

# Single Rulebook Q&A

<b>Question ID</b>	2021_5698
<b>Status</b>	Final Q&A
<b>Legal act</b>	Regulation (EU) No 575/2013 (CRR)
<b>Topic</b>	Other issues
<b>Article</b>	4
<b>Paragraph</b>	1
<b>Subparagraph</b>	-
<b>COM Delegated or Implementing Acts/RTS/ITS/GLs/Recommendations</b>	Not applicable
<b>Article/Paragraph</b>	-
<b>Date of submission</b>	25/01/2021
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<b>Disclose name of institution / entity</b>	No
<b>Type of submitter</b>	Consultancy firm
<b>Subject matter</b>	Interpretation of references to legal acts no longer in force
<b>Question</b>	How should we interpret references to legal acts that are no longer in force?
<b>Background on the question</b>	<p>Some CRR definitions refer to Regulations or Directives that are no longer in force. E.g., the definition of 'subsidiary' still refers to Directive 83/349/EEC. On the other hand, a reference in Article 18(3) of CRR has been amended to the successor act Directive 2013/34/EU when introducing CRR2. EBA answers to Q&amp;As did not show a consistent approach in the past: e.g., 2015_1974 applied the method described under c), while 2014_1595 ignored the fact that the legal act had already been repealed at the time. Therefore, we need clarification regarding the interpretation of references to legal acts that are no longer in force. How should we interpret references to legal acts that are no longer in force? a) By applying the last version in force before the act got repealed. b) By using the version of the act that was in place at the point in time when the reference was introduced in CRR. c) By considering correlation tables in case they are available (e.g., in Directive 2013/34/EU for references to Directive 83/349/EEC).</p>
<b>Final answer</b>	References in the enacting terms of Union acts are, in general (i.e. if not indicated otherwise), dynamic. If the act cited is amended, the reference is

understood to be to the act as amended. If the act is replaced, the reference is understood as referring to the new act. If the act is repealed and not replaced, any lacunae will have to be filled by means of interpretation. A reference to a provision of a Union act is static only where specified expressly.

Disclaimer:

The answers clarify provisions already contained in the applicable legislation. They do not extend in any way the rights and obligations deriving from such legislation nor do they introduce any additional requirements for the concerned operators and competent authorities. The answers are merely intended to assist natural or legal persons, including competent authorities and Union institutions and bodies in clarifying the application or implementation of the relevant legal provisions. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law. The views expressed in the internal Commission Decision cannot prejudge the position that the European Commission might take before the Union and national courts.

**Link**

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European Banking Authority, 25/09/2023  
[www.eba.europa.eu](http://www.eba.europa.eu)