



Brussels, 23.4.2025  
C(2025) 701 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 23.4.2025**

**supplementing Directive 2013/36/EU of the European Parliament and of the Council  
with regard to regulatory technical standards specifying the general conditions for the  
functioning of supervisory colleges, and repealing Commission Delegated Regulation  
(EU) 2016/98**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Article 51(4), second subparagraph, and 116(4), third subparagraph, of Directive 2013/36/EU<sup>1</sup> (Capital Requirements Directive) empowers the Commission to supplement this Directive by adopting, following submission by the European Banking Authority ('the Authority') of regulatory technical standards, and in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010, delegated acts to specify general conditions for the functioning of colleges of supervisors.

The [Commission Delegated Regulation \(EU\) 2016/98<sup>2</sup>](#), as mandated by the said provisions in Directive 2013/36/EU, specifies the functioning of supervisory colleges to ensure appropriate supervisory cooperation and coordination in the supervision of cross-border institutions. It sets rules and conditions for the establishment and functioning of colleges of supervisors, and for their operation, in particular for the planning and coordination of supervisory activities in going concern and in emergency situations. The draft technical standards incorporate updated provisions on the functioning of supervisory colleges triggered by Directive (EU) 2019/878<sup>3</sup> (amending Directive 2013/36/EU) and Regulation (EU) No 575/2013<sup>4</sup> (as amended by Regulation (EU) 2019/876<sup>5</sup>) and channels in lessons learnt from the implementation of the Commission Delegated Regulation (EU) 2016/98 as observed by the EBA's continuous monitoring activities in accordance with Article 21 of Regulation (EU) 2010/1093<sup>6</sup>.

The draft technical standards include new articles on the exchange of information with the observers of the supervisory college, in particular with the resolution college and the anti-money laundering and counter-terrorism financing (AML/CFT) college via the group-level resolution authority and the lead supervisor of the AML/CFT college, respectively in order to enhance cooperation and information exchange with these authorities. In addition, new articles specify the requirements of information exchange between the consolidating supervisor/competent authority of the home member state and college members as well as observers, in case of an *event of adverse material effect on the risk profile* of the group or its entities, in order to ensure that there is always adequate information sharing in such situations. The *event of adverse material impact on the risk profile* is not yet an emergency situation as

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<sup>1</sup> Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176 27.6.2013, p. 338).

<sup>2</sup> Commission Delegated Regulation (EU) 2016/98 of 16 October 2015 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for specifying the general conditions for the functioning of colleges of supervisors ((OJ L 21, 28.1.2016, p. 2, ELI: [http://data.europa.eu/eli/reg\\_del/2016/98/oj](http://data.europa.eu/eli/reg_del/2016/98/oj)).

<sup>3</sup> Directive (EU) 2019/878 of the European Parliament and of the Council of 20 May 2019 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 (OJ L 150, 7.6.2019, p. 253).

<sup>4</sup> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176 27.6.2013, p. 1).

<sup>5</sup> Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019 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 Regulation (EU) No 648/2012 (OJ L 150, 7.6.2019, p. 1).

<sup>6</sup> Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331 15.12.2010, p. 12).

described in Article 114 of the Directive 2013/36/EU, but it has the potential to escalate to that. In addition, important upgrades in the context of additional own funds requirements and guidance as well as voluntary entrustment of tasks, have been proposed, among others. Given the number of changes the EBA proposes to repeal the current RTS on colleges of supervisors<sup>7</sup> and replace it with new regulatory technical standards.

In accordance with Article 10(1) of Regulation (EU) No 1093/2010, the Commission shall decide within three months of receipt of the draft technical standards whether to endorse the draft submitted. The Commission may endorse the draft regulatory technical standards in part only, or with amendments, where the Union's interests so require, having regard to the specific procedure laid down in this Regulation.

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

In accordance with Article 10(1) of Regulation (EU) No 1093/2010, before submitting the draft technical standards to the Commission, the Authority carried out a public consultation on the draft regulatory technical standards mandated by Articles 51(4), second subparagraph, and 116(4), third subparagraph, of Directive 2013/36/EU, consulted the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) 1093/2010, and analysed the potential related costs and benefits. A consultation paper on the draft regulatory technical standards was published on 30 May 2023, for a three-month consultation period.

As requested by the Commission, only these draft technical standards and explanatory memorandum are submitted to the Commission for adoption. All relevant background information, including the background and rationale, the impact assessment, and the feedback on the public consultation, is included in the final report accompanying these draft regulatory technical standards, which was approved by the Board of Supervisors of the Authority on 5 December 2023 and will be published on the public website of the Authority after submission to the Commission.

## **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The provisions of the delegated act pertain to the functioning of supervisory colleges, including the conditions for their establishment and their member- and observership, and the processes to follow in going concern and in an emergency situation. The delegated act sets rules concerning the setting up of a supervisory college, the establishment of the written coordination and cooperation arrangements, the involvement, as observers, of third country supervisory authorities, public authorities or bodies responsible for AML/CFT supervision and resolution, as well as the exchange of information in order to ensure the efficient and effective functioning of supervisory colleges.

The application of these rules ensures consistent practices in the supervision of cross-border groups.

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<sup>7</sup> Commission Delegated Regulation (EU) 2016/98 of 16 October 2015 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for specifying the general conditions for the functioning of colleges of supervisors (OJ L 21, 28.1.2016, p. 2, ELI: [http://data.europa.eu/eli/reg\\_del/2016/98/oj](http://data.europa.eu/eli/reg_del/2016/98/oj)).

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2013/36/EU of 26 June 2013 of the European Parliament and of the Council on access to the activity of credit institutions and the prudential supervision of credit institutions, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC<sup>1</sup>, and in particular to Article 51(4), second subparagraph, and Article 116(4), third subparagraph, thereof,

Whereas:

- (1) Directive 2013/36/EU lays down rules concerning supervisory powers and tools for the prudential supervision of credit institutions by competent authorities. Colleges of supervisors are the vehicles through which supervisory activities are coordinated. Pursuant to Article 116 of Directive 2013/36/EU, the consolidating supervisors are to establish colleges of supervisors to facilitate certain supervisory tasks and to ensure appropriate coordination and cooperation with relevant third-country supervisory authorities. In addition, the competent authorities supervising an institution with significant branches in other Member States are, pursuant to Article 51(3) of Directive 2013/36/EU, required to establish and chair colleges of supervisors where Article 116 of that Directive is not applicable.
- (2) Commission Delegated Regulation (EU) 2016/98<sup>2</sup> lays down general conditions for the functioning of the colleges of supervisors to be established in accordance with Article 51(3) and Article 116 of Directive 2013/36/EU. New provisions were introduced in Directive 2013/36/EU on the authorisation of certain financial holding companies and mixed financial holding companies, on the establishment of intermediate EU parent undertakings and on colleges for groups headed in the Union, the subsidiaries of which are established in third countries. In addition, investment firms were removed from the scope of Directive 2013/36/EU as the definition of the term institution no longer includes investment firms, while some of the provisions of

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<sup>1</sup> Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176 27.6.2013, p. 338, ELI: <http://data.europa.eu/eli/dir/2013/36/oj>).

<sup>2</sup> Commission Delegated Regulation (EU) 2016/98 of 16 October 2015 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for specifying the general conditions for the functioning of colleges of supervisors (OJ L 21, 28.1.2016, p. 2, ELI: [http://data.europa.eu/eli/reg\\_del/2016/98/oj](http://data.europa.eu/eli/reg_del/2016/98/oj)).

Directive 2013/36/EU still apply to them. To account for those multiple amendments and for the sake of legal certainty, it is necessary to repeal and replace Delegated Regulation (EU) 2016/98.

- (3) The mapping of a group, which would identify the group entities in the Union or in a third country and which would describe for each group entity its nature, location, the authorities involved in its supervision, the applicable prudential exemptions, its importance for the group and its importance for the country in which it is authorised or established, as well as the criteria for determining that importance, is considered a vital element for the identification of members of the college of supervisors and potential observers. In that context, information on the importance of a branch for the group and the importance of that branch for the Member State in which it is established is essential in order to determine the participation of the competent authorities of that Member State in college activities. Information on the nature of the group entities, whether institutions, branches or other financial sector entities, as well as on their country of authorisation or establishment, whether a Member State or a third country, is also important for identifying members of the college of supervisors and potential observers. For that importance to be determined, certain criteria should be set out.
- (4) In accordance with Article 21b(2) of Directive 2013/36/EU, competent authorities may allow institutions to have two intermediate EU parent undertakings, which will entail the establishment of two colleges of supervisors. Where two colleges of supervisors have been established, close cooperation between them needs to be ensured. To that end, the consolidating supervisor or the group supervisor of one college should participate as observer in the other college.
- (5) In accordance with Article 116(1a) of Directive 2013/36/EU, the consolidating supervisor is also to establish colleges of supervisors where all the cross-border subsidiaries of an EU parent institution or of an EU parent financial holding company or an EU parent mixed financial holding company have their head offices in third countries. For colleges of supervisors established under that Article, there is a need to ensure that the consolidating supervisor invites all third-country authorities where subsidiaries of the group exist to become observers in the relevant college of supervisors, as that will be key in determining their importance and in enabling prudent management of risk at the level of the EU parent undertaking. However, in all other colleges of supervisors established under Article 116(1) of Directive 2013/36/EU, only authorities of third countries where a significant presence of the group exists should be invited to become observers of the college of supervisors. To ensure that the professional secrecy requirements set out in Union law are met, in all cases, third-country authorities should only be allowed to become observers of colleges of supervisors if they are subject to confidentiality requirements that are at least equivalent to those applicable in the Union.
- (6) To enhance the cooperation and the exchange of information between the competent authorities responsible for the prudential supervision and other authorities involved in the supervision of a group, and to ensure the sharing of information for the fulfilment of their respective tasks, the consolidating supervisor should request the group-level resolution authority, the lead supervisor of the college established for the purpose of facilitating cooperation between AML/CFT authorities (the ‘AML/CFT college’), the supervisory authorities of third countries where important institutions or branches are established, the supervisory authority of a Member State where a second intermediate EU parent undertaking is established, and the coordinator of the financial conglomerate, where those authorities are identified by the consolidating supervisor, to

become observers in the college of supervisors. The status of observer should enable those authorities to be invited to meetings of the college of supervisors by the consolidating supervisor, where their presence is relevant considering the agenda of those meetings.

- (7) Under Article 21 of Regulation (EU) 1093/2010 of the European Parliament and of the Council<sup>3</sup>, the European Banking Authority (EBA) is to monitor the functioning of colleges of supervisors and to foster consistency and coherence with regard to the application of Regulation (EU) No 575/2013 of the European Parliament and of the Council<sup>4</sup>, Directive 2013/36/EU, Delegated Regulation (EU) 2016/98 and Commission Implementing Regulation (EU) 2016/99<sup>5</sup>. The results of that monitoring showed that certain aspects of the operational arrangements of colleges of supervisors, including the regular exchange of the early warning indicators, or the cooperation with the resolution authorities or the anti-money laundering and counter-terrorism financing (AML/CFT) authorities, still require further strengthening. Therefore, it is necessary to enhance the role of colleges of supervisors as a tool for the exchange of information among their members and the cooperation and coordination with observers, including other sectoral colleges.
- (8) To strengthen the efficiency of colleges of supervisors, the written coordination and cooperation arrangements referred to in Article 115 of Directive 2013/36/EU should cover all areas of college work. The written arrangements should also cover arrangements between some college members involved in specific college activities, such as those performed through specific substructures of the college. The written arrangements should also include operational aspects of college work as those aspects are essential for facilitating the functioning of the college of supervisors, both in going concern and during emergency situations. As it is essential to ensure cooperation within the college before and for the purpose of providing input for group resolution issues, the written arrangements should provide for the processes of coordinating the relevant input as well as the responsibilities and role of the consolidating supervisor in communicating that input through the group-level resolution authority as defined in Article 2(1), point (44), of Directive 2014/59/EU of the European Parliament and of the Council<sup>6</sup> to the resolution college. The written arrangements should be comprehensive, coherent and exhaustive and should provide an adequate and appropriate basis to the competent authorities in order for them to discharge their relevant duties and tasks within, rather than outside the college of supervisors.

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<sup>3</sup> Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331 15.12.2010, p. 12, ELI: <http://data.europa.eu/eli/reg/2010/1093/oj>).

<sup>4</sup> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/575/oj>).

<sup>5</sup> Commission Implementing Regulation (EU) 2016/99 of 16 October 2015 laying down implementing technical standards with regard to determining the operational functioning of the colleges of supervisors according to Directive 2013/36/EU of the European Parliament and of the Council (OJ L 21, 28.1.2016, p. 21, ELI: [http://data.europa.eu/eli/reg\\_impl/2016/99/oj](http://data.europa.eu/eli/reg_impl/2016/99/oj)).

<sup>6</sup> Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190, ELI: <http://data.europa.eu/eli/dir/2014/59/oj>).

- (9) Members of the college of supervisors should discuss and agree on the scope and level of involvement of observers, if any, in the college of supervisors. To enhance the cooperation and the exchange of information with the observers, including with the group-level resolution authority and the AML/CFT lead supervisor where relevant, the written coordination and cooperation arrangements should establish the framework for cooperation and information to be exchanged with each of those observers. The written arrangements should also cover agreements between members of the college of supervisors involved in specific activities of the college, including activities carried out through specific substructures of the college of supervisors.
- (10) To perform all college activities, the consolidating supervisor and the other members of the college should have an overview of the activities carried out by all group entities, including by those carrying out financial activities without being qualified as institutions and by those operating outside the Union. Interaction between the consolidating supervisor, college members, third-country supervisory authorities, public authorities or bodies which are responsible for or involved in the supervision of a group entity, including authorities responsible for the prudential supervision of the group's financial sector entities or competent authorities responsible for the supervision of markets in financial instruments, the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, or consumer protection, should be promoted by allowing those third-country supervisory authorities and public authorities or bodies to participate in college work as observers, as appropriate.
- (11) To facilitate the identification of early warning signs, potential risks and vulnerabilities for the group and its entities, including any event of adverse material effect on the risk profile of the group or its entities and the imposition of early intervention measures; or for the system in which the group and its entities operate, and in case of emergency situations, the exchange of information in colleges of supervisors should be enhanced.
- (12) Members of the college of supervisors participating in the performance of the tasks referred to in Article 113 of Directive 2013/36/EU should use the college of supervisors as the main platform for information exchange on the assessment of the main elements of the supervisory review and evaluation process as referred to in Article 97 of that Directive, where a cross-border group is concerned, recognising at the same time that the supervisory review and evaluation process may be performed differently across Member States depending on the transposition of those Union rules into national legislation, taking also into account the guidelines issued by EBA under Article 107(3) of Directive 2013/36/EU.
- (13) To facilitate cooperation between competent authorities and to coordinate any decisions intended to address issues of compliance by an institution with the requirements regarding approaches that need permission by competent authorities before being used for the calculation of own fund requirements (use of internal models for credit risk, market risk, counterparty risk and operational risk), the conditions of cooperation between the consolidating supervisor and the relevant competent authorities for exchanging information on the performance of those internal approaches, and for discussing and reaching agreement on measures to address inefficiencies identified, should be specified.
- (14) To promote cooperation within the college of supervisors and to increase the effectiveness and efficiency of the group supervision, the consolidating supervisor and

the members of the college of supervisors should discuss, and on a voluntary basis, agree on the entrustment of tasks and delegation of responsibilities, where relevant.

- (15) Each college of supervisors should decide on the information to be exchanged and periodically updated and should list that information in the written coordination and cooperation arrangements. To enhance the capacity of the college of supervisors to identify increasing risks and vulnerabilities, members of the college of supervisors and, where relevant, observers should regularly exchange quantitative and qualitative information. Furthermore, the written coordination and cooperation arrangements should provide for the procedure for coordinating the relevant input, and the responsibilities and role of the consolidating supervisor in communicating that input to observers. To ensure that the exchange of information is triggered between the consolidating supervisors and the members of the college of supervisors where the group or its entities are impacted by an event of adverse material effect, the consolidating supervisor and the members of the college of supervisors should specify the main characteristics of such event in the written coordination and cooperation arrangements, taking into account the specificities of the group, and should agree on the information to be exchanged, where such event of adverse material effect arises.
- (16) To facilitate the collection and sharing of the relevant information within the college of supervisors, members of the college of supervisors should exchange all information necessary to facilitate the exercise of the tasks of the college of supervisors referred to in Articles 112 and 113 of Directive 2013/36/EU. For the same purpose, the consolidating supervisor should share with the members of the college of supervisors information received from the college established in accordance with Article 119(1) of Regulation (EU) 2023/1114<sup>7</sup>, where that information is relevant for the performance of the tasks referred to in Article 112 of Directive 2013/36/EU, in particular for the planning and coordination of supervisory activities and for the tasks referred in Article 113 of that Directive, in particular for performing the group risk assessment and reaching joint decisions.
- (17) Members of the college of supervisors should coordinate their activities in preparation for and during emergency situations, including adverse developments which may seriously jeopardise the orderly function and the integrity of the financial markets or the stability of the whole or part of the financial system of the Union, or other situations that affect or might explicitly affect the financial and economic situation of a banking group or any of its subsidiaries. Therefore, the planning and coordination of the competent authorities' activities in preparation for and during emergency situations should include, but not be limited to the activities referred to in the relevant provisions of Directive 2014/59/EU, in particular activities aiming at coordinating the group recovery planning and at providing coordinated input to resolution authorities, where needed, in preparation for and during emergency situations.
- (18) When dealing with an emergency situation, members of the college of supervisors, under the coordination of the consolidating supervisor, should develop a coordinated supervisory assessment of the situation, agree on a coordinated supervisory response and monitor the implementation of their response to ensure that the emergency situation is properly assessed and addressed. Members of the college of supervisors

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<sup>7</sup> Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (OJ L 150, 9.6.2023, p. 40, ELI: <http://data.europa.eu/eli/reg/2023/1114/oj>).



should also ensure that any external communication is done in a coordinated way and covers elements which are agreed *ex-ante* between the members of the college.

- (19) Given the several amendments to be made, Delegated Regulation 2016/98 should be repealed and replaced in the interest of clarity. Therefore, references to Delegated Regulation 2016/98 should be construed as references to this Regulation.
- (20) This Regulation is based on the draft regulatory technical standards submitted to the Commission by EBA.
- (21) EBA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010,

HAS ADOPTED THIS REGULATION:

## **Chapter 1**

### **General Provisions**

#### *Article 1*

#### **Definition**

For the purposes of this Regulation, the following definitions apply:

- ‘AML/CFT authority’ means an authority entrusted with the public duty to ensure compliance with Directive (EU) 2015/849 of the European Parliament and of the Council<sup>8</sup>;
- ‘group supervisor’ means group supervisor as defined in Article 3(1), point (15), of Directive 2019/2034/EU of the European Parliament and of the Council<sup>9</sup>.

## **Chapter 2**

### **Establishment and functioning of colleges of supervisors referred to in Article 116 of Directive 2013/36/EU**

## **SECTION 1**

### **ESTABLISHMENT AND FUNCTIONING OF COLLEGES OF SUPERVISORS**

#### *Article 2*

#### **Mapping of a group of institutions**

1. The consolidating supervisor shall map a group of institutions in accordance with the procedure set out in Article 1 of Commission Implementing Regulation (EU)

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<sup>8</sup> Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73, ELI: <http://data.europa.eu/eli/dir/2015/849/oj>).

<sup>9</sup> Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64 ELI: <http://data.europa.eu/eli/dir/2019/2034/oj>).

20xx/xx<sup>10</sup> [OP: please insert the publication reference of C(2025)700] to identify the following group entities and branches:

- (a) institutions and branches established in a Member State, including financial holding companies or mixed financial holding companies approved in accordance with Article 21a of Directive 2013/36/EU;
- (b) financial sector entities authorised in a Member State;
- (c) institutions and branches established in a third country.

2. For the purposes of paragraph 1, point (a), the following information shall be reflected in the mapping:

- (a) the Member State where the institution is authorised or the branch is established;
- (b) the competent authority responsible for the supervision of the institution or the competent authority of the host Member State where the branch is established, and other financial sector authorities of that Member State, including competent authorities responsible for the supervision of markets in financial instruments, for the prevention of the use of the financial system for the purpose of money laundering or terrorist financing, and for consumer protection;
- (c) whether the institution is subject to prudential supervision on an individual basis or whether the institution has been granted a waiver from the application of requirements set out in Parts Two to Eight of Regulation (EU) No 575/2013 on an individual basis pursuant to Articles 7, 8, or 10 of that Regulation;
- (d) the importance of the institution for the Member State where that institution is authorised and the criteria used by the competent authorities to determine that importance, in particular:
  - (i) the size of the institution relative to the local market in terms of total assets and off-balance sheet items;
  - (ii) whether the market share of the institution in terms of deposits exceeds 2 % in the Member State where that institution is authorised;
  - (iii) the likely impact of a suspension or closure of the operations of the institution on systemic liquidity and the payment, clearing and settlement systems in the Member State where that institution is authorised;
  - (iv) the result of the assessment of systemic importance under Article 131(3) of Directive 2013/36/EU; and information on the importance of that institution for the group, provided that the total amount of assets and off-balance sheet items of that institution exceeds 1 % of the group's total assets and off-balance sheet items on consolidated basis;
- (e) the importance of the branch for the Member State where that branch is established, in particular:
  - (i) whether the branch is considered or is requested to be considered as significant in accordance with Article 51 of Directive 2013/36/EU;

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<sup>10</sup> Commission Implementing Regulation (EU) .../... of XXXX laying down implementing technical standards for the application of Directive 2013/36/EU of the European Parliament and of the Council with regard to the operational functioning of colleges of supervisors, (OJ L XXX, XX.XX.XXX, p. X, ELI: <http://data.europa.eu/eli/reg/XXX/XXXX/oj>).

- (ii) information on the importance of that branch for the group, provided that the total amount of assets and off-balance sheet items of that branch exceeds 1 % of the group's total assets and off-balance sheet items on consolidated basis.
- 3. For the purposes of paragraph 1, points (b) and (c), the following information shall be reflected in the mapping:
  - (a) the Member State where the financial sector entity is established or the third country where the institution or the branch is established;
  - (b) the authority responsible for or involved in the supervision of that financial sector entity, institution or branch;
  - (c) information on the importance of the financial sector entity, of the institution or of the branch for the group, provided that the total amount of assets and off-balance sheet items of that financial sector entity, institution or branch exceeds 1 % of the group's total assets and off-balance sheet items on consolidated basis.
- 4. The mapping of the group of institutions shall reflect the following:
  - (a) where Article 116(1a) of Directive 2013/36/EU applies, whether the head offices of all the cross-border subsidiaries of an EU parent institution or of an EU parent financial holding company or of an EU parent mixed financial holding company are authorised in third countries;
  - (b) where Article 21b of Directive 2013/36/EU applies, whether one or two intermediate EU parent undertakings have been established in the Union.

### *Article 3*

#### **Members and observers of a college of supervisors**

- 1. The consolidating supervisor shall request the following authorities to become members of the college of supervisors in accordance with the procedure set out in Article 2 of Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*]:
  - (a) the competent authorities responsible for the supervision of institutions that are subsidiaries of an EU parent institution and the competent authorities of host Member States where significant branches as referred to in Article 51 of Directive 2013/36/EU are established;
  - (b) the ESCB central banks of Member States that are involved in accordance with national law in the prudential supervision of the legal entities referred to in point (a), but that are not competent authorities;
  - (c) EBA.
- 2. The consolidating supervisor shall request the following authorities to become observers of the college of supervisors in accordance with the procedure set out in Article 2 of Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*]:
  - (a) for the colleges of supervisors referred to in Article 116(1) of Directive 2013/36/EU, supervisory authorities of third countries where institutions or branches are established that are deemed important for the group as set out in Article 2(3), point (c), of this Regulation, provided that those supervisory

authorities of third countries are subject to confidentiality requirements laid down in Article 116 of Directive 2013/36/EU;

- (b) for the colleges of supervisors referred to in Article 116(1a) of Directive 2013/36/EU, supervisory authorities of third countries where institutions are authorised, or branches, that are deemed important, as set out in Article 2(3), point (c), of this Regulation are established, provided that the supervisory authorities of third countries are subject to confidentiality requirements laid down in Article 116 of Directive 2013/36/EU;
- (c) the group-level resolution authority;
- (d) the lead supervisor of the college established for the purpose of facilitating cooperation between AML/CFT authorities (AML/CFT college);
- (e) where a second intermediate EU parent undertaking has been established in accordance with Article 21b(3), second subparagraph, of Directive 2013/36/EU, the consolidating supervisor of the second college of supervisors established in relation to that second intermediate EU parent undertaking under Article 116 of Directive 2013/36/EU or the group supervisor under Article 48 of Directive 2019/2034/EU;
- (f) for a financial conglomerate, the coordinator referred to in Article 11(1) of Directive 2002/87/EC of the European Parliament and of the Council<sup>11</sup>, where different from the consolidating supervisor.

3. The consolidating supervisor may request the following authorities to become observers of the college of supervisors in accordance with the procedure set out in Article 2(1) of Implementing Regulation (EU) 20xx/xx *[OP: please insert the publication reference of C(2025)700]*:

- (a) the competent authorities of host Member States where non-significant branches are established;
- (b) the supervisory authorities of third countries where institutions or branches are established, other than the authorities referred to in paragraph 2, points (a) and (b);
- (c) the public authorities or bodies in a Member State that are responsible for or involved in the supervision of a group entity or branch, provided that the competent authority of the same host Member State has accepted to become a member or observer of the college of supervisors, including:
  - (i) the AML/CFT authority of host Member States;
  - (ii) authorities responsible for the supervision of markets in financial instruments;
  - (iii) authorities responsible for consumer protection;
  - (iv) authorities responsible for the prudential supervision of the group's financial sector entities;

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<sup>11</sup> Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1, ELI: <http://data.europa.eu/eli/dir/2002/87/oj>).

- (d) resolution authorities of host Member States, provided that the competent authority of the same host Member State has accepted to become a member or observer of the college of supervisors.

#### *Article 4*

#### **Communication about the establishment and composition of a college of supervisors**

The consolidating supervisor shall communicate to the EU parent undertaking of the group the establishment of a college of supervisors, the identity of its members and observers, and any changes in the composition of that college.

#### *Article 5*

#### **Written coordination and cooperation arrangements**

The written coordination and cooperation arrangements referred to in Article 115 of Directive 2013/36/EU shall include at least the following elements:

- (a) information on the overall structure of the group concerned, covering all group entities and branches;
- (b) identification of the members and observers of the college of supervisors;
- (c) the terms of the participation of observers in the college of supervisors as referred to in Article 3(2) and (3) and having regard to Article 17, including:
  - (i) involvement of the observers in meetings and activities of the college of supervisors, and in emergency situations;
  - (ii) rights and obligations of observers with regard to the information to be exchanged and the relevant procedure for the exchange of information between the consolidating supervisor and the observers;
  - (iii) the provision of the information received from the observers towards members of the college of supervisors;
- (d) the arrangements for the exchange of information including the scope of the information, the frequency of the exchange and secure channels of communication;
- (e) the arrangements for the treatment of confidential information;
- (f) the arrangements for the entrustment of tasks and the delegation of responsibilities, where relevant;
- (g) a description of any substructures of the college of supervisors;
- (h) the arrangements for the planning and coordination of supervisory activities in going concern situations;
- (i) the arrangements for the planning and coordination of supervisory activities in preparation for and during emergency situations, including contingency planning, communication tools and procedures;
- (j) the communication policy of the consolidating supervisor and of the members of the college of supervisors with the EU parent undertaking and with the group entities or significant branches;
- (k) agreed procedures and deadlines for circulating the documents for meetings of the college of supervisors;

- (l) any other agreement between the members of the college of supervisors, including agreed indicators for identifying the early warning signs, potential risks and vulnerabilities;
- (m) the arrangements for providing input to the consolidating supervisor in accordance with Articles 12, 13, 16, 18, 45h, 91 and 92 of Directive 2014/59/EU, including for the purposes of the consultation procedure referred to in those Articles;
- (n) a description of the role of the consolidating supervisor in particular with regard to coordinating the provision of the input referred to in point (m) through the group-level resolution authority to the relevant resolution college;
- (o) the arrangements for the situation where a member or an observer terminates its participation in the college of supervisors;
- (p) the characteristics of an event of adverse material effect on the risk profile of the group and its entities, taking into account the specificities of the group, and the information to be exchanged, as agreed by the consolidating supervisor and the members of the college of supervisors, if such event arises.

#### *Article 6*

##### **Participation in meetings and activities of colleges of supervisors**

1. When deciding which authorities shall participate in a meeting or in an activity of the college of supervisors in accordance with Article 116(7) of Directive 2013/36/EU, the consolidating supervisor shall take into account the following:
  - (a) the topics to be discussed, the activities to be undertaken, and the objectives of the meeting or activity, in particular with regard to their relevance for each group entity and for the performance of the tasks of the observers;
  - (b) the importance of the group entity for the Member State where the group entity is established, and its importance for the group.
2. The consolidating supervisor may invite the observers of the college of supervisors only to those specific agenda items of a meeting or activity that are relevant for the performance of the tasks of the observer.
3. The consolidating supervisor and the members of the college of supervisors shall, based on the topics discussed and objectives pursued, ensure that the most appropriate representatives participate in meetings or activities of the college of supervisors. Those representatives shall have the power to commit their authorities as members of the college of supervisors, to the maximum extent possible, for the decisions planned for the meetings or activities.
4. The consolidating supervisor may, based on the topics and objectives of the meeting or activity, invite representatives of group entities to participate in a meeting or an activity of the college of supervisors.

#### *Article 7*

##### **Entrustment of tasks and delegation of responsibilities**

1. When establishing and updating the examination programme of the college of supervisors referred to in Article 16 of this Regulation, the consolidating supervisor and the members of the college of supervisors shall exchange views on possible entrustment of tasks and delegation of responsibilities. On that basis, the

consolidating supervisor and the members of the college of supervisors shall consider to conclude an agreement, on a voluntary basis, on the entrustment of tasks, including on any possible delegation of responsibilities, where relevant, pursuant to Article 116(1), point (b), of Directive 2013/36/EU, if such entrustment or delegation is expected to lead to more efficient and effective supervision of the group, in particular by removing unnecessary duplications of supervisory requirements, including requirements in relation to information requests.

2. The conclusion of an agreement on entrustment of tasks or delegation of responsibilities shall be notified by the consolidating supervisor to the EU parent undertaking, and by the competent authority that entrusts its tasks or delegates its responsibilities to the institution concerned.
3. Where no agreement on entrustment of tasks or delegation of responsibilities can be reached between the consolidating supervisor and the members of the college of supervisors, the consolidating supervisor shall inform EBA accordingly.

#### *Article 8*

### **Exchange of information between the members of the college of supervisors and a group of institutions**

1. The consolidating supervisor and each member of the college of supervisors shall be responsible for communicating to and requesting information from the institutions and branches under their supervisory remit.
2. The consolidating supervisor or a member of the college of supervisors that exceptionally intends to communicate information to, or request information from, an institution or a branch outside its supervisory remit, shall inform the member of the college of supervisors responsible for that institution or branch thereof in advance.

## **SECTION 2**

### **PLANNING AND COORDINATION OF SUPERVISORY ACTIVITIES IN GOING CONCERN SITUATIONS**

#### *Article 9*

### **Exchange of information between the consolidating supervisor and the members of the college of supervisors**

1. The consolidating supervisor and the members of the college of supervisors shall exchange all information necessary to facilitate the exercise of their functions and duties, including tasks referred to in Articles 112 and 113 of Directive 2013/36/EU, subject to the confidentiality requirements laid down in Section II of Chapter 1 in Title VII of that Directive, and where applicable, Articles 76 and 81 of Directive 2014/65/EU of the European Parliament and of the Council<sup>12</sup>.
2. The consolidating supervisor and the members of the college of supervisors shall exchange all information necessary to facilitate the exercise of the tasks referred to in Article 8 of Directive 2014/59/EU.

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<sup>12</sup> Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173 12.6.2014, p. 349, ELI: <http://data.europa.eu/eli/dir/2014/65/oj>).

3. The consolidating supervisor and the members of the college of supervisors shall exchange the information referred to in paragraphs 1 and 2, whether received from a group entity, a competent authority, a supervisory authority or any other source, and in accordance with the procedure set out in Article 6 of Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*]. That information shall be sufficiently adequate, accurate and timely.
4. The consolidating supervisor shall communicate the following to the members of the college:
  - (a) the name of the deposit-guarantee scheme to which the institution, and its branches, belongs in accordance with Article 4(3) of Directive 2014/49/EU of the European Parliament and Council<sup>13</sup>;
  - (b) the maximum coverage of the deposit-guarantee scheme per eligible depositor;
  - (c) the scope of coverage and the types of deposits covered;
  - (d) any exclusion from the coverage, including products and types of depositors;
  - (e) funding arrangements of the deposit guarantee scheme, in particular whether the scheme is funded *ex-ante* or *ex-post* and the volume of the deposit-guarantee scheme;
  - (f) contact details of the administrator of the deposit-guarantee scheme.
5. The members of the college of supervisors that supervise significant branches shall provide the consolidating supervisor with information on any obstacles to cash and collateral transfer to or from that branch.
6. Where there is a change in the information provided in accordance with this Article, the consolidating supervisor and the members of the college of supervisors shall exchange updated information without undue delay.

#### *Article 10*

#### **Exchange of information on the outcome of the supervisory review and evaluation for performing group risk assessments and reaching joint decisions**

1. For the purposes of reaching joint decisions on institution-specific prudential requirements as referred to in Article 113 of Directive 2013/36/EU, the consolidating supervisor and the relevant members of the college of supervisors shall exchange all necessary information, at both individual and consolidated level, without undue delay.
2. The consolidating supervisor and the members of the college of supervisors shall exchange information on the outcome of the supervisory review and evaluation carried out in accordance with Article 97 of Directive 2013/36/EU. That information shall include the following:
  - (a) business model analysis, including the assessment of the viability of current business model and sustainability of institution's forward-looking business strategy;
  - (b) internal governance arrangements and institution-wide controls;

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<sup>13</sup> Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (recast) (OJ L 173 12.6.2014, p. 149, ELI: <http://data.europa.eu/eli/dir/2014/49/oj>).



- (c) individual risks to institution's capital, covering the following:
  - (i) inherent individual risks;
  - (ii) risk management and controls;
- (d) capital adequacy assessment and the assessment of the risk of excessive leverage, including proposed additional own funds required pursuant to Article 104(1), point (a), of Directive 2013/36/EU;
- (e) risks to institution's liquidity and funding, covering the following:
  - (i) liquidity risk and funding risk;
  - (ii) liquidity and funding risk management;
- (f) liquidity adequacy assessment, including proposed quantitative and qualitative liquidity measures pursuant to Article 105 of Directive 2013/36/EU;
- (g) other supervisory measures, including supervisory measures pursuant to Article 102 of Directive 2013/36/EU, or early intervention measures taken or planned to address the inefficiencies identified as a result of the supervisory review and evaluation;
- (h) results of the supervisory stress tests carried out in accordance with Article 100 of Directive 2013/36/EU, including capital adequacy in stressed conditions and any proposed guidance on additional own funds in accordance with Article 104b of Directive 2013/36/EU;
- (i) findings from on-site inspections and off-site monitoring that are relevant for the assessment of the risk profile of the group or any of its entities.

#### *Article 11*

#### **Exchange of information with regard to the ongoing review of the permission to use internal approaches and non-material extensions or changes in internal models**

1. The consolidating supervisor and the relevant members of the college of supervisors that supervise institutions that have been granted permission to use internal approaches in accordance with Articles 143(1), Article 151(4) or (9), Article 283, Article 312(2), or Article 363 of Regulation (EU) No 575/2013, shall exchange all relevant information with regard to the outcome of the ongoing review of the permission to use internal approaches as referred to in Article 101 of Directive 2013/36/EU.
2. Where the consolidating supervisor or any relevant member of the college of supervisors referred to in paragraph 1 has identified that an institution established in a Member State, including the EU parent undertaking, no longer meets the requirements for applying an internal approach or has identified material deficiencies in accordance with Article 101 of Directive 2013/36/EU, that consolidating supervisor or member of the college of supervisors shall immediately exchange the following information, as applicable, to reach the common agreement as referred to in Article 8 of Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*]:
  - (a) an assessment of the effect of the deficiencies identified and any issues of non-compliance with the requirements for using internal approaches and the materiality of those deficiencies and issues;

- (b) an assessment of the plan presented by the EU parent institution or any institution established in a Member State to restore compliance with the requirements for using internal approaches and to address the deficiencies identified, including information on the timeline for the implementation of that plan;
  - (c) information about the intention of the consolidating supervisor or any relevant member of the college of supervisors to revoke the permission to use internal approaches or to restrict the use of those internal approaches to compliant areas or to those areas where compliance can be achieved within an appropriate timeline, or to those areas that are not affected by the deficiencies identified;
  - (d) information about any proposed additional own funds requirements imposed pursuant to Article 104(1), point (d), of Directive 2013/36/EU, as a supervisory measure to address the issues of non-compliance or deficiencies identified.
3. The consolidating supervisor and the relevant members of the college of supervisors referred to in paragraph 1 shall also exchange information about extensions of the permission to use internal approaches or changes in those internal approaches that are not material, as referred to in Article 13 of Commission Implementing Regulation (EU) 2016/100<sup>14</sup>.
  4. Information referred to in paragraphs 1 and 2 shall be discussed and taken into account while developing the group risk assessment and reaching a joint decision in accordance with Article 113(1), point (a), of Directive 2013/36/EU.
  5. The consolidating supervisor shall inform the competent authorities of the host Member States where significant branches are established on the information referred to in paragraphs 1 and 2, where that information is relevant to those competent authorities.

## *Article 12*

### **Exchange of information on early warning signs, potential risks and vulnerabilities**

1. The consolidating supervisor and the members of the college of supervisors participating in the development of a group risk assessment report referred to in Article 113(2), point (a), of Directive 2013/36/EU or a group liquidity risk assessment report referred to in Article 113(2), point (b), of that Directive for the purposes of reaching joint decisions on institution-specific prudential requirements in accordance with that Article shall exchange quantitative information to identify early warning signs, potential risks and vulnerabilities and to contribute to the group risk assessment report and group liquidity risk assessment report. For that purpose, the consolidating supervisor and the members of the college of supervisors shall agree on a list of indicators to be exchanged regularly in accordance with Article 10 of Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*].
2. The information referred to in paragraph 1 shall be based on the information collected by the competent authorities in accordance with Commission Implementing

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<sup>14</sup> Commission Implementing Regulation (EU) 2016/100 of 16 October 2015 laying down implementing technical standards specifying the joint decision process with regard to the application for certain prudential permissions pursuant to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 21, 28.1.2016, p. 45, ELI: [http://data.europa.eu/eli/reg\\_impl/2016/100/oj](http://data.europa.eu/eli/reg_impl/2016/100/oj)).

Regulation (EU) 2024/3117<sup>15</sup>. That information shall cover all group entities established in a Member State, and at least the following areas:

- (a) capital and leverage;
  - (b) liquidity;
  - (c) asset quality;
  - (d) funding;
  - (e) profitability;
  - (f) concentration risk.
3. In addition to the information referred to in paragraph 1, the consolidating supervisor and the members of the college of supervisors shall identify risks and vulnerabilities for the group and its entities by exchanging qualitative and quantitative information on:
- (a) the macroeconomic environment in which the group of institutions and its group entities operate;
  - (b) adverse developments in markets that may have the potential to jeopardise the market liquidity and the stability of the financial system in the Member States where entities of a group or significant branches are established and that may adversely impact the entities of the group or its significant branches.
4. Where a group entity infringes or, due, *inter alia*, to a rapidly deteriorating financial condition, is likely in the near future to infringe the requirements of Regulation (EU) No 575/2013 or Directive 2013/36/EU as referred to in Article 27(1) of Directive 2014/59/EU, the consolidating supervisor and the members of the college of supervisors shall provide each other with the following information:
- (a) whether conditions for application of early intervention measures are met;
  - (b) whether early intervention measures for the group or any of the group entities are taken or planned in accordance with Articles 27 and 30 of Directive 2014/59/EU;
  - (c) an indication of the potential consequences of those early intervention measures.
5. The consolidating supervisor shall communicate the information referred to in paragraphs 1, 2 and 3 to the competent authorities of the host Member States where significant branches are established, where relevant.

### *Article 13*

#### **Exchange of information with regard to non-compliance, sanctions and other corrective measures**

1. The consolidating supervisor shall communicate to the members of the college of supervisors information about any situations in respect of which the consolidating

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<sup>15</sup> Commission Implementing Regulation (EU) 2024/3117 of 29 November 2024 laying down implementing technical standards for the application of Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to supervisory reporting of institutions and repealing Commission Implementing Regulation (EU) 2021/451 (OJ L, 2024/3117, 27.12.2024, ELI: [http://data.europa.eu/eli/reg\\_impl/2024/3117/oj](http://data.europa.eu/eli/reg_impl/2024/3117/oj)).

supervisor has determined that an EU parent institution, on individual or consolidated level, under its supervisory remit:

- (a) has not complied with Regulation (EU) No 575/2013 and Directive 2013/36/EU;
  - (b) is subject to administrative penalties or other administrative measures that have been imposed in accordance with Articles 64 to 67 of Directive 2013/36/EU.
2. The members of the college of supervisors shall communicate to the consolidating supervisor information about any situations in respect of which those members have determined that an institution or a branch under their supervisory remit:
- (a) has not complied with Regulation (EU) No 575/2013 and Directive 2013/36/EU;
  - (b) is subject to administrative penalties or other administrative measures that have been imposed in accordance with Articles 64 to 67 of Directive 2013/36/EU.

The consolidating supervisor shall communicate the relevant information to the members of the college of supervisors for whom that information is relevant in accordance with Article 6 of Implementing Regulation (EU) 20xx/xx [OP: please insert the publication reference of C(2025)700].

3. Based on the information exchanged in accordance with paragraphs 1 and 2, the consolidating supervisor and the members of the college of supervisors shall discuss the possible impact of the issues of non-compliance and sanctions referred to in paragraphs 1 and 2 for the group entities concerned or for the group as a whole.

#### *Article 14*

##### **Exchange of information for the assessment of the group recovery plan**

- 1. The consolidating supervisor and those members of the college of supervisors who participate in the process of reaching a joint decision on the matters referred to in Article 8(2) of Directive 2014/59/EU shall exchange all necessary information.
- 2. For the purposes of paragraph 1, the consolidating supervisor shall provide the group recovery plan to the members of the college of supervisors in accordance with the procedure set out in Article 6 of Implementing Regulation (EU) 20xx/xx [OP: please insert the publication reference of C(2025)700].
- 3. The consolidating supervisor shall inform all members of the college of supervisors of the outcome of the process referred to in paragraph 1.

#### *Article 15*

##### **Exchange of information with regard to group financial support agreements**

The consolidating supervisor shall inform all members of the college of supervisors of the main terms of authorisations of group financial support agreements that have been granted in accordance with Article 20 of Directive 2014/59/EU.

#### *Article 16*

##### **Examination programme**

- 1. For the purposes of adopting the examination programme of the college of supervisors in accordance with Article 116(1), point (c), of Directive 2013/36/EU,

the consolidating supervisor and the members of the college of supervisors shall identify the supervisory activities to be undertaken.

2. The examination programme of the college of supervisors shall contain at least the following:
  - (a) the areas of joint work identified as a result of the group risk assessment and group liquidity risk assessment and joint decisions on institution-specific prudential requirements pursuant to Article 113 of Directive 2013/36/EU or as a result of any other activities undertaken by the college of supervisors, including efforts increasing the efficiency of supervision by removing unnecessary duplication of supervisory requirements as referred to in Article 116(1), point (d), of that Directive;
  - (b) the respective supervisory examination programmes of the consolidating supervisor and the members of the college of supervisors for institutions and branches established in a Member State;
  - (c) the areas of focus of the work of the college of supervisors and its planned supervisory activities, including assessment of the implementation of group policies, planned off-site activities and onsite inspections as referred to in Article 99(1), point (c), of Directive 2013/36/EU;
  - (d) the members of the college of supervisors responsible for undertaking the planned supervisory activities;
  - (e) where relevant, the allocation of tasks and responsibilities for entrustment of tasks and delegation of responsibilities respectively;
  - (f) where applicable, the observers of the college of supervisors where those observers are involved in a supervisory activity;
  - (g) the expected timelines, both in terms of timing and duration, for each of the planned supervisory activities.

#### *Article 17*

#### **Exchange of information between the consolidating supervisor and the observers of the college of supervisors**

1. Where the information referred to in Articles 12 to 18 is relevant for the performance of the tasks of the observers, the consolidating supervisor shall communicate that information to the relevant observers.
2. The consolidating supervisor shall provide the group-level resolution authority with the following:
  - (a) the required own funds pursuant to Article 104(1), point (a), of Directive 2013/36/EU and any guidance on additional own funds communicated to institutions in accordance with Article 104b of that Directive;
  - (b) relevant information for the purposes of Articles 12, 13, 16, 18, 25, 30, 45h, 91 and 92 of Directive 2014/59/EU;
  - (c) the timetable of the joint decision on the review and assessment of the group recovery plan in accordance with Article 8(2) of Directive 2014/59/EU, including a date for the group-level resolution authority to provide its recommendations, if any, in accordance with Article 6(4) of that Directive;

- (d) the timetable of the joint decisions on institution-specific prudential requirements in accordance with Article 113 of Directive 2013/36/EU;
- (e) information referred to in Article 12(4) and in Article 15 of this Regulation.

### *Article 18*

#### **Event of adverse material effect on the risk profile of the group or its entities**

1. The consolidating supervisor and the relevant members of the college of supervisors shall exchange quantitative and qualitative information on any event of adverse material effect in institutions or in other entities of a group that could seriously affect the institutions as referred to in Article 117(1), point (c), of Directive 2013/36/EU.
2. In case of such an event of adverse material effect on the risk profile of the group or its institutions established in a Member State that are important in accordance with Article 2(2) or its significant branches, competent authorities shall assess the consequences of such event on the group and its entities and determine:
  - (a) the nature and severity of the event;
  - (b) the impact or potential impact of the event on the available own funds and liquidity level of the group or its entities and whether the group and its entities continue to comply with Regulation (EU) No 575/2013 or Directive 2013/36/EU in adverse macroeconomic, microeconomic, and geopolitical conditions;
  - (c) the ability to operate in severe business disruption;
  - (d) risk of cross-border contagion and the potential systemic impact.
3. Upon being alerted of an event of adverse material effect on the risk profile by any member of the college of supervisors, or after having identified such event, the consolidating supervisor shall inform the members of the college of supervisors that supervise group entities or significant branches that are affected or likely to be affected by that event, and EBA. Observers, in particular the group-level resolution authority, shall be informed if the information is relevant for the performance of their tasks.
4. The consolidating supervisor and the members of the college of supervisors that supervise group entities or significant branches that are affected or likely to be affected by the event of adverse material effect shall monitor the situation and update the information referred to in paragraph 1, where applicable, immediately when relevant new information is available.
5. Based on the outcome of the assessment of the event of adverse material effect referred to in paragraph 2 and the foreseen evolution of that event, the consolidating supervisor and the relevant members of the college of supervisors may coordinate the development of a coordinated supervisory response.

**SECTION 3**  
**PLANNING AND COORDINATION OF SUPERVISORY ACTIVITIES IN PREPARATION FOR AND DURING EMERGENCY SITUATIONS**

*Article 19*

**College framework for emergency situations**

1. The consolidating supervisor and the members of the college of supervisors shall establish a college framework in anticipation of possible emergency situations in accordance with Article 112(1), point (c), of Directive 2013/36/EU ('college framework for emergency situations'), taking into account the specific features and structure of the group of institutions.
2. The college framework for emergency situations shall include the following:
  - (a) the college-specific procedures that are to apply where an emergency situation as referred to in Article 114(1) of Directive 2013/36/EU arises;
  - (b) the minimum information that is to be exchanged where an emergency situation as referred to in Article 114(1) of Directive 2013/36/EU arises.
3. The minimum information referred to in paragraph 2, point (b), shall include the following:
  - (a) an outline of the emergency situation that has occurred, including the underlying cause of the emergency situation, and the expected impact of the emergency situation on the group entities and the group as a whole, on the market liquidity and on the stability of the financial system;
  - (b) an explanation of the measures and actions that have been taken or are planned, by the consolidation supervisor or any of the members of the college of supervisors or by the group entities themselves in response to the emergency situation;
  - (c) the latest available quantitative information regarding the liquidity and capital position of the group entities affected or likely to be affected by the emergency situation on an individual and consolidated basis.

*Article 20*

**Exchange of information during an emergency situation**

1. The consolidating supervisor and the members of the college of supervisors shall exchange all information necessary to facilitate the exercise of the tasks referred to in Article 114(1) of Directive 2013/36/EU, subject to the confidentiality requirements laid down in Section II of Chapter 1 of Title VII of that Directive, and where applicable, Articles 76 and 81 of Directive 2014/65/EU.
2. Upon being alerted of an emergency situation by any member or observer of the college of supervisors, or after having identified an emergency situation, the consolidating supervisor shall communicate the information referred to in Article 19(2), point (b), following the procedures established in accordance with point (a) of that paragraph, to the members of the college of supervisors that supervise group entities or significant branches affected or likely to be affected by the emergency situation, and to EBA.

3. Depending on the nature, severity, potential systemic impact or other impact, and on the likelihood of contagion of the emergency situation, the members of the college of supervisors that supervise group entities or significant branches affected or likely to be affected by that emergency situation and the consolidating supervisor may exchange additional information.
4. Where the information referred to in paragraphs 2 and 3 is relevant for the performance of the tasks of observers, and in particular of the group-level resolution authority, the consolidating supervisor shall communicate that information to those observers.
5. When responding to an emergency situation as referred to in Article 16 of Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*], the consolidating supervisor shall without undue delay involve the group-level resolution authority and share input received from that authority with the members of the college of supervisors.

#### *Article 21*

##### **Coordination of the supervisory assessment of an emergency situation**

1. Where an emergency situation occurs, the consolidating supervisor shall coordinate and prepare the assessment of the emergency situation ('coordinated supervisory assessment') in cooperation with the members of the college of supervisors that supervise group entities or significant branches affected or likely to be affected by that emergency situation.
2. The coordinated supervisory assessment of the emergency situation, carried out in accordance with the procedure set out in Article 15 of Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*], shall cover the following:
  - (a) the nature and severity of the emergency situation;
  - (b) the impact or potential impact of the emergency situation on the group as a whole and on any of its affected or likely to be affected group entities;
  - (c) the risk of cross-border contagion.
3. For the purposes of paragraph 2, point (c), the consolidating supervisor shall consider the potential systemic consequences in any of the Member States where entities of the group or significant branches are established.

#### *Article 22*

##### **Coordination of the supervisory response to an emergency situation**

1. Where an emergency situation occurs, the consolidating supervisor shall coordinate the development of a supervisory response to the emergency situation ('coordinated supervisory response') in cooperation with the members of the college of supervisors that supervise group entities or significant branches affected or likely to be affected by that emergency situation.
2. The coordinated supervisory response shall be based on the coordinated supervisory assessment referred to in Article 21 and shall specify the supervisory actions needed, their scope, and the timetable for their implementation.



3. The coordinated supervisory response shall take into account any input provided by the group-level resolution authority.

#### *Article 23*

### **Monitoring of the implementation of the coordinated supervisory response to an emergency situation**

1. The consolidating supervisor and the members of the college of supervisors that supervise group entities or significant branches affected or likely to be affected by the emergency situation shall monitor and exchange information on the implementation of the coordinated supervisory response referred to in Article 22.
2. The information referred to in paragraph 1 shall include an update on the implementation of the agreed actions within the foreseen timetable, as referred to in Article 22(2), and the need to update or adjust those actions.

#### *Article 24*

### **Coordination of external communication in an emergency situation**

1. The consolidating supervisor and the members of the college of supervisors that supervise group entities or significant branches affected or likely to be affected by the emergency situation shall coordinate to the extent possible their external communications.
2. For the purposes of paragraph 1, the consolidating supervisor and the members of the college of supervisors shall agree on the following elements:
  - (a) the allocation of responsibilities for coordinating external communication at the different stages of the emergency situation;
  - (b) the level of information to be disclosed taking into account the need to maintain market confidence and any other additional disclosure obligations where financial instruments issued by group entities affected or likely to be affected by the emergency situation are publicly traded in one or more regulated markets in the Union;
  - (c) the coordination of public statements, including the statements made by only one member of the college of supervisors, in particular where those public statements are likely to have consequences for group entities or significant branches supervised by other members of the college of supervisors;
  - (d) the allocation of responsibilities and appropriate timing for contacting group entities;
  - (e) the allocation of responsibilities and actions to be taken for communicating externally the coordinated actions taken to address the emergency situation;
  - (f) a description of possible coordination with another group or college that may be involved in dealing with an emergency situation affecting the group, including a crisis management group or a resolution college.

**Chapter 3**  
**Functioning of colleges of supervisors referred to in Article 51(3) of Directive 2013/36/EU**

**SECTION 1**  
**ESTABLISHMENT AND FUNCTIONING OF COLLEGES OF SUPERVISORS**

*Article 25*

**Members and observers of a college of supervisors**

1. Following the mapping of the institution with branches in other Member States carried out in accordance with the procedure set out in Article 18 of Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*], the competent authority of the home Member State shall request the following authorities to become members of the college of supervisors:
  - (a) the competent authorities of the host Member States where significant branches are established;
  - (b) the ESCB central banks of Member States that are involved in accordance with their national law in the prudential supervision of the significant branches referred to in point (a), but that are not competent authorities;
  - (c) EBA.
2. The competent authority of the home Member State shall request the following authorities to become observers of the college of supervisors in accordance with the procedure set out in Article 2(1) of Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*]:
  - (a) the supervisory authorities of third countries where institutions are authorised or branches that are deemed important for the group, as set out in Article 2(3), point (c), of this Regulation are established, provided that those supervisory authorities are subject to confidentiality requirements laid down in Article 116 of Directive 2013/36/EU;
  - (b) the resolution authority of the home Member State;
  - (c) the AML/CFT authority of the home Member State;
  - (d) where a second intermediate EU parent undertaking has been established in accordance with Article 21b(3), second subparagraph, of Directive 2013/36/EU, the consolidating supervisor, or the group supervisor of that second college of supervisors;
  - (e) for a financial conglomerate, the coordinator referred to in Article 11(1) of Directive 2002/87/EC, where different from the competent authority of the home Member State.
3. The competent authority of the home Member State may request the following authorities to become observers of the college of supervisors in accordance with the procedure set out in Article 2(1) of Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*]:
  - (a) the competent authorities of host Member States where non-significant branches are established;

- (b) the supervisory authorities of third countries, other than the authorities referred to in paragraph 2, point (a);
- (c) the public authorities or bodies in a Member State that are responsible for or involved in the supervision of the institution or its branches, provided that the competent authority of the same host Member State has accepted to become a member or observer of the college of supervisors, including:
  - (i) AML/CFT authority in a Member State;
  - (ii) competent authorities responsible for the supervision of markets in financial instruments;
  - (iii) authorities responsible for consumer protection.
- (d) resolution authorities of host Member States, provided that the competent authority of the same host Member State has accepted to become a member or observer of the college of supervisors.

#### *Article 26*

#### **Communication about the establishment and composition of a college of supervisors**

The competent authority of the home Member State shall communicate to the institution the establishment of a college of supervisors, the identity of its members and observers, and any changes in the composition of that college.

#### *Article 27*

#### **Written coordination and cooperation arrangements**

The establishment and functioning of colleges of supervisors for significant branches referred to in Article 51(3) of Directive 2013/36/EU shall be based on written coordination and cooperation arrangements determined in accordance with Article 5 of this Regulation.

#### *Article 28*

#### **Participation in meetings and activities of colleges of supervisors**

1. When deciding which authorities shall participate in a meeting or activity of the college of supervisors in accordance with Article 51(3) of Directive 2013/36/EU, the competent authority of the home Member State shall take into account the following:
  - (a) the topics to be discussed, the activities to be considered, and the objectives of the meeting or activity, in particular with regards to their relevance for each branch and for the performance of the tasks of the observers;
  - (b) the importance of the branch in the Member State where that branch is established and its importance for the institution.
2. The competent authority of the home Member State may invite the observers of the college of supervisors only to those specific agenda items of a meeting or activity that are relevant for the performance of the tasks of the observer.
3. The competent authority of the home Member State and the members of the college of supervisors shall, based on the topics discussed and objectives pursued, ensure that the most appropriate representatives participate in meetings or activities of the college of supervisors. Those representatives shall have the power to commit their authorities

as members of the college of supervisors, to the maximum extent possible, for the decisions planned for the meetings or activities.

4. The competent authority of the home Member State may, based on the topics and objectives of the meeting or activity, invite representatives of the institution to participate in meetings or activities of the college of supervisors.

#### *Article 29*

#### **Communication with the institution and its branches**

The communication with the institution and its branches shall be organised in correspondence with the supervisory responsibilities of the competent authority of the home Member State and the members of the college of supervisors as laid down in Title V, Chapter 4, and Title VII of Directive 2013/36/EU.

### **SECTION 2**

#### **PLANNING AND COORDINATION OF SUPERVISORY ACTIVITIES IN GOING CONCERN SITUATIONS**

#### *Article 30*

#### **Exchange of information between the competent authority of the home Member State and members of the college of supervisors**

1. The competent authority of the home Member State and the members of the college of supervisors shall exchange all information necessary to facilitate the cooperation under Article 50 and Article 51(2) of Directive 2013/36/EU.
2. The competent authority of the home Member State and the members of the college of supervisors shall exchange all information necessary to facilitate the cooperation referred to in Articles 6, 7 and 8 of Directive 2014/59/EU.
3. The competent authority of the home Member State and the members of the college of supervisors shall exchange the information referred to in Articles 6 and 15 of Commission Delegated Regulation (EU) No 524/2014<sup>16</sup>.
4. The competent authority of the home Member State and the members of the college of supervisors shall exchange the information referred to in paragraphs 1 to 3, whether received from the institution, a competent authority, a supervisory authority or any other source. That information shall be sufficiently adequate, accurate and timely.

#### *Article 31*

#### **Exchange of information between the competent authority of the home Member State and the observers of the college of supervisors**

1. Where the information referred to in Article 32 is relevant for the performance of the tasks of the observers as set out in the written coordination and cooperation arrangements of the college of supervisors, the competent authority of the home Member State shall communicate that information to the relevant observers.

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<sup>16</sup> Commission Delegated Regulation (EU) No 524/2014 of 12 March 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the information that competent authorities of home and host Member States supply to one another (OJ L 148, 20.5.2014, p. 6, ELI: [http://data.europa.eu/eli/reg\\_del/2014/524/oj](http://data.europa.eu/eli/reg_del/2014/524/oj)).

2. The resolution authority of the home Member State and the competent authority of the home Member State shall exchange all information required to ensure that the college of supervisors and the resolution college fulfil their role as set out in Article 51(3) of Directive 2013/36/EU and in Article 88 of Directive 2014/59/EU, respectively.
3. The competent authority of the home Member State shall provide the resolution authority of the home Member State with the following:
  - (a) the required own funds pursuant to Article 104(1), point (a), of Directive 2013/36/EU and any guidance on additional own funds communicated to institutions in accordance with Article 104b of that Directive;
  - (b) relevant information for the purposes of Articles 12, 13, 16, 18, 25, 30, 45h, 91 and 92 of Directive 2014/59/EU;
  - (c) information referred to in Article 32(3) of this Regulation.

### *Article 32*

#### **Exchange of information on the outcome of the supervisory review and evaluation and of information on early warning signs, potential risks, and vulnerabilities**

1. The competent authority of the home Member State shall communicate to the members of the college of supervisors:
  - (a) the information referred to in Article 3, 4 and 5, Articles 7 to 13 and Article 17 of Delegated Regulation (EU) No 524/2014;
  - (b) the value of the leverage ratio of the parent entity referred to in Article 429 of Regulation (EU) No 575/2013;
  - (c) the required own funds referred to in Article 104(1), point (a), of Directive 2013/36/EU and any guidance on additional own funds in accordance with Article 104b of that Directive as a result of the supervisory review and evaluation carried out in accordance with Article 97 of that Directive.
2. For the purposes of identifying risks and vulnerabilities for the institution and its significant branches, the competent authority of the home Member State and the members of the college of supervisors shall exchange qualitative and quantitative information on:
  - (a) the macroeconomic environment in which the institutions and its significant branches operate;
  - (b) adverse developments in markets that may have the potential to jeopardise the market liquidity and the stability of the financial system in the Member States where the institution or its significant branches are established and may adversely impact the institution and its significant branches.
3. Where the institution infringes or, due, *inter alia*, to a rapidly deteriorating financial condition, is likely in the near future to infringe the requirements of Regulation (EU) No 575/2013 or Directive 2013/36/EU as referred to in Article 27(1) of Directive 2014/59/EU, the competent authority of the home Member State shall provide the members of the college of supervisors with the following information:
  - (a) whether the conditions for application of early intervention measures are met;

- (b) whether early intervention measures are taken or planned in accordance with Articles 27 and 30 of Directive 2014/59/EU;
- (c) an indication of the potential consequences of those early intervention measures.

### *Article 33*

#### **Exchange of information for the assessment of the recovery plan**

1. The competent authority of the home Member State shall consult the members of the college of supervisors on the recovery plan where relevant to the significant branch concerned, in accordance with Article 6(2) of Directive 2014/59/EU.
2. For the purposes of paragraph 1, the competent authority of the home Member State shall provide the recovery plan of the institution to the members of the college of supervisors in accordance with Article 20 of Implementing Regulation (EU) 20xx/xx [OP: please insert the publication reference of C(2025)700].
3. The competent authority of the home Member State shall inform all members of the college of supervisors of the outcome of the consultation referred to in paragraph 1.

### *Article 34*

#### **Examination programme**

1. For the purposes of adopting the examination programme of the college of supervisors referred to in Article 99 of Directive 2013/36/EU, the competent authority of the home Member State and the members of the college of supervisors shall identify the supervisory activities to be undertaken.
2. The examination programme of the college of supervisors shall contain at least the following:
  - (a) the areas of joint work identified as a result of the supervisory review and evaluation pursuant to Article 97 of Directive 2013/36/EU or as a result of any other activities undertaken by the college of supervisors;
  - (b) the areas of focus of the work of the college of supervisors and its planned supervisory activities, including planned on-the-spot checks and inspections of the significant branches pursuant to Article 52(3) of Directive 2013/36/EU;
  - (c) the members of the college of supervisors responsible for undertaking the planned supervisory activities;
  - (d) where relevant, the allocation of tasks and responsibilities for entrustment of tasks and delegation of responsibilities respectively;
  - (e) where applicable, the observers of the college of supervisors where those observers are involved in a supervisory activity;
  - (f) the expected timelines, both in terms of timing and duration, for each of the planned supervisory activities.
3. When establishing and updating the examination programme of the college of supervisors, the competent authorities of the home Member State and the members of the college of supervisors shall exchange views on possible entrustment of tasks and delegation of responsibilities. On that basis, the competent authorities of the home Member State and the members of the college of supervisors shall consider to

conclude an agreement, on a voluntary basis, on entrustment of tasks, including any possible delegation of responsibilities, where relevant, pursuant to Article 116(1), point (b), of Directive 2013/36/EU, provided that such entrustment or delegation is expected to lead to more efficient and effective supervision of the group, in particular by removing unnecessary duplications of supervisory requirements, including requirements in relation to information requests.

4. The conclusion of an agreement on entrustment of tasks or delegation of responsibilities shall be notified by the competent authorities of the home Member State to the institution concerned, and by the competent authority that delegates its powers to the branch concerned.

#### *Article 35*

#### **Event of adverse material effect on the risk profile of the institution or its significant branches**

1. The competent authority of the home Member State and the relevant members of the college of supervisors shall exchange quantitative and qualitative information on any event of adverse material effect in the institution or its significant branches that could seriously affect the institution as referred to in Article 117(1), point (c), of Directive 2013/36/EU.
2. In case of such an event of adverse material effect on the risk profile of the institution or its significant branches established in a Member State, competent authorities shall assess the consequences of such event on the institution and its significant branches and determine:
  - (a) the nature and severity of the event,
  - (b) the impact or potential impact of the event on the available own funds and liquidity level of the institution and its significant branches and whether the institution continues to comply with Regulation (EU) No 575/2013 or Directive 2013/36/EU in adverse macroeconomic, microeconomic, and geopolitical conditions;
  - (c) the ability of the institution and its significant branches to operate in severe business disruption;
  - (d) risk of cross-border contagion and the potential systemic impact.
3. Upon being alerted of an event of adverse material effect on the risk profile by any member of the college of supervisors, or after having identified such event, the competent authority of the home Member State shall inform the members of the college of supervisors that supervise significant branches affected or likely to be affected by that event, and EBA. Observers, in particular the resolution authority of the home Member State, shall be informed if the information is relevant for the performance of their tasks.
4. The competent authority of the home Member State and the members of the college of supervisors that supervise significant branches affected or likely to be affected by the event of adverse material effect shall monitor the situation and update the information referred to in paragraph 1, where applicable, immediately when relevant new information is available.
5. Based on the outcome of the assessment of the event of adverse material effect referred to in paragraph 2 and the foreseen evolution of that event, the competent

authority of the home Member State and the relevant members of the college of supervisors may coordinate the development of a coordinated supervisory response.

### **SECTION 3**

#### **PLANNING AND COORDINATION OF SUPERVISORY ACTIVITIES IN PREPARATION FOR AND DURING EMERGENCY SITUATIONS AND FINAL PROVISIONS**

##### *Article 36*

##### **College framework for emergency situations**

1. The competent authority of the home Member State and the members of the college of supervisors shall establish a college framework in anticipation of possible emergency situations in accordance with Article 112(1), point (c), of Directive 2013/36/EU ('college framework for emergency situations').
2. The college framework for emergency situations shall include the following:
  - (a) the college-specific procedures that shall apply where an emergency situation as referred to in Article 114(1) of Directive 2013/36/EU arises;
  - (b) the minimum information that shall be exchanged where an emergency situation as referred to in Article 114(1) of Directive 2013/36/EU arises.
3. The minimum information referred to in paragraph 2, point (b), shall include the following:
  - (a) an outline of the emergency situation that has occurred, including the underlying cause of the emergency situation, and the expected impact of the emergency situation on the institution, on the market liquidity and on the stability of the financial system;
  - (b) an explanation of the measures and actions that have been taken or are planned, by the competent authorities of the home Member State or any of the members of the college of supervisors or by the institution itself in response to the emergency situation;
  - (c) the latest available quantitative information regarding the liquidity and capital position of the institution.

##### *Article 37*

##### **Exchange of information during an emergency situation**

1. The competent authority of the home Member State and the members of the college of supervisors shall exchange all information necessary to facilitate the exercise of the tasks referred to in Article 114(1) of Directive 2013/36/EU, subject to the confidentiality requirements laid down in Section II of Chapter 1 of Title VII of that Directive, and where applicable, Articles 76 and 81 of Directive 2014/65/EU.
2. Upon being alerted of an emergency situation by any member or observer of the college or after having identified an emergency situation, the competent authority of the home Member State shall communicate the information referred to in Article 36(2), point (b), following the procedures established in accordance with point (a) of that paragraph, to the members of the college of supervisors that supervise significant branches that are affected or likely to be affected by the emergency situation, and to the EBA.



3. Depending on the nature, severity, potential systemic impact or other impact, and on the likelihood of contagion of the emergency situation, the members of the college of supervisors that supervise significant branches affected or likely to be affected by that emergency situation and the competent authority of the home Member State may exchange additional information.
4. Where the information referred to in paragraphs 2 and 3 is relevant for the performance of the tasks of observers, and in particular of the resolution authority of the home Member State, the competent authority of the home Member State shall communicate that information to those observers.
5. When responding to an emergency situation as referred to in Article 27 of Commission Implementing Regulation (EU) 20xx/xx [*OP: please insert the publication reference of C(2025)700*], the competent authority of the home Member State shall without undue delay involve the resolution authority of the home Member State and share input from that authority with the members of the supervisory college.

#### *Article 38*

##### **Coordination of the supervisory assessment of an emergency situation**

1. Where an emergency situation occurs, the competent authority of the home Member State shall coordinate and prepare the assessment of the emergency situation ('coordinated supervisory assessment') in cooperation with the members of the college of supervisors pursuant to Article 112(3) of Directive 2013/36/EU.
2. The coordinated supervisory assessment of the emergency situation shall cover the following:
  - (a) the nature and severity of the emergency situation;
  - (b) the impact or potential impact of the emergency situation on the institution and on any of its affected or likely to be affected branches;
  - (c) the risk of cross-border contagion.
3. For the purposes of paragraph 2, point (c), the competent authority of the home Member State shall consider the potential systemic consequences in any of the Members States where significant branches are established.

#### *Article 39*

##### **Coordination of the supervisory response to an emergency situation**

1. Where an emergency situation occurs, the competent authority of the home Member State shall coordinate the development of a supervisory response to the emergency situation ('coordinated supervisory response') in cooperation with the members of the college of supervisors pursuant to Article 112(3) of Directive 2013/36/EU.
2. The coordinated supervisory response shall be based on the coordinated supervisory assessment referred to in Article 38 and shall specify the supervisory actions needed, their scope, and the timetable for their implementation.
3. The coordinated supervisory response shall be developed by the competent authority of the home Member State and the members of the college of supervisors that supervise significant branches affected or likely to be affected by the emergency situation. The coordinated supervisory response shall take into account input from

the resolution college relevant for the management of the emergency situation for the institution, provided by the resolution authority of the home Member State.

#### *Article 40*

### **Monitoring of the implementation of the coordinated supervisory response to an emergency situation**

1. The competent authority of the home Member State and the members of the college of supervisors that supervise significant branches affected or likely to be affected by the emergency situation shall monitor and exchange information on the implementation of the coordinated supervisory response referred to in Article 39.
2. The information referred to in paragraph 1 shall include an update on the implementation of the agreed actions within the foreseen timetable, as referred to in Article 39(2), and the need to update or adjust those actions.

#### *Article 41*

### **Coordination of external communication in an emergency situation**

The competent authority of the home Member State and the members of the college of supervisors that supervise significant branches affected or likely to be affected by an emergency situation shall coordinate to the extent possible their external communications, taking into account the elements referred to in Article 24(2).

#### *Article 42*

### **Repeal**

Delegated Regulation (EU) 2016/98 is repealed.

References to the repealed Delegated Regulation shall be construed as references to this Regulation and read in accordance with the correlation table in the Annex.

#### *Article 43*

### **Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23.4.2025

*For the Commission*

*The President*

*Ursula VON DER LEYEN*