

EBA/ITS/2014/05

30/07/2014

EBA FINAL draft Implementing Technical Standards

Amending Commission Implementing Regulation (EU) No 680/2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council

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1. Executive Summary

These Final draft Implementing Technical Standards (ITS) amend Commission Implementing Regulation (EU) No 680/2014 on supervisory reporting under Regulation (EU) No 575/2013 of the European Parliament and of the Council. Minor changes to this Regulation, itself based on EBA draft ITS ('original draft ITS'), were required to be made to the reporting templates and instructions. These were deemed necessary in order to reflect published answers to the Single Rulebook Q&As¹, as well as in order to correct legal references and other clerical errors.

In respect of the original draft ITS endorsed by the Commission with Implementing Regulation (EU) No 680/2014, the European Banking Authority has conducted open public consultations, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010. However, in respect of the current draft ITS, given that the amendments they contain do not involve significant changes in substantive terms, pursuant to the second subparagraph of Article 15(1) of Regulation (EU) No 1093/2010, the European Banking Authority has not conducted an open public consultation, considering that it would be disproportionate in relation to the scope and impact of the draft ITS concerned.

These draft ITS consist of two parts:

- (a) As regards the main draft ITS text, the change is very limited since it consists on only replacing Article 5 (b) (1) in order to introduce an exemption for institutions to the submission of the detailed information on securitisations where they are part of a group in the same country in which they are subject to own funds requirements.
- (b) As regards the Annexes, given the scope of the changes introduced by these draft ITS in the instructions and templates and in the interest of clarity, the procedure followed has been to replace the whole relevant Annexes. For the sake of consistency, this approach of replacing Annexes has been applied throughout the draft ITS even though the changes might be limited in the case of some of the Annexes. This also serves the purpose of having a consolidated version of the updated draft ITS package, more useful to the EBA stakeholders. The affected Annexes are the following:
 - Annex 1 of Regulation (EU) No 680/2014 'Templates for reporting own funds and own funds requirements' shall be replaced by Annex 1 of this ITS.

¹ <http://www.eba.europa.eu/documents/10180/210008/Single+Rulebook+QA+-+Published+Answers+Supervisory+Reporting+as+of+June+2014.pdf/93d70134-c086-454d-a87e-e834cc271216>.

² 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), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

- Annex 2 of Regulation (EU) No 680/2014 'Instructions for reporting own funds and own funding requirement' shall be replaced by Annex 2 of this ITS.
- Annex 3 of Regulation (EU) No 680/2014 'Templates for reporting financial information according to IFRS' shall be replaced by Annex 3 of this ITS.
- Annex 4 of Regulation (EU) No 680/2014 'Templates for reporting financial information according to national accounting frameworks' shall be replaced by Annex 4 of this ITS.
- Annex 5 of Regulation (EU) No 680/2014 'Instructions for reporting financial information' shall be replaced by Annex 5 of this ITS.
- Annex 7 of Regulation (EU) No 680/2014 'Instructions for reporting losses stemming from lending collateralised by immovable property' shall be replaced by Annex 6 of this ITS.
- Annex 9 of Regulation (EU) No 680/2014 'Instructions for reporting large exposures' shall be replaced by Annex 7 of this ITS.

The EBA is required to develop ITS specifying supervisory reporting in the area of own fund requirements and financial information (Article 99 of Regulation (EU) No 575/2013), of losses stemming from lending collateralized by immovable property (Articles 101(4)(a) of Regulation (EU) No 575/2013) and of large exposures and other largest exposures (Article 415 of Regulation (EU) No 575/2013).

These amendments are expected to be applicable for reporting as of December 2014.

2. Background and rationale

Importance of uniform reporting requirements

Uniform reporting requirements in all Member States ensure data availability and comparability and hence facilitate a proper functioning of cross-border supervision. This is particularly important for the EBA and the European Systemic Risk Board (ESRB), which rely on comparable data from competent authorities in performing the tasks with which they have been entrusted. Uniform reporting requirements are also crucial for the European Central Bank (ECB) in its future role of supervising institutions in the Euro area.

Maintenance and update of the ITS

The draft Implementing Technical Standards (ITS) reflect the single rulebook at the reporting level and hence need to be updated whenever the single rulebook is updated.

The completion of technical standards by the EBA as well as answers to questions raised in the context of the single rulebook Q&A mechanism³ have contributed to a more complete and seamless application of the single rulebook. This has led in turn to more precise or changed reporting instructions and definitions. In addition, further changes to reporting requirements were triggered by the identification, during the preparation for the application of reporting requirements, of typos, erroneous references and formatting inconsistencies.

Part of a single rulebook

One of the main responses to the latest financial crisis was the establishment of a single rulebook in Europe aimed at ensuring a robust and uniform regulatory framework to facilitate the functioning of the internal market and to prevent regulatory arbitrage opportunities. A single rulebook also reduces regulatory complexity and firms' compliance costs, especially for institutions operating on a cross-border basis. These draft ITS form part of this single rulebook in Europe and become directly applicable in all Member States once adopted by the European Commission and published in the Official Journal of the EU.

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<http://www.eba.europa.eu/documents/10180/210008/Single+Rulebook+QA+-+Published+Answers+Supervisory+Reporting+as+of+June+2014.pdf/93d70134-c086-454d-a87e-e834cc271216> .

3. EBA FINAL draft Implementing Technical Standards amending the Regulation (EU) No 680/2014 – ITS on Supervisory Reporting of institutions



Brussels, XXX
[...] (2012) XXX draft

COMMISSION IMPLEMENTING REGULATION (EU) No .../..

of XXX

**COMMISSION IMPLEMENTING REGULATION (EU) No .../... amending
Commission Implementing Regulation (EU) No 680/2014 laying down implementing
technical standards with regard to supervisory reporting of institutions according to
Regulation (EU) No 575/2013 of the European Parliament and of the Council**

(Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No .../..

of **XXX**

COMMISSION IMPLEMENTING REGULATION (EU) No .../... amending Commission Implementing Regulation (EU) No 680/2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 575/2013 of 26 June 2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012¹ and in particular the fourth subparagraph of Article 99(5); the fourth subparagraph of Article 99(6); the third subparagraph of Article 101(4); the third subparagraph of Article 394(4); the fourth subparagraph of Article 415(3) and the third subparagraph of Article 430(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 680/2014² specifies the modalities according to which institutions shall report information relevant to their compliance with Regulation (EU) No 575/2013. Given that the regulatory framework established by the latter Regulation is gradually being completed and clarified via the adoption of regulatory technical standards, also Regulation (EU) No 680/2014 needs to be updated accordingly to reflect such additions and clarifications; to provide further precision in the instructions and definitions used for the purposes of institutions' supervisory reporting; and to correct typos, erroneous references and formatting inconsistencies which were discovered in the course of the application of that Regulation.
- (2) This Regulation is based on the draft implementing technical standards submitted by the European Banking Authority to the Commission.
- (3) In respect of the draft implementing technical standards endorsed by the Commission with Implementing Regulation (EU) No 680/2014 that is amended by this Regulation, the European Banking Authority has conducted open public consultations, has analysed the potential related costs and benefits and requested

¹ Commission Implementing Regulation (EU) No 680/2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 (OJ L 176, 27.6.2013, p. 1).

² OJ L 191, 28.6.2014, p. 1.

the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010³. However, in respect of the current draft implementing technical standards amending Commission Implementing Regulation (EU) No 680/2014, given that the amendments to that Regulation do not involve significant changes in substantive terms, as illustrated in the previous recital, pursuant to the second subparagraph of Article 15(1) of Regulation (EU) No 1093/2010, the European Banking Authority has not conducted an open public consultation, considering that it would be disproportionate in relation to the scope and impact of the draft implementing technical standards concerned.

- (4) Commission Implementing Regulation (EU) No 680/2014 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation 680/2014 is amended as follows:

1. Article 5 (b) (1) of Regulation (EU) No 680/2014 is replaced with the following:
‘the information on all securitisation exposures as specified in template 14 of Annex I, according to the instructions in Part II point 3.9 of Annex II. Institutions shall be exempt from submitting these securitisation details where they are part of a group in the same country in which they are subject to own funds requirements.’
2. Annex 1 of Regulation (EU) No 680/2014 is replaced by Annex 1 of this Regulation.
3. Annex 2 of Regulation (EU) No 680/2014 is replaced by Annex 2 of this Regulation.
4. Annex 3 of Regulation (EU) No 680/2014 is replaced by Annex 3 of this Regulation.
5. Annex 4 of Regulation (EU) No 680/2014 is replaced by Annex 4 of this Regulation.
6. Annex 5 of Regulation (EU) No 680/2014 is replaced by Annex 5 of this Regulation.
7. Annex 7 of Regulation (EU) No 680/2014 is replaced by Annex 6 of this Regulation.
8. Annex 9 of Regulation (EU) No 680/2014 is replaced by Annex 7 of this Regulation.

³ 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), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall apply from 1 December 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President

On behalf of the President

[Position]

[ANNEX 1]

[Replacing Annex 1 of Regulation (EU) No 680/2014 - see separate document]

[ANNEX 2]

[Replacing Annex 2 of Regulation (EU) No 680/2014 - see separate document]

[ANNEX 3]

[Replacing Annex 3 of Regulation (EU) No 680/2014 - see separate document]

[ANNEX 4]

[Replacing Annex 4 of Regulation (EU) No 680/2014 - see separate document]

[ANNEX 5]

[Replacing Annex 5 of Regulation (EU) No 680/2014 - see separate document]

[ANNEX 6]

[Replacing Annex 7 of Regulation (EU) No 680/2014 - see separate document]

[ANNEX 7]

[Replacing Annex 9 of Regulation (EU) No 680/2014 - see separate document]