



2015/0270(COD)

21.12.2016

AMENDMENTS

343 - 507

Draft report

Esther de Lange

(PE592.334v03-00)

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 806/2014 in order to establish a European Deposit Insurance Scheme

Proposal for a regulation

(COM(2015)0586 – C8-0371/2015 – 2015/0270(COD))

Amendment 343
Markus Ferber

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title

Text proposed by the Commission

EUROPEAN DEPOSIT *INSURANCE*
SCHEME (*EDIS*)

Amendment

EUROPEAN DEPOSIT *REINSURANCE*
SCHEME (*EDRS*)

Or. de

Amendment 344
Sander Loones

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa - title I - title

Text proposed by the Commission

TITLE I: *STAGES* OF EDIS

Amendment

TITLE I: *ESTABLISHMENT* OF EDIS

Or. en

Amendment 345
Marco Zanni, Marco Valli

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – title

Text proposed by the Commission

TITLE I: *PHASES OF EDIS*

Amendment

TITLE I: *EDIS*

Or. it

Amendment 346
Gabriel Mato

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 1

Text proposed by the Commission

Amendment

Chapter 1 **deleted**
Reinsurance

[...]

Or. es

Amendment 347
Marco Valli, Marco Zanni

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 1

Text proposed by the Commission

Amendment

Chapter 1 **deleted**
Reinsurance

[...]

Or. it

Amendment 348
Sander Loones

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 1 – title

Text proposed by the Commission

Amendment

Reinsurance **Insurance**

Amendment 349

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Part IIa – title I – chapter 1 – title

Text proposed by the Commission

Reinsurance

Amendment

Partial reinsurance

Or. en

Amendment 350

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41 -a (new)

Text proposed by the Commission

Amendment

Article 41 -a

Prior to the start of a reinsurance phase, steps must be taken to ensure that all participating DGSs may use their available financial resources to fund alternative measures taken pursuant to Articles 11(3)(a)-(f) and 11(6) of Directive 2014/49/EU.

Or. de

Justification

All participating Member States must allow DGSs established on their territory to use their available financial resources to fund alternative measures taken pursuant to Articles 11(3)(a)-(f) and 11(6) of Directive 2014/49/EU.

Amendment 351
Burkhard Balz

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article -41 a (new)

Text proposed by the Commission

Amendment

-Article 41a

Entry into application of this Chapter

1. This Chapter shall apply from no earlier than the latest of the following dates:

(a) the date of application, or, where relevant, the expiry of the transposition period of the international standard for Total Loss Absorbing Capacity (TLAC), for Global Systemically Important Banks (G-SIBs), and of revised rules in relation to a minimum requirement for own funds and eligible liabilities (MREL), for all credit institutions affiliated to the participating DGSs, and not earlier than the completion of the build-up of relevant buffers of high quality and at a level of at least 8% of total liabilities allowing for the effective, efficient and orderly resolution of a credit institution in line with the Directive 2014/59/EU;

(b) the date of application, or, where relevant, the expiry of the transposition period of an insolvency ranking for credit institutions, harmonised at Union level, in relation to subordinated debt;

(c) the date of application, or, where relevant, the expiry of the transposition period of a minimum harmonization in insolvency law, including, as a minimum, a framework for business insolvency, harmonised at Union level, in relation to the early restructuring of companies and harmonized rules on the ranking of secured creditors in order to prevent and

better handle the pressing issue of non-performing loans;

(d) the date of application, or, where relevant, the expiry of the transposition period of an act amending Regulation (EU) No 575/2013 and Directive 2013/36/EU, resulting in a binding leverage ratio requirement with additional requirements for G-SIBs.

(e) the date of application or, where relevant, the expiry of the transposition period of harmonised rules for moratorium tools available to competent authorities that contribute to stabilizing a credit institution in the period before, and possibly after, an intervention.

2. Without prejudice to paragraph 1, the Commission is empowered to adopt a delegated act in accordance with Article 93, after consulting the EBA and the SRB, in order to supplement this Regulation by establishing the exact date of application of this Chapter. That empowerment shall be based on a verification, to be conducted in 2020, of compliance with the following conditions:

(a) adherence by all credit institutions to the minimum capital requirements in the baseline scenario of an Asset Quality Review for all credit institutions affiliated to the participating DGSs in 2020;

(b) sufficient progress in adherence by all participating DGSs to the target level as set out in Directive 2014/49/EU;

(c) provision of correlation tables by the Commission in cooperation with the ESAs verifying the transposition and application of the provisions set out in the legislative measures referred to in paragraph 1 in all Member States with participating DGSs.

That delegated act shall set a date of application for this Chapter that shall, in any event, be no earlier than 1 January 2021 and, where that date is exceeded, no later than one year from the time all the

conditions of this Article are met.

Or. en

Amendment 352

Alain Cadec

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article -41 a (new)

Text proposed by the Commission

Amendment

Article -41 a

Entry into application of this Chapter

1. This Chapter shall apply from no earlier than the latest of the following dates:

(a) the date of application, or, where relevant, the expiry of the transposition period of the international standard for Total Loss Absorbing Capacity (TLAC) and of revised rules in relation to a minimum requirement for own funds and eligible liabilities (MREL), for all credit institutions affiliated to the participating DGSs;

(b) the date of application, or, where relevant, the expiry of the transposition period of an insolvency ranking for credit institutions, harmonised at Union level, in relation to subordinated debt;

(c) the date of application, or, where relevant, the expiry of the transposition period of a framework for business insolvency, harmonised at Union level, in relation to the early restructuring of companies in order to prevent and better handle the pressing issue of non-performing loans;

(d) the date of application, or, where relevant, the expiry of the transposition period of an act amending Regulation

(EU) No 575/2013 and Directive 2013/36/EU, resulting in a binding leverage ratio requirement with additional requirements for G-SIBs.

2. Without prejudice to paragraph 1, the Commission is empowered to adopt a delegated act in accordance with Article 93 in order to supplement this Regulation by establishing the exact date of application of this Chapter. That empowerment shall be based on a verification, to be conducted in 2023, of compliance with the following conditions:

(a) adherence by all credit institutions to the minimum capital requirements in the baseline scenario of an Asset Quality Review (AQR) for all credit institutions affiliated to the participating DGSs in 2023;

(b) publication by the Commission, by 31 December 2023, of an impact assessment in relation to the entry into application of this Chapter;

(c) proper consideration, as a minimum, of international standards on the prudential treatment of sovereign debt held by credit institutions by 31 December 2023.

That delegated act shall set a date of application for this Chapter that shall, in any event, be no earlier than 1 January 2024 and, where that date is exceeded, no later than one year from the time all the conditions of this Article are met.

Or. en

Amendment 353
Michael Theurer

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) 806/2014
Article -41 a (new)

Article -41a

Entry into application of this Chapter

1. This Chapter shall apply from no earlier than the latest of the following dates:

(a) the date of application, or, where relevant, the expiry of the transposition period of the international standard for Total Loss Absorbing Capacity (TLAC), for Global Systemically Important Banks (G-SIBs), and of revised rules in relation to a minimum requirement for own funds and eligible liabilities (MREL), for all credit institutions affiliated to the participating DGSs and after completion of the build-up of according buffers of sufficient level and quality (at least 8% of total liabilities) to allow for the effective, efficient and orderly resolution of a bank in line with the BRRD;

(b) the date of application, or, where relevant, the expiry of the transposition period of an insolvency ranking for credit institutions, harmonised at Union level, in relation to subordinated debt;

(c) the date of application, or, where relevant, the expiry of the transposition period of a minimum harmonization in the field of insolvency law, as a minimum a framework for business insolvency, harmonised at Union level, in relation to the early restructuring of companies and harmonized rules on the ranking of secured creditors in order to prevent and better handle the pressing issue of nonperforming loans;

(d) the date of application, or, where relevant, the expiry of the transposition period of an act amending Regulation (EU) No 575/2013 and Directive 2013/36/EU, resulting in a binding leverage ratio requirement with additional requirements for G-SIBs.

(e) the date of application or, where relevant, the expiry of the transposition period of the bank structural reform;

(f) the date of application or, where relevant, the expiry of the transposition period of harmonised rules for moratorium tools that contribute to the stabilisation by the relevant authorities of an institution in the period before, and possibly after, an intervention.

2. The Commission shall submit to the European Parliament and the Council a report on the application or, where relevant, the transposition of the measures according to paragraph 1. The report shall verify the compliance with the adherence by all credit institutions to the minimum capital requirements in the baseline scenario of an Asset Quality Review (AQR) for all credit institutions affiliated to the participating DGSs.

Based on this report, the European Parliament and the Council shall decide in accordance with the ordinary legislative procedure on the exact date of application of this Chapter.

Or. en

Justification

Any form of mutualized deposit insurance including reinsurance necessitates sufficient prior risk reduction. Thus, for instance, the Commission proposal on restructuring and second chance does not really contribute to risk reduction and reduction of existing NPLs in bank balance sheets, which tend to be owed by companies without a viable business concept. Important problems created by inefficient insolvency frameworks such as low recovery rates of claimholders, including secured creditors, need to be addressed.

Amendment 354

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014
Article 41a – title

Text proposed by the Commission

Partial funding and excess loss cover

Amendment

Liquidity support and excess loss cover

Or. en

Amendment 355
Sander Loones, Bernd Lucke

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a – title

Text proposed by the Commission

Partial funding and excess loss cover

Amendment

Liquidity support

Or. en

Amendment 356
Herbert Dorfmann

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a – paragraph 1

Text proposed by the Commission

1. As from the date of application set out in Article 99(5a), participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of ***three*** years ('reinsurance period').

Amendment

1. As from the date of application set out in Article 99(5a), participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of ***five*** years ('reinsurance period').

The reinsurance period shall commence as soon as the criteria set out in paragraph 1a of this Article have been fulfilled.

1a. The criteria mentioned in paragraph 1 shall, as minimum, include:

(a) The entry into force and the implementation of the international standard for Total Loss Absorbing Capacity (TLAC) into Union law for Global Systematically Important Banks (G-SIBs) and revised rules in relation to a minimum requirement for own funds and eligible liabilities (MREL) for other credit institutions;

(b) The entry into force and the implementation of an insolvency ranking for credit institutions in relation to subordinated debt, harmonized at Union level;

(c) The entry into force and the implementation of a framework for business insolvency in relation to early restructuring of companies in order to prevent and better handle the pressing issue of non-performing loans, harmonized at Union level;

(d) The entry into force and the implementation of legislation introducing the moratorium powers to supervisors and/or resolution authorities regarding credit institutions;

(e) The entry into force and the implementation of amendments to the Regulation (EU) No 575/2013 and to Directive 2013/36/EU (CRR/CRD), including a binding leverage ratio requirement with additional requirements for G-SIBs;

(f) The entry into force and the implementation of a revised prudential treatment of sovereign debt held by credit institutions;

(g) A satisfactory result to an Asset Quality Review (AQR) for all credit institutions affiliated to the participating DGSs;

(h) The publication of a fully-fledged, consultancy based impact assessment of the regulation.

1b. A participating DGS shall – in any

phase - not be covered by EDIS when at least one of the following disqualifying conditions is met:

(a) the participating DGS has failed to comply with the obligations under this Regulation or Articles 4, 6, 7, 10 or 11 of Directive 2014/49/EU;

(b) the participating DGS, the relevant administrative authority within the meaning of Article 3 of Directive 2014/49/EU, or any other relevant authority of the respective Member State have, in relation to a particular request for coverage by EDIS, acted in a way that runs counter to the principle of sincere cooperation as laid down in Article 4(3) of the Treaty on European Union.

Or. en

Amendment 357

Othmar Karas, Herbert Dorfmann

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a - paragraph 1

Text proposed by the Commission

1. As from the date of application set out in Article 99(5a), participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of three years ('reinsurance period').

Amendment

1. As from the date of application set out in Article 99(5a), participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of three years ('reinsurance period'). ***The reinsurance period shall start following a thorough overall risk assessment and necessary prudential risk reducing measures.***

Or. en

Justification

Before the reinsurance phase is applied, it is necessary to guarantee a solid basis of trust among all participating DGSs.

Amendment 358

Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 1

Text proposed by the Commission

(1) As from the date of application set out in Article **99(5a)**, participating DGSs are reinsured by EDIS in accordance with this Chapter *for a period of three years ('reinsurance period')*.

Amendment

(1) As from the date of application set out in Article **41a(1)**, participating DGSs are reinsured by EDIS in accordance with this Chapter

Or. de

Amendment 359

Brian Hayes

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 1

Text proposed by the Commission

1. *As from the date of application set out in Article 99(5a)*, participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of **three** years ('reinsurance period').

Amendment

1. Participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of **at least four** years ('reinsurance period'), **from 1 January 2018 to the commencement of the insurance period referred to in Chapter 3.**

Or. en

Amendment 360

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Text proposed by the Commission

(1) **As from the date of application set out in Article 99(5a)**, participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of **three** years ('reinsurance period').

Amendment

(1) Participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of **at least five** years ('reinsurance period'), **from 1 January 2019 to the commencement of the insurance period referred to in Chapter 3.**

Or. de

Amendment 361
Siegfried Mureşan

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a – paragraph 1

Text proposed by the Commission

1. As from the date of application set out in Article 99(5a), participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of **three** years ('reinsurance period').

Amendment

1. As from the date of application set out in Article 99(5a), participating DGSs are reinsured by EDIS in accordance with this Chapter for a **minimum** period of **five** years ('reinsurance period').

Or. en

Amendment 362
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a – paragraph 1

Text proposed by the Commission

1. As from **the date of application set out in Article 99(5a)**, participating DGSs

Amendment

1. As from **January 2018**, participating DGSs are reinsured by EDIS

are reinsured by EDIS in accordance with this Chapter for a period of three years ('reinsurance period').

in accordance with this Chapter for a period of three years (*partial* reinsurance period').

Or. en

Amendment 363

Jonás Fernández, Andrea Cozzolino, Neena Gill, Olle Ludvigsson

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 1

Text proposed by the Commission

1. As from the date of application set out in Article 99(5a), participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of *three* years ('reinsurance period').

Amendment

1. As from the date of application set out in Article 99(5a), participating DGSs are reinsured by EDIS in accordance with this Chapter for a period of *two* years ('reinsurance period').

Or. en

Amendment 364

Sander Loones

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 1

Text proposed by the Commission

1. As from the date of application set *out in* Article *99(5a)*, participating DGSs are *reinsured* by EDIS in accordance with this Chapter *for a period of three years* ('*reinsurance period*').

Amendment

1. As from the date of application set *by the legislative act referred to in subparagraph 2 of Article 1 (2 a)*, participating DGSs are *insured* by EDIS in accordance with this Chapter.

Or. en

Amendment 365
Markus Ferber

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) This Chapter shall enter into force on 1 January 2024 at the earliest, and then only if all the following conditions have been met in full:

a) full implementation of the international standard for Total Loss Absorbing Capacity (TLAC) for Global Systemically Important Banks (G-SIBs) and of the revised rules in relation to a minimum requirement for own funds and eligible liabilities (MREL), for all credit institutions affiliated to the participating DGSs;

b) full implementation of an insolvency ranking for credit institutions, harmonised at Union level, in relation to subordinated debt;

c) full implementation of a framework for business insolvency, harmonised at Union level, in relation to the early restructuring of companies in order to prevent and better handle the pressing issue of non-performing loans;

d) implementation of an act amending Regulation (EU) No 575/2013 and Directive 2013/36/EU, resulting in a binding leverage ratio requirement with additional requirements for G-SIBs;

e) completion by the Commission, by 31 December 2021, of a review of the European supervisory architecture for credit institutions, resulting in the application of legislation introducing moratorium powers for supervisors and resolution authorities in respect of credit institutions affiliated to the participating

DGSs;

f) introduction of binding and effective capital backing rules for public bonds;

g) publication by the Commission, by 31 December 2022, of an impact assessment in relation to the entry into application of this Chapter;

Or. de

Amendment 366

Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 1 b (new)

Text proposed by the Commission

Amendment

(1b) The Commission is empowered to adopt a delegated act in accordance with Article 93 in order to supplement this Regulation by establishing the exact date of application of this Chapter. That empowerment shall be based on a verification, to be conducted by 2023, of compliance with the conditions set out above.

Or. de

Amendment 367

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 2

Text proposed by the Commission

Amendment

(2) In case a participating DGS

(2) In case a participating DGS

encounters a payout event *or is used in resolution in accordance with Article 79 of this Regulation, it may claim funding from the DIF of up to 20% of its liquidity shortfall as set out in Article 41b.*

encounters a payout event, *the Board shall first check whether the following conditions have been met:*

(a) that before requesting funding to cover a payout event the participating DGS has assessed the scope for using alternative measures pursuant to Article 41ja(5);

(b) that if the participating DGS has already taken alternative measures at an earlier juncture, but after the start of EDIS, it has complied with and implemented the decision taken in conjunction with the Board concerning the implementation of such measures pursuant to Article 41ja(1);

(c) that the payout event could not have been prevented by taking alternative and cost-effective measures pursuant to Article 11(3) of Directive 2014/49/EU.

If the Board finds that at least one of the conditions set out in points (a) to (c) has not been met, the participating DGS may use only those financial resources which it itself has set aside at national level pursuant to Article 41j(1) or in individual risk-weighted subfunds pursuant to Article 74b(1a) in order to cover the liquidity shortfall created by the payout event. The use of financial resources from the joint risk-based subfund shall not be permissible in such cases.

Or. de

Justification

In the context of a payout event, the Board must first check whether the DGS has assessed the scope for taking alternative measures. This will serve to ensure that a DGS is entitled to support from the joint subfund only if a payout event is the most cost-effective solution. If the DGS has not met the conditions, it may use only the money it has set aside at national level and in the individual subfund. In this way moral hazard can be kept to a minimum and financial stability in the Member State in which the DGS is established can be safeguarded, because it can continue to use the money it has itself set aside.

Amendment 368

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 2

Text proposed by the Commission

2. In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 79 of this Regulation, it may claim funding from the DIF ***of up to 20% of its liquidity shortfall as set out in Article 41b.***

Amendment

2. In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 79 of this Regulation ***or is used for alternative measures in accordance with Article 41ja of this Regulation,*** it may claim funding from the DIF. ***The share of liquidity shortfall coverage a participating DGS may claim from the DIF is set out in paragraph 3a.***

Or. en

Amendment 369

Sander Loones

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 2

Text proposed by the Commission

2. ***In case*** a participating DGS encounters a payout event or is used in resolution in accordance with Article 79 of this Regulation, it may claim funding from the DIF ***of up to 20% of its liquidity shortfall as set out in Article 41b.***

Amendment

2. ***Where*** a participating DGS encounters a payout event or is used in resolution in accordance with Article 79 of this Regulation, it may claim funding from the DIF ***for its liquidity shortfall as set out in Article 41b. The share of liquidity shortfall coverage a participating DGS may claim from the DIF is set out in paragraph 2a.***

Or. en

Amendment 370

Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 2

Text proposed by the Commission

(2) In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 79 of this Regulation, it may claim funding from the DIF of **up to 20% of** its liquidity shortfall **as set out in Article 41b**.

Amendment

(2) In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 79 of this Regulation, it may claim funding from the DIF **for** its liquidity shortfall. ***The share of liquidity shortfall coverage a participating DGS may claim from the DIF is laid down in paragraph 2a.***

Or. de

Amendment 371

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a - paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) In case a participating DGS encounters a payout event in the context of national insolvency proceedings, and provided that the conditions set out under points (a) - (c) of paragraph 2 have been met, the participating DGS shall, in conjunction with the Board, also verify that the following conditions have been met:

(a) that measures can be taken to safeguard depositors' access to covered deposits, including the transfer of assets and liabilities and deposit book transfer to another credit institution in the

participating DGS pursuant to Article 11(6) of Directive 2014/49/EU;

(b) that the cost of measures to safeguard depositors' access to covered deposits, including the transfer of assets and liabilities and deposit book transfer to another credit institution in the participating DGS pursuant to Article 11(6) of Directive 2014/49/EU, are lower than the cost of a payout to meet the legal or contractual requirements applicable to the DGS in the context of the payout event in question.

If the participating DGS, acting in conjunction with the Board, takes the view that the conditions set out in points (a) and (b) have been met, it shall be required to take measures to transfer assets and liabilities and deposit book transfer to another credit institution in the participating DGS pursuant to Article 11(6) of Directive 2014/49/EU, rather than making a payment to meet the legal or contractual requirements applicable to it in the context of the payout event in question.

In such cases the participating DGS may claim funding from the DIF for its liquidity shortfall. The share of liquidity shortfall coverage a participating DGS may claim from the DIF is laid down in paragraph 2c.

Or. de

Justification

This provision seeks to ensure that in the context of every payout event which is part of national insolvency proceedings checks are carried out to determine whether a cost-effective transfer of covered deposits pursuant to Article 11(6) of Directive 2014/49/EU is possible. If it is established that a transfer would be more cost-effective than a payout, the former measure must be taken. The aim is to keep financial outflows from the DIF as low as possible and to ensure that depositors have the best possible access to their covered deposits.

Amendment 372
Markus Ferber

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) *The share of coverage under the second paragraph shall increase during the reinsurance period as follows:*

- ***in the first year of the reinsurance period it shall be 10%;***
- ***in the second year of the reinsurance period it shall be 20%;***
- ***in the third year of the reinsurance period it shall be 30%;***
- ***in the fourth year of the reinsurance period it shall be 40%;***
- ***in the fifth year of the reinsurance period it shall be 50%;***
- ***in the sixth year of the reinsurance period it shall be 60%;***
- ***in the seventh year of the reinsurance period it shall be 70%;***
- ***in the eighth year of the reinsurance period it shall be 80%;***
- ***in the ninth year of the reinsurance period it shall be 90%;***
- ***in the tenth year of the reinsurance period it shall be 100%;***

Or. de

Amendment 373
Brian Hayes

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a – paragraph 2 a (new)

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Text proposed by the Commission

Amendment

2a. *The share of coverage under the second paragraph shall increase during the reinsurance period as follows:*

- *in the first year of the reinsurance period it shall be 25%;*
- *in the second year of the reinsurance period it shall be 50%;*
- *in the third year of the reinsurance period it shall be 75%;*
- *in the fourth and subsequent years of the reinsurance period it shall be 100%.*

Or. en

Amendment 374

Sander Loones

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The share of coverage under the second paragraph shall increase as follows:*

- *in the first year it shall be 40 %;*
- *in the second year it shall be 70 %;*
- *in the third and subsequent years it shall be 100 %.*

Or. en

Amendment 375

Peter Simon

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a - paragraph 2 b (new)

Text proposed by the Commission

Amendment

(2b) If the DGS is used to fund measures to safeguard access to covered deposits in the context of national insolvency proceedings, or in resolution pursuant to Rule 79, it may claim its liquidity shortfall from the DIF as provided for in Article 41b. The share of liquidity shortfall coverage a participating DGS may claim from the DIF is laid down in paragraph 2c.

Or. de

Amendment 376
Peter Simon

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a - paragraph 2 c (new)

Text proposed by the Commission

Amendment

(2c) The share of coverage under paragraph 2 shall increase during the reinsurance period as follows:

- in the first year of the reinsurance period it shall be 20%;**
- in the second year of the reinsurance period it shall be 40%;**
- in the third year of the reinsurance period it shall be 60%;**
- in the fourth year of the reinsurance period it shall be 80%;**
- in the fifth and subsequent years of the reinsurance period it shall be 100%.**

Amendment 377
Siegfried Mureşan

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a – paragraph 3

Text proposed by the Commission

Amendment

3. The DIF shall also cover 20% of the excess loss of the participating DGS as set out in Article 41c. The participating DGS shall repay the amount of funding it obtained under paragraph 2 of this Article, less the amount of excess loss cover, in accordance with the procedure set out in Article 41o. *deleted*

Amendment 378
Sander Loones, Bernd Lucke

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41a – paragraph 3

Text proposed by the Commission

Amendment

3. The DIF shall also cover 20% of the excess loss of the participating DGS as set out in Article 41c. The participating DGS shall repay the amount of funding it obtained under paragraph 2 of this Article, less the amount of excess loss cover, in accordance with the procedure set out in Article 41o. *deleted*

Amendment 379

Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 3

Text proposed by the Commission

Amendment

(3) The DIF shall also cover 20% of the excess loss of the participating DGS as set out in Article 41c. The participating DGS shall repay the amount of funding it obtained under paragraph 2 of this Article, less the amount of excess loss cover, in accordance with the procedure set out in Article 41o.

deleted

Or. de

Amendment 380

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a - paragraph 3

Text proposed by the Commission

Amendment

(3) The DIF shall also cover 20% of the excess loss of the participating DGS as set out in Article 41c. The participating DGS shall repay the amount of funding it obtained under paragraph 2 of this Article, less the amount of excess loss cover, in accordance with the procedure set out in Article 41o.

deleted

Or. de

Amendment 381

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 3

Text proposed by the Commission

3. The DIF shall **also** cover **20%** of the excess loss of the participating DGS as set out in Article 41c. The participating DGS shall repay the amount of funding it obtained under paragraph 2 of this Article, less the amount of excess loss cover, in accordance with the procedure set out in Article 41o.

Amendment

3. The DIF shall ***be liable to the participating DGS and*** cover **30%** of the excess loss of the participating DGS as set out in Article 41c. The participating DGS shall repay the amount of funding it obtained under paragraph 2 of this Article, less the amount of excess loss cover, in accordance with the procedure set out in Article 41o.

Or. en

Amendment 382

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 3a (new)

Text proposed by the Commission

Amendment

3a. The share of liquidity coverage under the second paragraph shall increase during the partial reinsurance period as follows:

- ***in the first year of the partial reinsurance period it shall be 20 %;***
- ***in the second year of the partial reinsurance period it shall be 60 %;***
- ***in the third year of the partial reinsurance period it shall be 100 %.***

Or. en

Amendment 383

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 3b (new)

Text proposed by the Commission

Amendment

3b. If a Member State joins the SSM during the partial reinsurance period the Commission, the Board and the designated authority of the Member State joining the SSM shall conclude a memorandum of understanding establishing transitional measures to ensure a phasing-in of the DGS of the joining Member State within one year. The memorandum shall detail in particular the transfer of funds accumulated by the DGS of the joining Member State in line with the funding path referred to in Article 74b.

Or. en

Amendment 384

Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 4

Text proposed by the Commission

Amendment

(4) Neither the funding nor the excess loss cover shall exceed the lower of 20% of the initial target level of the DIF as set out in Article 74b(1) of this Regulation and 10 times the target level of the participating DGS as defined in the first subparagraph of Article 10(2) of Directive 2014/49/EU.

deleted

Amendment 385

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 4

Text proposed by the Commission

Amendment

4. Neither the funding nor the excess loss cover shall exceed the lower of 20% of the initial target level of the DIF as set out in Article 74b(1) of this Regulation and 10 times the target level of the participating DGS as defined in the first subparagraph of Article 10(2) of Directive 2014/49/EU. *deleted*

Or. en

Amendment 386

Siegfried Mureşan

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 4

Text proposed by the Commission

Amendment

4. Neither the funding nor the excess loss cover shall exceed the lower of 20% of the initial target level of the DIF as set out in Article 74b(1) of this Regulation and 10 times the target level of the participating DGS as defined in the first subparagraph of Article 10(2) of Directive 2014/49/EU. *deleted*

Or. en

Amendment 387

Sander Loones

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 4

Text proposed by the Commission

4. *Neither the funding nor the excess loss cover* shall exceed the lower of **20%** of the *initial* target level of the DIF as set out in Article 74b(1) of this Regulation and **10** times the target level of the participating DGS as defined in the first subparagraph of Article 10(2) of Directive 2014/49/EU.

Amendment

4. *The liquidity support shall not* exceed the lower of **one third** of the target level of the DIF as set out in Article 74b(1) of this Regulation and **5** times the target level of the participating DGS as defined in the first subparagraph of Article 10(2) of Directive 2014/49/EU.

Or. en

Amendment 388

Sander Loones, Bernd Lucke

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Member State in which the DGS is registered shall be held liable for the rest of the liquidity shortfall of the DGS concerned, when the liquidity shortfall exceeds the limits set out in paragraph 4 of this Article.

Or. en

Amendment 389

Peter Simon

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41b - paragraph 1

Text proposed by the Commission

(1) In case the participating DGS encounters a payout event, its liquidity shortfall shall be calculated as the total amount of covered deposits within the meaning of Article 6(1) of the Directive 2014/49/EU that is held by the credit institution at the time of the payout event less:

Amendment

(1) In case the participating DGS encounters a payout event, ***even though it has complied with paragraphs 2 and 2a of Article 41a***, its liquidity shortfall shall be calculated as the total amount of covered deposits within the meaning of Article 6(1) of the Directive 2014/49/EU that is held by the credit institution at the time of the payout event less:

Or. de

Amendment 390
Siegfried Mureşan

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41b – paragraph 1 – point b

Text proposed by the Commission

(b) ***the amount of extraordinary contributions as defined in Article 10(8) of the Directive 2014/49/EU the participating DGS can raise within three days from the payout event.***

Amendment

deleted

Or. en

Amendment 391
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41b – paragraph 1 – point b

Text proposed by the Commission

(b) the amount of extraordinary contributions as defined in Article 10(8) of the Directive 2014/49/EU the participating DGS can raise within **three** days from the payout event.

Amendment

(b) the amount of extraordinary contributions as defined in Article 10(8) of the Directive 2014/49/EU the participating DGS can raise within **four** days from the payout event.

Or. en

Amendment 392

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41b - paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) If the participating DGS is used to fund measures to safeguard depositors' access to covered deposits in the context of national insolvency proceedings, its liquidity shortfall shall be calculated as the costs incurred by the DGS, which, pursuant to Article 11(6) of Directive 2014/49/EU, may not exceed the cost of paying out the covered deposits for the institution concerned, less

a) the amount of available financial means the participating DGS should have at the time of the payout event if it had raised ex-ante contributions in accordance with Article 41j;

b) the amount of extraordinary contributions as defined in Article 10(8) of Directive 2014/49/EU the participating DGS can raise within three days from the payout event.

Or. de

Amendment 393

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41b - paragraph 1 b (new)

Text proposed by the Commission

Amendment

(1b) If the participating DGS is used to fund alternative measures pursuant to Article 41ja, its liquidity shortfall shall be calculated as the costs incurred by the DGS, which, pursuant to Article 11(6) of Directive 2014/49/EU, may not exceed the cost of paying out the covered deposits for the institution concerned, less the amount of available financial means the participating DGS should have at the time of the payout event if it had raised ex-ante contributions in accordance with Article 41j;

Or. de

Amendment 394

Sander Loones, Bernd Lucke

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41b – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Deposits referred to in Article 6(2) of Directive 2014/49/EU shall be excluded from the calculation of the liquidity shortfall as determined in paragraph 1 and 2.

The DIF shall not provide funding for measures referred to in Article 11(3) and (6) of Directive 2014/49/EU.

Or. en

Amendment 395

Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41c

Text proposed by the Commission

Amendment

Article 41 c

deleted

Excess loss

(1) In case the participating DGS encounters a payout event, its excess loss shall be calculated as the total amount it repaid to depositors in accordance with Article 8 of Directive 2014/49/EU less:

a) the amount the participating DGS recovered from subrogating to the rights of depositors in winding up or reorganisation proceedings under the first sentence of Article 9(2) of Directive 2014/49/EU;

b) the amount of available financial means the participating DGS should have at the time of the payout event if it had raised ex-ante contributions in accordance with Article 41j;

c) the amount of ex-post contributions the participating DGS may raise in accordance with the first sentence of the first subparagraph of Article 10(8) of Directive 2014/49/EU within one calendar year, which shall contain the amount raised in accordance with point (b) of Article 41b(1) of this Regulation.

(2) In case the funds of the participating DGS are used in resolution proceedings, its excess loss shall be the amount determined by the resolution authority in accordance with Article 79 less:

a) the amount of any difference the participating DGS was paid in accordance

with Article 75 of Directive 2014/59/EU;

b) the amount of available financial means the participating DGS should have at the time of the determination if it had raised ex-ante contributions in accordance with Article 41j.

Or. de

Amendment 396
Peter Simon

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41c

Text proposed by the Commission

Amendment

Article 41c

deleted

Excess loss

(1) In case the participating DGS encounters a payout event, its excess loss shall be calculated as the total amount it repaid to depositors in accordance with Article 8 of Directive 2014/49/EU less:

a) the amount the participating DGS recovered from subrogating to the rights of depositors in winding up or reorganisation proceedings under the first sentence of Article 9(2) of Directive 2014/49/EU;

b) the amount of available financial means the participating DGS should have at the time of the payout event if it had raised ex-ante contributions in accordance with Article 41j;

c) the amount of ex-post contributions the participating DGS may raise in accordance with the first sentence of the first subparagraph of Article 10(8) of Directive 2014/49/EU within one calendar year, which shall contain the amount raised in accordance with point

(b) of Article 41b(1) of this Regulation.

(2) In case the funds of the participating DGS are used in resolution proceedings, its excess loss shall be the amount determined by the resolution authority in accordance with Article 79 less:

a) the amount of any difference the participating DGS was paid in accordance with Article 75 of Directive 2014/59/EU;

b) the amount of available financial means the participating DGS should have at the time of the determination if it had raised ex-ante contributions in accordance with Article 41j.

Or. de

Amendment 397

Sander Loones, Bernd Lucke

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41c

Text proposed by the Commission

Amendment

Article 41c

deleted

Excess loss

1. In case the participating DGS encounters a payout event, its excess loss shall be calculated as the total amount it repaid to depositors in accordance with Article 8 of Directive 2014/49/EU less:

(a) the amount the participating DGS recovered from subrogating to the rights of depositors in winding up or reorganisation proceedings under the first sentence of Article 9(2) of Directive 2014/49/EU;

(b) the amount of available financial means the participating DGS should have at the time of the payout event if it had

raised ex-ante contributions in accordance with Article 41j;

(c) the amount of ex-post contributions the participating DGS may raise in accordance with the first sentence of the first subparagraph of Article 10(8) of Directive 2014/49/EU within one calendar year, which shall contain the amount raised in accordance with point (b) of Article 41b(1) of this Regulation.

2. *In case the funds of the participating DGS are used in resolution proceedings, its excess loss shall be the amount determined by the resolution authority in accordance with Article 79 less:*

(a) the amount of any difference the participating DGS was paid in accordance with Article 75 of Directive 2014/59/EU;

(b) the amount of available financial means the participating DGS should have at the time of the determination if it had raised ex-ante contributions in accordance with Article 41j.

Or. en

Amendment 398
Siegfried Mureşan

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41c

Text proposed by the Commission

Amendment

Article 41c

deleted

Excess loss

1. *In case the participating DGS encounters a payout event, its excess loss shall be calculated as the total amount it repaid to depositors in accordance with Article 8 of Directive 2014/49/EU less:*

(a) the amount the participating DGS recovered from subrogating to the rights of depositors in winding up or reorganisation proceedings under the first sentence of Article 9(2) of Directive 2014/49/EU;

(b) the amount of available financial means the participating DGS should have at the time of the payout event if it had raised ex-ante contributions in accordance with Article 41j;

(c) the amount of ex-post contributions the participating DGS may raise in accordance with the first sentence of the first subparagraph of Article 10(8) of Directive 2014/49/EU within one calendar year, which shall contain the amount raised in accordance with point (b) of Article 41b(1) of this Regulation.

2. In case the funds of the participating DGS are used in resolution proceedings, its excess loss shall be the amount determined by the resolution authority in accordance with Article 79 less:

(a) the amount of any difference the participating DGS was paid in accordance with Article 75 of Directive 2014/59/EU;

(b) the amount of available financial means the participating DGS should have at the time of the determination if it had raised ex-ante contributions in accordance with Article 41j.

Or. en

Amendment 399

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41c – paragraph 1 – point b

Text proposed by the Commission

(b) the amount of available financial means the participating DGS *should have* at the time of the payout event if it *had* raised ex-ante contributions in accordance with Article 41j;

Amendment

(b) the amount of available financial means the participating DGS *has* at the time of the payout event if it *has* raised ex-ante contributions in accordance with Article 41j;

Or. en

Amendment 400

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41c – paragraph 1 – point c

Text proposed by the Commission

(c) the amount of ex-post contributions the participating DGS may raise in accordance with the first sentence of the first subparagraph of Article 10(8) of Directive 2014/49/EU within *one* calendar year, which shall contain the amount raised in accordance with point (b) of Article 41b(1) of this Regulation.

Amendment

(c) the amount of ex-post contributions the participating DGS may raise in accordance with the first sentence of the first subparagraph of Article 10(8) of Directive 2014/49/EU within *three* calendar year, which shall contain the amount raised in accordance with point (b) of Article 41b(1) of this Regulation.

Or. en

Amendment 401

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41c – paragraph 2 – point b

Text proposed by the Commission

(b) the amount of available financial

Amendment

(b) the amount of available financial

means the participating DGS *should have* at the time of the determination if it had raised ex-ante contributions in accordance with Article 41j.

means the participating DGS *has* at the time of the determination if it had raised ex-ante contributions in accordance with Article 41j.

Or. en

Amendment 402
Paul Tang

Proposal for a regulation

Article 1 – paragraph 1 – point 10 Regulation (EU) No 806/2014

Article 41c a (new)

Text proposed by the Commission

Amendment

Article 41c a

Application

The application of chapter 2 and 3 shall require that the banks affiliated to the participating DGS are subject to the principle that strengthening their financial position has priority above the banks' revenue distribution including employee bonuses and shareholder dividends, which shall be laid down in the following proposals:

(a) Directive 2013/36/EU (the Capital Requirements Directive) concerning exemptions, financial holding companies, mixed financial holding companies, supervisory measures and powers and capital conservation measures and clarifying the requirements for additional capital;

(b) Regulation (EU) No 575/2013 (the Capital Requirements Regulation), stipulating rules on a mandatory leverage ratio.

Or. en

Amendment 403
Peter Simon

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 2

Text proposed by the Commission

Amendment

Chapter 2 *deleted*
Co-insurance

[...]

Or. de

Amendment 404
Markus Ferber

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 2

Text proposed by the Commission

Amendment

Chapter 2 *deleted*
Co-insurance

[...]

Or. de

Amendment 405
Siegfried Mureşan

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 2

Text proposed by the Commission

Amendment

Chapter 2 *deleted*

Co-insurance

[...]

Or. en

Amendment 406

Brian Hayes

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Part IIa – title I – chapter 2

Text proposed by the Commission

Amendment

Chapter 2

deleted

Co-insurance

[...]

Or. en

Amendment 407

Michael Theurer

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Part IIa – title I – chapter 2

Text proposed by the Commission

Amendment

Chapter 2

deleted

Co-insurance

[...]

Or. en

Amendment 408

Alain Cadec

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 2

Text proposed by the Commission

Amendment

Chapter 2 *deleted*
Co-insurance

[...]

Or. en

Amendment 409
Sander Loones, Bernd Lucke

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 2

Text proposed by the Commission

Amendment

Chapter 2 *deleted*
Co-insurance

[...]

Or. en

Amendment 410
Marco Valli, Marco Zanni

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 2

Text proposed by the Commission

Amendment

Chapter 2 *deleted*
Co-insurance

[...]

Amendment 411

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Part IIa – title I – chapter 2 – title

Text proposed by the Commission

Amendment

Chapter 2

Chapter 2

Co-insurance

Mutualised reinsurance

Or. en

Amendment 412

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41d

Text proposed by the Commission

Amendment

Article 41d

deleted

Funding and loss cover

1. As from the end of the re-insurance period, the participating DGS shall be co-insured by EDIS in accordance with this Chapter for a period of four years ('co-insurance period').

2. In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 109 of Directive 2014/59/EU or Article 79 of this Regulation, it may claim funding from the DIF of a share of its liquidity need as defined in Article 41f of this Regulation. The share shall increase in

accordance with Article 41e.

3. *The DIF shall also cover a share of the loss of the participating DGS as defined by Article 41g. The share shall increase in accordance with Article 41e. The participating DGS shall repay the amount of funding it obtained under paragraph 2, less the amount of loss cover, in accordance with the procedure set out in Article 41o.*

Or. en

Amendment 413
Michael Theurer

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41d - paragraph 1

Text proposed by the Commission

Amendment

1. *As from the end of the re-insurance period, the participating DGS shall be co-insured by EDIS in accordance with this Chapter for a period of four years ('co-insurance period').*

deleted

Or. en

Amendment 414
Gabriel Mato

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41d – paragraph 1

Text proposed by the Commission

Amendment

1. As from the *end of the re-insurance period*, the participating DGS shall be co-insured by EDIS in accordance with this Chapter for a period of four years

1. As from the *date of application set out in Article 99(5a)*, the participating DGS shall be co-insured by EDIS in accordance with this Chapter for a period

(‘co-insurance period’).

of four years (‘reinsurance period’).

Or. es

Amendment 415

Jonás Fernández, Andrea Cozzolino, Neena Gill, Olle Ludvigsson

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41d – paragraph 1

Text proposed by the Commission

1. As from the end of the re-insurance period, the participating DGS shall be co-insured by EDIS in accordance with this Chapter for a period of **four** years (‘co-insurance period’).

Amendment

1. As from the end of the re-insurance period, the participating DGS shall be co-insured by EDIS in accordance with this Chapter for a period of **three** years (‘co-insurance period’).

Or. en

Amendment 416

Jakob von Weizsäcker

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41d - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Chapter 2 of this Regulation shall only apply if the banks affiliated to the participating DGS on the aggregate level comply with large exposure limits at most of 150 % of total own funds for all types of exposures. This requirement shall not apply to future "European risk free assets".

Or. en

Amendment 417
Michael Theurer

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41d - paragraph 2

Text proposed by the Commission

Amendment

2. *In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 109 of Directive 2014/59/EU or Article 79 of this Regulation, it may claim funding from the DIF of a share of its liquidity need as defined in Article 41f of this Regulation. The share shall increase in accordance with Article 41e.* **deleted**

Or. en

Amendment 418
Michael Theurer

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41d - paragraph 3

Text proposed by the Commission

Amendment

3. *The DIF shall also cover a share of the loss of the participating DGS as defined by Article 41g. The share shall increase in accordance with Article 41e. The participating DGS shall repay the amount of funding it obtained under paragraph 2, less the amount of loss cover, in accordance with the procedure set out in Article 41o.* **deleted**

Or. en

Amendment 419
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41d a (new)

Text proposed by the Commission

Amendment

Article 41d a

Funding and Loss Cover

- 1. As from the end of the partial reinsurance period, the participating DGS shall be fully reinsured by EDIS in accordance with this Chapter and shall be liable in respect of depositors' compensation claims in accordance with the share referred to in Article 41e.**
- 2. In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 109 of Directive 2014/59/EU or Article 79 of this Regulation, or is used for alternative measures in accordance with Article 41ja of this Regulation, it may claim funding from the DIF of a share of its liquidity need as defined in Article 41f of this Regulation. The share shall increase in accordance with Article 41e.**
- 3. The DIF shall also cover a share of the loss of the participating DGS as defined by Article 41g. The share shall increase in accordance with Article 41e. The participating DGS shall repay the amount of funding it obtained under paragraph 2, less the amount of loss cover, in accordance with the procedure set out in Article 41o.**
- 4. If a Member State joins the SSM during the mutualised reinsurance period the Commission, the Board and the designated authority of the Member State joining the SSM shall conclude a memorandum of understanding establishing transitional measures to**

ensure a phasing-in of the DGS of the joining Member State within one year. The memorandum shall detail in particular the transfer of funds accumulated by the DGS of the joining Member State in line with the funding path referred to in Article 74b.

Or. en

Amendment 420

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41e – paragraph 1

Text proposed by the Commission

The share of coverage under the second and third paragraph of Article **41d** shall increase during the *co-insurance* period as follows:

- in the first year *of the co-insurance period* it shall be 20%;
- in the second year *of the co-insurance period* it shall **40%**;
- in the third year *of the co-insurance period* it shall be **60%**;
- in the fourth year *of the co-insurance period* it shall be **80%**.

Amendment

The share of coverage under the second and third paragraph of Article **41da** shall increase during the *mutualised reinsurance* period as follows:

- in the first year it shall be 20%;
- in the second year it shall **50%**;
- in the third year shall be **80%**;
- in the fourth year it shall be **100%**.

Or. en

Amendment 421

Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41e – paragraph 1

Text proposed by the Commission

The share of coverage under the second and third paragraph of Article 41d shall increase during the co-insurance period as follows:

- in the first year of the co-insurance period it shall be **20%**;
- in the second year of the co-insurance period it shall **40%**;
- in the third year of the co-insurance period it shall be **60%**;
- ***in the fourth year of the co-insurance period it shall be 80%.***

Amendment

The share of coverage under the second and third paragraph of Article 41d shall increase during the co-insurance period as follows:

- in the first year of the co-insurance period it shall be **40%**;
- in the second year of the co-insurance period it shall ***be 60%***;
- in the third year of the co-insurance period it shall be **80%**;

Or. en

Amendment 422

Danuta Maria Hübner

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41e – paragraph 1

Text proposed by the Commission

The share of coverage under the second and third paragraph of Article 41d shall increase during the co-insurance period as follows:

- in the first year of the co-insurance period it shall be **20%**;
- in the second year of the co-insurance period it shall **40%**;
- in the third year of the co-insurance period it shall be **60%**;
- ***in the fourth year of the co-insurance period it shall be 80%.***

Amendment

The share of coverage under the second and third paragraph of Article 41d shall increase during the co-insurance period as follows:

- in the first year of the co-insurance period it shall be **25%**;
- in the second year of the co-insurance period it shall **50%**;
- in the third year of the co-insurance period it shall be **75%**;

deleted

Or. en

Amendment 423
Markus Ferber

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 3

Text proposed by the Commission

Amendment

Chapter 3
Full insurance

deleted

[...]

Or. de

Amendment 424
Danuta Maria Hübner

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 3

Text proposed by the Commission

Amendment

Chapter 3
Full insurance

deleted

[...]

Or. en

Amendment 425
Sander Loones, Bernd Lucke

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 3

Text proposed by the Commission

Amendment

Chapter 3

deleted

Full insurance

[...]

Or. en

Amendment 426

Alain Cadec

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Part IIa – title I – chapter 3

Text proposed by the Commission

Amendment

Chapter 3

deleted

Full insurance

[...]

Or. en

Amendment 427

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Part IIa – title I – chapter 3

Text proposed by the Commission

Amendment

Chapter 3

deleted

Full insurance

[...]

Or. en

Amendment 428
Peter Simon

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 3 – title

Text proposed by the Commission

Full insurance

Amendment

Insurance

Or. de

Amendment 429
Brian Hayes

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 3 – title

Text proposed by the Commission

Full insurance

Amendment

Insurance

Or. en

Amendment 430
Michael Theurer

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 3 – title

Text proposed by the Commission

Full insurance

Amendment

Insurance

Or. en

Amendment 431
Siegfried Mureşan

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Part IIa – title I – chapter 3 – title

Text proposed by the Commission

Full insurance

Amendment

Insurance

Or. en

Amendment 432
Burkhard Balz

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article -41h (new)

Text proposed by the Commission

Amendment

Article -41h (new)

Entry into application of this Chapter

1. This Chapter shall apply from no earlier than the latest of the following dates:

(a) the date of application, or, where relevant, the expiry of the transposition period of the international standard for Total Loss Absorbing Capacity (TLAC), for Global Systemically Important Banks (G-SIBs), and of revised rules in relation to a minimum requirement for own funds and eligible liabilities (MREL), for all credit institutions affiliated to the participating DGSs, and not earlier than the completion of the build-up of relevant buffers of high quality and at a level of at least 8% of total liabilities allowing for the effective, efficient and orderly resolution of a credit institution in line with the Directive 2014/59/EU;

(b) the date of application, or, where relevant, the expiry of the transposition period of an insolvency ranking for credit institutions, harmonised at Union level, in relation to subordinated debt;

(c) the date of application, or, where relevant, the expiry of the transposition period of a minimum harmonization in the field of insolvency law, as a minimum a framework for business insolvency, harmonised at Union level, in relation to the early restructuring of companies and harmonized rules on the ranking of secured creditors in order to prevent and better handle the pressing issue of nonperforming loans;

(d) the date of application, or, where relevant, the expiry of the transposition period of an act amending Regulation (EU) No 575/2013 and Directive 2013/36/EU, resulting in a binding leverage ratio requirement with additional requirements for G-SIBs;

(e) the date of application or, where relevant, the expiry of the transposition period of harmonised rules for moratorium tools available to competent authorities that contribute to stabilizing a credit institution in the period before, and possibly after, an intervention;

(f) the date of application or, where relevant, the expiry of the transposition period of a risk adequate revision of the regulatory treatment of Member States' sovereign debt held by credit institutions, leading step-by-step to consistency in the risk-based approach;

(g) the date of application or, where relevant, the expiry of the transposition period of a sovereign debt restructuring procedure that enables prevention and facilitates resolution of potential cases of sovereign debt overhang.

2. Without prejudice to paragraph 1, the Commission is empowered to adopt a delegated act in accordance with Article

93, after consulting the EBA and the SRB, in order to supplement this Regulation by establishing the exact date of application of this Chapter. That empowerment shall be based on a verification, to be conducted in 2025, of compliance with the following conditions:

(a) the completion by the Commission, by 31 December 2021, of a review of the European supervisory architecture for credit institutions;

(b) adherence by all credit institutions to the minimum capital requirements in the baseline scenario of an Asset Quality Review for all credit institutions affiliated to the participating DGSs in 2025;

(c) publication by the Commission, by 31 December 2025, of an impact assessment in relation to the entry into application of this Chapter;

(d) adherence by all participating DGSs to the funding path as set out in Article 41j paragraph 1.

(e) provision of correlation tables by the Commission in cooperation with the ESAs verifying the transposition and application of the provisions set out in the legislative measures referred to in paragraph 1 in all Member States with participating DGSs.

That delegated act shall set a date of application for this Chapter that shall, in any event, be no earlier than 1 January 2026 and, where that date is exceeded, no later than one year from the time all the conditions of this Article are met.

Or. en

**Amendment 433
Sylvie Goulard**

**Proposal for a regulation
Article 1 – paragraph 1 – point 10**

Text proposed by the Commission

Amendment

Article -41h

Entry into application of this Chapter

1. This Chapter shall apply from no earlier than the latest of the following dates:

(a) the entry into force of the proposals of the European Parliament and of the Council on amending Directive 2014/59/EU of the European Parliament and of the Council, and on amending Directive 2014/59/EU on loss-absorbing and recapitalisation capacity of credit institutions and investment firms and amending Directive 98/26/EC, Directive 2002/47/EC, Directive 2012/30/EU, Directive 2011/35/EU, Directive 2005/56/EC, Directive 2004/25/EC and Directive 2007/36/EC,

(b) the entry into force of the proposals on the directive of the European Parliament and of the Council amending Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures and the regulation of the European Parliament and of the Council amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements and amending Regulation (EU) No 648/2012.

2. Without prejudice to paragraph 1, the Commission is empowered to adopt a delegated act in accordance with Article 93 in order to supplement this Regulation

by establishing the exact date of application of this Chapter. That empowerment shall be based on a verification, to be conducted in (6 years after the entry into force of this regulation), of compliance with the following conditions:

(a) the completion by the Commission, by 31 December 2021, of a review of the European supervisory architecture;

(b) publication by the Commission, by 31 December 2023, of an assessment in relation to the entry into application of this Chapter;

(c) consideration of the scope of the SSM regulation with a view to covering third country branches and non-CRR entities;

(d) evaluation of the EU framework regarding the selling of bail-in instruments, with a particular focus on retail investor protection;

(e) evaluation of the progress regarding an EU framework for sovereign debt.

That delegated act shall set a date of application for this Chapter that shall, in any event, be no earlier than (7 years after the entry into force of this regulation) and, where that date is exceeded, no later than one year from the time all the conditions of this Article are met.

Or. en

Amendment 434
Siegfried Mureşan

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41h – title

Text proposed by the Commission

Amendment

Funding and loss cover

Liquidity support and excess loss cover

Or. en

Amendment 435

Michael Theurer

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. This Chapter shall apply not before the date of application or, where relevant, the expiry of the transposition period of a risk adequate regulatory treatment of sovereign debt held by credit institutions and of a sovereign debt restructuring procedure that supports the prevention and facilitates the resolution of potential future cases of sovereign debt overhang.

Or. en

Amendment 436

Siegfried Mureşan

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h – paragraph 1

Text proposed by the Commission

Amendment

1. As from the end of the co-insurance period, the participating DGS shall be fully insured by EDIS in accordance with this Chapter.

deleted

Amendment 437

Marco Valli, Marco Zanni

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h – paragraph 1

Text proposed by the Commission

1. As from the **end of the co-insurance period**, the participating DGS shall be fully insured by EDIS in accordance with this Chapter.

Amendment

1. As from the **entry into force of this Regulation**, the participating DGS shall be fully insured by EDIS in accordance with this Chapter.

Or. it

Amendment 438

Michael Theurer

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h – paragraph 1

Text proposed by the Commission

1. As from the end of the **co-insurance** period, the participating DGS shall be **fully** insured by EDIS in accordance with this Chapter.

Amendment

1. As from the end of the **re-insurance** period, the participating DGS shall be insured by EDIS in accordance with this Chapter.

Or. en

Amendment 439

Jakob von Weizsäcker

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h - paragraph 1 a (new)

1a. Chapter 3 of this Regulation shall only apply if the banks affiliated to the participating DGS on the aggregate level comply with large exposure limits at most of 75 % of total own funds for all types of exposures. This requirement shall not apply to future 'European risk free assets'.

Or. en

Amendment 440
Peter Simon

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41h – Paragraph 2

Text proposed by the Commission

(2) In case a participating DGS encounters a payout event *or is used in resolution in accordance with Article 109 of Directive 2014/59/EU or Article 79 of this Regulation, it may claim funding from the DIF for its liquidity need as defined by Article 41f of this Regulation.*

Amendment

(2) In case a participating DGS encounters a payout event, ***the Board shall first check whether the following conditions have been met:***

(a) that before requesting funding to cover a payout event the participating DGS has assessed the scope for employing alternative measures pursuant to Article 41ja(5);

(b) that if the participating DGS has already taken alternative measures at an earlier juncture, but after the start of EDIS, it has complied with and implemented the decision taken in conjunction with the Board concerning the implementation of such measures pursuant to Article 41ja(1);

(c) that the payout event could not have been prevented by taking alternative

and cost-effective measures pursuant to Article 11(3) of Directive 2014/49/EU.

If the Board finds that at least one of the conditions set out in points (a) to (c) has not been met, the participating DGS may use only those financial resources which it itself has set aside at national level pursuant to Article 41j(1) or in individual risk-weighted subfunds pursuant to Article 74b(1a) in order to cover the liquidity shortfall created by the payout event. The use of financial resources from the joint risk-based subfund shall not be permissible in such cases.

Or. de

Justification

In the context of a payout event, the Board must first check whether the DGS has assessed the scope for taking alternative measures. This will serve to ensure that a DGS is entitled to support from the joint subfund only if a payout event is the most cost-effective solution. If the DGS has not met the conditions, it may use only the money it has set aside at national level and in the individual subfund. In this way moral hazard can be kept to a minimum and financial stability in the Member State in which the DGS is established can be safeguarded, because it can continue to use the money it has itself set aside.

Amendment 441

Dimitrios Papadimoulis

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h – paragraph 2

Text proposed by the Commission

2. In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 109 of Directive 2014/59/EU or Article 79 of this Regulation, it may claim funding from the DIF for its liquidity need as defined by Article 41f of this Regulation.

Amendment

2. In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 109 of Directive 2014/59/EU or Article 79 of this Regulation ***or is used for alternative measures***, it may claim funding from the DIF for its liquidity need as defined by Article 41f of this Regulation. ***The strict prerequisites in Article 11(3) of Directive***

2014/69/EU provides for a national DGS to be able to finance alternative measures should also be taken into account when the DIF is funding provision of alternative measures.

Or. en

Amendment 442

Marco Valli, Marco Zanni

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h – paragraph 2

Text proposed by the Commission

2. In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 109 of Directive 2014/59/EU or Article 79 of this Regulation, it may claim funding from the DIF for its liquidity need *as defined by Article 41f of this Regulation.*

Amendment

2. In case a participating DGS encounters a payout event or is used in resolution in accordance with Article 109 of Directive 2014/59/EU or Article 79 of this Regulation, it may claim funding from the DIF for its liquidity *within the meaning of Article 6(1) of Directive 2014/49/EU.*

Or. it

Amendment 443

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h - paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) In case a participating DGS encounters a payout event in the context of national insolvency proceedings, and provided that the conditions set out under points (a) - (c) of paragraph 2 have been met, the participating DGS shall, in

conjunction with the Board, also verify that the following conditions have been met:

(a) that measures can be taken to safeguard depositors' access to covered deposits, including the transfer of assets and liabilities and deposit book transfer to another credit institution in the participating DGS pursuant to Article 11(6) of Directive 2014/49/EU;

(b) that the cost of measures to safeguard depositors' access to covered deposits, including the transfer of assets and liabilities and deposit book transfer to another credit institution in the participating DGS pursuant to Article 11(6) of Directive 2014/49/EU, are lower than the cost of a payout to meet the legal or contractual requirements applicable to the DGS in the context of the payout event in question.

If the participating DGS, acting in conjunction with the Board, takes the view that the conditions set out in points (a) and (b) have been met, it shall be required to take measures to transfer assets and liabilities and deposit book transfer to another credit institution in the participating DGS pursuant to Article 11(6) of Directive 2014/49/EU, rather than making a payment to meet the legal or contractual requirements applicable to it in the context of the payout event in question.

In that event, the participating DGS can claim from the DIF funding for its liquidity shortfall pursuant to Article 41b or funding for part of its excess loss pursuant to Article 41ha.

Or. de

Justification

This provision seeks to ensure that in the context of every payout event which is part of national insolvency proceedings checks are carried out to determine whether a cost-effective

transfer of covered deposits pursuant to Article 11(6) of Directive 2014/49/EU is possible. If it is established that a transfer would be more cost-effective than a payout, the former measure must be taken. The aim is to keep financial outflows from the DIF as low as possible and to ensure that depositors have the best possible access to their covered deposits.

Amendment 444

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h - paragraph 2 b (new)

Text proposed by the Commission

Amendment

(2b) In case a participating DGS encounters a payout event after complying with paragraphs 2 and 2a of this article, or if the DGS is used to fund measures to safeguard access to covered deposits in the context of national insolvency proceedings, or, pursuant to Article 79, is used in resolution, it may claim from the DIF funding for its liquidity shortfall as calculated pursuant to Article 41b of this Regulation. The share of liquidity shortfall coverage a participating DGS may claim from the DIF shall be 100%.

Or. de

Amendment 445

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h - paragraph 3

Text proposed by the Commission

Amendment

(3) The DIF shall also cover the loss of the participating DGS as defined by Article 41g. The participating DGS shall repay the amount of funding it obtained

(3) In case a participating DGS encounters a payout event after complying with paragraphs 2 and 2a of this article, or if the DGS is used to fund measures to

under paragraph 2, less the amount of loss cover, in accordance with the procedure set out in Article 41o.

safeguard access to covered deposits in the context of national insolvency proceedings, or, pursuant to Article 79, is used in resolution, it may claim from the DIF funding for its liquidity shortfall as calculated pursuant to Article 41ha of this Regulation. The share of excess loss coverage a participating DGS may claim from the DIF is laid down in paragraph 3a of this Article.

Or. de

Amendment 446

Marco Valli, Marco Zanni

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h – paragraph 3

Text proposed by the Commission

3. The DIF shall also cover the loss of the participating DGS *as defined by Article 41g. The participating DGS shall repay the amount of funding it obtained under paragraph 2, less the amount of loss cover, in accordance with the procedure set out in Article 41o.*

Amendment

3. The DIF shall also cover the loss of the participating DGS *up to the total amount it repaid to depositors in accordance with Article 8 of Directive 2014/49/EU.*

Or. it

Amendment 447

Burkhard Balz

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h – paragraph 3

Text proposed by the Commission

3. *The DIF shall also cover the loss of the participating DGS as defined by*

Amendment

3. *In case a participating DGS encounters a payout event or is used in*

Article 41g. *The participating DGS shall repay the amount of funding it obtained under paragraph 2, less the amount of loss cover, in accordance with the procedure set out in Article 41o.*

resolution in accordance with Article 109 of Directive 2014/59/EU or Article 79 of this Regulation, it may claim a share of excess loss funding from the DIF in accordance with Article 41ha of up to 20%.

Or. en

Amendment 448
Peter Simon

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41h - paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) *The share of coverage under paragraph 3 shall increase during the insurance period as follows:*

- in the first year of the insurance period it shall be 20%;*
- in the second year of the insurance period it shall be 40%;*
- in the third year of the insurance period it shall be 60%;*
- in the fourth year of the insurance period it shall be 80%;*
- in the fifth and subsequent years of the insurance period it shall be 100%.*

Or. de

Amendment 449
Brian Hayes

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41h – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The share of coverage under paragraph 3 shall increase during the insurance period as follows:*

- *in the first year of the insurance period it shall be 25%;*
- *in the second year of the insurance period it shall be 50%;*
- *in the third year of the insurance period it shall be 75%;*
- *in the fourth and subsequent years of the insurance period it shall be 100%.*

Or. en

Amendment 450

Jonás Fernández, Olle Ludvigsson, Neena Gill

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41h a (new)

Text proposed by the Commission

Amendment

Article 41ha

By way of derogation to Article 1(2) and Article 74c(4) the Commission may adopt a delegated act in accordance with Article 93 in order to supplement this Regulation by anticipating the date of application of this Chapter and its related pre-conditions as defined in Articles 41e and 41j in case the legislative proposals presented by the Commission on 23rd November 2016 (e.g. the "EU banking reform" package) have been officially adopted.

Or. en

Amendment 451
Peter Simon

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41 h a (new)

Text proposed by the Commission

Amendment

Article 41 ha

Excess loss

(1) In case the participating DGS encounters a payout event, its excess loss shall be calculated as the total amount it repaid to depositors in accordance with Article 8 of Directive 2014/49/EU less:

a) the amount the participating DGS recovered from subrogating to the rights of depositors in winding up or reorganisation proceedings under the first sentence of Article 9(2) of Directive 2014/49/EU;

b) the amount of available financial means the participating DGS should have at the time of the payout event if it had raised ex-ante contributions in accordance with Article 41j;

(2c) the amount of extraordinary contributions as defined in Article 10(8) of Directive 2014/49/EU the participating DGS can raise within three days from the payout event.

(2) If the participating DGS is used to fund measures to safeguard depositors' access to covered deposits in the context of national insolvency proceedings, its excess loss shall be calculated as the costs incurred by the DGS, which, pursuant to Article 11(6) of Directive 2014/49/EU, may not exceed the cost of paying out the covered deposits for the institution concerned, less

a) the amount the participating DGS recovered from subrogating to the rights of depositors in winding up or

reorganisation proceedings under the first sentence of Article 9(2) of Directive 2014/49/EU;

b) the amount of available financial means the participating DGS should have at the time of the payout event if it had raised ex-ante contributions in accordance with Article 41j;

(2c) the amount of extraordinary contributions as defined in Article 10(8) of Directive 2014/49/EU the participating DGS can raise within three days from the payout event.

Or. de

Amendment 452
Andrea Cozzolino

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation EU 806/2014
Article 41h a (new)

Text proposed by the Commission

Amendment

Article 41ha

Alternative uses of the Deposit Insurance Fund

- 1. The Board may use the available financial means of the Deposit Insurance Fund for alternative measures in order to prevent the failure of a credit institution provided that the conditions of article 11(3) of Directive 2014/49/EU are respected.***
- 2. The Board may use the available financial means of the Deposit Insurance Fund to finance measures to preserve the access of depositors to covered deposits, including transfer of assets and liabilities and deposit book transfer, in the context of national insolvency proceedings, provided that the condition of article 11(6)***

of Directive 2014/49/EU are respected.

Or. en

Amendment 453

Sander Loones

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Part IIa – title I – chapter 4 – title

Text proposed by the Commission

Amendment

Common provisions

Conditions for coverage

Or. en

Amendment 454

Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41i – title

Text proposed by the Commission

Amendment

Disqualification from coverage by EDIS

Staggered intervention ladder and loss of cover by EDIS

Or. en

Amendment 455

Sylvie Goulard

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41i – title

Amendment 456

Jonás Fernández, Olle Ludvigsson, Neena Gill

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41i – paragraph 1

Text proposed by the Commission

Amendment

1. *A participating DGS shall not be covered by EDIS in the reinsurance, co-insurance or full insurance phase, if the Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board accordingly that at least one of the following disqualifying conditions is met:*

1. *The Commission and the Board shall monitor the ability of DGSs to meet their obligations under the relevant legislation on a continuous basis. The Commission and the Board shall monitor in particular compliance with Articles 4(8), 4(9), 4(10), 4(11), 5, 6 8(1), 8(2), 8(6) and 10 of Directive 2014/49/EU and with Articles 41j and 41p of this Regulation.*

Ia. If the Commission or Board identifies instances of non-compliance with any or all of its obligations under paragraph 1, it shall inform the other and the DGS concerned.

Ib. The Board, based on the information of the Commission or acting on its own initiative, may issue a recommendation to the DGS to comply with those obligations within a maximum period of 3 months. That recommendation shall include remedial actions and may also include technical assistance from the SRB.

Ic. If a DGS fails to comply with a recommendation of the Commission within the specified time frame, the Commission may decide that the funding from EDIS in the case of a payout event or a resolution action shall be provided as

a loan subject to the conditions in paragraph 1d.

If EDIS has already provided funds and the DGS arrangements are inadequate for a payout event or a resolution action and do not comply with the obligations under paragraph 1, the Commission may decide to convert the funding provided by EDIS into a loan up to a period of [3 year] following the payout event or the resolution action and subject to the conditions in paragraph 1d. Any future payout event or resolution action shall also be provided as a loan as long as the DGS continues to fail to comply with the instructions.

1d. EDIS shall grant a loan under the following conditions:

- (a) the DGS must fully deplete its available financial means;*
- (b) the DGS has committed to comply with the instruction of the Commission;*
- (c) the rate of interest of the loan shall not be less than 1% above the 12 month EURIBOR rate; unless the Commission, after consulting the Board, decides otherwise in its instruction on the grounds of proportionality, including the non-punitive nature of the loan. The DGS shall calculate the ex-post contributions for the national banking system to pay the interest;*
- (d) the maturity of the loan shall not exceed [3] years;*
- (e) the loan shall not exceed the amount of liquidity support that the DGS would have received.*

1e. The Commission shall decide that a participating DGS shall not be covered by EDIS if it continues to fail to comply with its obligations under paragraph 1 and following the steps set out in this article. If a participating DGS is not covered by EDIS it shall repay the loan within [1 year].

The participating DGS concerned shall notify the Commission on the fulfilment of its obligations. The Commission should upon the notification re-evaluate the decision on the loss of cover of the participating DGS and, if appropriate, issue a recommendation that the DGS re-qualifies for EDIS coverage.

- (a) the participating DGS has failed to comply with the obligations under this Regulation or Articles 4, 6, 7 or 10 of Directive 2014/49/EU;
- (b) the participating DGS, the relevant administrative authority within the meaning of Article 3 of Directive 2014/49/EU, or any other relevant authority of the respective Member State have, in relation to a particular request for coverage by EDIS, acted in a way that runs counter to the principle of sincere cooperation as laid down in Article 4(3) of the Treaty on European Union.

- (a) the participating DGS has failed to comply with the obligations under this Regulation or Articles 4, 6, 7 or 10 of Directive 2014/49/EU;
- (b) the participating DGS, the relevant administrative authority within the meaning of Article 3 of Directive 2014/49/EU, or any other relevant authority of the respective Member State have, in relation to a particular request for coverage by EDIS, acted in a way that runs counter to the principle of sincere cooperation as laid down in Article 4(3) of the Treaty on European Union.

Or. en

Amendment 457

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41i – paragraph 1 – introductory part

Text proposed by the Commission

1. A participating DGS ***shall not*** be covered by EDIS ***in the reinsurance, co-insurance or full insurance phase***, if the Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board accordingly that at least one of the ***following*** disqualifying

Amendment

1. A participating DGS ***may cease to*** be covered by EDIS ***or shall be subject to pecuniary sanctions*** if the Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board accordingly that at least one of the disqualifying conditions ***referred to in subparagraphs (a) and (b)*** is met ***and that***

conditions is met:

the disqualification is proportionate to the breach committed and is imposed after the participating DGS has failed to comply with interim enforcement actions within pre-set deadlines.

Or. en

Amendment 458

Sander Loones, Bernd Lucke

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation No 806/2014

Article 41i – paragraph 1 – introductory part

Text proposed by the Commission

1. A participating DGS shall not be covered by EDIS *in the reinsurance, co-insurance or full insurance phase*, if the Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board *accordingly* that at least one of the following disqualifying conditions is met:

Amendment

1. A participating DGS shall not be covered by EDIS, if the Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board, *the DGS, the designated authority of the participating Member State within the meaning of point 18 of Article 2 of Directive 2014/49/EU, and the national competent authority or authorities*, that at least one of the following disqualifying conditions is met:

Or. en

Amendment 459

Sylvie Goulard

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41i – paragraph 1 – introductory part

Text proposed by the Commission

1. *A participating DGS shall not be covered by EDIS in the reinsurance, co-*

Amendment

1. The Commission, acting on its own initiative or upon a request of the Board or

insurance or full insurance phase, if the Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board accordingly that at least one of the following *disqualifying* conditions is met:

a participating Member State, decides and informs the Board accordingly that at least one of the following conditions is met:

Or. en

Amendment 460

Marco Zanni, Marco Valli

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41i – paragraph 1 – introductory part

Text proposed by the Commission

1. A participating DGS shall not be covered by EDIS *in the reinsurance, co-insurance or full insurance phase*, if the Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board accordingly that at least one of the following disqualifying conditions is met:

Amendment

1. A participating DGS shall not be covered by EDIS if the Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board accordingly that at least one of the following disqualifying conditions is met:

Or. it

Amendment 461

Michael Theurer

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41i – paragraph 1 - introductory part

Text proposed by the Commission

1. A participating DGS shall not be covered by EDIS *in the reinsurance, co-insurance or full insurance phase*, if the

Amendment

1. A participating DGS shall not be covered by EDIS if the Commission, acting on its own initiative or upon a request of

Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board accordingly that at least one of the following disqualifying conditions is met:

the Board or a participating Member State, decides and informs the Board accordingly that at least one of the following disqualifying conditions is met:

Or. en

Amendment 462
Markus Ferber

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41i – paragraph 1 – introductory part

Text proposed by the Commission

(1) A participating DGS shall not be covered by **EDIS in the reinsurance, co-insurance or full insurance phase**, if the Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board accordingly that at least one of the following disqualifying conditions is met:

Amendment

(1) A participating DGS shall not be covered by the **deposit reinsurance scheme** if the Commission, acting on its own initiative or upon a request of the Board or a participating Member State, decides and informs the Board accordingly that at least one of the following disqualifying conditions is met:

Or. de

Amendment 463
Gabriel Mato

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41i – paragraph 1 – introductory part

Text proposed by the Commission

1. A participating DGS shall not be covered by EDIS in the **reinsurance**, co-insurance or full insurance phase, if the Commission, acting on its own initiative or

Amendment

1. A participating DGS shall not be covered by EDIS in the co-insurance or full insurance phase, if the Commission, acting on its own initiative or upon a request of

upon a request of the Board or a participating Member State, decides and informs the Board accordingly that at least one of the following disqualifying conditions is met:

the Board or a participating Member State, decides and informs the Board accordingly that at least one of the following disqualifying conditions is met:

Or. es

Amendment 464
Sander Loones, Bernd Lucke

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation No 806/2014
Article 41i – paragraph 1 – point a

Text proposed by the Commission

(a) the participating DGS has failed to comply with the obligations under this Regulation or Articles 4, **6, 7** or 10 of Directive 2014/49/EU;

Amendment

(a) the participating DGS has failed to comply with the obligations under this Regulation or ***under*** Articles 4, **5, 6, 7, 8** or 10 of Directive 2014/49/EU;

Or. en

Amendment 465
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41i – paragraph 1 – point a

Text proposed by the Commission

(a) the participating DGS has failed to comply with the obligations under this Regulation or Articles 4, 6, 7 or 10 of Directive 2014/49/EU;

Amendment

(a) the participating DGS has failed to comply with the ***relevant*** obligations under this Regulation or Articles 4, 6, 7 or 10 of Directive 2014/49/EU;

Or. en

Amendment 466
Burkhard Balz

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41i – paragraph 1 – point b

Text proposed by the Commission

(b) the participating DGS, the relevant administrative authority within the meaning of Article 3 of Directive 2014/49/EU, or any other relevant authority of the respective Member State have, in relation to a particular request for coverage by EDIS, acted in a way that runs counter to the principle of sincere cooperation as laid down in Article 4(3) of the Treaty on European Union.

Amendment

(b) the participating DGS, the relevant administrative authority within the meaning of Article 3 of Directive 2014/49/EU, or any other relevant authority of the respective Member State have, in relation to a particular request for coverage by EDIS, acted in a way that runs counter to the principle of sincere cooperation as laid down in Article 4(3) of the Treaty on European Union, ***or have taken measures that directly or indirectly lead to a significant reduction of the capital and liquidity position of credit institutions affiliated to the participating DGS.***

Or. en

Amendment 467
Sylvie Goulard

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41i – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. According to the seriousness of the failure (inter alia poor performance of its duties or misconduct) of the designated authority as defined by article 2.1(18) or one of its members, the Commission may:

- request for a participating Member State to suspend or definitively remove one or more of the members of the***

designated authority;

- *impose a pecuniary sanction to the participating DGS, which will be considered as revenues of Part III of the Budget as referred to in article 60a;*
- *exclude a participating DGS from the coverage by EDIS in the reinsurance, co-insurance or full insurance phase.*

Or. en

Amendment 468
Sander Loones, Bernd Lucke

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41i – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *The Board shall monitor compliance with the provisions set out in paragraph 1 (a) and (b) on a continuous basis. If the Board identifies instances of non-compliance with any of the obligations under paragraph 1 (a) and (b), it shall immediately inform the Commission thereof.*

Or. en

Amendment 469
Sander Loones, Bernd Lucke

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41i – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. *If the Commission considers that at least one of the disqualifying conditions*

is met, it shall deliver a letter of formal notice to the DGS concerned and to the designated authority of the participating Member State within the meaning of point 18 of Article 2 of Directive 2014/49/EU, as well as to the national competent authority or authorities. It shall also inform the Member State or Member States concerned. In that letter, the Commission shall set out the reasons for considering disqualifying the participating DGS from coverage by EDIS. Within two months of receipt of such formal notice, the designated authority, in close cooperation with the DGS concerned and the national competent authority, shall:

(a) take prompt corrective action to address the shortcomings identified and to ensure that the disqualifying conditions are no longer met;

(b) submit to the Commission a reply in which they set out in detail the corrective action they have taken.

Or. en

Amendment 470
Sander Loones, Bernd Lucke

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41i – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The Commission shall disqualify the participating DGS from coverage by EDIS in accordance with paragraph 1, where it, having assessed the corrective action taken and consulted with the Board, considers that the DGS or the designated national authority remain non-compliant.

Amendment 471

Sander Loones, Bernd Lucke

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation No 806/2014

Article 41i – paragraph 2

Text proposed by the Commission

2. When funding has already been obtained by a participating DGS and at least one of the disqualifying conditions referred to in paragraph 1 is met in relation to a payout event or a use in resolution, the Commission *may* order full *or partial* repayment of the funding to the DIF.

Amendment

2. When funding has already been obtained by a participating DGS and at least one of the disqualifying conditions referred to in paragraph 1 is met in relation to a payout event or a use in resolution, the Commission *shall immediately* order full repayment of the funding to the DIF *within two years*.

The Member State in which the participating DGS is registered shall be held liable for full repayment, if, within the time limit set out in the first subparagraph, the participating DGS fails to repay in full the funding obtained.

Amendment 472

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41i – paragraph 2

Text proposed by the Commission

2. When funding has already been obtained by a participating DGS and *at least one of the disqualifying conditions referred to in paragraph 1 is met in relation to a payout event or a use in*

Amendment

2. When funding has already been obtained by a participating DGS and *the participating DGS has been disqualified in accordance with paragraph 1, the Commission may order a full or partial*

resolution, the Commission may order full or partial repayment of the funding to the DIF.

repayment of the funding to the DIF provided that deposits held by the date on which a DGS is disqualified continue to be covered by the EDIS.

Or. en

Amendment 473
Burkhard Balz

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41i – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Neither the funding nor the excess loss cover shall exceed the lower of 20% of the initial target level of the DIF as set out in Article 74 b (1) of this Regulation and 10 times the target level of the participating DGS as defined in the first subparagraph of Article 10 (2) of Directive 2014/49/EU.

Or. en

Amendment 474
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41i – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall adopt a delegated act in accordance with Article 93 to specify the procedure and timeframe to follow when disqualification decisions are being taken as well as the interim enforcement actions and sanctions

referred to in paragraph 1.

Or. en

Amendment 475
Jakob von Weizsäcker

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 4li a (new)

Text proposed by the Commission

Amendment

Article 4li a

Conditions for coverage

- 1. Without prejudice to the obligations to fund the DIF, a participating DGS shall not be covered by EDIS in the reinsurance, co-insurance or full insurance phase, if the Member State in question has not pre-approved a credit line for the DIF from the ESM of at least 0,4 % of covered deposits to cover shortfalls exceeding the capacities of the DIF.***
- 2. This condition does not apply to DGSs in Member States which are not part of the ESM.***
- 3. DGSs in Member States which are not part of the ESM may not benefit from the ESM's credit line.***

Or. en

Amendment 476
Marco Valli, Marco Zanni

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j

Article 41j

deleted

Funding path to be followed by participating DGSs

1. A participating DGS shall only be reinsured, co-insured or fully insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: 0.14%;***
- by 3 July 2018: 0.21%;***
- by 3 July 2019: 0.28%;***
- by 3 July 2020: 0.28%;***
- by 3 July 2021: 0.26%;***
- by 3 July 2022: 0.20%;***
- by 3 July 2023: 0.11%;***
- by 3 July 2024: 0%.***

2. The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.

Or. it

Amendment 477
Siegfried Mureşan

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j – paragraph 1

Text proposed by the Commission

Amendment

1. A participating DGS shall only be reinsured, co-insured or fully insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

deleted

- by 3 July 2017: 0.14%;
- by 3 July 2018: 0.21%;
- by 3 July 2019: 0.28%;
- by 3 July 2020: 0.28%;
- by 3 July 2021: 0.26%;
- by 3 July 2022: 0.20%;
- by 3 July 2023: 0.11%;
- by 3 July 2024: 0%.

Or. en

Amendment 478
Burkhard Balz

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j – paragraph 1

Text proposed by the Commission

Amendment

1. A participating DGS shall only be reinsured, *co-insured or fully* insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by

1. *Notwithstanding paragraph 1a*, a participating DGS shall only be reinsured *or* insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means

contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- *by 3 July 2017: 0.14%;*
- *by 3 July 2018: 0.21%;*
- *by 3 July 2019: 0.28%;*
- *by 3 July 2020: 0.28%;*
- *by 3 July 2021: 0.26%;*
- *by 3 July 2022: 0.20%;*
- *by 3 July 2023: 0.11%;*
- *by 3 July 2024: 0%.*

raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- *date of entry into application of Chapter 1 (reinsurance): 0.15%;*
- *one year after entry into application of Chapter 1 (reinsurance): 0.2%;*
- *two years after entry into application of Chapter 1 reinsurance: 0.25%;*
- *three years after entry into application of Chapter 1 (reinsurance): 0.3%;*
- *four years after entry into application of Chapter 1 (reinsurance): 0.35%;*
- *five years after entry into application of Chapter 1 (reinsurance): 0.4%.*

Or. en

Justification

The build-up of available financial means should start two years prior to any commencement of a reinsurance period.

Amendment 479

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j - paragraph 1

Text proposed by the Commission

(1) A participating DGS shall only be reinsured, co-insured or fully insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: **0.14%**;
- by 3 July 2018: **0.21%**;
- by 3 July 2019: **0.28%**;
- by 3 July 2020: **0.28%**;
- by 3 July 2021: **0.26 %**;
- by 3 July 2022: **0.20%**;
- by 3 July 2023: **0.11%**;
- by 3 July 2024: **0%**.

Amendment

(1) A participating DGS shall only be reinsured, co-insured or fully insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: **0.05%**;
- by 3 July 2018: **0.10%**;
- by 3 July 2019: **0.15%**;
- by 3 July 2020: **0.20%**;
- by 3 July 2021: **0.25%**;
- by 3 July 2022: **0.30%**;
- by 3 July 2023: **0.35%**;
- by 3 July 2024: **0.40%**.

Or. de

Amendment 480
Herbert Dorfmann

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806
Article 41j - paragraph 1

Text proposed by the Commission

1. A participating DGS shall only be reinsured, **co-insured or fully** insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit

Amendment

1. A participating DGS shall only be reinsured **or** insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions

institutions affiliated to the participating DGS:

- by 3 July 2017: **0.14%**;
- by 3 July 2018: **0.21%**;
- by 3 July 2019: **0.28%**;
- by 3 July 2020: **0.28%**;
- by 3 July 2021: **0.26%**;
- by 3 July 2022: **0.20%**;
- by 3 July 2023: **0.11%**;
- by 3 July 2024: **0%**.

affiliated to the participating DGS:

- by 3 July 2017: **0.05 %**;
- by 3 July 2018: **0.10 %**;
- by 3 July 2019: **0.15 %**;
- by 3 July 2020: **0.20 %**;
- by 3 July 2021: **0.20 %**;
- by 3 July 2022: **0.20 %**;
- by 3 July 2023: **0.20 %**;
- by 3 July 2024: **0.20 %**.

Or. en

Amendment 481

Markus Ferber

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j – paragraph 1

Text proposed by the Commission

(1) A participating DGS shall only be reinsured, ***co-insured or fully insured*** by EDIS ***during the year following any of the dates set out below***, if, ***by that date***, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least ***the following percentages of the total amount*** of covered deposits of all credit institutions ***affiliated to the participating DGS***:

- ***by 3 July 2017: 0.14%***;
- ***by 3 July 2018: 0.21%***;
- ***by 3 July 2019: 0.28%***;
- ***by 3 July 2020: 0.28%***;
- ***by 3 July 2021: 0.26%***;
- ***by 3 July 2022: 0.20%***;

Amendment

(1) A participating DGS shall only be reinsured by EDIS if its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least **0.6%** of covered deposits.

- *by 3 July 2023: 0.11%;*
- *by 3 July 2024: 0%.*

Or. de

Amendment 482

Alain Cadec

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j – paragraph 1

Text proposed by the Commission

1. A participating DGS shall only be reinsured, *co-insured or fully insured by EDIS during the year following any of the dates set out below, if, by that date*, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the *following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:*

- *by 3 July 2017: 0.14%;*
- *by 3 July 2018: 0.21%;*
- *by 3 July 2019: 0.28%;*
- *by 3 July 2020: 0.28%;*
- *by 3 July 2021: 0.26%;*
- *by 3 July 2022: 0.20%;*
- *by 3 July 2023: 0.11%;*
- *by 3 July 2024: 0%.*

Amendment

1. A participating DGS shall only be reinsured *by EDIS if by 2024* its available financial means raised by contributions referred to in Article 10 of Directive 2014/49/EU amount to at least the *target level as described in Article 74b (1).*

Or. en

Amendment 483

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j – paragraph 1

Text proposed by the Commission

1. A participating DGS shall only be **reinsured, co-insured or fully insured** by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: **0.14%**;
- by 3 July 2018: **0.21%**;
- by 3 July 2019: **0.28%**;
- by 3 July 2020: **0.28%**;
- by 3 July 2021: **0.26%**;
- by 3 July 2022: **0.20%**;
- by 3 July 2023: **0.11%**;
- by 3 July 2024: **0%**.

Amendment

1. A participating DGS shall only be **covered** by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: **0.15%**;
- by 3 July 2018: **0.25%**;
- by 3 July 2019: **0.35%**;
- by 3 July 2020: **0.40%**;
- by 3 July 2021: **0.35%**;
- by 3 July 2022: **0.25%**;
- by 3 July 2023: **0.20%**;
- by 3 July 2024: **0.20%**.

Or. en

Amendment 484
Marco Zanni, Marco Valli

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j – paragraph 1

Text proposed by the Commission

1. A participating DGS shall only be **reinsured, co-insured or fully insured** by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by

Amendment

1. A participating DGS shall only be fully insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in

contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: 0.14%;
- by 3 July 2018: 0.21%;
- by 3 July 2019: 0.28%;
- by 3 July 2020: 0.28%;
- by 3 July 2021: 0.26%;
- by 3 July 2022: 0.20%;
- by 3 July 2023: 0.11%;
- by 3 July 2024: 0%.

Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: 0.14%;
- by 3 July 2018: 0.21%;
- by 3 July 2019: 0.28%;
- by 3 July 2020: 0.28%;
- by 3 July 2021: 0.26%;
- by 3 July 2022: 0.20%;
- by 3 July 2023: 0.11%;
- by 3 July 2024: 0%.

Or. it

Amendment 485 **Jonás Fernández**

Proposal for a regulation **Article 1 – paragraph 1 – point 10** Regulation 806/2014 Article 41j – paragraph 1

Text proposed by the Commission

1. A participating DGS shall only be reinsured, co-insured or fully insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: **0.14%**;
- by 3 July 2018: 0.21%;
- by 3 July 2019: **0.28%**;
- by 3 July 2020: **0.28%**;

Amendment

1. A participating DGS shall only be reinsured, co-insured or fully insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: **0.04%**;
- by 3 July 2018: 0.21%;
- by 3 July 2019: **0.17%**;
- by 3 July 2020: **0.14%**;

- by 3 July 2021: **0.26%**;
- by 3 July 2022: **0.20%**;
- **by 3 July 2023: 0.11%**;
- **by 3 July 2024: 0%**.

- by 3 July 2021: **0.08%**;
- by 3 July 2022: **0.00%**;

Or. en

Amendment 486
Sander Loones, Bernd Lucke

Proposal for a regulation
Article 1 – paragraph 1 – point 10
 Regulation (EU) No 806/2014
 Article 41j – paragraph 1

Text proposed by the Commission

1. A participating DGS shall only be **reinsured, co-insured or fully** insured by EDIS **during the year following any of the dates set out below, if, by that date**, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least **the following percentages** of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- **by 3 July 2017: 0.14%**;
- **by 3 July 2018: 0.21%**;
- **by 3 July 2019: 0.28%**;
- **by 3 July 2020: 0.28%**;
- **by 3 July 2021: 0.26%**;
- **by 3 July 2022: 0.20%**;
- **by 3 July 2023: 0.11%**;
- **by 3 July 2024: 0%**.

Amendment

1. A participating DGS shall only be insured by EDIS **if** its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least **0.60%** of the total amount of covered deposits of all credit institutions affiliated to the participating DGS.

This is without prejudice to the first subparagraph of Article 10(2) of Directive 2014/49/EU.

Or. en

Amendment 487
Dimitrios Papadimoulis

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
article 41j – paragraph 1

Text proposed by the Commission

1. A participating DGS shall only be reinsured, co-insured or fully insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: **0.14%**;
- by 3 July 2018: **0.21%**;
- by 3 July 2019: **0.28%**;
- by 3 July 2020: **0.28%**;
- by 3 July 2021: **0.26%**;
- by 3 July 2022: **0.20%**;
- by 3 July 2023: **0.11%**;
- by 3 July 2024: 0%.

Amendment

1. A participating DGS shall only be reinsured, co-insured or fully insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2017: **0.15%**;
- by 3 July 2018: **0.25%**;
- by 3 July 2019: **0.35%**;
- by 3 July 2020: **0.40%**;
- by 3 July 2021: **0.35%**;
- by 3 July 2022: **0.25%**;
- by 3 July 2023: **0.15%**;
- by 3 July 2024: 0%.

Or. en

Amendment 488
Danuta Maria Hübner

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j - paragraph 1

Text proposed by the Commission

1. A participating DGS shall only be reinsured, **co-insured or fully insured** by

Amendment

1. A participating DGS shall only be reinsured **or co-insured** by EDIS during

EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- **by 3 July 2017: 0.14%;**
- by 3 July 2018: **0.21%**;
- by 3 July 2019: **0.28%**;
- by 3 July 2020: **0.28%**;
- by 3 July 2021: **0.26%**;
- by 3 July 2022: **0.20%**;
- by 3 July 2023: **0.11%**;
- by 3 July 2024: 0%.

the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- by 3 July 2018: **0.03%**;
- by 3 July 2019: **0.07%**;
- by 3 July 2020: **0.10%**;
- by 3 July 2021: **0.13%**;
- by 3 July 2022: **0.17 %**;
- by 3 July 2023: **0.20 %**;
- by 3 July 2024: 0%.

Or. en

Amendment 489

Michael Theurer

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j – paragraph 1 – introductory part

Text proposed by the Commission

1. A participating DGS shall only be reinsured, **co-insured** or **fully** insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- **by 3 July 2017: 0.14%;**

Amendment

1. A participating DGS shall only be reinsured or insured by EDIS during the year following any of the dates set out below, if, by that date, its available financial means raised by contributions referred to in Article 10(1) of Directive 2014/49/EU amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the participating DGS:

- *by 3 July 2018: 0.21%;*
 - *by 3 July 2019: 0.28%;*
 - *by 3 July 2020: 0.28%;*
 - *by 3 July 2021: 0.26%;*
 - *by 3 July 2022: 0.20%;*
 - *by 3 July 2023: 0.11%;*
 - *by 3 July 2024: 0%.*
- *date of entry into application of the reinsurance: 0.15%;*
 - *one year after entry into application of the reinsurance: 0.2%;*
 - *two years after entry into application of the reinsurance: 0.25%;*
 - *three years after entry into application of the reinsurance: 0.3%;*
 - *four years after entry into application of the reinsurance: 0.35%;*
 - *five years after entry into application of the reinsurance: 0.4%;*

Or. en

Amendment 490
Othmar Karas, Herbert Dorfmann

Proposal for a regulation
Article 1 – paragraph 1 – point 10
 Regulation (EU) No 806/2014
 Article 41j – paragraph 1 – indent 5

Text proposed by the Commission

Amendment

- *by 3 July 2021: 0.26%;*
- *by 3 July 2021: 0.20%;*

Or. en

Justification

The amendment helps to keep the national DGS as a first layer of insurance before making use of EDIS.

Amendment 491
Othmar Karas

Proposal for a regulation
Article 1 – paragraph 1 – point 10
 Regulation (EU) No 806/2014
 Article 41j – paragraph 1 – indent 7

Text proposed by the Commission

Amendment

- by 3 July 2023: **0.11%**;

- by 3 July 2023: **0.20%**;

Or. en

Justification

The amendment helps to keep the national DGS as a first layer of insurance before making use of EDIS.

Amendment 492

Othmar Karas

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j - paragraph 1 - indent 8

Text proposed by the Commission

Amendment

- by 3 July 2024: **0%**.

- by 3 July 2024: **0.20%**.

Or. en

Justification

The amendment helps to keep the national DGS as a first layer of insurance before making use of EDIS.

Amendment 493

Burkhard Balz

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. The available financial means of institutional protection schemes as referred to in Article 113 (7) of

Regulation (EU) No 575/2013 that are officially recognised as DGSs according to Article 4 (1) of Directive 2014/49/EU shall amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the recognised DGS:

- date of entry into application of Chapter 1 (reinsurance): 0.3%;*
- one year after entry into application of Chapter 1 (reinsurance): 0.4%;*
- two years after entry into application of Chapter 1 (reinsurance): 0.45%;*
- three years after entry into application of Chapter 1 (reinsurance): 0.5%;*
- four years after entry into application of Chapter 1 (reinsurance): 0.55%;*
- five years after entry into application of Chapter 1 (reinsurance): 0.6%.*

One third of the available financial means shall count towards the available financial means of the DIF according to Article 74b paragraph 1, but not exceeding 0.2% of the total amount of covered deposits of all credit institutions affiliated to the recognised DGS.

Or. en

Amendment 494
Michael Theurer

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j – paragraph 1 a (new)

1a. By way of derogation from paragraph 1 the available financial means of institutional protection schemes as referred to in Article 113 (7) of Regulation (EU) No 575/2013 that are officially recognised as DGSs according to Article 4 (1) of Directive (EU) No 49/2014 shall amount to at least the following percentages of the total amount of covered deposits of all credit institutions affiliated to the recognised DGS:

- date of entry into application of the reinsurance: 0.3%;**
- one year after entry into application of the reinsurance: 0.4%;**
- two years after entry into application of the reinsurance: 0.45%;**
- three years after entry into application of the reinsurance: 0.5%;**
- four years after entry into application of the reinsurance: 0.55%;**
- five years after entry into application of the reinsurance: 0.6%.**

Or. en

Justification

Under Art. 113 par. 7 CRR, IPS have to be able to grant support from funds readily available, without impediment. This is not yet reflected. A possible solution : 1. available means amounting to 0.6% of covered deposits remain in the national DGS; they can be used for IPS-measures under Art. 11 para 3 DGSD and Art. 113 para 7 CRR; 2. IPS are not required to fill an individual subfund; 3. IPS contribute by regular contributions to the joint subfund. a payout being unlikely, they should be assigned to a better risk category; 4. Contributions to the joint subfund are considered under Art. 11 para 5 (b) DGSD.

Amendment 495
Markus Ferber

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j – paragraph 2

Text proposed by the Commission

Amendment

(2) *The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.*

deleted

Or. de

Amendment 496
Michael Theurer

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for *duly justified* reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.

2. The Commission, after consulting the Board ***and with the consent of the Council, which shall for this purpose act by simple majority***, may approve a derogation from the requirements set out in paragraph 1 for ***strictly necessary*** reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions. ***During this time the participating DGS shall not have access to the individual risk-based subfunds of the other participating DGSs.***

Amendment 497

Burkhard Balz

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j – paragraph 2

Text proposed by the Commission

2. ***The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.***

Amendment

2. ***In case of any derogation from paragraph 1 the relevant participating DGS shall have access neither to the individual risk-based subfund of all other participating DGSs nor to the joint risk-based subfund.***

Amendment 498

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j – paragraph 2

Text proposed by the Commission

2. The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event which occurred at national level. Those derogations must

Amendment

2. The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event ***or a resolution action financing*** which occurred at

be temporary and may be subject to the fulfilment of certain conditions.

national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.

Or. en

Amendment 499

Jonás Fernández

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j – paragraph 2

Text proposed by the Commission

2. The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.

Amendment

2. The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event ***or resolution action financing*** which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.

Or. en

Amendment 500

Danuta Maria Hübner

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j - paragraph 2

Text proposed by the Commission

2. The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the

Amendment

2. The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the

impact pro-cyclical contributions may have, or to a payout event which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.

impact pro-cyclical contributions may have, or to a payout event ***or resolution action financing*** which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.

Or. en

Amendment 501

Sylvie Goulard

Proposal for a regulation

Article 1 – paragraph 1 – point 10

regulation (EU) 806/2014

Article 41j - paragraph 2

Text proposed by the Commission

2. The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.

Amendment

2. The Commission, after consulting the Board, may approve a derogation from the requirements set out in paragraph 1 for duly justified reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event ***or resolution action financing*** which occurred at national level. Those derogations must be temporary and may be subject to the fulfilment of certain conditions.

Or. en

Justification

As suggested by the ECB in its opinion of 20 April 2016

Amendment 502

Sander Loones

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation No 806/2014

Article 41j – paragraph 2

Text proposed by the Commission

2. The Commission, after consulting the Board, may approve a derogation from the **requirements** set out in paragraph 1 **for duly justified reasons linked to the business cycle in the respective Member State, the impact pro-cyclical contributions may have, or to a payout event which occurred at national level. Those derogations must be temporary** and may be subject to the fulfilment of certain conditions.

Amendment

2. The Commission, after consulting the Board, may approve a derogation from the **requirement** set out in paragraph 1 **only where, at national level, a participating DGS has encountered a payout event or has been used in resolution in accordance with Article 109 of Directive 2014/59/EU or Article 79 of this Regulation. This derogation shall last no longer than five years** and may be subject to the fulfilment of certain conditions.

Or. en

Amendment 503

Sylvie Goulard

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

article 41j – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By (...) ^{1a}, the Commission shall review the funding path and the target level referred to in Article 10(2) of Directive 2014/49/EU to take into account the funding by the DGS of measures referred to in Articles 5(2), 5(3), 6(2), 8(2), 8(3), 9(3), 10(2), 10(4), 12(1), 13(1), 15(1), 19(1) and 19(4) of that Directive.

^{1a} 2 years after the entry into force of this Regulation

Or. en

Amendment 504

Philippe Lamberts

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j – paragraph 2a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall adopt a delegated act in accordance with Article 93 to specify the conditions referred to in paragraph 2.

Or. en

Amendment 505
Philippe Lamberts
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41ja (new)

Text proposed by the Commission

Amendment

Article 41ja

Alternative measures

1. The Board may use up to 25% of the DIF available financial means for alternative measures in order to prevent the failure of a credit institution provided that the conditions referred to in paragraph 3 of Directive 2014/49/EU are met.

2. If available financial means are used for alternative measures in accordance with paragraph 1 of this Article, the affiliated credit institutions shall immediately provide the DIF with the means used for alternative measures, where necessary in the form of extraordinary ex post contributions in case a participating DGS encounters a payout event or is used in resolution in accordance with Article 79 of this

Regulation and the available financing means of the DIF are not sufficient to provide the funding that DGSs may claim from the DIF in accordance with the provisions of this Regulation.

3. Alternative measures as referred to in paragraph 1 of this Article shall not be applied where the competent authority, after consulting the resolution authority, considers the conditions for resolution action under Article 27(1) of Directive 2014/59/EU to be met.

4. The Commission shall adopt a delegated act in accordance with Article 93 to specify the conditions referred to in paragraph 1.

5. Whenever available financial means are used for alternative measures in accordance with paragraph 1, competent authorities shall require the beneficiary credit institution to update the recovery plan referred to in Article 7 of Directive 2014/59/EU. The competent authority shall in particular direct the beneficiary credit institution to implement the measures referred to in the third subparagraph of paragraph 6 of Article 6 of Directive 2014/59/EU.

The competent authority may also restrict or prohibit the beneficiary institution from undertaking any of the following actions:

(a) make a distribution in connection with Common Equity Tier 1 capital;

(b) create an obligation to pay variable remuneration or discretionary pension benefits or pay variable remuneration if the obligation to pay was created at a time when the institution failed to meet the combined buffer requirements;

(c) make payments on Additional Tier 1 instruments.

Or. en

Amendment 506

Peter Simon

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EU) No 806/2014

Article 41j a (new)

Text proposed by the Commission

Amendment

Article 41ja (new)

Alternative measures

- (1) Acting in coordination with the Board, the participating DGS shall take a decision on the use of alternative measures pursuant to Article 11(3) of Directive 2014/49/EU and on the requirements to be met by the credit institution.**
- (2) Paragraph 1 notwithstanding, institutional protection schemes pursuant to Article 1(2c) of Directive 2014/49/EU shall take a decision on the use of alternative measures, in coordination with the national resolution authority and the competent national authority.**
- (3) Alternative measures must be such as to prevent a payout event and their cost may not exceed that of fulfilling the legal or contractual requirements applicable to the DGS.**
- (4) Subject to strict compliance with the criteria set out in paragraphs 1 to 3, alternative measures may be funded from the financial means available to the participating DGS at national level and, in the event of a liquidity shortfall pursuant to Article 41b(1b), from the resources of the DIF in accordance with the liability cascade set out in Article 74a(3b).**
- (5) Before a participating DGS can draw on financial resources for a payout event, it shall be required to carry out, in**

coordination with the Board, checks to determine whether the use of appropriate and cost-effective alternative measures pursuant to Article 11 of Directive 2014/49/EU can obviate the need for a payout.

(6) If financial resources available at national level are used to fund alternative measures pursuant to paragraphs 1 and 2 of this Article, the affiliated credit institutions shall make the resources used to fund the alternative measures available to the DGS immediately - if necessary in the form of extraordinary contributions - if investors have to be compensated and if, at the time the payout is made, the financial resources available to the DGS at national level amount to less than two-thirds of the target level set pursuant to Article 41j(1).

Or. de

Justification

Participating DGSs may use alternative measures pursuant to Article 11(3) and (6) of Directive 2014/49/EU, subject to compliance with strict requirements and in coordination with the Board, if such measures can obviate the need for payout events and are less costly. If the alternative measures are consistent with the strict requirements set, they may be funded from the national fund and the DIF. Prior to a payout event, participating DGSs are also required to check whether the need for a payout event can be obviated by taking less costly alternative measures.

Amendment 507 **Sylvie Goulard**

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) No 806/2014
Article 41j a (new)

Text proposed by the Commission

Amendment

Article 41j a

Notification of measures

The participating deposit guarantee

schemes shall inform the Board and the Commission of any alternative measures they have taken in relation to articles 5(2), 5(3), 6(2), 8(2), 8(3), 9(3), 10(2), 10(4), 11(3), 11(6), 12(1), 13(1), 15(1), 19(1) and 19(4) of Directive 2014/49/EU.

The financing of these measures is made under the strict responsibility of the participating deposit-guarantee scheme having requested their use.

Or. en