

EBA Peer Review Work Plan 2022-2023

In accordance with Article 30 (8) of the EBA Regulation¹ the EBA shall publish its peer review work plan for the coming two years. In case of urgency or unforeseen events, the EBA may decide to carry out additional peer reviews.

Following a proposal from the EBA's Management Board, the EBA's Board of Supervisors has agreed the following peer review work plan for 2022-23.

1. A peer review on the EBA Guidelines of the authorisation and registration under PSD2 (EBA GL/2017/09)

These Guidelines on the information to be provided by applicants intending to obtain authorisation as payment and electronic money institutions as well as to register as account information service providers (AISP) under the revised Payment Service Directive (PSD2). These Guidelines support the objective of PSD2 of contributing to an integrated payments market across the European Union, ensuring a consistent application of the legislative framework, and promoting equal conditions for competition.

The PSD2 already sets out information requirements for the application as payment institution and for the registration as account information services provider (AISP). The Guidelines specify the detailed documentation that applicants are required to submit to national competent authorities for the purpose of authorisation or registration.

The type of information requested from applicants varies depending on the type of service(s) an applicant intends to provide. The Guidelines are, therefore, structured into four separate sets, each of which is addressed to payment institutions, account information service providers, electronic money institutions, and competent authorities respectively.

This peer review should be performed in 2022.

2. A peer review of the RTS on exclusion from CVA of non-EU non-financial counterparties

These RTS are on the procedures for excluding transactions with non-financial counterparties established in a third country from the own funds requirement for credit valuation adjustment risk aim at harmonising the treatment of NFCs established in a third country across EU Member States. These RTS align the treatment of NFCs established in a third country with the treatment of EU NFCs as recommended in the EBA CVA Report, published on 25 February 2015. However, as NFCs established in a third country are not directly subject to EU regulation, these RTS clarify that it is for institutions to verify that a counterparty established in a third country qualifies as a NFC and, if that is the case, that the NFC does not exceed the clearing threshold set out in the European Market Infrastructure Regulation (EMIR).

This peer review should be performed in 2022.

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 and repealing Commission Decision 2009/78/EC

3. A peer review on the EBA Regulatory Technical Standards on methods of prudential consolidation

The aim of these RTS is to ensure that the appropriate method of prudential consolidation is applied for the calculation of the CRR requirements on a consolidated basis. Entities to be included in the scope of prudential consolidation are, in particular, institutions, financial institutions and ancillary services undertakings.. These recently finalised draft RTS reflect the newly introduced Article 18(8) of the CRR, allowing competent authorities to extend prudential consolidation also to certain non-financial undertakings in case there is a substantial risk of step-in. It is noted that at this juncture these RTS have yet to be adopted by the EU Institutions.

This topic is one of the EBA's strategic priorities, namely supporting the risk reduction package.

This peer review should be performed in 2023.

4. A peer review on the EBA Guidelines on the application of the definition of default (EBA/GL/2016/07)

These Guidelines (under Article 178 CRR) aim to harmonise the definition of default across the EU prudential framework and improve consistency in the way EU banks apply regulatory requirements to their capital positions. A detailed clarification of the definition of default and its application is provided in these Guidelines, which cover key aspects, such as the days past due criterion for default identification, indications of unlikelihood to pay, conditions for the return to non-defaulted status, treatment of the definition of default in external data, application of the default definition in a banking group and specific aspects related with retail exposures.

This topic is one of the EBA's strategic priorities, namely supporting the risk reduction package.

This peer review should be performed in 2023.