

Chapter 1

Commission Delegated Regulation (EU) 2016/1075

Article 104 Consultation on the group resolution scheme

(1) The members of the resolution college receiving the draft group resolution scheme in accordance with Article 103(3) shall express their material diverging views or concerns, if any.

(2) Material divergent views and concerns may address all aspects of the draft group resolution scheme, including:

(a) impediments, if any, in national law or otherwise to carrying out the group resolution scheme in accordance with the strategy and resolution actions;

(b) any relevant updates to the information submitted for the mutualisation of the financing arrangements that could impact carrying out the financing plan;

(c) the impact of the group resolution scheme or of the financing plan on the subsidiaries covered by the group resolution scheme in their respective Member State.

(3) Material divergent views and concerns shall be clearly set out in writing, which may include electronic format, and shall be fully reasoned.

Material divergent views and concerns shall be expressed without undue delay recognising the urgency of the situation and by the time limit set in Article 103(3).

(4) Upon expiry of the time limit, the group-level resolution authority shall presume that all members who did not express divergent views or concerns have agreed to the group resolution scheme.