



EBA/RTS/2015/03

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EBA FINAL draft Regulatory Technical Standards

on resolution colleges under Article 88(7) of Directive 2014/59/EU

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1. Executive summary

Article 88(7) of Directive 2014/59/EU (the BRRD) mandates the EBA with the development of draft regulatory technical standards (RTS) to specify the operational functioning of the resolution colleges that are to be established for EEA cross-border banking groups. The draft RTS build on the experience gained from the organisation and operation of supervisory colleges while recognising the differences in the membership and tasks performed by resolution colleges.

The draft RTS are structured in three main titles:

- Title I – Operational organisation of resolution colleges;
- Title II – Resolution planning joint decisions; and
- Title III – Cross-border group resolution.

Title I includes provisions for the establishment and the ongoing functioning of resolution colleges. The establishment covers the identification of resolution college members and the process covering potential involvement of third country resolution authorities as observers; the content and the process for consulting resolution college members on written arrangements and procedures for the functioning of the college are also part of this title of the draft RTS.

Further operational aspects of the resolution college include the organisation of meetings and other activities as well as general rules for exchanging information; the resolution college communication policy; and procedures for an emergency situation, other than group resolution.

Resolution planning joint decisions will be the key annual deliverables of the resolution college and cover the joint decision on the group resolution plan and resolvability assessment, the joint decision on measures to address substantive impediments to resolvability, and the joint decision on setting up minimum requirements for own funds and eligible liabilities (MREL). In Title II, the draft RTS elaborate on provisions that cover all relevant steps for planning and reaching these joint decisions.

In a situation where a notification that an institution is failing or likely to fail is received by the group-level resolution authority (GLRA), the process of assessing the need for a group resolution scheme and the need for mutualising financing arrangements should be activated. Provisions included in the draft RTS under Title III support this process by elaborating clear procedural steps to be taken by the resolution college. Where conditions for group resolution are met the process for taking a joint decision on the group resolution scheme should be followed. This joint decision is signed by the resolution authorities of the subsidiaries covered by the scheme.

Building on the provisions of the BRRD, some of the joint decision processes detailed in these RTS include the situation where some of the resolution authorities of subsidiaries disagree with the draft joint decision prepared and proposed by the GLRA, leaving the remaining, non-disagreeing authorities and the GLRA to reach the joint decision. Provisions covering the elements of the decisions taken in the absence of any joint decision are also set out in these technical standards, which aim to ensure transparency and interaction between home-host authorities even in the event of disagreement.

While finalising these draft RTS, the EBA considered the responses submitted to the relevant consultation paper (EBA/CP/2014/46), including the opinion of the Banking Stakeholder Group.

2. Background and rationale

The BRRD establishes a framework for the recovery and resolution of credit institutions and investment firms and provides a common resolution regime in the Union that allows authorities to deal with failing entities as well as ensuring cooperation between home and host authorities in the process of resolution planning.

The crisis has shown that cross-border cooperation and coordination is necessary for effective resolution. In this context, the BRRD introduces the requirement for resolution colleges, whose membership extends beyond the core membership of the supervisory colleges and includes also resolution authorities, competent ministries, central banks, authorities responsible for the deposit guarantee schemes and the EBA, for group entities operating across the EU. It also provides for third country resolution authorities to participate as observers in the resolution college subject to their confidentiality provisions being assessed as equivalent to those established by Union law. The aim of resolution colleges is to ensure cooperation at all stages under the BRRD.

As a general principle, these draft RTS encourage and expect resolution authorities to make use of the work already performed under the auspices of the supervisory college or to take into account information that competent authorities already have at their disposal in order to avoid unnecessary duplication of efforts and requests for information to the supervised group and its entities. The group-level resolution authority will, in a similar way to the consolidating supervisor in the supervisory colleges, lead the resolution college as a forum for taking joint decisions.

Organisational aspects of the resolution college work are expected to facilitate both the establishment and functioning of the resolution college. This particular section of the draft RTS has benefitted from the relevant policy work performed in the area of supervisory colleges, especially with regard to the performance of the mapping exercise for identifying resolution college members and possible observers; performing the assessment of the confidentiality provisions of third country resolution authorities; and developing and maintaining the written arrangements and procedures which also cover the terms and conditions of observers' participation in the resolution college tasks and activities.

Resolution planning is an essential element of effective resolution. In this context, the draft RTS elaborate provisions that ensure that resolution authorities have all the information necessary to identify, assess and ensure the continuance of a group's critical functions in the event of the institution meeting the conditions for resolution, through the development of a group resolution plan and the performance of a resolvability assessment. Resolution authorities are also expected to assess the potential impact of any measures to address substantive impediments to resolvability, not only on the institution, but also on the financial stability in the Member States where the group operates and on the Union as a whole. Cross-border implications are also highlighted while the group-level resolution authority sets its proposal on the MREL at parent and at consolidated level, a proposal that needs to be reconciled with and assessed against the minimum requirements set at each subsidiary level. The links between the MREL and the resolution plan which are underlined in the BRRD are also stressed in these draft RTS, with the two joint decisions – the joint decision on the group resolution plan and resolvability assessment, and the joint decision on MREL - running in parallel.

Given the potential impact of a failing institution on the financial system and economy of a Member State, the BRRD aims to introduce a transparent process for establishing a resolution framework where intended resolution actions or measures can be shared in a resolution college. In this context the resolution college is the forum for deciding on the need for a group resolution scheme and mutualised financing arrangements where necessary, taking into account the interdependency of entities within a group and where financial support may need to be transferred. Furthermore the joint decision process on a group resolution scheme aims to ensure a sufficient degree of cooperation and coordination of resolution actions and measures with the objective of protecting financial stability in a specific Member State and at Union level resulting in an orderly resolution of an institution.

The draft RTS provide a coordinated and structured approach to resolution college functioning, allowing members and observers to be involved in the resolution college tasks necessary for regular information exchange and appropriate resolution planning, with consistent joint decisions and clear actions in the case of a resolution.

3. EBA final draft regulatory technical standards on resolution colleges



EUROPEAN COMMISSION

Brussels, **XXX**
[...](2012) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) No .../..

of **XXX**

[...]



COMMISSION DELEGATED REGULATION (EU) No .../..

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[...]

supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying 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/EU¹ of the European Parliament and of the Council and in particular Article 88(7) thereof,

Whereas:

- (1) It is necessary to establish regulatory technical standards to set out uniform, detailed rules in respect of the establishment and procedures to be followed by resolution colleges when performing the functions and tasks set out in Article 88 of Directive 2014/59/EU due to the high impact that group resolution planning and resolution may have in more than one Member States.
- (2) While establishing a resolution college, it is necessary to avoid duplication of work already conducted by the consolidating supervisor and the supervisory college. It is also important to ensure that this work will be adjusted to respond to the needs of the functioning of the college. In particular, it is appropriate to ensure that the group-level resolution authority takes into account, updates and adjusts accordingly all relevant work conducted by the consolidating supervisor in the context of the supervisory college, in particular with regard to the identification of relevant group entities and consequently the authorities which should be invited to become members or observers of the college (“mapping process”).
- (3) The reference to other groups or colleges performing the same tasks and functions in accordance with Article 88(6) of Directive 2014/59/EU should be understood as including, but not limited to, crisis management groups established under the common principles and approaches developed by the Financial Stability Board and

¹Directive 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.

the G20. It is, therefore, important to provide that group-level resolution authorities, when assessing their obligation to establish a resolution college, also assess whether these other groups or colleges operate in accordance with the provisions of this Regulation.

- (4) The involvement of third-country resolution authorities as observers in the resolution college is already foreseen in Article 88(3) of Directive 2014/59/EU. It is therefore necessary to provide for the process of organising their participation in the resolution college and of their involvement in the various college tasks.
- (5) To achieve effective resolution planning, there is a need for efficient and timely interaction and cooperation between the resolution college and the banking group, in particular between the group-level resolution authority and the Union parent undertaking. To that end, the group-level resolution authority is expected to inform the Union parent undertaking on the establishment of the resolution college, its composition and on any changes in this composition. Efficient and timely interaction and cooperation between the group-level resolution authority and the Union parent undertaking should not, however, disregard the speed of action required to preserve financial stability or the preparatory or preventive nature and the complex economic assessment required in resolution planning.
- (6) The resolution college's written arrangements and procedures should include the necessary organisational provisions to ensure efficient and effective decision-making processes. In particular, the resolution college should recognise the need for establishment of flexible substructures within the resolution college to carry out college functions and ensure that members are able to contribute in an appropriate manner across each of the college's functions. In particular, where it is deemed appropriate that authorities, other than the college members, participate in the college as observers, it is necessary that the group-level resolution authority ensures that the terms and conditions of such participation are set out in the written arrangements and that they are not more favourable than those set out in this Regulation for the members of the college.
- (7) The resolution college's written arrangements and procedures should also include the necessary operational provisions to ensure that the college enables the resolution authorities to both coordinate their input to the supervisory college and to organize the analysis, consideration and evaluation of the input that the resolution authorities receive from the supervisory college. Written arrangements should, therefore, ideally include a process of communication between the supervisory and the resolution college, most importantly between the group-level resolution authority and the consolidating supervisor. Written arrangements should also lay down the processes to be followed within the resolution college for the purpose of the formation of a common understanding, in all cases where coordination is needed in practise but a joint decision is not required in accordance with Directive 2014/59/EC.
- (8) The group-level resolution authority should have access to all information necessary for the performance of its tasks and responsibilities and should act as the coordinator for the collection and dissemination of information received from any college member, or from any group entity subject to the confidentiality provisions

and provisions covering the exchange of confidential information laid down in Directive 2014/59/EU.

- (9) To ensure that operational procedures are effective to address a case of emergency, the group-level resolution authority should undertake tests for the functioning of the resolution college and may, where deemed appropriate, involve the Union parent undertaking in the performance of these tests.
- (10) Timely and realistic planning for all joint decision processes is essential. Every resolution authority involved in these processes should provide to the group-level resolution authority its contribution in the respective joint decision in a timely and efficient way and in accordance with the relevant joint decision timetables.
- (11) It is necessary to ensure that joint decisions are taken swiftly and in a timely manner. This is particularly important for decisions on resolution but is also relevant for resolution planning. At the same time, it should be ensured that all authorities involved in the joint decision making process are provided with adequate time to express their views. To strike the proper balance between these two objectives, the group-level resolution authority should be empowered to submit its draft proposal to the other authorities involved in the process setting at the same time an adequate time-limit after the lapse of which the consent of the non-objecting authorities to that proposal should be assumed. When setting the relevant time limit, the group level resolution should take due account of the actual time frame of the decision making process as set out by provisions of the law or as previously determined by the college itself.
- (12) To ensure that an effective process is established, the group-level resolution authority should have the ultimate responsibility for determining the sequencing of the steps to be followed. The steps for reaching any joint decision should be set out, recognising that some of these steps may be performed in parallel and others sequentially.
- (13) In accordance with Article 13(3) of Directive 2014/59/EU, group resolution plans should be reviewed and updated at least annually. There is however a need to ensure that group resolution plans will also be reviewed and updated on an ad hoc basis, if such a need arises either due to information received by the supervisory college or on the resolution college's own initiative.
- (14) To enhance transparency of the functioning of the resolution colleges, uniform conditions of communication of the joint decisions to the Union parent undertaking and to the other entities of the relevant group should be clearly set out in this Regulation. For reasons of ensuring comparability of processes and outcomes, thus achieving convergence, it is necessary to clearly set out in this Regulation uniform rules on the process and documentation required for the joint decision making within the resolution colleges.
- (15) Coordination of individual decisions made by the group-level resolution authority and the resolution authorities of subsidiaries in the absence of a joint decision should also be ensured in order for the resolution college to be able to perform its role as provided for in Article 88(1) of Directive 2014/59/EU. Thus, it is necessary to set out the process of the functioning of the college as a framework for the

group-level resolution authority and the other authorities to strive for efficient and workable group resolution planning even in the absence of joint decisions.

- (16) In identifying whether there is a need for a group resolution scheme, the relevant resolution authorities participating in the resolution college should consider, in line with Articles 91 and 92 of Directive 2014/59/EU, whether there is a group dimension to the resolution at hand. For that purpose the group-level resolution authority should endeavour to identify all entities of the group which are or could be impacted in case that an entity of the group or the Union parent undertaking meets the conditions under Articles 32 or 33 of Directive 2014/59/EU.
- (17) In order to ensure optimal conditions for a resolution, there is a need to work efficiently and effectively within a short timeframe. Therefore, there is a need to provide that the resolution college, when considering the need for a group resolution scheme, should also consider the need to mutualise national financial arrangements. In particular, with regard to financing plans and the application of Directive 2014/59/EU, the resolution college should take into account whether mutualisation of national financial arrangements is necessary. In the absence of mutualisation, the content and process of the financing plan should be adjusted accordingly. To further ensure efficiency the group-level resolution authority should be allowed to substitute its final positive assessment on the need for a group resolution scheme with its proposal on that scheme.
- (18) The group resolution scheme should, to the extent possible and appropriate, take into account and follow the group resolution plan unless resolution authorities assess, taking into account the circumstances of the case, that the resolution objectives will be achieved more effectively by taking actions which are not provided for in the resolution plan.
- (19) There is a need for all those impacted by the resolution of an institution to have a complete understanding of the views and actions of a resolution authority which disagrees with the joint decision on the group resolution scheme for coordination purposes. Therefore any disagreeing authority should provide clear reasoning to the group-level resolution authority for their disagreement.
- (20) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority (EBA) to the Commission.
- (21) The EBA 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 opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council².

HAS ADOPTED THIS REGULATION:

² 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).

Article 1

Subject matter

This Regulation lays down detailed rules on setting up and operational functioning of the resolution colleges for the performance of the tasks referred to in Article 88(1) of Directive 2014/59/EU.

TITLE I

OPERATIONAL ORGANISATION OF RESOLUTION COLLEGES

Article 2

Mapping and identification of resolution college members and possible observers

1. For the purposes of identifying the members and potential observers of the resolution college, the group-level resolution authority shall conduct the mapping of group entities 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 the Commission Delegated Regulation (EU) No.../Commission Implementing Regulation. [RTS on supervisory colleges/ITS on supervisory colleges]
2. Upon finalisation of the mapping referred to in paragraph 1, the group-level resolution authority shall communicate the list of members and potential observers to the resolution college.
3. The group-level resolution authority shall review and update the mapping of group entities and the list of members and potential observers at least annually. It shall also review and update the mapping and the list of members and potential observers following any material change to the legal or organisational structure of the group or to its business.
4. When assessing whether to establish a resolution college in accordance with Article 88(6) of Directive 2014/59/EU, the group-level resolution authority shall also consider whether that other group or college operates in accordance with the provisions of this Regulation.

Article 3

Third country resolution authorities as observers in the resolution college

1. Upon receipt of a relevant 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.

2. This communication shall be accompanied by all of the following:
 - (a) the opinion of the group-level resolution authority, also having regard to point (b) of this paragraph, on the equivalence of the confidentiality and professional secrecy regime applicable to the candidate observer;
 - (b) the terms and conditions of observers' participation in the resolution college that shall be included in the written arrangements and procedures 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 third-country resolution authority for a branch; and
 - (d) the setting of a time-limit, upon the expiration of which consent shall be assumed. Within this time-limit any disagreeing resolution college member referred to in Article 88(2)(b) to (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) of this paragraph.
3. When such objection is expressed, the group-level resolution authority shall take it into account before making its final decision. For that purpose, it may also request the explicit views of the members of the college referred to Article 88(2)(b) to (d) of Directive 2014/59/EU and take into account the majority of the views thereon.
4. When the group-level resolution authority makes the decision to invite the resolution authority of the third country, it shall send an invitation to the candidate observer. The invitation shall be accompanied by the terms and conditions of its 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.
5. Following acceptance, the group-level resolution authority shall transmit an updated outcome of the mapping referred in Article 2 to the resolution college.

Article 4

Communication with the Union parent undertaking

1. In order to enhance the efficient and effective functioning of the resolution college, the group-level resolution authority shall ensure regular interaction and cooperation with the Union parent undertaking.
2. The group-level resolution authority shall communicate to the Union parent undertaking the establishment of the resolution college and a list of its members and observers, as well as any change in the body of members and observers of the resolution college.

Article 5

Establishment and update of contact lists

1. The group-level resolution authority shall maintain and share with the resolution college members and observers contact details of nominated persons from each member and observer for the purpose of performing resolution college tasks. The contact details should also include out-of-hours contact details to be used for emergency situations and in particular for the purpose of deciding on the need to establish and agree on a group resolution scheme.
2. The group-level resolution authority shall ensure that it receives from all college members and observers contact details of the relevant contact persons and is informed without undue delay on all relevant changes.

Article 6

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 at least all of the following elements:
 - a) a description of the group, the Union parent undertaking, the subsidiaries and significant branches;
 - b) the identification of the college members and observers; and
 - c) a description of the general resolution college framework for cooperation between authorities and coordination of activities and tasks.
2. The general framework for cooperation and coordination shall include all of the following:
 - (a) description of the different resolution college substructures for the performance of different tasks, where relevant. For that purpose, in particular with regard to college members concluding joint decisions, the group-level resolution authority shall consider the need of organising the resolution college in various substructures;
 - (b) identification of the college members and observers participating in specific college activities. For that purpose, the group-level resolution authority shall ensure that the various college substructures, including substructures involving observers, shall not result in constraining or pre-empting the process of the joint decision-making in particular with regard to those members of the college who are required to conclude joint decisions in accordance with the relevant provisions of Directive 2014/59/EU;
 - (c) description of the framework, 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. The group-level

resolution authority shall ensure that the general framework and terms and conditions of the observers' participation are not more favourable than the framework, terms and conditions set out for college members in accordance with this Regulation and the relevant written arrangements of the particular college;

- (d) description of cooperation and coordination arrangements in emergency situations, especially of systemic nature, which may pose threats to the viability of any of the group entities;
- (e) description of the processes to be followed, when joint decision is not required but the formation of a common understanding within the resolution college or within any of its substructures appears necessary;
- (f) description of the arrangements for exchanging information including the relevant scope, frequency and communication channels having regard to Articles 90 and 98 of Directive 2014/59/EU and to the role of the group-level resolution authority as the coordinator for collecting and disseminating information amongst college members and observers;
- (g) description of relevant information to be shared with resolution college members and observers in particular in relation to resolution planning, resolvability assessment and other tasks referred to in Article 88(1) of Directive 2014/59/EU also having regard to Articles 90 and 98 of Directive 2014/59/EU and to the role of the group-level resolution authority;
- (h) description of the arrangements for the treatment of confidential information having regard to Article 90 and 98 of Directive 2014/59/EU;
- (i) description of procedures for hosting regular and ad hoc physical meetings;
- (j) description of the method for coordinating the input to be provided independently by the resolution authorities to the supervisory college or to the consolidating supervisor, where required by legislation or on an own initiative basis;
- (k) description of the method for communicating the input referred to in point (j), in particular a description of the relevant role of the group-level resolution authority in communicating that input to the consolidating supervisor;
- (l) description of the communication policy with the consolidating supervisor, the competent authorities in the relevant Member States, the Union parent undertaking and the entities of the group as referred to in Article 10;
- (m) any other agreement concerning the functioning of the resolution college; and
- (n) provisions covering discontinuance arrangements.

Article 7

Establishment and update of written arrangements and procedures for the functioning of the resolution college

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 6.
2. The group-level resolution authority shall communicate its proposal to the members of the resolution college for consultation, inviting them to provide their opinion and indicating the time-line for the submission of those opinions.
3. The group-level resolution authority shall take into account the opinions of the members of the resolution college 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.
5. Written arrangements and procedures for the functioning of the resolution college shall be reviewed and updated, in particular after any substantive changes in the composition of the resolution college.
6. While updating the general written arrangements and procedures for the functioning of the resolution college, the group-level resolution authority and the other members of the college shall follow the procedure of this Article.

Article 8

Operational aspects of college meetings and other activities

1. The resolution colleges shall convene at least one physical meeting per year. The group-level resolution authority with the consent of all members of the college, having taken into account the specificities of the group, may determine a different frequency of physical meetings of the resolution college.
2. The group-level resolution authority shall organise other college activities on a regular basis, in particular where a dialogue between college members is required.
3. The group-level resolution authority shall prepare and communicate to college members the agenda and objectives of planned meetings and other activities.
4. All resolution college members participating in 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 able to commit their authorities, to the maximum extent possible, in case decisions are expected to be taken in these meetings or other activities.
5. The group-level resolution authority shall ensure that relevant documents are circulated well in advance before a particular meeting or activity of the resolution college in order to enable the members invited to participate effectively in that meeting or activity.

6. Outcomes and decisions of college meetings or other activities shall be documented in writing and communicated to college members in due time.

Article 9

Exchange of information

1. Subject to Articles 90 and 98 of Directive 2014/59/EU, the group-level resolution authority and the members of the college shall ensure that they exchange all essential and relevant information, whether received from a group entity, a competent authority, a resolution authority or any other designated authority or any other source. This information shall be adequate and accurate, as well as shared in a timely manner, thereby enabling and facilitating the efficient, effective and full performance of the tasks of resolution college members in going concern and in emergency situations.
2. 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 and Article 88 of Directive 2014/59/EC.
3. The group-level resolution authority receiving information referred to in paragraphs 1 and 2 shall transmit it to the members of the resolution college.
4. Where the college is organised in different substructures, the group-level resolution authority shall keep all resolution college members fully informed, in a timely manner, on the actions taken or the measures carried out in those college substructures.
5. If not provided for otherwise, any ordinary means of communication may be used, preferring secure means of communication, in particular where sensitive information is being transmitted. For publicly available information, it shall be sufficient that the group-level resolution authority provides the reference to such information.
6. Where a secure resolution college website exists, the use of this website shall be the main means of communication.
7. This Regulation shall not affect the information gathering powers of the competent or resolution authorities.

Article 10

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) to (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 11

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 co-ordination of the external communication, the members of the resolution college shall agree at least on all of the following:
 - (a) allocation of responsibilities for coordinating external communication, both during a going concern situation and in a situation where an institution or group is considered as failing or likely to fail and resolution situation;
 - (b) determining the level of information to be disclosed on group resolution strategies;
 - (c) co-ordination of public statements in situations where an institution or group is considered as failing or likely to fail;
 - (d) co-ordination 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.

Article 12

Emergency situations

1. The group-level resolution authority shall establish and regularly test operational procedures for the functioning of the resolution college in emergency situations, in particular systemic ones, which may pose threats to the viability of any of the group entities.
2. Operational procedures referred to in paragraph 1 shall cover at least the following elements:
 - (a) secure means of communication to be used;
 - (b) set of information to be exchanged;
 - (c) relevant persons to be contacted; and
 - (d) communication procedures to be followed by the relevant college members.

TITLE II

RESOLUTION PLANNING JOINT DECISIONS

Chapter 1

Group resolution plan, resolvability assessment and substantive impediments to resolvability

SECTION I

Joint decision process on group resolution plan and resolvability assessment

Article 13

Planning of the steps of the joint decision process

1. Prior to the start of the joint decision process, the group-level resolution authority and the resolution authorities of subsidiaries shall agree on a timetable of steps to be followed in that process (“joint decision timetable”). In the case of a failure to agree on that timetable, the group-level resolution authority shall set the joint decision timetable after considering the views and reservations expressed by the resolution authorities of subsidiaries.
2. The joint decision timetable shall be updated at least annually and shall include all of the following steps to be implemented in a sequence agreed between the group-level resolution authority and the resolution authorities of subsidiaries:
 - (a) preliminary dialogue between the group-level resolution authority and the resolution authorities of subsidiaries on the resolution strategy of the group, in preparation of the joint decision on the group resolution plan and resolvability assessment;
 - (b) request information necessary to the Union parent undertaking for the drawing up of the group resolution plan and the performance of the resolvability assessment in accordance with Article 11 of Directive 2014/59/EU;
 - (c) submission of the information requested in point (b) of this paragraph by the Union parent undertaking directly to the group-level resolution authority in accordance with Article 13(1) of Directive 2014/59/EU;
 - (d) transmission of the information that the group-level resolution authority receives from the Union parent undertaking to the authorities referred to in Article 13(1) of Directive 2014/59/EU and indication of a time-limit for any additional information requests;
 - (e) submission of contributions for the development of the group resolution plan and the resolvability assessment by the resolution authorities of subsidiaries to the group-level resolution authority;
 - (f) submission of the draft group resolution plan and the draft resolvability assessment from the group-level resolution authority to the resolution college members;
 - (g) submission of possible comments on the draft group resolution plan and on the draft resolvability assessment from the resolution college members to the group-level resolution authority;
 - (h) discussion with the Union parent undertaking on the draft group resolution plan and its resolvability assessment, where that is deemed appropriate by the group-level resolution authority;
 - (i) dialogue between the group-level resolution authority and the resolution authorities of subsidiaries on the draft group resolution plan and its resolvability assessment;

- (j) circulation of the draft joint decision document on the group resolution plan and on the resolvability assessment by the group-level resolution authority to the resolution authorities of subsidiaries;
 - (k) dialogue on the draft joint decision document on the group resolution plan and on the resolvability assessment between the group-level resolution authority and the resolution authorities of subsidiaries;
 - (l) reaching joint decision on the group resolution plan and on the resolvability assessment;
 - (m) communication of the conclusion of the joint decision to the Union parent undertaking along with a summary of the key elements of the group resolution plan.
3. The timetable shall:
- (a) reflect the scope and complexity of each step of the joint decision process;
 - (b) take into account the timetable of other joint decisions organised within the resolution college;
 - (c) take into account, to the extent possible, the timetable of other joint decisions organised within the relevant supervisory college, in particular the timetable of the joint decision on the review and assessment of the group recovery plan in accordance with Article 8(2) of Directive 2014/59/EU.
4. When drafting the joint decision timetable, the authorities involved or the group-level resolution authority when acting alone shall take into account the stipulations of Articles 16(3) and 17(2) of Directive 2014/59/EU on the need for simultaneous assessment of resolvability and suspension of the process to address substantive impediments and shall ensure that the relevant time-limits provided in the joint decision timetable are adjusted accordingly.
5. When drafting the joint decision timetable, the group-level resolution authority shall have regard to the terms and conditions of the observers' participation as set out in the resolution college written arrangements and in respective provisions of Directive 2014/59/EU.
6. The following aspects of the timetable shall be communicated from the group-level resolution authority to the Union parent undertaking:
- (a) an estimated date when the request of the information necessary for drawing up of the group resolution plan and performing the resolvability assessment is expected to be made in accordance with point (b) of paragraph 2 and the time-limit for submission of this information in accordance with point (c) of paragraph 2;
 - (b) an estimated date for the organisation of the discussion referred to in point (i) of paragraph 2, where relevant;
 - (c) an estimated date for the communication referred to in point (n) of paragraph 2.

Article 14

Preliminary dialogue on the resolution strategy in preparation of the group resolution plan and resolvability assessment

The group-level resolution authority shall organise a preliminary dialogue with the resolution authorities of subsidiaries to perform all of the following:

- (a) discuss a preliminary proposal on the resolution strategy for the group;
- (b) verify whether any of the information necessary for the development of the group resolution plan and the resolvability assessment is already available to any of the competent authorities, and share this information in accordance with Article 11(2) of Directive 2014/59/EU;
- (c) determine the additional information to be requested from the Union parent undertaking;
- (d) agree on any contributions needed from the resolution authorities of subsidiaries to the group-level resolution authority for the development of the group resolution plan and the performance of the resolvability assessment.

Article 15

Information from the Union parent undertaking

1. The group-level resolution authority shall request from the Union parent undertaking all the necessary information in accordance with Article 11 of Directive 2014/59/EU, taking into account the outcome of the dialogue provided for in Article 14.
2. The group-level resolution authority shall communicate clearly to the Union parent undertaking the entities of the group to which this information relates and applies, as well as the time-limit for the provision of such information.
3. The Union parent undertaking shall provide the information requested to the group-level resolution authority in a timely manner however no later than within the time-limit specified under paragraph 2.
4. The group-level resolution authority may ask for additional information from the Union parent undertaking, both before transmitting information to the authorities referred to in Article 13(1) of Directive 2014/59/EU and after that, whenever Article 16(2) applies.

Article 16

Transmission of information from the group-level resolution authority

1. The group-level resolution authority shall, without undue delay, transmit information received in accordance with Article 15 to the authorities referred to in Article 13(1) of Directive 2014/59/EU and shall invite their comments within a specific time-limit on whether additional information is required.
2. Any authority receiving information may request additional information from the group-level resolution authority within the time-limit specified under paragraph 1, where the relevant authority deems the additional information to be relevant to the entity or the branch under its jurisdiction for the purpose of the development and maintenance of the group resolution plan and performance of the resolvability assessment. In such case, the relevant provisions of Article 15 shall apply accordingly.

3. The transmission of information from the group-level resolution authority to the authorities referred in paragraph 2 shall not be deemed complete until the actual transmission of both the initial and the subsequent information.
4. The group-level resolution authority shall, taking into account the stipulations of paragraph 3, communicate to the resolution college the starting date of the four-month period for reaching the joint decision on the group resolution plan and resolvability assessment in accordance with Article 13(4) of Directive 2014/59/EU.
5. The group-level resolution authority and the authorities of Article 13(1) of Directive 2014/59/EU shall exchange additional information necessary to facilitate the drawing up of the group resolution plan and the performance of the resolvability assessment, subject to the confidentiality requirements laid down in Article 90 and Article 98 of Directive 2014/59/EU.

Article 17

Development and circulation of the draft group resolution plan and resolvability assessment

1. The resolution authorities of subsidiaries shall provide to the group-level resolution authority their contributions to the group resolution plan and resolvability assessment in a timely manner and in any event by the time-limit specified in the joint decision timetable pursuant to Article 13(2)(e).
2. 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.
3. The group-level resolution authority shall circulate the draft group resolution plan and resolvability assessment to the college members in a timely manner, however no later than within the time-limit specified under Article 13(2)(f).

Article 18

Consultation with resolution college members

1. College members consulted by the group-level resolution authority shall provide their comments on the draft group resolution plan and the resolvability assessment within the time-limit specified under Article 13(2)(g).
2. In particular, the relevant competent authorities referred to in Article 115 and 116 of Directive 2013/36/EU shall provide their opinion with regard to the assessment of the resolvability of the entities in their jurisdiction.
3. Where any of the authorities considers that there are substantive impediments to the resolvability of the group or any of its entities, it shall communicate its assessment to the group-level resolution authority in a timely and in any event by the time-limit agreed in Article 13(2)(g).
4. The group-level resolution authority shall transmit to the resolution authorities of subsidiaries the comments received from the other resolution college members,

including comments on the assessment of the resolvability of the entities in their jurisdiction expressed by these authorities.

Article 19

Discussion with the Union parent undertaking

1. When the group-level resolution authority organises a discussion on the draft group resolution plan and resolvability assessment with the Union parent undertaking it shall do so in a timely manner and in any event within the time-limits specified in the relevant step of the joint decision timetable pursuant to Article 13(2)(h).
2. The group-level resolution authority shall communicate to the resolution authorities of subsidiaries any observations submitted by the Union parent undertaking during this consultation.

Article 20

Dialogue on the draft resolution plan and resolvability assessment

1. The group-level resolution authority shall organise a dialogue on the draft group resolution plan and resolvability assessment with the resolution authorities of subsidiaries in a timely manner, however no later than within the time-limit specified in the joint decision timetable pursuant to Article 13(2)(i).
2. The dialogue shall include issues of assessment of the group's resolvability and shall facilitate the identification of possible substantive impediments to resolvability, taking into account any observations submitted by the Union parent undertaking. For that purpose, the group-level resolution authority shall inform the resolution authorities of subsidiaries on its own assessment on the resolvability of the group and shall take into account the opinion expressed by other college members.
3. Based on the dialogue of paragraph 1, the group-level resolution authority shall finalise the group resolution plan and the performance of the resolvability assessment. Changes applied to the draft group resolution plan and resolvability assessment shall reflect the outcome of the dialogue.
4. Where substantive impediments to resolvability are identified then Article 27(1) applies.

Article 21

Drafting the joint decision on group resolution plan and resolvability assessment

1. The group-level resolution authority shall prepare a draft joint decision on the group resolution plan and resolvability assessment. The draft joint decision shall set out all of the following:
 - (a) the names of the group-level resolution authority and the resolution authorities of subsidiaries reaching the joint decision on the group resolution plan and resolvability assessment;

- (b) the names of the resolution authorities and competent authorities consulted in the drawing up and maintenance of the group resolution plan and the performance of the resolvability assessment, in particular:
 - i. the names of the resolution authorities of significant branches and the resolution authorities of Member States where the entities referred to in Article 1(1)(c) and (d) of Directive 2014/59/EU are established;
 - ii. the names of the relevant competent authorities referred to in Articles 115 and 116 of Directive 2013/36/EU;
 - iii. the names of the observers where those observers were involved in the joint decision process in accordance with the terms and conditions of observers' participation as noted in the written arrangements;
- (c) the name of the Union parent undertaking and the group entities covered by the group resolution plan and resolvability assessment, and to which the joint decision relates and applies;
- (d) the references to the applicable Union and national law relating to the preparation, finalisation and application of the joint decision on group resolution plan and resolvability assessment;
- (e) the date of the adoption of the joint decision on the group resolution plan and resolvability assessment, and of any relevant update thereof;
- (f) 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, subject to which the joint decision is taken. Where Union parent undertaking or any of its entities are in the process of implementing those measures, then information on the timeline for their implementation shall be also provided;
- (g) a summary of views expressed by the authorities consulted in the joint decision process on the group resolution plan and its resolvability assessment; and
- (h) where the EBA has been consulted during the joint decision process, an explanation of any deviation from the advice of the EBA.

Article 22

Reaching joint decision on the group resolution plan and resolvability assessment

1. The group-level resolution authority shall send the draft joint decision on the group resolution plan and resolvability assessment to the resolution authorities of subsidiaries without undue delay setting a time-limit for the resolution authorities of subsidiaries to provide their written agreement to that joint decision, which may be sent by electronic means of communication.
2. Upon their receipt of the draft joint decision the resolution authorities of subsidiaries not disagreeing shall transmit their written agreement to the group-level resolution authority within the time-limit of paragraph 1.

3. The final joint decision shall consist of the joint decision document drafted in accordance to Article 21 and of the written agreements of paragraph 2 and the one of the group-level resolution authority attached thereto and shall be provided to the resolution authorities of subsidiaries agreeing with the joint decision by the group-level resolution authority.
4. The group-level resolution authority shall communicate the joint decision on the group resolution plan and resolvability assessment to the resolution college.

Article 23

Communication of the joint decision and summary of the group resolution plan to the Union parent undertaking

1. The group-level resolution authority shall communicate the joint decision and a summary of the key elements of the group resolution plan, including the resolvability assessment, 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 pursuant to Article 13(2)(m). The group-level resolution authority shall inform the resolution authorities of subsidiaries about this communication.
2. The group-level resolution authority may discuss the joint decision on group resolution plan and resolvability assessment with the Union parent undertaking to explain the details of this decision.

SECTION II

Process in the absence of joint decision

Article 24

Partial disagreement

1. Where one or more of the resolution authorities of subsidiaries disagree with the group resolution plan and resolvability assessment, the group-level resolution authority and the resolution authorities of subsidiaries which do not disagree pursuant to Article 13(7) of the Directive 2014/59/EU shall follow all relevant steps set out in Articles 21, 22 and 23 for drafting, reaching and communicating the joint decision on the group resolution plan and resolvability assessment.
2. The joint decision taken on the group resolution plan and resolvability assessment shall be set out in a document that contains all of the items set out in Article 21. In addition, 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 but disagreed to it shall also be included. In particular, the summary shall include references to all issues that led to disagreement.

Article 25

Elements of communication of individual decisions

1. In the absence of a joint decision between the resolution authorities within four months in accordance with 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 communicated in writing to the resolution college members by means of a document containing all of the following items:
 - (a) the name of the group-level resolution authority;
 - (b) the name of the Union parent undertaking;
 - (c) references to the applicable Union and national law relating to the preparation, finalisation and application of the decision;
 - (d) the date of the decision;
 - (e) 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, subject to which the decision is taken; where the Union parent undertaking is in the process of implementing those measures, the timeline for their implementation shall be also provided;
 - (f) the names of the resolution college members and observers involved, in accordance with the terms and conditions of observers' participation, in the joint decision process on the group resolution plan and resolvability assessment, along with a summary of the views expressed by those authorities and information on issues leading to disagreement;
 - (g) comments of the group-level resolution authority on the views expressed by resolution college members and observers, in particular on issues leading to disagreement.
2. In the absence of a joint decision between the resolution authorities within four months in accordance with Article 13(6) of Directive 2014/59/EU, the resolution authorities drawing up individual resolution plans shall transmit to the group-level resolution authority a document that contains all of the following items:
 - (a) the name of the resolution authority taking the decision;
 - (b) the name of the entity or entities under the jurisdiction of the resolution authority to which the decision relates and applies;
 - (c) references to the applicable Union and national law relating to the preparation, finalisation and application of the decision;
 - (d) the date of the decision;
 - (e) the resolution plan and the assessment of resolvability of the entities under its 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; where the entities are in the process of implementing these measures, then the timeline for their implementation shall be also provided;

- (f) the name of the group-level resolution authority along with explanations on the reasons for disagreement with the proposed group resolution plan and resolvability assessment.
3. Where the EBA has been consulted, the decisions taken in the absence of a joint decision in accordance with Article 13(5) and (6) of Directive 2014/59/EU shall include an explanation as to why the advice of the EBA was not followed.

Article 26

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 13(4) of Directive 2014/59/EU, all decisions referred to in Article 13(5) and (6) of this Directive shall be communicated in writing by the relevant resolution authorities of subsidiaries to the group-level resolution authority, by the latest on 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 notify without undue delay its own decision and the decisions of paragraph 1 to the other resolution college members.

SECTION III

Joint decision on measures to address substantive impediments to resolvability

Article 27

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

1. When the group-level resolution authority identifies substantive impediments to resolvability or assents to an opinion on identified substantive impediments expressed by any of the authorities having been consulted on the group resolution plan and resolvability assessment, the group-level resolution authority shall suspend the joint decision process in accordance with Article 17(2) of Directive 2014/59/EU and shall notify its decision to the resolution college members.

2. 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, 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 28

Planning of the steps of the joint decision process on measures to address substantive impediments to resolvability

1. Prior to the start of the joint decision process on measures to address or remove substantive impediments to resolvability, the group-level resolution authority and the resolution authorities of subsidiaries shall agree on a timetable of steps to be followed in that process (“joint decision timetable”). In the case of a failure to agree on that timetable, the group-level resolution authority shall set the joint decision timetable after considering the views and any reservations expressed by the resolution authorities of subsidiaries.
2. The joint decision timetable shall include the following steps:
 - (a) preparation and circulation of the report on substantive impediments identified in accordance with Article 18(2) of Directive 2014/59/EU by the group-level resolution authority in consultation with the consolidating supervisor and the EBA;
 - (b) submission of the report pursuant to Article 18(2) of Directive 2014/59/EU from the group-level resolution authority to the Union parent undertaking, the resolution authorities of subsidiaries, and the resolution authorities of jurisdictions in which significant branches are located;
 - (c) date when the Union parent undertaking submits to the group-level resolution authority its observations and alternative measures to remedy the substantive impediments, if any, in accordance with Article 18(3) of Directive 2014/59/EU;
 - (d) dialogue between the group-level resolution authority and the resolution authorities of subsidiaries and other resolution college members, on 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, where appropriate;
 - (e) development of the draft joint decision on measures to address or remove substantive impediments to resolvability;
 - (f) finalisation of the joint decision on measures to address or remove substantive impediments to resolvability; and
 - (g) communication of the joint decision on measures to address or remove substantive impediments to resolvability.
3. The joint decision timetable shall be reviewed and updated by the group-level resolution authority in order to reflect the extension of the joint decision process in case the Union parent undertaking submits observations and proposes any alternative

measures to address or remove substantive impediments to resolvability in accordance to Article 18(3) of Directive 2014/59/EU.

4. When drafting the joint decision timetable, the group-level resolution authority shall have regard to the terms and conditions of the observers' participation as set out in the resolution college written arrangements and in respective provisions of Directive 2014/59/EU.
5. The group-level resolution authority shall communicate to the Union parent undertaking those aspects of the joint decision timetable that envisage the involvement of the Union parent undertaking.

Article 29

Consultation and communication of the report

1. The group-level resolution authority shall prepare a draft report on substantive impediments to resolvability in accordance with Article 18(2) of Directive 2014/59/EU and shall transmit it to the consolidating supervisor, the EBA, the competent authorities and the resolution authorities of the subsidiaries and of jurisdictions in which significant branches are located. It may also be submitted to other resolution college members and observers, as appropriate and in the manner agreed and detailed in the resolution college written arrangements and procedures.
2. Comments and views received shall be considered by the group-level resolution authority for the purposes of the finalisation of the report. The group-level resolution authority shall provide full reasoning in relation to any deviation from a view or comment made by the EBA or by the consolidating supervisor.
3. Upon finalisation, the report shall be provided to the Union parent undertaking.
4. The group-level resolution authority shall, having regard to the stipulations of paragraph 3, communicate to the resolution college the start of the four-month period for reaching the joint decision on measures to address substantive impediments to resolvability.

Article 30

Submission of observations of the Union parent undertaking and consultation with the authorities

1. Where the Union parent undertaking submits observations and proposes to the group-level resolution authority, within four months of the date of receipt of the report in accordance with Article 18(3) of Directive 2014/59/EU, alternative measures to remedy the substantive impediments to resolvability, the group-level resolution authority shall forward those observations and measures to other college members without undue delay and in any case within 10 days.
2. The group-level resolution authority shall, having regard to the stipulations of paragraph 1, communicate to the resolution college the extension of the time period for reaching the joint decision on measures to address substantive impediments to resolvability in accordance with Article 18(3) and (5) of Directive 2014/59/EU.

3. While circulating the observations and alternative measures submitted by the Union parent undertaking, the group-level resolution authority shall set a time limit for submission of comments.
4. Where authorities do not provide their comments by the time-limit specified in paragraph 3, the group-level resolution authority shall presume that these authorities do not have any comments on the observations and alternative measures submitted by the Union parent undertaking and shall proceed further.
5. The group-level resolution authority shall provide, as soon as possible and without undue delay, to the resolution authorities of subsidiaries any comments submitted by the other resolution college members and shall discuss with them the proposed measures to address substantive impediments to resolvability.
6. The group-level resolution authority and the resolution authorities of subsidiaries shall in addition duly discuss and consider 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.

Article 31

Drafting the joint decision on measures to address substantive impediments to resolvability

1. The group-level resolution authority shall, taking into account the outcome of the dialogue under Article 30(5) and (6), as appropriate, prepare a draft joint decision on measures to address or remove substantive impediments to resolvability.
2. The draft joint decision shall set out all of the following items:
 - (a) the name of the Union parent undertaking and the group entities to which the joint decision relates and applies;
 - (b) the names of the group-level resolution authority and the resolution authorities of subsidiaries reaching the joint decision;
 - (c) the names of the relevant competent authorities and the names of the resolution authorities of significant branches that have been consulted on the resolvability of the group, on the measures to address or remove substantive impediments, and on the observations and alternative measures, if any, submitted by the Union parent undertaking;
 - (d) the names of the observers where those observers were involved in the joint decision process in accordance with the terms and conditions of observers' participation as noted in the written arrangements;
 - (e) the references to the applicable Union and national law relating to the preparation, finalisation and application of the joint decision;
 - (f) the date of the joint decision;
 - (g) the measures pursuant to Article 17(5) and (6) of 2014/56/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;

- (h) when 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, 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 (g) would effectively reduce or remove the substantive impediments to resolvability;
- (i) a summary of views expressed by the authorities consulted in the joint decision process;
- (j) where the EBA has been consulted during the joint decision process, an explanation of any deviation from the advice of the EBA.

Article 32

Reaching the joint decision

1. The group-level resolution authority shall send the draft joint decision on measures to address substantive impediments to resolvability to the resolution authorities of subsidiaries without undue delay setting a time-limit for the resolution authorities of subsidiaries to provide their written agreement to that joint decision, which may be sent by electronic means of communication.
2. Upon receipt of the draft joint decision the resolution authorities of subsidiaries not disagreeing with it shall transmit their written agreement to the group-level resolution authority within the time-limit of paragraph 1.
3. The final joint decision shall consist of the joint decision document drafted in accordance with Article 31 and of the written agreements of paragraph 2 and the one of the group-level resolution authority attached thereto and shall be provided to the resolution authorities of subsidiaries agreeing with the joint decision by the group-level resolution authority.
4. The group-level resolution authority shall communicate the joint decision on measures to address substantive impediments to resolvability to the resolution college.

Article 33

Communication of the joint decision

1. The group-level resolution authority shall communicate the joint decision 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 pursuant to Article 28(2)(g). The group-level resolution authority shall inform the resolution authorities of subsidiaries about this communication.
2. 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 these 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 pursuant to Article 28(2)(g).

3. 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.
4. 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.

Article 34

Monitoring the application of the joint decision

1. The group-level resolution authority shall communicate the outcome of the discussion, if any, referred to in Article 33(3) to the resolution authorities of subsidiaries.
2. The resolution authorities of subsidiaries shall communicate the outcome of the discussion, if any, referred to in Article 33(4) to the group-level resolution authority.
3. 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.

SECTION IV

Process in the absence of joint decision

Article 35

Elements of communication of individual decisions

1. In the absence of a joint decision on measures to address substantive impediments to resolvability as per Article 18(6) of Directive 2014/59/EU, the decision taken by the group-level resolution authority shall be communicated in writing without undue delay to the resolution college members by means of a document containing all of the following items:
 - (a) the name of the group-level resolution authority taking the decision;
 - (b) the name of the Union parent undertaking to which the decision relates and applies;
 - (c) references to the applicable Union and national law relating to the preparation, finalisation and application of the decision;
 - (d) the date of the decision;
 - (e) the measures pursuant to Article 17(5) and (6) of Directive 2014/56/EU decided by the group-level resolution authority and the time period within which these measures shall be addressed;

- (f) where the measures proposed by the Union parent undertaking 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 (e) would effectively reduce or remove the substantive impediments to resolvability;
 - (g) the names of resolution college members and observers involved, in accordance with the terms and conditions of observers' participation, in the joint decision process on measures to address substantive impediments to resolvability along with a summary of the views expressed by these authorities and information on issues leading to disagreement;
 - (h) comments of the group-level resolution authority on the views expressed by the resolution college members and observers, in particular on issues leading to disagreement.
2. Resolution authorities 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 a document that contains all of the following items:
- (a) the name of the resolution authority taking the decision;
 - (b) the name of the entities under the jurisdiction of the resolution authority to which the decision relates and applies;
 - (c) references to the applicable Union and to the national law relating to the preparation, finalisation and application of the decision;
 - (d) the date of the decision;
 - (e) the measures pursuant to Article 17(5) and (6) of Directive 2014/56/EU decided by the resolution authority and the time period within which the respective entities shall address these measures;
 - (f) where the measures proposed by the subsidiaries in accordance with Article 17(3) and (4) are not accepted or are partially accepted by the resolution authorities of subsidiaries 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 (e) would effectively reduce or remove the substantive impediments to resolvability;
 - (g) the name of the group-level resolution authority along with explanations on the reasons for disagreement with the proposed by the group-level resolution authority measures to address substantive impediments to resolvability.
3. Where the EBA has been consulted, the decisions taken in the absence of a joint decision shall include an explanation as to why the advice of the EBA was not followed.

Article 36

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) and Article 18(7) of this Directive shall be communicated in writing by the relevant resolution authorities of subsidiaries to 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 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 second 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) or second subparagraph of Article 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 of paragraph 1 to the other resolution college members.

Chapter 2

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

Section I

Joint decision process

Article 37

Planning of the joint decision on minimum requirements for own funds and eligible liabilities

1. Prior to the initiation of the joint decision on minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level, the group-level resolution authority and the resolution authorities of subsidiaries shall agree on a timetable of steps to be followed in that process (hereinafter “minimum requirements for own funds and eligible liabilities joint decision timetable”). In the case of disagreement, the group-level resolution authority shall set the minimum requirements for own funds and eligible liabilities joint decision timetable after considering the views and reservations expressed by the resolution authorities of subsidiaries.
2. For the purpose of taking in parallel the joint decision on minimum requirements with the development and maintenance of the group resolution plan as required by Article 45(15) of Directive 2014/59/EU, the minimum requirements for own funds and eligible liabilities joint decision timetable shall be organized taking into account the timetable for the joint decision on group resolution plan and resolvability assessment. In particular, the group-level resolution authority and the resolution authorities of

subsidiaries shall consider that the four-month period for the reach of the joint decision on minimum requirements for own funds and eligible liabilities starts at the same time as the joint decision on group resolution plan and resolvability assessment.

3. The minimum requirements for own funds and eligible liabilities joint decision timetable shall be updated on a regular basis and shall include at least the following steps:
 - (a) submission of the group-level resolution authority's proposal on the minimum requirements for own funds and eligible liabilities at consolidated and parent entity level to the resolution authorities of subsidiaries and to the consolidating supervisor;
 - (b) submission of resolution authorities of subsidiaries' proposals on the minimum requirements for own funds and eligible liabilities for the entities under their jurisdiction at individual level to the group-level resolution authority and the respective competent authorities;
 - (c) dialogue between the group-level resolution authority and the resolution authorities of subsidiaries on the proposed minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level, as well as with the resolution authorities of jurisdictions where significant branches are established;
 - (d) preparation and submission by the group-level resolution authority of the draft joint decision on minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level to the resolution authorities of subsidiaries;
 - (e) dialogue on the draft joint decision on minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level with the Union parent undertaking and the subsidiaries of the group, where required by the legislation of a Member State;
 - (f) reaching the joint decision on minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level;
 - (g) communication of the joint decision on minimum requirements for own funds and eligible liabilities at consolidated, parent and subsidiary level to the Union parent undertaking.
4. The minimum requirements for own funds and eligible liabilities joint decision timetable shall:
 - (a) reflect the scope and complexity of each step of the joint decision process;
 - (b) take into account the timetable of other joint decisions organised within the resolution college;
 - (c) take into account, to the extent possible, the timetable of other joint decisions organised within the relevant supervisory college, in particular the timetable of the joint decisions on institution-specific prudential requirements in accordance to Article 113 of Directive 2013/36/EU;

- (d) be reviewed in light of and reflect the outcome of the resolvability assessment, especially when that assessment results on measures to remove or address substantive impediments to resolvability that may have immediate effect on the minimum requirements for own funds and eligible liabilities at consolidated or entity level.
5. When drafting the minimum requirements for own funds and eligible liabilities joint decision timetable, the group-level resolution authority shall have regard to the terms and conditions of the observers' participation as set out in the resolution college written arrangements and in respective provisions of Directive 2014/59/EU.
 6. The group-level resolution authority and the resolution authorities of subsidiaries shall communicate to the Union parent undertaking and the entities of the group for which they are respectively responsible an indicative date for the dialogue referred to in paragraph 2(e), where relevant.

The group-level resolution authority and the resolution authorities of subsidiaries shall communicate to the Union parent undertaking and the entities of the group for which they are respectively responsible an estimated date for the communication referred to in paragraph 2(g).

Article 38

Proposal at consolidated and Union parent undertaking level

1. The group-level resolution authority shall communicate to the resolution authorities of subsidiaries and the consolidating supervisor its proposal on:
 - (a) the minimum requirement for own funds and eligible liabilities to be met, at all times, by the Union parent undertaking, unless use of waiver has been granted in accordance with Article 45(11) of Directive 2014/59/EU;
 - (b) the minimum requirement for own funds and eligible liabilities applied at consolidated level;
2. The proposal referred to in paragraph 1 shall be reasoned, especially with regard to the assessment criteria referred to in Article 45(6)(a) to (f) of Directive 2014/59/EU.
3. The group-level resolution authority shall indicate a time-limit for receipt of reasoned written comments by the consolidating supervisor, especially with regard to the assessment criteria referred to in Article 45(6)(a) to (f) of Directive 2014/59/EU. When the consolidating supervisor does not provide any comments before the time-limit set, the group-level resolution authority shall presume that the consolidating supervisor does not have any comments on its proposal under paragraph 1.
4. The group-level resolution authority shall provide as soon as possible to the resolution authorities of subsidiaries any comments submitted by the consolidating.

Article 39

Proposal at subsidiary level

1. The resolution authorities of subsidiaries shall communicate to 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, by the group's subsidiaries on an individual basis, unless use of waivers has been granted in accordance to Article 45(12) of Directive 2014/59/EU.
2. The proposal referred to in paragraph 1 shall be reasoned, especially with regard to the assessment criteria referred to in Article 45(6)(a) to (f) of Directive 2014/59/EU.
3. The resolution authorities of subsidiaries shall agree with the group-level resolution authority and indicate a time-limit for receipt of written and fully reasoned comments from the competent authorities in their jurisdiction, especially with regard to the assessment criteria referred to in Article 45(6)(a) to (f) of Directive 2014/59/EU. Where the competent authorities do not provide any comments by that time-limit set, the resolution authorities of the subsidiaries shall presume that these competent authorities do not have any comments on the respective proposals under paragraph 1.
4. The resolution authorities of subsidiaries shall provide as soon as possible to the group-level resolution authority any comments submitted by the competent authorities.

Article 40

Dialogue on the proposed minimum requirements for own funds and eligible liabilities

1. The group-level resolution authority shall organise a dialogue with the resolution authorities of subsidiaries on the proposed minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level.
2. The group-level resolution authority and the resolution authorities of subsidiaries shall discuss the reconciliation of the proposed minimum requirements for own funds and eligible liabilities at consolidated level as regards the proposals at the parent and each subsidiary level.

Article 41

Drafting the joint decision on minimum requirements for own funds and eligible liabilities

1. The group-level resolution authority shall prepare a draft joint decision on minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level, taking into account the use of waivers, if any, under Article 45(11) or (12). The draft joint decision shall set out all of the following items:
 - (a) the names of the group-level resolution authority and the resolution authorities of subsidiaries reaching the joint decision on the minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level;
 - (b) the names of the consolidating supervisor and other competent authorities that have been consulted;

- (c) the names of the observers where those observers were involved in the joint decision process in accordance with the terms and conditions of observers' participation as noted in the written arrangements;
 - (d) the name of the Union parent undertaking and the group entities to which the joint decision relates and applies;
 - (e) the references to the applicable Union and national law relating to the preparation, finalisation and reach of the joint decision. In particular, references to any additional criteria provided by the Member States on the basis of which the minimum requirement for own funds and eligible liabilities shall be determined;
 - (f) the date of the draft joint decision, and of any relevant update thereto;
 - (g) the minimum requirement on own funds and eligible liabilities at consolidated level, and a time-limit to reach that level, where applicable, along with appropriate reasoning for setting the minimum requirement on own funds and eligible liabilities at this level having regard to the assessment criteria criteria referred to in Article 45(6)(a) to (f) of Directive 2014/59/EU;
 - (h) the minimum requirement on own funds and eligible liabilities at the level of the Union parent undertaking, unless use of waivers in accordance to Article 45(11) is granted, and a time-limit to reach that level, where applicable, along with appropriate reasoning for setting the minimum requirement on own funds and eligible liabilities at this level having regard to the assessment criteria referred to in Article 45(6)(a) to (f) of Directive 2014/59/EU;
 - (i) the minimum requirement on own funds and eligible liabilities at each subsidiary on an individual basis, unless use of waivers in accordance to Article 45(12) has been granted, and a time limit to reach that level, where applicable, along with appropriate reasoning for setting the minimum requirement on own funds and eligible liabilities at this level having regard to the assessment criteria referred to in Article 45(6)(a) to (f) of Directive 2014/59/EU.
2. Where the decision that relates to the minimum requirement on own funds and eligible liabilities provides that this is partially met at consolidated or individual level for the Union parent undertaking or any of the group's subsidiaries through contractual bail-in instruments, the decision shall also include details demonstrating the satisfaction of the resolution authorities that the instruments qualify as a contractual bail-in instruments in accordance to the criteria set in Article 45(14) of Directive 2014/59/EU.

Article 42

Reaching the joint decision on minimum requirements for own funds and eligible liabilities

1. The group-level resolution authority shall send the draft joint decision on minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level to the resolution authorities of subsidiaries without undue delay setting a time-limit for the resolution authorities of subsidiaries to provide their written agreement, to that joint decision, which may be sent by electronic means of communication.

2. Upon receipt of the draft joint decision the resolution authorities of subsidiaries not disagreeing with it shall transmit their written agreement to the group-level resolution authority within the time-limit of paragraph 1.
3. The final joint decision shall consist of the joint decision document drafted in accordance with Article 41 and of the written agreements of paragraph 2 and the one of the group-level resolution authority attached thereto and shall be provided to the resolution authorities of subsidiaries agreeing with the joint decision by the group-level resolution authority.
4. The group-level resolution authority shall communicate the joint decision on minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level to the resolution college.

Article 43

Communication of the joint decision on minimum requirements for own funds and eligible liabilities

1. The group-level resolution authority shall communicate the joint decision to the management body of the Union parent undertaking in a timely manner and in any event before the time-limit specified in the joint decision timetable pursuant to Article 37(3)(g). The group-level resolution authority shall inform the resolution authorities of subsidiaries about this communication.
2. The resolution authorities of subsidiaries shall provide to the management bodies of the entities under their jurisdiction the respective parts of the joint decision, in a timely manner and in any event before the time-limit specified in the joint decision timetable pursuant to Article 37(3)(g).
3. The group-level resolution authority may discuss details of the content and the application of the joint decision with the Union parent undertaking.
4. The resolution authorities of subsidiaries may discuss details of the content and the application of the respective parts of the joint decision with the entities under their jurisdictions.

Article 44

Monitoring the application of the joint decision on minimum requirements for own funds and eligible liabilities

1. The group-level resolution authority shall communicate the outcome of the discussion referred to in Article 43(3) to resolution authorities of subsidiaries when the Union parent undertaking is required to take specific actions in order to meet the minimum requirement for own funds and eligible liabilities at consolidated or individual basis.
2. The resolution authorities of subsidiaries shall communicate the outcome of the discussion referred to in Article 43(4) to the group-level resolution authority when 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.

3. The group-level resolution authority shall forward the outcome of the process referred to in paragraph 2 to the other resolution authorities of subsidiaries.
4. The group-level resolution authority and the resolution authorities of subsidiaries shall monitor the application of the joint decision on minimum requirements for own funds and eligible liabilities at consolidated, parent and each subsidiary level, for all entities of the group subject to the joint decision, and at consolidated level.

Section II

Process in the absence of joint decision

Article 45

Joint decisions taken at each subsidiary level in the absence of a joint decision at consolidated level

1. In the absence of a joint decision at consolidated or parent entity level in accordance to Article 45(9) of Directive 2014/59/EU, the group-level resolution authority and the resolution authorities of subsidiaries shall do everything within their power to reach a joint decision on the level of the minimum requirement of own funds and eligible liabilities to be applied to each respective subsidiary at individual level.
2. This joint decision shall take into account the minimum requirement on own funds and eligible liabilities set at consolidated and parent entity level by the group-level resolution authority, and shall follow all steps, other than the ones concerning setting up the minimum requirements for own funds and eligible liabilities at consolidated or parent entity level, of Articles 41 to 44, for drafting, reaching, communicating and monitoring the application of the joint decision on the level of the minimum requirement of own funds and eligible liabilities to be applied to each respective subsidiary at an individual level.

Article 46

Elements of communication of individual decisions

1. In the absence of a joint decision, the decision on the minimum requirements for own funds and eligible liabilities at consolidated and parent entity level taken by the group-level resolution authority shall be communicated in writing to the resolution college members by means of a document that contains all of the following items:
 - (a) the name of the group-level resolution authority;
 - (b) the name of the Union parent undertaking and the names of other entities in that jurisdiction to which the joint decision applies;
 - (c) references to the applicable Union and national law relating to the preparation, finalisation and application of the decision and in particular references to any additional criteria provided by the Member State, in which the Union parent

- undertaking is authorised, on the basis of which the minimum requirement for own funds and eligible liabilities are determined;
- (d) the date of the decision;
 - (e) the minimum requirement on own funds and eligible liabilities at consolidated level, and a time-limit to reach that level, where applicable, along with appropriate reasoning for setting the minimum requirement on own funds and eligible liabilities at that level, having regard to the assessment criteria referred to in Article 45(6)(a) to (f) of Directive 2014/59/EU.
 - (f) the minimum requirement on own funds and eligible liabilities at the level of the Union parent undertaking, unless use of waivers in accordance to Article 45(11) is granted, and a time-limit to reach that level, where applicable, along with appropriate reasoning for setting the minimum requirement on own funds and eligible liabilities at that level, having regard to the assessment criteria referred to in Article 45(6)(a) to (f) of Directive 2014/59/EU;
 - (g) the names of the resolution college members and observers involved, in accordance with the terms and conditions of observers' participation, in the joint decision process, along with a summary of the views expressed by those authorities and information on issues leading to disagreement;
 - (h) comments of the group-level resolution authority on the views expressed by the resolution college members and observers, in particular on issues leading to disagreement;
 - (i) where the decision that relates to the minimum requirement on own funds and eligible liabilities provides that this is partially met at consolidated or individual level for the Union parent undertaking through contractual bail-in instruments, the decision shall also include details demonstrating the satisfaction of the group-level resolution authority that the instruments qualify as a contractual bail-in instruments in accordance to the criteria set in Article 45(14) of Directive 2014/59/EU.
2. In the absence of a joint decision, the resolution authorities of subsidiaries taking their own decisions on the minimum requirement of own funds and eligible liabilities at individual level shall transmit to the group-level resolution authority a document that contains all of the following items:
- (a) the name of the resolution authority of the subsidiary taking the decision;
 - (b) the name of the group's subsidiaries under its jurisdiction to which the decision relates and applies;
 - (c) references to the applicable Union and national law relating to the preparation, finalisation and application of the decision and in particular, references to any additional criteria provided by the Member States, in which these group's subsidiaries are authorised, on the basis of which the minimum requirement for own funds and eligible liabilities are determined;
 - (d) the date of the decision;
 - (e) the minimum requirement on own funds and eligible liabilities to be applied to the subsidiary at individual level, and a time-limit to reach that level, where

- applicable, along with appropriate reasoning for setting the minimum requirement on own funds and eligible liabilities at that level having regard to the assessment criteria referred to in Article 45(6)(a) to (f) of Directive 2014/59/EU;
- (f) the name of the group-level resolution authority along with a summary of the views it expressed and information on issues leading to disagreement;
 - (g) comments of the resolution authority of the subsidiary on the views expressed by the group-level resolution authority, in particular on issues leading to disagreement;
 - (h) where the decision that relates to the minimum requirement on own funds and eligible liabilities provides that this is partially met at the subsidiary level through contractual bail-in instruments, the decision shall also include details demonstrating the satisfaction of the respective resolution authority of the subsidiary that the instruments qualify as a contractual bail-in instruments in accordance to the criteria set in paragraph 14 of Article 45 of Directive 2014/59/EU.
3. Where the EBA has been consulted, the decisions taken in the absence of a joint decision shall include an explanation as to why the advice of the EBA was not followed.

Article 47

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 at consolidated, parent and each subsidiary level between the group-level resolution authority and the resolution authorities of subsidiaries within the time period referred to in Article 45(9) or (10) of Directive 2014/59/EU, all decisions taken shall be communicated in writing by the relevant resolution authorities of subsidiaries to 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 45(9) or (10) 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 second 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 45(9) or fifth subparagraph of Article 45(10) 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 of paragraph 1 to the other resolution college members.

TITLE III ***CROSS-BORDER GROUP RESOLUTION***

Chapter 1

DECISION ON THE NEED FOR A GROUP RESOLUTION SCHEME UNDER ARTICLE 91 AND 92 OF DIRECTIVE 2014/59/EU

Article 48

Process for deciding on the need for a group resolution scheme

The process for the assessment of the need for a group resolution scheme shall comprise the following steps to be implemented:

- (a) dialogue, where possible, on the need for a group resolution scheme and for mutualising financing arrangements;
- (b) draft assessment or draft decision on the need for a group resolution scheme by the group-level resolution authority and communication to the members of the resolution college;
- (c) consultation on the draft assessment or draft decision on the need for a group resolution scheme among the members of the resolution college;
- (d) finalisation of the assessment or the decision on the need for a group resolution scheme and communicating to the resolution college.

Article 49

Dialogue on the need for a group resolution scheme

1. After receiving the notification referred to in point (a) or (h) of Article 81(3) of Directive 2014/59/EU, the group-level resolution authority shall endeavour to organise a dialogue in accordance with this article involving at least those members of the college who are the resolution authorities of the subsidiaries.
2. For the purposes of paragraph 1, the group-level resolution authority shall transmit to the members referred to in the previous paragraph:
 - (a) the notification received;
 - (b) its proposal on the topics referred to in paragraph 3;
 - (c) the time-limit by which the dialogue should be concluded.
3. The dialogue shall concern the following:
 - (a) whether, in accordance with Articles 91 or 92 of Directive 2014/59/EU, the resolution of the subsidiary, or of the Union parent undertaking respectively, would have group dimensions and would require the drawing up of a group resolution scheme;
 - (b) whether the financing plan shall be based on mutualisation of national financing arrangements in accordance with Article 107 of Directive 2014/59/EU.

Article 50

Preparation and communication of the draft assessment or draft decision on the need for a group resolution scheme

1. For the purposes of assessing the need for a group resolution scheme in the context of paragraphs (1) to (4) of Article 91 of Directive 2014/59/EU, the group-level resolution authority shall prepare its draft assessment following receipt of the notification referred to in Article 91(1) of that Directive.
2. For the purposes of deciding that a group resolution scheme is not needed as referred to in Article 92(2) of Directive 2014/59/EU, the group-level resolution authority shall prepare its draft decision after assessing that the Union parent undertaking meets the conditions referred to in Articles 32 and 33 of that Directive and that none of the conditions referred to in points (a) – (d) of Article 92(1) of Directive 2014/59/EU applies.
3. The group-level resolution authority shall take into account the outcome of the dialogue, where applicable, for preparing the draft assessment or decision.
4. The group-level resolution authority shall provide its draft assessment or decision to the resolution college setting out:
 - (a) for the purposes of Article 91 of Directive 2014/59/EU, its opinion on 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 the 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, its opinion on the non-applicability of any of the conditions for a group resolution scheme as referred to in Article 92(1) of Directive 2014/59/EU taking due account of conditions referred to in paragraph 2 of that Article;
 - (c) its opinion on the need to mutualize the financing arrangements for the purposes of the financing plan in accordance with Article 107 of Directive 2014/59/EU.
5. The group-level resolution authority shall annex to its draft assessment or decision all relevant material information, which it has received under Articles 81, 82, 91 or 92 of Directive 2014/59/EU and shall set a clear time-limit by which members of the resolution college shall express concerns or views divergent from the draft assessment or decision.
6. The draft assessment or decision shall be prepared and communicated by the group-level resolution authority to the resolution college, without undue delay and, where applicable, respecting the time limit set out in Article 91 of Directive 2014/59/EU.

Article 51

Consultation on the draft assessment or decision on the need for a group resolution scheme

1. The members of the resolution college receiving the draft assessment or draft decision shall express their material diverging views or concerns, if any.
2. Material divergent views and concerns shall be clearly set out in writing, which may be submitted in electronic format, and shall be fully reasoned.
3. Material divergent views and concerns shall only be expressed, without undue delay recognising the urgency of the situation and by the set time-limit.
4. Upon expiry of the time-limit, the group-level resolution authority shall presume consent of the members who did not express any material divergent views or concerns.

Article 52

Finalisation of the assessment or the decision on the need for a group resolution scheme

1. Upon expiry of the time limit for consultation, and without undue delay taking into account the time limits set out in Article 91 of Directive 2014/59/EU, where applicable, the group-level resolution authority shall finalise its assessment or decision on the need for a group resolution scheme. The final assessment or decision shall also include an opinion on the need to mutualise national financing arrangements for the purposes of the financing plan in accordance with Article 107 of Directive 2014/59/EU and it shall take into account concerns and divergent views expressed during consultation with amendments as appropriate.
2. The group-level resolution authority shall provide a reasoning for the assessment or for the decision that a group resolution scheme is not needed only if material divergent views and concerns had been raised during consultation.
3. The group-level resolution authority shall also provide an explanation as to why the final assessment did not follow the advice of the EBA, if the EBA has been consulted.
4. The group-level resolution authority shall, without undue delay, communicate its final assessment or decision to the members of the resolution college involved in the process.
5. Where it considers that a group resolution scheme is needed, the group-level resolution authority may decide not to communicate its final assessment or decision as provided for in paragraph 4 and proceed to apply the procedure for preparing the group resolution scheme set out in Article 53.

Chapter 2

JOINT DECISION PROCESS ON THE GROUP RESOLUTION SCHEME

Section I

Group resolution scheme and joint decision

Article 53

Process of the joint decision on the group resolution scheme

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 comprise the following steps to be implemented:

- (a) preparation of the draft group resolution scheme by the group-level resolution authority and communication to the resolution college members;
- (b) consultation on the draft group resolution scheme at least among the resolution authorities of the entities covered by the group resolution scheme;
- (c) preparation and communication of the joint decision on the group resolution scheme, by the group-level resolution authority to the resolution authorities of the subsidiaries covered by the group resolution scheme;
- (d) finalisation of the joint decision on the group resolution scheme pursuant to paragraph (7) of Article 91 or paragraph (3) of Article 92;
- (e) communication of the outcome of the joint decision to the resolution college members.

Article 54

Preparation and communication of the draft group resolution scheme

1. The draft group resolution scheme shall be drawn up by the group-level resolution authority in accordance with Article 91(6) of Directive 2014/59/EU and shall include the following elements:
 - (a) a description of the measures, if any, that need to be implemented in order to ensure that the group resolution scheme can be operationalized;
 - (b) a description of legal or regulatory preconditions to be fulfilled, if any, for carrying out the group resolution scheme;
 - (c) the timeframe 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, external communication and internal communication to the members of the resolution college and contact information of the members of the resolution college.
 - (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 Article 31 and 34 of Directive 2014/59/EU than the strategy and resolution actions provided for in the resolution plan;
 - (b) identification and description of elements of the group resolution scheme which depart from the resolution plan referred to in Article 13 of Directive 2014/59/EU.

3. The group-level resolution authority shall provide the draft resolution scheme to the members of the resolution college, without undue delay and with a time-limit:
 - (a) for consultation in accordance with Article 55;
 - (b) for finalising the joint decision on the group resolution scheme in accordance with Article 57.
4. The group-level resolution authority shall develop and communicate the draft group resolution scheme without undue delay and taking into account the time limits of Article 91 of Directive 2014/59/EU where applicable.
5. The group-level resolution authority shall ensure that the time-limits set out in paragraph 3 shall be adequate for the authorities to express their views taking however into account the time limits of Article 91 of Directive 2014/59/EU where applicable.

Article 55

Consultation on the group resolution scheme

1. The members of the resolution college receiving the draft group resolution scheme in accordance with Article 54 (3) shall express their material diverging views or concerns, if any.
2. Material divergent views and concerns may address all aspects of the draft group resolution scheme, including:
 - (a) impediments, if any, in national law or otherwise to carrying out the group resolution scheme in accordance with the strategy and resolution actions;
 - (b) any relevant updates to the information submitted for the mutualisation of the financing arrangements that could impact carrying out the financing plan;
 - (c) 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.
3. Material divergent views and concerns shall be clearly set out in writing, which may include electronic format, and shall be fully reasoned.
4. Material divergent views and concerns shall only be expressed, without undue delay recognising the urgency of the situation and by the time-limit set in Article 54 (3).
5. Upon expiry of the time-limit, the group-level resolution authority shall presume that all members who did not express divergent views or concerns have agreed to the group resolution scheme.

Article 56

Preparation and communication of the joint decision on the group resolution scheme

1. Upon expiry of the time limit for consultation, the group-level resolution authority shall prepare the draft joint decision on the group resolution scheme in accordance with Articles 91, 92 and, as applicable, Article 107 of Directive 2014/59/EU.

2. For the draft joint decision, the group-level resolution authority shall consider and take into account all concerns and divergent views expressed during the consultation and it shall make amendments to the group resolution scheme as appropriate.
3. The group-level resolution authority shall provide reasoning on:
 - (a) how it has handled the material divergent views and concerns expressed by the resolution authorities of the subsidiaries covered by the group resolution scheme for the purposes of the draft joint decision;
 - (b) why and to what extent the advice of the EBA was not followed in the group resolution scheme, if a consultation with the EBA has been held.
4. The draft joint decision shall include the following elements:
 - (a) the names of the group-level resolution authority and the resolution authorities responsible for the subsidiaries covered by the group resolution scheme;
 - (b) the name of the Union parent undertaking and a list of all entities within the group to which the group resolution scheme relates to and applies;
 - (c) the references to the applicable Union and national law relating to the preparation, finalisation and application of the joint decision on the group resolution scheme;
 - (d) the date of the draft joint decision on the group resolution scheme;
 - (e) the final group resolution scheme, including any reasoning if needed in accordance with paragraph 3.
5. The group-level resolution authority shall send the draft joint decision on the group financing scheme without undue delay to the resolution authorities of the entities covered by the group resolution scheme setting a time limit for providing their agreement to the joint decision on the group resolution scheme.

Article 57

Finalising the joint decision on the group resolution scheme

1. The resolution authorities receiving the joint decision in accordance with Article 56 (5) and not disagreeing with it shall provide to the group-level resolution authority proof of their agreement, which may be sent by electronic means, before the established time limit.
2. The final joint decision on the group resolution scheme shall consist of the final joint decision and the proofs of agreement attached thereto.

Article 58

Communication of the joint decision to the college

1. The final joint decision shall be transmitted without undue delay by the group-level resolution authority to the resolution authorities of the subsidiaries covered by the group resolution scheme.

2. A summary of the joint decision on the group resolution scheme shall be communicated by the group-level resolution authority to members of the resolution college.

Section II

Disagreements and decisions taken in the absence of joint decision

Article 59

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 detailed description of the actions or measures that the resolution authority will take, including the timing and sequencing of actions.
3. The group-level resolution authority shall notify the other members of the resolution college of the notifications referred to in paragraph 2.

Article 60

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 Articles 57 and 58 of this Regulation and conclude a joint decision among themselves.
2. The joint decision shall contain all the elements referred to in Articles 57 and 58 in addition to the information on disagreement received in accordance with Article 59(2).

TITLE IV
FINAL PROVISIONS

Article 61

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

[For the Commission
On behalf of the President

4. Accompanying documents

4.1 Impact assessment analysis

4.1.1 Introduction

Article 88(7) of the Banking Recovery and Resolution Directive (BRRD) mandates the EBA to develop draft Regulatory Technical Standards (RTS) to specify the operational functioning of the resolution colleges for the performance of the tasks referred to in paragraph 1 of this Article.

As per Article 10(1) of the EBA Regulation (Regulation (EU) No 1093/2010 of the European Parliament and of the Council), any draft regulatory or implementing technical standards developed by the EBA – when submitted to the EU Commission for adoption- shall be accompanied by an Impact Assessment (IA) which analyses ‘the potential related costs and benefits’ and is included as annex in the submitted technical standards. In principle, such annexes provide an overview of the findings as regards the problem identification, the options considered from the regulators while developing the technical standards and eventually the associated impact arising from these policy options.

A cost-benefit analysis is also part of the IA described in the present document. The structure of the cost-benefit analysis follows that of the draft regulatory technical standards meaning that the options analysed are organised in three main sections: i) operational organisation aspects of the resolution colleges, ii) resolution planning joint decisions, and iii) decisions on the need for and joint decisions on group resolution schemes.

In being compliant with the proportionality principle when assessing the problems addressed by the regulation, the IA is mostly qualitative and addresses the issue at high level.

4.1.2 Problem definition

The lack of operational procedures and guidance for the resolution authorities in setting up resolution colleges and in assessing the confidentiality provisions of third country resolution authorities and agreeing on their involvement in the work of resolution colleges increases the risk of operational malfunctions in resolution colleges, and threatens the establishment of relations of trust between its members. It also creates an unlevel playing field in the treatment of third country resolution authorities, undermining their possible involvement in the activities of the resolution college.

The absence of clear provisions covering various aspects of the resolution planning joint decision processes may have consequences for their smooth running and completion.

The EBA aims to achieve the maximum possible level of harmonisation by delivering the draft RTS in order to establish a level playing field, prevent regulatory arbitrage opportunities, enhance convergence in supervisory and resolution functions, and reinforce legal clarity. Solving these

problems should also help resolution colleges to operate efficiently and effectively by reducing the compliance burden on the resolution authorities and competent authorities, and avoid overlapping efforts made by different authorities to address the same issues.

4.1.3 Objectives

These RTS seek to address the following core policy issues:

- (1) facilitating the establishment of resolution colleges by providing common procedures for the identification of its members and observers, including the assessment of confidentiality provisions of third country resolution authorities, and for arranging and agreeing on other operational aspects of resolution college function, such as:
 - a. determining the main elements of the written arrangements and procedures for the functioning of the resolution colleges, including the process of developing, agreeing and updating these written arrangements;
 - b. setting out the process for exchanging information while performing different tasks within the resolution college framework.
- (2) ensuring uniform conditions of application of decisions taken jointly by the group-level resolution authority and the resolution authorities of subsidiaries while in the process of resolution planning, which is an essential component of effective resolution;
- (3) ensuring uniform conditions of application when assessing the need for a group resolution scheme by the group-level resolution authority and resolution college members;
- (4) ensuring uniform conditions of application of decisions taken by the group-level resolution authority and the resolution authority of subsidiaries while in resolution with regard to the group resolution scheme and in coordinating the use of financing arrangements, where necessary;
- (5) ensuring that decisions taken by the group-level resolution authority and the resolution authorities of subsidiaries jointly or sub-jointly or on a unilateral basis, in resolution planning and in resolution, are drafted in such a way as to deliver clarity regarding the members of the resolution college reaching the joint decision, the members of the resolution college that have been consulted and the rationale of the decisions taken, as appropriate.

4.1.4 Options considered

The mandate for the development of the draft RTS on Resolution Colleges comes from the BRRD which is in the process of being implemented by the Member States. The requirement of setting up and operating resolution colleges will provide a framework for the resolution authorities and competent authorities to plan for and deal with the resolution of cross-border entities. Given that there is no previous experience or status quo on resolution colleges, the main policy options to be considered in these draft RTS were based on the experience that competent authorities have gained from the organisation and functioning of supervisory colleges, recognising the differences in membership, tasks and responsibilities between supervisory and resolution colleges. Thus, the main options in developing the draft RTS on resolution colleges are summarised below:

- Option 1: consider both the EU regulatory framework covering supervisory colleges function and current practices followed by well-established EEA supervisory colleges;
- Option 2: rely on the experience gained from the crisis management groups and cross border stability groups, where these have been established for EEA banking group based on the requirements introduced by the FSB standards³.
- Option 3: a combination of options 1 and 2.

The implementation of option 3 would be the preferred solution to the identified problem as it carries the highest positive net impact arising from the enhanced efficiency of (a) leveraging on the existing EU experience and (b) enriching it with the internationally acclaimed standards. The implementation of option 1 or 2 would be of negligible positive impact, lower than the net impact that would result from the implementation of option 3. As the current impact assessment is carried out at high-level, there is no need to carry out a cost-benefit analysis for all three options, mainly because the preferred option was chosen on the basis of a qualitative assessment. Thus, the following section focuses on analysing the costs and benefits of specific options taken on the assumption that the preferred option is implemented.

4.1.5 Cost-benefit analysis

The section below presents some detailed policy options that have been taken in drafting the technical standards on resolution colleges on the basis of option 3. For each policy option examined we present expected costs and benefits.

Section I – Operational organisation of resolution colleges

a. Mapping of the members and observes of the resolution college

Description of the policy option

With regard to the mapping of the resolution college the draft RTS require that this exercise is performed based on the mapping of the supervisory college which is expected to be undertaken in accordance with the RTS and ITS on supervisory colleges and their respective templates (e.g. Annex I of the ITS on supervisory colleges – Mapping Template) by the consolidating supervisor.

Costs

The main costs of the preferred policy option arise from the need to support the interaction and cooperation between the group-level resolution authority and the consolidating supervisor, especially in those Member States where the group-level resolution authority differs from the consolidating supervisor.

Benefits

The main benefits expected to arise from the specific policy option are the following:

³ Key Attributes of Effective Resolution Regimes for Financial Institutions (last update October 2014): http://www.financialstabilityboard.org/wp-content/uploads/r_141015.pdf

- i. ensure consistency of practices followed by the supervisory and resolution colleges in the process of identifying members and observers, both in terms of approaches to the performance of the exercise as well as with regard to the treatment of third country supervisory and resolution authorities;
- ii. reduce the cost of the performance of the mapping exercise, given that under the specific policy option the group-level resolution authority would leverage on the work already performed by the consolidating supervisor, with the result that the expected cost would be marginal; and
- iii. ensure consistency of practices among various resolution colleges, thus reducing costs and the administrative burden both for the group-level resolution authority and for the members and observers of the resolution college, who would be expected to provide comments and feedback on the mapping of the resolution college.

Section II – Resolution planning joint decisions

This section of the draft ITS covers three types of joint decisions taken while the resolution college is in the process of resolution planning: i) the joint decision on the development and maintenance of the group resolution plan, including the performance of the resolvability assessment, ii) the joint decision on the measures to address substantive impediments to resolvability, and iii) the joint decisions on the level of minimum requirements for own funds and eligible liabilities at the level of each subsidiary, and at parent and consolidated levels. For the three types of resolution planning joint decisions the following policy options were considered and analysed:

b. Joint decision timetable

Description of the policy option

The draft RTS specify cooperation between the group-level resolution authority and the resolution authorities of subsidiaries in developing and organising the joint decision process, its steps and the timing of these steps, reflecting the scope and complexity of each joint decision, as well as potential links between different joint decisions taken by the resolution college and the supervisory college in going concern situations. The provisions of the draft RTS encourage resolution authorities to organise the relevant timetables taking into account, to the extent possible, the timetables of joint decisions taken by supervisory colleges, and in particular the joint decisions on the assessment of the group recovery plan and the joint decision on capital under Pillar 2.

Costs

The main costs arising from the provisions of the RTS requiring the group-level resolution authority and the resolution authorities of subsidiaries to develop together and agree on timetables for the resolution planning joint decisions relate to:

- i. the resources or (re-)allocation of resources needed to develop the abovementioned timetables and to obtain consent from the resolution authorities involved; and

- ii. the continuous engagement of all the authorities involved to ensure that the timetables remain realistic and up-to-date, reflect the most recent findings that may arise during the joint decision process (e.g. identification of substantive impediments to resolvability will result in the need to update the timetable of the joint decision on the group resolution plan and resolvability assessment).

Benefits

The main benefits expected to arise from these provisions of the draft RTS are the following:

- i. timely, appropriate and efficient planning of the joint decision process, allowing to all relevant resolution authorities the possibility to inform and reflect on the timeline;
 - ii. allowing the resolution and supervisory authorities involved to build up a better understanding of the resolution planning process and the interaction between the authorities and the Union parent undertaking; and
 - iii. allowing the resolution and supervisory colleges the possibility to coordinate the timeline of the joint decisions organised under this framework, in order to ensure that interaction and information exchange is organised in the most appropriate way, in terms of both transparency and timing.
- c. Drafting of the joint decision documents and decision taken in the absence of joint decision**

Description of the policy option

The draft RTS foresee that the group-level resolution authority is the authority responsible for drafting the joint decision document based on a list of elements noted in the regulatory standards. Especially in the case of the joint decision on MREL at subsidiary, parent and at consolidated level, the drafting of the joint decision document is based on contributions submitted by the resolution authorities of subsidiaries which should also fulfil some specific aspects of the RTS requirements. The elements envisaged in the relevant articles of the draft RTS with regard to the joint decision documents depend on two main factors: i) whether there is a requirement derived from the Level 1 text for the joint decision to be a fully reasoned joint decision, and ii) whether the decision is taken in the absence of a joint decision (in that case decisions shall provide information on the reasons that led to disagreement).

Costs

The main costs expected to arise from the preferred policy option with regard to the drafting of joint decisions or decisions taken in the absence of a joint decision relate to:

- i. costs in terms of the resources and the supervisory skills needed to draft the joint decision documents or decisions taken in the absence of a joint decision following the requirements of the Level 1 text and of the draft RTS; and
- ii. resolution authorities devoting resources to support the home-host cooperation in developing the joint decision documents (e.g. submission of contributions where needed, and discussions on the submitted contributions).

Benefits

The following benefits are expected from:

- i. the contributions to the joint decision documents from resolution authorities of subsidiaries and from the group-level resolution authority will be more homogenous, comparable, and of the same quality and will ensure compliance with the Level 1 text;
- ii. the joint decision document is expected to contain the elements that will allow its qualification as a fully reasoned joint decision, where needed;
- iii. The recipients of the joint decision documents or the decisions taken in the absence of a joint decision, the Union parent undertaking and other members of the resolution college, are expected to receive documents that will allow them to understand the details of the decisions taken or the reasons leading to disagreement.

Section III – Resolution joint decisions

d. Consultation - presumption of consent of the members and observers who did not express any material divergent views or concerns

Description of the policy option

The draft RTS specify how the group-level resolution authority shall consult members and observers (on the draft assessment or decision on the need for a group resolution scheme and also on the group resolution scheme). In the consultation, upon expiry of the deadline, the group-level resolution authority shall presume consent of the members and observers who did not express divergent views or concerns.

Costs

The main costs expected to arise from presuming consent of members and observers in the absence of any response within the deadline are as follows:

- i. there may be costs involved in facilitating fast and secure means of communication to and from the group-level resolution authority and the members and observers;
- ii. there will probably be a tight time schedule for the resolution authorities to process and respond quickly to the relevant group-level resolution authority entailing a need to establish more efficient management of resolution cooperation and potentially higher costs in terms of the resources needed to develop a response on any divergent views on or concerns about the assessment, decision or proposals being consulted on;
- iii. further resources may be required from the group-level resolution authority to review the divergent views or concerns being submitted in a short period of time.

Benefits

The provisions of the RTS covering the conduct of the consultations when in resolution are expected to result in the following benefits for both the members and observers of the resolution college and the supervised entities:

- i. maintenance of the fast process necessary in a resolution situation;

- ii. ensures that the members and observers take the necessary steps internally in the context of the urgency of the matter to ensure a fast response;
- iii. improvements in cooperation ensure that both the group-level resolution authority and the members and observers to whom the decision, assessment or proposal is relevant respond where necessary;
- iv. undue burden is not placed on the members and observers of the college not impacted by the assessment, decision or proposal;
- v. ensures that the outcome of the process is clear, both for the group-level resolution authority and the members and observers of the resolution college; and
- vi. the group-level resolution authority has a definitive point in time at which it can progress to the next steps and therefore not delay the resolution of the group or specific entities, which could cause unforeseen economic costs.

e. Proposal on the group resolution scheme

Description of the policy option

The draft RTS specify that the group-level resolution authority, in communicating its final assessment or decision to the members of the resolution college and to the observers involved, where the decision is positive, may move immediately to the next step of proposing the group resolution scheme without the need to communicate separate information on the positive conclusion of the assessment or decision. The group-level resolution authority would come to the final conclusion on the assessment of or decision on the group-level resolution scheme and would also have sufficient information to put forward its proposal on the group resolution scheme.

Costs

The main costs expected to arise from proposing the group resolution scheme when the result of the assessment or decision on the need for a group resolution scheme is positive are:

- i. there may be costs involved in facilitating fast and secure means of communication to and from the group-level resolution authority and the members and observers;
- ii. there will probably be a tight time schedule for the group-level resolution authority to process the results of the consultation and propose a workable group resolution scheme;
- iii. further resources may be required from the group-level resolution authority to review the divergent views or concerns being submitted in a short period of time.

Benefits

The provisions of the RTS are expected to result in the following benefits:

- i. they will facilitate the necessary speed for providing the group resolution scheme with due urgency and within the timeframe articulated in Article 91(4);
- ii. they will ensure that there is no undue delay and that there are no unnecessary steps and that the group-level resolution authority takes the necessary steps in the context of the urgency of the matter;

- iii. they will remove unnecessary costs involved in communicating with the resolution college more than once on the same topic when the necessary next step is clear.
- f. Involvement of resolution authorities of members and observers in the joint decision on the group resolution scheme**

Description of the policy option

The draft RTS propose that the resolution authorities of members and observers receive the proposed group resolution scheme with the intention that all members are invited to provide any material diverging views or concerns. The signatories of the joint decision on the group resolution scheme are the resolution authorities of the subsidiaries covered by the scheme therefore those authorities involved in the consultation are more numerous than the signatories of the joint decision. Divergent views and concerns expressed by members and observers will be taken into account by the group-level resolution authority. The aim of this policy option is to ensure that the scheme allows all authorities and entities impacted by the resolution of the group or entity to express their views as the impact may not be immediately obvious to the group-level resolution authority.

Costs

The main costs expected to arise from the involvement of resolution authorities of members and observers in the joint decision on the group resolution scheme are:

- i. there may be costs involved in implementing fast and secure means of communication to and from the group-level resolution authority and the members and observers;
- ii. there will probably be a tight time schedule for the group-level resolution authority to process the results of the consultation and to propose a workable group resolution scheme;
- iii. further resources may be required from the members and observers to be able to review the group resolution scheme and respond in a short timeframe. There may also be resource constraints on the group-level resolution authority if it is to review the possibly large number of divergent views or concerns being submitted.

Benefits

The provisions of the RTS are expected to result in the following benefits:

- i. they will allow all resolution college members and observers to comment on the proposed group resolution scheme and therefore, have the opportunity to highlight to the group-level resolution authority when there is an impact leading to diverging views or material concerns on a particular entity;
- ii. they will remove unnecessary costs involved in communicating with the resolution college more than once on the same topic when the necessary next step is clear;
- iii. they will ensure that the process is smooth and moves quickly from the assessment of or decision on the group resolution scheme to the proposal.

4.1.6 Overall impact assessment

The standards have benefitted from the EU regulatory framework, including final and draft technical standards in the area of home-host and colleges, and the experience gained from the supervisory colleges, as well as from international standards and from experience gained from crisis management groups or cross border stability groups. This accumulated experience, both at EU and international level, will assist the newly established resolution authorities in setting up resolution colleges and in organising their functioning in an efficient and effective way, keeping the operational costs at a reasonable level and minimising operational malfunctions. These increased benefits compensate for the costs related to the setting up, organisation and operation of resolution colleges, where currently no specific procedures and good practices exist. The net impact of the draft RTS is assessed as moderately beneficial from an economic perspective.

4.2 Feedback on the public consultation and on the opinion of the BSG

The EBA publicly consulted on the draft proposal contained in this paper.

The consultation period lasted for three months and ended on 18 March 2015. Six responses were received, of which five were published on the EBA website, including the opinion of the Banking Stakeholder Group (BSG).

This paper presents a summary of the key points and other comments arising from the consultation, the analysis and discussion triggered by these comments and the actions taken to address them if deemed necessary.

In many cases several industry bodies made similar comments or the same body repeated its comments in response to different questions. In such cases, the comments, and the EBA's analysis are included in the section of this paper where the EBA considers them most appropriate.

Changes to the draft RTS have been incorporated as a result of the responses received during the public consultation.

Summary of key issues and the EBA's response

The BSG welcomed the draft RTS on resolution colleges and its efforts in harmonising procedures to be followed by resolution authorities and competent authorities in their interaction while performing the resolution colleges' tasks. However, the BSG proposed some amendments and expressed some concerns on the provisions of the draft RTS mainly with regard to the possibility of disagreements between resolution authorities; the role of Crisis Management Groups (CMGs), where such groups are established; the role of third country resolution authorities and in particular their observership status; the scope of the EBA's binding mediation role, proposing that this to be expanded also to disagreements with third country resolution authorities; and the possible large number of members and observers in the resolution colleges of some cross-border groups. The BSG also proposed that the RTS provide specific examples of substantive impediments to resolvability and clarification on concepts such as intragroup debt.

The EBA welcomes the BSG comments, most of which were also made by other respondents to this consultation paper. For the common points/comments (i.e. CMGs, third country resolution authorities, the possibility of organising resolution colleges into different substructures), more detailed information on the EBA's response can be found in the feedback table below.

With regard to the possibility of disagreements between the resolution authorities it should be noted that such a possibility is recognised by the Level 1 text (the BRRD), while requiring at the same time sincere efforts from the resolution authorities to reach an agreement by requesting the EBA's advice or by triggering EBA binding mediation. Notwithstanding these efforts, there may still be cases where some resolution authorities disagree with the draft joint decision; in this case, the BRRD provisions recognise the possibility of a subset of joint decisions to be reached between the group-level resolution authority and the remaining, non-disagreeing resolution authorities of subsidiaries. However, with regard to third country resolution authorities and disagreements the

EBA takes this opportunity to flag two points: firstly, that the third country resolution authorities are not amongst the authorities expected to reach agreement on the resolution planning and cross-border resolution joint decisions, but rather will be consulted before these decisions are taken between the group-level resolution authority and the resolution authorities of subsidiaries, when such a consultation is foreseen in the resolution college written arrangements (terms and conditions of observers' participation); secondly, the role of the EBA as mediator is covered by Article 19 of the EBA Regulation and it cannot be extended to third country resolution or competent authorities.

With regard to requests for examples of substantive impediments or for clarification of concepts such as the treatment of intragroup debt, or elaboration on the relationship of entities in resolution with financial market infrastructures (FMI) and the settlement finality directive (SFD), these issues have been assessed as outside the mandate of the RTS.

Summary of responses to the consultation and the EBA’s analysis

Comments	Summary of responses received	EBA analysis	Amendments to the proposals
General comments			
Resolution colleges substructures	<p>One respondent noted the potentially large number of members and observers participating in resolution colleges and for this reason it requested that the RTS to be drafted in a flexible manner to allow for the resolution colleges to be formed in sub-groups, including a “core” college format.</p> <p>The need to organise the resolution college into different subgroups/structures was also noted in relation to the resolution strategy of the group.</p>	<p>The draft RTS already recognise the possibility of organising resolution colleges into different structures, without making this a legal requirement to be followed by all resolution colleges; thus the requested flexibility is already recognised. Where a resolution college is indeed organised into different structures, these are expected to be noted in the written arrangements (Article 6(2)(a)). Moreover, and following the proposals made in submitted responses, new recitals have been introduced promoting the organisation of the resolution college into substructures in a way that is proportional to the nature, complexity and international presence of the group.</p>	<p>New recital 6 and changes in Article 6(2)(a) and (b).</p>
Resolution colleges and supervisory colleges	<p>Three respondents noted the need for coordination between the resolution colleges and supervisory colleges, both in terms of outcomes and in terms of timing of joint decisions organised under their auspices. In addition, one of them proposed that the RTS should clearly state the procedure that needs to be followed in case of conflicting decisions while another suggested encouraging coordination within the resolution college regarding the input that resolution authorities should provide independently to the</p>	<p>The need for resolution authorities and supervisory authorities, as well as for resolution colleges and supervisory colleges, to coordinate their tasks and actions to the extent possible is recognised in various provisions of the RTS based on the Level 1 mandate assigned to the EBA (e.g. Article 13(3)(c) – joint decisions taken by the resolution college and supervisory college, alignment/coordination of timetables).</p> <p>The proposal to cover in the draft RTS the treatment of conflicting outcomes produced by the resolution</p>	<p>New Recitals 7 and changes applied to Article 13.</p>

Comments	Summary of responses received	EBA analysis	Amendments to the proposals
	<p>supervisory college (previous recital 13). This input should of course be done within the timeframe established in the EBA’s RTS on the assessment of recovery plans.</p>	<p>college and supervisory college is outside the RTS mandate. However, there have been further changes applied to the recitals of the RTS encouraging resolution authorities and supervisory authorities to work together in order to ensure consistency of the outcomes produced by these two groups.</p>	
<p>Resolution colleges and Crisis Management Groups (CMGs)</p>	<p>One respondent noted the need to avoid duplication of tasks and decisions taken by the resolution college and the CMGs established under the FSB framework, requesting that the RTS to allow an appropriate level of flexibility for the group-level resolution authorities (GLRA) to manage the resolution college and CMGs, if established, in the most appropriate way respecting the provisions of the BRRD.</p> <p>One respondent proposed that for groups with a presence both in EEA and in non-EEA countries and for which a multiple point of entry resolution strategy is followed, the resolution planning and the cross-border resolution decisions be organised through the CMGs and not through the resolution colleges, in order to recognise full involvement of third country resolution authorities (not just consultation).</p> <p>Another respondent asked that the resolution college acknowledge the existing CMG established (where applicable). For these entities resolution needs to be coordinated at the CMG level and there should be clear flexibility to keep the CMG as the decision-making body, with the ‘EU’ resolution</p>	<p>According to Article 88(6) of the BRRD ‘<i>Group-level resolution authorities are not obliged to establish a resolution college if other groups or colleges perform the same functions and carry the same tasks specified in this Article and comply with all conditions and procedures, including those covering membership and participation in resolution colleges, established in this Article and in Article 89. In this case, all references to resolution colleges in this Directive shall also be understood as references to those other groups or colleges.</i>’ Thus, the CMGs may indeed play the role of the resolution colleges and be regarded as the groups through which the tasks of Article 88(1) of the BRRD are organised, as long as the conditions of membership and participation envisaged by Article 88 are recognised in the organisation and functioning of CMGs. Another possibility is for the current CMGs to be a structure of the resolution college, in which the participating resolution authorities are those from the jurisdictions where the group has significance presence. This possibility is indeed recognised in a new recital of the RTS however the organisation or existence of such structures should not limit or pre-empt the resolution college members from their</p>	<p>New recitals 3, 6 and changes applied in Article 2(4) and Article 6(2)(b) and (c).</p>

Comments	Summary of responses received	EBA analysis	Amendments to the proposals
	<p>college as a subset.</p> <p>Furthermore the respondent suggested that the interaction between the resolution colleges at EU level and third countries which are not members of the CMG should be better articulated in the RTS using the FSB’s draft guidance on cooperation and information sharing with non-CMG host authorities (October 2014) when establishing the framework for third countries.</p>	<p>decision-making competences.</p> <p>The request from one respondent for the third country resolution authorities to participate in reaching the resolution planning and cross-border group resolution decisions cannot be recognised in the RTS since such a policy option would be incompatible with the provisions of the Level 1 text, according to which third country resolution authorities are consulted and not expected to reach or express disagreement with a joint decision.</p>	
<p>Third country resolution authorities</p>	<p>(a) One respondent requested that the draft RTS be drafted in a flexible manner to allow for the inclusion of either the third country supervisory authorities or third country resolution authorities as observers of the RC (relevant third country authorities).</p> <p>(b) One respondent requested that the third country resolution authorities participate in the resolution colleges in an active way and their status not be limited to a mere observership status.</p>	<p>(a) The members and observers of the resolution college are clearly provided for in the Level 1 text, Article 88(2) of the BRRD, where the third country resolution authorities and not the third country supervisory authorities, are recognised as possible observers of the resolution college.</p> <p>(b) The participation of third country resolution authorities as observers in the resolution colleges is clearly defined in Art. 88(2) of BRRD. Notwithstanding their observership status the Level 1 text envisages the organisation of consultation with the third country resolution authorities in different aspects of resolution colleges’ tasks and decisions, while the RTS expect that the members of each resolution college will elaborate further on the terms and conditions of observers’ participating in various college tasks and activities.</p>	<p>No changes have been applied with regard to these points.</p>

Comments	Summary of responses received	EBA analysis	Amendments to the proposals
	<p>(c) One respondent proposed that the terms of participation of observers should be agreed between the GLRA and the relevant observer rather than restrictive obligations on observers being established in the RTS.</p>	<p>(c) The RTS include the requirement for the members of the resolution college, including the GLRA, to agree on the terms of participation of observers in the resolution college, including their involvement in various tasks and with regard to information exchange, and subject to the provisions of the Level 1 text with regard to information exchange (Article 90) and exchange of confidential information (Article 98) with appropriate safeguards also for the third country resolution authorities.</p>	
<p>Resolution colleges and Single Resolution Mechanism (SRM)</p>	<p>One respondent requested that the RTS clarify the interaction between the setting up of the SRM and the requirement for establishing resolution colleges based on the provisions of the Level 1 text.</p>	<p>The provisions of the Level 1 (BRRD) and Level 2 (RTS) text need to be read and considered recognising the setting up of the Single Supervisory Mechanism (SSM) and the SRM. However, the clarification requested in this regard is not considered as part of the mandate of Article 88(7) of the BRRD.</p>	<p>No changes have been applied.</p>
<p>Information sharing</p>	<p>One respondent indicated possible overlap between the provisions of Article 90 of the BRRD and Article 9 of the RTS and underlined the need to avoid duplicate information requests to the group from different resolution authorities.</p> <p>In addition, one respondent proposed that the provisions of the RTS recognise the possibility for the GLRA to review requests for additional information made by any of the authorities referred to in Article 13(1) of the BRRD and where appropriate to forward such requests to the Union parent undertaking.</p>	<p>The provisions of Article 9 of the RTS (<i>Exchange of Information</i>) build on the provisions of the Level 1 text and elaborate further on the aspects of home-host interaction for the purposes of resolution college functioning.</p> <p>Article 10 of the RTS (<i>Communication policy</i>) specifies the communication policy between the resolution authorities and the entities under their jurisdiction aiming to avoid duplicative information requests.</p> <p>The provisions of Article 15 (<i>Information from the Union parent undertaking</i>) and Article 16</p>	<p>New Recital 7 and changes applied in Article 9 and 16.</p>

Comments	Summary of responses received	EBA analysis	Amendments to the proposals
		<p><i>(Transmission of information from the group-level resolution authority)</i> cover the process of organising the information requests made by the resolution authorities to the Union parent undertaking for the purpose of developing and maintaining the group resolution plan and envisage that these requests, as well as the provision of the information will be organised through the GLRA. A change has been applied to Article 16(2) to make the organisation of these requests even more clear.</p>	
<p>Resolution planning joint decisions</p>	<p>One respondent proposed that the RTS to recognise that the resolution planning joint decisions are organised and performed as an ongoing process rather than as an annual approval process.</p> <p>One respondent suggested that the joint decisions be organised in a different way and the roles of players be differentiate based on the resolution strategy to be adopted for a specific group (SPE or MPE).</p>	<p>The draft RTS specify the joint decision process for the resolution planning joint decisions which are expected to be reached on an annual basis and within a specific time period specified by the Level 1 text. Notwithstanding the annual frequency for updating the joint decisions and the time periods given to the resolution authorities for reaching them, the resolution authorities have the responsibility of ensuring that the outcomes of the joint decisions remain valid and appropriate throughout the year. A new recital has been introduced to underline the need to update this joint decision on a more frequent basis when necessary.</p> <p>This suggestion remains outside the mandate assigned to the EBA based on Article 88(7) of the BRRD. In addition, notwithstanding the resolution strategy to be followed for a specific group, the resolution planning joint decisions are expected to be reached always between the GLRA and the resolution authorities of subsidiaries, having consulted other relevant authorities and third</p>	<p>New recital 13.</p> <p>No changes have been applied.</p> <p>Changes have been</p>

Comments	Summary of responses received	EBA analysis	Amendments to the proposals
	<p>A further respondent commented that, in the group resolution plan, Article 14(1)(a) (previous version) implies that SPE and MPE are mutually exclusive which is not the case therefore the respondent recommended deleting this reference and keeping only ‘discuss preliminary proposal on the resolution strategy for the group’.</p>	<p>country resolution authorities, in accordance with the terms and conditions of observers’ participation in the tasks and activities of the resolution college.</p> <p>From recital 80 and Article 12(1) of the BRRD it seems that the two resolution strategies are mutually exclusive. However, from recital 9 of the RTS on resolution plans it seems that the third option of combined the SPE and MPE aspects is also possible.</p>	<p>applied to Article 14.</p>
Disagreements	<p>One respondent underlined the importance of the EBA’s role in binding mediation in case of disagreements between resolution authorities.</p> <p>Another respondent requested that the RTS clarify the purpose and scope of the joint decisions taken in case of disagreements between the GLRA and the resolution authorities that don’t disagree.</p>	<p>The EBA’s role in assisting resolution authorities to reach a joint decision during the joint decision process and in case of disagreement is clearly recognised in the Level 1 text (e.g. Article 13(4) third sub-paragraph or Article 13(5) second subparagraph), while the home-host cooperation and the development of a joint decision document between the resolution authorities that don’t disagree are further elaborated in the RTS.</p> <p>Article 13(7) of the BRRD recognises the possibility for the GLRA and the resolution authorities of subsidiaries that don’t disagree with the joint decision to reach a joint decision on the group resolution plan and resolvability assessment. Subject to this article the RTS elaborate on the provisions covering the home-host interaction and the elements of the joint decisions reached in such cases, in order to ensure transparency on this ‘subset’ of joint decisions and that these decisions are of the same quality and standards as the joint decisions reached by the GLRA and all resolution</p>	<p>No changes have been applied.</p> <p>Some clarification has been introduced to Article 25.</p>

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		<p>authorities of subsidiaries. In addition, it is noted that these joint decisions on a group resolution plan cover only group entities under the jurisdictions of the resolution authorities agreeing with the joint decision (Article 13(7) of the BRRD), and not entities under the jurisdiction of resolution authorities that disagree with the joint decision.</p>	
Exchange of information	<p>One respondent who submitted its response as confidential asked that Article 9 (<i>Exchange of information</i>) be amended with the following wording so that information is exchanged only where necessary:</p> <p>‘The GLRA and the members and observers of the resolution college shall ensure that they exchange among themselves. This exchange of information shall be limited to essential and relevant information where appropriate on a case by case basis.’</p>	<p>Article 9 (<i>Exchange of information</i>) already recognises that resolution college members are to exchange information that is essential and relevant for the performance of their resolution tasks and for facilitating the operational function of the college.</p>	<p>No change has been applied.</p>
Access and relationship with Financial Market Infrastructures (FMI)	<p>One respondent highlighted the importance of resolution colleges being cognisant of potential legal, operational or other issues which could prevent the relevant institution’s access to FMIs in resolution.</p>	<p>The scope of the RTS is limited to the tasks outlined in Article 88(1) the BRRD and does not extend to the institution’s access to external infrastructures which should not be impacted by the content of these technical standards.</p>	<p>No change has been applied.</p>
Relationship with Settlement Finality Directive (SFD)	<p>One respondent noted that there is a risk that resolution proceedings could trigger the end of finality proceedings foreseen in the SFD therefore careful consideration and planning of cross-border resolution measures is particularly important to ensure that these protections are not</p>	<p>Settlement is a specific part of resolution which these RTS do not address and, whilst we understand the importance placed on continuity of service, this is not considered a part of the tasks of the resolution colleges outlined in Article 88(1).</p>	<p>No change has been applied.</p>

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	unintentionally lost or called into question.		
Responses to questions in Consultation Paper EBA/CP/2014/46			
<p>Question 1.</p> <p>Do you have any suggestions regarding the process to be followed by the members of the resolution college for communicating with the Union parent undertaking and with its entities?</p> <p>Comments/suggestions are invited both with regard to the general communication policy under Article 10 and with regard to other aspects of interaction with the group during resolution planning and resolution management.</p>	<p>Joint decision timetables</p> <p>Two respondents proposed that all aspects of the timetables of the resolution planning joint decisions be communicated to the Union parent undertaking and not only specific parts (parts concerning the interaction/discussion with the institution.) Specifically the following points are flagged where further elaboration on communication is requested:</p> <p>(i) Union parent undertakings should be informed on the joint decision timetables (not only certain aspects of the timetables).</p> <p>(ii) Article 13(6) which details the elements of the joint decision timetable to be communicated from the group-level resolution authority to the Union parent undertaking should include also a reference to point Article 13(2)(h), which concerns the discussion between the group-level resolution authority and the Union parent undertaking.</p> <p>(iii) The Union parent undertaking should also be informed of the content of written arrangements specifically resolution college membership, frequency of meetings and how resolution authorities intend to communicate within the college.</p>	<p>(i) The draft RTS have been drafted in such a way that they are consistent with the provisions of the technical standards on the functioning of supervisory colleges with regards to the communication of relevant parts of the joint decision timetables (reflecting in addition policy decision made by the policy makers in this regard). This means that only relevant aspects of the joint decision timetables are shared and communicated to the Union parent undertaking.</p> <p>(ii) This will be reflected accordingly.</p> <p>(iii) Given the expected interaction of the resolution college with the Union parent undertaking especially during the resolution planning joint decisions, there has been a new Article 4 requiring the group-level resolution authority to inform the Union parent undertaking on the setting up of the resolution</p>	<p>(i) No change has been applied.</p> <p>(ii) See change applied to Article 13(6).</p> <p>(iii) New recital 5 and Article 4 (<i>Communication with the Union</i>)</p>

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	<p>Consultation with the Union parent undertaking</p> <p>One respondent proposed that the discussion/dialogue between the GLRA and the Union parent undertaking on the group resolution plan to always be organised and not only where it is deemed appropriate (by the GLRA).</p> <p>One respondent also requested clarification on Article 16(2) to specify that when a resolution authority seeks further information then the group-level resolution authority should coordinate those requests to the Union parent undertaking and the requests should not come from resolution authorities of subsidiaries.</p> <p>Furthermore another respondent said that the Union parent undertaking should be included in at least the testing of communication and planning procedures as it is currently unclear if the Union parent undertaking should be involved.</p> <p>Communication policy with third country entities</p> <p>One respondent noted that the draft RTS do not cover the communication policy with regard to the third country entities of the group and proposed that the RTS to include clear provisions, especially with regard to communicating outcomes of</p>	<p>college, its members and observers.</p> <p>The need to organise a dialogue with the Union parent undertaking on the group resolution plan and resolvability assessment remains in the hands of the group-level resolution authority. However, if case such a dialogue/consultation is organised then the provisions of the RTS have been revised to frame the timing of this consultation and the information to be provided to the other college members and observers, as appropriate.</p> <p>The EBA recognises this comment and a change has been applied to make sure that any requests for additional information are communicated through the group-level resolution authority.</p> <p>The RTS do not preclude the Union parent undertaking from the testing of communication and planning procedures however this is not an obligation for resolution colleges.</p>	<p><i>parent undertaking)</i></p> <p>New Article 19.</p> <p>Change has been applied to Article 16(2)</p> <p>New recital 9.</p>

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	<p>decisions such as the group resolution plan, resolvability assessment and MREL.</p>	<p>The draft RTS have been developed based on the mandate under Article 88(7) assigned to the EBA, and, as EU delegated act, the RTS elaborate on provisions entailing responsibilities/tasks/requirements addressed to EU resolution authorities. The RTS include the possibility for EU resolution authorities to share information where appropriate with observers (i.e. third country resolution authorities) and to involve them in various tasks of the resolution college, based on the terms of observers' participation in the resolution college as agreed by the resolution college members.</p>	<p>Amendments throughout the text to ensure that observers are informed where appropriate and based on the terms and conditions of observers' participation in resolution college tasks and activities.</p>
<p>Question 2. Do you have any suggestions regarding elements of the various joint decisions in resolution planning and in cross-border resolution?</p>	<p>One respondent suggested that on the mapping, there should be clarification on the entities that are within the scope of the mapping exercise i.e. should this be only regulated entities or also entities or off-balance-sheet vehicles.</p>	<p>The performance of the mapping of the group entities is performed to identify the members and possible observers of the resolution college based on the provisions of Article 88(2) of the BRRD. For this reason, the entities to be included in the mapping are entities, meaning credit entities or investment firms. All other entities for the purpose of the group resolution will be communicated by the Union parent undertaking under Article 11 of the BRRD.</p>	<p>No change has been applied.</p>