least **1%** of the amount of deposits of all credit institutions authorised in the participating Member States which are guaranteed under Directive 94/19/EC.

*Amendment*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least **0.8%** of the amount of deposits of all credit institutions authorised in the participating Member States which are guaranteed under Directive 94/19/EC.

Or. en

**Amendment 928**

**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**

**Article 65 – paragraph 1**

*Text proposed by the Commission*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least 1% of the amount of deposits of all credit institutions **authorised** in the participating Member States which are guaranteed under Directive 94/19/EC.

*Amendment*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least 1% of the amount of deposits of all credit institutions **subject to this Regulation as referred to in Art. 2** in the participating Member States which are guaranteed under Directive 94/19/EC.

Or. en

**Amendment 929**

**Leonardo Domenici, Gianni Pittella**

**Proposal for a regulation**

**Article 65 – paragraph 1**

*Text proposed by the Commission*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least 1% of the amount of deposits

*Amendment*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least 1% of the amount of deposits



of all credit institutions **authorised** in the participating Member States which are guaranteed under Directive 94/19/EC.

of all credit institutions **subject to this Regulation as referred to in Art. 2** in the participating Member States which are guaranteed under Directive 94/19/EC.

Or. en

**Amendment 930**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 65 – paragraph 1**

*Text proposed by the Commission*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least 1% of the amount of deposits **of all** credit institutions **authorised in the participating Member States which are** guaranteed under Directive 94/19/EC.

*Amendment*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least 1% of the amount of deposits **of the** credit institutions **referred to under Article 2** guaranteed under Directive 94/19/EC.

Or. en

**Amendment 931**  
**Sari Essayah, Anneli Jäätteenmäki**

**Proposal for a regulation**  
**Article 65 – paragraph 1**

*Text proposed by the Commission*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall reach at least 1% of the amount of deposits of all credit institutions authorised in the participating Member **States** which are guaranteed under Directive 94/19/EC.

*Amendment*

1. In a period no longer than 10 years after the entry into force of this Regulation, the available financial means of the Fund shall **in each participating Member State** reach at least 1% of the amount of deposits of all credit institutions authorised in the participating Member **State** which are guaranteed under Directive 94/19/EC.

Or. en

**Amendment 932**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 65 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. A credit facility shall be envisaged, in the 12 month period after the entry into force of this Regulation, guaranteeing a full European backstop.***

Or. en

**Amendment 933**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 65 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. During the initial period of time referred to in paragraph 1, contributions to the Fund calculated in accordance with Article 66, and raised in accordance with Article 62 shall be spread out in time as evenly as possible until the target level is reached unless, depending on the circumstances, they can be advanced in consideration of the ***favourable*** market conditions or the funding needs.

2. During the initial period of time referred to in paragraph 1, contributions to the Fund calculated in accordance with Article 66, and raised in accordance with Article 62 shall be spread out in time as evenly as possible until the target level is reached unless, depending on the circumstances, they can be advanced ***or delayed*** in consideration of the market conditions or the funding needs.

Or. en

**Amendment 934**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 65 – paragraph 4**

*Text proposed by the Commission*

4. If, after the initial period of time referred to in paragraph 1, the available financial means diminish below the target level specified in paragraph 1, contributions calculated in accordance with Article 66 shall be raised until the target level is reached. Where the available financial means amount to less than half of the target level, the annual contributions shall not be less than one fourth of the target level.

*Amendment*

4. If, after the initial period of time referred to in paragraph 1, the available financial means diminish below the target level specified in paragraph 1, contributions calculated in accordance with Article 66 shall be raised until the target level is reached. Where the available financial means amount to less than half of the target level, the annual contributions shall not be less than one fourth of the target level ***except in the case where such contributions could create a risk to the financial stability of the contributors.***

Or. en

**Amendment 935**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 65 – paragraph 4**

*Text proposed by the Commission*

4. If, after the initial period of time referred to in paragraph 1, the available financial means diminish below the target level specified in paragraph 1, contributions calculated in accordance with Article 66 shall be raised until the target level is reached. Where the available financial means amount to less than half of the target level, the annual contributions shall not be less than one fourth of the target level.

*Amendment*

4. If, after the initial period of time referred to in paragraph 1, the available financial means diminish below the target level specified in paragraph 1, contributions calculated in accordance with Article 66 shall be raised until the target level is reached. Where the available financial means amount to less than half of the target level, the annual contributions shall not be less than one fourth of the target level, ***subject to the annual affordability limit set out in Article 67.***

Or. en

**Amendment 936**  
**Sari Essayah, Nils Torvalds, Hannu Takkula**

**Proposal for a regulation**  
**Article 65 – paragraph 4**

*Text proposed by the Commission*

4. If, after the initial period of time referred to in paragraph 1, the available financial means diminish below the target level specified in paragraph 1, contributions calculated in accordance with Article 66 shall be raised until the target level is reached. Where the available financial means amount to less than half of the target level, the annual contributions shall not be ***less than one fourth of the target level.***

*Amendment*

4. If, after the initial period of time referred to in paragraph 1, the available financial means diminish below the target level specified in paragraph 1, contributions calculated in accordance with Article 66 shall be raised until the target level is reached. Where the available financial means amount to less than half of the target level, the annual contributions shall not be ***higher than 0.2% of covered deposits.***

Or. en

*Justification*

*The level of “no less than one fourth” to raise the annual contributions is far too high. This requirement would lead at least to 2.5 times higher annual contributions than normally and could have pro-cyclical effects.*

**Amendment 937**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 65 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. The ***Commission*** shall ***be empowered to adopt delegated acts*** in accordance with Article 82 to specify the following:

*Amendment*

5. The ***EBA*** shall ***develop draft regulatory technical standards*** in accordance with Article 82 to specify the following:

Or. en

**Amendment 938**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 65 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) circumstances under which the payment of contributions may be advanced under paragraph 2;

*Amendment*

(b) circumstances under which the payment of contributions may be advanced ***or delayed*** under paragraph 2;

Or. en

**Amendment 939**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 65 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. EBA shall submit those draft regulatory technical standards by [date].***

***Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of regulation (EU) No 1095/2010.***

Or. en

**Amendment 940**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 66 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The individual contribution of each institution shall be raised at least annually and shall be calculated pro-rata to the amount of its liabilities excluding own funds and covered deposits, with respect to the total liabilities, excluding own funds and covered deposits, of all the institutions

The individual contribution of each institution shall be raised at least annually and shall be calculated pro-rata to the amount of its liabilities excluding own funds and covered deposits, with respect to the total liabilities, excluding own funds and covered deposits, of all the institutions

authorised in the territories of the participating Member States.

authorised in the territories of the participating Member States. ***A lump-sum allowance of EUR 500 million is deducted from the calculation base (liabilities less own funds and covered deposits).***

Or. en

**Amendment 941**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 66 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The individual contribution of each institution shall be raised at least annually and shall be calculated pro-rata to the amount of its liabilities excluding own funds and covered deposits, with respect to the total liabilities, excluding own funds and covered deposits, of ***all the institutions authorised in the territories of the participating Member States.***

*Amendment*

The individual contribution of each institution shall be raised at least annually and shall be calculated pro-rata to the amount of its liabilities excluding own funds and covered deposits, with respect to the total liabilities, excluding own funds and covered deposits, of ***the credit institutions referred to under Article 2.***

Or. en

**Amendment 942**  
**Alfredo Pallone, Fabrizio Bertot**

**Proposal for a regulation**  
**Article 66 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The individual contribution of each institution shall be raised at least annually and shall be calculated pro-rata to the amount of its liabilities excluding own funds and covered deposits, with respect to the total liabilities, excluding own funds and covered deposits, of all the institutions ***authorised*** in the territories of the

*Amendment*

***1.*** The individual contribution of each institution shall be raised at least annually and shall be calculated pro-rata to the amount of its liabilities excluding own funds and covered deposits, with respect to the total liabilities, excluding own funds and covered deposits, of all the institutions ***subject to this Regulation as referred to in***

participating Member States.

*Article 2* in the territories of the participating Member States.

Or. en

**Amendment 943**

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

**Proposal for a regulation**

**Article 66 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The individual contribution of each institution shall be raised at least annually and shall be calculated pro-rata to the amount of its liabilities excluding own funds and covered deposits, with respect to the total liabilities, excluding own funds and covered deposits, of all the institutions *authorised* in the territories of the participating Member States.

*Amendment*

The individual contribution of each institution shall be raised at least annually and shall be calculated pro-rata to the amount of its liabilities excluding own funds and covered deposits, with respect to the total liabilities, excluding own funds and covered deposits, of all the institutions *subject to this Regulation as referred to in Article 2* in the territories of the participating Member States.

Or. en

**Amendment 944**

**Markus Ferber**

**Proposal for a regulation**

**Article 66 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It shall be adjusted in proportion to the risk profile of each institution, in accordance with the criteria specified in the delegated acts referred to in Article 94(7) of Directive [ ].

*Amendment*

It shall be adjusted in proportion to the risk profile of each institution (*including a membership in an IPS*), in accordance with the criteria specified in the delegated acts referred to in Article 94(7) of Directive [ ] *and may be waived for certain institutions which are not of systemic relevance.*

Or. en

**Amendment 945**  
**Herbert Dorfmann**

**Proposal for a regulation**  
**Article 66 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It shall be adjusted in proportion to the risk profile of each institution, in accordance with the criteria specified in the delegated acts referred to in Article 94(7) of Directive [ ].

*Amendment*

It shall be adjusted in proportion to the risk profile of each institution ***taking into account membership in an Institutional Protection Scheme***, in accordance with the criteria specified in the delegated acts referred to in Article 94(7) of Directive [ ].

Or. en

**Amendment 946**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 66 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It shall be adjusted in proportion to the risk profile of each institution, in accordance with the criteria specified in the delegated acts referred to in Article 94(7) of Directive [ ].

*Amendment*

It shall be ***calculated using IFRS and at group level***, adjusted in proportion to the risk profile of each institution, in accordance with the criteria specified in the delegated acts referred to in Article 94(7) of Directive [ ]. ***These criteria should be primarily based on objective and verifiable information such as credit ratings and other data.***

Or. en

*Justification*

*It shall be calculated at group level using IFRS to ensure equal treatment across participating Member States.*



**Amendment 947**  
**Peter Simon, Wolf Klinz**

**Proposal for a regulation**  
**Article 66 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Liabilities of a credit institution are excluded from the calculation of contributions where the credit institution has been set up by a Member State's central or regional government or local authority and that government or authority has an obligation to protect the economic basis of the institution and maintain its viability throughout its lifetime or the liabilities are explicitly guaranteed by that government or authority or at least 90% of the loans granted by the institution are directly or indirectly guaranteed by that government or authority and the predominant purpose is to fund promotional loans granted on a non-competitive, not-for-profit basis in order to promote that government's public policy objectives;*

Or. en

*Justification*

*Alignment with Article 94 paragraph 2 BRRD*

**Amendment 948**  
**Othmar Karas, Andreas Schwab**

**Proposal for a regulation**  
**Article 66 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Where participating Member States have already established national resolution financing arrangements, they*

*shall 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 shall be without prejudice to the obligations of Member States under Directive 94/18/EC of the European Parliament and of the Council.*

Or. en

### *Justification*

*Text reflects Recital 62 of the COM proposal, which states that the introduction of the Single Bank Resolution Fund should lead to a transferral of national resolution financing arrangements to the SBRF - and thus to a correspondent reduction of contributions of the concerned institutions - in order to avoid duplication of contributions. To foster this goal a binding legal provision is needed.*

**Amendment 949**  
**Danuta Maria Hübner**

**Proposal for a regulation**  
**Article 66 – paragraph 2**

#### *Text proposed by the Commission*

2. The available financial means to be taken into account in order to reach the target funding level specified in Article 65 may include payment commitments which are fully backed by collateral of low risk assets unencumbered by any third party rights, at the free disposal and earmarked for the exclusive use by the Board for the purposes specified in Article 71(1). The share of these irrevocable payment commitments shall not exceed **30%** of the total amount of contributions raised in accordance with paragraph 1.

#### *Amendment*

2. The available financial means to be taken into account in order to reach the target funding level specified in Article 65 may include payment commitments which are fully backed by collateral of low risk assets unencumbered by any third party rights, at the free disposal and earmarked for the exclusive use by the Board for the purposes specified in Article 71(1). ***Assets eligible for back payment commitments are those accepted as collateral by the central banks of Member States.*** The share of these irrevocable payment commitments shall not exceed **50%** of the total amount of contributions raised in accordance with

paragraph 1.

Or. en

*Justification*

*Increasing the share of payment commitments backed by collateral of unencumbered low risk assets from 30% to 50% will facilitate the achievement of the target level of the SRM fund. It will also allow banks to use some of the capital, which is not channelled into the SRM fund, for the provision of loans to the real economy.*

**Amendment 950**

**Diogo Feio**

**Proposal for a regulation**

**Article 66 – paragraph 2**

*Text proposed by the Commission*

2. The available financial means to be taken into account in order to reach the target funding level specified in Article 65 may include payment commitments which are fully backed by collateral of **low risk assets** unencumbered by any third party rights, at the free disposal and earmarked for the exclusive use by the Board for the purposes specified in Article 71(1). The share of these irrevocable payment commitments shall not exceed **30%** of the total amount of contributions raised in accordance with paragraph 1.

*Amendment*

2. The available financial means to be taken into account in order to reach the target funding level specified in Article 65 may include payment commitments which are fully backed by collateral of **assets eligible by the Central Banks of Member States, and** unencumbered by any third party rights, at the free disposal and earmarked for the exclusive use by the Board for the purposes specified in Article 71(1). The share of these irrevocable payment commitments shall not exceed **50%** of the total amount of contributions raised in accordance with paragraph 1.

Or. en

**Amendment 951**

**Anne E. Jensen, Nils Torvalds**

**Proposal for a regulation**

**Article 66 – paragraph 2**

*Text proposed by the Commission*

2. The available financial means to be taken into account in order to reach the target funding level specified in Article 65 may include payment commitments which are fully backed by collateral of low risk assets unencumbered by any third party rights, at the free disposal and earmarked for the exclusive use by the Board for the purposes specified in Article 71(1). The share of these irrevocable payment commitments shall not exceed **30%** of the total amount of contributions raised in accordance with paragraph 1.

*Amendment*

2. The available financial means to be taken into account in order to reach the target funding level specified in Article 65 may include payment commitments which are fully backed by collateral of low risk assets unencumbered by any third party rights, at the free disposal and earmarked for the exclusive use by the Board for the purposes specified in Article 71 (1). The share of these irrevocable payment commitments shall not exceed **50 %** of the total amount of contributions raised in accordance with paragraph 1

Or. en

**Amendment 952**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 66 – paragraph 2**

*Text proposed by the Commission*

2. The available financial means to be taken into account in order to reach the target funding level specified in Article 65 may include payment commitments which are fully backed by collateral of low risk assets unencumbered by any third party rights, at the free disposal and earmarked for the exclusive use by the Board for the purposes specified in Article 71(1). The share of these irrevocable payment commitments shall not exceed **30%** of the total amount of contributions raised in accordance with paragraph 1.

*Amendment*

2. The available financial means to be taken into account in order to reach the target funding level specified in Article 65 may include payment commitments which are fully backed by collateral of low risk assets unencumbered by any third party rights, at the free disposal and earmarked for the exclusive use by the Board for the purposes specified in Article 71(1). The share of these irrevocable payment commitments shall not exceed **20%** of the total amount of contributions raised in accordance with paragraph 1.

Or. en

**Amendment 953**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 66 – paragraph 2**

*Text proposed by the Commission*

2. The available financial means to be taken into account in order to reach the target funding level specified in Article 65 may include payment commitments which are fully backed by collateral of low risk assets unencumbered by any third party rights, at the free disposal and earmarked for the exclusive use by the Board for the purposes specified in Article 71(1). The share of these irrevocable payment commitments shall not exceed 30% of the total amount of contributions raised in accordance with paragraph 1.

*Amendment*

2. The available financial means to be taken into account in order to reach the target funding level specified in Article 65 may include ***cash, near-cash equivalents, assets eligible as high quality liquid assets under the liquidity coverage ratio or in*** payment commitments which are fully backed by collateral of low risk assets unencumbered by any third party rights, at the free disposal and earmarked for the exclusive use by the Board for the purposes specified in Article 71(1). The share of these irrevocable payment commitments shall not exceed 30% of the total amount of contributions raised in accordance with paragraph 1.

Or. en

*Justification*

*Risk-based contributions should be determined on objective grounds and banks should be able to make contributions using HQLAs, which are near-cash equivalents*

**Amendment 954**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 66 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The individual contributions of each institution referred to in paragraph 1 are definitive and can under no circumstances be reimbursed (retroactively) .***

**Amendment 955**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 66 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Where participating Member States have already established national resolution financing arrangements, they shall 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 may be required to pay into the Fund. Such restitution shall 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>.***

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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.***

**Amendment 956**  
**Philippe Lamberts, Sven Giegold**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 66 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 82 to specify the following:

3. ***Without prejudice to paragraph 1 second subparagraph***, the Commission shall be empowered to adopt delegated acts in accordance with Article 82 to specify the following:

Or. en

**Amendment 957**  
**Danuta Maria Hübner**

**Proposal for a regulation**  
**Article 66 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) the quality of the collateral backing the payment commitments in paragraph 2;***

***deleted***

Or. en

*Justification*

*Defining the collateral eligible to back payment commitments is a key issue, which the Commission proposes to address in a delegated act. It is preferable to specify in the SRM Regulation that all assets accepted as collateral by the Central Banks of Member States are eligible to back payments commitments.*

**Amendment 958**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 66 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) the quality of the collateral backing the payment commitments in paragraph***

***deleted***

2;

Or. en

**Amendment 959**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 66 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Until the target level specified in Article 65 has been reached, the Board may require institutions to provide a committed credit facility for an amount of 50% of the pro-rata risk weighted target level applicable to that institution. After 50% of the target level has been reached, the committed facility shall be reduced by any additional contributions. Any payment from the Fund before the target level has been reached shall be followed by an increase in the facility by the pro-rata risk weighted amount attributable to each institution.***

Or. en

**Amendment 960**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 67 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses ***incurred by the use of the Fund***, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions authorised in the territories of participating

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses ***under this Regulation, including in relation to any non-contractual liabilities of the Board and the Commission in relation to the performance of their tasks under this***



Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in *Article 66*.

**Regulation**, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions authorised in the territories of participating Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in *Articles 65 and 66*.

Or. en

**Amendment 961**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 67 – paragraph 1**

*Text proposed by the Commission*

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions authorised in the territories of participating Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in Article 66.

*Amendment*

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions authorised in the territories of participating Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in Article 66. ***These shall be subject to an annual affordability limit for individual institution contributions.***

Or. en

**Amendment 962**  
**Anne E. Jensen, Nils Torvalds**

**Proposal for a regulation**  
**Article 67 – paragraph 1**

*Text proposed by the Commission*

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions authorised in the territories of participating Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in *Article 66*.

*Amendment*

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 63 extraordinary ex post contributions from the institutions authorised in the territories of participating Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in *Article 67*. ***The contributions and the sum of payments referred to in Article 67 cannot exceed one fourth of the target level.***

Or. en

**Amendment 963**

**Sari Essayah, Nils Torvalds, Hannu Takkula**

**Proposal for a regulation  
Article 67 – paragraph 1**

*Text proposed by the Commission*

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions authorised in the territories of participating Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in Article 66.

*Amendment*

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions authorised in the territories of participating Member States, in order to cover the additional amounts. These ***annual*** extraordinary contributions ***shall not exceed 0.2% of covered deposits and*** shall be allocated between institutions in accordance with the rules set out in Article 66.

Or. en

### *Justification*

*There is a strong need to set a cap for extraordinary contributions to limit pro-cyclical effects.*

#### **Amendment 964**

**Alfredo Pallone, Fabrizio Bertot**

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

#### **Article 67 – paragraph 1**

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

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions **authorised** in the territories of participating Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in Article 66.

##### *Amendment*

1. **1.** Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions **subject to this Regulation as referred to in Art. 2** in the territories of participating Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in Article 66.

Or. en

#### **Amendment 965**

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

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

#### **Article 67 – paragraph 1**

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

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions **authorised** in the territories of participating

##### *Amendment*

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions **subject to this Regulation as referred to in Art. 2**

Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in Article 66.

in the territories of participating Member States, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in Article 66.

Or. en

**Amendment 966**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 67 – paragraph 1**

*Text proposed by the Commission*

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the institutions ***authorised in the territories of participating Member States***, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in Article 66.

*Amendment*

1. Where the available financial means are not sufficient to cover the losses, costs or other expenses incurred by the use of the Fund, the Board shall raise in accordance with Article 62 extraordinary ex post contributions from the ***credit institutions referred to under Article 2***, in order to cover the additional amounts. These extraordinary contributions shall be allocated between institutions in accordance with the rules set out in Article 66.

Or. en

**Amendment 967**  
**Sari Essayah, Nils Torvalds, Hannu Takkula**

**Proposal for a regulation**  
**Article 67 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The cumulated amount of annual contributions referred to in Articles 65 to 67 shall not exceed 0.3 % of covered***

*deposits.*

Or. en

*Justification*

*The cap of cumulated annual amounts of contributions is necessary to limit pro- cyclical effects.*

**Amendment 968**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 67 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 82 to specify *the circumstances and conditions under which an entity referred to in Article 2 may be partially or entirely exempted from ex post contributions under paragraph 2.*

*Amendment*

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 82 to specify:

Or. en

**Amendment 969**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 67 – paragraph 3 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

*(a) the circumstances and conditions under which an entity referred to in Article 2 may be partially or entirely exempted from ex post contributions under paragraph 2; and*

*(b) the annual affordability limit as a percentage of pre-tax profits, which should roll over, should this limit not be*

*met.*

Or. en

**Amendment 970**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 68**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 971**  
**Elisa Ferreira**

**Proposal for a regulation**  
**Article 68 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) the alternative funding means foreseen in Article 69 are not immediately accessible on reasonable terms.*

*deleted*

Or. en

**Amendment 972**  
**Anni Podimata**

**Proposal for a regulation**  
**Article 69 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Board **may** contract for the Fund borrowings or other forms of support from financial institutions or other third parties, in the event that the amounts raised in

1. The Board **shall seek to** contract for the Fund borrowings or other forms of support from financial institutions or other third parties, in the event that the amounts raised

accordance with Articles 66 and 67 are not immediately accessible or sufficient to cover the expenses incurred by the use of the Fund.

in accordance with Articles 66 and 67 are not immediately accessible or sufficient to cover the expenses incurred by the use of the Fund. ***If the Board fails to secure borrowings, it should make use of the loan facility established according to Article 64 paragraph 2 a (new).***

Or. en

#### **Amendment 973**

**Philippe Lamberts, Sven Giegold**

on behalf of the Greens/EFA Group

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

##### **Article 69 – paragraph 1**

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

1. The Board may contract for the Fund borrowings or other forms of support from financial institutions or other third parties, in the event that the amounts raised in accordance with Articles 66 and 67 are not immediately accessible or sufficient to cover the expenses incurred by the use of the Fund.

###### *Amendment*

1. The Board may contract for the Fund borrowings or other forms of support from, ***first private and, where this is not possible, public*** financial institutions or other third parties, in the event that the amounts raised in accordance with Articles 66 and 67 are not immediately accessible or sufficient to cover the expenses incurred by the use of the Fund.

Or. en

#### **Amendment 974**

**Olle Schmidt**

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

##### **Article 70 – paragraph 1**

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

1. The Board shall administer the Fund and may request ***the Commission to perform certain tasks relating to*** the administration of the Fund.

###### *Amendment*

1. The Board shall administer the Fund and may request ***an appropriate third party to perform*** the administration ***and management*** of the Fund.

*Justification*

*Single resolution fund management could be contracted out to a third party with the experience and track record of prudent and conservative investment portfolio management. This is common practice for international financing arrangements.*

**Amendment 975**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 70 – paragraph 2**

*Text proposed by the Commission*

2. The amounts received from an institution under resolution or a bridge institution, the interests and other earnings on investments and any other earnings shall benefit only the Fund.

*Amendment*

2. The amounts received from an institution under resolution or a bridge institution, the interests and other earnings on investments and any other earnings shall benefit only the Fund. ***The Fund shall be managed with the core objective of capital preservation via investment in high quality liquid securities.***

**Amendment 976**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 70 – paragraph 3**

*Text proposed by the Commission*

3. The Board shall invest the amounts held in the Fund in ***obligations of the participating Member States or intergovernmental organisations, or in highly liquid*** assets of high credit worthiness. Investments should be sufficiently geographically diversified. The return on those investments shall benefit

*Amendment*

3. The Board shall invest the amounts held in the Fund in assets of high credit worthiness. Investments should be sufficiently ***sectorally and*** geographically diversified. The return on those investments shall benefit the Fund.



the Fund.

Or. en

**Amendment 977**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 70 – paragraph 3**

*Text proposed by the Commission*

3. The Board shall invest the amounts held in the Fund in obligations of the participating Member States or intergovernmental organisations, or in highly liquid assets of high credit worthiness. Investments should be sufficiently geographically diversified. The return on those investments shall benefit the Fund.

*Amendment*

3. The Board shall invest the amounts held in the Fund in obligations of the participating Member States or intergovernmental organisations, or in highly liquid assets of high credit worthiness. Investments should be sufficiently geographically diversified. The return on those investments shall benefit the Fund. ***The Board shall make public an investment framework, specifying the details of the Fund's investment policy.***

Or. en

**Amendment 978**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 70 – paragraph 3**

*Text proposed by the Commission*

3. The Board shall invest the amounts held in the Fund in ***obligations*** of the ***participating Member States or intergovernmental organisations, or in highly liquid assets of high credit worthiness***. Investments should be sufficiently geographically diversified. The return on those investments shall benefit the Fund.

*Amendment*

3. The Board shall invest the amounts held in the Fund in ***cash or marketable securities that represent claims on or are guaranteed by sovereigns and satisfy all of the following conditions:***

*(a) assigned a 0% risk-weight under the Basel II Standardised Approach for credit risk;*

*(b) traded in large, deep and active repo or cash markets characterised by a low level of concentration;*

*(c) have a proven record as a reliable source of liquidity in the markets (repo or sale) even during stressed market conditions; and*

*(d) not an obligation of a financial institution or any of its affiliated entities.*

Investments should be sufficiently geographically diversified *to mitigate concentration risks*. The return on those investments shall benefit the Fund.

Or. en

**Amendment 979**  
**Danuta Maria Hübner**

**Proposal for a regulation**  
**Article 70 – paragraph 3**

*Text proposed by the Commission*

3. The Board shall invest the amounts held in the Fund in obligations of the participating Member States or intergovernmental organisations, or in highly liquid assets of high credit worthiness. Investments should be sufficiently geographically diversified. The return on those investments shall benefit the Fund.

*Amendment*

3. The Board shall invest the amounts held in the Fund in obligations of the participating *as well as the non-participating* Member States, *which host branches or subsidiaries of Member States participating in the SRM*, or intergovernmental organisations, or in highly liquid assets of high credit worthiness. Investments should be sufficiently geographically diversified. The return on those investments shall benefit the Fund.

Or. en

*Justification*

*The Board should be able to invest in obligations of all Member States and not only in those of participating Member States. This would allow the Board to benefit from a wider range of liquid securities with high credit quality.*

**Amendment 980**

**Slawomir Nitras**

**Proposal for a regulation**

**Article 70 – paragraph 3**

*Text proposed by the Commission*

3. The Board shall invest the amounts held in the Fund in obligations of the **participating** Member States or intergovernmental organisations, or in highly liquid assets of high credit worthiness. Investments should be sufficiently geographically diversified. The return on those investments shall benefit the Fund.

*Amendment*

3. The Board shall invest the amounts held in the Fund in obligations of the Member States or intergovernmental organisations, or in highly liquid assets of high credit worthiness. Investments should be sufficiently geographically diversified. The return on those investments shall benefit the Fund.

Or. en

*Justification*

*The Board should have the opportunity to invest in obligations of all Member States and not only the participating Member States as the main objective is to invest in highly liquid securities with high credit quality irrespective of the originating Member State.*

**Amendment 981**

**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**

**Article 70 – paragraph 3**

*Text proposed by the Commission*

3. The Board shall invest the amounts held in the Fund in obligations of the participating Member States or intergovernmental organisations, **or in**

*Amendment*

3. The Board shall invest the amounts held in the Fund **only** in obligations of the participating Member States or intergovernmental organisations **of the**

*highly liquid assets of high* credit worthiness. Investments should be sufficiently geographically diversified. The return on those investments shall benefit the Fund.

*highest* credit worthiness. Investments should be sufficiently geographically diversified. The return on those investments shall benefit the Fund.

Or. en

**Amendment 982**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 71 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Within the framework decided *by the Commission*, when applying the resolution tools to entities referred to in Article 2, the Board may use the Fund for the following purposes:

*Amendment*

1. Within the framework decided, when applying the resolution tools to entities referred to in Article 2, the Board may use the Fund for the following purposes:

Or. en

**Amendment 983**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 71 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) to guarantee the assets or the liabilities of the institution under resolution, its subsidiaries, a bridge institution or an asset management vehicle;

*Amendment*

(a) to *temporarily* guarantee the assets or the liabilities of the institution under resolution, its subsidiaries, a bridge institution or an asset management vehicle;

Or. en

**Amendment 984**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 71 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) to make loans to the institution under resolution, its subsidiaries, a bridge institution or an asset management vehicle;*** ***deleted***

Or. en

**Amendment 985**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 71 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) to purchase assets of the institution under resolution;*** ***deleted***

Or. en

**Amendment 986**  
**Astrid Lulling**

**Proposal for a regulation**  
**Article 71 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

***(e) to pay compensation to shareholders or creditors if, following an evaluation pursuant to Article 17(5), they have received less, in payment of their credits, than what they would have received, following a valuation pursuant to Article 17(16), in a winding up under normal insolvency proceedings;*** ***deleted***

Or. en

**Amendment 987**  
**Olle Schmidt, Anne E. Jensen**

**Proposal for a regulation**  
**Article 71 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) to pay compensation to shareholders or creditors if, following an evaluation pursuant to Article 17(5), they have received less, in payment of their credits, than what they would have received, following a valuation pursuant to Article 17(16), in a winding up under normal insolvency proceedings;* **deleted**

Or. en

*Justification*

*It is not for resolution funds to pay compensation to creditors – this should come from the residual value of the restructured and resolved institution. Resolution funds should also not contribute capital, as stated in paragraph 3.*

**Amendment 988**  
**Astrid Lulling**

**Proposal for a regulation**  
**Article 71 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

*(f) to make a contribution to the institution under resolution in lieu of the contribution which would have been achieved by the write down of certain creditors, when the bail-in tool is applied and the resolution authority decides to exclude certain creditors from the scope of bail-in in accordance with Article 24(3);* **deleted**

**Amendment 989**  
**Olle Schmidt, Anne E. Jensen**

**Proposal for a regulation**  
**Article 71 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

*(f) to make a contribution to the institution under resolution in lieu of the contribution which would have been achieved by the write down of certain creditors, when the bail-in tool is applied and the resolution authority decides to exclude certain creditors from the scope of bail-in in accordance with Article 24(3);*

*deleted*

Or. en

**Amendment 990**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 71 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) to make a contribution to the institution under resolution in lieu of the contribution which would have been achieved by the write down of certain creditors, when the bail-in tool is applied and the resolution authority decides to exclude certain creditors from the scope of bail-in in accordance with Article 24(3);

(f) to make a contribution to the institution under resolution in lieu of the contribution which would have been achieved by the write down *and/or equity conversion* of certain creditors, when the bail-in tool is applied and the resolution authority decides to exclude certain creditors from the scope of bail-in in accordance with Article 24(5);

Or. en

**Amendment 991**  
**Pablo Zalba Bidegain**

**Proposal for a regulation**  
**Article 71 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Board shall use the Fund to support any of the actions referred to in paragraph 1(a) to (g) where, in the resolution process, the bail-in of preferred deposits would be necessary, within the limits established in the BRRD.***

Or. en

**Amendment 992**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 71 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Board shall use the Fund to support any of the actions referred to in points (a) to (g) of the previous paragraph, while fully respecting the provisions of Directive [BRRD].***

Or. en

**Amendment 993**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 71 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Fund shall **not** be used directly to absorb the losses of an institution or an entity referred to in Article 2 or to

3. The Fund shall **by no means** be used directly **or indirectly** to absorb the losses of an institution or an entity referred to in



recapitalise an institution or an entity referred to in Article 2. ***In the event that the use of the resolution financing arrangement for the purposes in paragraph 1 indirectly results in part of the losses of an institution or an entity referred to in Article 2 being passed on to the Fund, the principles governing the use of the resolution financing arrangement set out in Article 24 shall apply.***

Article 2 or to recapitalise an institution or an entity referred to in Article 2.

Or. en

**Amendment 994**  
**Astrid Lulling**

**Proposal for a regulation**  
**Article 71 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Fund shall not be used directly to absorb the losses of an institution or an entity referred to in Article 2 or to recapitalise an institution or an entity referred to in Article 2. ***In the event that the use of the resolution financing arrangement for the purposes in paragraph 1 indirectly results in part of the losses of an institution or an entity referred to in Article 2 being passed on to the Fund, the principles governing the use of the resolution financing arrangement set out in Article 24 shall apply.***

3. The Fund shall not be used directly to absorb the losses of an institution or an entity referred to in Article 2 or to recapitalise an institution or an entity referred to in Article 2.

Or. en

**Amendment 995**  
**Sari Essayah, Anneli Jäätteenmäki**

**Proposal for a regulation**  
**Article 71 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The payments from the Fund shall be allocated to the members of the network of national resolution funds in proportion to the level of activity the institution under resolution carries out in the Member States concerned.***

Or. en

**Amendment 996**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 71 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Fund may not be used for one or more purposes described in paragraph 1 until such time as the amounts required to be contributed in the context of the resolution in accordance with Article 73(1) have been paid in full by the deposit guarantee scheme or deposit guarantee schemes concerned.***

Or. en

**Amendment 997**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 73**

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

Or. en

*Justification*

*Set out in BRRD.*

**Amendment 998**  
**Astrid Lulling**

**Proposal for a regulation**  
**Article 73 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***1. Participating Member States shall ensure that, when the Board takes resolution actions, and provided that these actions ensure that depositors continue having access to their deposits, the deposit guarantee scheme to which the institution is affiliated shall be liable for the amounts specified in Article 99(1) and (4) of Directive [ ].***

***deleted***

Or. en

**Amendment 999**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 73 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Participating Member States shall ensure that, when the Board takes resolution actions, ***and provided that these actions ensure that depositors continue having access to their deposits,*** the deposit guarantee scheme to which the institution is affiliated shall be liable for the amounts specified in Article 99(1) and (4) of Directive [ ].

1. Participating Member States shall ensure that, when the Board takes resolution actions, the deposit guarantee scheme to which the institution is affiliated shall be liable for the amounts specified in Article 99(1) and (4) of Directive [ ].

Or. en

**Amendment 1000**  
**Astrid Lulling**

**Proposal for a regulation**  
**Article 73 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The determination of the amount by which the deposit guarantee scheme is liable in accordance with paragraph 1 shall comply with the conditions established in Article 17.** *deleted*

Or. en

**Amendment 1001**  
**Astrid Lulling**

**Proposal for a regulation**  
**Article 73 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Before deciding, in accordance with paragraph 1 of this Article, the amount by which the deposit guarantee scheme is liable in compliance with the conditions established in Article 39(3)(d) of Directive [ ], the Board shall consult the deposit guarantee scheme concerned, having full regard to the urgency of the matter.** *deleted*

Or. en

**Amendment 1002**  
**Peter Simon**

**Proposal for a regulation**  
**Article 73 – paragraph 3**

*Text proposed by the Commission*

3. ***Before deciding***, in accordance with paragraph 1 of this Article, the amount by which the deposit guarantee scheme is liable in compliance with the conditions established in Article 39(3)(d) of Directive [ ], ***the Board shall consult the deposit guarantee scheme concerned, having full regard to the urgency of the matter.***

*Amendment*

3. ***In order to enable it carry out its depositor protection role properly, the deposit guarantee scheme which is liable pursuant to paragraph 1 shall be involved from an early stage in the preparation and implementation of the resolution measures.***

The Board shall ***determine*** in accordance with paragraph 1 of this Article, ***and in consultation with the deposit guarantee scheme***, the amount by which the deposit guarantee scheme is liable in compliance with the conditions established in Article 39(3)(d) of Directive [ ].

Or. de

**Amendment 1003**

**Markus Ferber**

**Proposal for a regulation**

**Article 73 – paragraph 4**

*Text proposed by the Commission*

4. ***In the event resources of a deposit guarantee scheme are not sufficient to cover the payments to be made to depositors, and other resources are not immediately available from the relevant participating Member State, the Fund may lend the necessary resources to that deposit guarantee scheme provided that all the conditions under Article 10 of Directive 94/19/EC are met.***

*Amendment*

***deleted***

Or. en

**Amendment 1004**

**Burkhard Balz**

**Proposal for a regulation**  
**Article 73 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. In the event resources of a deposit guarantee scheme are not sufficient to cover the payments to be made to depositors, and other resources are not immediately available from the relevant participating Member State, the Fund may lend the necessary resources to that deposit guarantee scheme provided that all the conditions under Article 10 of Directive 94/19/EC are met.**

*deleted*

Or. en

**Amendment 1005**  
**Werner Langen**

**Proposal for a regulation**  
**Article 73 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. In the event resources of a deposit guarantee scheme are not sufficient to cover the payments to be made to depositors, and other resources are not immediately available from the relevant participating Member State, the Fund may lend the necessary resources to that deposit guarantee scheme provided that all the conditions under Article 10 of Directive 94/19/EC are met.**

*deleted*

Or. de

**Amendment 1006**  
**Astrid Lulling**

**Proposal for a regulation**  
**Article 73 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. In the event resources of a deposit guarantee scheme are not sufficient to cover the payments to be made to depositors, and other resources are not immediately available from the relevant participating Member State, the Fund may lend the necessary resources to that deposit guarantee scheme provided that all the conditions under Article 10 of Directive 94/19/EC are met.** *deleted*

Or. en

**Amendment 1007**  
**Nils Torvalds, Anne E. Jensen**

**Proposal for a regulation**  
**Article 73 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. In the event resources of a deposit guarantee scheme are not sufficient to cover the payments to be made to depositors, and other resources are not immediately available from the relevant participating Member State, the Fund may lend the necessary resources to that deposit guarantee scheme provided that all the conditions under Article 10 of Directive 94/19/EC are met.** *deleted*

Or. en

**Amendment 1008**  
**Sari Essayah, Hannu Takkula**

**Proposal for a regulation**  
**Article 73 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. In the event resources of a deposit guarantee scheme are not sufficient to cover the payments to be made to depositors, and other resources are not immediately available from the relevant participating Member State, the Fund may lend the necessary resources to that deposit guarantee scheme provided that all the conditions under Article 10 of Directive 94/19/EC are met.**

**deleted**

Or. en

*Justification*

*Granting to the Fund the power to lend necessary resources is highly problematic as it would open the door to extend the joint liability to deposit guarantee schemes. It also involves a risk of creating uneven playing field since there are significant differences in the financial position of individual countries' deposit guarantee schemes.*

**Amendment 1009**  
**Anni Podimata**

**Proposal for a regulation**  
**Article 73 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. In the event resources of a deposit guarantee scheme are not sufficient to cover the payments to be made to depositors, and other resources are not immediately available from the relevant participating Member State, the Fund **may** lend the necessary resources to that deposit guarantee scheme provided that all the conditions under Article 10 of Directive 94/19/EC are met.

4. In the event resources of a deposit guarantee scheme are not sufficient to cover the payments to be made to depositors, and other resources are not immediately available from the relevant participating Member State, the Fund **shall, following a request by the deposit guarantee scheme,** lend the necessary resources to that deposit guarantee scheme provided that all the conditions under Article 10 of Directive 94/19/EC are met.

Or. en



**Amendment 1010**  
**Sharon Bowles**

**Proposal for a regulation**  
**Article 73 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 73a**

***So as not to distort competition within the Union as a whole, the use of deposit guarantee schemes in the context of resolution shall be in exact accordance with the Bank Recovery and Resolution Directive [ ].***

Or. en

**Amendment 1011**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 77 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Board ***may*** establish internal resolution teams composed of staff of the national resolution authorities of the participating Member States.

3. The Board ***shall*** establish internal resolution teams composed of ***its own staff and*** staff of the national resolution authorities of the participating Member States.

Or. en

**Amendment 1012**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 77 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Board will appoint from its own senior level staff Coordinators of the internal resolution teams.**

Or. en

**Amendment 1013**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 77 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. In case of an unresolved dispute at the level of the internal resolution team, the Coordinator and/or any of the national resolution authorities may appeal to the Board that will address and resolve the dispute in its executive session.**

Or. en

**Amendment 1014**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 77 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c. National resolution authorities may still appeal against the Board's decision taken in its executive session to the Administrative Board of Review, according to paragraph 3 b new of Article 49.**

Or. en

**Amendment 1015**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 78 – paragraph 3**

*Text proposed by the Commission*

3. In the case of non-contractual liability, the Board shall, ***in accordance with the general principles common to the laws concerning the liability of public authorities of the Member States***, make good any damage caused by it or by its staff in the performance of their duties, in particular their resolution functions, including acts and omissions in support of foreign resolution proceedings.

*Amendment*

3. In the case of non-contractual liability, the Board shall make good any damage caused by it or by its staff in the performance of their duties, in particular their resolution functions, including acts and omissions in support of foreign resolution proceedings.

Or. en

*Justification*

*Notes that in paragraph three is stated that the resolution board's non-contractual liability shall be determined in accordance with the "general principles common to the laws Concerning the liability of Public Authorities of the Member States". What this means in practice, which rules will apply is not clear.*

**Amendment 1016**  
**Gunnar Hökmark**

**Proposal for a regulation**  
**Article 78 – paragraph 3**

*Text proposed by the Commission*

3. In the case of non-contractual liability, the Board shall, in accordance with the general principles common to the laws concerning the liability of public authorities of the Member States, make good any damage caused by it or by its staff in the performance of their duties, in particular their resolution functions, including acts and omissions in support of

*Amendment*

3. In the case of non-contractual liability, the Board shall, in accordance with the general principles common to the laws concerning the liability of public authorities of the Member States, make good any damage caused by it or by its staff in the performance of their duties, in particular their resolution functions, including acts and omissions in support of

foreign resolution proceedings.

foreign resolution proceedings.

***In such cases, participating Member States shall compensate non-participating Member States for any costs indirectly inflicted upon the latter through the multiannual financial framework.***

Or. en

#### *Justification*

*Under the assumption that the Commission is to be involved in/have responsibility for the Board, a case of misconduct or omission might result in a lawsuit against it which might inflict a cost on the Board and/or Commission. Since the Commission is funded by the EU budget, to which all 28 Member States contribute, it would be appropriate to ensure that participating Member States compensate non-participating Member States for any costs indirectly inflicted upon them through the MFF in this way.*

#### **Amendment 1017**

**Sharon Bowles**

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

#### **Article 78 – paragraph 4**

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

4. The Board shall compensate a national resolution authority for the damages to which it has been condemned by a national court, or which it has, in agreement with the Board, committed to pay in accordance with an amicable settlement, which are the consequences of an act or omission committed by that national resolution authority in the course of any resolution under this Regulation, unless that act or omission constituted a violation of Union law, this Regulation, a Decision of the Commission or a Decision of the Board, or constituted a manifest and serious error of judgement.

##### *Amendment*

4. The Board shall compensate a national resolution authority for the damages to which it has been condemned by a national court, or which it has, in agreement with the Board, committed to pay in accordance with an amicable settlement, which are the consequences of an act or omission committed by that national resolution authority in the course of any resolution under this Regulation, unless that act or omission constituted a violation of Union law, this Regulation, a Decision of the Commission or a Decision of the Board, or constituted a manifest and serious error of judgement. ***Any compensation shall not have an effect on the Union budget.***

Or. en

**Amendment 1018**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 78 – paragraph 4**

*Text proposed by the Commission*

4. The Board shall compensate a national resolution authority for the damages to which it has been condemned by a national court, or which it has, in agreement with the Board, committed to pay in accordance with an amicable settlement, which are the consequences of an act or omission committed by that national resolution authority in the course of any resolution under this Regulation, unless that act or omission constituted a violation of Union law, this Regulation, a Decision of the Commission or a Decision of the Board, or constituted a manifest and serious error of judgement.

*Amendment*

4. The Board shall compensate a national resolution authority ***of a participating Member State*** for the damages to which it has been condemned by a national court, or which it has, in agreement with the Board, committed to pay in accordance with an amicable settlement, which are the consequences of an act or omission committed by that national resolution authority in the course of any resolution under this Regulation, unless that act or omission constituted a violation of Union law, this Regulation, a Decision of the Commission or a Decision of the Board, or constituted a manifest and serious error of judgement.

Or. en

**Amendment 1019**  
**Vicky Ford**

**Proposal for a regulation**  
**Article 78 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 78a***

***Liability of the Commission in relation to its tasks under Article 16 of this Regulation***

***1. In the case of non-contractual liability in relation to the performance by the Commission of its tasks under Article 16 of this Regulation, in accordance with the***

*general principles common to the laws concerning the liability of public authorities of the Member States, any damage caused by it or by its staff in the performance of their duties, in particular their resolution functions, including acts and omissions in support of foreign resolution proceedings, shall be made good.*

*2. Any non-contractual liabilities of a kind described in paragraph 1 shall be made good by the Board.*

*3. Any costs in connection with judicial proceedings concerning acts or omissions of the Commission in the performance of its tasks under this Regulation and any damages awarded in the course of such proceedings shall not engage the budgetary liability of the Member States or the Union.*

Or. en

**Amendment 1020**  
**Elisa Ferreira, Diogo Feio**

**Proposal for a regulation**  
**Article 79 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. The professional secrecy requirements referred to in paragraphs 1 and 2 shall also apply to observers who attend the Board's meetings on an ad hoc basis.*

Or. en

**Amendment 1021**  
**Elisa Ferreira**

**Proposal for a regulation**  
**Article 79 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. The professional secrecy requirements referred to in paragraphs 1 and 2 apply notwithstanding Regulation (EC) 1049/2001.***

Or. en

**Amendment 1022**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 80 – title**

*Text proposed by the Commission*

*Amendment*

***Transparency***

***Access to information and processing of personal data***

Or. en

**Amendment 1023**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 80 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>28</sup> shall apply to documents held by the Board.***

***deleted***

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<sup>28</sup> ***Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L145, 31.5.2001, p. 43.***

**Amendment 1024**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 80 – paragraph 1 – footnote 28**

*Text proposed by the Commission*

*Amendment*

**28. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L145, 31.5.2001, p. 43.**

*deleted*

**Amendment 1025**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 80 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Board shall, within six months of the date of its first meeting, adopt the detailed rules for applying Regulation (EC) No 1049/2001.**

*deleted*

**Amendment 1026**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 80 – paragraph 3**



*Text proposed by the Commission*

*Amendment*

**3. Decisions taken by the Board under Article 8 of Regulation (EC) No 1049/2001 may be the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Union, following an appeal to the Authority of Appeal, as appropriate, under the conditions laid down in Articles 228 and 263 TFEU respectively.**

*deleted*

Or. en

**Amendment 1027**

**Elisa Ferreira**

**Proposal for a regulation**

**Article 80 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Persons who are the subject of the Board's decisions shall be entitled to have access to the Board's file, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file shall not extend to confidential information.**

Or. en

**Amendment 1028**

**Olle Schmidt**

**Proposal for a regulation**

**Article 82 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Any delegated acts adopted shall be consistent with equivalent acts adopted under Directive [.../...BRRD].**

**Amendment 1029**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 83 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the functioning of the SRM and the impact of the its resolution activities on the interests of the Union as a whole and on the coherence and integrity of the internal market in financial services, including its possible impact on the structures of the national banking systems within the Union, and regarding the effectiveness of cooperation and information sharing arrangements within the SRM, between the SRM and the SSM, and between the SRM and national resolution authorities and national competent authorities of non-participating Member States;

*Amendment*

(a) the functioning of the SRM and the impact of the its resolution activities on the interests of the Union as a whole and on the coherence and integrity of the internal market in financial services, including its possible impact on the structures of the national banking systems within the Union, and regarding the effectiveness of cooperation and information sharing arrangements within the SRM, between the SRM and the SSM, and between the SRM and national resolution authorities and national competent authorities of non-participating Member States. ***The following dimensions shall in particular be subject to a close assessment:***

***- whether a Treaty change is necessary to achieve the primary objectives of maintaining stability and public confidence in the financial system;***

***- whether the cooperation between the SRM and the SSM, EBA, ESMA, EIOPA and the European Systemic Risk Board (ESRB), and the other authorities which form part of the ESFS is appropriate;***

***- whether the investment portfolio in accordance with article 70 of this regulation is made of sound and diversified assets;***

***- whether the link between sovereign debt and banking risk has been solved;***

***- whether the accountability mechanism is appropriate;***

*- whether the voting modalities are appropriate.*

Or. en

**Amendment 1030**  
**Elisa Ferreira, Diogo Feio**

**Proposal for a regulation**  
**Article 83 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the functioning of the SRM and the impact of *the* its resolution activities on the interests of the Union as a whole and on the coherence and integrity of the internal market in financial services, including its possible impact on the structures of the national banking systems within the Union, and regarding the effectiveness of cooperation and information sharing arrangements within the SRM, between the SRM and the SSM, and between the SRM and national resolution authorities and national competent authorities of non-participating Member States;

*Amendment*

(a) the functioning of the SRM and the impact of its resolution activities on the interests of the Union as a whole and on the coherence and integrity of the internal market in financial services, including its possible impact on the structures of the national banking systems within *the Union, on their competitiveness in comparison with other banking systems outside the SRM and outside* the Union, and regarding the effectiveness of cooperation and information sharing arrangements within the SRM, between the SRM and the SSM, and between the SRM and national resolution authorities and national competent authorities of non-participating Member States;

Or. en

**Amendment 1031**  
**Elisa Ferreira, Diogo Feio**

**Proposal for a regulation**  
**Article 83 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) the interaction between the Board and the national resolution authorities of non-participating Member States and the effects

*Amendment*

(d) the interaction between the Board and the national resolution authorities of non-participating Member States and the effects

of the SRM on these Member States.

of the SRM on these Member States, *and the interaction between the Board and national resolution authorities of third countries.*

Or. en

**Amendment 1032**

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

**Proposal for a regulation**

**Article 83 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) the possibility of setting up a community institution independent of the Commission to carry out the functions set out in this Regulation, including any changes to the Treaty that this would require*

Or. en

**Amendment 1033**

**Vicky Ford**

**Proposal for a regulation**

**Article 83 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. In order to comply with Article 5a, any review of the [BRRD] shall be accompanied by a review of the SRM and vice versa.*

Or. en

**Amendment 1034**

**Vicky Ford**

**Proposal for a regulation**  
**Article 84 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Any decisions taken by the EBA in accordance with [BRRD] or this Regulation shall conform to the framework established by Regulation No. 1093/2010, in particular in accordance with Article 38(1) of that Regulation, the EBA shall ensure that no decision impinges in any way on the fiscal responsibilities of Member States.***

Or. en

**Amendment 1035**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 85 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

From the date of application referred to in the second subparagraph of Article 88, the Fund shall be considered the resolution financing arrangement of the participating Member States under Title VII of Directive [ ].

From the date of application referred to in the second subparagraph of Article 88, the Fund shall be considered the resolution financing arrangement of the participating Member States under Title VII of Directive [ ]. ***From that date, the available financial means of national resolution financing arrangements in participating Member States already contributed by institutions shall be transferred to the Fund, in lieu of ex-ante contributions raised in accordance with Article 66. Once these available financial means have been transferred to the Fund, no participating Member State shall maintain a national resolution financing arrangement.***

Or. en

*Justification*

*Existing national funds could pay into the single resolution fund on behalf of banks until empty.*

**Amendment 1036**  
**Marianne Thyssen**

**Proposal for a regulation**  
**Article 85 – paragraph 1**

*Text proposed by the Commission*

From the date of application referred to in the second subparagraph of Article 88, the Fund shall be considered the resolution financing arrangement of the participating Member States under Title VII of Directive [ ].

*Amendment*

From the date of application referred to in the second subparagraph of Article 88, the Fund shall be considered the resolution financing arrangement of the participating Member States under Title VII of Directive [ ] **and shall replace the existing national resolution financing arrangements of the participating Member States.**

Or. nl

**Amendment 1037**  
**Sari Essayah, Nils Torvalds, Hannu Takkula**

**Proposal for a regulation**  
**Article 85 – paragraph 1**

*Text proposed by the Commission*

From the date of application referred to in the second subparagraph of Article 88, the Fund shall **be considered** the resolution financing arrangement of the participating Member States under Title VII of Directive [ ].

*Amendment*

From the date of application referred to in the second subparagraph of Article 88, the Fund shall **replace** the resolution financing arrangement of the participating Member States under Title VII of Directive [ ].

Or. en

### *Justification*

*The Commission proposal fails to clarify what happens to the resolution financing arrangements already in place in some Member States once the Single Bank Resolution Fund has been set up. To avoid any double burden for institutions, it should be ensured that they are only required to pay contributions into the SinFund. In line with the Explanatory Memorandum accompanying the Commission Proposal, the text should state that the Fund is to replace the national resolution financing arrangements.*

#### **Amendment 1038**

**Diogo Feio**

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

#### **Article 85 – paragraph 1**

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

From the date of application referred to in the second subparagraph of Article 88, the Fund shall be considered the resolution financing arrangement of the participating Member States under Title VII of Directive [ ].

##### *Amendment*

From the date of application referred to in the second subparagraph of Article 88, the Fund shall be considered the **only** resolution financing arrangement of the participating Member States under Title VII of Directive [ ].

Or. en

#### **Amendment 1039**

**Wolf Klinz, Olle Schmidt**

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

#### **Article 85 – paragraph 1**

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

From the date of application referred to in the second subparagraph of Article 88, the Fund shall be considered the resolution financing arrangement **of the** participating Member **States** under Title VII of Directive [ ].

##### *Amendment*

From the date of application referred to in the second subparagraph of Article 88, the Fund shall be considered **a part of** the resolution financing arrangement **for credit institutions subject to this Regulation of each of** participating Member **State** under Title VII of Directive [ ].

Or. en

**Amendment 1040**  
**Sari Essayah**

**Proposal for a regulation**  
**Article 87 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall become fully operational by 1 January **2015**.

*Amendment*

1. The Board shall become fully operational by 1 January **2018**.

Or. en

**Amendment 1041**  
**Olle Schmidt**

**Proposal for a regulation**  
**Article 87 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The **Commission** shall be responsible for the establishment and initial operation of the Board until the Board has the operational capacity to implement its own budget. For that purpose:

*Amendment*

2. The **ECB** shall be responsible for the establishment and initial operation of the Board until the Board has the operational capacity to implement its own budget. For that purpose:

Or. en

**Amendment 1042**  
**Elisa Ferreira**

**Proposal for a regulation**  
**Article 87 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the Commission may negotiate the establishment of the loan facility referred to in Article 64(2a).***

Or. en



**Amendment 1043**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 87 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 87a*

***Establishment of a common community loan facility (fiscal backstop) for the participating Member States***

***In accordance with Article 311 of the TFEU stating that the Union shall provide itself with the means necessary to attain its objectives and carry through its policies and with Article 323 of the TFEU stating that the Parliament, the Council and the Commission shall ensure that the financial means are made available to allow the Union to fulfil its legal obligations in respect of third parties, the Commission shall consider presenting\* to the European Parliament and the Council a legislative proposal on the establishment of a common community loan facility (fiscal backstop) for the participating Member States in the event that the amounts raised in accordance with Articles 66 and 67 are not immediately accessible or sufficient to cover the expenses incurred by the use of the Fund. When drafting this proposal, the Commission shall duly take into account the assessment and the recommendations to be drawn by the EU High-level Group on own resources on this specific issue.***

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***\*No later than one year after the entry into force of this regulation and in due time before the Commission's proposal on the post electoral revision of the MFF (2014-2020)***

**Amendment 1044**  
**Sylvie Goulard**

**Proposal for a regulation**  
**Article 88 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 6 paragraph 4 ceases to apply once the target funding level referred to in article 65 paragraph 1 is reached and the Fund is complemented with a common community loan facility (fiscal backstop) for the participating Member States to cope with situations referred to in article 69 paragraph 1.*

Or. en

**Amendment 1045**  
**Diogo Feio**

**Proposal for a regulation**  
**Article 88 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

Articles 7 to 23 and Articles 25 to ~~38~~ shall apply from 1 January 2015.

Articles 7 to 23 and Articles 25 to ~~87~~ shall apply from 1 January 2015.

Or. en

**Amendment 1046**  
**Sari Essayah**

**Proposal for a regulation**  
**Article 88 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

Articles 7 to 23 and Articles 25 to 38 shall apply from 1 January **2015**.

Articles 7 to 23 and Articles 25 to 38 shall apply from 1 January **2018**.

Or. en

*Justification*

*SRM should start only after a balance sheet review on all participating banks has been completed and legacy issues addressed at the national level. It is also crucial that the SSM and the BRRD (including the new bail in tool) are finalized and operational before implementing the SRM.*

**Amendment 1047**

**Werner Langen**

**Proposal for a regulation**

**Article 88 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

Articles 7 to **23 and Articles 25 to** 38 shall apply from 1 January 2015.

Articles 7 to 38 shall apply from 1 January 2015.

Or. de

**Amendment 1048**

**Werner Langen**

**Proposal for a regulation**

**Article 88 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**Article 24 shall apply from 1 January 2018.**

*deleted*

Or. de

**Amendment 1049**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 88 – paragraph 3**

*Text proposed by the Commission*

Article 24 shall apply from 1 January **2018**.

*Amendment*

Article 24 shall apply from 1 January **2015**.

Or. en

**Amendment 1050**  
**Burkhard Balz**

**Proposal for a regulation**  
**Article 88 – paragraph 3**

*Text proposed by the Commission*

Article 24 shall apply from 1 January **2018**.

*Amendment*

Article 24 shall apply from 1 January **2015**.

Or. en

**Amendment 1051**  
**Wolf Klinz, Olle Schmidt**

**Proposal for a regulation**  
**Article 88 – paragraph 3**

*Text proposed by the Commission*

Article 24 shall apply from 1 **January 2018**.

*Amendment*

Article 24 shall apply from 1 **July 2016**.

Or. en

*Justification*

*Following the ECON position on BRRD.*