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Consultation Paper

Draft Regulatory Technical Standards

on the content of resolution plans and group resolution plans, the assessment of resolvability, and the operational functioning of resolution colleges under Directive 2014/59/EU

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1. Responding to this consultation

The EBA invites comments on all proposals put forward in this paper and in particular on the specific questions summarised in 5.2.

Comments are most helpful if they:

- respond to the question stated;
- indicate the specific point to which a comment relates;
- contain a clear rationale;
- provide evidence to support the views expressed/ rationale proposed; and
- describe any alternative regulatory choices the EBA should consider.

Submission of responses

To submit your comments, click on the 'send your comments' button on the consultation page by 05/11/2025. Please note that comments submitted after this deadline, or submitted via other means may not be processed.

Publication of responses

Please clearly indicate in the consultation form if you wish your comments to be disclosed or to be treated as confidential. A confidential response may be requested from us in accordance with the EBA's rules on public access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by the EBA's Board of Appeal and the European Ombudsman.

Data protection

The protection of individuals with regard to the processing of personal data by the EBA is based on Regulation (EU) 1725/2018 of the European Parliament and of the Council of 23 October 2018. Further information on data protection can be found under the Legal notice section of the EBA website.

2. Executive Summary

Directive 2014/59/EU gave the EBA mandates to specify the content of resolution plans for entities and groups (Article 10 and 12), the assessment of the resolvability of institutions and groups (Article 15), and the operational functioning of the resolution colleges for the performance of its tasks in relation to cross-border banking groups, including the processes for reaching joint decisions on group resolution plans, resolvability assessments, substantive impediments, the minimum requirement for own funds and eligible liabilities and resolution schemes (Article 88(7)). The regulatory technical standards (RTS) were delivered by the EBA to the Commission in July 2014 and adopted by the Commission in the Delegated Regulation 2016/1075 in July 2016, which bundled together a number of regulatory standards.¹

In light of over a decade of experience in resolution planning and implementation, and drawing on key lessons from recent crisis scenarios and simulation exercises, the EBA has revised these RTS. These revisions target both the structure and content of resolution plans as well as the operational functioning of resolution colleges for cross-border groups. The aim is to simplify, streamline and enhance the usability of resolution plans, improve resolvability assessments, simplify the functioning of resolution colleges and strengthen cooperation among resolution authorities.

RTS on resolution plans and resolvability assessments

Resolution plans have become increasingly long and detailed over time often displaying duplications and overlaps. In addition, some resolution plans provide for limited optionality limiting the ability to adapt to the scenarios that might ultimately materialise. These limitations can hinder swift and effective decision-making by authorities in real resolution scenarios.

To address these findings, this revision of the RTS aimed at: (i) simplifying and streamlining resolution plans; (ii) making plans more operational to improve usability and implementation readiness; and (iii) increasing optionality to improve flexibility of resolution planning.

The simplification effort focuses on eliminating non-essential details and duplication of information, putting the focus on the content most relevant for decision-making in a crisis. In particular, the structure of the plan is better rationalised to follow the logical sequence of the resolution planning process. The content of the plan is also better specified, to focus on the information that is directly relevant for the institution or group concerned and on the key elements necessary for the implementation of the strategy. Lastly, the revision introduces a clearer split between authorities' strategy selection and the assessment of institutions' resolvability, facilitating more targeted and efficient plan updates.

¹ [Commission Delegated Regulation \(EU\) 2016/1075](#).

In addition, taking into account the need for a greater focus on the practical aspects of implementation, the RTS now requires a better articulation of the rationale behind the choice of resolution strategies, including the identification of variant strategies, to make plans more operational and flexible enough to adapt to a real resolution situation.

Lastly, the resolvability assessment has been aligned with established international best practices and structured around the seven core dimensions essential to the assessment of institutions' resolvability, promoting consistency.

RTS on resolution colleges

Cooperation between authorities at both the EU and global level is essential for successful resolution planning and effective implementation of a resolution scheme for cross-border groups.

Experience has shown that the operational procedures required in the current regulation are too lengthy and cumbersome, often resulting in the resolution colleges spending too much time focusing on the procedural aspects of reaching joint decisions, rather than on discussions to reach a mutual agreement. Such operational complexity in the functioning of colleges is particularly problematic when a resolution scheme would need to be implemented, potentially hindering efficient and timely decision-making. In addition to the above, other issues have emerged in terms of limited interaction with some members of the college and late or insufficient information exchange.

Against this background, the revision of the RTS on resolution colleges aims to simplify processes, improve cooperation and information exchange among authorities and improve effective coordination in the implementation of the resolution scheme, in order to increase the efficiency and effectiveness of the functioning of resolution colleges in the planning phase and in execution.

Those objectives have been achieved by reducing the number of steps required to reach joint decisions and including more room to tailor the processes to the needs of the college, enhancing efficiency and effectiveness. The proposed procedures ensure a coordinated exchange of information that should facilitate the availability and efficient exchange of all information that is relevant to the tasks of the college and will be secured by using a document management system. In addition, the clarification of operational procedures when an emergency situation occurs enables the resolution college to collaborate at an early stage as soon as problems emerge. The efficiency of college procedures is further simplified taking into account proportionality by excluding colleges for certain groups from some requirements. Furthermore, cooperation is enhanced by notifying third country resolution authorities that may request to be invited as observers of the resolution college and requiring a dialogue to conclude on the identification of substantive impediments when one of the resolution authorities identified an impediment.

Next steps

The draft regulatory technical standards will be submitted to the Commission for endorsement, following which they will be subject to scrutiny by the European Parliament and the Council before being published in the Official Journal of the European Union. The technical standards will apply from [].

3. Background and rationale

RTS on resolution plans and resolvability assessments

1. Since the development of the RTS in 2014, insights gained from more than 10 years of practical experience in resolution planning, together with lessons drawn from past crisis cases pointed to the need for a revision of the RTS on resolution planning. More specifically, it has emerged the need to streamline the structure and content of resolution plans to make the plans more readable and usable if needed. In addition, taking into account the need for a greater focus on the practical aspects of implementation, it became evident that plans should be made more operational and flexible enough to adapt to a real resolution situation.
2. These findings translated into the three main objectives for the revision of the RTS:
 - a. simplification;
 - b. operationalisation; and
 - c. optionality.
3. Together, these revision objectives were pursued with the ultimate objective to make resolution plans more effective, efficient, and adaptable to the specific crisis scenarios and risks in a potential resolution.

3.1 Simplified and streamlined plans

4. Resolution plans have become more detailed over time, reflecting the progress in work by authorities and the substantial progress made by institutions in enhancing their resolvability. This evolution has naturally resulted in the inclusion of more information often duplicated in various parts of the plan, detailed descriptions of processes and operational mechanics into resolution plans.
5. To ensure that resolution plans are effective and usable in times of crisis, there is now a clear need for simplification and rationalisation. A streamlined, yet comprehensive structure improves readability and facilitates information exchange and timely decision-making by authorities ultimately contributing to more effective resolution planning. In addition, a simpler plan enables a more efficient allocation of authorities' resources dedicated to operational tasks related to the updating the resolution plan whilst allowing resources to be devoted to concrete tasks of improving institutions' resolvability.

Rationalised plan structure aligned with planning process steps and eliminating duplication

6. The current structure can lead to duplication between the resolution plan and the conclusions of the resolvability assessment. The more coherent structure of the revised RTS helps to eliminate such duplication, clearly separating the assessments conducted by authorities and the capabilities of institutions. This ensures that institutions' capabilities are only specified within the resolvability assessment and not elsewhere in the plan.
7. The changed structure of the plan now follows a more logical alignment with the planning process steps, first focusing on whether winding up under normal insolvency proceedings would be credible and feasible and, if not, assessing what preferred resolution strategy and/or variant strategy are suitable. The plan then briefly sets out the main steps for coordinating the strategy implementation, after which the conclusions of how the institution will support the execution of the strategy are laid out.
8. Moreover, with a view to rationalising and improving efficiency in the development of plans, the RTS clarifies the process steps for liquidation entities also specifying a more targeted content for liquidation plans. In particular, where winding up under normal insolvency proceedings is considered to be credible and feasible, there is no requirement to assess the feasibility of the application of resolution tools. In assessing the feasibility of winding up under normal insolvency proceedings, resolution authorities should take into account the materiality of any identified potential issue to the execution of the strategy and the time needed to remedy them, so that the final assessment will depend on those elements. Additionally, the proposal aligns the information required in the plan summary to the information needed for the implementation of the liquidation strategy.
9. In the context of this review, the potential impact of Chapter II of Regulation 2022/2554 (DORA) on the content of plans and resolvability assessments was also reviewed, as mandated by the DORA implementing directive. It was concluded that no additional changes were necessary in this respect, as the relevant aspects were introduced by the update of Annex C of BRRD. These changes will be reflected in the plan via the summary of the resolvability assessment.

Resolvability assessment reorganised along seven core dimensions

10. Over time, and drawing from FSB international standards and guidance, European resolution authorities have developed a common practice of assessing the resolvability of institutions along seven core dimensions, which are areas identified as critical to determine whether an institution can be resolved in an orderly manner. The seven dimensions are the following: (a) governance; (b) loss-absorbing and recapitalisation capacity; (c) liquidity and funding in resolution; (d) operational continuity in resolution and access to financial market infrastructures; (e) management information systems; (f) communication; and (g) separability and restructuring.

11. To promote the consistency and rationalisation of resolution plans, it is proposed to align the Delegated Regulation with the common practice of organising the resolvability assessment along the aforementioned seven dimensions. To this end, Articles 26-31 of the current Delegated Regulation have been re-organised along those dimensions, clarifying the matters and criteria that authorities should consider when carrying out the resolvability assessment, leveraging Annex C of BRRD and the EBA Guidelines on improving resolvability².

Minimum essential information for plan summaries to improve consistency and transparency

12. Resolution is a complex matter, and it is essential to increase overall understanding of the plan from various stakeholders. The summary of the resolution plan plays a crucial role in enhancing transparency in the resolution planning process, as it is also the only part of the plan that BRRD requires to be disclosed to institutions. The summary of the resolution plan is meant to provide a clear overview of the key elements of the plan, condensing crucial information into a concise format that facilitates understanding among stakeholders. It also helps ensuring alignment between authorities and institutions on expectations, outlining the credibility and feasibility of the resolution strategy.
13. The RTS revision proposes to specify the minimum essential information that should be included in the plan summary. This specification ensures that the summary covers the essential elements of resolution planning, but it also increases the consistency of the information provided to institutions making sure that they receive the information needed to play their role in planning and execution.

Information on MREL focused on institution-specific adjustments

14. To reduce information duplication and improve the readability of plans, it is also proposed to focus the information related to the minimum requirement for own funds and eligible liabilities (MREL) on those adjustments that are applied by the resolution authorities based on the specificities of the institution or group entities. This proposal is aligned with the objective of including in the plan only the information that is directly relevant for the institution or group concerned, avoiding the inclusion of common and publicly disclosed MREL policy elements or calculations.

3.2 Operationalisation to improve usability and implementation readiness

15. Another lesson learned from the practice developed thus far is that resolution plans should enable a swift implementation of the resolution strategy upon failure, providing the necessary essential information for authorities to take the necessary decisions and actions.

² [Final Report on Guidelines on improving resolvability for institutions and resolution authorities \(2\).pdf](#)

16. To support more effective implementation, it is proposed to better separate the sections of the resolution plan that address the choice and execution of the resolution strategy from those assessing the institution's resolvability across the seven dimensions. By drawing this clearer line, the revised structure makes the plan more actionable and easier to implement in practice.
17. Also with a view to improving the usability of the resolution plan for resolution authorities, the RTS revision proposes that the plan includes a summary of the key crucial steps for the coordination of the implementation of the preferred resolution strategy by the relevant authorities.

3.3 Optionality to improve flexibility of resolution planning

18. One of the lessons learned from the spring 2023 crisis cases was that specific crisis circumstances could make the preferred resolution strategy not implementable at the point of failure and that alternatives need to be planned for. To address this, the choice of resolution strategy and tools should be better specified to include variant strategies.
19. To increase optionality, the RTS requires a clearer set out of the rationale for the choice of the preferred and variant strategies, further specifying the matters that authorities should take into account when choosing the preferred strategy and tool and any variant that may need to be considered as per BRRD. As part of their planning effort, authorities should consider the circumstances in which these tools may not be implementable and ensure that any identified variant strategy is credible.
20. In this respect, the RTS specifies that the resolvability assessment should be based on the identified preferred and variant resolution strategies, providing a clear picture of the capacity of the institution or group to support the execution of the preferred and variant resolution strategies.
21. Through the specification of the strategy selection approach, the revision of the RTS ensures that resolution authorities could identify, in addition to the preferred, variant strategy/ies being able to adapt to the specific circumstances and risks that could materialise at the time of crisis.

RTS on resolution colleges

3.4 Simplification and efficiency of processes

22. An important aspect of simplification in the current revision of the RTS is introduced in the process to reach joint decisions, a core task of the resolution college, by reducing the process to four essential steps: (i) setting the joint decision process timetable, (ii) a dialogue about the content of the joint decision, (iii) a consultation of the draft joint decision and (iv) reaching the joint decision. In addition to simplification, the reduction of mandatory and detailed steps should enhance efficiency while ensuring sufficient discussions and exchange of views among the relevant college members.

23. Importantly, the proposed revision ensures that the resolution college can tailor the joint decision process to the specific needs of the college, including the progress on resolvability of the group. In this respect, the proposed amendments allow for example the members of the resolution college to determine whether additional steps are required to have sufficient engagement between the members of the resolution college that are involved in the joint decision process. In addition, the proposal further clarifies that certain steps may be taken simultaneously or in a different order than listed in the RTS depending on the college needs and status of discussions and grants further flexibility by differentiating between period in which the steps of the joint decision process need to be performed and the joint decision-making period that starts at a specified date and usually lasts four months.
24. The proposed revisions simplify administrative procedures related to the organisation of the resolution college by removing the requirement to annually update the mapping and list of members and observers of the college, including contact details, and relying more on the members of the college to inform the group-level resolution authority in case of a change. Furthermore, the college meeting format is made more flexible as it is no longer required that the college takes place only in person. In addition, the requirements incorporate more proportionality as colleges are no longer required to take place annually for colleges of groups consisting only of liquidation entities, of entities to which simplified obligations are applied or to European resolution colleges without a resolution entity in a Member State. The group-level resolution authority can further improve organisational efficiency by using substructures for the coordination of certain specific activities, such as the administrative aspects of the joint decision process or the planning of the multiannual testing programme.
25. The simplification and increase of flexibility as explained under paragraphs 22, 23 and 24 reduce the burden for resolution authorities and improve the effectiveness of the processes by placing more emphasis on discussions and college engagement in relation to the resolvability of the group rather than on procedural steps.

3.5 Improving cooperation in resolution planning

26. The group-level resolution authority should ensure that the members and observers of the resolution college could actively participate to discussions and contribute to the mutual understanding of the resolvability of all group entities
27. For this purpose, the proposal specifies the topics of particular relevance for certain members of the college considering their role in the college.
28. The amended RTS achieves the objective of improving cooperation by ensuring adequate information exchange in the college, active involvement of all members and observers and clear coordination and communication as set out below.
29. Adequate information exchange is key for effective coordination and cooperation. To further facilitate information exchange and safeguarding the confidentiality of the information, the

amending proposal requires that the group-level resolution authority chooses a secured document management platform for the members of the resolution college to exchange and store the information needed for the performance of the tasks of the college. In addition, it will be required that the access rights to this information are specified in the college written arrangements to improve transparency and efficiency. To further inform discussions and resolution planning, resolution authorities should inform each other on the available documents underlying the conclusions in the resolution plan, including but not limited to the institution's resolvability self-assessment and operational documents setting out the implementation of the resolution strategy, so that they can request to exchange such documents if needed for the performance of their tasks.

30. Effective resolution of institutions or group entities operating across the Union requires cooperation among all resolution authorities including third country resolution authorities. The BRRD allows therefore that third country resolution authorities may become observers to the college when their confidentiality and professional secrecy regimes are equivalent to those of the resolution college members. To facilitate this cooperation, the revision proposes that the group-level resolution authority notifies such a resolution authority when it is a potential observer as opposed to waiting for the third country resolution authorities to request to be invited. This change should facilitate the participation of the third country resolution authority to the college which would contribute to a more effective resolution planning for a cross-border banking group. In addition, following the introduction of the Insurance Recovery and Resolution Directive in 2025, the proposal includes the procedure for the group-level resolution authority to invite insurance resolution authorities as observer to the college.

31. During crisis cases and simulation exercises, it emerged as a best practice to improve college coordination to have a key contact person in charge of controlling the information flows and ensuring appropriate coordination of the college activities and procedures. The amending proposal therefore requires the group-level resolution authority to appoint a college coordinator and an alternate, who may be reachable via a functional mailbox.

32. Good cooperation among authorities in different Member States is of utmost importance to increase trust, leading to effective planning and successful execution. When a resolution authority of a group entity identifies an impediment, the amending RTS requires the group-level resolution authority to organise a dialogue specifically to jointly draw the conclusion on whether or not to start the joint decision process for reaching a joint decision on substantive impediments. This would provide for better consideration of the host resolution authorities concerns with regard to the resolvability assessment of their subsidiary.

3.6 Improving coordination and efficiency of the resolution college in the execution phase

33. The amended RTS introduces a differentiation between procedures applicable in resolution planning in normal times and procedures specifically tailored to emergency situations to ena-

ble the college to operate under intensified cooperation, responsiveness and adequate information exchange for the purpose of executing the resolution strategy that should be agile to ensure efficient decision-making and address time constraints.

34. To improve crisis preparedness and effectiveness in execution, the amended RTS specifies that the resolution college should be reactive and cooperate early enough in emergency situations. For that purpose, an emergency situation is defined to occur at least when the competent authority notifies the resolution authority that the group entity meets the conditions to apply early intervention measures or when early intervention measures are applied or when a group entity meets the conditions to be failing or likely to fail. The resolution college should at that moment exchange the relevant information, discuss how to best organise itself in light of the situation and have a dialogue that could inform the potential assessment of the need for a resolution scheme and the potential joint decision on the resolution scheme.
35. In addition, the amended RTS requires regular testing of college functioning procedures. Such testing will improve the procedures and increase its efficiency and effectiveness in the execution phase. As certain resolution colleges overlap in terms of members with other colleges, the group-level resolution authorities should consider the synergies of testing the operational procedures when designing a proportional testing approach.
36. The revision ensures efficiency in reaching the joint decision on the group resolution scheme by simplifying this process in line with section 3.1. In addition, emphasis is placed on the possibility to follow the procedures for the assessment on the need for a resolution scheme and the joint decision process for the resolution scheme simultaneously where needed. This could mean that the consultation on the assessment and the joint decision could be done simultaneously.

4. Draft amending regulatory technical standards

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

of

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

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012 of the European Parliament and of the Council ⁽³⁾, and in particular Articles 10(9) third subparagraph, 12(6) third subparagraph, 15(4) third subparagraph and 88(7) third subparagraph thereof,

Whereas:

- (1) The summary of the key elements of the resolution plan should be disclosed to the institution or Union parent undertaking. This Regulation specifies the elements that should be included in that summary, to ensure it covers the essential elements of resolution planning as well as the information needed for the implementation of the strategy. This promotes consistent information and transparency towards the institutions and enhances readability and usability of the resolution plan for the resolution authorities.
- (2) The information included in the resolution plan related to the minimum requirement for own funds and eligible liabilities should indicate the level of the requirement re-

³ [OJ L 173, 12.6.2014, p. 190.](#)

ferred to in Article 45(1) of Directive 2014/59/EU and be focused on those adjustments that are applied by the resolution authorities on the basis of their assessments of the specificities of the institution or group entities.

- (3) Without prejudice to the possibility for resolution authorities to apply simplified obligations to certain institutions, to ensure that the resolution plan includes targeted and useful information, specific categories of information have been included in resolution plans for liquidation entities.
- (4) To simplify and improve the efficiency of drawing up resolution plans, it is clarified that, when winding up under normal insolvency proceedings is considered credible and feasible and it is concluded that resolution action is not necessary in the public interest, there is no need to proceed to the following stages of resolvability assessment. Similarly, when winding up is not considered credible, there is no need for the assessment of its feasibility
- (5) This Regulation introduces a revised structure for resolution plans, distinguishing between elements related to the strategy choices and assessments of resolution authorities and those concerning the capabilities of institutions or groups. First, the plan focuses on the authorities' strategic decisions, including the rationale for the preferred resolution strategy and its key steps. Then, it addresses the capabilities of the institution or group, incorporating the outcomes of the resolvability assessment. This structured approach ensures the resolution plan is comprehensive and fit for decision-making, while also allowing updates to be made more efficiently, without requiring revisions to the entire plan in response to developments affecting only a part.
- (6) In order to enhance usability of resolution plans, this Regulation requires authorities to specify the rationale for the selection of the resolution strategy in a three-step approach, firstly assessing on whether a single point of entry or a multiple point of entry strategy should be applied, secondly what resolution tool or tools should be applied and thirdly on whether variants of the resolution strategy are necessary. The strategy selection should also take account of the specificities in terms of complexity, risks and cross-border activities of the institution or group and legal risks associated thereto. Through this strategy selection approach, the resolution authorities can increase crisis preparedness and enhance flexibility to ensure effective implementation of the resolution strategy.
- (7) To assess whether a single point of entry or a multiple point of entry is more appropriate, resolution authorities should consider the level of centralization and integration of a group, the level of centralisation of funding strategies, the interchangeability of assets within the group, the legal structure and the number of applicable jurisdictions.
- (8) The resolution plan should outline the main conclusions of the resolvability assessment. It should provide a clear view of the capacity of the institution or group to support the implementation of the preferred and variant resolution strategies. The conclusions should be structured along seven dimensions through which resolvability is assessed and, for variant strategies, focus on the relevant differences with respect to the preferred resolution strategy. Practices showed that this approach is more effective and clearer in identifying the key elements for authorities' focus in con-

ducting resolvability assessments. The seven dimensions incorporate the amendments of Section C of the Annex to Directive 2014/59/EU, relating to digital operational resilience of the institution or group.

- (9) Operational complexity in the functioning of resolution colleges hinders the efficiency of executing the tasks and the smooth cooperation of the authorities involved. To improve the operational efficiency and effectiveness of resolution colleges while guaranteeing thorough discussions and good decision-making among resolution college members and observers, there is a need to simplify various procedural aspects of resolution colleges' functioning. In addition, there is a need for early cooperation within the resolution colleges in emergency situations as well as the effective communication and information exchange of the college members and observers. Lastly, a proportional application of some operational requirements is needed for specific cases of resolution colleges, taking into account the importance of the group entities and whether they need to be wound-up under normal insolvency procedures or resolved.
- (10) To facilitate the involvement of relevant third country authorities, the possibility is provided for the group-level resolution authority to notify third country resolution authorities that they have been identified as potential observers to the college, in particular when the group-level resolution authority deem that involvement of such authority in the college would promote its efficient functioning.
- (11) To ensure effective coordination of the college activities, including the decision-making processes, the group-level resolution authority should appoint a key contact person, responsible for coordinating the resolution college. The group-level resolution authority should ensure continuous reachability of the college coordinator or its alternate during office hours.
- (12) To guarantee the efficiency of college actions in relation to groups with third-country presence, the members of a resolution college should agree on how they will coordinate actions and exchange information with other groups or colleges that may be involved in similar tasks in relation to the same group, as for example Crisis Management Groups. Such arrangements should be specified in the written arrangements for the functioning of resolution colleges.
- (13) Testing for the function of the resolution college should be proportionate and take into account the risk profile of the group, the number of jurisdictions included in the resolution college, synergies with the testing approach of other resolution colleges with common participating authorities and the complexity of the preferred resolution strategy foreseen in the resolution plan. The written arrangements should specify the timing and how such testing is to be conducted for planning purposes.
- (14) College meetings that include all college members strengthen the collaboration among resolution college members and observers and contribute to forging common understanding for the authorities involved. It is therefore important for resolution colleges to have at least one meeting including all the members and observers per year. Although not required, it is recognised that the positive effects are enhanced when the college meetings are held in physical presence.
- (15) Regular testing and annual meetings are not required for resolution colleges that cover groups for which the failure of group entities would pose no or limited risks

for financial stability and hence for which such requirements would not be proportionate. In particular: for groups for which simplified obligations are applied to all group entities, for groups consisting of only liquidation entities and for European resolution colleges established in relation to third country banking groups without a resolution entity in a Member State.

- (16) To enhance the quality of discussions among the resolution college members, all authorities should have and take the opportunity to express their views in meetings on the elements of resolution planning and the implementation of the resolution strategy. This Regulation specifies the topics of particular relevance for certain members of the college considering their role in the college.
- (17) For the purpose of having access to all information that is relevant for the performance of the tasks of the members of the resolution college, it is important that the procedures of the resolution college allow both resolution authorities in home and host Member States to exchange information that will contribute to the mutual understanding of the conclusions included in the resolution plan. Therefore, and to make the process of exchanging information more efficient, resolution college members should agree on the access rights to the relevant information in the written arrangements. This should not prevent college members and observers to request access to additional information relevant for the effective performance of their tasks. To enhance transparency on the available information and facilitate such requests for information exchange, resolution authorities should share among each other a list of the documents underlying the conclusions of the resolution plan, including the documents that describe operational aspects relevant for the implementation of the group resolution plan, as mentioned in the EBA Guidelines on improving resolvability for resolution authorities.⁴ The members of the resolution college should specify in the written arrangements the procedures to request and exchange information for which the access rights have not yet been specified.
- (18) To guarantee the efficient and secure information exchange between resolution college members, the resolution college should use a document management platform functioning for the exchange and storage of relevant information. The written arrangements for each resolution college should specify which system is used, the procedures to use the system, how the system ensures that information exchange and the functioning is secured and how it contributes to the exchange of information within the resolution college in accordance with the confidentiality provisions and provisions covering the exchange of confidential information laid down in Directive 2014/59/EU. For this purpose, the college platform developed under Article 21(2), point (a) of Regulation (EU) No 1093/2010⁵ can also be used, without prejudice to the possibility of college members to opt for another equivalent system.
- (19) To ensure effective response in emergency situations, the group-level resolution authority should organise the resolution college meeting. The resolution college should perform specific minimum actions from the moment an emergency situation occurs,

⁴ Guidelines amending Guidelines EBA/GL/2022/01 on improving resolvability for institutions and resolution authorities under articles 15 and 16 of Directive 2014/59/EU (Resolvability Guidelines) to introduce a new section on resolvability testing.

⁵ 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.

guaranteeing a timely response and adequate discussions and information exchange preparing for the decisions to be taken upon and after a group entity is failing or likely to fail. It is important for the resolution college to start operating in this manner from the moment the members become aware of the emergency situation which should be presumed to occur at least in cases where conditions for the application of early intervention measures are met in relation to a group entity, such measures apply to such an entity or when the college is notified that a group entity is in breach or is likely to be in breach in the near future of its capital requirements.

- (20) It is necessary to ensure that the process to reach joint decisions is effective, efficient and simplified to be tailored to the college specificities. Four general steps are the basis of all joint decision processes to ensure sufficient coordination among the members of the resolution college in reaching the joint decision: the setting of a timetable, a dialogue, a consultation with the relevant authorities and finally reaching the decision. The four general steps are further specified as needed within the joint decision process for each decision to be reached.
- (21) To adapt the joint decision processes to the specificities of the resolution college, the sharing of the joint decision timetable and the preliminary dialogue may be performed before or during the decision-making period as specified in Directive 2014/59/EU, to allow for maximizing efficiency. Thus, the joint decision process may cover a longer period than the joint decision-making period as defined in Directive 2014/59/EU. In addition, the group-level resolution authority may decide that the steps are performed in a different sequence than set out in this Regulation and that steps take place in parallel. Furthermore, the group-level resolution authority should adjust the timetable and organise additional dialogues and consultations if necessary to foster coordination and alignment among the resolution authorities involved.
- (22) To enhance cooperation with the identification of substantive impediments, the Regulation requires the group-level resolution authority to organise a dialogue to conclude on the presence of such impediments when one of the members of the resolution college identified an impediment in one of the group entities.
- (23) To ensure an efficient process when a group entity is failing or likely to fail, the resolution college may decide to execute the processes of assessing the need for a group resolution scheme and the joint decision on the resolution scheme in parallel. The resolution authorities should endeavour to have a dialogue covering the potential forthcoming resolution immediately upon becoming aware of an emergency situation which should allow to start without undue delay the assessment on the need for a group resolution scheme and reaching the joint decision when a group entity is failing or likely to fail. This should not prevent the group-level resolution authority from organising additional dialogues when the information available changes overtime.
- (24) Commission Delegated Regulation (EU) 2016/1075 should therefore be amended accordingly.
- (25) This Regulation is based on the draft regulatory technical standards submitted to the Commission by the European Banking Authority.
- (26) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the

potential related costs and benefits and requested the advice of the Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council,

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

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

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

**‘CHAPTER II
RESOLUTION PLANS**

SECTION I

Content of resolution plans

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

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

- (1) A summary of the key elements of the plan, including:
- (a) a description of the institution or group, including the institution’s organisational structure with a list of legal entities, the ownership structure, and business model;
 - (b) the identification of any critical functions and core business lines which will be maintained and any which are expected to be separated from other functions;
 - (c) for each resolution entity, the preferred resolution strategy and any variants of the preferred resolution strategy, as referred to in point (3) of this Article;
 - (d) the conclusions of the resolvability assessment for the preferred and variant resolution strategies along the dimensions through which resolvability is assessed, as referred to in point (4) of this Article; and
 - (e) the minimum requirement for own funds and eligible liabilities required pursuant to Article 45(1) of Directive 2014/59/EU, where applicable, as referred to in point 5 of this Article.
- (2) The conclusions of the assessment of credibility and, where applicable, the feasibility of winding up under normal insolvency proceedings in accordance with Article 24.
- (3) A description of the resolution strategy in the plan, including:
- (a) identification of the legal entity or entities to which resolution actions would be applied, in accordance with Article 25;

- (b) identification of any critical functions or core business lines which will be maintained and any which are expected to be separated from other functions, so as to ensure continuity and digital operational resilience;
 - (c) the rationale for the preferred resolution strategy in accordance with Article 25, and an estimation of timeframe for the key steps required for its implementation;
 - (d) the rationale for any variant to the preferred resolution strategy, that addresses circumstances in which the preferred resolution strategy cannot be credibly and feasibly implemented, in accordance with Article 25, and an estimation of timeframe for the key steps required for its implementation;
 - (e) a brief summary of the main steps to be taken to coordinate the implementation of the preferred resolution strategy by the relevant authorities.
- (4) The conclusions of the assessment of resolvability, including the following points:
- (a) the conclusions of the assessment of the credibility of the preferred resolution strategy and any variant resolution strategy, in accordance with Article 26.
 - (b) the conclusions of the assessment of the feasibility of the preferred resolution strategy and any variant resolution strategy, considering the relevant aspects of Section C of the Annex of Directive 2014/59/EU and the aspects addressed in Articles 27 to 32b of this Regulation categorised in relation to:
 - (i) Governance;
 - (ii) Loss-absorbing and recapitalisation capacity;
 - (iii) Liquidity and funding in resolution;
 - (iv) Operational continuity in resolution and access to financial market infrastructures;
 - (v) Management information systems;
 - (vi) Communication; and
 - (vii) Separability and restructuring; and
 - (c) a description of any impediments to resolvability identified, of any measures proposed by the institution or group or required by the resolution authority to address or remove those impediments.
- (5) The requirement referred to in Article 45(1) of Directive 2014/59/EU as determined in accordance with Articles 45 to 45h of that Directive, as applicable.
- Adjustments made in accordance with Articles 45b(4), 45c(3) fifth and sixth subparagraphs, 45c(7) fifth and sixth subparagraphs, and 45h(2) of Directive 2014/59/EU shall be set out separately.
- (6) Any opinion expressed by the institution or group in relation to the resolution plan.

Article 22a

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

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

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

SECTION II

Assessment of resolvability

Article 23

Stages of assessment

1. Resolution authorities shall assess resolvability based on the following consecutive stages:
 - (a) the assessment of the credibility and feasibility of the winding up of the institution or group under normal insolvency proceedings, in accordance with Article 24;
 - (b) when the conclusion of the assessment under (a) is negative, the selection of a preferred resolution strategy in accordance with Article 25;
 - (c) the assessment of the credibility of the selected resolution strategy in accordance with Article 26;
 - (d) the assessment of the feasibility of the selected resolution strategy in accordance with Articles 27 to 32b.
2. Where the resolution authority considers that it is clear that institutions or groups pose similar risks to the financial system or that the circumstances in which winding up is unlikely to be feasible are similar, that resolution authority may conduct the assessment of the credibility and feasibility of the winding up under normal insolvency proceedings of those institutions or groups in a similar or identical manner.

3. Where a resolution authority concludes that it may not be credible or feasible to wind up the institution or group entities under normal insolvency proceedings, or that resolution action may otherwise be necessary in the public interest because winding up would not meet the resolution objectives to the same extent, it shall identify a preferred resolution strategy which is appropriate for the institution or group on the basis of all relevant information, including the information provided by the institution or group pursuant to Article 11 of Directive 2014/59/EU and the criteria set out in this Regulation. To the extent necessary, it shall also identify variant strategies to address circumstances in which the preferred resolution strategy would not be credible or feasible.
4. The assessments of the credibility and feasibility of the preferred resolution strategy shall include the assessment of any variant strategies identified, with a particular focus on the relevant differences with respect to the preferred resolution strategy.

Measures to remove impediments to variants of the resolution strategy shall only be implemented if they do not impair the credible and feasible implementation of the preferred resolution strategy.
5. Where appropriate, a resolution authority shall revise the preferred resolution strategy or consider variant strategies on the basis of a completed assessment of the credibility and feasibility of a preferred resolution strategy referred to in paragraph 4 first subparagraph, in accordance with Articles 26 and 27 respectively.

Article 24

Credibility and feasibility of winding up under normal insolvency proceedings

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

- (ii) the risk of direct and indirect contagion and macroeconomic feedback effects.
 - (d) the real economy and in particular the availability of critical financial services.
- 3. If the resolution authority concludes that the winding up under normal insolvency proceedings is credible, it shall assess its feasibility.
- 4. Where assessing the feasibility as referred to in paragraph 3, resolution authorities shall:
 - (a) consider whether the institution's or group's systems are able to provide the information required by the relevant deposit guarantee schemes for the purposes of providing payments to covered deposits in the amounts and time frames specified in Directive 2014/49/EU of the European Parliament and of the Council⁶, or where relevant in accordance with equivalent third country deposit guarantee schemes, including on covered deposit balances; and
 - (b) assess whether the institution or the group has the capability required to support the deposit guarantee schemes' operations, in particular by distinguishing between covered and non-covered balances on deposit accounts.

Article 25

Identification of a resolution strategy

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

⁶ Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (OJ L 173, 12.6.2014, p. 149).

- (f) the enforceability of resolution actions which would be applied, in particular in third countries; and
 - (g) whether the resolution strategy requires supporting action by other authorities or requires such authorities to refrain from independent resolution actions, and whether any such actions are credible and feasible for those authorities.
3. Having identified the single point of entry or multiple points of entry in accordance with paragraph 1, resolution authorities shall assess which resolution tool or resolution tools are the most appropriate to achieve the resolution objectives, considering:
- (a) the elements considered as part of the assessment for the resolution strategy according to the second paragraph, where relevant;
 - (b) the possibility of restoring the long-term viability of the institution or group, if applicable; and
 - (c) the risks that could affect or pose an impediment to the implementation of the resolution strategy, including but not limited to:
 - (i) the amount of qualifying eligible liabilities under the proposed resolution strategy and the risk of not contributing to loss absorption or recapitalisation;
 - (ii) the risk profile, funding structure and size of the institution or group;
 - (iii) the complexity, in particular the extent to which assets, rights and liabilities can be separated; and
 - (iv) market characteristics, in particular the risk of not finding a purchaser in case of a sale of business tool.
4. Having identified a preferred resolution strategy, resolution authorities shall consider the need to adopt a variant resolution strategy or variant strategies in order to address scenarios or circumstances where the preferred resolution strategy is deemed not credible or feasible. Resolution authorities shall consider the extent to which any variant resolution strategy is likely to achieve the resolution objectives.

Article 26

Assessment of credibility of a resolution strategy

1. Resolution authorities shall assess the credibility of the resolution strategy, taking into consideration the likely impact of the resolution strategy on achieving the resolution objectives set out in Article 31 of Directive 2014/59/EU. The assessment shall include the evaluation of matters addressed in points 21 to 28 of Section C of the Annex to Directive 2014/59/EU.
2. In conducting this assessment, resolution authorities shall consider the likely impact of the implementation of the resolution strategy on the financial systems of any Member State or of the Union. For this purpose, resolution authorities shall take into account the critical functions performed by the institution or group and assess whether implementation of the resolution strategy would be likely to have a material adverse impact on any of the following:
 - (a) financial market functioning, and in particular market confidence;

- (b) financial market infrastructures, and in particular:
 - i. whether resolution action would constrain the normal functioning of financial market infrastructures in a manner which negatively impacts the financial system as a whole;
 - ii. whether and to what extent financial market infrastructures could serve as contagion channels in the resolution process;
- (c) other financial institutions, and in particular:
 - i. whether resolution action would raise the funding costs of or reduce the availability of funding to other financial institutions in a manner which presents a risk to financial stability;
 - ii. the risk of direct and indirect contagion and macroeconomic feedback effects;
- (d) the real economy and in particular on the availability of critical financial services.

Article 27

Assessment of feasibility of a resolution strategy

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

Article 28

Assessment of feasibility: governance

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

- (1) matters addressed in points 2 and 5 of Section C of the Annex to Directive 2014/59/EU;

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

Article 29

Assessment of feasibility: loss-absorbing and recapitalisation capacity

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

- (1) matters addressed in point 17 of Section C of the Annex to Directive 2014/59/EU;
- (2) the need to identify and quantify the amount of any liabilities which are likely under the preferred resolution strategy not to be contributing to loss absorption or recapitalisation, considering at a minimum the following factors:
 - (a) maturity;
 - (b) subordination ranking;
 - (c) the types of holders of the instrument, or the instrument's transferability;
 - (d) legal impediments to loss absorbency;
 - (e) other factors creating risk that the liabilities would be exempted from absorbing losses in resolution; and
 - (f) the amount and the issuing legal entities of qualifying eligible liabilities or other liabilities which would absorb losses.
- (3) whether the group has put in place adequate arrangements to transfer losses to other group entities, including where relevant to amount and loss-absorbency of intragroup funding;
- (4) whether the institution or the group has put in place adequate governance arrangements, internal processes and management information system capabilities to support the operational execution of the write-down and conversion, and regularly evaluate and test their effectiveness;
- (5) whether the institution or the group has put in place adequate arrangements, internal processes and management information system capabilities to support the third-country recognition and effectiveness of resolution actions.

Article 30

Assessment of feasibility: liquidity and funding in resolution

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

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

*Article 31***Assessment of feasibility: operational continuity in resolution and access to financial market infrastructures**

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

- (1) matters addressed in points 1 to 4a, 6, 7, and 19 of Section C of the Annex to Directive 2014/59/EU;
- (2) dependencies of core business lines and material entities on infrastructure, information technology, treasury or finance functions, employees or other critical shared services;
- (3) whether the institution or the group is able to ensure that sufficient financial resources are available to cover the financial cost of maintaining continuity of operations;
- (4) whether the institution or the group can provide the necessary information on ownership of assets and infrastructures, pricing, contractual or other arrangements, including outsourcing arrangements and the extent to which the institution or the group has included contractual provisions ensuring operational continuity;
- (5) whether contractual obligations in relation to any agreement permit the termination of services in a situation where substantial obligations of the contracts are still met; and
- (6) whether the institution or the group ensures access in resolution to assets necessary for the continuity of critical functions and the core business lines needed for the effective implementation of the strategy and any consequent restructuring.

*Article 32***Assessment of feasibility: management information systems**

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

- (1) matters addressed in points 8 to 12 of Section C of the Annex to Directive 2014/59/EU;
- (2) the capability of the institution or group to provide information to carry out a valuation to determine the amount of write-down and conversion required; and

- (3) the capability of the institution or group to provide information on the amount and location within the group of assets which would be expected to qualify as collateral for central bank facilities.

Article 32a

Assessment of feasibility: communication

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

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

Article 32b

Assessment of feasibility: separability and restructuring

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

- (1) matters addressed in points 1, 16, 18, 20 and 22 of Section C of the Annex to Directive 2014/59/EU;
- (2) whether the legal and franchise structure of the institution or group is consistent with any planned changes to the business structure of the institution or group in relation to the resolution strategy;
- (3) where applicable, whether the institution has in place a governance process for the production of the business reorganisation plan in accordance with Article 52 of Directive 2014/59/EU;
- (4) where applicable, whether the institution is able to identify and separate assets for the implementation of the business reorganisation plan referred to in point (3);
- (5) whether contractual obligations which cannot be disapplied by the resolution authority prohibit any transfer of assets or liabilities envisaged in the resolution strategy; and
- (6) whether appropriate resolution tools are available with respect to each legal entity as required to implement the resolution strategy.'

- (2) Chapter VI is replaced by the following:

**‘CHAPTER VI
RESOLUTION COLLEGES
SECTION I
*Operational organisation of resolution colleges***

Article 50

Mapping and identification of resolution college members and possible observers

1. For the purpose of identifying the members and potential observers of the resolution college, the group-level resolution authority shall conduct the mapping of the structure of the group referred to in Article 1(1) of Directive 2014/59/EU, taking into account the mapping of that group as performed by the consolidating supervisor in accordance with Article 2 of Commission Delegated Regulation (EU) 2016/98¹ [laying down RTS on the general conditions for the operational functioning of the colleges of supervisors repealing Commission Delegated Regulation 2016/98] and Article 1 of Commission Implementing Regulation (EU) 2016/99² [laying down ITS on the operational functioning of the colleges of supervisors repealing Commission Implementing Regulation 2016/99].
2. Upon finalisation of the mapping referred to in paragraph (1), the group-level resolution authority shall prepare and communicate the list of members and potential observers to the resolution college.
3. The group-level resolution authority shall communicate to the Union parent undertaking the establishment of the resolution college including the list of its members and observers.
4. The group-level resolution authority shall keep an updated mapping of the group entities as referred to in paragraph (1) and a list of members and observers of the resolution college.
5. Members and observers of the resolution college shall timely inform the group-level resolution authority of any change in the group structure or any other event that may affect the mapping of the group and the list of members and potential observers.

Article 51

Observers in the resolution college

1. Where, upon finalisation of the mapping referred to in Article 50(1) and in the absence of a request referred to in Article 88(3) of Directive 2014/59/EU, the group-level resolution authority considers that a third country resolution authority is a potential observer, it may notify that third country resolution authority informing that it has the possibility of requesting to become an observer of the college in accordance to Article 88(3) of Directive 2014/59/EU. The notification shall specify that the participation in the resolution college is subject to the requirements and standards of professional secrecy applicable to that third country resolution authority being considered at least equivalent to those imposed by Article 84 of that Directive and the decision by the group-level resolution authority to invite the third country resolution authority.
2. Upon receipt of a request from a third country resolution authority as referred to in Article 88(3) of Directive 2014/59/EU, the group level resolution authority shall communicate the request to the resolution college.
3. Where, upon finalisation of the mapping referred to in Article 50(1), the group-level resolution authority considers that an insurance resolution authority as referred to in Article 88(3a) of Directive 2014/59/EU is a potential observer, it may propose to the resolution college to invite that insurance resolution authority.
4. The communication of the request referred to in paragraph (2) or the proposal referred to in paragraph (3), shall be accompanied by the following:
 - (a) the opinion of the group-level resolution authority, also having regard to point (b), on the equivalence of the confidentiality and professional secrecy regime

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

Article 52

Establishment and update of contact lists

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

Article 53

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

1. The written arrangements and procedures pursuant to Article 88(5)(a) of Directive 2014/59/EU shall include, taking into account Article 87 of that Directive, at least the following elements:
 - (a) a mapping of the structure of the group, including subsidiaries and significant branches and the list of the college members and observers referred to in Article 50(4);
 - (b) a description of the general resolution college framework for cooperation between authorities and coordination of activities and tasks; and
 - (c) a description of cooperation and coordination arrangements in emergency situations.
2. The general resolution college framework for cooperation and coordination of activities and tasks, shall include the following:
 - (a) the names and contact details of the college coordinator, and the alternate college coordinator, appointed by the group-level resolution authority and responsible for coordinating the functioning of the resolution college as set out in this Regulation. The college coordinator shall be the main contact point of the group-level resolution authority for the resolution college members and observers;
 - (b) a description of the different resolution college substructures, where relevant, including their composition for the performance of different tasks;
 - (c) an identification of the college members and observers participating in specific college activities, including the appropriate representatives for specific college activities and meetings as referred to in Article 56(6);
 - (d) a description of the terms and conditions of the participation of the observers in the resolution college, including terms and conditions of their involvement in the various dialogues and processes of the college as well as their rights and obligations with regard to exchanging information having regard to Articles 90 and 98 of Directive 2014/59/EU;
 - (e) a description of the procedures for coordination with other colleges or groups performing the same or similar functions as the resolution college for the group;
 - (f) a description of the procedures and arrangements for the exchange of information, having regard to Articles 90 and 98 of Directive 2014/59/EU, including the terms of use of the chosen document management platform referred to in Article 58(5) for the secured exchange and the dissemination of information between college members and observers and the procedures for requesting information that is not yet exchanged;
 - (g) the access rights to relevant information to be shared using the document management platform with resolution college members and observers in accordance with Article 58(1) of this Regulation, having regard to Articles 90 and 98 of Directive 2014/59/EU;
 - (h) a description of procedures for hosting regular and ad hoc meetings;
 - (i) an overview of time that needs to be available between the distribution of documents relevant for resolution college activities and meetings, and the moment those activities and meetings take place;
 - (j) a description of the procedures to be followed, when a joint decision is not required but the formation of a common understanding within the resolution college or within any of its substructures appears necessary;
 - (k) a description of how the functioning of the resolution college will be tested as referred to in Article 55(3) including an indicative timetable;

- (l) any provisions covering discontinuance arrangements for participation to the written arrangements or the terms and conditions of observer participation; and
 - (m) any other agreement concerning the functioning of the resolution college.
3. The cooperation and coordination arrangements in emergency situations shall include the following:
- (a) the minimum set of information to be exchanged between the resolution college members as soon as an emergency situation occurs;
 - (b) a specification of the means of video and audio communication to be used in emergency situations;
 - (c) a description of the procedures to be followed by the group-level resolution authority for the organisation of the resolution college in emergency situations;
 - (d) a description of the procedures for the exchange of information with authorities that are not members or observers of the resolution college;
 - (e) the allocation of responsibilities for coordinating external communication, taking into account national requirements; and
 - (f) any other agreement concerning the functioning of the resolution college in emergency situations.

Article 54

Procedures for establishment and update of written arrangements

1. The group-level resolution authority shall prepare its proposal for the written arrangements and procedures for the functioning of the resolution college in accordance with Article 53 or for an update thereof as applicable.
2. The group-level resolution authority shall share its proposal with the members of the resolution college for consultation.
3. The group-level resolution authority shall take into account the opinions of the members of the resolution college before finalising the written arrangements and reason its decision when not taking them into account.
4. Upon finalisation, the group-level resolution authority shall communicate the written arrangements and procedures for the functioning of the resolution college to the members of the resolution college through the document management platform.
5. Written arrangements and procedures for the functioning of the resolution college shall be reviewed regularly and updated when needed, in particular after any substantive change in the composition of the resolution college and where a change is deemed necessary following testing the functioning of the resolution college referred to in Article 55.

Article 55

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

1. The group-level resolution authority shall regularly test the procedures, or parts of the procedures, for the functioning of the resolution college in emergency situations and shall consider the findings of those exercises in the update of the written arrangements and procedures for the functioning of the resolution college.
2. The testing of operational procedures referred to in paragraph (1) shall cover the following aspects:
 - (a) secure means of audio and video communication to be used;

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

Article 56

Operational aspects of college meetings and other activities

1. The group-level resolution authority shall convene at least one resolution college meeting per year, inviting the members and observers of the resolution college. Where the college is established for groups referred to in Article 55(4), the members of the resolution college may decide to have a lower frequency of meetings.
2. The group-level resolution authority shall consider the need of organising the resolution college in various substructures.
3. Where the resolution college is organised in different substructures, the group-level resolution authority shall keep the resolution college fully informed, regularly and in a timely manner, on the actions taken or the measures carried out in those college substructures.
4. The group-level resolution authority shall prepare and communicate to the resolution college the agenda and objectives of planned meetings and other activities.
5. College members may request to the group-level resolution authority the addition of specific items to the agenda of a planned meeting. The group-level resolution authority shall reason any decision not to add a requested item to the agenda.
6. All resolution college members participating in resolution college meetings or other activities shall ensure that the appropriate representatives, according to the objectives of the meeting and other activities of the resolution college, participate in these meetings and other activities and that these representatives are empowered to commit their authorities, to the maximum extent possible, in case decisions are expected to be taken in these meetings or other activities.
7. The group-level resolution authority shall ensure that relevant documents are circulated timely and within at least 5 working days before a particular meeting or activity of the resolution college or without undue delay in case the meeting takes place during an emergency situation.
8. Outcomes and decisions of resolution college meetings or other activities shall be documented in writing and shared with college members in due time, by the group-level resolution authority.

*Article 57***Contributions of the members, other than resolution and competent authorities, in performing the tasks of the resolution college**

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

*Article 58***General conditions with regards to the exchange of information between members of the college**

1. Subject to Articles 90 and 98 of Directive 2014/59/EU, the group-level resolution authority and the members and observers of the resolution college shall ensure that they exchange all information relevant for the execution of the tasks referred to in Article 88(1) of Directive 2014/59/EU, whether this information originates from the group-level resolution authority, from a group entity, a competent authority, a resolution authority or any other designated authority or any other source.
2. That information shall be adequate, accurate and up to date, and shared in a timely manner to enable and facilitate the performance of the tasks of resolution college members in both going concern and emergency situations.
3. For the purposes of paragraph (1) the group-level resolution authority and the resolution authorities of subsidiaries and resolution authorities of the jurisdictions in which significant branches are located shall communicate to each other an updated list of documents in their possession that could inform the execution of the tasks of the resolution college, including the documents informing the content of a resolution plan and resolvability assessment as referred to in Article 22 of this Regulation.
4. Members of the resolution college shall have the possibility to request from any other member or observer of the resolution college or the group-level resolution authority any information relevant for their tasks that is not yet exchanged, providing reasoning on the relevance of the information requested. Any refusal of such request shall be reasoned.
5. For the purposes of paragraphs (1) to (4) of this Article, the group-level resolution authority and the members of the resolution college shall use a document management platform for the exchange and storage of information and as the main means of communication between resolution college members and observers. For that purpose, the group-level resolution authority and the members of the resolution college may use the central system established in accordance with Article 21(2), point (a), of Regulation (EU) No 1093/2010.

6. For the purpose of effective and efficient coordination between the supervisory and resolution college, the group-level resolution authority and the consolidating supervisor shall exchange all information required to ensure that colleges fulfil their role set out in Article 116 of Directive 2013/36/EU.

Article 59

Operational procedures in emergency situations

1. Where an emergency situation affecting any of the group entities occurs, the following shall take place without undue delay:
 - (a) the group-level resolution authority shall inform the other members of the resolution college;
 - (b) any member of the resolution college shall inform the group-level resolution authority;
 - (c) the group-level resolution authority shall organise a meeting of the resolution college, taking into account the nature, severity, potential systemic impact or other impact and the likelihood of contagion of the situation; and
 - (d) the group-level resolution authority shall coordinate to assess whether additional meetings are required and whether further information needs be exchanged between college members and observers.
 - (e) the group-level resolution authority shall transmit the following information to the resolution authorities of subsidiaries:
 - (i) the notification and information received on the emergency situation referred to in paragraph (2), if applicable;
 - (ii) the time limit by which the dialogue referred to in point (f) should be concluded, if applicable; and
 - (f) except where this would be disproportionate or unnecessary, the group-level resolution authority shall organise a dialogue with the resolution authorities of the subsidiaries, to discuss how Articles 91 or 92 of Directive 2014/59/EU would apply, where due to the emergency situation, a subsidiary of the group or the Union parent undertaking fell under the said provisions, including whether mutualization of national financing arrangements in accordance with Article 107 of that Directive would be required. The group-level resolution authority may invite to this dialogue other members and observers of the college. This dialogue shall be without prejudice to the actual application of Articles 91, 92 and 107 of Directive 2014/59/EU.
2. Paragraph (1) of this Article shall apply at least in the following cases:
 - (a) where a notification referred to in Article 27(2) of Directive 2014/59/EU concerning any group entity has been received;
 - (b) an early intervention measure has been imposed on a group entity;
 - (c) a notification referred to in Article 81(2) of Directive 2014/59/EU has been received concerning the exercise of supervisory powers to any group entity for the purposes of Article 102 of Directive 2013/36/EU;
 - (d) a notification referred to in Article 81(3) of Directive 2014/59/EU has been received by any member of the college.
3. Paragraphs (1) and (2) shall be without prejudice to stricter cooperation requirements foreseen in the written arrangements of the resolution college.

4. The occurrence of one of the cases in paragraph (2), when another case already occurred in relation to the same situation, shall not trigger the actions in paragraph (1) again where they have already been performed.

Article 60

Communication policy

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

Article 61

Coordination of external communication

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

SECTION II

Joint decisions

Subsection 1

General

Article 62

General process steps for reaching joint decisions

1. A joint decision process should include at least the following general steps:
 - (a) Setting of the joint decision process timetable: The group-level resolution authority shall develop and share with the relevant authorities a timetable of steps to be followed in that process ('joint decision timetable').
The group-level resolution authority shall set a time limit for authorities to agree or not on the joint decision timetable. If within this time limit, no reply has been

received by the relevant authorities, agreement on the joint decision timetable shall be assumed. Within that time limit any of the resolution authorities of the subsidiaries may express its views and reservations.

The group-level resolution authority shall take into account the views and reservations expressed by the resolution authorities of the subsidiaries when setting the joint decision timetable.

The timetable shall include at least the following:

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

The group-level resolution authority shall communicate to the Union parent undertaking the aspects of the joint decision timetable that envisage the involvement of the Union parent undertaking.

A joint decision timetable may cover more than one joint decision process.

- (b) Dialogue: the group level resolution authority shall ensure a preliminary dialogue with at least the resolution authorities of subsidiaries on the content of the joint decision. The group-level resolution authority shall take into account the views and reservations expressed by the resolution authorities of subsidiaries. The group-level resolution authority shall organise additional dialogues if necessary;
- (c) Consultation: the group-level resolution authority shall ensure that the resolution authorities of subsidiaries and the competent authorities where applicable are consulted on the draft joint decision. The group-level resolution authority shall take into account the views and reservations expressed and reason its decision when not taking them into account. The group-level resolution authority may organise additional dialogues after the consultation if needed; and
- (d) In reaching a joint decision, the following steps shall be followed:
 - (i) The group-level resolution authority shall share a draft joint decision including all elements referred to in Article 63(1) with the relevant resolution authorities of subsidiaries setting a time limit for them to provide their written agreement, which may be sent by electronic means.
 - (ii) Upon receipt of the draft joint decision the agreeing resolution authorities shall transmit their written agreement to the group-level resolution authority within the set time limit.
 - (iii) The concluded joint decision including annexes, with all written agreements referred to in point (ii) of point (d) of this paragraph and the one of the group-level resolution authority shall be circulated to the authorities agreeing with the joint decision by the group-level resolution authority.
 - (iv) The group-level resolution authority shall inform the members of the resolution college on the outcome of the joint decision without undue delay.
 - (v) The group-level resolution authority shall transmit any relevant observations and views expressed by the Union parent undertaking in reaction to the joint decision to the authorities participating in the joint decision process.

2. Unless provided otherwise by applicable law, any violations of procedural steps in this Regulation will not affect the validity of joint decisions taken.

*Article 63***Elements of a joint decision**

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

*Subsection 2****Joint decision process on group resolution plan and resolvability assessment****Article 64***The joint decision process**

1. The starting date of the joint decision-making period for the joint decision is the date of or after the transmission of information from the group-level resolution authority to the relevant authorities, which shall not be deemed complete until the actual transmission of both the initial and the additional information that is requested by the resolution authorities of subsidiaries. Such additional information shall be requested, if relevant to facilitate the drawing up of the group resolution plan and the performance of the resolvability assessment, from the group-level resolution authority within a time-limit set by the group-level resolution authority.
The group-level resolution authority together with the resolution authorities of subsidiaries may decide in the joint decision timetable to have the information transmitted simultaneously with the draft of the resolution plan.
2. The resolution authorities of subsidiaries shall provide to the group-level resolution authority their contributions to the group resolution plan and resolvability assessment. Specifically, they shall provide their assessment of the resolvability of the entities within their jurisdiction in relation to the group resolution plan.
3. The group-level resolution authority shall develop the draft group resolution plan in accordance with Article 12 of Directive 2014/59/EU, taking into account any contributions submitted by the resolution authorities of subsidiaries.
4. The dialogue referred to in Article 62(1)(b) shall at least cover the assessment of the resolvability of all group entities covered by the resolution plan and shall facilitate the identification of possible substantive impediments to resolvability for all those entities.

5. The group-level resolution authority shall organise an additional dialogue, as referred to in Article 62(1)(b), with the authorities referred to in Article 13(1) of Directive 2014/59/EU and conclude whether or not there are substantive impediments identified, when any of those authorities considers that there are substantive impediments to the resolvability of the group or any of its entities within the time limit set by the group-level resolution authority in the joint decision timetable. Where substantive impediments to resolvability are identified Article 69 applies.
6. The conclusion of the joint decision shall be communicated to the Union parent undertaking along with the summary of the key elements of the group resolution plan as referred to in Article 10(7)(a) of Directive 2014/59/EU. This communication shall be shared with the resolution college members.

Article 65

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

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

Subsection 3

Process in the absence of joint decision on group resolution plan and resolvability assessment

Article 66

The process in the absence of a joint decision

1. In the absence of a joint decision between the resolution authorities within the time period referred to in Article 13(5) of Directive 2014/59/EU, the decision taken by the group-level resolution authority on the group resolution plan and resolvability assessment shall be shared with the resolution college members.
2. In the absence of a joint decision between the resolution authorities within the time period referred to in Article 13(6) of Directive 2014/59/EU, the resolution authorities drawing up individual decisions shall transmit them to the group-level resolution authority.

Article 67

Content of individual decisions

1. In addition to the elements in Article 63 of this Regulation, the individual decision by the group-level resolution authority shall contain:
 - (a) the group resolution plan and resolvability assessment including any measures to address or remove substantive impediments to resolvability in accordance to Article 17(4), (5) and (6) of Directive 2014/59/EU;

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

Article 68

Communication of individual decisions in the absence of a joint decision

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

Subsection 4

Joint decision on measures to address substantive impediments to resolvability

Article 69

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

1. When the group-level resolution authority concludes the dialogue as referred to in Article 64(5) with the identification of substantive impediments to resolvability, the group-level resolution authority shall suspend that joint decision process on the resolution plan and resolvability assessment in accordance with Article 17(2) of Directive 2014/59/EU and shall notify its decision to the resolution college members.

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

Article 70

The joint decision process

1. The starting date of the joint decision-making period for the joint decision on measures to address substantive impediments to resolvability is when the joint decision process on the group resolution plan and resolvability assessment is suspended in accordance with Article 69(1).
2. The dialogue referred to in Article 62(1)(b), shall involve the group-level resolution authority, the resolution authorities of subsidiaries, resolution authorities of the jurisdictions in which significant branches are located insofar as the proposed measures impact that branch, competent authorities of the relevant entities and other relevant resolution college members, and shall cover any observations or alternative measures to remedy the substantive impediments proposed by the Union parent undertaking pursuant to Article 18(3) of Directive 2014/59/EU, as appropriate and on the potential impact of the proposed measures on all entities that are part of the group, on all the Member States where the group operates, and on the Union as a whole.
3. The group-level resolution authority shall communicate in writing the reasoning for and the conclusion of the joint decision for information to the management body of the Union parent undertaking in a timely manner and in any event by the time limit specified in the joint decision timetable. The group-level resolution authority shall share that communication with the resolution authorities of subsidiaries.
4. Where some of the measures taken in accordance to Article 17(5) and (6) of Directive 2014/59/EU are addressed to specific entities of the group other than the Union parent undertaking, the resolution authorities of subsidiaries shall provide to the management bodies of those entities under their jurisdiction the respective parts of the joint decision on measures to address substantive impediments to resolvability, in a timely manner and in any event by the time limit specified in the joint decision timetable.
5. The group-level resolution authority may discuss details of the content and the application of the joint decision on measures to address substantive impediments to resolvability with the Union parent undertaking.
6. The resolution authorities of subsidiaries may discuss details of the content and the application of the joint decision on measures to address substantive impediments to resolvability with the entities under their jurisdictions.
7. The group-level resolution authority shall communicate the outcome of the discussion, if any, referred to in Article 70(5) to the resolution authorities of subsidiaries.

8. The resolution authorities of subsidiaries shall communicate the outcome of the discussion, if any, referred to in Article 70(6) to the group-level resolution authority.
9. The group-level resolution authority and the resolution authorities of subsidiaries shall monitor the application of the joint decision on measures to address substantive impediments to resolvability that are relevant to each of the entities of the group for which they are respectively responsible.

Article 71

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

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

Subsection 5

Process in the absence of joint decision on measures to address substantive impediments to resolvability

Article 72

The decision process in the absence of a joint decision

1. In the absence of a joint decision on measures to address substantive impediments to resolvability as referred to in Article 18(6) of Directive 2014/59/EU, the decision taken by the group-level resolution authority in accordance with that Article shall be transmitted without undue delay to the resolution college members.
2. In the absence of a joint decision pursuant to Article 18(6a) of Directive 2014/59/EU, resolution authorities of subsidiaries that are resolution entities, deciding on measures to be taken at the level of the resolution group in the absence of a joint decision shall transmit the decision to the group-level resolution authority without undue delay.
3. In the absence of a joint decision pursuant to Article 18(7) of Directive 2014/59/EU, resolution authorities of subsidiaries that are not resolution entities, deciding on measures to be taken by subsidiaries at individual level in the absence of a joint decision shall transmit to the group-level resolution authority their decision.

Article 73

Content of individual decisions

1. In addition to the elements set out in Article 63 of this Regulation, the decision taken by the group-level resolution authority shall contain:

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

Article 74

Communication of individual decisions in the absence of joint decision

- 1. In the absence of a joint decision between the group-level resolution authority and the resolution authorities of subsidiaries within the time period referred to in Article 18(5) of Directive 2014/59/EU, all decisions referred to in Article 18(6), Article 18(6a) and Article 18(7) of that Directive shall be shared by the group-level resolu-

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

SECTION III

Joint decision process on minimum requirements for own funds and eligible liabilities

Subsection 1

Joint decision process

Article 75

The joint decision process

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

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

Article 76

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

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

Subsection 2

Process in the absence of a joint decision at consolidated level

*Article 77***Partial joint decisions taken in the absence of a joint decision including all group entities**

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

*Article 78***Content of individual decisions**

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

*Article 79***Communication of individual decisions in the absence of joint decision**

1. In the absence of a joint decision on minimum requirements for own funds and eligible liabilities for each resolution entity and for entities which are not resolution entities as referred to in Article 45h(1) of Directive 2014/59/EU within the time period referred to in Article 45h(3) of Directive 2014/59/EU, all decisions taken by the resolution authorities of subsidiaries shall be shared with the group-level resolution authority by the latest of the following dates:

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

SECTION IV

Cross-border group resolution

Subsection 1

Assessment on the need for a group resolution scheme under Articles 91 and 92 of Directive 2014/59/EU

Article 80

The assessment on the need for a group resolution scheme

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

3. The group-level resolution authority shall share together with its draft assessment all relevant material information, which it has received under Article 81, 82, 91 or 92 of Directive 2014/59/EU.
4. The resolution authorities of subsidiaries shall be consulted on the assessment on the need for a group resolution scheme as referred to in paragraph (4). The group-level resolution authority shall set a time limit by which they can provide their comments.
5. Where the group-level resolution authority considers that a group resolution scheme is needed, the group-level resolution authority may decide not to communicate its final assessment as provided for in paragraph (4) and proceed to apply the procedure for preparing the group resolution scheme set out in Article 82.

Article 81

College cooperation without the need for a group resolution scheme

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

Subsection 2

Joint decision process on the group resolution scheme

Article 82

The joint decision process

1. The process to reach a joint decision on the group resolution scheme proposed under Article 91(4) or Article 92(1) of Directive 2014/59/EU shall follow the steps described in Article 62, excluding the dialogue and the setting of a timetable. The steps should take place sequentially or simultaneously with the steps described in Article 80, depending on the time available.
2. The joint decision on the group resolution scheme shall be drawn up by the group-level resolution authority in accordance with Article 91(6) of Directive 2014/59/EU
3. The consultation referred to in Article 62(1) shall cover the consideration of:
 - (a) impediments, if any, in national law or otherwise to carrying out the group resolution scheme;
 - (b) the transfer of losses among the entities in the group;
 - (c) any relevant updates to the information submitted for the mutualisation of the financing arrangements that could impact carrying out the financing plan;
 - (d) the impact of the group resolution scheme or of the financing plan on the subsidiaries covered by the group resolution scheme in their respective Member State.

4. The group-level resolution authority shall transmit the final joint decision without undue delay to the resolution authorities of the subsidiaries included in the group resolution scheme.
5. The group-level resolution authority shall communicate a summary of or the joint decision on the group resolution scheme itself, if deemed efficient, to members of the resolution college for information.

Article 83

Content of the joint decision on the group resolution scheme

1. The joint decision on the group resolution scheme shall contain the elements set out in Article 63(1) and:
 - (a) a description of the resolution actions, if any, that need to be implemented in relation to any of the group entities in order to ensure that the group resolution scheme can be operationalised;
 - (b) a description of legal or regulatory preconditions to be fulfilled, if any, for carrying out the group resolution scheme;
 - (c) the time frame for executing the group resolution scheme as well as the timing and sequencing of each resolution action to be undertaken;
 - (d) the allocation of tasks and responsibilities for the coordination of the resolution actions;
 - (e) a financing plan, on the basis of Article 107 of Directive 2014/59/EU, as appropriate and taking into account the need for mutualisation of the financing arrangements.
2. For the purposes of point (a) of Article 91(6) of Directive 2014/59/EU, the group-level resolution authority shall ensure that the draft group resolution scheme includes:
 - (a) an explanation why an alternative option to the resolution plan, pursuant to Article 13 of Directive 2014/59/EU, must be followed, including why the proposed actions are considered to more efficiently achieve the resolution objectives and principles referred to in Articles 31 and 34 of that Directive than the strategy and resolution actions provided for in the resolution plan;
 - (b) an identification of key elements of the group resolution scheme which depart from the resolution plan referred to Article 13 of Directive 2014/59/EU.

Article 84

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

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

Subsection 3

Disagreements and decisions taken in the absence of a joint decision

Article 85

Notification in case of disagreement

1. Where a resolution authority disagrees with or departs from the group resolution scheme proposed by the group-level resolution authority or considers that it needs to take independent resolution actions or measures for reasons of financial stability pursuant to Article 91(8) and Article 92(4) of Directive 2014/59/EU, that resolution authority shall notify the group-level resolution authority of the disagreement without undue delay.
2. The notification referred to in paragraph (1) shall include the following:
 - (a) the name of the resolution authority;
 - (b) the name of the entity under the jurisdiction of the resolution authority;
 - (c) the date of the notification;
 - (d) the name of the group-level resolution authority;
 - (e) a statement of the resolution authority on its disagreement, or departure from the group resolution scheme, or of its consideration that independent resolution actions or measures are appropriate for the entity or entities under its jurisdiction;
 - (f) a detailed reasoning for the elements of the group resolution scheme with which the resolution authority is in disagreement, or from which it departs, or an explanation of why it considers that independent resolution action or measures are appropriate;
 - (g) a description of the actions or measures that the resolution authority will take.
3. The group-level resolution authority shall notify the other members of the resolution college of the notification referred to in paragraph (2).

Article 86

Decision-making process between non-disagreeing resolution authorities

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

Article 2

Entry into force

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

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

Done at Brussels,

*For the Commission
The President*

*[For the Commission
On behalf of the President*

5. Accompanying documents

5.1 Draft cost-benefit analysis / impact assessment

5.1.1 RTS on resolution plans and resolvability assessments

The EBA is mandated under Articles 10 and 12 of the BRRD to develop draft Regulatory Technical Standards (RTS) that specify the content of the resolution plans. Articles 15 and 16 of the BRRD requires the EBA to develop RTS that specify matters and criteria for the assessment of resolvability of institutions or groups.

Additionally, in accordance with Article 10 of Regulation (EU) No 1093/2010, the EBA is mandated to review and, if appropriate, update the RTS to, inter alia, take account of the provisions of Regulation (EU) 2022/2554 on digital operational resilience.

Since the adoption of the regulatory technical standards in March 2016, relevant conclusions have emerged from resolution authorities' experience in resolution planning activities, in combination with the lessons learnt from recent bank crisis cases and simulation exercises.

A. Problem identification

The current RTS specifies the structure and content of resolution plans and resolvability assessments. As the resolution planning practice of authorities developed over the past years, it has become clear that plans contain many details that are at times unnecessary, and information may be duplicated across different plan sections and operational documents. This hinders efficient decision-making and an effective implementation of the resolution strategy in crisis times. Recent crisis cases also evidenced the need for increased optionality starting from the planning stage to support the execution of resolution strategies tailored to the crisis scenarios and circumstances that may ultimately materialise. In addition, the resolvability assessment needs to be reviewed to reflect changes in the regulatory framework in relation to digital operational resilience.

B. Policy objectives

Based on the considerations mentioned above, this RTS aims at simplifying and streamlining resolution plans, enhancing operationalisation to improve plan usability and implementation readiness, and increasing optionality to improve flexibility in resolution planning.

C. Baseline scenario

The baseline scenario entails maintaining the existing framework (current practice), which would result in inefficient processes, with too many details being included in resolution plans and information being duplicated, leading to potentially less effective decision-making and implementation of the resolution strategy.

D. Options considered

This section details the technical options considered. All of them were included in the proposal except option 4.

Option 1: Revised structure and further specification of plan sections for resolution banks

Under this option, the structure of the plan for resolution banks is revised and section contents are better specified to differentiate between assessments carried out by the authority and the capabilities of the bank to support the implementation of the resolution strategy. The resolvability assessment is now structured across seven dimensions, in line with current practice. The structure of the content follows the reasoning for the selection of resolution strategies and the key steps to execute the plan.

This option makes targeted updates of the plans possible and should contribute to proportionality. It will enhance the standardisation, simplification and readability of the plans, to focus on the most relevant key aspects of underlying operational documents. This option will also improve optionality, supporting authorities' planning for different crisis scenarios and contingencies.

Option 2: Specification of the contents of the resolution plan summary

Under this option, the RTS specifies the information to be included in the summary of the key elements of the resolution plan. This option streamlines the information disclosed to institutions, enhancing transparency, and improves the standardisation and comprehensiveness of resolution plan summaries.

Option 3: Further specification of the MREL chapter contents

Under this option, the RTS specifies the information that should be included in the resolution plan in relation to the Minimum Requirement on Eligible Liabilities (MREL), to put the focus on the adjustments applied by the resolution authority on the basis of the specificities of the institution or group entities. This option contributes to the standardisation and streamlining of plans and improves their readability.

Option 4: Differentiation between plans for resolution college groups and non-resolution college groups

Under this option, different elements of the resolvability assessment and related updates would be considered depending on whether the plan concerns a college group or a non-college institution/group. This option was discarded, as the college configuration is not necessarily an indication of the complexity and riskiness of the institution or group concerned. In addition, the differentiation could add proportionality but would not achieve the simplification objective of this revision.

Option 5: Differentiation between plans for resolution banks and liquidation banks

Under this option, the RTS further specifies the categories of information required for the resolution plans for liquidation entities. This option ensures that the information included in the plan and the related process are better targeted and thus improves plan usability.

Option 6: Link between resolution plan and underlying operational documents

Option 1: Operational documents are annexed to the resolution plan

Under this option, all operational documents underpinning the resolution plan and resolvability assessment would be annexed to the plan itself. This would not meet the simplification objective of this revision and would also entail legal and procedural risks, as these documents would become part of the decision-making process around the approval of the resolution plan. Because of these risks, this option was not implemented.

Option 2: Operational documents remain outside of the resolution plan but are stored in a document repository (not shared with all stakeholders)

Under this option, all operational documents would be uploaded to a document repository and the plan would make reference to them. As it is not evident that all of this information is truly necessary for authorities' decision-making and this would also increase complexity in keeping track of which stakeholders have access to the documents, this option was set aside.

Option 3: The list of available documents underpinning the conclusions in the resolution plan is included in the plan to enable information exchange on request

Under this option, the resolution plan would include a list of the available operational documents underpinning the conclusions of the plan itself. Based on the list, authorities would be able to access the relevant documents upon request. This possibility was discarded in view of the legal and procedural risks it would bring about, as authorities feared that the documents would be considered as part of the decision-making process around the approval of the resolution plan.

Option 4: The RTS does not specify information exchange arrangements for operational documents underlying the plan

Under this option, the structure and content of resolution plans are simplified and streamlined to focus on the very key aspects of underlying documents, but the RTS does not specify any arrangements for the exchange of information among authorities around those operational documents, which are rather defined in the revised RTS on resolution colleges. The restructuring ensures that plans are focused, while still containing sufficient information for authorities to base their decisions on. Authorities are in any case required to exchange all information required for the execution of their tasks.

Option 4 is the preferred one.

E. Cost-Benefit Analysis

The impact of implementing this RTS depends on the resolution planning practices and processes currently in place for resolution authorities. Authorities might incur a one-off cost to adapt to the new plan and resolvability assessment structure and content. However, this cost is expected to be limited.

The benefits for authorities from the implementation of the RTS encompass simplification, increased proportionality in the update of resolution plans and improved standardisation through a better specification of the content of plan sections. This will further enhance the level playing field in resolution planning practices in the EU.

A key benefit of simplification is the enhanced coherence between the resolution plan and the resolvability assessment, through the elimination of unnecessary repetition and clear delineation of the conclusions of each section. This reorganisation supports a more targeted assessment of institutions' preparedness. The new, streamlined structure improves the readability of resolution plans, allowing authorities to focus on the core aspects needed to make timely and informed decisions in a crisis. This simplification contributes to a more efficient use of resources involved in drafting, updating, and reviewing resolution plans. By focusing on essential, decision-relevant information and removing redundancies, the revised RTS reduces the administrative burden and enables the re-allocation of resources to priority areas, such as testing operational capabilities or enhancing resolvability in specific dimensions.

Finally, the streamlined format of the plan summary, now aligned with the key elements of resolution planning, benefits authorities by condensing the key information needed for implementation, and ensures that institutions receive clear, relevant, and consistent information. This fosters transparency, improves understanding, and supports better alignment between institutions and resolution authorities.

5.1.2 RTS on resolution colleges

Article 88 BRRD establishes resolution colleges and mandates the EBA in paragraph 7 to draft the RTS to specify the operational functioning of the resolution colleges for the performance of its tasks in relation to cross-border banking groups.

Since the adoption of the regulatory technical standards in March 2016, important findings have emerged from the practical experience in the functioning of the resolution colleges over the last years combined with the lessons learnt from recent bank crisis and simulation exercises.

A. Problem identification

The procedures described in the RTS⁷ that is currently applicable are lengthy and cumbersome, often resulting in the resolution colleges focusing on administrative procedures to reach joint decisions, rather than on the quality of exchanges, which are further affected by a limited involvement of college members and observers in the assessment of the resolvability of the group. In addition to the aforementioned issues, administrative issues such as unsecured information exchange and delays in the circulation of meeting documents, have also emerged.

Those issues have often resulted in inefficient decision-making processes, cooperation and information exchange in need of further progress and difficulties in the cooperation and coordination in execution.

B. Policy objectives

On the basis of the above identified issues, this RTS aims at simplifying the procedures within the resolution college, improving cooperation between authorities in the resolution planning phase and improving coordination and efficiency of the resolution college in the execution phase.

C. Baseline scenario

The baseline scenario entails maintaining the existing framework, which would result in inefficient processes, including redundant steps, discussions among authorities in need of improvement, limited information exchange and potential less effective implementation of the resolution strategy.

D. Options considered

This section shows the consideration of technical options included in the proposal. While option 1, option 2, option 3 were implemented without assessing alternative options, for option 4 there were two possibilities that are detailed below.

Option 1: Reduction of mandatory steps and level of detail of required steps

⁷ COMMISSION DELEGATED REGULATION (EU) 2016/ 1075 - of 23 March 2016 - supplementing Directive 2014/ 59/ EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges

Under this option, the mandatory steps to undertake in reaching a joint decision are reduced to: the sharing of a timetable, a dialogue, a consultation of the draft documents and the reaching of the joint decision. Specific details would no longer be specified and it is highlighted that the members of the resolution college are flexible to choose the sequence of the steps. This way, authorities can tailor the joint decision process to the specific needs of the resolution college, while ensuring sufficient cooperation between the authorities in the resolution college.

Under this option, the functioning of the resolution college would gain in efficiency by simplifying the processes and adds proportionality by ensuring the process can be tailored to the needs of the specific college. No potential cost is identified.

Option 2: Enhancing the involvement of third country resolution authorities as observers in the resolution college

Under this option, the group-level resolution authority shall notify a third country resolution authority when they are a potential observer to the resolution college. The BRRD specifies that third country resolution authorities should request an invitation to the resolution college. Therefore, a notification of the potential observership to the resolution college could enhance cooperation with these authorities.

This option entails a better cooperation within resolution colleges. However, this requires the effort to send out notifications and potentially additional work because more third country resolution authorities request to be invited as observers. The EBA is of the opinion that the benefits of third country involvement outweigh the costs by increasing the effectiveness of the implementation of the resolution scheme.

Option 3: Establishment of college coordinator

Under this option, the group-level resolution authority shall assign a key contact person for the resolution college, to coordinate the college tasks and information exchange.

This option would result in better cooperation within the resolution college. As the RTS leave flexibility to the group-level resolution authority to internally organize this in the most efficient way, the EBA is of the opinion that the potential cost is negligible.

Option 4: Specified information exchange via secured college website

Option 1: the RTS specify which documents the resolution college members shall exchange with each other.

Under this option, the resolution authorities within the college are required to exchange all available documents that have been used for drawing the conclusions in the resolution plan, for example but not limited to operational documents setting out the steps for the implementation of the resolution strategy. This should foster the understanding of and discussions about the resolvability assessment. However, such information exchange would result in a burden and information overload and would not create efficiency and better outcomes.

Option 2: the RTS specify that the resolution college members should define which documents they will exchange with each other and share a list of documents indicating what information is available

Under this option, it should be specified in the written arrangements what information will regularly be made available to what authority. In addition, the group-level resolution authority and resolution authorities of subsidiaries are required to exchange a list of the documents that are available and have been used to draw the conclusions in the resolution plan. This way, it should be clear for resolution authorities what information is available so that they can decide what information they need for the performance of their tasks. Such information can then be requested. The members of the resolution college should agree on the procedures to handle such requests. This should foster information exchange for the optimal execution of the tasks of the authorities.

Option 2 is the preferred option as only information that is actually needed and used will be exchanged, while it is ensured that resolution authorities can get access to all information that is relevant for the performance of their tasks. As this option should ensure better and more information exchange than the baseline scenario, the cost would potentially be to deal with more requests for information exchange and to disseminate such information.

Option 5: Early notification to the resolution college in deteriorating situation

Under this option, the group-level resolution authority shall inform the members of the resolution college when a group entity's situation is worsening and requires an increased state of readiness. The members of the resolution college shall discuss how they should organise the resolution college and information exchange in line with the need of the situation and endeavour to organise a dialogue to prepare for the assessment and decision they might need to take after an entity has been declared failing or likely to fail.

This option entails better cooperation in execution of the resolution strategy and preparatory work. A potential cost could be that the resolution college is held for an emergency situation that ultimately does not result in the implementation of a resolution scheme. That cost is considered to be negligible in relation to the benefits.

E. Cost-Benefit Analysis

The amendments to the RTS may result in some one-off administrative costs caused by changes to the written arrangements, as the RTS aims to make the college procedures more tailored to the needs of the specific college. Indirectly, the members of the resolution college may incur some costs because the RTS aim to improve their involvement. In conclusion, all costs are associated with additional efforts to ensure good cooperation and coordination of the activities within the college.

On the other hand, being able to better tailor the procedures to the needs of the specific college and the simplification of the joint decision processes will save a considerable amount of time for all participants to college activities. Taking better informed decisions, because of better involvement of the authorities and more information exchange, will benefit good cooperation and coordination and the effective implementation of the resolution scheme.

Stakeholders affected are the members and observers of the resolution college, with a focus on the resolution authorities. As the RTS set requirements for authorities, the impact for banks is zero. The costs are mainly born by the group-level resolution authorities, as these are the authorities responsible for chairing the resolution college and in that capacity for the establishment of the written arrangements and coordinating all activities of the college (among other things). The benefits will directly accrue to the resolution authorities, which are involved in most college activities and indirectly to the economy as a whole as a better functioning college would be better able to preserve financial stability.

5.2 Overview of questions for consultation

Q1: Do you have any comments on the minimum essential information to be part of resolution plan summaries?

Q2: Do you have any comments on the reorganisation of the resolvability assessment along the seven proposed dimensions?

Q3: Do you have any comments on the elements to be considered under each resolvability dimension?

Q4: Do you have any comments on the proposed content for liquidation plans?

Q5: Do you have comments on the process for the participation of the observers in the resolution college?

Q6: Do you have comments on the procedures for the exchange of information between the members of the resolution college?

Q7: Do you have comments on the notification to the resolution college and the process that would be initiated by an emergency situation?

Q8: Do you have comments on the process steps for reaching joint decisions?

Q9: Do you have other comments in relation to the amended RTS?