

Internal Rules of the Consultative Committee for Resolution

The Consultative Committee for Resolution, hereinafter referred to as the “Committee”;

Having regard to Article 15-2(5) of the Law of 23 December 1998 establishing a financial sector supervisory commission (“Commission de surveillance du secteur financier”), as amended, hereinafter referred to as the “amended Law of 23 December 1998”;

Having regard to the deliberation of the Committee dated 28 September 2016;

Decided to adopt its Internal Rules as follows:

1. Purpose

The purpose of these Internal Rules is to implement the legal provisions concerning the organisation and functioning of the Committee.

2. Composition and Chair of the Committee

The composition of the Committee shall be governed by Article 15-2(3) of the amended Law of 23 December 1998. To give effect to letter (b) of the above-mentioned paragraph 3, according to which the Resolution Board shall be considered as a college and shall count as one member, where appropriate, represented by the Director Resolution, and in order to also take into account the collegiate nature of the Resolution Board, all members of the Resolution Board shall be invited and may attend the Committee’s meetings. Their presence and votes shall be taken into account as indicated below.

The Committee shall be chaired by the Director Resolution pursuant to Article 15-2(5) of the amended Law of 23 December 1998.

3. Organisation of meetings

3.1 Frequency and venue of meetings

The Committee shall be convened by the Chairperson of the Committee, either on his/her own initiative or in case of referral to the Committee pursuant to Article 15-2(2) of the amended Law of 23 December 1998. Apart from the above-mentioned cases, the Committee shall be convened at the request of either the Minister responsible for the financial sector or his/her representative or of two of its members at least.

In general, the meetings shall take place at the registered office of the CSSF. In urgent cases identified by the Chairperson of the Committee, the Committee may hold a meeting by using a voice telecommunication system or adopt a decision by using a written procedure.

3.2 Convening meetings

The meetings shall be convened with the necessary diligence and within a sufficient time frame, in principle 30 calendar days prior to the meeting, except in urgent cases to be assessed by the Chairperson of the Committee.

In situations as described in the second sentence of the first subparagraph of Article 3.1 of these Internal Rules, the Chairperson of the Committee shall convene the Committee within eight calendar days as from the receipt of the request while observing at the same time the procedures and conditions provided in the preceding subparagraph and in Article 3.3.

3.3 Agenda

The Chairperson of the Committee shall draw up the agenda of the Committee's meetings. It shall be approved by the Committee at the beginning of the meeting.

The agenda of a meeting and the relevant session documents shall be addressed to the members of the Committee - preferably via email - in principle, at least eight calendar days prior to the scheduled date of the meeting, except in urgent cases to be assessed by the Chairperson of the Committee.

The agenda of the convened meetings following a referral under the circumstances listed in Article 15-2(2) of the amended Law of 23 December 1998 or the second sentence of the first subparagraph of Article 3.1 of these Internal Rules shall include the items indicated by the member requesting a meeting of the Committee to be convened.

The agenda shall distinguish between general files and individual files and, for each of these categories, it shall provide for a breakdown of the files between items A and items B, depending on the nature and, where appropriate, the significance of the file. Those indicated under items A shall be discussed during the session and can be subject to a decision, whereas items B shall only be subject to a decision without prior discussion, unless a member of the Committee requests it. The agenda can also include items C which are notified to the Committee for information purposes.

3.4 Holding meetings and participating in meetings

The Chairperson of the Committee shall conduct the discussions.

Experts can be invited to attend the meetings in order to explain the documents submitted for discussion. The invited experts shall not attend the deliberations.

3.5 Voice telecommunication and written procedure

In accordance with the second subparagraph of Article 3.1, the decisions of the Committee can also be taken using a voice telecommunication system or through a written procedure, unless at least two members object and require that the decision be taken at a face-to-face meeting. Except in urgent cases, the Chairperson of the Committee can also decide to use a written procedure to request a decision of the Committee if the sound functioning of the Committee so requires.

For a meeting and decision-making via voice telecommunication, the Chairperson of the Committee shall inform all members in advance of the subject and practical arrangements of the telecommunication.

In case of written procedure and by way of derogation from the first subparagraph of Article 3.2 and from the second subparagraph of Article 3.3, the Chairperson of the Committee shall transmit the documents relating to the written procedure to all the members via mail with acknowledgement of receipt. This dispatch can also be made via fax, email or any other written method. The members shall confirm via fax, email or any other written method that they received the written procedure and the relevant documents. The communication shall indicate the deadline for the members' answer. During this time period, each member can request an oral deliberation on the draft decision via voice telecommunication if the subject does not raise any particular issue.

3.6 Voting rules

The deliberations of the Committee during face-to-face meetings or meetings held using a voice telecommunication system shall be valid if at least one member of the Resolution Board and three external members are present.

The decisions of the Committee shall be taken by a majority of the votes cast. The determination of the majority of the votes cast shall not take into account abstentions.

The members who cannot attend a meeting of the Committee may give a proxy to another member. However, no member shall receive more than one proxy.

Each member shall have one vote. Irrespective of the number of members of the Resolution Board present at the meeting, the Resolution Board shall have one vote.

In case of decision-making via voice telecommunication, the decisions shall be adopted by the majority of the votes cast provided that the voice telecommunication procedure allows real-time communication and collegial deliberation involving the majority of the members of the Committee.

In case of decision-making via a written procedure, the draft decision shall be approved by the Committee if, within the deadline referred to in the communication in accordance with the third subparagraph of Article 3.5, the majority of the members have given a written approval. Any member who does not make a decision within the referred deadline shall be assumed to abstain.

3.7 Minutes of meetings

The minutes shall be drawn up by the secretary after each meeting.

These minutes shall summarise the debates in a synthetic and anonymous form, unless a member of the Committee requests to be mentioned by name. The minutes shall also mention the documents submitted to the Committee, record the decisions taken and/or the conclusions the Committee reached and they shall include the list of the participants.

The minutes shall be submitted for approval at the following meeting and signed by the Chairperson and the secretary.

The deliberations and minutes of the Consultative Committee for Resolution shall be confidential.

4. Secrecy of the deliberations

Apart from the information which the Committee decides to make public, the members of the Committee and any person or expert invited to the meetings shall keep the deliberations secret.

5. Secretariat

The secretariat of the Committee shall be performed by an agent of the CSSF's Resolution department appointed in accordance with Article 15-2(5) of the amended Law of 23 December 1998.

All correspondence addressed to the Committee shall be transmitted to the secretary.

Luxembourg, 28 September 2016

(These Internal Rules were adopted by unanimous vote of the members of the Committee during the meeting of 28 September 2016.)