

Amendment 3

Jan OVELGÖNNE, Joachim Schuster, Markus Ferber, Michael Kauch, Michael Bloss, Martin Häusling, Jutta Paulus, Erik Marquardt, Monika Hohlmeier, Katrin Langensiepen, Sergey Lagodinsky, Stasys Jakeliūnas, Alexandra Geese, Anna Deparnay-Grunenberg, Reinhard Bütikofer, Herbert Dorfmann, Engin Eroglu, Andreas Glück, Moritz Körner, Svenja Hahn, Jan-Christoph Oetjen, Manfred Weber, Jens Gieseke, Peter Liese, David McAllister, Rainer Wieland, Norbert Lins, Peter Jahr, Dennis Radtke, Hildegard Bentele, Marlene Mortler, Sven Simon, Markus Pieper, Niclas Herbst, Ralf Seekatz, Michael Gahler, Karolin Braunsberger-Reinhold, Marion Walsmann, Christian Ehler, Christian Doleschal, Christine Schneider, Daniel Caspary, Angelika Niebler, Gabriele Bischoff, Udo Bullmann, Matthias Ecke, Jens Geier, Petra Kammerevert, Dietmar Köster, Bernd Lange, Karsten Lucke, René Repasi, Thomas Rudner, Birgit Sippel, Tiemo Wölken, Helmut Scholz, Martin Schirdewan, Daniel Freund, Viola von Cramon-Taubadel, Pierrette Herzberger-Fofana, Romeo Franz, Rasmus Andresen, Othmar Karas

Report

A9-0154/2024

Kira Marie Peter-Hansen

Amending Directive 2014/49/EU as regards the scope of deposit protection, use of deposit guarantee schemes funds, cross-border cooperation, and transparency (COM(2023)0228 – C9-0133/2023 – 2023/0115(COD))

Proposal for a directive**Article 1 – paragraph 1 – point 12**

Amending Directive 2014/49/EU

Article 11 paragraph 3a new

*Text proposed by the Commission**Amendment*

3 a. Member States may allow IPSs which are officially recognised as a DGS according to Article 4(2) to use available financial means for preventive measures for the benefit of a credit institution where:

(a) the resolution authority has not taken any resolution action under Article 32 of Directive 2014/59/EU;

(b) the DGS is a system certified according to Article 113(7) of Regulation (EU) No 575/2013;

(c) all of the conditions laid down in Article 11ea are met.

Or. en

Justification

The authorisation of Institutional Protection Schemes (IPSs) is subject to comprehensive requirements based on the criteria set forth in Article 113(7) CRR. The same applies for the authorisation of an IPS as a national deposit guarantee scheme on the basis of Article 113(7) CRR in conjunction with Article 4(2) DGSD. Thus, IPSs authorised as DGS must meet the highest of regulatory standards, proved by the competent authority.

IPSs use preventive measures as a means to prevent the compensation case and thus to ensure deposit protection. For them, preventive measures are the standard case, not one of several possible instruments of a tool box selection. In order to maintain the functionality of IPSs that work as DGSs, institutional protection measures must be treated as a separate standalone category of instruments in the DGSD. The requirements of that standalone category “institutional protection measures” must be compatible with those ones set in Article 113(7) CRR.

Amendment 4

Jan OVELGÖNNE, Markus Ferber, Joachim Schuster, Michael Kauch, Michael Bloss, Martin Häusling, Jutta Paulus, Erik Marquardt, Monika Hohlmeier, Katrin Langensiepen, Sergey Lagodinsky, Stasys Jakeliūnas, Alexandra Geese, Anna Deparnay-Grunenberg, Reinhard Bütikofer, Herbert Dorfmann, Engin Eroglu, Andreas Glück, Moritz Körner, Svenja Hahn, Jan-Christoph Oetjen, Manfred Weber, Jens Gieseke, Peter Liese, David McAllister, Rainer Wieland, Norbert Lins, Peter Jahr, Dennis Radtke, Hildegard Bentele, Marlene Mortler, Sven Simon, Markus Pieper, Niclas Herbst, Ralf Seekatz, Michael Gahler, Karolin Braunsberger-Reinhold, Marion Walsmann, Christian Ehler, Christian Doleschal, Christine Schneider, Daniel Caspary, Angelika Niebler, Gabriele Bischoff, Udo Bullmann, Matthias Ecke, Jens Geier, Petra Kammerevert, Dietmar Köster, Bernd Lange, Karsten Lucke, René Repasi, Thomas Rudner, Birgit Sippel, Tiemo Wölken, Helmut Scholz, Martin Schirdewan, Daniel Freund, Viola von Cramon-Taubadel, Pierrette Herzberger-Fofana, Romeo Franz, Rasmus Andresen, Othmar Karas

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Proposal for a directive**Article 1 – paragraph 1 – point 12**

Directive 2014/49/EU

Article 11 – paragraph 5 a (new)

*Text proposed by the Commission**Amendment*

5 a. This Article and Articles 11a through 11e of this Directive shall not apply if they result in a DGS being unable to comply in whole or in part with the requirements of Article 113(7) of Regulation (EU) No 575/2013 in cases where the DGS is subject to those requirements.

Or. en

Justification

The provisions of Directive 2014/49/EU must be interpreted in the light of the conditions set out in Article 113(7) of Regulation (EU) No 575/2013 in order to avoid that the requirements of Articles 11 to 11e of Directive 2014/49/EU contradict the conditions set out in Article 113(7) of Regulation (EU) No 575/2013.

Amendment 5

Jan OVELGÖNNE, Joachim Schuster, Michael Kauch, Markus Ferber, Michael Bloss, Martin Häusling, Jutta Paulus, Erik Marquardt, Monika Hohlmeier, Katrin Langensiepen, Sergey Lagodinsky, Stasys Jakeliūnas, Alexandra Geese, Anna Deparnay-Grunenber, Reinhard Bütikofer, Herbert Dorfmann, Engin Eroglu, Andreas Glück, Moritz Körner, Svenja Hahn, Jan-Christoph Oetjen, Manfred Weber, Jens Gieseke, Peter Liese, David McAllister, Rainer Wieland, Norbert Lins, Peter Jahr, Dennis Radtke, Hildegard Bentele, Marlene Mortler, Sven Simon, Markus Pieper, Niclas Herbst, Ralf Seekatz, Michael Gahler, Karolin Braunsberger-Reinhold, Marion Walsmann, Christian Ehler, Christian Doleschal, Christine Schneider, Daniel Caspary, Angelika Niebler, Gabriele Bischoff, Udo Bullmann, Matthias Ecke, Jens Geier, Petra Kammerevert, Dietmar Köster, Bernd Lange, Karsten Lucke, René Repasi, Thomas Rudner, Birgit Sippel, Tiemo Wölken, Helmut Scholz, Martin Schirdewan, Daniel Freund, Viola von Cramon-Taubadel, Pierrette Herzberger-Fofana, Romeo Franz, Rasmus Andresen, Othmar Karas

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Proposal for a directive**Article 1 – paragraph 1 – point 13 a (new)**

Directive 2014/49/EU

Article 11e a (new)

*Text proposed by the Commission**Amendment****(13 a) Article 11ea***

1. By way of derogation from Articles 11a through 11e, IPSs officially recognised as DGSs according to Article 4(2) may use available financial means for the preventive measures referred to in Article 11(3a) provided that the following conditions are met:

(a) the credit institution requesting financing of the preventive measures shall be obliged to present in a reasonable period of time a plan to ensure or restore compliance of the credit institution with the supervisory requirements set out in Directive 2013/36/EU and Regulation (EU) No. 575/2013 in accordance with the conditions laid down in the statutory rules

of the IPS as approved by the competent authority in accordance with Article 113(7) of Regulation (EU) No. 575/2013;

(b) the competent authority has been consulted by the IPS on the preventive measures and the conditions imposed on the supported credit institution;

(c) the use of preventive measures by the IPS is linked to conditions imposed on the supported credit institution, involving at least more stringent risk monitoring of the credit institution and greater verification rights for the IPS;

(d) the use of preventive measures by the IPS is conditional on the credit institution's commitments to secure access to covered deposits;

(e) the ability of the affiliated credit institutions to pay the extraordinary contributions in accordance with Article 11(4) is confirmed; and

(f) the costs of the measures do not exceed the costs of fulfilling the IPS's statutory or contractual mandate which is recognised as fulfilling the criteria laid down in Article 113(7) of Regulation (EU) No. 575/2013.

2. Member States shall ensure that IPSs have in place monitoring systems and appropriate procedures for selecting and implementing preventive measures and monitoring affiliated risks.

3. Such preventive measures carried out by an IPS shall not lead to the determination that the credit institution is failing or is likely to fail within the meaning of Article 32(1) of Directive 2014/59/EU or Article 18(1) of Regulation (EU) 806/2014.

Or. en

Justification

The Commission proposal (Articles 11 and 11a to 11e of the amended DGSD) would have serious disadvantages for IPS certified according to Article 113(7) CRR. They assume preconditions for preventive measures that are not feasible in practice, making it impossible

to meet the regulatory requirements for an IPS (Article 113(7) CRR) and making their activities considerably more expensive. Moreover, they completely disregard the fact that, for example, the German Cooperative IPS has been operating institutional protection for almost 90 years for its own motives (joint appearance on the market under one brand, protection of all affiliated institutions regardless of size, protection of trust) and has anchored it in its statutes. Its established processes and instruments have proven themselves over a very long period of time. Such IPSs play a major role in preserving financial stability and customer confidence where they exist. Due to the restrictions set out Articles 11 and 11a to 11e of the amended DGSD, however, preventive measures could de-facto no longer be financed from the officially recognised deposit guarantee funds (i.e. from the “available financial means”) after implementing the directive, but would require additional financial resources. This financial burden would have to be financed by the member banks - and thus ultimately by their customers - and would thus create a competitive disadvantage. The DGSD should differentiate between “preventive measures”, done by DGSs in general, and “institutional protection measures”, done by systems certified according to Article 113(7) CRR and officially recognised as DGSs in accordance with Article 4(2) of this directive.

Amendment 6

Jan OVELGÖNNE, Markus Ferber, Joachim Schuster, Michael Kauch, Michael Bloss, Martin Häusling, Jutta Paulus, Erik Marquardt, Monika Hohlmeier, Katrin Langensiepen, Sergey Lagodinsky, Stasys Jakeliūnas, Alexandra Geese, Anna Deparnay-Grunenber, Reinhard Bütikofer, Herbert Dorfmann, Engin Eroglu, Andreas Glück, Moritz Körner, Svenja Hahn, Jan-Christoph Oetjen, Manfred Weber, Jens Gieseke, Peter Liese, David McAllister, Rainer Wieland, Norbert Lins, Peter Jahr, Dennis Radtke, Hildegard Bentele, Marlene Mortler, Sven Simon, Markus Pieper, Niclas Herbst, Ralf Seekatz, Michael Gahler, Karolin Braunsberger-Reinhold, Marion Walsmann, Christian Ehler, Christian Doleschal, Christine Schneider, Daniel Caspary, Angelika Niebler, Gabriele Bischoff, Udo Bullmann, Matthias Ecke, Jens Geier, Petra Kammerevert, Dietmar Köster, Bernd Lange, Karsten Lucke, René Repasi, Thomas Rudner, Birgit Sippel, Tiemo Wölken, Helmut Scholz, Martin Schirdewan, Daniel Freund, Viola von Cramon-Taubadel, Pierrette Herzberger-Fofana, Romeo Franz, Rasmus Andresen, Othmar Karas

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Proposal for a directive**Article 1 – paragraph 1 – point 13**

Directive 2014/49/EU

Article 11e paragraph 3

*Text proposed by the Commission**Amendment*

3. Member States shall ensure that the amount used to finance the resolution of credit institutions, as referred to in Article 11(2), **for the preventive measures referred to in Article 11(3)**, or for the alternative measures referred to in Article 11(5), does not exceed the amount of covered deposits at the credit institution.

3. Member States shall ensure that the amount used to finance the resolution of credit institutions, as referred to in Article 11(2) or for the alternative measures referred to in Article 11(5), does not exceed the amount of covered deposits at the credit institution.

Or. en

Justification

A cap on preventive measures equal to the amount of covered deposits at the credit institution is not adequate for IPS, as it creates a scenario where an IPS can't support a member institution to the extent needed.

