

Decision of the Board of Supervisors establishing the EBA Credit Institution Register

The Board of Supervisors of the European Banking Authority

Having regard to

- (1) 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 or the EBA), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC¹ as amended by Regulation (EU) No 1022/2013 (hereinafter referred to as the “EBA Regulation”),² and in particular Articles 8 (1) (k), (2) (j), 31 (7), 35 and 70 thereof
- (2) 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 648/2012³
- (3) 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 and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC⁴
- (4) Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority)⁵

Whereas:

- (1) In accordance with Article 8 (1) (k) of the EBA Regulation, the EBA has the task “to publish on its website, and to update regularly information relating to its field of activities, in particular within the area of its competence, on registered financial institutions, in order to ensure information is easily accessible by the public” while in accordance with Article 8 (2) (j), to achieve this task, the EBA shall “provide a centrally accessible database of registered financial institutions in the area of its competence where specific in the acts referred to in Article 1(2)”.

¹ OJ L331, 15.12.2010, p. 12.

² OJ L287, 29.10.2013, p.5.

³ OJ L 176, 27.06.2013, p. 1.

⁴ OJ L 176, 27.06.2013, p. 339

⁵ OJ L 331, 15.12.2010, p. 120

-
- (2) In accordance with Article 31(f) of the EBA Regulation, the EBA shall “promote a co-ordinated Union response” *inter alia* “by centralising information received from competent authorities in accordance with Articles 21 and 35”.
 - (3) The EBA, in accordance with Art. 20 (2) of Directive 2013/36/EU, shall publish and keep up to date on its website a list of credit institutions to which authorisation has been granted (EBA Financial Institution Register). Sectoral legislation provisions, *inter alia* Article Articles 12 (4) (b), 20 (5) and 47 (2) of Directive 2013/36/EU require that the competent authorities provide the EBA with relevant information.
 - (4) In accordance with Article 35 (1) and (2) of the EBA Regulation, at the request of the EBA, the competent authorities of the Member States shall provide the EBA with all necessary information to carry out the duties assigned to it by the EBA Regulation while the EBA may also request information to be provided at recurring intervals and in specified formats.
 - (5) According to Article 31 (f) and 35 (3) of the EBA Regulation, the EBA may communicate information to the competent authorities, always in accordance with the professional secrecy obligations, as laid down in Article 70 of the EBA Regulation and in the applicable sectoral legislation.
 - (6) Recital 29 of Directive 2010/78/EC states ‘having a single consolidated list or register for each category of financial institution in the Union, which is currently the duty of each national competent authority, will improve transparency and is more appropriate in the context of the single financial market. The ESA should be given the task of establishing, publishing and regularly updating registers and lists of financial actors within the Union. This concerns the list of authorisations of credit institutions granted by national competent authorities, the register of all investment firms and the list of regulated markets under Directive 2004/39/EC.
 - (7) The information included in the EBA Financial Institution Register needs to be kept up to date by the competent authorities of Member States to ensure that an accurate picture of the credit institutions operating in the EU/EEA is displayed on the EBA website;

Has decided as follows:

Article 1 - Establishment of the EBA Credit Institution Register

This decision regulates the establishment and the maintenance of the EBA Credit Institution Register.

Article 2 - Definitions

For the purposes of this Decision the following definitions apply:

- 2.1. 'Regulation' means Regulation 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.

-
- 2.2. 'Board of Supervisors' means the Board of Supervisors of the European Banking Authority, as specified in Article 6 (1) and in Section 1 of Chapter III of the Regulation.
 - 2.3. 'Competent authorities' means the authorities defined in Article 4 (2) of the Regulation, including authorities from the EEA countries.
 - 2.4. 'Member States' means the Member States of the European Union, and including the Member States of the European Economic Area (EEA).
 - 2.5. 'Register' means the EBA Financial Institution Register, providing information on entities legitimately providing the services of credit institutions according to Art. 20 (2) of Directive 2013/36/EU and Art. 3 of Directive 94/19/CE.
 - 2.6. 'Credit institutions' means credit institutions as defined by point (1) of Art. 4 (1) of Regulation (EU) No 575/2013.
 - 2.7. 'EEA Branches' means branches of credit institutions as defined by point (17) of Art. 4 (1) of Regulation (EU) No 575/2013, providing services of credit institutions in another Member State according to Art. 33 of Directive 2013/36/EU.
 - 2.8. 'Non EEA Branches' means branches of credit institutions having their head office in a third country which were granted authorization to provide any of the activities listed in Annex I of Directive 2013/36/EU in at least one Member State in compliance with Art. 47 of Directive 2013/36/EU.

Article 3 - Scope of the EBA Financial Institution Register

- 3.1. The Register shall include:
 - (a) Credit institutions;
 - (b) EEA Branches of credit institutions; and
 - (c) Non EEA Branches of credit institutions.
- 3.2. The Register shall not include:
 - (a) entities that are exempted from the application of Directive 2013/36/EU according to Art. 2 (5) of said Directive;
 - (b) entities that are in the process of liquidation; and
 - (c) any other type of financial institution.
- 3.3. A user manual specifying the content and technical features of the Register shall be prepared by the EBA staff, approved by the EBA Management Board and communicated to the competent authorities. The process referred to in this paragraph shall apply to any update of the user manual.

Article 4 – Competent authorities

Competent authorities shall ensure, when providing or updating information to the Register, that they comply with the requirements of the user manual.

Article 5 – Final provisions

- 5.1. This Decision repeals and replaces the Decision of the European Banking Authority establishing the EBA Financial Institution Register (EBA DC 049).
- 5.2. This Decision shall be published on the EBA website.

Article 6 - Entry into force

This decision shall enter into force on the date of its adoption.

Done at London on 3 December 2013

(signed)

Andrea Enria
Chairperson
For the EBA Board of Supervisors