

ESA 2024 22

Decision of the European Banking Authority, Decision of the European Securities and Markets Authority, Decision of the European Insurance and Occupational Pensions Authority

of 08 November 2024

concerning the reporting by competent authorities to the ESAs
of information necessary for the designation of critical ICT third-
party service providers in accordance with Article 31(1)(a) of
Regulation (EU) 2022/2554

The Boards of Supervisors

Having regard to Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing the European Banking Authority¹, Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing the European Insurance and Occupational Pensions Authority², and Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing the European Securities and Markets Authority³ (EBA, EIOPA and ESMA Regulations), in particular Article 35 thereof,

Whereas:

- (1) Article 31(1)(a) of Regulation (EU) 2022/2554 requires the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA) and the European Securities and Markets Authority (ESMA) (jointly ESAs), through the ESAs Joint Committee and upon recommendation of the Oversight Forum, to designate critical ICT third-party service providers (CTPP). That designation is to be based on the criteria referred to in Article 31(2) of Regulation (EU) 2022/2554

¹ OJ L 331, 15.12.2010, p. 12.

² OJ L 331, 15.12.2010, p. 48.

³ OJ L 331, 15.12.2010, p. 84.

and Commission Delegated Regulation (EU) 2024/1502⁴.

- (2) To perform the designation, the ESAs need the information necessary for the assessment of the criticality criteria in relation to ICT services provided by the ICT third-party service provider referred to in Article 31(2) of Regulation (EU) 2022/2554 and that set out in Commission Delegated Regulation (EU) 2024/1502. The sources of information needed to make that assessment are (1) the registers of information on contractual arrangements on the use of ICT services provided by ICT third-party providers to be maintained and updated by financial entities under Article 28(3) of Regulation (EU) 2022/2554, and (2) the information regarding financial entities that rely on relevant ICT third-party service providers and that are identified as systemic by the competent authorities in accordance with Article 3(1)(b) of Commission Delegated Regulation (EU) 2024/1502. In light of the above and considering that this information is currently not available to the ESAs, it is necessary for them to request it from competent authorities pursuant to Article 35 of the EBA, EIOPA and ESMA Regulations.
- (3) Competent authorities should hence provide to the ESAs on a yearly basis the registers of information referred to in Article 28(3) of Regulation (EU) 2022/2554. To do so, competent authorities should make use of the power to request the full register of information in accordance with Article 28(3), fourth subparagraph of Regulation (EU) 2022/2554.
- (4) To minimise the burden on the competent authorities and ensure consistency concerning the possible extraction of data necessary for the critical ICT third-party service providers designation from the registers of information received from the financial entities, competent authorities should submit to the ESAs the full registers of information. In addition, as the information on systemic financial entities in relation to credit institutions, i.e. G-SIIs and O-SIIs, is already available to the EBA, the request for information regarding systemic importance is limited to financial entities other than credit institutions.
- (5) To minimise the burden on competent authorities and financial entities when providing registers of information to the ESAs, it is beneficial to consider consolidated data which provides for more streamlined and lean data flows. To this end competent authorities should provide to the ESAs the registers of information at the highest level of consolidation in the EU that are available to them considering their supervisory responsibilities under Regulation (EU) 2022/2554 and the relevant sectoral legislation.
- (6) Since the EBA already has in place a technical solution suitable for the collection of the relevant information to support the work of the ESAs for the purposes of the analysis of data from the registers of information and designation of critical ICT third-party service providers, the EBA should receive, on behalf of the ESAs, all data to be reported in accordance with this Decision. The data should be collected by the EBA using its European Centralised Infrastructure of Data (EUCLID)⁵.

⁴ Commission Delegated Regulation (EU) 2024/1502 of 22 February 2024 supplementing Regulation (EU) 2022/2554 of the European Parliament and of the Council by specifying the criteria for the designation of ICT third-party service providers as critical for financial entities (OJ L, 2024/1502, 30.5.2024, ELI: http://data.europa.eu/eli/reg_del/2024/1502/oj).

⁵ Decision of the European Banking Authority of 05.06.2020 concerning the European Centralised Infrastructure of Data (EUCLID) EBA/DC/2020/335 ('Decision on EUCLID').

- (7) To check the completeness of the reports received under this Decision, the ESAs will check the information against master data, which should include lists of the entities subject to the obligation to maintain registers of information, including the basic properties, and in particular information on the entities' group structure. Competent authorities should maintain the lists of the financial entities for which the registers of information are reported annually, including their group structure. For the first annual submission of data in 2025, the ESAs will not collect any ex-ante master data for the purposes of reporting of information needed for the CTPP designation. Instead, they will rely on the existing registers of financial entities acknowledging that these may not fully meet the needs for data verification for the reporting under this Decision. The reason for such simplified approach is the unavailability of the necessary information regarding the composition of groups structures in the existing master data maintained by the competent authorities and the need to collect additional information, which is partially covered in the registers of information themselves. For the annual submissions of data from 2026 onwards the ESAs will be collecting from the competent authorities structured master data for the purposes of covering basic properties of the financial entities and the compositions of their groups.
- (8) Further details on the instructions for submission of the information, including further specification of the master data and technical aspects of the master data will be specified by a joint Decision of the Executive Directors of the three ESAs, to be adopted in accordance with Article 53 of EBA, EIOPA and ESMA Regulations as part of the implementation of the annual work programme of the ESAs.
- (9) Given that the implementing technical standards to establish the standard templates for the purposes of the register of information referred to in Article 28(3) of Regulation (EU) 2022/2554 and adopted pursuant to Article 28(9) of that Regulation ("the implementing technical standards adopted pursuant to Article 28(9) of Regulation (EU) 2022/2554") is not yet in force, and given that for proportionality reasons the data collection under this Decision should be aligned with the reporting of the registers of information, some elements of this Decision may need to be amended before the annual submission due with the start of application of Regulation (EU) 2022/2554, or after the completion of the 'dry run' exercise in 2024, depending on the date of the entry into force of the Commission Implementing Regulation on the registers of information.
- (10) Considering that Regulation (EU) 2022/2554 becomes applicable as of 17 January 2025, the ESAs will need the information to identify and designate critical ICT third-party service providers as soon as possible following that date. Hence, the information requested from Competent Authorities pursuant to this Decision is to be received as soon as possible and no later than 30 April 2025. It is reasonable to request the submission by that date as the early publication of this decision and of the draft implementing technical standards adopted pursuant to Article 28(9) of Regulation (EU) 2022/2554 gave competent authorities and financial entities substantial time to prepare. Financial entities could also benefit from the experience of a 'Dry run' exercise on reporting of the registers of information that was carried out by the ESAs in 2024.

Has decided as follows:

Article 1 – Definitions and addressees

Unless otherwise specified, terms used and defined in Regulation (EU) 2022/2554 have the same meaning in this Decision. This Decision is addressed to competent authorities referred to in Article 46 of Regulation (EU) 2022/2554.

Article 2 – Information to be reported

Competent authorities shall submit to the ESAs the following information:

- (a) the registers of information as referred to in Article 28(3) of Regulation (EU) 2022/2554, to be requested from financial entities, covering the data points as specified in Annex X to the implementing technical standards adopted pursuant to Article 28(9) of Regulation (EU) 2022/2554;
- (b) a list of those financial entities other than credit institutions that are identified as systemic by the competent authorities, as referred to in Article 3(1)(b) of Commission Delegated Regulation (EU) 2024/1502, covering the data points specified in the Annex to this Decision;
- (c) master data in accordance with Article 8 of this Decision.

Article 3 – Reporting of registers of information at individual and at consolidated level

1. Competent authorities shall provide the registers of information in relation to financial entities for which they ensure compliance with Regulation (EU) 2022/2554 in accordance with Article 46 of that Regulation as follows:
 - (a) at individual entity level, where financial entities are not part of a group of financial entities;
 - (b) at individual entity level, where financial entities are part of a group of financial entities, and where the parent undertaking is an entity outside of the Union and there is no Union parent undertaking;
 - (c) at the highest level of consolidation in the Union for groups of financial entities that is available to the competent authorities in accordance with their supervisory responsibilities under the legal acts referred to in Article 46 of Regulation (EU) 2022/2554.
2. Where a competent authority is responsible for the supervision of more than one financial entity belonging to the same group of financial entities, and where the parent undertaking is not supervised at consolidated level by any other EU competent authority, the competent authority shall provide the data on those financial entities at individual entity level.

Article 4 – Reference dates and frequency of submissions

1. Competent authorities shall submit the information to be reported in accordance with this Decision on an annual basis.

2. Competent authorities shall submit the information referred to in point (a) of Article 2 with the reference date of 31 December of the calendar year preceding the reporting date.
3. By way of derogation from paragraph 2, for the first annual submission of data in 2025 competent authorities shall submit the information to be reported in accordance with this Decision with the reference date of 31 March 2025.

Article 5 – Reporting timelines

1. Competent authorities shall submit the information in accordance with the following reporting timelines:
 - (a) by 31 March for the information referred to in point (a) of Article 2;
 - (b) by 31 January for the information referred to in point (b) of Article 2.
2. By way of derogation from paragraph 1, for the first annual submission of data in 2025 competent authorities shall submit the information in accordance with the following reporting timelines:
 - (a) by 30 April 2025 for the information referred to in point (a) of Article 2;
 - (b) by 31 March 2025 for the information referred to in point (b) of Article 2.

Article 6 – Procedure for submission of information

1. Competent authorities shall submit the information to be reported to the EBA, acting on behalf of the ESAs, through a dedicated reporting channel via the European Centralised Infrastructure of Data (EUCLID) as specified in the EBA Decision on EUCLID⁶, unless the ESAs have explicitly decided, by a joint ESAs Executive Directors Decision, that the submission of data through other means is permitted.
2. Competent authorities shall not submit information, other than the information specified in Article 2, unless they have previously obtained the ESAs' consent.
3. Where a competent authority has already submitted information in relation to a specific financial entity, other competent authorities shall not knowingly submit the information for the same financial entities.
4. Competent authorities shall submit the relevant data according to the instructions for the data submission and format specified by a joint ESAs Executive Directors Decision covering, in particular:
 - (a) the processes related to the submission and management of data in EUCLID;
 - (b) specifications on the data quality and consistency checks;
 - (c) technical specifications for the file exchange process and formats;
 - (d) any other necessary technical specification; including without limitations, formats, ranges and options.

⁶ EBA/DC/2020/335

Article 7 – Quality of data and revisions

1. Competent authorities shall ensure that the relevant data has undergone quality checks and is in conformity with data requirements set out in the Implementing technical standards adopted pursuant to Article 28(9) of Regulation (EU) 2022/2554 and the instructions specified in the ESAs Executive Directors Decision.
2. Where the competent authorities cannot warrant that the requirements of paragraph 1 are fulfilled for a particular set of data submitted, they shall promptly notify the ESAs, and in particular the EBA, accordingly.
3. To ensure the quality of data, the EBA acting on behalf of the ESAs, as a provider of a technical solution for reporting and CTPP designation:
 - (a) may conduct, as proportionate, additional quality checks of the data received;
 - (b) may require revisions to the data to be made by the competent authorities. The competent authorities shall, where relevant, require revisions to be made by the financial entities and endeavour to submit any required revisions without undue delay after receiving the revisions from the financial entities.
4. The EBA acting on behalf of the ESAs, as a provider of a technical solution for reporting and CTPP designation, may identify financial entities for which the data to be reported in accordance with this Decision is missing and require the relevant competent authorities to approach such entities, which shall submit any required reports without undue delay.

Article 8 – Master data

1. Competent authorities shall maintain and update regularly, at least in due time before the submission of a report, the list of the financial entities that fall under the scope of the reporting requirements in this Decision. Those lists shall also clearly identify the composition of groups of financial entities.
2. Competent authorities shall feed the information referred to in paragraph 1 into the master data which shall include basic properties of those entities. Further details of the master data shall be specified by a joint ESAs Executive Directors Decision issued in accordance with Article 53 of EBA, EIOPA and ESMA Regulations, which shall also include technical or other specification necessary for the submission, administering, management and operationalisation of such master data.
3. As of 2026, competent authorities shall provide the master data in accordance with the ESAs Executive Directors Decision referred to in paragraph 2 and in due time before the submission of the reports.

Article 9 – Confidentiality and access to information

1. The information submitted and maintained in EUCLID is subject to the EU framework of professional secrecy, confidentiality and protection of personal data as applicable to the ESAs.
2. Access to the information collected in accordance with this Decision shall be provided in conformity

with the EBA, EIOPA and ESMA Regulations considering the following:

- (a) the staff and contractors of the ESAs engaged in the oversight activities of CTPPs, in the designation of CTPPs and in supporting of such activities shall have access to all data collected in accordance with this Decision relevant for their duties;
 - (b) the competent authorities shall have access to the data they have provided to the ESAs and any additions to that data by the ESAs, where relevant;
 - (c) the competent authorities as referred to in Article 46 of Regulation (EU) 2022/2554, responsible for ensuring compliance with that Regulation for financial entities whose registers of information have been included in the submission of data at the consolidated level by other relevant competent authorities, shall have access to the parts of the registers of information that are relevant to the financial entities under their supervisory remit. This supervisory remit shall be identified based on the mapping of the supervisory responsibilities for every financial entity type set out in Article (2)1 of Regulation (EU) 2022/2554 and that is maintained by the ESAs. This access shall include the data as provided by the competent authorities and any modifications or enhancements of such data, where relevant.
3. ESAs Executive Directors shall jointly issue a decision under Article 53 of the EBA, EIOPA and ESMA Regulations, setting out, and further detailing any technical or other specification necessary for granting, arranging and administering access to the data provided in accordance with this Decision.

Article 10 – Final provisions

This Decision shall enter into force immediately and shall apply from 17 January 2025.

Done in Paris and Frankfurt

José Manuel Campa

For the EBA Board of
Supervisors

Petra Hielkema

For EIOPA Board of
Supervisors

Verena Ross

For ESMA Board of
Supervisors

Annex

List of data fields for reporting systemic financial entities for the purposes of point (b) of Article 2

- Member State in which the financial entity is registered
- Competent authority responsible for the supervision of the entity in accordance with Article 46 of Regulation (EU) 2022/2554
- Type of financial entity as referred to in Article 2(1) of Regulation (EU) 2022/2554
- Financial entity name
- Financial entity LEI