

Question ID	2013/007
Legal text:	Guidelines on the Data Collection Exercise Regarding High Earners (EBA/GL/2012/5 of 27 July 2012):
Area/provision:	Scope of application; paragraph 2.1
Topic:	Scope of institutions subject to the data collection
Date:	19/09/2012
Organisation: (please indicate whether you would like to remain anonymous and in this case the data in this box will not be published)	
Question: (in the interests of expediency, in English if possible)	Should data also be collected from EEA Branches of non-EEA institutions?
Reason for the question: (in the interests of expediency, in English if possible)	
Proposed response: (in the interests of expediency, in English if possible)	It is indeed warranted to apply the Guidelines also to EEA branches of non-EEA institutions for reasons of level playing field (also mentioned in par. 29 of the CEBS Guidelines), even if they are not explicitly included in the scope of the respective CRD provisions and the Guidelines. Nevertheless, according to article 38 (1) of Directive 2006/48/EC Member States shall not apply to branches of credit institutions having their head office outside the Community, when commencing or carrying on their business, provisions which result in more favorable treatment than that accorded to branches of credit institutions having their head office in the Community. Therefore competent authorities should apply the Guidelines also to EEA branches of non-EEA institutions to establish the same conditions for such branches as for EEA institutions regarding High Earners and to ensure a comprehensive data collection.