



Basic information	
<p><b>2023/0111(COD)</b></p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p>	Awaiting Council's 1st reading position
<p>Early intervention measures, conditions for resolution and funding of resolution action</p> <p>Amending Regulation 2014/806 <a href="#">2013/0253(COD)</a></p> <p><b>Subject</b></p> <p>2.50.03 Securities and financial markets, stock exchange, CIUTS, investments 2.50.04 Banks and credit 2.50.10 Financial supervision</p> <p><b>Legislative priorities</b></p> <p><a href="#">Joint Declaration 2023-24</a></p>	





Key players			
European Parliament	<b>Committee responsible</b>	<b>Rapporteur</b>	<b>Appointed</b>
	<a href="#">ECON</a> Economic and Monetary Affairs	TINAGLI Irene (S&D)	12/09/2024
		<p>Shadow rapporteur</p> <p>NIEDERMAYER Ludk (EPP)</p> <p>MARTÍN FRÍAS Jorge (Pfe)</p> <p>ZLE Roberts (ECR)</p> <p>BOYER Gilles (Renew)</p> <p>PETER-HANSEN Kira Marie (Greens/EFA)</p> <p>SCHIRDEWAN Martin (The Left)</p>	
	<b>Former committee responsible</b>	<b>Former rapporteur</b>	<b>Appointed</b>
<a href="#">ECON</a> Economic and Monetary Affairs	MARQUES Pedro (S&D)	30/05/2023	
	<b>Former committee for opinion</b>	<b>Former rapporteur for opinion</b>	<b>Appointed</b>
	<a href="#">JURI</a> Legal Affairs	The committee decided not to give an opinion.	
Council of the European Union			

European Commission	<b>Commission DG</b>	<b>Commissioner</b>
	Financial Stability, Financial Services and Capital Markets Union	MCGUINNESS Mairead
European Economic and Social Committee		

Key events			
Date	Event	Reference	Summary
18/04/2023	Legislative proposal published	COM(2023)0226 	Summary
10/07/2023	Committee referral announced in Parliament, 1st reading		
20/03/2024	Vote in committee, 1st reading		
25/03/2024	Committee report tabled for plenary, 1st reading	A9-0155/2024	
24/04/2024	Decision by Parliament, 1st reading	T9-0326/2024	Summary
24/04/2024	Results of vote in Parliament		
21/10/2024	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
13/11/2024	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		

Technical information	
<b>Procedure reference</b>	2023/0111(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Nature of procedure</b>	Legislation
<b>Legislative instrument</b>	Regulation
	Amending Regulation 2014/806 <a href="#">2013/0253(COD)</a>
<b>Legal basis</b>	Treaty on the Functioning of the EU TFEU 114
<b>Mandatory consultation of other institutions</b>	<a href="#">European Economic and Social Committee</a>
<b>Stage reached in procedure</b>	Awaiting Council's 1st reading position
<b>Committee dossier</b>	ECON/9/11834

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE753.695</a>	03/10/2023	
Amendments tabled in committee		<a href="#">PE754.694</a>	06/11/2023	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0155/2024</a>	25/03/2024	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0326/2024</a>	24/04/2024	Summary
European Commission				

Document type	Reference	Date	Summary
Legislative proposal	<a href="#">COM(2023)0226</a> 	18/04/2023	<a href="#">Summary</a>
Document attached to the procedure	<a href="#">SWD(2023)0226</a> 	19/04/2023	
Document attached to the procedure	<a href="#">SWD(2023)0225</a> 	19/04/2023	
Document attached to the procedure	<a href="#">SEC(2023)0230</a> 	19/04/2023	
Commission response to text adopted in plenary	<a href="#">SP(2024)394</a>	08/08/2024	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
ECB	European Central Bank: opinion, guideline, report	<a href="#">CON/2023/0019</a> <a href="#">OJ C 307 31.08.2023, p. 0019</a>	05/07/2023	
ESC	Economic and Social Committee: opinion, report	<a href="#">CES6298/2022</a>	13/07/2023	

#### Additional information

Source	Document	Date
EP Research Service	<a href="#">Briefing</a>	31/05/2024

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

Name	Role	Committee	Date	Interest representatives
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	08/09/2023	European Central Bank
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	07/09/2023	Associação Portuguesa de Bancos
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	05/09/2023	European Economic and Social Committee
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	03/08/2023	Banco de Portugal
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	26/07/2023	Banco de Portugal
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	26/07/2023	European Central Bank
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	26/07/2023	Single Resolution Board
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	19/07/2023	Crédit Agricole S.A.
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	17/07/2023	Single Resolution Board
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	06/07/2023	Single Resolution Board (APA level)
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	06/07/2023	Deutsche Bank AG
<a href="#">MARQUES Pedro</a>	Rapporteur	<a href="#">ECON</a>	25/05/2023	German Savings Banks Association

## Other Members

Name	Date	Interest representatives
FERBER Markus	25/04/2024	BVR
FERBER Markus	14/03/2024	DSGV BVR
WEBER Manfred	14/03/2024	Deutscher Sparkassen- und Giroverband e.V. (DSGV) Bundesverband der Deutschen Volksbanken und Raiffeisenbanken (BVR)
FERBER Markus	28/02/2024	DSGV
FERBER Markus	22/02/2024	EACB - European Association of Co-operative Banks
SCHUSTER Joachim	21/09/2023	Die Deutsche Kreditwirtschaft

# Early intervention measures, conditions for resolution and funding of resolution action

2023/0111(COD) - 18/04/2023 - Legislative proposal

PURPOSE: to improve the effectiveness and efficiency of the recovery and resolution framework for institutions and entities.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Union resolution framework consists of Directive 2014/59/EU of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms and Regulation (EU) No 806/2014 of the European Parliament and of the Council establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism (SRMR) and a Single Resolution Fund. It was established in the aftermath of the 2008-2009 global financial crisis and aims to deal in an orderly manner with the failure of institutions and entities by preserving institutions and entities' critical functions and avoiding threats to financial stability, and at the same time protecting depositors and public funds. In addition, the Union resolution framework intends to foster the development of the internal market in banking by creating a harmonised regime to address cross-border crises in a coordinated way and by avoiding level playing field issues.

However, experience over the past years has shown that when medium-sized and smaller banks fail in the EU, authorities have found solutions outside the EU's harmonised resolution framework. This has often involved the use of taxpayers' money instead of the bank's required internal resources or private, industry-funded safety nets.

While the existing rules already enable authorities to deal with failing banks in an effective manner, further progress is needed to make the rules even more effective in ensuring that European banks keep supporting Europe's economy and do not burden public finances when they fail.

CONTENT: the proposal amends an existing regulation, the SRMR, in particular as regards the improved application of the tools that are already available in the bank resolution framework, clarifying the conditions for resolution, facilitating access to safety nets the event of bank failure and improving the clarity and consistency of funding rules.

The proposed amendments are part of the **Crisis Management and Deposit Insurance (CMDI) legislative package**, which also includes amendments to Directive 2014/59/EU (Bank Recovery and Resolution Directive or BRRD) and Directive 2014/49/EU (Deposit Guarantee Schemes Directive or DSGD).

By establishing harmonised requirements for applying the CMDI framework to banks in the internal market, the proposal considerably reduces the risk of divergent national rules in Member States, which could distort competition in the internal market.

The proposal will allow authorities to organise the orderly exit of a failing bank, regardless of its size and business model, using a wide range of tools. It will further safeguard financial stability, protect taxpayers and depositors and support the real economy and its competitiveness. The proposed rules will allow authorities to fully exploit the many benefits of resolution as a key element of the crisis management toolbox.

The amendments included in the CMDI package cover a range of policy aspects:

- **expanding the scope** of resolution by reviewing the public interest assessment, when this achieves the objectives of the framework, e.g. protecting financial stability, taxpayer money and depositor confidence better than national insolvency proceedings;
- **strengthening the funding** in resolution by complementing the internal loss-absorbing capacity of institutions, which remains the first line of defence, with the use of DGS funds in resolution to help access resolution funds without imposing losses on depositors where appropriate, subject to conditions and safeguards;
- clarifying the **early intervention** framework by removing overlaps between early intervention and supervisory measures, providing legal certainty on the applicable conditions and facilitating cooperation between competent and resolution authorities;

- ensuring a **timely triggering** of resolution.

## Early intervention measures, conditions for resolution and funding of resolution action

2023/0111(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 352 votes to 213, with 67 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 806/2014 as regards early intervention measures, conditions for resolution and funding of resolution action.

The European Parliament adopted its position at first reading under the ordinary legislative procedure.

The proposed Regulation seeks to **improve the effectiveness and efficiency of the recovery and resolution framework for institutions and entities**.

The proposal amends Regulation (EU) No 806/2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism, the SRMR, in particular as regards the improved application of the tools that are already available in the bank resolution framework, clarifying the conditions for resolution, facilitating access to safety nets the event of bank failure and improving the clarity and consistency of funding rules.

The proposed amendments are part of the Crisis Management and Deposit Insurance (CMDI) legislative package, which also includes amendments to Directive 2014/59/EU (Bank Recovery and Resolution Directive or BRRD) and Directive 2014/49/EU (Deposit Guarantee Schemes Directive or DSGD).

The proposal will allow authorities to organise the orderly exit of a failing bank, regardless of its size and business model, using a wide range of tools. It will further **safeguard financial stability, protect taxpayers and depositors and support the real economy and its competitiveness**. The proposed rules will allow authorities to fully exploit the many benefits of resolution as a key element of the crisis management toolbox.

The amendments cover a range of policy aspects:

- expanding the scope of resolution by reviewing the public interest assessment, when this achieves the objectives of the framework, e.g. protecting financial stability, taxpayer money and depositor confidence better than national insolvency proceedings;
- strengthening the funding in resolution by complementing the internal loss-absorbing capacity of institutions, which remains the first line of defence, with the use of DGS funds in resolution to help access resolution funds without imposing losses on depositors where appropriate, subject to conditions and safeguards;
- clarifying the early intervention framework by removing overlaps between early intervention and supervisory measures, providing legal certainty on the applicable conditions and facilitating cooperation between competent and resolution authorities;
- ensuring a timely triggering of resolution.

The amended text stipulates that the resolution framework is meant to be applied to potentially any institution or entity, irrespective of its size and business model with a positive public interest assessment. To ensure such outcome, the criteria to apply the public interest assessment to a failing institution or entity should be specified. In that respect, it is necessary to clarify that, depending on the specific circumstances, certain functions of the institution or entity can be considered critical if their discontinuance would impact financial stability or critical services at regional level.

The assessment of whether the resolution of an institution or entity is in the public interest should also reflect, to the extent possible, the difference between, on the one hand, funding provided through industry-funded safety nets (resolution financing arrangements or deposit guarantee schemes) and, on the other hand, funding provided by Member States from taxpayers' money. Funding provided by Member States bears a higher risk of moral hazard and a lower incentive for market discipline, and should be considered only under extraordinary circumstances.

Where national insolvency and resolution frameworks achieve effectively the objectives of the framework to the same extent, preference should be given to the option that **minimises the risk for taxpayers and the economy**. That approach ensures a prudent and responsible course of action, aligned with the overarching goal of safeguarding both the interests of taxpayers and broader economic stability.

Taxpayer-funded extraordinary financial support to institutions and entities should be granted, if at all, only to remedy a serious disturbance in the economy of an exceptional and systemic nature, as it imposes a significant burden on public finances and disrupts the level playing field in the internal market.