

THE CHAIRPERSON



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EU Commission
Directorate-General for Financial Stability,
Financial Services and Capital Markets Union (FISMA)
Mr. Olivier Guersent, Director General
Rue de Spa 2
1000 Brussels
Belgium

20 December 2019

Subject: New proposition of time limits for submission of regulatory mandates according to articles 10(2) and 15(2) EBA Founding Regulation (EU) No 1093/2010

Dear Mr Guersent,

The EBA has continued to respond with high commitment to the significant role attributed to the Authority in the completion of the Single Rulebook.

According to article 10(2) regarding regulatory technical standards (RTS) and article 15(2) regarding implementing technical standards (ITS), the European Commission may request submission of regulatory products within a new time limit in case draft technical standards have not been submitted within deadlines provided for in the legislation.

This letter constitutes a formal request for new time limits for those mandates where delays could not be avoided upon the recent legislative texts of CRD CRR or BRRD. Timely delivery within compressed timelines has proven challenging for those mandates which mandates were set as of 6 6 months as stakeholders need to be consulted properly in order to collect evidence, consult and prepare robust adhesion to the future standards across the EU.

The EBA kindly suggests submission within new time limits for the following mandates, which were initially due to be delivered by end of December 2019 and 1st January 2020:

Mandate

New proposed timeline

Amendments to existing RTS on identified staff (article 94(2) of the CRD5)	June 2020
RTS on own funds and eligible liabilities (article 72b(7) (a), (b) CRR2) and RTS on own funds and eligible liabilities (article 78a(3) CRR2)	December 2020
RTS on the methodology to estimate Pillar 2 requirement (P2R) and combined buffer requirement (CBR) for resolution groups not subject to P2R under CRD 4 (article 45c(4) of the BRRD2)	
RTS specifying methods to avoid internal MREL instruments hampering the smooth implementation of the resolution strategy (article 45f(6) of the BRRD2)	
Guidelines specifying the conditions for the substitution approach in respect of exposures collateralised by the market value of recognised collateral (article 403 (4) CRR2)	December 2021
Amendment to the RTS specifying currency with constraints on the availability of liquid assets (article 419 (5) CRR2)	
Cooperation obligations Guidelines (article 117(6) CRD5)	June 2021

I would also like to highlight one further aspect related to the existing mandates under CRR, where the EBA is mandated to publish a biannual report on overreliance of ratings in article 161(3), which due to the substantial resources devoted to the finalisation of the ECAI standards, has not been developed. This is also not expected to be developed in light of the upcoming changes in the Basel III framework, although EBA continues to monitor the ECAI mapping closely.

The EBA remains fully committed to accomplish its tasks within the deadlines, while the utmost attention has to be given to the quality of the Single Rulebook. In that regard, the transparency and quality of exchanges with DG-FISMA staff is most appreciated and continues to be an essential ingredient in our achievements.

Yours sincerely,



José Manuel Campa

CC: Martin Merlin, DG FISMA, Director Directorate D
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