Comments

SRB Consultation on the Operational Guidance on Banks' Communication

Lobby Register No R001459
EU Transparency Register No 52646912360-95

Contact:

Thomas Lorenz
Telephone: +49 30 1663- 3190
E-Mail: thomas.lorenz@bdb.de

Berlin, 12 December 2025

The **German Banking Industry Committee** is the joint committee operated by the central associations of the German banking industry. These associations are the Bundesverband der Deutschen Volksbanken und Raiffeisenbanken (BVR), for the cooperative banks, the Bundesverband deutscher Banken (BdB), for the private commercial banks, the Bundesverband Öffentlicher Banken Deutschlands (VÖB), for the public banks, the Deutscher Sparkassen- und Giroverband (DSGV), for the savings banks finance group, and the Verband deutscher Pfandbriefbanken (vdp), for the Pfandbrief banks.

Coordinator:
Bundesverband deutscher Banken e.V.
Burgstraße 28 | 10178 Berlin | Germany
Telephone: +49 30 16630
https://die-dk.de
www.german-banking-industry.org

Question 1

Proportionality: are there any specific bank characteristics (e.g., business model, geographical footprint) or other factors that would warrant further ex-ante adjustment(s) of the expectations set by the guidance?

In the opinion of the GBIC, the content of the planned guidance seems excessively detailed and generally not appropriate. It is imperative that new regulatory requirements – such as this guidance – are no longer pursued in order to relieve institutions of additional, disproportionate bureaucracy and avoid unnecessary effort from the outset.

In our opinion, the guidance should be withdrawn in its entirety. Both this and previous guidance give the impression that bank resolutions are regularly occurring events, and this is used to justify imposing considerable implementation efforts on the institutions. However, this assumption is not observed in practice. In fact, bank resolutions are the absolute exception – the underlying regulation should therefore reflect this circumstance accordingly.

Furthermore, it is our assessment that the guidance continues to pursue a 'one-size-fits-all' approach, which does not sufficiently take into account that many institutions already have established and detailed communication plans. It therefore seems disproportionate to require these institutions to fully implement all the expectations outlined in the guidance.

In addition, we cannot understand this statement in paragraph 28 of the guidance, "*In an actual resolution event, resolution authorities may decide in light of the circumstances of the case to select a resolution tool and/or use resolution powers which may be envisaged neither under the PRS nor the VRS*". This statement is too generalised and the SRB should qualify it using clear, definitive criteria. Furthermore, the statement is not only relevant for the communication plan but also affects other aspects. Unless comprehensive preparatory work is carried out in other areas as part of the resolution planning process, the above statement cannot be put into practice. The relevant business model etc. of the bank to be resolved must also be taken into account, which may mean that individual resolution strategies cannot be applied at all. The SRB must be aware that such short-term changes to resolution measures will not only have consequences for the communication plan but other for areas as well. These consequences are likely to be greater than those for the communication plan. As a result, this statement must be concretised (see above) otherwise it is too generalised.

Furthermore, we cannot understand the explanations in paragraphs 50 and 51. We request clarification from the SRB as to whether these expectations are aimed at achieving a specific goal and we would ask them to indicate the legal basis for them. In the recovery phase, only individual stakeholders can be and are informed. Other groups are not. When there is a resolution, it is made public, but this is not the case in the recovery phase. In fact, a public announcement that a bank is in the recovery phase can also be counterproductive.

Furthermore, the expectation that banks should monitor and correct social media misinformation in real-time is extremely demanding and resource intensive. For a smaller or regional institution, the speed and risks resulting from social media in the case of a resolution are likely less material than for a global institution.

Question 2

Coordination between the bank and the resolution authorities: in a resolution event, are there additional considerations/needs for coordination with resolution authorities in different jurisdictions that have not been adequately captured by the guidance?

We cannot understand the SRB's expectation that banks in resolution should or must cooperate with external consultants of the SRB (see paragraph 17). In the event of a resolution, the resolution authorities have the right to take control of the company or exercise control over the bank in resolution, as referenced in the footnote to Article 63(1) letter b and Article 72(1) of the BRRD. However, this only refers to the resolution authorities. There is no mention of external consultants in the legal basis. We would ask the SRB to outline the legal basis or submit a legal opinion for this assessment.

In our opinion, statements in paragraph 17 contradict those in paragraph 21: *"The preparation and execution of the communication plan remains the responsibility of banks*." Here, the SRB is clarifying that the implementation of the communication plan in the event of resolution is the responsibility of the bank under resolution. This does not fit with the statement that external consultants may take over a bank's communications in the event of resolution.

As part of resolution planning, banks will compile a communication plan, agree it with the resolution authority and also implement tests. This ensures there is consistent communication in the event of resolution. We do not understand why, in the event of resolution, external SRB advisers who are completely unfamiliar with the bank being resolved should be involved ad hoc in specific communication matters.

Question 3

Moratorium tool: if the resolution authority were to apply the moratorium tool and exclude certain types of counterparties from the scope of that power, would such differentiation trigger specific challenges with regard to the bank's communication to the public and its counterparties?

Yes, the application of a moratorium tool would trigger specific and significant challenges for a bank's communication strategy. The primary challenge is that it would disrupt the timeline (and possibly further aspects) of the communication strategy and plan.

In this context, we ask the SRB to delete the term "moratorium." A moratorium is an established term and is defined in the German Banking Act (KWG). Under German law, a moratorium can only be ordered by the federal government or the banking supervisory authority (see KWG). According to Section 82 of the Resolution Act (SAG), the resolution authority only has the right to suspend contractual obligations for a clearly defined period of time. This specifically refers to all or individual payment or delivery obligations of an institution in resolution or a group company arising from contracts to which it is a party. These may be suspended for the period from the public announcement of this suspension pursuant to Section 137 (1) until the end of the business day following this announcement.

We also ask the SRB to explain why a "moratorium" should also be ordered in the event of a bank resolution and what advantages are expected from this. In our opinion, the actual financial effects of suspending payment and delivery obligations for the period specified in the law would be negligible. This is also due to the fact that certain contractual partners (e.g., CCPs and CSDs) are not affected by this. We therefore suggest that a "moratorium" should not be considered further in the communication plan.

A moratorium results in the public being informed significantly earlier than planned in a standard resolution scenario, and this needs to be taken into account – the potential impacts should already be reflected in the communication plan.

Question 4

Scope of communication plan: are the scope and the structuring options (see paragraph 27) clear? If not, please elaborate, providing proposed ways forward where applicable.

While the structure of the communication plan proposed by the SRB for banks which do not have a communication plan and must compile one could be helpful, this structure seems less appropriate for existing, established communication plans. The SRB should clarify here that this proposal will only apply to banks, which have not had to compile a communication plan to date. Banks that already have established communication plans and have not received any material comments from the IRTs in recent years should also be permitted to use alternative communication plans with different structures that are tailored to their respective needs.

If existing communication plans were to be adapted to the proposed structure, this would in effect require them to be completely rewritten – involving a disproportionately high amount of effort with no discernible added value. We oppose this new requirement and refer to our explanation under question 1.

Question 5

Infrastructure and resources / spokesperson: in relation to the designation of a spokesperson, are there other considerations to be taken into account while designating them? Please provide justification.

The SRB expects banks to enter personal data in the communication plan (e.g. "The contact details of the owner of the communication process and of the bank's key personnel"). We are critical of this requirement for data protection reasons and expect the SRB to provide us with the legal basis for it.

Furthermore, the following statement seems unrealistic: "*Banks are expected to designate a spokesperson to engage with the media in resolution and during the implementation of the resolution action, in coordination with the SRB and NRAs. The spokesperson is expected to have sufficient experience in public speaking and media exposure, and be knowledgeable of/trained in the banking resolution frameworks and their own bank's resolution capabilities and strategy. Banks are expected to establish a list of executives who meet these conditions and, thus, could be appointed to be a spokesperson in resolution*." We do not see the need for this expectation. Banks have press/communication departments and these will be responsible for communication in the event of resolution. If specific resolution issues arise that cannot be covered by the documents compiled as part of the communication plan, the relevant experts will be consulted. Taking these requirements into account, the expectations outlined above are not practical. Furthermore, we see no legal basis for compiling the expected list of names of executives for the SRB. In our view, this is obsolete since communication tasks are already assigned through the allocation of functions within a bank.

Question 6

Operationalisation of the communication plan / template and other documents: the operational guidance intentionally does not refer to the development of template documents, emails, frequently asked questions and other tools to be used in the resolution process. Do you consider it useful to keep such documents and tools up to date in business-as-usual, or should they be updated and tailored within the Communication Plan once stress materialises? If the latter option is supported, would the updating and tailoring be possible in all cases prior to resolution, and in particular under a fast-moving stress scenario? In preparing them, either in business-as-usual or in a stress situation, is additional guidance or other support such as sample templates needed in the operational guidance?

With appropriate governance structures, pre-approved key messages, and a robust communication plan framework in place, the bank is fully capable of producing tailored, situation-specific communications effectively. There is no need for any further prescriptive templates or guidance.

Question 7

Annex A: do you have proposed amendments to Annex A while covering the SRB's expectations under this guidance?

-

Question 8

Impact analysis: with respect to new elements of the guidance related to EfB dimension 6, do you consider it would require increased resources to implement these? Do you have an assessment of the relevant cost for you?

The new guidance will require significant resources to review, extend and maintain the communication plan over time. An increased reliance on external consultants is likely, particularly for the preparation of testing exercises.

Additional resources are unavoidable if the SRB expects the expectations addressed in the guidance to also apply to existing, established communication plans. The amount of effort required for this depends on a number of different requirements, however, it is likely to cost a medium-sized SRB bank at least 0.5 million euros per annum.

Question 9

Additional comment(s) If needed, please provide any additional comments on the Operational Guidance on Banks' Communication. 2000 character(s) maximum

-

Questions on the communication area supplement to the SRB's Operational Guidance on Resolvability Testing for Banks

Question 10

Do you have any comments on the expectations for each of the specific proposed deliverables for testing the capabilities related to communications?

We do not understand the SRB’s expectation regarding the testing of specific sub-areas (7.1). We also do not agree with the following statement from the SRB: “2. *For the testing of sub-area 3, banks are expected to develop an adapted communication plan in the design phase of the testing exercise (i.e., as an inject), with the focus being on its execution and monitoring*.” Instead, we see it as part of the testing exercise to develop such an adapted communication plan.

The Adapted Communication Plan in track-changes mode creates more organisational and administrative work for only limited benefit. When the changes become too extensive, Track Changes are no longer beneficial. The focus needs to be on the updated plan as a clean document.

The requirement to log all approvals, provide screenshots from social-listening tools, and compile all materials into a single book represents an excessive administrative burden for a test exercise. It should be up to the bank to determine how it provides the required proof.

Additional comment(s)

-

* * * * *