



EBA/DC/2019/268

03 April 2019

Decision of the European Banking Authority

of 03 April 2019

on resolution reporting by resolution 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/EC¹ and repealing Commission Decision 2009/78/EC¹ (the 'EBA Regulation' and the 'EBA'), in particular Articles 2(4), 8, 21, 22, 25, 27, 35, 48 (1), 53 (3), 70, 72 and 75 thereof;
- (2) Directive 2014/59/EU of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council² (the 'BRRD');

¹ OJ L331, 15.12.2010, p. 12.

² OJ L 173, 12.6.2014, p. 190.

- (3) Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (the ‘Single Resolution Mechanism Regulation’ or ‘SRMR’)³;
- (4) Commission Implementing Regulation No (EU) 2018/1624 of 23 October 2018 laying down implementing technical standards with regard to procedures and standard forms and templates for the provision of information for the purposes of resolution plans for credit institutions and investment firms pursuant to Directive 2014/59/EU of the European Parliament and of the Council, and repealing Commission Implementing Regulation (EU) 2016/1066 (the ‘Reporting Regulation’)⁴;

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”. Resolution authorities including the Single Resolution Board are to be regarded as competent authorities for the purposes of the application of the EBA Regulation.
- (2) In order to carry out its tasks under the BRRD, the EBA needs to receive all the information collected by resolution authorities from institutions with a view to drawing up and implementing resolution plans.

³ OJ L 225, 30.07.2014 p. 1.

⁴ OJ L 277, 7.11.2018, p. 1.

- (3) For the performance of its tasks, the EBA should be able to “collect the necessary information concerning institutions as provided for in Article 35 of the EBA Regulation”.
- (4) To achieve maximum data quality and ensure consistency of data submitted to the EBA, there is a need that group-level resolution authorities and chairs of European Resolution Colleges submit to the EBA all information received under the Reporting Regulation from Union Parent Undertakings referred to in point (85) of Article 2 (1) of the BRRD, while resolution authorities submit to the EBA information received from institutions which are not part of a group.
- (5) There is a need to set out transitional provisions for information which the resolution authorities receive in accordance with Article 9 (1) of the Reporting Regulation. The information is received by those authorities already at a late stage while the reporting system of the EBA might not be ready as to its all technical specifications. To that end, resolution authorities should endeavor to send information received under that Article 9 (1) of the Reporting Regulation by 31/7/2019 but only for institutions and groups that are currently deemed resolvable by resolution rather than by liquidation. Further, as the initial submission should be performed exclusively through a template, which the EBA will send to the resolution authorities beforehand, authorities, which have already developed a reporting system, may refrain from performing this initial submission.
- (6) The terms ‘Member State(s)’ and ‘Competent Authorities’ shall be understood to include, in addition to their meaning in the EBA Regulation, the EEA States and their resolution authorities, respectively.

Has decided as follows:

Article 1 – Data to be reported

1. Competent authorities referred to in point (iv) of Article 4(2) of the EBA Regulation, and where the option set out in Article 3(1) of the Reporting Regulation has been exercised also competent authorities referred to in point (i) of Article 4(2) of the EBA

Regulation ('Competent Authorities'), shall submit to the EBA, in accordance with the provisions set out in this Decision, all information received in accordance with Article 3 (1) and Articles 4 to 7 of the Reporting Regulation.

2. Where simplified obligations are applied, Competent Authorities shall submit to the EBA information received in accordance with Article 3 (2) and, where applicable, with Articles 4 to 7 of the Reporting Regulation.
3. Information received from Union Parent Undertakings in accordance with Article 4(2) of the Reporting Regulation shall be submitted to the EBA by the Group Level Resolution Authority or the Chair of the European Resolution College, or the consolidating supervisor where the option referred to in Article 3(1) of the Reporting Regulation has been exercised.
4. Information received from institutions which are not part of a group in accordance with Article 4(1) of the Reporting Regulation shall be submitted to the EBA by the relevant resolution authority, or the relevant competent authority where the option referred to in Article 3(1) of the Reporting Regulation has been exercised.

Article 2 – Institutions covered

1. Competent Authorities shall submit to the EBA information referred to in Article 1 for all institutions and groups under their remit.

Article 3 - Date of submission

1. The Competent Authorities shall submit to the EBA the data referred to in Article 1 within twenty business days from the reporting remittance dates referred to in Article 5 of the Reporting Regulation for each data item. The EBA may refuse to accept submissions by competent authorities of information received under Article 7 of the Reporting Regulation, where the details and technical specifications for those submissions have not been specified in accordance with Article 5 (2) of this Decision.
2. The Competent Authorities shall endeavour to submit any required revision of data, at the latest within another ten business days from the dates of submission set out in the previous paragraph. The EBA may refuse to accept submissions by competent

authorities of information received under this paragraph, where the details and technical specifications for those submissions have not been specified in accordance with Article 5 (2) of this Decision. Any further revision required shall be submitted by the Competent Authorities to the EBA without undue delay.

3. The 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 information to the EBA, the Competent Authorities warrant the data has undergone internal controls and quality checks. Where the Competent Authorities cannot warrant this for a particular set of the data submitted, they 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.

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. The Executive Director shall also specify the timeframe and any other technical detail necessary for the submission to the EBA of information submitted to the Competent Authorities in accordance with Article 7 of the Reporting Regulation.

Article 6 - Miscellaneous

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.

Article 7 - Transitional provisions

Information received by Competent Authorities in accordance with Article 9 of the Reporting Regulation shall be submitted to the EBA as follows:

- (a) the Competent Authorities shall send to the EBA by 12 April 2019 a list of all institutions and groups under their remit whose liquidation by means of normal insolvency proceedings is not currently deemed as feasible or credible;
- (b) the Competent Authorities shall endeavour to send to the EBA by 31 July 2019 all information which they have received under Article 9 (1) of the Reporting Regulation but only for institutions and groups falling under point (a). Competent Authorities that have already developed the reporting system may refrain from submitting the information. Competent authorities shall not submit in this transitional period information which they may have received in accordance with Article 7 of the Reporting Regulation;
- (c) the Competent Authorities shall send to the EBA the information referred to in points (a) and (b) exclusively by filling in a Excel template which the EBA will have previously sent to them.

Article 8 - Final provisions

This Decision enters into force immediately.

Done at London, 03 April 2019

[signed]

Jo Swyngedouw

Alternate Chairperson
For the Board of Supervisors