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EBA-2026-D-5522

John Berrigan
Director General
Directorate-General for Financial Stability,
Financial Services and Capital Markets Union (FISMA)
European Commission
Rue de Spa 2
1049 Brussels
Belgium

22 April 2026

Subject: Opinion of the European Banking Authority on European Commission's amendments relating to the final draft Regulatory Technical Standards to specify operational risk requirements under Articles 314(6), 315(3), 316(3), 317(9), and 321(3) of Regulation (EU) 575/2013

Dear Mr Berrigan,

I am hereby submitting to you an Opinion adopted by the EBA's Board of Supervisors on the European Commission's intended amendments to the draft RTS with regard to regulatory technical standards specifying operational risk requirements, in accordance with Article 14(7) of the EBA's Rules of Procedure.

In June and August 2025, the EBA submitted to the European Commission the final draft Regulatory Technical Standards (RTS) specifying operational risk requirements under the Capital Requirements Regulation (CRR). By letter of 2 March 2026, the Commission informed the EBA of its intention to endorse the draft RTS with amendments, triggering the six-week period under Article 10(1) of Regulation (EU) No 1093/2010 for the EBA to respond by formal Opinion.

The EBA's Opinion considers that two of the amendments envisaged could affect the consistency, transparency and supervisory effectiveness of capital requirements for operational risk and invites to reconsider them.

A first amendment would allow the combined use of the accounting approach (AA) and the prudential boundary approach (PBA) for the calculation of the financial component of the business indicator (BI). The EBA's Opinion considers that requiring institutions to apply only one approach would preserve the coherence of the framework: the combined use of both approaches is not envisaged in the Basel standard and may increase complexity, create inconsistencies across risk

frameworks and facilitate regulatory arbitrage, while benefiting only a limited number of institutions.

A second amendment proposes to limit notification obligations to competent authorities to material changes in the scope of the PBA when used in combination with the AA. The EBA's Opinion highlights that this could weaken supervisory effectiveness by introducing institution-specific materiality judgments, making supervisory reviews more complex.

Should the Commission nevertheless wish to proceed with these two amendments, Annex I to the EBA's Opinion sets out minor drafting suggestions.

The EBA supports the other amendments proposed which improve readability and legal certainty.

The EBA remains committed to working constructively with the Commission to support the timely adoption of a robust, legally sound and harmonised framework.

Yours sincerely,

François-Louis Michaud

- CC: Aurore Lalucq, Chair of the Committee on Economic and Monetary Affairs, European Parliament
Monika Nogaj, Head of ECON Secretariat, European Parliament
Makis Keravnos, ECOFIN Chair, Minister of Finance of the Republic of Cyprus, Presidency of the Council of the EU
Tuomas Saarenheimo, Chair of Economic and Finance Committee, Council of the European Union
Thérèse Blanchet, Secretary-General, Council of the European Union
Ugo Bassi, Director Dir D, Banking, Insurance and Financial Crime, DG FISMA
Almorò Rubin de Cervin, Head of Unit D1, Bank regulation and supervision, DG FISMA
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