

Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (recast) (Text with EEA relevance)

Article 5

Eligibility of deposits

- 1 The following shall be excluded from any repayment by a DGS:
 - a subject to Article 7(3) of this Directive, deposits made by other credit institutions on their own behalf and for their own account;
 - b own funds as defined in point (118) of Article 4(1) of Regulation (EU) No 575/2013;
 - c deposits arising out of transactions in connection with which there has been a criminal conviction for money laundering as defined in Article 1(2) of Directive 2005/60/EC;
 - d deposits by financial institutions as defined in point (26) of Article 4(1) of Regulation (EU) No 575/2013;
 - e deposits by investment firms as defined in point (1) of Article 4(1) of Directive 2004/39/EC;
 - f deposits the holder of which has never been identified pursuant to Article 9(1) of Directive 2005/60/EC, when they have become unavailable;
 - g deposits by insurance undertakings and by reinsurance undertakings as referred to in Article 13(1) to (6) of Directive 2009/138/EC of the European Parliament and of the Council⁽¹⁾;
 - h deposits by collective investment undertakings;
 - i deposits by pension and retirement funds;
 - j deposits by public authorities;
 - k debt securities issued by a credit institution and liabilities arising out of own acceptances and promissory notes.
- 2 By way of derogation from paragraph 1 of this Article, Member States may ensure that the following are included up to the coverage level laid down in Article 6(1):
 - a deposits held by personal pension schemes and occupational pension schemes of small or medium-sized enterprises;
 - b deposits held by local authorities with an annual budget of up to EUR 500 000.
- 3 Member States may provide that deposits that may be released in accordance with national law only to pay off a loan on private immovable property whether made by the credit institution or another institution holding the deposit are excluded from repayment by a DGS.
- 4 Member States shall ensure that credit institutions mark eligible deposits in a way that allows an immediate identification of such deposits.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) ([OJ L 335, 17.12.2009, p. 1](#)).