

Question ID	2015_2457
Status	Final Q&A
Legal act	Directive 2014/59/EU (BRRD)
Topic	Other topics
Article	88
Paragraph	2
Subparagraph	-
COM Delegated or Implementing Acts/RTS/ITS/GLs/Recommendations	Not applicable
Article/Paragraph	-
Date of submission	03/11/2015
Published as Final Q&A	21/01/2022
Disclose name of institution / entity	Yes
Name of institution / submitter	Dino Buzzati
Country of incorporation / residence	Luxembourg
Type of submitter	Individual
Subject matter	Composition of resolution college
Question	For the purpose of Article 88(2)(g) of Directive 2014/59/EU (BRRD), should “the authority that is responsible for the deposit guarantee scheme of a member state” be the “designated authority” in accordance to Article 2(1)(18) of Directive 2014/49/EU (DGSD)?
Background on the question	in order to implement Resolution College, it is important to invite the right authorities. In this context, it is necessary to know if what the meanings are for Article 88(2)(g) BRRD and Article 2(1)(18) of the second directive on DGS.
Final answer	The authority that is responsible for the deposit guarantee scheme of a Member State pursuant to Article 88(2)(g) BRRD is to be understood to be the “designated authority” as defined in Article 2(1)(18) DGSD. To that purpose, the “designated authority” means a body which administers a DGS

pursuant to the DGSD, or, where the operation of the DGS is administered by a private entity, a public authority designated by the Member State concerned for supervising it pursuant to the DGSD.

Disclaimer:

The answers clarify provisions already contained in the applicable legislation. They do not extend in any way the rights and obligations deriving from such legislation nor do they introduce any additional requirements for the concerned operators and competent authorities. The answers are merely intended to assist natural or legal persons, including competent authorities and Union institutions and bodies in clarifying the application or implementation of the relevant legal provisions. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law. The views expressed in the internal Commission Decision cannot prejudge the position that the European Commission might take before the Union and national courts.

Link

https://www.eba.europa.eu/single-rule-book-qa/-/qna/view/publicId/2015_2457

European Banking Authority, 11/08/2022
www.eba.europa.eu