

THE CHAIRPERSON



Floor 24-27, Europlaza,
20 avenue André Prothin, La Défense 4,
92400 Courbevoie, FRANCE

T: +33 186 526 832

E: JoseManuel.Campa@eba.europa.eu

<https://eba.europa.eu>

John Berrigan
Director-General
Directorate-General Financial Stability,
Financial Services and Capital Markets Union (FISMA)
European Commission
Rue de Spa 2
1000 Brussels
Belgium

EBA-2021-D-3575

2 July 2021

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 Berrigan,

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

In accordance with article 10(2) regarding regulatory technical standards (RTS), and Article 15(2) regarding implementing technical standards (ITS) under the EBA Founding Regulation, the European Commission may request the submission of such RTS and ITS within a new time limit where draft technical standards have not been submitted within deadlines provided in the legislation.

This letter constitutes a formal request for new time limits for those mandates where delays could not be avoided. The slight readjustment of timelines for delivery is in line with respective EBA Roadmaps¹ which have been issued in June 2019 and June 2020 as well as the EBA general communication that proper fulfillment of mandates requires a timeline of 12 months.²

The EBA kindly suggests submission within new time limits for the following mandates, which were initially due to be delivered by end of June, September and October 2021:

¹ EBA Roadmap on new market and counterparty credit risk approaches of 27 June 2019 ([available here](#)) and the EBA Roadmap on Investment Firms. EBA mandates arising from IFR/IFD of June 2020 ([available here](#)).

² As outlined e.g. in the Roadmap on the risk reduction measures package have been published on the EBA website ([available here](#)).

Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019 amending the Capital Requirements Regulation as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements (CRR II)

Article		Legal DL	Expected DL
Art. 124(1)	RTS specifying rigorous criteria for the assessment of the mortgage lending value NB: With regards to the mandate referring to the first paragraph of Article 124, given that the Basel III completion will have an impact on the mortgage value lending valuations of collateral, the first part of the RTS should preferably wait this completion.	31 December 2019	-
Art. 124(2) and 164	RTS specifying the types of factors to be considered for assessment of appropriateness of risk weights (article 124(2)) under Article 124(4) and the conditions to be taken into account for the assessment of appropriateness of minimum LGD values under Article 164 (8) of Regulation 575/2013	31 December 2019	31 October 2021
Art. 325u(5)	RTS on instruments exposed to residual risk	28 June 2021	31 March 2022
Art. 325w(8) (a),(b),(c)	RTS on gross jump-to-default (JTD) amounts	28 June 2021	31 March 2022
Art. 325ap(3)	RTS on emerging markets and advanced economies	28 June 2021	31 March 2022
Art. 325bp(12)	RTS on PDs and LGDs for the default risk model under the IMA	28 September 2020	31 March 2022
Art. 430c	Feasibility report on the integrated reporting system	28 June 2020	31 December 2021
Art. 430(7)	ITS on reporting of ALMM simplified metrics	28 June 2021	31 December 2021
Art. 434a and Art. 448	ITS on disclosure of exposures to interest rate risk on positions not held in the trading book	28 June 2020	31 October 2021
Art. 434a and Art. 449a	ITS on disclosure of environmental, social and governance risks (ESG risks)	28 June 2020	31 December 2021

Regulation (EU) 2021/558 of the European Parliament and of the Council of 31 March 2021 amending the Capital Requirement Regulation as regards adjustments to the securitisation framework to support the economic recovery in response to the COVID-19 crisis (Securitisation CRR Quick Fix)

Article	Legal DL	Expected DL
Art. 248 (4) RTS on synthetic excess spread	10 October 2021	31 March 2022

Regulation (EU) 2021/557 amending Regulation (EU) 2017/2402 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation to help the recovery from the COVID-19 crisis

Article	Legal DL	Expected DL
Art. 26c (5) RTS on performance related triggers for STS synthetic securitisation	30 June 2021	31 March 2022
Art. 26b (13) RTS on homogeneity criteria for STS synthetic securitisation	10 October 2021	31 March 2022
Art. 6c (7) RTS on risk retention	10 October 2021	31 Dec 2021

Regulation (EU) 2019/2033 on the prudential requirements of investment firms and amending the European Banking Authority Regulation, the Capital Requirements Regulation, the Markets in Financial Instruments Regulation and the Single Resolution Mechanism Regulation (Investment Firms Regulation (IFR))

Article	Legal DL	Expected DL
Art. 7(5) RTS on prudential consolidation	26 December 2020	31 December 2021
Art. 52(3) RTS to specify templates for investment policy disclosures	26 June 2021	31 October 2021
Art. 55(5) Reporting requirements for certain investment firms, including for the purposes of the thresholds referred to in Article 1(2) of this Regulation and in point (1)(b) of Article 4(1) of Regulation (EU) No 575/2013	26 December 2020	31 December 2021

Directive (EU) 20109/2034 on the prudential supervision of investment firms and amending the Financial Conglomerates Directive, the Undertakings for Collective Investment in Transferable Securities Directive, the Alternative Investment Fund Managers Directive, the Capital Requirement Directive, the Bank Recovery and Resolution Directive and the Markets in Financial Instruments Directive (Investment Firms Directive (IFD))

Article	Legal DL	Expected DL
Art. 40 (6) RTS on Pillar 2 add-ons under IFD	26 June 2021	30 June 2022
Art. 42 (6) RTS on liquidity risk measurement	26 June 2021	30 June 2022
Art. 62 (amending CRD Art. 8a 6b) RTS on the calculation of the EUR 30 bn thresholds for an investment firm to be	26 December 2020	31 October 2021

	required to apply for a credit institution authorisation		
Art. 62 (amending CRD Art. 8a 6b)	RTS on the calculation of the EUR 30 bn thresholds for an investment firm to be required to apply for a credit institution authorisation	26 December 2020	31 October 2021

Regulation (EU) 2019/2175 of the European Parliament and of the Council of 18 December 2019 amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority)

Article		Legal DL	Expected DL
Art. 9a (1) and (3)	RTS on setting up an AML/CFT central database and information contained in this database	31 December 2020	31 December 2021

Regulation (EU) 2019/834 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 648/2012 as regards the clearing obligation, the suspension of the clearing obligation, the reporting requirements, the risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty, the registration and supervision of trade repositories and the requirements for trade repositories (EMIR REFIT)

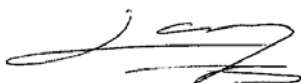
Article		Legal DL	Expected DL
Art. 11(15)(aa)	RTS on Initial Margin Model Validation (IMMV)	18 June 2020	30 June 2022

Although not related to a TS mandate, the EBA also wanted to flag that the Report on MREL application, levels and shortfalls – mandated under Article 45l(1) of the BRRD - covering the year 2020 will be submitted to the EC by the end of the year, instead of September 2021. This follows delays in the implementation of the MREL and TLAC reporting framework, leaving EBA to rely on voluntary reporting by authorities and resulting in the need of an extended deadline to ensure a strong comparative starting point for the BRRD2 framework.

The EBA remains fully committed to accomplish its pending mandates within the deadlines, while the utmost attention will continue to be given to the quality of the Single Rulebook.

The transparency and quality of exchanges with DG-FISMA staff remains most appreciated in this context and represents an essential ingredient in our achievements.

Yours sincerely,



José Manuel Campa

CC: Irene Tinagli, Chair of the Committee on Economic and Monetary Affairs European Parliament
Claudia Lindemann, Head of ECON Secretariat
João Leão, Portuguese Minister of State and Minister of Finance, Presidency of the Council of the EU
Tuomas Saarenheimo, Chair of Economic and Finance Committee, Council of the European Union
Jeppe Tranholm-Mikkelsen, Secretary-General, Council
Martin Merlin, Director Dir D, Regulation and prudential supervision of financial Institutions, DG FISMA
Almoro Rubin De Cervin, DG FISMA, Head of Unit, Unit D1, Bank Regulation and Supervision
Dominique Thienpont, Legal Counsellor to Dir D, DG FISMA