

EBA/ITS/2021/06

3 August 2021

Final Report

Draft Implementing Technical Standards

amending Regulation (EU) 2018/1624 on the provision of information for the purposes of resolution plans in the context of BRRD2

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1. Executive summary

1. A small number of amendments are proposed to the ITS on Resolution Planning Reporting to accommodate changes introduced by BRRD2, to reflect the practical experience gathered from resolution reporting since end-2018 and to remove some identified obstacles at the technical level that hamper compliance with the requirements specified in these ITS. These amending ITS also include minor corrections to references as well as an updated list of Deposit Guarantee Schemes (Z 06.00).

Next steps

2. The draft implementing technical standards will be submitted to the Commission for endorsement before being published in the Official Journal of the European Union. The technical standards are expected to be applied during the course of this year and, for the first time, for reports as of 31 December 2021 (reference date).

2. Background and rationale

3. The main purpose of these draft amending implementing technical standards is to re-align the provisions of Regulation (EU) 2018/1624 (ITS on Resolution Planning Reporting) with the provisions of Directive 2014/59/EU (BRRD) in response to the changes to the minimum requirement for own funds and eligible liabilities (MREL) introduced by Directive (EU) 2019/879 (BRRD2).
4. The following amendments have been introduced in response to BRRD2:
 - Regarding liabilities excluded from bail in, as shown in template Z 02.00, the row on system operator liabilities (Article 44(2), point (f) BRRD) was modified and a new row on liabilities with other entities of the resolution group (Article 44(2), point (h) BRRD) was added.
 - Given that MREL is expressed, and compliance with the requirement is assessed, among others, in relation to the Total Exposure Measure of the leverage ratio, a new row capturing the reporting entities' total exposure measure was added to template Z 03.00.
 - Templates Z 02.00 and Z 04.00 include one item each capturing liabilities eligible for MREL. The instructions were updated to point to the new Article 45 BRRD and the relevant articles laying down the conditions for eligibility (incl. Article 55 BRRD).
5. These amending ITS also clarify or amend the provisions on the unique keys for reporting information in the open axis templates Z 08.00 to Z 10.02. The amendments are a result of the

practical experience gathered from reporting since end-2018 and aim to remove some identified obstacles at the technical level that hamper compliance with the requirements specified in these ITS.

6. Additionally, the amending ITS include minor corrections to references as well as an updated list of Deposit Guarantee Schemes (Z 06.00).
7. In the light of the fact that the amendments are intended to apply for reporting as of 31 December 2021, the amendments introduced by these ITS have been strictly limited to the absolute minimum necessary to re-align these ITS with BRRD2 and remove technical obstacles.
8. The EBA plans to undertake a comprehensive review of these ITS that will consider the practical experience with reporting, changed user needs and the existence of the ITS on disclosures and reporting in MREL and TLAC during the course of 2021, with a potential application of the overhauled reporting from 31 December 2022 (reference date). A consultation on the proposals of the comprehensive review will take place later this year.



3. Draft implementing technical standards



COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending the implementing technical standards laid down in Implementing Regulation (EU) 2018/1624 in response to the BRRD2

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,
Having regard to 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 Council¹, and in particular Article 11(3) thereof,

Whereas:

- (1) Directive (EU) 2019/879 of the European Parliament and of the council introduced certain amendments to the minimum requirement for own funds and eligible liabilities laid down in Directive 2014/59/EU. Information on institutions' capacity to meet this requirement is, to a limited extent, also considered in the context of resolution planning.
- (2) Implementing Regulation (EU) 2018/1624 should therefore be amended accordingly.
- (3) This Regulation is based on the draft implementing technical standards submitted to the Commission by the European Banking Authority.
- (4) The European Banking Authority did not conduct an open public consultations on the draft implementing technical standards on which this Regulation is based and did not analyse the potential related costs and benefits, as it considered such a consultation and analysis highly disproportionate in relation to the very limited scope, low number and low impact of the amendments. Those amendments include updates of references to the amended Directive 2014/59/EU, two new items to be reported and minor amendments to remove technical obstacles to the reporting. The EBA requested the advice of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council²,

¹ OJ L 173, 12.6.2014, p. 190.

² 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/EC (OJ L 331, 15.12.2010, p. 12–47)



HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2018/1624 is amended as follows:

- (1) Template Z 02.00 of Annex I is replaced by template Z 02.00 of Annex I to this Regulation.
- (2) Template Z 03.00 of Annex I is replaced by template Z 03.00 of Annex I to this Regulation.
- (3) Annex II is replaced by Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President

On behalf of the President

[Position]



ANNEXES

Please see separate files:

Annex I – Templates

Annex II - Instructions