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Status	Final Q&A
Legal act	Directive 2014/59/EU (BRRD)
Topic	Resolution tools and powers
Article	44
Paragraph	2
Subparagraph	g
COM Delegated or Implementing Acts/RTS/ITS/GLs/Recommendations	Not applicable
Article/Paragraph	0
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Disclose name of institution / entity	No
Type of submitter	Competent authority
Subject matter	Bail-in tool
Question	Can the list of exemption from bail-in of Article 44(2)(g)(i) of Directive 2014/59/EU (BRRD) be interpreted such as to include a) continued payment of wages in case of illness; b) holiday pay; c) compensation for a worker who was unable to exercise his right to paid annual leave on account of incapacity for work?
Background on the question	Article 44(2)(g)(i) BRRD excludes from the scope of bail-in a liability to “an employee, in relation to accrued salary, pension benefits or other fixed remuneration ...”.
Final answer	<p>Yes, under Article 44(2)(g)(i) of Directive 2014/59/EU this could be possible. The meaning of "accrued salary" or "other fixed remuneration" should be interpreted in accordance with national law and, the case being, EU law or national law implementing EU law.</p> <p>Disclaimer:</p> <p>This question goes beyond matters of consistent and effective application of the regulatory framework. A Directorate General of the Commission</p>

	<p>(Directorate General Financial Stability, Financial Services and Capital Markets Union) has prepared the answer, albeit that only the Court of Justice of the European Union can provide definitive interpretations of EU legislation. This is an unofficial opinion of that Directorate General, which the European Banking Authority publishes on its behalf. The answers are not binding on the European Commission as an institution. You should be aware that the European Commission could adopt a position different from the one expressed in such Q&As, for instance in infringement proceedings or after a detailed examination of a specific case or on the basis of any new legal or factual elements that may have been brought to its attention.</p>
Link	https://www.eba.europa.eu/single-rule-book-qa/-/qna/view/publicId/2015_1770

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