

Chapter 1

Commission Delegated Regulation (EU) 2016/1075

Article 84 Elements of communication of individual decisions

(1) In the absence of a joint decision on measures to address substantive impediments to resolvability as referred to in Article 18(6) of Directive 2014/59/EU, the decision taken by the group-level resolution authority shall be communicated in writing without undue delay to the resolution college members by means of a document containing all of the following items:

- (a) the name of the group-level resolution authority taking the decision;
- (b) the name of the Union parent undertaking to which the decision relates and applies;
- (c) references to the applicable Union and national law relating to the preparation, finalisation and application of the decision;
- (d) the date of the decision;
- (e) the measures pursuant to Article 17(5) and (6) of Directive 2014/59/EU decided by the group-level resolution authority and the time limit within which those measures shall be addressed;
- (f) where the measures proposed by the Union parent undertaking are not accepted or are partially accepted by the group-level resolution authority, an explanation of how the measures proposed by the Union parent undertaking are assessed as not fit to remove the substantive impediments to resolvability and how the measures set out in point (e) of this paragraph would effectively reduce or remove the substantive impediments to resolvability;
- (g) the names of resolution college members and observers involved, in accordance with the terms and conditions of observers' participation, in the joint decision process on measures to address substantive impediments to resolvability along with a summary of the views expressed by these authorities and information on issues leading to disagreement;
- (h) comments of the group-level resolution authority on the views expressed by the resolution college members and observers, in particular on issues leading to disagreement.

(2) Resolution authorities deciding on measures to be taken by subsidiaries at individual level in the absence of a joint decision shall transmit to the group-level resolution authority a document that contains all of the following items:

- (a) the name of the resolution authority taking the decision;
- (b) the name of the entities under the jurisdiction of the resolution authority to which the decision relates and applies;
- (c) references to the applicable Union and to the national law relating to the preparation, finalisation and application of the decision;
- (d) the date of the decision;
- (e) the measures pursuant to Article 17(5) and (6) of Directive 2014/59/EU decided by the resolution authority and the time limit within which the respective entities shall address these measures;
- (f) where the measures proposed by the subsidiaries in accordance with Article 17(3) and (4) of Directive 2014/59/EU are not accepted or are partially accepted by the resolution authorities of subsidiaries respectively, an explanation of how the measures proposed by these subsidiaries are assessed as not fit to remove the substantive impediments to resolvability and how the measures set out in point (e) of this paragraph would effectively reduce or remove the substantive impediments to resolvability;
- (g) the name of the group-level resolution authority along with explanations on the reasons for disagreement with the measures proposed by the group-level resolution authority to address substantive impediments to resolvability.

(3) Where the EBA has been consulted, the decisions taken in the absence of a joint decision shall include an explanation as to why the advice of the EBA was not followed.