

## COMP E on General Provisions

as of 15 April 2024, covering relevant parts of AM 1 and AMs 72-118

HAVE ADOPTED THIS REGULATION:

*Article 1*  
*Amendments to Regulation (EU) No 806/2014*

Regulation (EU) 806/2014 is amended as follows:

1. the title is replaced by the following:  
"REGULATION (EU) No 806/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 July 2014 on a Single Resolution Mechanism and a European Deposit Insurance Scheme and amending Regulation (EU) No 1093/2010";
2. Article 1 is replaced by the following:

*“Article 1*  
*Subject matter*

1. This Regulation establishes uniform rules and a uniform procedure for the resolution of the entities referred to in Article 2 that are established in the participating Member States referred to in Article 4.

Those uniform rules and that uniform procedure shall be applied by the Single Resolution Board established in accordance with Article 42 (the ‘Board’), together with the Council and the Commission and the national resolution authorities within the framework of the Single Resolution Mechanism (‘SRM’) established by this Regulation. The SRM shall be supported by a Single Resolution Fund (the ‘SRF’).

The use of the SRF shall be contingent upon the entry into force of an agreement among the participating Member States (‘the Agreement’) on transferring the funds raised at national level towards the SRF as well as on a progressive merger of the different funds raised at national level to be allocated to national compartments of the Fund.

In addition, this Regulation establishes ***stage 1 of*** a European Deposit Insurance Scheme (‘EDIS I’) ~~in three successive stages: to operate as a liquidity~~ ~~a reinsurance~~ ~~scheme that, to a certain extent, provides liquidity to funding and covers a share of the losses of participating deposit guarantee schemes in accordance with Article 41a~~ ~~(Ferber, AM 74; Van Overtveldt, AM 75; Van Overtveldt, AM 79; Ferber, AM 80)~~ ***with the aim to make progress to a full insurance scheme with loss coverage at a later stage, in accordance with Article 94b; (Ormel, AM 76; Benjumea Benjumea et al., AM 77; Peter-Hansen, AM 78; Benjumea Benjumea et al., AM 81; Ormel, AM 82; Peter-Hansen, AM 83)***

- ~~a co-insurance scheme that, to a gradually increasing extent, provides funding and covers losses of participating deposit guarantee schemes in accordance with Article 41e; (Benjumea Benjumea et al., AM 84; Van Overtveldt, AM 85; Ferber, AM 86; Ormel, AM 87; Peter-Hansen, AM 88)~~ ***a full insurance scheme that provides the funding and covers the losses of participating deposit guarantee schemes in accordance with Article 41e. (Benjumea Benjumea et al., AM 89; Van Overtveldt, AM 90; Ferber, AM 91; Ormel, AM 92)***

EDIS *I* shall be administered by the Board in cooperation with participating DGSs and designated authorities in accordance with Part IIa. ***(Peter-Hansen, AM 94)***

EDIS *I* shall be supported by a Deposit Insurance Fund (the 'DIF') ***and when needed, by additional loans from the participating DGSs in accordance with Chapter 4 - mandatory lending.*** ***(Peter-Hansen, AM 95)***

3. Article 2 is replaced by the following:

*"Article 2*

*Scope*

1. For the purposes of the SRM, this Regulation shall apply to the following entities:

- (a) credit institutions established in a participating Member State, ~~***except for institutions that are members of an institutional protection schemes as referred to in Article 113(7) of Regulation No 575/2013 CRR; (Saillet, AM 97; Fernández et al., AM 99; Boyer et al., AM 100; Benjumea, AM 101; Peter-Hansen, AM 102)***~~
- (b) parent undertakings, including financial holding companies and mixed financial holding companies, established in a participating Member State, where they are subject to consolidated supervision carried out by the ECB in accordance with Article 4(1)(g) of Regulation (EU) No 1024/2013;
- (c) investment firms and financial institutions established in a participating Member State, where they are covered by the consolidated supervision of the parent undertaking carried out by the ECB in accordance with Article 4(1)(g) of Regulation (EU) No 1024/2013.

2. For the purposes of EDIS *I*, this Regulation shall apply to the following entities:

- (a) participating deposit-guarantee schemes as defined in point (1) of Article 3(1a), ~~***except for institutional protection schemes as referred to in Article 113(7) of Regulation No 575/2013 CRR; (Saillet, AM 106; Benjumea et al., AM 107; Peter-Hansen, AM 108; Boyer et al., AM 110; Peter-Hansen, AM 111)***~~
- (b) credit institutions, ***including entities referred to in Article 2(5) of Directive 2013/36/EU, that are*** affiliated to participating deposit-guarantee schemes.

Where this Regulation creates rights or obligations for a participating DGS administered by a designated authority as defined in point (18) of Article 2(1) of Directive 2014/49/EU, the rights or obligations are deemed to be those of the designated authority.";

4. Article 3 is amended as follows:

- (a) in paragraph 1, the following points (55), (56) and (57) are added:

"(55) 'participating deposit-guarantee schemes' or 'participating DGSs' means deposit guarantee schemes as defined in point (1) of Article 2(1) of Directive 2014/49/EU which are introduced and officially recognised in a participating Member State;

(56) 'payout event' means the occurrence unavailable deposits as defined in point (8) of Article 2(1) of Directive 2014/49/EU in relation to a credit institution affiliated to a participating DGS;

(57) 'available financial means of the DIF' means cash, deposits and low-risk assets which can be liquidated within a period not exceeding that referred to in Article 8(1) of the Directive 2014/49/EU.";

(a) paragraph 2 is replaced by the following:

"2. In the absence of a relevant definition in the previous paragraphs, the definitions set out in Article 2 of Directive 2014/49/EU and Article 2 of Directive 2014/59/EU apply.

In the absence of a relevant definition in Article 2 of Directive 2014/49/EU and Article 2 of the Directive 2014/59/EU, the definitions set out in Article 3 of Directive 2013/36/EU apply."

5. in Article 4, paragraphs 2, 3 and 4 are replaced by the following :

"2. Where the close cooperation between a Member State and the ECB is suspended or terminated in accordance with Article 7 of Regulation (EU) No 1024/2013, the entities referred to in Article 2 of this Regulation that are established or recognised in that Member State shall cease to be covered by this Regulation from the date of application of the decision to suspend or terminate close cooperation.

3. In the event that the close cooperation with the ECB of a Member State whose currency is not the euro is terminated in accordance with Article 7 of Regulation (EU) No 1024/2013, the Board shall decide within three months after the date of adoption of the decision to terminate close cooperation, in agreement with that Member State, on the modalities for, and any conditions applicable to:

(a) the recoupment of contributions that the Member State concerned has transferred to the SRF;

(b) the *transfers paid by* ~~transfer of contributions to~~ DGSs officially recognised in the Member State concerned ~~that were paid into the DIF by the credit institutions affiliated to those DGSs.~~

For the purposes of point (a) of the first subparagraph, recoupments shall include the part of the compartment corresponding to the Member State concerned not subject to mutualisation. If during the transitional period, as laid down in the Agreement, recoupments of the non-mutualised part are not sufficient to permit the funding of the establishment by the Member State concerned of its national financial arrangement in accordance with Directive 2014/59/EU, recoupments shall also include the totality or a part of the part of the compartment corresponding to that Member State subject to mutualisation in accordance with the Agreement or otherwise, after the transitional period, the totality or a part of the contributions transferred by the Member State concerned during the close cooperation, in an amount sufficient to permit the funding of that national financial arrangement.

When assessing the amount of financial means to be recouped from the mutualised part or otherwise, after the transitional period, from the Fund, the following additional criteria shall be taken into account:

- (a) the manner in which termination of close cooperation with the ECB has taken place, whether voluntarily, in accordance with Article 7(6) of Regulation (EU) No 1024/2013, or not;
- (b) the existence of ongoing resolution actions on the date of termination;
- (c) the economic cycle of the Member State concerned by the termination.

Recoupments shall be distributed during a limited period commensurate to the duration of the close cooperation. The relevant Member State's share of the financial means from the SRF used for resolution actions during the period of close cooperation shall be deducted from those recoupments.

For the purposes of point (b) of the first subparagraph, the amount transferred to each DGS officially recognised in the Member State concerned shall be equal to the available financial means of the DIF multiplied by the ratio of (a) to (b):

- (a) the amount of all ~~transfers ex ante contributions~~ paid to the DIF by ~~credit institutions affiliated to the~~ *participating* DGS concerned; (*Ferber, AM 115*)
- (b) the amount of all ~~transfers ex ante contributions~~ paid to the DIF. (*Ferber, AM 116*)

The transferred amount shall not exceed the amount that is necessary for the available financial means of the *participating* DGS concerned to reach two-thirds of its target level as defined in Article 10(2) first subparagraph of Directive 2014/49/EU.

4. This Regulation shall continue to apply to resolution and *DGS liquidity support* ~~deposit insurance~~ proceedings which are ongoing on the date of application of a decision as referred to in paragraph 2.";

6. in Article 5(2), the first subparagraph is replaced by the following:

"The Board, the Council and the Commission and, where relevant, the national resolution authorities and participating DGS, shall take decisions subject to and in compliance with the relevant Union law and in particular any legislative and non-legislative acts, including those referred to in Articles 290 and 291 of the Treaty on the Functioning of the European Union.";

7. Article 6 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

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

2. Every action, proposal or policy of the Board, the Council, the Commission, a national resolution authority or a participating DGS in the framework of the SRM or of EDIS *I* shall be undertaken with full regard and duty of care for the unity and integrity of the internal market.";

(b) paragraph 7 is replaced by the following:

"7. Where the Board takes a decision that is addressed to a national resolution authority or a participating DGS, the national resolution authority or

participating DGS shall have the right to specify further the measures to be taken. Such specifications shall comply with the decision of the Board in question.";

8. the heading of Part II is replaced by the following: "Single Resolution Mechanism";

9. Article 19 is amended as follows:

(a) ~~in paragraph 3, the first subparagraph is replaced by the following:~~

~~"To the extent that the resolution action as proposed by the Board involves the use of the Funds (SRF or DIF), the Board shall notify the Commission of the proposed use of the Funds. The Board's notification shall include all of the information necessary to enable the Commission to make its assessments pursuant to this paragraph."~~

(b) ~~in paragraph 3, in the third, the fifth and the seventh subparagraphs the word "Fund" is replaced by "Funds", making such grammar changes as necessary;~~

(c) ~~in paragraph 5, the second subparagraph is replaced by the following:~~

~~"The Board shall pay any amounts received under the first subparagraph into the respective Fund (SRF or DIF) and take such amounts into consideration when determining contributions in accordance with Articles 70 and 71, and 74c and 74d."~~

(d) ~~in paragraphs 7 and 10, the word "Fund" is replaced by the word "Funds", making such grammar changes as necessary; (Fernández et al., AM 117)~~

Agence Europe