

Chapter 1

Commission Delegated Regulation (EU) 2016/1075

Article 74 Elements of communication of individual decisions

(1) In the absence of a joint decision between the resolution authorities within four months in accordance with Article 13(5) of Directive 2014/59/EU, the decision taken by the group-level resolution authority on the group resolution plan and resolvability assessment shall be communicated in writing to the resolution college members by means of a document containing all of the following items:

- (a) the name of the group-level resolution authority;
- (b) the name of the Union parent undertaking;
- (c) references to the applicable Union and national law relating to the preparation, finalisation and application of the decision;
- (d) the date of the decision;
- (e) the group resolution plan and resolvability assessment including any measures to address or remove substantive impediments to resolvability in accordance to Article 17(4), (5) and (6) of Directive 2014/59/EU, subject to which the decision is taken. Where the Union parent undertaking is in the process of implementing those measures, the timeline for their implementation shall be also provided;
- (f) the names of the resolution college members and observers involved, in accordance with the terms and conditions of observers' participation, in the joint decision process on the group resolution plan and resolvability assessment, along with a summary of the views expressed by those authorities and information on issues leading to disagreement;
- (g) comments of the group-level resolution authority on the views expressed by resolution college members and observers, in particular on issues leading to disagreement.

(2) In the absence of a joint decision between the resolution authorities within four months in accordance with Article 13(6) of Directive 2014/59/EU, the resolution authorities drawing up individual resolution plans shall transmit to the group-level resolution authority a document that contains all of the following items:

(a) the name of the resolution authority taking the decision;

(b) the name of the entity or entities under the jurisdiction of the resolution authority to which the decision relates and applies;

(c) references to the applicable Union and national law relating to the preparation, finalisation and application of the decision;

(d) the date of the decision;

(e) the resolution plan and the assessment of resolvability of the entities under their jurisdiction including any measures to address or remove substantive impediments to resolvability in accordance to Article 17(4), (5) and (6) of Directive 2014/59/EU, subject to which the decision is taken. Where the entities are in the process of implementing these measures, then the timeline for their implementation shall be also provided;

(f) the name of the group-level resolution authority along with explanations on the reasons for disagreement with the proposed group resolution plan and resolvability assessment.

(3) Where the EBA has been consulted, the decisions taken in the absence of a joint decision in accordance with Article 13(5) and (6) of Directive 2014/59/EU shall include an explanation as to why the advice of the EBA was not followed.