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EBA Regular Use

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# Decision of the European Banking Authority EBA/DC/404

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of 27 July 2021

concerning supervisory reporting by competent authorities to the EBA

**The Board of Supervisors**

**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), amending Decision No 716/2009/EC<sup>1</sup> and repealing Commission Decision 2009/78/EC1 (the ‘EBA Regulation’ and ‘the EBA’), in particular Articles 2(4), 8, 9, 21, 22, 29 to 33, 35, 36, 48 (1), 53 (3), 70, 72 and 75 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 648/2012 (the ‘Capital Requirements Regulation’ or ‘CRR’)<sup>2</sup>;
- (3) Council Regulation (EU) No 1024/2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (the ‘Single Supervisory Mechanism Regulation’ or ‘SSMR’)<sup>3</sup>;
- (4) Commission Implementing Regulation No (EU) 680/2014 of 16 April 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 (EU) No 680/2014 (the ‘Reporting Regulation’)<sup>4</sup>;

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<sup>1</sup> OJ L 331, 15.12.2010, p. 12

<sup>2</sup> OJ L 176, 27.6.2013, p. 1

<sup>3</sup> OJ L 287, 29.10.2013 p. 63

<sup>4</sup> OL L191. 28.06.2014, p. 1

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- (5) Commission Implementing Regulation (EU) 2021/453 of 15 March 2021 laying down implementing technical standards for the application of Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to the specific reporting requirements for market risk (the 'Fundamental Review of the Trading Book Regulation' or 'FRTB Regulation')<sup>5</sup>;
- (6) Decision of the EBA Board of Supervisors on reporting by competent authorities to the EBA (EBA/DC/2020/334) (the 'Reporting Decision');
- (7) Decision of the European Banking Authority of 5 June 2020 on the European Centralised Infrastructure of Data (EBA/DC/2020/335) ('EBA Decision on EUCLID')<sup>6</sup>;
- (8) EBA Guidelines on harmonised definitions and templates for funding plans of credit institutions under Recommendation of the European Systemic Risk Board of 20 December 2012 (ESRB/2012/2), of 9 December 2019 (EBA/GL/2019/05)<sup>7</sup> ('Funding Plan Guidelines');
- (9) EBA Guidelines on supervisory reporting and disclosure of exposures subject to moratoria on loan repayments and public guarantees applied in response to COVID-19 crisis of 2 June 2020 (EBA/GL/2020/07)<sup>8</sup> (referred to as the 'Moratoria Reporting and Disclosure Guidelines').

**Whereas:**

- (1) The EBA has, among others, as main tasks to 'monitor and assess market developments in the area of its competence', to 'contribute to the development of a common supervisory culture' and 'perform a general coordination function' also by means of 'facilitating the exchange of information between competent authorities', to 'duly consider systemic risk', 'assess the existence of emergency situations' and take proper action, to 'undertake economic analyses', 'conduct publications and update regularly information relating to the field of its activities', and to 'cooperate closely with the ESRB' in particular with regard to 'the implementation of its warnings and recommendations'.
- (2) For the performance of its tasks, the EBA shall collect the necessary information concerning financial institutions as provided for in Article 35 of the EBA Regulation.
- (3) Since 2015, the EBA receives from the competent authorities supervisory data with regard to the Largest credit institutions in the Member States. To achieve completeness of the data submitted to the EBA, thereby ensuring that the EBA has, indeed, a complete dataset for the performance of all its tasks under the EBA Regulation, their is necessary to ensure that the

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<sup>5</sup> OJ L 89, 16.03.2021, p. 3

<sup>6</sup> [https://eba.europa.eu/sites/default/documents/files/document\\_library/Risk%20Analysis%20and%20Data/Reporting%20by%20Authorities/885459/Decision%20on%20the%20European%20Centralised%20Infrastructure%20of%20Data%20%28EUCLID%29.pdf](https://eba.europa.eu/sites/default/documents/files/document_library/Risk%20Analysis%20and%20Data/Reporting%20by%20Authorities/885459/Decision%20on%20the%20European%20Centralised%20Infrastructure%20of%20Data%20%28EUCLID%29.pdf)

<sup>7</sup> [https://eba.europa.eu/sites/default/documents/files/document\\_library/Final%20report%20on%20updated%20GL%20Funding%20Plans.pdf](https://eba.europa.eu/sites/default/documents/files/document_library/Final%20report%20on%20updated%20GL%20Funding%20Plans.pdf)

<sup>8</sup> [https://eba.europa.eu/sites/default/documents/files/document\\_library/Publications/Guidelines/2020/884434/EBA%20GL%202020%2007%20Guidelines%20on%20Covid%20-19%20measures%20reporting%20and%20disclosure.pdf](https://eba.europa.eu/sites/default/documents/files/document_library/Publications/Guidelines/2020/884434/EBA%20GL%202020%2007%20Guidelines%20on%20Covid%20-19%20measures%20reporting%20and%20disclosure.pdf)

Reporting Decision sets out the obligation of the competent authorities to also cover data in relation to Smaller Institutions.

- (4) In order to ensure a proportionate application of this Decision, based on the size of the institutions, a distinction between Largest Institutions in the Member State and Smaller ones should be made. For that purpose, competent authorities should consider as Largest Institutions in the Member State the three largest institutions in their Member State and the three largest banking groups in that Member State. Where the three largest institutions are at the same time the three largest banking groups, then competent authorities should submit to the EBA data for these three groups. Where, however, the three largest groups do not coincide with the three largest institutions, competent authorities should submit data for all three largest banking groups and the three largest institutions in their Member State. Reporting data for all three largest institutions and three largest banking groups in a Member State is key to ensure that confidentiality is best preserved where aggregated data are published by the EBA.
- (5) To achieve maximum data quality and ensure consistency of data submitted to the EBA and the ECB, a sequential approach should be encouraged: where data referred to in this decision has been submitted to the ECB by the competent authorities and the ECB forwards those data to the EBA in accordance with this decision, then those competent authorities should refrain from submitting those data to the EBA.
- (6) There is a need to amend the Reporting Decision following the specification of reporting requirements for market risk as in the FRTB Regulation to ensure the competent authorities will submit the relevant data to the EBA from reference date of 30 September 2021 onwards. This information resulting from the FRTB Regulation complements the data collected under the Reporting Regulation.

#### **Has decided as follows:**

##### **Article 1 – Data to be reported**

1. The competent authorities, referred to in point (i) of Article 4 (2) of the EBA Regulation, shall submit to the EBA in accordance with the provisions set out in this decision all of the following:
    - a. supervisory and financial reporting data, which the competent authorities receive from credit institutions in accordance with the relevant provisions of the Reporting Regulation;
    - b. data on funding plans received from credit institutions in compliance with the Funding Plan Guidelines;
    - c. data related to COVID-19 in compliance to the Moratoria Reporting and Disclosure Guidelines;
    - d. data concerning the specific reporting requirements for market risk as set out in the FRTB Regulation.
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2. Notwithstanding paragraph 1 (a), the competent authorities shall not be obliged to submit financial reporting data for credit institutions which are not subject to that kind of reporting in accordance with Part Seven A of the Capital Requirements Regulation.
3. Where the ECB has submitted data referred to in paragraph 1 to the EBA, the relevant competent authorities shall, without prejudice to Article 4 (2), refrain from submitting those data.

## **Article 2 – Institutions covered**

1. The competent authorities shall submit data referred to in point (a), (c) and (d) of paragraph 1 of Article 1 for all credit institutions under their supervisory remit in accordance with the level of application of reporting requirements set out in Part 1, Title II of the Capital Requirements Regulation with the exclusion of Article 22 of that Regulation.
2. Competent authorities shall submit data referred to in point (b) of paragraph 1 of Article 1 for credit institutions under their supervisory remit in accordance with the Funding Plan Guidelines and on the basis of the level of application set out therein.
3. The competent authorities shall assess, on the basis of the year-end data of each credit institution, which institutions under their supervisory remit satisfy at least one of the following criteria ('Largest Institutions in the Member State'):
  - (a) the credit institution is the parent institution in a Member State and is one of the three largest institutions measured by total consolidated assets in that Member State;
  - (b) the credit institution is not part of a group subject to consolidated supervision and is one of the three largest institutions measured by total individual assets in that Member State;
  - (c) the credit institution is an EU parent institution whose total value of consolidated assets exceeds 30 billion Euros;
  - (d) the credit institution is an EU parent institution whose total value of consolidated assets exceeds 5 billion Euros and the ratio of that total value over the GDP of the Member State of the institution's establishment exceeds 20%.

Following the assessments referred to in the previous paragraph, the competent authorities shall categorize for the purposes of this decision institutions under their supervisory remit as Largest Institutions in the Member State or Smaller Institutions.

4. The competent authorities shall categorize as Smaller an institution that does not meet any of the criteria referred to in paragraph 3 for three consecutive years.

5. If a Smaller Institution changes category, or in case of changes, such as mergers or acquisitions, affecting an institution categorised as a Largest Institution in the Member State, the competent authority shall submit a notification to the EBA in accordance with the EBA Decision on EUCLID without undue delay and shall commence data submission on the basis of the new category where the institution now belongs ideally from the first relevant interval (month or quarter). All submissions of the first relevant interval (being monthly or quarterly) shall be made at the latest when the quarterly data for the first quarter after the institution has changed category is submitted.
6. The EBA shall publish the list of the Largest Institutions in the Member State on its website.

### **Article 3 - Date of submission**

1. The competent authorities shall submit to the EBA the data referred to in Article 1 as follows:
  - a) for the Largest Institutions in the Member State within 10 business days from the reporting remittance dates referred to in the Reporting Regulation, the Funding Plan Guidelines, the Moratoria Reporting and Disclosure Guidelines or the FRTB Regulation for each data item;
  - b) for Smaller Institutions within 25 business days from the reporting remittance dates referred to in the Reporting Regulation, the Funding Plan Guidelines, the Moratoria Reporting and Disclosure Guidelines or the FRTB Regulation for each data item.
2. The competent authorities shall endeavour to submit any required revision of data, at the latest within another five (5) business days from the dates of submission set out in the previous paragraphs.
3. Any further revision required shall be submitted by the competent authorities to the EBA without undue delay.

### **Article 4 - Quality of data**

1. With the submission of the relevant data to the EBA, the competent authorities warrant the data has undergone rigorous internal controls and quality checks. Where the competent authorities cannot warrant this for a particular set of the data submitted, the competent authorities shall draw the EBA's attention thereto.
2. The EBA may conduct additional quality checks of the data received to ensure consistency. For Largest Institutions in the Member State, the EBA may require revisions from the competent authorities.

3. The EBA shall make the results of applied quality checks available to the competent authorities, limited to the Largest Institutions in the Member State. Results for Smaller Institutions will be made available upon request by the competent authorities.

#### **Article 5 - Confidentiality and technical specifications**

1. All data submitted to the EBA according to this decision shall be covered by the EU law framework of professional secrecy and confidentiality and protection of personal data as applicable to the EBA. Access to this data shall be provided in conformity with the EBA Regulation.
2. The data referred to in this decision shall be regarded as Information submitted through EUCLID and the EUCLID Decision shall apply.

#### **Article 6 - Miscellaneous**

This decision is without prejudice to the EBA's power in accordance with Article 35 of the EBA Regulation to request the competent authorities to submit other data or data from institutions not falling under Article 2.

#### **Article 7 - Final provisions**

The EBA Decision on reporting of competent authorities to the European Banking Authority of 05 June 2020 (EBA/DC/2020/334) is repealed. References to the repealed decision shall be construed as references to this decision.

#### **Article 8 – Entry into force**

This Decision shall enter into force immediately.

Done at Paris, 27 July 2021

  
[Jose Manuel Campa \(Aug 3, 2021 08:47 EDT\)](#)

José Manuel Campa

Chairperson  
For the Board of Supervisors