## Table of legislation

| Agreement between the EFTA states on the Establishment of a Surveillance Authority and a Court of Justice ([1994] OJ L344/1, 3 (Surveillance and Court Agreement, SCA)) | 463 |
| Treaty of Lisbon | 261 |
| Treaty on Stability, Coordination and Governance, 2 March 2012 | 47 |
| Treaty on the Functioning of the European Union (TFEU) | 463 |

### Table of Legislation

| Agreement between the EFTA states on the Establishment of a Surveillance Authority and a Court of Justice ([1994] OJ L344/1, 3 (Surveillance and Court Agreement, SCA)) | 463 |
| Protocol 2 | 462 |
| Protocol 3 | 464 |
| Protocol 3, Part I, Art 1(2) | 469, 482 |
| Protocol 3, Part I, Art 1(3) | 473 |
| Protocol 3, Part II, Art 1(d) | 476 |
| Protocol 3, Art 3 | 479 |
| Protocol 18 | 462 |
| Protocol 26 | 463 |
| Protocol 27 | 464 |
| Art 4 | 458 |
| Art 36 | 458 |
| Art 40 | 458 |
| Art 44 | 458 |
| Art 61 | 463, 464, 475, 488, 489 |
| Art 61(1) | 471, 473, 498 |
| Art 61(3)(b) | 465, 476, 478, 471, 473, 479, 480, 488, 490, 498, 499 |
| Art 61(3)(c) | 490 |
| Art 62 | 463 |
| Annex IX (Financial Services) | 461 |
| Basel I Capital Accord | 379 |
| Basel II Capital Accord | 371, 372, 379, 470 |
| Basel III Capital Accord | 45, 336, 337, 446, 487, 491, 505 |
| Charter of Fundamental Rights | 565 |
| Art 16 | 565 |
| Art 17 | 536 |
| Art 52 | 565 |
| Core Principles for Effective Banking Supervision Basel Committee on Banking Supervision (2012) | 24 |
| EFTA Surveillance Authority, State Aid Guidelines | 464, 468 |
| Pt VIII | 464 |
| European Convention on Human Rights (ECHR) | 536 |
| Statute of the European System of Central Banks and of the European Central Bank | 111 |
| Treaty of Lisbon | 261 |
| Treaty on Stability, Coordination and Governance, 2 March 2012 | 47 |
| Treaty on the Functioning of the European Union (TFEU) | 463 |
| Art 18 | 458 |
| Art 56 | 458 |
| Art 63 | 458 |
| Art 87(3)(b) | 154 |
| Art 101 | 24, 509 |
| Art 102 | 24, 509 |
| Art 107 | 11, 76, 93, 140, 150, 215, 281, 282, 283, 288, 359, 534, 536, 538, 539 |
| Art 107(1) (ex Art 92(1)) | 11, 51, 76, 78, 87, 96, 100, 238, 265, 282, 283, 340, 349, 350, 358, 367, 413, 418, 422, 439, 532, 533, 546 |
| Art 107(2) | 11, 12, 28 |
| Art 107(2)(a) | 11 |
| Art 107(2)(b) | 11 |
| Art 107(3) | 11, 12, 28, 104, 215, 238, 369, 370 |
| Art 107(3)(c) | 54, 68, 103, 104, 107, 132, 133, 229, 249, 250 |
| Art 107(3)(b) | 58–59 |
| Art 107(3)(c) | 58–59 |
| Arts 108–9 | 24 |
| Art 108 (ex Art 93) | 76, 93, 139, 140, 150, 215, 281, 282, 283, 286, 288, 539 |
| Art 108(1) | 369, 374, 375, 379, 380 |
| Art 108(2) | 29, 196, 283, 286, 361, 421 |
| Art 108(3) | 196, 286, 379, 389, 436 |
| Art 108(3)(b) | 283 |
| Art 113 | 524 |
| Art 114 | 15, 374, 511, 539 |
| Art 127(4) | 91 |
| Art 127(6) | 509, 539 |
| Art 282(5) | 91 |
Regulations
Procedural Regulation 659/1999, [1999]
OJ L83/1
Art 1(a) ..............................................11
Art 4 ....................................................283
Art 7 ....................................................283
Art 11(1) .............................................353
Regulation 12003..................24, 509
Regulation No 139/2004 Mergers [2004]
OJ L24/1 .............................................359
Regulation No 1081/2008 on the
authority of the HFF to purchase
bonds secured by mortgages in
residential housing and issued by
financial undertakings .................................469
Regulation No 1092/2010 on European
Union macro-prudential oversight of
the financial system and establishing
a European Systemic Risk Board
(ESRB Regulation) [2010] OJ L331/1 ........22
Regulation 236/2012 European
Securities and Markets Authority (ESMA)
Art 28 ....................................................26, 530
Regulation No 575/2013 Capital
Requirement Regulation (CRR IV)
[2013] OJ L176/1 ..................................35, 45, 48, 74,
379, 394, 507
rec (9) ...................................................214
rec (11) .................................................214
Art 52(1) ...............................................519
Art 63 ....................................................519
Art 114(4) ............................................35
Art 458 ..................................................45
Council Regulation No 1024/2013
confering specific tasks on the
European Central Bank concerning
policies relating to the prudential
supervision of credit institutions [2013]
OJ L287/63 ...........................................48, 75, 509, 539
Art 16(2)(c) ............................................394
Regulation No 468/2014 of 16 April
2014 establishing the framework
for cooperation within the Single
Supervisory Mechanism between
the European Central Bank and
national competent authorities and
with national designated authorities
(SSM Framework Regulation)
(ECB/2014/17) [2014] OJ L141/1 .... 509, 510
Regulation No 806/2014 Establishment
of the Single Resolution Mechanism
and a Single Bank Resolution Fund
(SRM Regulation) (amending
Regulation (EU) No 1093/2010) [2014]
OJ L225/1..........................15, 18, 48, 51, 52, 75, 76,
153, 179, 181, 507, 508, 509, 511, 512,
514, 516, 520, 522, 526–532, 538, 539,
542, 546–548, 551, 559
rec (11) ...................................................509
rec (14) ...................................................509
rec (19) ...................................................531
rec (24) .................................................530
Art 7 ....................................................528
Arts 8–12 .............................................513, 529
Art 10 ....................................................514
Art 13 ....................................................515, 529
Art 14 ....................................................517
Art 15 ....................................................517, 518
Art 16 ....................................................529
Art 18 ....................................................545
Art 19(1) .................................................49, 51,
77, 532, 533
Art 19(3) ...................................................77
Art 19(9) ...................................................534
Art 20 ....................................................519, 545
Art 21 ....................................................519
Arts 22–27 .............................................520
Art 24 ....................................................520
Art 25 ....................................................520
Art 26 ....................................................521
Art 27 ....................................................521
Arts 42–56 .............................................527
Arts 49–52 ...........................................528
Arts 53–55 .............................................528
Arts 67–78 .............................................531
Council Implementing Regulation
2015/81 specifying uniform conditions
of application of Regulation No
806/2014 of the European Parliament
and of the Council with regard to ex
ante contributions to the SRF [2015]
OJ L15/1 .............................................18, 48, 531
Regulation 2015/1589 laying down
detailed rules for the application of
Article 108 TFEU (Procedural Regulation)
Art 1(g) ...................................................415
Art 9(4) ...................................................415, 564
Art 20 ....................................................126
Directives
Directive 94/19/EC Deposit Guarantee
schemes [2004] OJ L135/5..24, 93, 460,
461, 474, 475
Table of legislation xxxi

Directive 2001/24/EC Reorganization and winding-up of credit institutions (Winding-Up Directive)
Art 3........................................................518

Directive 2006/48/EC relating to the taking up and pursuit of the business of credit institutions [2006] OJ L177/1
Annex I.....................................................35, 548

Directive 2010/76/EU Capital Requirements (CRD III) .............................................45
Annex 6...................................................35

Directive 2012/30 Second Company Law Directive...

Directive 2013/36/EU Capital Requirements Directive (CRD IV) [2013] OJ L176/338...
Art 133.....................................................45

Directive 2014/49 Deposit Guarantee Scheme (DGS) requirements [2013] OJ L176/149...
rec (6).....................................................214

Title IV...................................................141
rec (8).....................................................76
rec (11)...................................................512
rec (13)...................................................508, 511, 563
rec (24)...................................................565
rec (27)...................................................565
rec (29)...................................................565
rec (30)...................................................534
rec (41)...................................................518, 562
rec (45)...................................................508
rec (49)...................................................508
rec (50)...................................................565
rec (57)...................................................83, 547
rec (67)...................................................141
rec (73)...................................................523
rec (77)...................................................522
rec (96)...................................................214
rec (111)...............................................523
rec (130)..................................................565
Art 1.....................................................512
Art 2.....................................................518
Art 108 .............................................. 83, 523
Art 109 .............................................. 82, 524
Art 109(1)(a) ........................................... 521
Art 115 .................................................... 526
Art 127 .................................................... 526

Crisis Communications


Annex ................................................ 60, 481


Annex II .................................................. 142
Annex III ................................................ 145
Annex IV ............................................... 145, 331, 472


Annex ................................................ 44, 398


Annex ................................................ 123, 398


Commission Communication on the application of State rules to measures taken in relation to financial institutions in the context of the current global financial crisis, OJ 2009 C10/2................................. 134


Community Guidelines on State aid for Rescuing and Restructuring firms in difficulty (R&R Guidelines) [2004] OJ C244/2 .......................................................54
59, 62, 63, 104–105, 132, 133, 154, 155, 196, 197, 199, 228, 229, 240, 318
EBA Guidelines on the Types of Tests, Reviews or Exercises that may Lead to Support Measures under Article 32(4)(d)(iii) of the Bank Recovery and Resolution Directive (EBA/GL/2014/09) .......................................................51
EBA Guidelines on Triggers for Use of Early Intervention Measures pursuant to Article 27(4) of Directive 2014/59/EU, 29 July 2015 (EBA/GL/2015/03) .......515
EBA Guidelines on the Determination of When the Liquidation of Assets or Liabilities under Normal Insolvency Proceedings Could Have an Adverse Effect on One or More Financial Markets under Article 42(14) of Directive 2014/59/EU, 6 August 2015 (EBA/GL/2015/05) ..............................................521
EBA Guidelines on the Interpretation of the Different Circumstances when an Institution shall be Considered as Failing or Likely to Fail under Article 32(6) of Directive 2014/59/EU, 6 August 2015 (EBA/GL/2015/07) ..........517
EBA Recommendation EBA/REC/2011/1 of 8 December 2011 ............400
ECB Guide to Banking Supervision, November 2014 ..........................509
ELA Procedures, the procedures underlying the Governing Council’s role pursuant to Article 14.4 of the Statute of the European System of Central Banks and of the European Central Bank with regard to the provision of ELA to individual credit institutions (ELA Procedures), 17 October 2013 ...........................................111
ESA 95 Rules .............................................................144
ESA 2010 Rules, Eurostat 121, 131, 144
Eurostat Guidance Note 2009 on the statistical recording of public interventions to support financial institutions and financial markets during the financial crisis, 2009 ...... 131, 144
Eurostat guidance Note 2012 on the impact of bank recapitalisations on government finance statistics during the financial crisis .............................................144

National Legislation

Belgium
Law of 22 February 1998, Statute of the BNB .............................................. 315, 346
Royal Decree of 10 Oct 2011, Cooperative guarantee scheme ..................349
Royal Decree of 7 Nov 2011, Cooperative guarantee scheme ..................349

Cyprus
2013 Regulatory Administrative Act No 103 on the bailing-in of Bank of Cyprus (Decree No 103) ..................383, 384
2013 Regulatory Administrative Act No 104 on the transfer of certain assets and liabilities from Cyprus Popular Bank to Bank of Cyprus (Decree No 104) ..............................................383, 384

Germany
Act Creating a Financial Stabilization Fund (Finanzmarkstabilisierungsfondsgesetz), 2008 ...... 230, 240
Bad Bank Act 2009 (Gesetz zur Fortentwicklung der Finanzmarkstabilisierung) ...... 233, 234, 240
Rescue Takeover Act 2009 (Rettungsübernahmegesetz) ..233–234, 235, 240
Rhineland-Palatinate - Savings Banks Act ..222

France
Law of July 26 2013, Banking Law ..... 294, 295
Law 2015-990 of 6 August 2015 .............................................295
Decree 2013-717 of 2 August 2013
amending specific investment provisions for insurance firms.................294
Decree 2014-1053 of 16 September 2014 on crowd-funding....................295
Order of 22 September 2014 approving amendments of the AMF General Regulation concerning crowd-funding.....295
Order of 30 September 2014 on the professional competence of crowd-funding intermediaries ..........295
Ordinance 2014-559 of 30 May 2014 on crowd-funding...........................295

Iceland
Act No 36/1978, Stamp Duty.................493
Act No 91/1991, Bankruptcy..................459
Act No 98/1999, Deposit Guarantees and an Investor Compensation Scheme, as amended............476
Act No 36/2001, Central Bank of Iceland, amendment 2016.................502
Act No 161/2002, Financial Undertakings........................................459
Art 100(a)............................................495
Act No 125/2008, Authority for Treasury Disbursement Due to Unusual Financial Market Circumstances etc. (Emergency Act) ......................456, 457, 459, 460, 461, 470, 482, 484, 495
Ch V..................................................469
Art 2......................................................478, 496
Act No 134/2008, Amendments to the Act on Foreign Exchange No 87/1992 Art 13..........................................................461
Act No 127/2011, amending the Foreign Exchange Act..........................461
Act No 60/2015, Stability Tax.................501
Foreign Exchange Rules, 28 November 2008 ........................................461, 462
CBI’s rules on Liquidity Ratios No 317 of 25 April 2006 .........................487

Ireland
Anglo Irish Bank Corporation Act 2009 ....267
Credit Institutions (Financial Support) Act (CIFS Act) 2008
s 7(1).................................................272
Irish Bank Resolution Corporation Act 2013 .....................................270

National Asset Management Agency
Act 2009..........................................281, 283, 285
s 4..................................................................285
s 69......................................................285
s 84(2).............................................285

National Asset Management Agency
(Designation of Eligible Assets)
Regulations 2009.................................285

Netherlands
Dutch Civil Code
2:403..............................................365

Portugal
Decree-Law 31-A/2012 of 10 February 2012 with the objective of providing financial assistance to the Bank of Portugal..............................................417
Law 7-A/2016, 30 March 2016, approving the State Budget for 2016 Art 100............................................398
Art 2......................................................398
Annex..................................................398

Spain
Royal Decree 2860/1980, 4 December, as amended (Deposit Guarantee Fund for Cajas de Ahorro).................................436
Real Decreto-ley 7/2008 guarantee scheme for new senior debt issued by credit institutions in Spain..................428
Royal Decree-Law No 9/2009 of 26 June (FROB)..........................424, 432, 436, 441
General Budget Law for 2011
Art 49(2)b).............................................431
Real Decreto-ley 20/2011, 30 December 2011 ........................................431
Ministerial Order ECC/149/2012, 30 January 2012 ......................431
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pt 1A (Financial Stability Strategy) ... 22</td>
</tr>
<tr>
<td></td>
<td>Pt 2A (Financial Stability Objective of Bank of England)</td>
</tr>
<tr>
<td></td>
<td>........................................................................ 22</td>
</tr>
</tbody>
</table>