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| <b>Question ID</b>  | 2023_6708   |
| <b>Status</b>   | Final Q&A   |
| <b>Legal act</b>  | Regulation (EU) No 575/2013 (CRR)   |
| <b>Topic</b>  | Transparency and Pillar 3   |
| <b>Article</b>  | 449a  |
| <b>Paragraph</b>  | -   |
| <b>Subparagraph</b>   | -   |
| <b>COM Delegated or Implementing Acts/RTS/ITS/GLs/Recommendations</b> | Regulation (EU) 2022/2453 - ITS on ESG disclosures  |
| <b>Article/Paragraph</b>  | 1   |
| <b>Date of submission</b>   | 30/01/2023  |
| <b>Published as Final Q&amp;A</b>                                     | 25/08/2023  |
| <b>Disclose name of institution / entity</b>                          | No  |
| <b>Type of submitter</b>  | Competent authority   |
| <b>Subject matter</b>   | ESG P3 - Reg 2453/22 - Scope of application   |
| <b>Question</b>   | What is the scope of application of Regulation (EU) 2022/2453?  |
| <b>Background on the question</b>                                     | <p>Article 449a CRR states that: "large institutions which have issued securities that are admitted to trading on a regulated market of any Member State, as defined in point (21) of Article 4(1) of Directive 2014/65/EU, shall disclose information on ESG risks". In the EBA/ITS/2022/01 we found the following clarification: "Institutions should disclose the information at the highest level of consolidation consideration in the EU, as regulated in Article 13 CRR." (page 52) Due to the above, there is different understanding of the scope of application of the ITS on Pillar 3 ESG disclosures, both between banks as well as the regulator. Shall all large listed institutions in a jurisdiction disclose the P3 ESG information (this means disclosure on subconsolidated basis for some banks) or only large listed institutions which are the EU highest parent institutions (this significantly reduces the number of banks subject to the Reg. 2022/2453 in PL).</p> |
| <b>Final answer</b>   | As clarified by the EBA/ITS/2022/01, institutions should disclose the information at the highest level of consolidation in the EU, as regulated in Article 13 CRR. For the detailed information on scope of application of  |

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|             | Article 449a CRR please refer to QA2022_6652.   |
| <b>Link</b> | <a href="https://www.eba.europa.eu/single-rule-book-qa/qna/view/publicId/2023_6708">https://www.eba.europa.eu/single-rule-book-qa/qna/view/publicId/2023_6708</a> |

European Banking Authority, 11/12/2023  
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