

Decision of the European Banking Authority EBA/DC/446

of 23 May 2022

concerning investment firms' supervisory reporting by competent authorities to the EBA

The Board of Supervisors

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 1 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 648/2012 (the 'Capital Requirements Regulation' or 'CRR');²
- (3) Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (the 'Investment Firms Regulation');³
- (4) Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (the 'Investment Firms Directive');⁴
- (5) Commission Implementing Regulation (EU) 2021/451 of 17 December 2020 laying down implementing technical standards for the application of Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to supervisory reporting of institutions and

¹ OJ L331, 15.12.2010, p. 12

² OJ L 176, 27.6.2013, p. 1

³ OJ L 314, 5.12.2021, p. 1

⁴ OJ L 314, 5.12.2021, p. 64

repealing Implementing Regulation (EU) No 680/2014 ('Credit Institution Reporting Regulation');⁵

- (6) Commission Implementing Regulation (EU) 2021/2284 of 10 December 2021 laying down implementing technical standards with regard to supervisory reporting of investment firms according to Regulation (EU) No 2033/2019 of the European Parliament and of the Council (EU) and the technical standard to be issued on the basis of Article 55(5) of the Investment Firms Regulation (collectively referred to as the 'Investment Firms Reporting Regulations');⁶
- (7) Decision EBA/DC/2020/335 of 5 June 2020 on the European Centralised Infrastructure of Data ('EBA Decision on EUCLID').⁷

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', and 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.
- (3) Information on the supervisory and financial reporting of investment firms is necessary for the EBA to enable it to properly discharge its regulatory, convergence and advisory tasks in the area of the prudential supervision of investment firms.
- (4) Mindful of the fact that the submission of supervisory and financial reporting data by the majority of investment firms will only commence after the Investment Firms Reporting Regulations come into force and that competent authorities should be provided with enough time for preparation, it should be set out that the first submission to the EBA of all the data that competent authorities have received in accordance with the Credit Institution Reporting Regulation or the Investment Firms Reporting Regulations will be made by competent authorities by 31 December 2022.

Has decided as follows:

Article 1 – Data to be reported

⁵ OJ L 97, 19.3.2021, p. 1–1955

⁶ OJ L 458, 22.12.2021, p. 48

⁷ https://eba.europa.eu/sites/default/documents/files/document_library/Risk%20Analysis%20and%20Data/Reporting%20by%20Authorities/885459/Decision%20on%20the%20European%20Centralised%20Infrastructure%20of%20Data%20%28EUCLID%29.pdf

1. The competent authorities, referred to in Article 4(2) point (viii) of the EBA Regulation, shall submit to the EBA in accordance with the provisions set out in this Decision supervisory and financial reporting data, which the competent authorities receive from investment firms in accordance with the relevant provisions of the Capital Requirements Regulation (Part Seven A), the Investment Firms Regulation (Part Seven), the Credit Institution Reporting Regulation and the Investment Firms Reporting Regulations (“reporting requirements”).
2. Notwithstanding paragraph 1, the competent authorities shall not be obliged to submit financial reporting data for investment firms which are not subject to that kind of reporting in accordance with Part Seven A of the Capital Requirements Regulation.

Article 2 – Entities covered

The competent authorities shall submit data referred to Article 1(1) for all investment firms under their supervisory remit in accordance with the level of application of reporting requirements set out in Part 1, Title II of the Capital Requirements Regulation with the exclusion of Article 22 of that Regulation and in Articles 5 to 8 of the Investment Firms Regulation.

Article 3 - Date of submission

1. The competent authorities shall submit to the EBA the data referred to in Article 1(1) within 25 business days from the reporting remittance dates referred to in the Investment Firms Reporting Regulations or in the Credit Institution Reporting Regulation.
2. The competent authorities shall endeavour 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 paragraph.
3. Any further revision required shall be submitted by the competent authorities to the EBA without undue delay.

Article 4 - Quality of data

1. With the submission of the relevant data to the EBA, the competent authorities warrant the data has undergone rigorous internal controls and quality checks.
2. The EBA may conduct additional quality checks of the data received to ensure consistency and may require revisions from the competent authorities.
3. The EBA shall make the results of applied quality checks available to the competent authorities upon request by 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 and protection of personal data as applicable to the EBA. Access to this data shall be provided in conformity with the EBA Regulation.
2. The data referred to in this Decision shall be regarded as Information submitted through EUCLID and the EUCLID Decision shall apply.

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

The first submission of data shall be made by the remittance date of 31 December 2022 and shall include all the data referred to in Article 1 starting from the reference date of 31 March 2022.

Article 8 - Final provisions

This Decision enters into force immediately.

Done at Paris, 23 May 2022

José Manuel Campa
Chairperson
For the Board of Supervisors