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**FRENCH BANKING FEDERATION RESPONSE TO EBA’S CONSULTATION ON
PROCEDURES, FORMS AND TEMPLATES FOR THE PROVISION OF
INFORMATION FOR RESOLUTION PLANS UNDER DIRECTIVE 2014/59/EU
(CP/2015/01)**

The French Banking Federation (FBF) represents the interests of the banking industry in France. Its membership is composed of all credit institutions authorized as banks and doing business in France, i.e. more than 390 commercial, cooperative and mutual banks. FBF member banks have more than 38,000 permanent branches in France. They employ 370,000 people in France and around the world, and service 48 million customers.

I. General comments

The FBF welcomes the opportunity to respond to the EBA’s consultation on procedures, forms and templates for the provision of information for resolution plans.

We understand the draft ITS provides for the resolution authority (RA) to liaise in the first instance with the National Competent Authority (NCA) in order to obtain relevant information to populate the proposed templates provided in the Annexe to the consultation paper. We are supportive of this approach. We would like however to take this opportunity to emphasise the importance of clear and smooth coordination between RA and NCAs in order to minimise duplication of information request, loss of confidential banks’ data and any other operational risks connected to sensitive data exchange.

The RA will resort to banks where required information may not be available at the level of the NCA and to extent the information requested falls within the categories set out in article 3 (please refer to article 2.4). Article 2.5 provides that the RA may request from banks information falling outside the scope of article 3. We would therefore like to point out that requests must be tailored to the resolution plan and only information that is necessary according to the resolution strategy should be required. As a consequence, article 3 of the proposed ITS should be renamed “Information included in the standard forms and templates” as the title “minimum set” implies that all templates are automatically required, which is contradiction with article 2.

We would like to draw the EBA's attention to the importance of clarifying the consolidation basis on which data may be required. As resolution plans are drafted at aggregated level for Single Point of Entry institutions, it is our understanding that procedures, forms and templates for the provision of information for resolution plans proposed by the EBA apply to the highest level of consolidation of SPE institutions. The proportionality principle should be taken into account given the granularity of the information required and its relevance for resolution plans.

Please find our answers to the consultation paper below.

II. Answer to questions related to the consultation

Q1. : Do you agree with the level of details of this minimum set of forms and templates for resolution planning?

We have several comments on the proposed draft templates:

Annex I – Organisational structure

- It would make sense if banks could merge annex 1 (Organisational structure) and annex 2 (Governance and management) in order to avoid duplication of information provision, such as for example legal entity, entity name and legal identifier.

Annex II - Governance and management

- Column 030 "Location" requiring the city where the entity is legally registered is duplicative of column 040 "Jurisdiction of incorporation" and could be eliminated
- Banks would like guidance on which key managers are required (CEO, CFO..?).

Annex III – Critical functions and core business lines

- Columns 060 to 090 call for "material assets" and "material liabilities" relating to the banks' critical functions and core business lines. Although these terms originate from level 1 text (BRRD Annex, Section B, (4)), it would be helpful if guidance was provided as to a threshold of materiality or specification of materiality in relation to the concerned banking group or bank. Another option could be to mention the total balance sheet of the activity concerned.

Annex IV

Section 1: Critical counterparties (Assets)

- This template requires the identification of major/critical bank's counterparties as well as an analysis of the impact of their failure on the bank's financial situation. According to column 060, guarantees should be reported though it is unclear which type (cash only as per the example?). We believe the definition of guarantee should be clarified.

Section 2: Critical counterparties (Liabilities)

- In columns 050-060, what is the definition of "funding" in relation to "liability?"

Annex V – Structure of liabilities

- Row 030 demands applicable governing law of the liabilities (EU or third country). We would like to know whether an entity with liabilities under multiple laws must provide a separate sheet for each.
- We would like to suggest that unsecured liabilities be broken down into two categories of deposits for "Corporates" and "SMEs and Individuals deposits" to reflect their different position within the liability hierarchy under article 108 of the BRRD. We would also like to point out that no information is requested on maturity for deposits.
- Banks would prefer reporting interbank deposits in this category rather than in column 170 for "Other liabilities excluded by article 44(2) of BRRD" for consistency reasons.
- We do not understand where derivatives should be reported and whether the net liability (after netting) should be set forth in senior unsecured debt.

Annex VII – Off-balance sheet

- The definition of "critical operation" should be clarified (column 080)

Annex VIII – Payment Systems

- We believe it should be confirmed that only payments systems are to be reported in this annex. The instructions refer to items 11 and 12 which are much broader : item 12 quotes also clearing and settlement systems, and item 11 quotes "systems" (whose definition is not provided), hence the need to clarify this point.
- Column 120 section 1/090 of section 2 (impact on resolution proceedings/outcome of contract in case of resolution): more information should be provided on what is requested in this column. The EBA could propose standard answers rather than an example.
- It should be confirmed which identification code is required in column 060/080 on section 1.
- Membership requirement (column 110): given the broad scope of such request, a short definition would be welcome.

Annex IX – Information systems (General information, Contractual information and Mapping)

- We suggest that the three templates proposed in this annex could be merged into a single one in order to have the information related to the same system on the same page –management of information system owner (template 1), provider (template 2) and user (template 3).
- In addition to the name (system A), a description of each MIS could be useful to identify the system (it is a requirement in BRRD, item 13).

Annex X – Interconnectedness

- The classification proposed in column 050 should be consistent with EBA guidelines on article 65 (5) of BRRD.

Annex XII – Legal impacts of resolution

- We understand that column 060 (termination affecting resolution tools) can only be filled by the authorities when the resolution strategy has been established.

More generally and in order to prevent any misunderstanding during the data collection process, we believe it should be clearly stated that this page is intended to resolution authorities only and that it is not the responsibility of banks to complete it.

Q2. Do you think that forms and templates capturing necessary information for resolution planning purposes are missing in this minimum set?

No comment.