

EBA/DC/2015/130

23 September 2015

Decision of the European Banking Authority on reporting by competent authorities to the EBA

The Board of Supervisors of the European Banking Authority

Having regard to

- (1) Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC¹ (the ‘EBA Regulation’ and ‘the EBA’), in particular Articles 2(4), 8, 9, 21, 22, 29 to 33, 35, 36, 48 (1), 53 (3), 70, 72 and 75 thereof;
- (2) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012², as amended (the “Capital Requirements Regulation”);
- (3) Commission Implementing Regulation No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (EU) No 680/2014³, as amended (the “Reporting Regulation”);
- (4) EBA Guidelines on harmonized definition and templates for funding plans of credit institutions under Recommendation A4 of ESRB/2012/02, of 19 June 2014 (EBA/GL/2014/04) (the “Funding Plan Guidelines”); and
- (5) EBA Decision on reporting of competent authorities to the European Banking Authority of 14 May 2014 (EBA/DC/090rev1).

¹ OJ L331, 15.12.2010, p. 12.

² OJ L 176, 27.6.2013, p. 1

³ OL L191. 28.06.2014, p.01

Whereas:

- (1) The EBA has, among others, as main tasks to “monitor and assess market developments in the area of its competence”, to “contribute to the development of a common supervisory culture” and “perform a general coordination function” also by means of “facilitating the exchange of information between competent authorities”, to “duly consider systemic risk”, “assess the existence of emergency situations” and take proper action, to “undertake economic analyses”, “conduct publications and update regularly information relating to the field of its activities”, to “cooperate closely with the ESRB” in particular with regard to “the implementation of its warnings and recommendations”.
- (2) For the performance of its tasks, the EBA shall “collect the necessary information concerning financial institutions as provided for in Article 35 of the EBA Regulation”.

Has decided as follows:

Article 1 – Data to be reported

1. Competent authorities, referred to in Article 4 (2) of the EBA Regulation, shall submit to the EBA in accordance with the provisions set out in this Decision:
 - (a) supervisory and financial reporting data, which the competent authorities receive from institutions in accordance with the relevant provisions of the Reporting Regulation; and
 - (b) data on funding plans received from institutions in compliance with the Funding Plan Guidelines.
2. Notwithstanding paragraph 1 (a), competent authorities shall not be obliged to submit financial reporting data for institutions which are not subject to that kind of reporting in accordance with Article 99 of the Capital Requirements Regulation.
3. The data referred to in paragraph 1 shall be reported at the highest level of consolidation in a Member State.

Article 2 – Institutions covered

1. Competent authorities shall submit data referred to in Article 1 for institutions which fulfil at least one of the following criteria:
 - (a) the institution is one of the three largest institutions measured by total assets in the Member State where it is established, including banking groups on highest level of consolidation and subsidiaries of foreign banking groups;
 - (b) the institution’s total value of assets exceeds EUR 30 billion Euros both for institutions that represent the highest consolidation level of any given banking group and for non-EEA banking group subsidiaries;

- (c) the ratio of the institution's 4 years average total assets over the 4 years average GDP of the Member State of its establishment exceeds 20% both for institutions that represent the highest consolidation level of any given banking group and for non-EEA banking group subsidiaries.
2. Competent authorities shall annually assess which institutions under their supervisory remit fulfil the criteria referred to in paragraph 1. The assessment shall be made on the basis of the year-end institution's data.
 4. For institutions that fulfil the criteria of paragraph 1 pursuant to their annual assessment, competent authorities shall commence the data submission immediately from the first relevant interval (month or quarter) of the following year. All submissions of the first relevant interval shall be made at the latest when the quarterly data for the first quarter is submitted.
 5. Competent authorities shall stop the data submission for an institution that does not satisfy, pursuant to its annual assessment, any of the criteria referred to in paragraph 1 for a third consecutive year.
 6. The EBA shall publish on its website the list of reported institutions.

Article 3- Date of submission

1. Competent authorities shall submit to the EBA the data referred to in Article 1 (1) (a) within 10 business days from the reporting remittance dates referred to in the relevant provisions of the Reporting Regulation for each data item.
2. Competent authorities shall submit to the EBA the data referred to in Article 1 (1) (b) in accordance with paragraphs 5, 6 and 8 of the EBA Funding Plans Guidelines.
3. Competent authorities shall endeavor to submit any required revision of data, at the latest within another five (5) business days from the dates of submission set out in the previous paragraphs. Any further revision required shall be submitted by the competent authorities to the EBA without undue delay.
4. Competent authorities shall indicate to the EBA national holidays impacting the submission dates and the EBA shall issue annually a calendar including submission dates for the competent authorities.

Article 4 - Quality of data

1. With the submission of the relevant data to the EBA, competent authorities warrant the data has undergone rigorous internal controls and quality checks. Where competent authorities cannot warrant this for a particular set of the data submitted, competent authorities shall draw the EBA's attention thereto.

2. The EBA may conduct additional validations and checks of the data received to ensure consistency and it may require revisions from the competent authorities. The EBA shall make available to the competent authorities quality checks and it shall provide relevant feedback.

Article 5 - Confidentiality and technical specifications

1. All data submitted to the EBA according to this Decision shall be covered by the EU law framework of professional secrecy and confidentiality as applicable to the EBA. Access to this data shall be provided in conformity with the EBA Regulation.
2. The details of the technical specifications of the reporting system and the conditions for providing access to the data shall be specified by decision of the Executive Director of the EBA in accordance with Article 53 of the EBA Regulation.

Article 6 - Miscellaneous

1. This Decision is without prejudice to the EBA's power in accordance with Article 35 of the EBA Regulation to request the competent authorities to submit other data or data from institutions not falling under Article 2.
2. Competent authorities shall not submit data for institutions not falling under Article 2, unless they have previously obtained the EBA's consent.

Article 7 - Final provisions

1. From the entry into force of this Decision, the EBA Decision on reporting of competent authorities to the European Banking Authority of 14 May 2014 (EBA/DC/090rev1) shall be repealed.
2. From the entry into force of this Decision, the compliance of competent authorities with the stipulations of paragraphs 5, 6 and 8 of the EBA Funding Plans Guidelines shall be without prejudice to this Decision and in particular to Articles 1 (2) and 2 on the level of consolidation and the scope of institutions covered.
3. This Decision enters into force immediately.

Done at London, 23 September 2015

[signed]

Andrea Enria
Chairperson
For the Board of Supervisors