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## COVER NOTE

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**From:** José Manuel Campa, Chairperson of the European Banking Authority (EBA)

**To:** John Berrigan, Director General, Directorate-General for Financial Stability, Financial Services and Capital Markets Union (FISMA), European Commission

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**Subject:** Banking Resolution: Submission of the Final Draft Regulatory Technical Standards amending Commission Implementing Regulation (EU) 2016/1075 with regard to regulatory technical standards specifying the content of resolution plans and group resolution plans and the operational functioning of the resolution colleges

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## EBA draft RTS amending resolution plans and resolution colleges

### Mandate and context

The European Banking Authority (EBA), under Articles **10, 12, 15** and **88(7)** of the BRRD (Directive 2014/59/EU), has prepared draft Regulatory Technical Standards (RTS) that specify the **content of resolution plans and group resolution plans**, the **resolvability assessment**, and the **operational functioning of resolution colleges**. The draft amends the existing RTS adopted under Delegated Regulation (EU) 2016/1075, reflecting implementation experience, crisis lessons and cross-border simulation exercises.

### Purpose of the amendments

The amendments aim to enhance the **clarity, usability and operational effectiveness** of resolution planning and college functioning by:

- **Streamlining resolution plans** — make plans more concise and focused on decision-relevant elements.

- **Improving implementation readiness** — require clearer articulation of **preferred and variant resolution strategies**, including rationale, feasibility and credibility.
- **Reorganising the resolvability assessment** — align the assessment with the **seven core dimensions** of resolvability used in practice.
- **Introducing proportionality and simplification for resolution colleges** — strengthen cooperation, information exchange and emergency coordination while removing unnecessary administrative steps.

### **Procedural and publication steps**

The draft RTS were developed by the EBA’s Resolution Committee, endorsed by the Board of Supervisors, and prepared following Article 15 of the EBA Regulation (No 1093/2010). The draft is submitted in Legiswrite format and will be published on the EBA’s public website.

### **Practical effect**

If adopted, the RTS will tighten and simplify the expectations for resolution planning and cross-border coordination, increase operational readiness for resolution authorities and colleges, and aim to reduce administrative burdens while preserving robust resolvability standards.

THE CHAIRPERSON



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John Berrigan  
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22 January 2026

**Subject: Submission of the Final Draft Regulatory Technical Standards amending Commission Implementing Regulation (EU) 2016/1075 with regard to regulatory technical standards specifying the content of resolution plans and group resolution plans and the operational functioning of the resolution colleges**

Dear Mr Berrigan,

In accordance with Articles 10, 12, 15 and 88(7) of Directive 2014/59/EU (BRRD), the European Banking Authority is mandated to develop regulatory technical standards (RTS) specifying the content of resolution plans and group resolution plans, the assessment of resolvability, and the operational functioning of resolution colleges.

Following extensive implementation experience gained since the adoption of Delegated Regulation (EU) 2016/1075, and taking into account lessons learned from recent crisis cases and cross-border simulation exercises, the EBA has reviewed the existing standards with a view to enhancing their clarity, usability and operational effectiveness.

The amendments set out in the enclosed final draft RTS aim to:

- streamline and rationalise the structure and content of resolution plans, ensuring that plans are concise, operational and focused on decision-relevant elements;
- improve implementation readiness through clearer articulation of preferred and variant resolution strategies, including their rationale, feasibility and credibility;
- reorganise the resolvability assessment along the seven core dimensions relevant to resolvability, in line with established practice;

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- introduce proportionality and simplification to the operational functioning of resolution colleges, strengthening cooperation, information exchange and emergency coordination while reducing unnecessary administrative steps.

It is my pleasure to submit to you today the draft regulatory technical standards amending the RTS on resolution plans and resolution colleges as adopted by the EBA's Resolution Committee and endorsed by the EBA's Board of Supervisors. These standards were developed following the procedure described in Article 15 of Regulation (EU) No. 1093/2010 (EBA Regulation). As previously agreed, the draft regulatory technical standards are attached in Legiswrite format.

In addition, the draft regulatory technical standards will be published on the EBA's public website.

I look forward to the completion of the process of adoption of the standards.

Yours sincerely,



José Manuel Campa

- CC: Aurore Lalucq, Chair of the Committee on Economic and Monetary Affairs, European Parliament  
Monika Nogaj, Head of ECON Secretariat, European Parliament  
Makis Keravnos, ECOFIN Chair, Minister of Finance of the Republic of Cyprus, Presidency of the Council of the EU  
Tuomas Saarenheimo, Chair of Economic and Finance Committee, Council of the European Union  
Thérèse Blanchet, Secretary-General, Council of the European Union  
Ugo Bassi, Director Dir D, Banking, Insurance and Financial Crime, DG FISMA  
Almoro Rubín de Cervin, Head of Unit D1, Bank regulation and supervision, DG FISMA
- End: Final Draft Regulatory Technical Standards amending Commission Delegated Regulation (EU) 2016/1075 with regard to with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges



Brussels, **XXX**  
[...](2026) **XXX** draft

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of **XXX****

**amending the Commission Delegated Regulation (EU) 2016/1075 of 23 March 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges**

(Text with EEA relevance)

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## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Articles 10, 12, 15 and 88(7) of Directive 2014/59/EU empower the Commission to adopt, following the submission of draft technical standards by the European Banking Authority (EBA), and in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010, delegated acts specifying, respectively:

- a) the contents of resolution plans for institutions (Article 10);
- b) the contents of group resolution plans (Article 12);
- c) the matters and criteria for the assessment of the resolvability of institutions or groups (Article 15); and
- d) the operational functioning of the resolution colleges for the performance of its tasks in relation to cross-border banking groups, including the processes for reaching joint decisions on group resolution plans, resolvability assessments, substantive impediments, the minimum requirement for own funds and eligible liabilities and resolution schemes (Article 88(7)).

In accordance with Article 10(1) of Regulation No (EU) 1093/2010 establishing the EBA, the Commission shall decide within three months of receipt of the draft standards whether to endorse the drafts submitted. The Commission may also endorse the draft standards in part only, or with amendments, where the Union's interests so require, having regard to the specific procedure laid down in those Articles.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

In accordance with the third subparagraph of Article 10(1) of Regulation No (EU) 1093/2010, the EBA has conducted a public consultation on the draft regulatory technical standards submitted to the Commission in accordance with Article 111(8) of Regulation (EU) No 575/2013. The consultation paper was published on the EBA website on 05 August 2025 and the consultation closed on 05 November 2025. Together with the final draft technical standards, the EBA has submitted an explanation on how the outcome of the public consultation and the feedback received from stakeholders have been considered in the development of the final draft. In line with the requirements of Article 10(1) of Regulation No (EU) 1093/2010, the EBA has also submitted its impact assessment, including an analysis of the costs and benefits related to the draft technical standards. This analysis is available on the EBA website as part of the Final Draft RTS package.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The objective of this delegated act is to amend Commission Delegated Regulation (EU) 2016/1075, in order to update and streamline the RTS regarding the content of resolution plans for institutions and groups, the criteria and methodology for the assessment of resolvability, and the operational functioning of resolution colleges and the related joint decision processes.

The amendments reflect the updated provisions of Section C of the Annex to Directive 2014/59/EU, including those relating to digital operational resilience, as well as the experience gained by resolution authorities in preparing resolution plans and conducting resolvability assessments. They also introduce enhancements aimed at simplifying and increasing the efficiency of the functioning of resolution colleges, including procedures in emergency situations and the modalities for information exchange.

The delegated act introduces a revised structure for resolution plans, distinguishing more clearly between resolution authorities' strategic decisions, including the choice and rationale for the preferred resolution strategy and any variants and the institution or group capabilities necessary to support the implementation of the strategy, including the conclusions of the resolvability assessment along seven operational dimensions.

The delegated act also specifies the requirements for the content of resolution plans for institutions earmarked to be wound up under normal insolvency proceedings, ensuring proportionality.

As regards resolution colleges, the legal amendments clarify the identification and status of members and observers, the organisation of the college, including substructures and coordination arrangements, the mandatory elements of the written arrangements, the functioning of colleges in emergency situations, and the steps to be followed in joint decision processes.

The delegated act takes the form of an amending Regulation replacing relevant chapters of Delegated Regulation (EU) 2016/1075, namely Chapter II on resolution plans and Chapter VI on resolution colleges.

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

**amending the Commission Delegated Regulation (EU) 2016/1075 of 23 March 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012 of the European Parliament and of the Council <sup>(1)</sup>, and in particular Article 10(9) third subparagraph, 12(6) third subparagraph, 15(4) third subparagraph and 88(7) third subparagraph thereof,

Whereas:

- (1) Directive 2014/59/EU requires resolution authorities to disclose the summary of the key elements of the resolution plan to the institution or the Union parent undertaking concerned. To ensure that this summary covers the essential elements of resolution planning and the information needed for the implementation of the resolution strategy, to promote the sharing of consistent information and transparency towards the institution or the Union parent undertaking and to enhance the readability and usability of the resolution plan for the resolution authorities, the elements that should be included in the summary should be specified.
- (2) The information included in the resolution plan related to the minimum requirement for own funds and eligible liabilities should indicate the level of the requirement referred to in Article 45(1) of Directive 2014/59/EU and be focused on the adjustments that are applied by the resolution authorities on the basis of their assessments of the specificities of the institution or group entities.

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<sup>1</sup> [OJ L 173, 12.6.2014, p. 190](http://data.europa.eu/eli/dir/2014/59/oj), ELI: <http://data.europa.eu/eli/dir/2014/59/oj>.

- (3) The resolution plans prepared for liquidation entities or groups made only of liquidation entities should contain a more limited set of information compared to institutions where the resolution plan envisages the use of resolution tools and powers.
- (4) To simplify and improve the efficiency of drawing up resolution plans, it should be clarified that, when winding up under normal insolvency proceedings is considered credible and feasible and it is concluded that resolution action is not necessary in the public interest, resolution authorities do not need to proceed to the following stages of the resolvability assessment. Similarly, when winding up is not considered credible, resolution authorities should not be required to assess its feasibility.
- (5) Resolution plans should be structured in a way that ensures that they are comprehensive and fit for decision-making, while also allowing updates to be made more efficiently, without requiring revisions to the entire plan in response to developments affecting only a part. To achieve this objective, the structure for resolution plans should be revised, distinguishing between elements related to the choice of the strategy and the assessments of resolution authorities and those concerning the capabilities of institutions or groups to support the execution of the strategy. First, the resolution plan should focus on the authorities' strategic decisions, including the rationale for the preferred resolution strategy and its key steps. Subsequently, the resolution plan should address the capabilities of the institution or group to support the execution of the strategy, incorporating the outcome of the resolvability assessment.
- (6) To enhance usability of resolution plans, resolution authorities should be required to select the resolution strategy through a three-step approach. First, resolution authorities should assess whether a single point of entry or a multiple point of entry strategy should be applied. Second, resolution authorities should define what resolution tool or tools should be applied. Third, resolution authorities should define whether variants of the resolution strategy are necessary. The selection of the strategy should also take account the complexity, risks and cross-border activities of the institution or group and legal risks associated thereto. This approach enables the resolution authorities to improve crisis preparedness and to enhance flexibility, thus ensuring the effective implementation of the resolution strategy.
- (7) To assess whether a single point of entry or a multiple point of entry is more appropriate, resolution authorities should consider the level of centralisation and integration of a group, the level of centralisation of funding strategies, the interchangeability of assets within the group, the legal structure of the group and the number of jurisdictions in which the group operates.
- (8) To rationalise and ensure consistency in resolution plans, the conclusions of the resolvability assessment should be structured along seven dimensions through which resolvability is assessed and, for variant strategies, focus on the relevant differences with respect to the preferred resolution strategy. Practices showed that this approach is more effective and clearer in identifying the key elements for resolution authorities' focus in conducting resolvability assessments. The seven dimensions incorporate the amendments of Section C of the Annex to Directive 2014/59/EU, relating to digital operational resilience of the institution or group.
- (9) Operational complexity in the functioning of resolution colleges hinders the efficiency of executing the tasks and the smooth cooperation of the authorities involved. To improve the operational efficiency and effectiveness of resolution colleges while guaranteeing thorough discussions and good decision-making among resolution college members and observers, there is a need to simplify various procedural aspects of resolution colleges' functioning. In addition, there is a need for early cooperation within the resolution colleges in emergency situations as well as the effective communication and information exchange of the resolution college members and observers. Lastly, a proportional application of some operational requirements is needed for specific cases of resolution colleges, taking into account the

importance of the group entities and whether they need to be wound-up under normal insolvency procedures or resolved.

- (10) To facilitate the involvement of relevant third country authorities, it should be possible for the group-level resolution authority to identify third-country resolution authorities as potential observers to the college and notify them accordingly, in particular when the group-level resolution authority deems that involvement of such authority in the college would promote its efficient functioning.
- (11) To ensure effective coordination of the college activities, including the decision-making processes, the group-level resolution authority should appoint a key contact person, responsible for coordinating the resolution college. The group-level resolution authority should ensure continuous reachability of the college coordinator or its alternate during office hours.
- (12) To guarantee the efficiency of college actions in relation to groups with third-country presence, the members of a resolution college should agree on how they will coordinate actions and exchange information with other groups or colleges that may be involved in similar tasks in relation to the same group, such as Crisis Management Groups. Such arrangements should be included in the written arrangements for the functioning of resolution colleges.
- (13) Testing the procedures for the function of the resolution college should be proportionate and take into account the risk profile of the group, the number of jurisdictions included in the resolution college, synergies with the testing approach of other resolution colleges with common members and observers and the complexity of the preferred resolution strategy provided in the resolution plan. The written arrangements should specify the timing and how such testing is to be conducted for planning purposes.
- (14) Resolution college meetings that include all college members strengthen the collaboration among resolution college members and observers and contribute to forging common understanding for the authorities involved. Therefore, resolution colleges should have at least one meeting including all the members and observers per year. Although physical presence of all members and observers is not required, it is recognised that the positive effects are enhanced when the college meetings are held in person.
- (15) Regular testing and annual meetings should not be required for resolution colleges that cover groups for which the failure of group entities would pose no or limited risks for financial stability, and hence for which such requirements would not be proportionate. This concerns in particular groups for which simplified obligations are applied to all group entities, groups consisting of only liquidation entities and European resolution colleges established in relation to third-country banking groups without a resolution entity in a Member State.
- (16) To enhance the quality of discussions among the resolution college members, all authorities should have the opportunity to express their views in meetings on the elements of resolution planning and the implementation of the resolution strategy. The topics of particular relevance for certain members of the college, considering their role in the college, should thus be specified.
- (17) For the purpose of having access to all information that is relevant for the performance of the tasks of the members of the resolution college, it is important that the procedures of the resolution college allow both resolution authorities in home and host Member States to exchange information that will contribute to the mutual understanding of the conclusions included in the resolution plan. Therefore, and to make the process of exchanging information more efficient, resolution college members should agree on the access rights to the relevant information in the written arrangements. This should not prevent college members and observers to request access to additional information relevant for the effective performance of

their tasks. To enhance transparency on the available information and facilitate such requests for information exchange, resolution authorities should share with other college members a list of the documents underlying the conclusions of the resolution plan, including the documents that describe operational aspects relevant for the implementation of the group resolution plan, as mentioned in the EBA Guidelines on improving resolvability for resolution authorities.<sup>2</sup> The members of the resolution college should specify in the written arrangements the procedures to request and exchange information for which the access rights have not yet been specified.

- (18) To guarantee the efficient and secure information exchange between resolution college members, the resolution college should use a document management platform for the exchange and storage of relevant information. The written arrangements for each resolution college should specify which system is used, the procedures to use the system, how the system ensures that information exchange and the functioning is secured and how it contributes to the exchange of information within the resolution college in accordance with the confidentiality provisions and provisions covering the exchange of confidential information laid down in Directive 2014/59/EU. For this purpose, the college platform developed under Article 21(2), point (a), of Regulation (EU) No 1093/2010<sup>3</sup> can also be used, without prejudice to the possibility of college members to opt for another equivalent system.
- (19) To ensure effective response in emergency situations, the group-level resolution authority should organise a resolution college meeting. The resolution college should perform specific minimum actions from the moment an emergency situation occurs, guaranteeing a timely response and adequate discussions and information exchange preparing for the decisions to be taken upon and after a group entity is failing or likely to fail. The resolution college should start operating in this manner from the moment the members become aware of the emergency situation, which should be presumed to occur at least when conditions for the application of early intervention measures are met in relation to a group entity, when such measures have been applied to a group entity or when the college is notified that a group entity is in breach or is likely to be in breach in the near future of its capital requirements.
- (20) It is necessary to ensure that the process to reach joint decisions is effective, efficient and simplified to be tailored to the college specificities. Four general steps should be the basis of all joint decision processes to ensure sufficient coordination among the members of the resolution college in reaching the joint decision: the setting of a timetable, a preliminary dialogue, a consultation with the relevant authorities and reaching the decision. The four general steps should be further specified as needed within the joint decision process for each decision to be reached.
- (21) To adapt the joint decision processes to the specificities of the resolution college, the sharing of the joint decision timetable and engaging in the preliminary dialogue may be performed before or during the decision-making period as specified in Directive 2014/59/EU to allow for maximising efficiency. Thus, the joint decision process might cover a longer period than the joint decision-making period as defined in Directive 2014/59/EU. In addition, the group-level resolution authority may decide that the steps should be performed in a different sequence than the one set out in this Regulation and that steps should take place in parallel. Furthermore, the group-level resolution authority should adjust the timetable and organise additional

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<sup>2</sup> Guidelines amending Guidelines EBA/GL/2022/01 on improving resolvability for institutions and resolution authorities under articles 15 and 16 of Directive 2014/59/EU (Resolvability Guidelines) to introduce a new section on resolvability testing.

<sup>3</sup> Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12, ELI: <http://data.europa.eu/eli/reg/2010/1093/oj>).

dialogues and consultations if necessary to foster coordination and alignment among the resolution authorities involved.

- (22) To enhance cooperation among college members with regards to the identification of substantive impediments, the group-level resolution authority should be required to organise a dialogue to conclude on the presence of such impediments when one of the members of the resolution college identified an impediment in one of the group entities.
- (23) To ensure an efficient process when a group entity is failing or likely to fail, the resolution college may decide to execute the processes of assessing the need for a group resolution scheme and the joint decision on the resolution scheme in parallel. The resolution authorities should endeavour to have a dialogue covering the potential forthcoming resolution immediately upon becoming aware of an emergency situation which should allow to start without undue delay the assessment on the need for a group resolution scheme and reaching the joint decision when a group entity is failing or likely to fail. This should not prevent the group-level resolution authority from organising additional dialogues when the information available changes overtime.
- (24) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council.
- (25) Commission Delegated Regulation (EU) 2016/1075 should therefore be amended accordingly.
- (26) This Regulation is based on the draft regulatory technical standards submitted to the Commission by the European Banking Authority,

HAS ADOPTED THIS REGULATION:

*Article 1*  
*Amendments to Delegated Regulation (EU) 2016/1075*

Delegated Regulation (EU) 2016/1075 is amended as follows:

- (1) Chapter II is replaced by the following:

**CHAPTER II**  
**RESOLUTION PLANS**

**SECTION I**  
**CONTENT OF RESOLUTION PLANS**

*Article 22*  
*Categories of information to be included in resolution plans*

A resolution plan shall contain the elements laid down in points (1) to (6) of this Article, including all information required under Articles 10 and 12 of Directive 2014/59/EU and any additional information necessary to enable decision-making for the delivery of the resolution strategy:

- (1) A summary of the key elements of the plan, including:

- (a) description of the institution or group, including the institution's organisational structure with a list of legal entities, the ownership structure, and business model;
  - (b) the identification of any critical functions and core business lines which will be maintained and any which are expected to be separated from other functions;
  - (c) for each resolution entity, the preferred resolution strategy and any variants of the preferred resolution strategy, as referred to in point (3) of this Article;
  - (d) the conclusions of the resolvability assessment for the preferred and variant resolution strategies along the dimensions through which resolvability is assessed, as referred to in point (4) of this Article; and
  - (e) the minimum requirement for own funds and eligible liabilities required pursuant to Article 45(1) of Directive 2014/59/EU, where applicable, as referred to in point 5 of this Article.
- (2) The conclusions of the assessment of credibility and, where applicable, the feasibility of winding up under normal insolvency proceedings in accordance with Article 24.
- (3) A description of the resolution strategy in the plan, including:
- (a) identification of the legal entity or entities to which resolution actions would be applied, in accordance with Article 25;
  - (b) identification of any critical functions or core business lines which will be maintained and any which are expected to be separated from other functions, so as to ensure continuity and digital operational resilience;
  - (c) the rationale for the preferred resolution strategy in accordance with Article 25, and an estimation of timeframe for the key steps required for its implementation;
  - (d) the rationale for any variant to the preferred resolution strategy, that addresses circumstances in which the preferred resolution strategy cannot be credibly and feasibly implemented, in accordance with Article 25, and an estimation of timeframe for the key steps required for its implementation;
  - (e) a brief summary of the main steps to be taken to coordinate the implementation of the preferred resolution strategy by the relevant authorities.
- (4) The conclusions of the assessment of resolvability, including the following points:
- (a) the conclusions of the assessment of the credibility of the preferred resolution strategy and any variant resolution strategy, in accordance with Article 26.
  - (b) the conclusions of the assessment of the feasibility of the preferred resolution strategy and any variant resolution strategy, considering the relevant aspects of Section C of the Annex of Directive 2024/59/EU and the aspects addressed in Articles 27 to 32b of this Regulation categorised in relation to:
    - (i) Governance;
    - (ii) Loss-absorbing and recapitalisation capacity;
    - (iii) Liquidity and funding in resolution;
    - (iv) Operational continuity in resolution and access to financial market infrastructures;
    - (v) Management information systems;
    - (vi) Communication; and
    - (vii) Separability and restructuring; and

- (c) a description of any impediments to resolvability identified, of any measures proposed by the institution or group or required by the resolution authority to address or remove those impediments.
- (5) The requirement referred to in Article 45(1) of Directive 2014/59/EU as determined in accordance with Articles 45 to 45h of that Directive, as applicable.  
Adjustments made in accordance with Articles 45b(4), 45c(3) fifth and sixth subparagraphs, 45c(7) fifth and sixth subparagraphs, and 45h(2) of Directive 2014/59/EU shall be set out separately.
- (6) Any opinion expressed by the institution or group in relation to the resolution plan.

#### *Article 22a*

#### ***Categories of information to be included in resolution plans for liquidation entities***

A resolution plan of a liquidation entity or group shall contain the following elements, including the information required under Articles 10 and 12 of Directive 2014/59/EU:

- (1) a summary of the plan, including the following:
  - (a) description of the institution or group, including the institution's organisational structure with a list of legal entities and the ownership structure;
  - (b) the conclusions of the assessment of credibility and feasibility of winding up under normal insolvency proceedings, as referred to in point (2) of this Article.
  - (c) the minimum requirement for own funds and eligible liabilities required pursuant to Article 45(1) of Directive 2014/59/EU, where applicable, as referred to in point (3) of this Article.
- (2) the conclusions of the assessment of credibility and feasibility of winding up under normal insolvency proceedings under Article 24;
- (3) the minimum requirement for own funds and eligible liabilities required pursuant to Article 45(1) of Directive 2014/59/EU, in accordance Article 45c (2a) second subparagraph of that Directive where applicable.
- (4) Any opinion expressed by the liquidation entity or group in relation to the resolution plan.

## **SECTION II**

### ***ASSESSMENT OF RESOLVABILITY***

#### *Article 23*

#### ***Stages of assessment***

- 1. Resolution authorities shall assess resolvability based on the following consecutive stages:
  - (a) the assessment of the credibility and feasibility of the winding up of the institution or group under normal insolvency proceedings, in accordance with Article 24;
  - (b) when the conclusion of the assessment under (a) is negative, the selection of a preferred resolution strategy in accordance with Article 25;
  - (c) the assessment of the credibility of the selected resolution strategy in accordance with Article 26;
  - (d) the assessment of the feasibility of the selected resolution strategy in accordance with Articles 27 to 32b.

2. Where the resolution authority considers that it is clear that institutions or groups pose similar risks to the financial system or that the circumstances in which winding up is unlikely to be feasible are similar, that resolution authority may conduct the assessment of the credibility and feasibility of the winding up under normal insolvency proceedings of those institutions or groups in a similar or identical manner.
3. Where a resolution authority concludes that it may not be credible or feasible to wind up the institution or group entities under normal insolvency proceedings, or that resolution action may otherwise be necessary in the public interest because winding up would not meet the resolution objectives to the same extent, it shall identify a preferred resolution strategy which is appropriate for the institution or group on the basis of all relevant information, including the information provided by the institution or group pursuant to Article 11 of Directive 2014/59/EU and the criteria set out in this Regulation. To the extent necessary, it shall also identify variant resolution strategies to address circumstances in which the preferred resolution strategy would not be credible or feasible.
4. The assessments of the credibility and feasibility of the preferred resolution strategy shall include the assessment of any variant resolution strategies identified, with a particular focus on the relevant differences with respect to the preferred resolution strategy.
5. Measures to remove impediments to variant resolution strategies shall only be implemented if they do not impair the credible and feasible implementation of the preferred resolution strategy.
6. Where appropriate, a resolution authority shall revise the preferred resolution strategy or consider variant resolution strategies on the basis of a completed assessment of the credibility and feasibility of a preferred resolution strategy referred to in paragraph 4, first subparagraph, in accordance with Articles 26 and 27 respectively.

#### *Article 24*

##### ***Credibility and feasibility of winding up under normal insolvency proceedings***

1. Resolution authorities shall assess the credibility and feasibility of winding up of the institution or group under normal insolvency proceedings.
2. When assessing the credibility of winding up under normal insolvency proceedings resolution authorities shall consider the likely impact of the winding up of the institution or group on achieving the resolution objectives of Article 31 of Directive 2014/59/EU. For this purpose, resolution authorities shall take into account the critical functions performed by the institution or group and assess whether winding up under normal insolvency proceedings would be likely to have a material adverse impact on any of the following:
  - (a) financial market functioning and market confidence;
  - (b) financial market infrastructures, in particular:
    - i. whether the sudden cessation of activities would constrain the normal functioning of financial market infrastructures in a manner which negatively impacts the financial system as a whole;
    - ii. whether and to what extent financial market infrastructures could serve as contagion channels in the winding up under normal insolvency proceedings.
  - (c) other financial institutions, in particular:
    - i. whether winding up under normal insolvency proceedings would raise the funding costs of or reduce the availability of funding to other financial institutions in a manner which presents a risk to financial stability; and

- ii. the risk of direct and indirect contagion and macroeconomic feedback effects.
- (d) the real economy and in particular the availability of critical financial services.
- 3. If the resolution authority concludes that the winding up under normal insolvency proceedings is credible, it shall assess its feasibility.
- 4. Where assessing the feasibility as referred to in paragraph 3, resolution authorities shall:
  - (a) consider whether the institution's or group's systems are able to provide the information required by the relevant deposit guarantee schemes for the purposes of providing payments to covered deposits in the amounts and time frames specified in Directive 2014/49/EU of the European Parliament and of the Council<sup>4</sup>, or where relevant in accordance with equivalent third country deposit guarantee schemes, including on covered deposit balances; and
  - (b) assess whether the institution or the group has the capability required to support the deposit guarantee schemes' operations, in particular by distinguishing between covered and non-covered balances on deposit accounts.

#### *Article 25*

#### ***Identification of a resolution strategy***

1. When the resolution authority concludes that winding up under normal insolvency proceedings is not credible or feasible, the resolution authority shall choose a resolution strategy that is appropriate to achieve the resolution objectives, taking into account the structure and business model of the institution or group.
2. For groups, resolution authorities shall determine the point of entry strategy. For that purpose, resolution authorities shall consider:
  - (a) the structure and business model of the group, including the identification and allocation of critical functions and core business lines within the group;
  - (b) the operational structure, governance and the degree of interconnectedness of the group, and in particular whether it is highly integrated or has a decentralised structure with a high degree of separation between different parts of the group;
  - (c) the amount and composition of qualifying eligible liabilities under the proposed resolution strategy, the distribution across the legal entities of the group issuing those eligible liabilities, how those entities contribute to the loss absorption and recapitalisation of the group, the extent to which any related intragroup contagion effects are limited, and any impediments to effective loss absorption;
  - (d) the contractual or other arrangements in place for losses to be transferred between legal entities in a group and the risks associated thereto;
  - (e) the operational or contractual arrangements to support internal transfers of assets, rights or liabilities between legal entities within the group and the risks associated thereto;
  - (f) the enforceability of resolution actions which would be applied, in particular in third countries; and
  - (g) whether the resolution strategy requires supporting action by other resolution authorities or requires such authorities to refrain from independent resolution actions, and whether any such actions are credible and feasible for those authorities.

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<sup>4</sup> Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (OJ L 173, 12.6.2014, p. 149).

3. Having identified the point of entry strategy in accordance with paragraph 2, resolution authorities shall assess which resolution tool or resolution tools are the most appropriate to achieve the resolution objectives, considering:
  - (a) the elements considered as part of the assessment for the resolution strategy according to the second paragraph, where relevant;
  - (b) the possibility of restoring the long-term viability of the institution or group, if applicable; and
  - (c) the risks that could affect or pose an impediment to the implementation of the resolution strategy, including but not limited to:
    - (i) the amount of qualifying eligible liabilities under the proposed resolution strategy and the risk of not contributing to loss absorption or recapitalisation;
    - (ii) the risk profile, funding structure and size of the institution or group;
    - (iii) the complexity, in particular the extent to which assets, rights and liabilities can be separated; and
    - (iv) market characteristics, in particular the risk of not finding a purchaser in case of a sale of business tool.
4. Having identified a preferred resolution strategy, resolution authorities shall consider the need to adopt a variant resolution strategy or variant resolution strategies in order to address scenarios or circumstances where the preferred resolution strategy is deemed not credible or feasible. Resolution authorities shall consider the extent to which any variant resolution strategy is likely to achieve the resolution objectives.

#### *Article 26*

##### ***Assessment of credibility of a resolution strategy***

1. Resolution authorities shall assess the credibility of the resolution strategy, taking into consideration the likely impact of the resolution strategy on achieving the resolution objectives set out in Article 31 of Directive 2014/59/EU. The assessment shall include the evaluation of matters addressed in points 21 to 28 of Section C of the Annex to Directive 2014/59/EU.
2. In conducting this assessment, resolution authorities shall consider the likely impact of the implementation of the resolution strategy on the financial systems of any Member State or of the Union. For this purpose, resolution authorities shall take into account the critical functions performed by the institution or group and assess whether implementation of the resolution strategy would be likely to have a material adverse impact on any of the following:
  - (a) financial market functioning, and in particular market confidence;
  - (b) financial market infrastructures, and in particular:
    - i. whether resolution action would constrain the normal functioning of financial market infrastructures in a manner which negatively impacts the financial system as a whole;
    - ii. whether and to what extent financial market infrastructures could serve as contagion channels in the resolution process;
  - (c) other financial institutions, and in particular:
    - i. whether resolution action would raise the funding costs of or reduce the availability of funding to other financial institutions in a manner which presents a risk to financial stability;

- ii. the risk of direct and indirect contagion and macroeconomic feedback effects;
- (d) the real economy and in particular on the availability of critical financial services.

#### *Article 27*

##### ***Assessment of feasibility of a resolution strategy***

1. Resolution authorities shall assess whether it is feasible to apply the resolution strategy effectively in an appropriate time frame, in accordance with Articles 28 to 32b and shall identify impediments to the implementation of the preferred resolution strategy.
2. Resolution authorities shall consider impediments to the short-term stabilisation of the institution or group. Resolution authorities shall also consider any foreseeable impediments to a business reorganisation which is required pursuant to Article 52 of Directive 2014/59/EU or otherwise likely to be required if the resolution strategy envisages all or part of the institution or group being restored to long-term viability.
3. Impediments shall be classified at least in the dimensions listed below:
  - (a) Governance;
  - (b) Loss-absorbing and recapitalisation capacity;
  - (c) Liquidity and funding in resolution;
  - (d) Operational continuity in resolution and access to financial market infrastructures;
  - (e) Management information systems;
  - (f) Communication;
  - (g) Separability and restructuring.

#### *Article 28*

##### ***Assessment of feasibility: governance***

Resolution authorities shall consider the following issues in assessing whether there are impediments to resolvability related to the governance of the institution or group:

- (1) matters addressed in points 2 and 5 of Section C of the Annex to Directive 2014/59/EU;
- (2) whether the governance arrangements ensure that delegation from the management body to other executives results in the proper execution of the delegated tasks related to resolution;
- (3) whether governance, control and risk management arrangements are consistent with any planned changes to the structure of the institution or group in relation to the resolution strategy;
- (4) whether governance arrangements allow for a replacement of the management body and senior management of the institution or group in resolution, including the removal and appointment of the management and the transfer of control to new owners and the special manager.

#### *Article 29*

##### ***Assessment of feasibility: loss-absorbing and recapitalisation capacity***

Resolution authorities shall consider the following issues in assessing whether there are impediments to resolvability related to loss-absorbing and recapitalisation capacity:

- (1) matters addressed in point 17 of Section C of the Annex to Directive 2014/59/EU;

- (2) the need to identify and quantify the amount of any liabilities which are likely under the preferred resolution strategy not to be contributing to loss absorption or recapitalisation, considering at a minimum the following factors:
  - (a) maturity;
  - (b) subordination ranking;
  - (c) the types of holders of the instrument, or the instrument's transferability;
  - (d) legal impediments to loss absorbency;
  - (e) other factors creating risk that the liabilities would be exempted from absorbing losses in resolution; and
  - (f) the amount and the issuing legal entities of qualifying eligible liabilities or other liabilities which would absorb losses.
- (3) whether the group has put in place adequate arrangements to transfer losses to other group entities, including where relevant the amount and loss-absorbency of intragroup funding;
- (4) whether the institution or the group has put in place adequate governance arrangements, internal processes and management information system capabilities to support the operational execution of the write-down and conversion, and regularly evaluate and test their effectiveness;
- (5) whether the institution or the group has put in place adequate governance arrangements, internal processes and management information system capabilities to support the third-country recognition and effectiveness of resolution actions.

#### *Article 30*

#### ***Assessment of feasibility: liquidity and funding in resolution***

Resolution authorities shall consider the following issues in assessing whether there are impediments to resolvability related to liquidity and funding in resolution:

- (1) matters addressed in points 13 to 15 of Section C of the Annex to Directive 2014/59/EU; and
- (2) the liquidity and funding needs in the run-up to and during resolution and the capacity to estimate those needs, the availability of sources of liquidity and funding, and impediments to the transfer of funds within the institution or group.

#### *Article 31*

#### ***Assessment of feasibility: operational continuity in resolution and access to financial market infrastructures***

Resolution authorities shall consider the following issues in assessing whether there are impediments to resolvability related to operational continuity and access to financial market infrastructures:

- (1) matters addressed in points 1 to 4a, 6, 7 and 19 of Section C of the Annex to Directive 2014/59/EU;
- (2) dependencies of core business lines and material entities on infrastructure, information technology, treasury or finance functions, employees or other critical shared services;

- (3) whether the institution or the group is able to ensure that sufficient financial resources are available to cover the financial cost of maintaining continuity of operations;
- (4) whether the institution or the group can provide the necessary information on ownership of assets and infrastructures, pricing, contractual or other arrangements, including outsourcing arrangements and the extent to which the institution or the group has included contractual provisions ensuring operational continuity;
- (5) whether contractual obligations in relation to any agreement permit the termination of services in a situation where substantial obligations of the contracts are still met; and
- (6) whether the institution or the group ensures access in resolution to assets necessary for the continuity of critical functions and the core business lines needed for the effective implementation of the strategy and any consequent restructuring.

*Article 32*

***Assessment of feasibility: management information systems***

Resolution authorities shall consider the following issues in assessing whether there are impediments to resolvability related to management information systems:

- (1) matters addressed in points 8 to 12 of Section C of the Annex to Directive 2014/59/EU;
- (2) the capability of the institution or group to provide information to carry out a valuation to determine the amount of write-down and conversion required; and
- (3) the capability of the institution or group to provide information on the amount and location within the group of assets which would be expected to qualify as collateral for central bank facilities.

*Article 32a*

***Assessment of feasibility: communication***

Resolution authorities shall consider the following issues in assessing whether there are impediments to resolvability related to communication:

- (1) the existence of adequate processes in place for communication with creditors, depositors, market participants and other counterparties in resolution.

*Article 32b*

***Assessment of feasibility: separability and restructuring***

Resolution authorities shall consider the following issues in assessing whether there are impediments to resolvability related to separability and restructuring:

- (1) matters addressed in points 1, 16, 18, 20 and 22 of Section C of the Annex to Directive 2014/59/EU;
- (2) whether the legal and franchise structure of the institution or group is consistent with any planned changes to the business structure of the institution or group in relation to the resolution strategy;
- (3) where applicable, whether the institution has in place a governance process for the production of the business reorganisation plan in accordance with Article 52 of Directive 2014/59/EU;

- (4) where applicable, whether the institution is able to identify and separate assets for the implementation of the business reorganisation plan referred to in point (3);
  - (5) whether contractual obligations which cannot be disapplied by the resolution authority prohibit any transfer of assets or liabilities envisaged in the resolution strategy; and
  - (6) whether appropriate resolution tools are available with respect to each legal entity as required to implement the resolution strategy.’;
- (2) Chapter VI is replaced by the following:

## **‘CHAPTER VI RESOLUTION COLLEGES**

### **SECTION I OPERATIONAL ORGANISATION OF RESOLUTION COLLEGES**

#### *Article 50*

#### ***Mapping and identification of resolution college members and possible observers***

1. For the purpose of identifying the members and potential observers of the resolution college, the group-level resolution authority shall conduct the mapping of the structure of the group referred to in Article 1(1) of Directive 2014/59/EU, taking into account the mapping of that group as performed by the consolidating supervisor in accordance with Article 2 of Commission Delegated Regulation (EU) 2025/791<sup>5</sup> and Article 1 of Commission Implementing Regulation (EU) 2025/790<sup>6</sup>.
2. Upon finalisation of the mapping referred to in paragraph 1, the group-level resolution authority shall prepare and communicate the list of members and potential observers to the resolution college.
3. The group-level resolution authority shall communicate to the Union parent undertaking the establishment of the resolution college including the list of its members and observers.
4. The group-level resolution authority shall keep an updated mapping of the group entities as referred to in paragraph 1 and a list of members and observers of the resolution college.
5. Members and observers of the resolution college shall timely inform the group-level resolution authority of any change in the group structure or any other event that may affect the mapping of the group and the list of members and potential observers.

#### *Article 51*

#### ***Observers in the resolution college***

1. Where, upon finalisation of the mapping referred to in Article 50(1) of this Regulation and in the absence of a request referred to in Article 88(3) of Directive 2014/59/EU, the group-level resolution authority considers that a third country resolution authority is a potential

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<sup>5</sup> Commission Delegated Regulation (EU) 2025/791 of 23 April 2025 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the general conditions for the functioning of supervisory colleges, and repealing Commission Delegated Regulation (EU) 2016/98 (OJ L, 2025/791, 8.8.2025).

<sup>6</sup> Commission Implementing Regulation (EU) 2025/790 of 23 April 2025 laying down implementing technical standards for the application of Directive 2013/36/EU of the European Parliament and of the Council with regard to the operational functioning of colleges of supervisors (OJ L, 2025/790).

observer, it may notify that third country resolution authority informing that it has the possibility of requesting to become an observer of the college in accordance to Article 88(3) of Directive 2014/59/EU. The notification shall specify that the participation in the resolution college is subject to the requirements and standards of professional secrecy applicable to that third country resolution authority being considered at least equivalent to those imposed by Article 84 of that Directive and the decision by the group-level resolution authority to invite the third country resolution authority.

2. Upon receipt of a request from a third country resolution authority as referred to in Article 88(3) of Directive 2014/59/EU, the group level resolution authority shall communicate the request to the resolution college.
3. Where, upon finalisation of the mapping referred to in Article 50(1) of this Regulation, the group-level resolution authority considers that an insurance resolution authority as referred to in Article 88(3a) of Directive 2014/59/EU is a potential observer, it may propose to the resolution college to invite that insurance resolution authority.
4. The communication of the request referred to in paragraph 2 or the proposal referred to in paragraph 3, shall be accompanied by the following:
  - (a) the opinion of the group-level resolution authority, also having regard to point (b), on the equivalence of the confidentiality and professional secrecy regime applicable to the candidate observer, and existing equivalence decisions that are used to support its opinion, if any;
  - (b) the terms and conditions of observers' participation in the resolution college that shall be included in the written arrangements as proposed by the group-level resolution authority;
  - (c) the view of the group-level resolution authority as to the significance of the relevant branch, if the candidate is a resolution authority of a branch; and
  - (d) the setting of a time limit for the resolution college members, upon the expiration of which consent shall be assumed. Within that time limit any disagreeing resolution college member referred to in Article 88(2)(b), (c) or (d) of Directive 2014/59/EU may express its fully reasoned objection to the opinion of the group-level resolution authority referred to in point (a) or the terms and conditions referred to in point (b) of this paragraph.
5. When an objection is expressed, the group-level resolution authority shall take it into account before making its final decision or adjust the terms and conditions of observer's participation accordingly, if needed. For that purpose, it may also request the explicit views of the members of the college referred to in Article 88(2)(b), (c) and (d) of Directive 2014/59/EU and take into account the majority of the views thereon.
6. When the group-level resolution authority makes the decision to invite the third country resolution authority or insurance resolution authority, it shall send an invitation to that candidate observer. The invitation shall be accompanied by the terms and conditions of participation as an observer set out in the written arrangements. The candidate receiving the invitation shall be considered an observer upon acceptance of the invitation, which shall be deemed as acceptance of the terms and conditions of participation.
7. Following the acceptance of an invitation sent in accordance with paragraph 6, the group-level resolution authority shall update the list of members and observers as referred to in Article 50(4) and transmit it to the resolution college.

## *Article 52*

### ***Establishment and update of contact lists***

1. The group-level resolution authority shall maintain and share with the resolution college members and observers an updated list of contact details of nominated persons, including at least one representative and one alternate from each member and observer for the purpose of performing resolution college tasks.
2. All college members and observers shall share contact details of the relevant contact persons upon request of the group level resolution authority and shall inform the group-level resolution authority without undue delay on all relevant changes.
3. All obligations of communication and information exchanged in applying this Regulation shall be deemed as fulfilled if the latest available contact details were used.

## *Article 53*

### ***Elements of written arrangements and procedures for the functioning of the resolution college***

1. The written arrangements and procedures pursuant to Article 88(5)(a) of Directive 2014/59/EU shall include, taking into account Article 87 of that Directive, at least the following elements:
  - (a) a mapping of the structure of the group, including subsidiaries and significant branches and the list of the college members and observers referred to in Article 50(4);
  - (b) a description of the general resolution college framework for cooperation between authorities and coordination of activities and tasks; and
  - (c) a description of cooperation and coordination arrangements in emergency situations.
2. The general resolution college framework for cooperation and coordination of activities and tasks, shall include the following:
  - (a) the names and contact details of the college coordinator, and the alternate college coordinator, appointed by the group-level resolution authority and responsible for coordinating the functioning of the resolution college as set out in this Regulation. The college coordinator shall be the main contact point of the group-level resolution authority for the resolution college members and observers;
  - (b) a description of the different resolution college substructures, where relevant, including their composition for the performance of different tasks;
  - (c) an identification of the college members and observers participating in specific college activities, including the appropriate representatives for specific college activities and meetings as referred to in Article 56(6);
  - (d) a description of the terms and conditions of the participation of the observers in the resolution college, including terms and conditions of their involvement in the various dialogues and processes of the college as well as their rights and obligations with regard to exchanging information having regard to Articles 90 and 98 of Directive 2014/59/EU;
  - (e) a description of the procedures for coordination with other colleges or groups performing the same or similar functions as the resolution college for the group;
  - (f) a description of the procedures and arrangements for the exchange of information, having regard to Articles 90 and 98 of Directive 2014/59/EU, including the terms of use of the chosen document management platform referred to in Article 58(5) for the secured exchange and the dissemination of information between college members and observers and the procedures for requesting information that is not yet exchanged;

- (g) the access rights to relevant information to be shared using the document management platform with resolution college members and observers in accordance with Article 58(1) of this Regulation, having regard to Articles 90 and 98 of Directive 2014/59/EU;
  - (h) a description of procedures for hosting regular and ad hoc meetings;
  - (i) an overview of time that needs to be available between the distribution of documents relevant for resolution college activities and meetings, and the moment those activities and meetings take place;
  - (j) a description of the procedures to be followed, when a joint decision is not required but the formation of a common understanding within the resolution college or within any of its substructures appears necessary;
  - (k) a description of how the functioning of the resolution college will be tested as referred to in Article 55(3) including an indicative timetable;
  - (l) any provisions covering discontinuance arrangements for participation to the written arrangements or the terms and conditions of observer participation; and
  - (m) any other agreement concerning the functioning of the resolution college.
6. The cooperation and coordination arrangements in emergency situations shall include the following:
- (a) the minimum set of information to be exchanged between the resolution college members as soon as an emergency situation occurs;
  - (b) a specification of the means of video and audio communication to be used in emergency situations;
  - (c) a description of the procedures to be followed by the group-level resolution authority for the organisation of the resolution college in emergency situations;
  - (d) a description of the procedures for the exchange of information with authorities that are not members or observers of the resolution college;
  - (e) the allocation of responsibilities for coordinating external communication, taking into account national requirements; and
  - (f) any other agreement concerning the functioning of the resolution college in emergency situations.

#### *Article 54*

##### ***Procedures for establishment and update of written arrangements***

1. The group-level resolution authority shall prepare its proposal for the written arrangements and procedures for the functioning of the resolution college in accordance with Article 53 or for an update thereof as applicable.
2. The group-level resolution authority shall share its proposal with the members of the resolution college for consultation.
3. The group-level resolution authority shall take into account the opinions of the members of the resolution college before finalising the written arrangements and reason its decision when not taking them into account.
4. Upon finalisation, the group-level resolution authority shall communicate the written arrangements and procedures for the functioning of the resolution college to the members of the resolution college through the document management platform.

5. Written arrangements and procedures for the functioning of the resolution college shall be reviewed regularly and updated when needed, in particular after any substantive change in the composition of the resolution college and where a change is deemed necessary following testing the functioning of the resolution college referred to in Article 55.

#### *Article 55*

#### ***Testing of the operational procedures for the functioning of the resolution college in emergency situations***

1. The group-level resolution authority shall regularly test the procedures, or parts of the procedures, for the functioning of the resolution college in emergency situations and shall consider the findings of those exercises in the update of the written arrangements and procedures for the functioning of the resolution college.
2. The testing of operational procedures referred to in paragraph 1 shall cover the following aspects:
  - (a) secure means of audio and video communication to be used;
  - (b) the set of information to be exchanged;
  - (c) responsiveness of relevant persons to be contacted;
  - (d) the coordination of the members of the resolution college regarding the college external communication in emergency situations;
  - (e) college decision-making procedures as referred to in Section IV of this Chapter.
3. Resolution colleges shall establish a multi-year timetable for the tests referred to in paragraph 1 taking into account the resolution strategy considered in the group resolution plan, the systemic relevance of the group, the risk profile of the group, the complexity of the resolution college and potential synergies with other resolution colleges with overlapping members.
4. This article does not apply to:
  - (a) resolution colleges established in relation to groups comprising only liquidation entities or entities to which simplified obligations apply; and
  - (b) European resolution colleges established in accordance with Article 89 of Directive 2014/59/EU, in relation to third country groups without a resolution entity established in the Union.

#### *Article 56*

#### ***Operational aspects of college meetings and other activities***

1. The group-level resolution authority shall convene at least one resolution college meeting per year, inviting the members and observers of the resolution college. Where the college is established for groups referred to in Article 55(4), the members of the resolution college may decide to have a lower frequency of meetings.
2. The group-level resolution authority shall consider the need of organising the resolution college in various substructures.
3. Where the resolution college is organised in different substructures, the group-level resolution authority shall keep the resolution college fully informed, regularly and in a timely manner, on the actions taken or the measures carried out in those college substructures.
4. The group-level resolution authority shall prepare and communicate to the resolution college the agenda and objectives of planned meetings and other activities.

5. College members may request to the group-level resolution authority the addition of specific items to the agenda of a planned meeting. The group-level resolution authority shall reason any decision not to add a requested item to the agenda.
6. All resolution college members participating in resolution college meetings or other activities shall ensure that the appropriate representatives, according to the objectives of the meeting and other activities of the resolution college, participate in these meetings and other activities and that these representatives are empowered to commit their authorities, to the maximum extent possible, in case decisions are expected to be taken in these meetings or other activities.
7. The group-level resolution authority shall ensure that relevant documents are circulated timely and within at least 5 working days before a particular meeting or activity of the resolution college or without undue delay in case the meeting takes place during an emergency situation.
8. Outcomes and decisions of resolution college meetings or other activities shall be documented in writing and shared with college members in due time, by the group-level resolution authority.

#### *Article 57*

#### ***Contributions of the members, other than resolution and competent authorities, in performing the tasks of the resolution college***

1. The group-level resolution authority shall ensure that the college activities are organised such that the members and observers are able to contribute to the activities of the college as expected.
2. The group-level resolution authority shall request that relevant college members contribute to the performance of the tasks referred to in Article 88(1) of Directive 2014/59/EU at least in the following way:
  - (a) competent ministries referred to in Article 88(2)(f) of Directive 2014/59/EU shall at least participate in discussions on the financial stability implications of the resolution strategy; and
  - (b) the authorities responsible for the deposit guarantee schemes referred to in Article 88(2)(g) of Directive 2014/59/EU shall at least participate in discussions on the credibility of winding up under normal insolvency proceedings and the impact of the resolution scheme on the deposit guarantee fund.

#### *Article 58*

#### ***General conditions with regards to the exchange of information between members of the college***

1. Subject to Articles 90 and 98 of Directive 2014/59/EU, the group-level resolution authority and the members and observers of the resolution college shall ensure that they exchange all information relevant for the execution of the tasks referred to in Article 88(1) of Directive 2014/59/EU, whether this information originates from the group-level resolution authority, from a group entity, a competent authority, a resolution authority or any other designated authority or any other source.
2. That information shall be adequate, accurate and up to date, and shared in a timely manner to enable and facilitate the performance of the tasks of resolution college members in both going concern and emergency situations.
3. For the purposes of paragraph 1 the group-level resolution authority and the resolution authorities of subsidiaries and resolution authorities of the jurisdictions in which significant

branches are located shall communicate to each other an updated list of documents in their possession that could inform the execution of the tasks of the resolution college, including the documents informing the content of a resolution plan and resolvability assessment as referred to in Article 22 of this Regulation.

4. Members of the resolution college shall have the possibility to request from any other member or observer of the resolution college or the group-level resolution authority any information relevant for their tasks that is not yet exchanged, providing reasoning on the relevance of the information requested. Any refusal of such request shall be reasoned.
5. For the purposes of paragraphs 1 to 4 of this Article, the group-level resolution authority and the members of the resolution college shall use a document management platform for the exchange and storage of information and as the main means of communication between resolution college members and observers. For that purpose, the group-level resolution authority and the members of the resolution college may use the central system established in accordance with Article 21(2), point (a), of Regulation (EU) No 1093/2010.
6. For the purpose of effective and efficient coordination between the supervisory and resolution college, the group-level resolution authority and the consolidating supervisor shall exchange all information required to ensure that colleges fulfil their role set out in Article 116 of Directive 2013/36/EU.

#### *Article 59*

#### ***Operational procedures in emergency situations***

1. Where an emergency situation affecting any of the group entities occurs, the following shall take place without undue delay:
  - (a) the group-level resolution authority shall inform the other members of the resolution college;
  - (b) any member of the resolution college shall inform the group-level resolution authority;
  - (c) the group-level resolution authority shall organise a meeting of the resolution college, taking into account the nature, severity, potential systemic impact or other impact and the likelihood of contagion of the situation; and
  - (d) the group-level resolution authority shall coordinate to assess whether additional meetings are required and whether further information needs be exchanged between college members and observers.
  - (e) the group-level resolution authority shall transmit the following information to the resolution authorities of subsidiaries:
    - i. the notification and information received on the emergency situation referred to in paragraph 2, if applicable;
    - ii. the time limit by which the dialogue referred to in point (f) should be concluded, if applicable; and
  - (f) except where this would be disproportionate or unnecessary, the group-level resolution authority shall organise a dialogue with the resolution authorities of the subsidiaries, to discuss how Articles 91 or 92 of Directive 2014/59 would apply, where due to the emergency situation, a subsidiary of the group or the Union parent undertaking fell under the said provisions, including whether mutualization of national financing arrangements in accordance with Article 107 of that Directive would be required. The group-level resolution authority may invite to this dialogue other members and observers of the college. This dialogue shall be without prejudice to the actual application of Articles 91, 92 and 107 of Directive 2014/59/EU.

2. Paragraph 1 of this Article shall apply at least in the following cases:
  - (a) where a notification referred to in Article 27(2) of Directive 2014/59/EU concerning any group entity has been received;
  - (b) an early intervention measure has been imposed on a group entity;
  - (c) a notification referred to in Article 81(2) of Directive 2014/59/EU has been received concerning the exercise of supervisory powers to any group entity for the purposes of Article 102 of Directive 2013/36/EU;
  - (d) a notification referred to in Article 81(3) of Directive 2014/59/EU has been received by any member of the college.
3. Paragraphs 1 and 2 shall be without prejudice to stricter cooperation requirements foreseen in the written arrangements of the resolution college.
4. The occurrence of one of the cases in paragraph 2, when another case already occurred in relation to the same situation, shall not trigger the actions in paragraph 1 again where they have already been performed.

#### *Article 60*

#### **Communication policy**

1. The group-level resolution authority shall be the authority responsible for communication with the Union parent undertaking and the consolidating supervisor, where the latter is different from the group-level resolution authority.
2. The resolution authorities referred to in Article 88(2)(b), (c) and (d) of Directive 2014/59/EU shall be the authorities responsible for the communication with the entities and the competent authorities in the respective Member States.

#### *Article 61*

#### **Coordination of external communication**

1. The members of the resolution college shall coordinate their external communications related to group resolution strategies and schemes.
2. For the purpose of coordination of the external communication, the members of the resolution college shall agree at least on the following:
  - (a) allocation of responsibilities for coordinating external communication, during a going concern situation, in a situation where an institution or group is considered as failing or likely to fail, and in a resolution situation;
  - (b) determining the level of information to be disclosed on group resolution strategies;
  - (c) coordination of public statements in situations where an institution or group is considered as failing or likely to fail;
  - (d) coordination of public statements related to resolution actions taken including the publication of orders or instruments by which the resolution actions were taken or notices summarising the effects of resolution actions.

## **SECTION II**

### **JOINT DECISIONS**

#### **SUBSECTION 1**

#### **GENERAL**

##### *Article 62*

##### ***General process steps for reaching joint decisions***

1. A joint decision process should include at least the following general steps:
  - (a) Setting of the joint decision process timetable: The group-level resolution authority shall develop and share with the relevant authorities a timetable of steps to be followed in that process ('joint decision timetable'). The group-level resolution authority shall set a time limit for authorities to agree or not on the joint decision timetable. If within this time limit, no reply has been received by the relevant authorities, agreement on the joint decision timetable shall be assumed. Within that time limit any of the resolution authorities of the subsidiaries may express its views and reservations. The group-level resolution authority shall take into account the views and reservations expressed by the resolution authorities of the subsidiaries when setting the joint decision timetable.

The timetable shall include at least the following:

    - i. the steps of the joint decision process, including the start and final date of the joint decision-making period;
    - ii. consultation periods; and
    - iii. relevant meeting dates.

The group-level resolution authority shall communicate to the Union parent undertaking the aspects of the joint decision timetable that envisage the involvement of the Union parent undertaking. A joint decision timetable may cover more than one joint decision process.
  - (b) Dialogue: the group level resolution authority shall ensure a preliminary dialogue with at least the resolution authorities of subsidiaries on the content of the joint decision. The group-level resolution authority shall take into account the views and reservations expressed by the resolution authorities of subsidiaries. The group-level resolution authority shall organise additional dialogues if necessary;
  - (c) Consultation: the group-level resolution authority shall ensure that the resolution authorities of subsidiaries and the competent authorities where applicable are consulted on the draft joint decision. The group-level resolution authority shall take into account the views and reservations expressed and reason its decision when not taking them into account. The group-level resolution authority may organise additional dialogues after the consultation if needed; and
  - (d) In reaching a joint decision, the following steps shall be followed:
    - i. The group-level resolution authority shall share a draft joint decision including all elements referred to in Article 63(1) with the relevant resolution authorities of subsidiaries setting a time limit for them to provide their written agreement, which may be sent by electronic means.

- ii. Upon receipt of the draft joint decision the agreeing resolution authorities shall transmit their written agreement to the group-level resolution authority within the set time limit.
  - iii. The concluded joint decision including annexes, with all written agreements referred to in point (ii) of point (d) of this paragraph and the one of the group-level resolution authority shall be circulated to the authorities agreeing with the joint decision by the group-level resolution authority.
  - iv. The group-level resolution authority shall inform the members of the resolution college on the outcome of the joint decision without undue delay.
  - v. The group-level resolution authority shall transmit any relevant observations and views expressed by the Union parent undertaking in reaction to the joint decision to the authorities participating in the joint decision process.
2. Unless provided otherwise by applicable law, any violations of procedural steps in this Regulation will not affect the validity of joint decisions taken.

#### *Article 63*

#### ***Elements of a joint decision***

1. The joint decision shall set out all of the following:
  - (a) the names of the resolution authority or authorities reaching the joint decision;
  - (b) the names of the authorities involved, in drawing up the joint decision;
  - (c) the name of the Union parent undertaking and the group entities covered by the decision;
  - (d) the references to the applicable Union and national law relating to the preparation, finalisation and application of the joint decision;
  - (e) the date of the draft joint decision;
  - (f) a summary of views expressed by the authorities consulted in the joint decision process; and
  - (g) whether the EBA has been consulted during the joint decision process.
2. In the case of disagreement, the joint decision shall include comments on the views expressed by other authorities, in particular on issues leading to disagreement.

### **SUBSECTION 2**

#### **JOINT DECISION PROCESS ON GROUP RESOLUTION PLAN AND RESOLVABILITY ASSESSMENT**

#### *Article 64*

#### ***The joint decision process***

1. The starting date of the joint decision-making period for the joint decision is the date of or after the transmission of information from the group-level resolution authority to the relevant authorities, which shall not be deemed complete until the actual transmission of both the initial and the additional information that is requested by the resolution authorities of subsidiaries. Such additional information shall be requested, if relevant to facilitate the drawing up of the group resolution plan and the performance of the resolvability assessment, from the group-level resolution authority within a time-limit set by the group-level resolution authority.

The group-level resolution authority together with the resolution authorities of subsidiaries may decide in the joint decision timetable to have the information transmitted simultaneously with the draft of the resolution plan.

2. The resolution authorities of subsidiaries shall provide to the group-level resolution authority their contributions to the group resolution plan and resolvability assessment. Specifically, they shall provide their assessment of the resolvability of the entities within their jurisdiction in relation to the group resolution plan.
3. The group-level resolution authority shall develop the draft group resolution plan in accordance with Article 12 of Directive 2014/59/EU, taking into account any contributions submitted by the resolution authorities of subsidiaries.
4. The dialogue referred to in Article 62(1)(b) shall at least cover the assessment of the resolvability of all group entities covered by the resolution plan and shall facilitate the identification of possible substantive impediments to resolvability for all those entities.
5. The group-level resolution authority shall organise an additional dialogue, as referred to in Article 62(1)(b), with the authorities referred to in Article 13(1) of Directive 2014/59/EU and conclude whether or not there are substantive impediments identified, when any of those authorities considers that there are substantive impediments to the resolvability of the group or any of its entities within the time limit set by the group-level resolution authority in the joint decision timetable. Where substantive impediments to resolvability are identified Article 69 applies.
6. The conclusion of the joint decision shall be communicated to the Union parent undertaking along with the summary of the key elements of the group resolution plan as referred to in Article 10(7)(a) of Directive 2014/59/EU. This communication shall be shared with the resolution college members.

#### *Article 65*

#### ***Content of the joint decision on the group resolution plan and resolvability assessment***

1. In addition to the elements in Article 63(1), the joint decision shall contain:
  - (a) the group resolution plan and resolvability assessment including any measures to address or remove substantive impediments to resolvability in accordance to Article 17(4), (5) and (6) and Article 18 of Directive 2014/59/EU, if applicable, subject to which the joint decision is taken; and
  - (b) where the Union parent undertaking or any of its entities is in the process of implementing those measures, then information on the timeline for their implementation shall be also provided.

### **SUBSECTION 3**

#### **PROCESS IN THE ABSENCE OF JOINT DECISION ON GROUP RESOLUTION PLAN AND RESOLVABILITY ASSESSMENT**

#### *Article 66*

#### ***The process in the absence of a joint decision***

1. In the absence of a joint decision between the resolution authorities within the time period referred to in Article 13(5) of Directive 2014/59/EU, the decision taken by the group-level resolution authority on the group resolution plan and resolvability assessment shall be shared with the resolution college members.

2. In the absence of a joint decision between the resolution authorities within the time period referred to in Article 13(6) of Directive 2014/59/EU, the resolution authorities drawing up individual decisions shall transmit them to the group-level resolution authority.

#### *Article 67*

#### ***Content of individual decisions***

1. In addition to the elements in Article 63 of this Regulation, the individual decision by the group-level resolution authority shall contain:
  - (a) the group resolution plan and resolvability assessment including any measures to address or remove substantive impediments to resolvability in accordance to Article 17(4), (5) and (6) of Directive 2014/59/EU;
  - (b) Where the Union parent undertaking is in the process of implementing those measures, the timeline for their implementation shall be also provided; and
  - (c) A summary of views expressed by the resolution authorities of subsidiaries who were involved in the initial joint decision process on the group resolution plan and resolvability assessment.
2. In addition to the elements in Article 63 of this Regulation, the individual decision by the relevant resolution authority shall contain:
  - (a) the resolution plan and the assessment of resolvability of the entities under their jurisdiction including any measures to address or remove substantive impediments to resolvability in accordance to Article 17(4), (5) and (6) of Directive 2014/59/EU subject to which the decision is taken; and
  - (b) Where the entities are in the process of implementing these measures, then the timeline for their implementation shall be also provided.

#### *Article 68*

#### ***Communication of individual decisions in the absence of a joint decision***

1. In the absence of a joint decision between the group-level resolution authority and the resolution authorities of subsidiaries within the time period referred to in Article 13(4) of Directive 2014/59/EU, all decisions referred to in Article 13(5) and (6) of that Directive shall be communicated in writing by the group-level resolution authority to the resolution authorities of subsidiaries and by the relevant resolution authorities of subsidiaries to the group-level resolution authority, as applicable by the latest of the following dates:
  - (a) the date one month after the expiry of the time period referred to in Article 13(4) of Directive 2014/59/EU;
  - (b) the date one month after the provision of any advice by the EBA following a request for consultation in accordance with the third subparagraph of Article 13(4) of Directive 2014/59/EU;
  - (c) the date one month after any decision taken by the EBA in accordance with the second subparagraph of Article 13(5) or Article 13(6) of Directive 2014/59/EU or any other date set by the EBA in such a decision.
2. The group-level resolution authority shall communicate without undue delay its own decision and the decisions referred to in paragraph 1 to the other resolution college members.

**SUBSECTION 4**  
**JOINT DECISION ON MEASURES TO ADDRESS SUBSTANTIVE IMPEDIMENTS TO  
RESOLVABILITY**

*Article 69*

***Suspension of the joint decision process on the group resolution plan and resolvability  
assessment***

1. When the group-level resolution authority concludes the dialogue as referred to in Article 64(5) with the identification of substantive impediments to resolvability, the group-level resolution authority shall suspend that joint decision process on the resolution plan and resolvability assessment in accordance with Article 17(2) of Directive 2014/59/EU and shall notify its decision to the resolution college members.
2. In the cases referred to in the first subparagraph, the group-level resolution authority, considering the impact of the substantive impediments to resolvability on the determination of the requirement for own funds and eligible liabilities, shall also assess whether the joint-decision process for the determination of the requirement for own funds and eligible liabilities needs to be suspended.
3. The group-level resolution authority shall start re-conducting the joint decision process on the group resolution plan including the performance of its resolvability assessment and, where applicable, the joint decision process for the determination of the requirement for own funds and eligible liabilities, as soon as the joint decision process referred to in Article 18 of Directive 2014/59/EU on measures to address or remove substantive impediments to resolvability has been completed.

*Article 70*

***The joint decision process***

1. The starting date of the joint decision-making period for the joint decision on measures to address substantive impediments to resolvability is when the joint decision process on the group resolution plan and resolvability assessment is suspended in accordance with Article 69(1).
2. The dialogue referred to in Article 62(1)(b), shall involve the group-level resolution authority, the resolution authorities of subsidiaries, resolution authorities of the jurisdictions in which significant branches are located insofar as the proposed measures impact that branch, competent authorities of the relevant entities and other relevant resolution college members, and shall cover any observations or alternative measures to remedy the substantive impediments proposed by the Union parent undertaking pursuant to Article 18(3) of Directive 2014/59/EU, as appropriate and on the potential impact of the proposed measures on all entities that are part of the group, on all the Member States where the group operates, and on the Union as a whole.
3. The group-level resolution authority shall communicate in writing the reasoning for and the conclusion of the joint decision for information to the management body of the Union parent undertaking in a timely manner and in any event by the time limit specified in the joint decision timetable. The group-level resolution authority shall share that communication with the resolution authorities of subsidiaries.
4. Where some of the measures taken in accordance to Article 17(5) and (6) of Directive 2014/59/EU are addressed to specific entities of the group other than the Union parent undertaking, the resolution authorities of subsidiaries shall provide to the management bodies of those entities under their jurisdiction the respective parts of the joint decision on

measures to address substantive impediments to resolvability, in a timely manner and in any event by the time limit specified in the joint decision timetable.

5. The group-level resolution authority may discuss details of the content and the application of the joint decision on measures to address substantive impediments to resolvability with the Union parent undertaking.
6. The resolution authorities of subsidiaries may discuss details of the content and the application of the joint decision on measures to address substantive impediments to resolvability with the entities under their jurisdictions.
7. The group-level resolution authority shall communicate the outcome of the discussion, if any, referred to in Article 70(5) to the resolution authorities of subsidiaries.
8. The resolution authorities of subsidiaries shall communicate the outcome of the discussion, if any, referred to in Article 70(6) to the group-level resolution authority.
9. The group-level resolution authority and the resolution authorities of subsidiaries shall monitor the application of the joint decision on measures to address substantive impediments to resolvability that are relevant to each of the entities of the group for which they are respectively responsible.

#### *Article 71*

#### ***Content of the joint decision on measures to address substantive impediments to resolvability***

1. In addition to the elements in Article 63(1), the decision shall contain:
  - (a) the measures pursuant to Article 17(5) and (6) of Directive 2014/59/EU decided by the group-level resolution authority and the resolution authorities of subsidiaries and the time period within which the respective group entities shall address these measures shall be set out in the joint decision; and
  - (b) Where the measures proposed by the Union parent undertaking are not accepted or are partially accepted by the group-level resolution authority and the resolution authorities of subsidiaries, the joint decision shall include an explanation of how the measures proposed by the Union parent undertaking are assessed as not fit to remove the substantive impediments to resolvability and how the measures referred to in paragraph 1 would effectively reduce or remove the substantive impediments to resolvability.

### **SUBSECTION 5**

#### **PROCESS IN THE ABSENCE OF JOINT DECISION ON MEASURES TO ADDRESS SUBSTANTIVE IMPEDIMENTS TO RESOLVABILITY**

#### *Article 72*

#### ***The decision process in the absence of a joint decision***

1. In the absence of a joint decision on measures to address substantive impediments to resolvability as referred to in Article 18(6) of Directive 2014/59/EU, the decision taken by the group-level resolution authority in accordance with that Article shall be transmitted without undue delay to the resolution college members.
2. In the absence of a joint decision pursuant to Article 18(6a) of Directive 2014/59/EU, resolution authorities of subsidiaries that are resolution entities, deciding on measures to be taken at the level of the resolution group in the absence of a joint decision shall transmit the decision to the group-level resolution authority without undue delay.

3. In the absence of a joint decision pursuant to Article 18(7) of Directive 2014/59/EU, resolution authorities of subsidiaries that are not resolution entities, deciding on measures to be taken by subsidiaries at individual level in the absence of a joint decision shall transmit to the group-level resolution authority their decision.

*Article 73*

***Content of individual decisions***

1. In addition to the elements set out in Article 63 of this Regulation, the decision taken by the group-level resolution authority shall contain:
  - (a) the measures pursuant to Article 17(5) and (6) of Directive 2014/59/EU decided by the group-level resolution authority and the time limit within which those measures shall be addressed; and
  - (b) where the measures proposed by the Union parent undertaking in accordance with Article 17(3) and (4) of Directive 2014/59/EU are not accepted or are partially accepted by the group-level resolution authority, an explanation of how the measures proposed by the Union parent undertaking are assessed as not fit to remove the substantive impediments to resolvability and how the measures set out in point (a) of this paragraph would effectively reduce or remove the substantive impediments to resolvability.
2. In addition to the elements in Article 63, the decision taken by a resolution authority of a subsidiary that is a resolution entity shall contain:
  - (a) the measures pursuant to Article 17(5) and (6) of Directive 2014/59/EU decided by the resolution authority and the time limit within which the respective group entities shall address these measures;
  - (b) where the measures proposed by the subsidiaries in accordance with Article 17(3) and (4) of Directive 2014/59/EU are not accepted or are partially accepted by the resolution authority of the relevant subsidiaries that are resolution entities respectively, an explanation of how the measures proposed by these subsidiaries are assessed as not fit to remove the substantive impediments to resolvability and how the measures set out in point (a) of this paragraph would effectively reduce or remove the substantive impediments to resolvability; and
  - (c) the name of the group-level resolution authority along with explanations on the reasons for not reaching a joint decision.
3. In addition to the elements in Article 63 the decision taken by a resolution authority of a subsidiary that is not a resolution entity shall contain:
  - (a) the measures pursuant to Article 17(5) and (6) of Directive 2014/59/EU decided by the resolution authority and the time limit within which the respective entities shall address these measures;
  - (b) where the measures proposed by the subsidiaries in accordance with Article 17(3) and (4) of Directive 2014/59/EU are not accepted or are partially accepted by the resolution authority of the relevant entity respectively, an explanation of how the measures proposed by these subsidiaries are assessed as not fit to remove the substantive impediments to resolvability and how the measures set out in point (a) of this paragraph would effectively reduce or remove the substantive impediments to resolvability; and
  - (c) the name of the group-level resolution authority along with explanations on the reasons for not reaching a joint decision.

4. Where the EBA has been consulted, the decisions taken in the absence of a joint decision shall include that the EBA has been consulted.

*Article 74*

***Communication of individual decisions in the absence of joint decision***

1. In the absence of a joint decision between the group-level resolution authority and the resolution authorities of subsidiaries within the time period referred to in Article 18(5) of Directive 2014/59/EU, all decisions referred to in Article 18(6), Article 18(6a) and Article 18(7) of that Directive shall be shared by the group-level resolution authority to the relevant resolution authorities of the resolution entities or subsidiaries and by the relevant resolution authorities of resolution entities or subsidiaries to the group-level resolution authority by the latest of the following dates:
  - (a) the date one month or two weeks after the expiry of the time period referred to in Article 18(5) of Directive 2014/59/EU, as applicable;
  - (b) the date one month after the provision of any advice by the EBA following a request for consultation in accordance with the fourth subparagraph of Article 18(5) of Directive 2014/59/EU;
  - (c) the date one month after any decision taken by the EBA in accordance with the third subparagraph of Article 18(6), 18(6a) or 18(7) of Directive 2014/59/EU or any other date set by the EBA in such a decision.
2. The group-level resolution authority shall communicate without undue delay its own decision and the decisions referred to in paragraph 1 to the other resolution college members.'

**SECTION III**

**JOINT DECISION PROCESS ON MINIMUM REQUIREMENTS FOR OWN FUNDS AND ELIGIBLE LIABILITIES**

**SUBSECTION 1**

**JOINT DECISION PROCESS**

*Article 75*

***The joint decision process***

1. The starting date of the joint decision-making period for the joint decision on minimum requirements for own funds and eligible liabilities is the same date as for the joint decision on group resolution plan and resolvability assessment referred to in Article 64(1).
2. The resolution authorities of subsidiaries shall share with the group-level resolution authority and the respective competent authorities their proposal on the minimum requirement for own funds and eligible liabilities to be met, at all times, at the consolidated resolution group level for each resolution entity and at the individual or consolidated basis for the group subsidiaries that are subject to the requirement referred to in 45f of Directive 2014/59/EU, as applicable, unless use of waivers has been granted in accordance with Article 45f(3) or (4) of that Directive or where Article 45c(2a) first subparagraph of that Directive applies.
3. The group-level resolution authority shall prepare a draft joint decision on minimum requirements for own funds and eligible liabilities at the consolidated resolution group level for each resolution entity and at the individual or consolidated basis for the group subsidiaries that are subject to the requirement referred to in Article 45f of Directive

2014/59/EU, where applicable, taking into account the proposals referred to in paragraph 2 and the use of waivers, if any, under Article 45f(3) or (4) of Directive 2014/59/EU.

4. The dialogue referred to in Article 62(1)(b) shall involve the group-level resolution authority, the resolution authorities of subsidiaries and the resolution authorities of jurisdictions where significant branches are established and shall cover the proposed requirements for own funds and eligible liabilities at the consolidated resolution group level for each resolution entity and at the individual or consolidated basis for the group subsidiaries that are subject to the requirement referred to in Article 45f of Directive 2014/59/EU, where applicable, and on the adjustments as referred to in Article 22(5) of this Regulation;
5. The group-level resolution authority shall share in writing the finalised joint decision to the management body of the Union parent undertaking for information and shall share that communication with the resolution authorities of subsidiaries.
6. The resolution authorities of subsidiaries shall share with the management bodies of the entities under their jurisdiction the respective relevant parts of the finalised joint decision and shall share that communication with the group-level resolution authority.
7. The group-level resolution authority may discuss details of the content and the application of the joint decision with the Union parent undertaking.
8. The resolution authorities of subsidiaries may discuss details of the content and the application of the respective relevant parts of the joint decision with the entities under their jurisdictions.
9. The group-level resolution authority shall communicate the outcome of the discussion referred to in paragraph 7 to resolution authorities of subsidiaries where the Union parent undertaking is required to take specific actions in order to meet the minimum requirement for own funds and eligible liabilities at the consolidated or individual basis.
10. The resolution authorities of subsidiaries shall communicate the outcome of the discussion referred to in paragraph 8 to the group-level resolution authority where the group's subsidiaries under their jurisdiction are required to take specific actions in order to meet the minimum requirement for own funds and eligible liabilities at consolidated or individual basis.

#### *Article 76*

##### ***Content of the joint decision on minimum requirements for own funds and eligible liabilities***

1. In addition to the elements in Article 63(1), the joint decision shall contain:
  - (a) The requirements for own funds and eligible liabilities at the consolidated resolution group level for each resolution entity and at the individual or consolidated level of the group subsidiaries that are subject to the requirement referred to in 45f of Directive 2014/59/EU, where applicable;
  - (b) the adjustments as referred to in Article 22(5) of this Regulation, including a relevant justification; and
  - (c) the time limit to reach the minimum requirement for own funds and eligible liabilities at each level, where applicable.

## SUBSECTION 2

### PROCESS IN THE ABSENCE OF A JOINT DECISION AT CONSOLIDATED LEVEL

#### *Article 77*

##### ***Partial joint decisions taken in the absence of a joint decision including all group entities***

1. In the absence of a joint decision due to a disagreement referred to in Article 45h(4) or (5) of Directive 2014/59/EU, the group-level resolution authority and the resolution authorities of subsidiaries, shall endeavour to reach a joint decision on the minimum requirement for own funds and eligible liabilities to be applied to each respective group entity for which there is no disagreement.
2. For the purposes of the first subparagraph, the group-level resolution authority and the resolution authorities of subsidiaries shall follow all the steps described in Articles 62, 63, 75 and 76 of this Regulation, for drafting, reaching and communicating the application of the joint decision.
3. Resolution authorities taking a decision in accordance with Article 45h(4) or (5) of Directive 2014/59/EU shall share those decisions with the members of the resolution college.
4. The resolution authorities taking a joint decision in accordance with paragraph 1 due to a disagreement referred to in Article 45h(4) of Directive 2014/59/EU, shall take into account the decision taken by the resolution authority of the resolution entity concerned in accordance with that Article.

#### *Article 78*

##### ***Content of individual decisions***

1. A decision as referred to in Article 45h(4) of Directive 2014/59/EU shall, in addition to the elements in Article 63 of this Regulation, contain:
  - (a) The requirements for own funds and eligible liabilities at the consolidated resolution group level;
  - (b) the adjustments as referred to in Article 22(5) of this Regulation, including a relevant justification; and
  - (c) the time limit to reach the minimum requirement for own funds and eligible liabilities at each level, where applicable.
2. A decision as referred to in Article 45h(5) of Directive 2014/59/EU shall, in addition to the elements in Article 63 of this Regulation contain:
  - (a) the requirements for own funds and eligible liabilities at the individual or consolidated level of the subsidiary, as applicable,
  - (b) the adjustments as referred to in Article 22(5) of this Regulation, including a relevant justification; and
  - (c) the time limit to reach the minimum requirement for own funds and eligible liabilities at each level, where applicable.

#### *Article 79*

##### ***Communication of individual decisions in the absence of joint decision***

1. In the absence of a joint decision on minimum requirements for own funds and eligible liabilities for each resolution entity and for entities which are not resolution entities as referred to in Article 45h(1) of Directive 2014/59/EU within the time period referred to in

Article 45h(3) of Directive 2014/59/EU, all decisions taken by the resolution authorities of subsidiaries shall be shared with the group-level resolution authority by the latest of the following dates:

- (a) the date one month after the expiry of the time period referred to in Article 45h(3) of Directive 2014/59/EU, as applicable;
  - (b) the date one month after the provision of any advice by the EBA following a request for consultation in accordance with the fourth subparagraph of Article 18(5) of Directive 2014/59/EU;
  - (c) the date one month after any decision taken by the EBA in accordance with the fourth subparagraph of Article 45h(4) or the fourth subparagraph of Article 45h(5) of Directive 2014/59/EU or any other date set by the EBA in such a decision.
2. The group-level resolution authority shall communicate without undue delay its own decision and the decisions referred to in paragraph 1 to the other resolution college members.

## **SECTION IV**

### **CROSS-BORDER GROUP RESOLUTION**

#### **SUBSECTION 1**

#### **ASSESSMENT ON THE NEED FOR A GROUP RESOLUTION SCHEME UNDER ARTICLES 91 AND 92 OF DIRECTIVE 2014/59/EU**

##### *Article 80*

##### ***The assessment on the need for a group resolution scheme***

1. The group-level resolution authority shall transmit the notification referred to in point (a) or (h) of Article 81(3) of Directive 2014/59/EU to the members of the resolution college.
2. The group-level resolution authority shall draft and share the assessment on the need for a group resolution scheme as referred to in Article 91(2) and Article 92(2) of Directive 2014/59/EU and the mutualisation of national financing arrangements, if applicable, when a group entity meets the conditions as referred to in Article 32 or 33 of that Directive. The assessment shall be based on the latest available information and shall set out:
  - (a) for the purposes of Article 91 of Directive 2014/59/EU, the likely impact of the notified resolution actions or of the insolvency measures on the group and on group entities in other Member States, and, in particular, whether such resolution actions or the other measures would make it likely that the conditions for resolution would be satisfied in relation to a group entity in another Member State;
  - (b) for the purposes of Article 92 of Directive 2014/59/EU, the non-applicability of any of the conditions for a group resolution scheme as referred to in Article 92(1) of that Directive taking due account of conditions referred to in paragraph 2 of that Article;
  - (c) the need to mutualise the financing arrangements for the purposes of the financing plan in accordance with Article 107 of Directive 2014/59/EU.
3. The group-level resolution authority shall share together with its draft assessment all relevant material information, which it has received under Article 81, 82, 91 or 92 of Directive 2014/59/EU.
4. The resolution authorities of subsidiaries shall be consulted on the assessment on the need for a group resolution scheme as referred to in paragraph 4. The group-level resolution authority shall set a time limit by which they can provide their comments.

5. Where the group-level resolution authority considers that a group resolution scheme is needed, the group-level resolution authority may decide not to communicate its final assessment as provided for in paragraph 4 and proceed to apply the procedure for preparing the group resolution scheme set out in Article 82.

*Article 81*

***College cooperation without the need for a group resolution scheme***

1. The group-level resolution authority shall ensure that resolution authorities of subsidiaries are regularly updated on the status of the implementation of the resolution scheme for the group entity, also when the resolution scheme is not a group resolution scheme.
2. Where relevant, members and observers of the resolution college shall exchange all information necessary with the group-level resolution authority for the purpose as referred to in paragraph 1.

**SUBSECTION 2**

**JOINT DECISION PROCESS ON THE GROUP RESOLUTION SCHEME**

*Article 82*

***The joint decision process***

1. The process to reach a joint decision on the group resolution scheme proposed under Article 91(4) or Article 92(1) of Directive 2014/59/EU shall follow the steps described in Article 62, excluding the dialogue and the setting of a timetable. The steps should take place sequentially or simultaneously with the steps described in Article 80, depending on the time available.
2. The joint decision on the group resolution scheme shall be drawn up by the group-level resolution authority in accordance with Article 91(6) of Directive 2014/59/EU
3. The consultation referred to in Article 62(1) shall cover the consideration of:
  - (a) impediments, if any, in national law or otherwise to carrying out the group resolution scheme;
  - (b) the transfer of losses among the entities in the group;
  - (c) any relevant updates to the information submitted for the mutualisation of the financing arrangements that could impact carrying out the financing plan;
  - (d) the impact of the group resolution scheme or of the financing plan on the subsidiaries covered by the group resolution scheme in their respective Member State.
4. The group-level resolution authority shall transmit the final joint decision without undue delay to the resolution authorities of the subsidiaries included in the group resolution scheme.
5. The group-level resolution authority shall communicate a summary of or the joint decision on the group resolution scheme itself, if deemed efficient, to members of the resolution college for information.

*Article 83*

***Content of the joint decision on the group resolution scheme***

1. The joint decision on the group resolution scheme shall contain the elements set out in Article 63(1) and:

- (a) a description of the resolution actions, if any, that need to be implemented in relation to any of the group entities in order to ensure that the group resolution scheme can be operationalised;
  - (b) a description of legal or regulatory preconditions to be fulfilled, if any, for carrying out the group resolution scheme;
  - (c) the time frame for executing the group resolution scheme as well as the timing and sequencing of each resolution action to be undertaken;
  - (d) the allocation of tasks and responsibilities for the coordination of the resolution actions;
  - (e) a financing plan, on the basis of Article 107 of Directive 2014/59/EU, as appropriate and taking into account the need for mutualisation of the financing arrangements.
2. For the purposes of point (a) of Article 91(6) of Directive 2014/59/EU, the group-level resolution authority shall ensure that the draft group resolution scheme includes:
- (a) an explanation why an alternative option to the resolution plan, pursuant to Article 13 of Directive 2014/59/EU, must be followed, including why the proposed actions are considered to more efficiently achieve the resolution objectives and principles referred to in Articles 31 and 34 of that Directive than the strategy and resolution actions provided for in the resolution plan;
  - (b) an identification of key elements of the group resolution scheme which depart from the resolution plan referred to Article 13 of Directive 2014/59/EU.

#### *Article 84*

#### ***Cooperation between the college during and after the implementation of the resolution scheme***

1. The group-level resolution authority and the resolution authorities of the subsidiaries covered by the group resolution scheme shall cooperate closely and update each other on the implementation of the resolution actions or other measures laid down in the group resolution scheme.
2. The group-level resolution authority shall regularly update the resolution college about the implementation of the group resolution scheme.

### **SUBSECTION 3**

#### **DISAGREEMENTS AND DECISIONS TAKEN IN THE ABSENCE OF A JOINT DECISION**

#### *Article 85*

#### ***Notification in case of disagreement***

1. Where a resolution authority disagrees with or departs from the group resolution scheme proposed by the group-level resolution authority or considers that it needs to take independent resolution actions or measures for reasons of financial stability pursuant to Article 91(8) and Article 92(4) of Directive 2014/59/EU, that resolution authority shall notify the group-level resolution authority of the disagreement without undue delay.
2. The notification referred to in paragraph 1 shall include the following:
  - (a) the name of the resolution authority;
  - (b) the name of the entity under the jurisdiction of the resolution authority;
  - (c) the date of the notification;
  - (d) the name of the group-level resolution authority;

- (e) a statement of the resolution authority on its disagreement, or departure from the group resolution scheme, or of its consideration that independent resolution actions or measures are appropriate for the entity or entities under its jurisdiction;
  - (f) a detailed reasoning for the elements of the group resolution scheme with which the resolution authority is in disagreement, or from which it departs, or an explanation of why it considers that independent resolution action or measures are appropriate;
  - (g) a description of the actions or measures that the resolution authority will take.
3. The group-level resolution authority shall notify the other members of the resolution college of the notification referred to in paragraph 2.

*Article 86*

***Decision-making process between non-disagreeing resolution authorities***

1. Resolution authorities which do not disagree as set out in Article 91(9) and Article 92(5) of Directive 2014/59/EU shall proceed as provided for in Article 82 of this Regulation and conclude a joint decision among themselves.
2. The joint decision shall contain all the elements referred to in Article 83 in addition to the information on disagreement received in accordance with Article 85(2).'

*Article 2*

***Entry into force***

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*