

NEWSLETTER

APRIL-JUNE 2018

EBA PRESS

I. UPCOMING EBA PUBLICATIONS (APRIL-JUNE 2018)

Please note that all documents listed in the table below are subject to approval by the <u>EBA's Board of Supervisors (BoS)</u>. Therefore, the publication date is indicative and will be adjusted accordingly, if necessary.

TOPIC	DELIVERABLE	EXPECTED DATE OF PUBLICATION
3rd country equivalence	Recommendation on Equivalence of 3rd countries (confidentiality requirements) 2018	June 2018
Capital	Update of the CET1 list 2018	June 2018
	Update on Report on monitoring AT1 instruments 2018	June 2018
	CET1 Report 2018	June 2018
Credit Risk	EBA Workplan in the area of market and counterparty credit risk	June 2018
ECAIs	Amendments to ITS to reflect the mapping of new ECAIs	June 2018
FinTech	Thematic Report on impact of FinTech on incumbents business models	June 2018
	Thematic Report on risks and opportunities for incumbents from FinTech	June 2018
Innovative products	Cost and performance of EU structured deposits markets	June 2018
Internal governance	Revision of CEBS guidelines on outsourcing of credit institutions' business activities	June 2018
IRB	EBA Report on Credit Risk Mitigation (CRM) Framework	April 2018 (Published)
Payments	EBA Opinion on the implementation of the RTS on SCA and CSC	June 2018
	EBA Consultation Paper on Guidelines on the Exemptions from Contingency Mechanism under Article 33(6) of Regulation (June 15th)	June 2018
Passporting	Peer Review on Passporting Notifications	June 2018
Model Variation	RTS on economic downturn conditions for LGD (Project Grouping)	June 2018
Recovery, resolution and DGS	Joint Opinion on debt retail holders	May 2018
Risk analysis	Review of the Stress Test Guidelines	June 2018
Securitisation	Guidelines on the harmonised interpretation and application of STS criteria (Project Grouping)	April 2018 (Published)
	ITS on Supervisory Disclosure	April 2018 (Published)
	Call for Advice for European Secured Notes	June 2018
Supervisory convergence	Amendment/addition of the EBA Guidelines on SREP	June 2018
	Guidelines on ICT management for institutions	June 2018
	Revision of Guidelines on management and measurement of interest rate risk in the banking book	June 2018
	Guidelines on supervisory review process for investment firms	June 2018
Supervisory colleges	Annual Report on resolution colleges (data 2017)	June 2018

II. IN FOCUS: THE EBA'S PRIORITIES ON FINTECH

What is FinTech?

FinTech, a combination of the words 'financial' and 'technology', is a relatively new term that applies to any emerging technology that helps consumers or financial institutions deliver financial services in newer, faster ways than was traditionally available. This term is often used to describe the impact of technology-enabled innovation on the financial services industry. It includes a variety of products, applications, processes and business models that have transformed the traditional way of providing banking and financial services.

All these technologies can benefit both consumers and companies by enabling greater access to financial services, offering wider choice and increasing efficiency of operations. They can also contribute to bringing down national barriers and spurring competition.

At a time when the application of technological innovations is rapidly transforming the financial sector, the EBA is stepping up its work on FinTech.

EBA FinTech Roadmap 2018 2019 AUTHORISATION · Survey issued to competent authorities, EBA analysis Ongoing monitoring of the regulatory AND REGULATORY perimeter, including review of Member State PERIMETER ISSUES · Report (and if appropriate Opinion) issued responses to new and innovative financial activities and analysis of the need for changes at the EU level REGULATORY Survey issued to competent authorities, EBA analysis Ongoing monitoring of developments, SANDBOXES AND sharing of good practices Assessment of the need for further of responses INNOVATION Report (and if appropriate Opinion) issued, including HUBS Guidance to enhance supervisory consistency and coordination/convergence work facilitate supervisory coordination in the operation of regulatory sandboxes IMPACT ON Report issued on the impact of FinTech on the Ongoing monitoring of developments in BUSINESS MODELS, line with the pace of employment of new business models of institutions **PRUDENTIAL** Report issued on prudential risks and opportunities technologies in financial services and, RISKS AND for institutions focussing on several use cases where appropriate, additional work to OPPORTUNITIES enhance supervisory consistency and facilitate supervisory coordination CYBERSECURITY • ICT risk guidelines addressed to institutions providing Follow-up work as appropriate (e.g. cyber guidance for evaluating and mitigating ICT risk threat testing framework in alignment with including cybersecurity risk other EU initiatives) Harmonised supervisory practices on cybersecurity Follow-up work in relation to EBA security-related mandates under PSD2 CONSUMER AND Report issued on cross-border issues identifying potential national barriers from consumer and conduct • Assessment of potential financial exclusion (from Big Data algorithms) Assessment of the applicability of the ADR of business requirements Report issued on consumer related disclosure aspects Directive to FinTech firms and further Consideration of consumer and conduct of business actions if needed related aspects in the context of the authorisa- Follow-up work as appropriate tions/perimeter work AML/CFT • Fact-finding exercise ML/TF risk associated with FinTech • Ongoing monitoring of developments and assessment of the need for further work solutions and providers Ensuring the harmonisation of supervisory Amended Risk Factors Guidelines issued Joint Opinion issued on the ML/TF risks affecting the practices through various knowledge EU's financial sector sharing initiatives VIRTUAL ASSETS • Regulatory mapping of current licensing requirements, • Ongoing monitoring of developments and, prudential and conduct of business treatment where appropriate, further work to ensure appropriate risk mitigation

Further to the EBA's 2017 FinTech Discussion Paper and the European Commission's 2018 FinTech Action Plan, on 15 March, the EBA published a FinTech Roadmap setting out its priorities for 2018/2019.

The EBA's priorities are to:

- monitor the regulatory perimeter, including assessing current authorisation and licencing approaches to FinTech firms, and analyse regulatory sandboxes and innovation hubs in order to identify a set of best practices to enhance consistency and facilitate supervisory coordination;
- monitor emerging trends and analyse the impact on incumbent institutions' business models and the prudential risks and opportunities arising from the use of FinTech,
- promote best supervisory practices on assessing cybersecurity and promote a common cyber threat testing framework;
- address consumer issues arising from FinTech, in particular in the areas of unclear regulatory status of FinTech firms and related disclosure to consumers, potential national barriers preventing FinTech firms from scaling up services to consumers across the single market, and the appropriateness of the current regulatory framework for virtual currencies;
- identify and assess money laundering/terrorist financing risks associated with regulated FinTech firms, technology providers and FinTech solutions.

In all of this work, the EBA will leverage knowledge and expertise in the EBA's new FinTech Knowledge Hub. The Hub will provide an overarching forum bringing together competent authorities for the purposes of enabling knowledge sharing on FinTech and enhancing engagement with incumbent and new entrant institutions and other FinTech firms, technology providers and other relevant parties.

The Hub will contribute to the monitoring of the impact of FinTech, including on business models and interconnectedness in the financial system, and foster technological neutrality in regulatory and supervisory approaches.

The Hub will draw on the experience and knowledge of competent authorities and the ESAs and will interact with similar EU and national initiatives.

EBA FINTECH KNOWLEDGE HUB other ESA: Foster Facilitate the technological sharing of neutrality in experience and regulation knowledge and about FinTech supervision **EBA** Technology FinTech firm Monitor FinTech impact and identify trends, opportunities and risks



EBA PUBLIC CONSULTATIONS

- Comments to EBA consultations are submitted via the EBA website.
 All contributions received are published following the close of the consultation period, unless requested otherwise.
- In general, the EBA also holds a public hearing on its consultations. These hearings normally take place at the EBA premises, prior to the end of the consultation period.

EBA GUIDELINES

- EBA Guidelines are issued in order to establish consistent, efficient and effective supervisory practices and ensure uniform application of EU Law.
- Guidelines are formally issued only once they are published in all relevant EU official languages on the EBA website. Within two months of that publication, competent authorities across the EU must inform the EBA whether they comply or intend to comply with the Guidelines. If a competent authority does not comply or does not intend to comply, it must inform the EBA of this and state reasons for non-compliance, as prescribed by the 'comply or explain' principle. If specified in the Guidelines, financial institutions might also have to report whether or not they comply.
- Guidelines and information on compliance by competent authorities can be found <u>here</u> on the EBA website.

EBA CONSULTATIONS

DESCRIPTION

EBA consults on extending the application of the Joint Committee Guidelines on complaints-handling to the new institutions under PSD2 and MCD The European Banking Authority (EBA) launched a public consultation to propose extending the scope of application of the existing Joint Committee (JC) Guidelines on complaints-handling to the new institutions established under the revised Payment Service Directive (PSD2) and the Mortgage Credit Directive (MCD). The proposal, which does not envisage any changes to the substance of the existing Guidelines, will ensure that an identical set of requirements for complaints-handling continues to apply to all financial institutions across the banking, investment and insurance sectors. The extension of the scope will provide consumers with the same level of protection, irrespective of which regulated product or service they are purchasing and which regulated institution they are purchasing it from. The consultation runs until 27 May

Publication date: 27/03/2018

The EBA launches consultation on how to manage non-performing exposures

The European Banking Authority (EBA) launched a consultation on its Guidelines for credit institutions on how to effectively manage non-performing exposures (NPEs) and forborne exposures (FBEs). The Guidelines target high NPE banks with the aim of achieving a sustainable reduction of NPEs to strengthen the resilience of their balance sheets and support lending into the real economy. The Guidelines are designed to ensure that consumers, who have taken out loans, are treated fairly at every stage of the loan life cycle. The consultation runs until 8 June 2018.

Publication date: 08/03/2018

EBA GUIDELINES

DESCRIPTION

EBA publishes final Guidelines on disclosure requirements of IFRS 9 transitional arrangements

The European Banking Authority (EBA) published its final Guidelines on disclosure requirements of IFRS 9 or analogous expected credit losses (ECLs) transitional arrangements. The guidelines specify a uniform disclosure template institutions shall use when disclosing the information on own funds, capital and leverage ratios, with and without the application of transitional arrangements for IFRS 9 or ECLs. The aim of these Guidelines is to ensure consistency and comparability of the data disclosed by institutions during the transition to the full implementation of the new accounting standard and to foster market discipline.

Publication date: 12/01/2018

EBA TECHNICAL STANDARDS

DESCRIPTION

validation rules

EBA issues revised list of ITS The European Banking Authority (EBA) issued a revised list of validation rules in its Implementing Technical Standards (ITS) on supervisory reporting, highlighting those which have been deactivated either for incorrectness or for triggering IT problems. Competent Authorities throughout the EU are informed that data submitted in accordance with these ITS should not be formally validated against the set of deactivated rules.

Publication date: 09/03/2018

EBA publishes corrective update of XBRL taxonomy 2.6 for remittance of 2018 benchmarking exercise

The European Banking Authority (EBA) published a corrective update (version 2.6.0.1) to the XBRL taxonomy that Competent Authorities shall use for the remittance of data under the Implementing Technical Standards (ITS) on benchmarking of internal approaches, for the 2018 benchmarking exercise.

Publication date: 14/02/2018

EBA OPINIONS

DESCRIPTION

EBA issues Opinion on measures to address macroprudential risk

The European Banking Authority (EBA) published an Opinion following the notification by the French High Council for Financial Stability (HCSF) of its intention to tighten the large-exposure limits applicable to large and highly indebted non-financial corporations (NFCs) resident in France or groups of connected NFCs assessed to be highly indebted and based in France. Based on the evidence submitted, the EBA does not object to the adoption of the proposed measure, which the HCSF intends to apply only to global or other systemically important institutions (G-SIIs and O-SIIs) with the aim of accounting for changes in the intensity of macroprudential/systemic risk that could pose a threat to financial stability in France.

Publication date: 14/03/2018

EBA advises European Commission on the use of prudential backstops to prevent the building up of new NPLs

The European Banking Authority (EBA) published its advice on the Commission's proposal for statutory prudential backstops on banks' provisioning practices for new loans that turn non-performing. The EBA notes that the backstop complements the existing prudential set of measures and the new accounting provisions under IFRS9 and the advice aims at providing some qualitative considerations as well as a conservative impact analysis of the proposed measures.

Publication date: 14/03/2018

EBA takes stock of lessons learned on financial education across the EU

The European Banking Authority (EBA) published an Opinion following the notification by the National Bank of Belgium (NBB) of its intention to modify capital requirements in order to address an increase in macroprudential risk. Based on the evidence submitted by the NBB, the EBA does not object to the adoption of the proposed measure, which is based on Article 458 (2) of the Capital Requirements Regulation (CRR). This new measure aims at enhancing the resilience of Belgian banks to potential severe downward corrections in residential real estate markets.

Publication date: 01/03/2018

EBA TECHNICAL STANDARDS

- The EBA is mandated to produce a number of Binding Technical Standards (BTS) stemming from EU legislative texts such as the "CRD IV package" and the BRRD. The EBA drafts technical standards and submits them to the European Commission for final endorsement.
- BTS are legal acts which specify particular aspects of an EU legislative text (Directive or Regulation) and aim at ensuring consistent harmonisation in specific areas. They contribute to the development of the Single Rulebook for banks in the EU.
- The European Parliament and the Council have the right to scrutinise certain types of technical standards known as regulatory technical standards (RTS). The draft technical standards are formally adopted by the European Commission, usually within three months, and published in the Official Journal of the European Union - unless they are considered disproportionate or incompatible with Union law.
- Following publication in the Official Journal, these standards become legally binding and apply directly in all Member States. This means that, on the date of their entry into force, they become part of the national law of the Member States and their implementation into national law is not only unnecessary but also prohibited.

EBA OPINIONS

■ Through its opinions, the EBA provides its views on supervisory and regulatory matters to the European institutions and to national authorities. This includes 'technical advice' which the EBA provides to the Commission when it is preparing 'delegated acts' to supplement Level 1 texts. These delegated acts are very important as they provide additional detail on certain aspects of legislation, and the Commission takes into account the EBA's expert technical advice.

EBA OPINIONS	DESCRIPTION
EBA issues Opinion on measures to address macroprudential risk	The European Banking Authority (EBA) published an Opinion following the notification by the National Bank of Belgium (NBB) of its intention to modify capital requirements in order to address an increase in macroprudential risk. Based on the evidence submitted by the NBB, the EBA does not object to the adoption of the proposed measure, which is based on Article 458 (2) of the Capital Requirements Regulation (CRR). This new measure aims at enhancing the resilience of Belgian banks to potential severe downward corrections in residential real estate markets.
	Publication date: 23/02/2018
ESAs warn consumers of risks in buying virtual currencies	The European Supervisory Authorities (ESAs) for securities (ESMA), banking (EBA), and insurance and pensions (EIOPA) issued a pan-EU warning to consumers regarding the risks of buying Virtual Currencies (VCs). The ESAs warn consumers that VCs are highly risky and unregulated products and are unsuitable as investment, savings or retirement planning products.
	Publication date: 12/02/2018

Reports and other notable publications

- The EBA publishes a wide range of reports based on its work in identifying and analysing trends in the financial sector.
- These reports identify potential risks and vulnerabilities stemming from the micro-prudential level, across borders and sectors, with the aim of ensuring the orderly functioning and integrity of financial markets and the stability of the financial system in the EU.
- These reports also highlight the trends that the EBA has observed with financial products and also provides early indications as to the areas in which the EBA may take action going forward.

EBA PUBLICATION	DESCRIPTION
EBA updates list of public sector entities for the calculation of capital requirements	The European Banking Authority (EBA) published an updated list of regional governments and local authorities that may be treated as central governments for the calculation of capital requirements, in accordance with the EU Capital Requirements Regulation (CRR).
	Publication date: 22/03/2018
EBA published an assessment of the current credit risk mitigation framework	The European Banking Authority (EBA) published a Report, which assesses the current Credit Risk Mitigation (CRM) framework, as part of its work on the review of the IRB approach. This Report is part of the 4th and last phase of the EBA's roadmap on the IRB approach, which also includes a review of supervisory practices, a harmonised definition of default and clarifications on modelling approaches to be used by institutions.
	Publication date: 19/03/2018
EBA highlights progress in the work of supervisory colleges in 2017	The European Banking Authority published its Report on the functioning of supervisory colleges in 2017, which summarises the EBA's assessment of the colleges' activities against the EBA 2017 Colleges Action Plan and the relevant regulation. The Report concludes that significant improvements have been achieved over the last couple of years in college interactions, responsiveness, and in the quality, coverage and reasoning of the joint decision documents. Further efforts are, however, expected both from home and host supervisors to enhance the joint decision process and ensure the completeness of the SREP assessments. Publication date: 16/03/2018

EBA PUBLICATION	DESCRIPTION
ESAs weigh benefits and risks of Big Data	The Joint Committee of the European Supervisory Authorities (ESAs) published its final Report on Big Data analysing its impact on consumers and financial firms. Overall, the ESAs have found that while the development of Big Data poses some potential risks to financial services consumers, the benefits of this innovation currently outweigh these. Many of the risks identified by the ESAs are mitigated by existing legislation.
	Publication date: 15/03/2018
EBA publishes its Roadmap on FinTech	The European Banking Authority (EBA) published a FinTech Roadmap setting out its priorities for 2018/2019. The Roadmap also sets out the establishment of a FinTech Knowledge Hub to enhance knowledge sharing and foster technological neutrality in regulatory and supervisory approaches.
	Publication date: 15/03/2018
EBA launches call for expression of interest for new members of its stakeholders group	The European Banking Authority (EBA) launched a call for expression of interest for membership to its Banking Stakeholder Group (BSG), as the mandate for the majority of its members will expire on 14 October 2018. The call for expression of interest is open to candidates representing stakeholders across the European Union. The deadline for application is 7 June 2018.
	Publication date: 12/03/2018
EBA issues revised list of ITS validation rules	The European Banking Authority (EBA) issued a revised list of validation rules in its Implementing Technical Standards (ITS) on supervisory reporting, highlighting those which have been deactivated either for incorrectness or for triggering IT problems. Competent Authorities throughout the EU are informed that data submitted in accordance with these ITS should not be formally validated against the set of deactivated rules.
	Publication date: 09/03/2018
The EBA CRDIV-CRR/Basel III monitoring exercise shows further improvement of EU banks capital leverage and liquidity ratios	The European Banking Authority (EBA) published its thirteenth Report of the CRDIV-CRR/Basel III monitoring exercise on the European banking system. This exercise presents aggregate data on EU banks' capital, leverage, and liquidity ratios assuming full implementation of the CRD IV-CRR/Basel III framework. Overall, the results, based on data as of 30 June 2017, show a further improvement of European banks' capital positions, with a total average Common Equity Tier 1 (CET1) ratio of 13.8% (13.4% as of 31 December 2016). This exercise does not reflect any BCBS standards agreed since the beginning of 2016 or any other measures currently being considered by the BCBS.
	Publication date: 06/03/2018
EBA launches new DPM data dictionary tools	The European Banking Authority (EBA) launched a new web page including the tools to access its data point model (DPM), which compiles the harmonised data requirements included in its technical standards and guidelines. The role of this data dictionary is to enable the harmonisation of the banking regulatory framework by providing a clear interpretation of data exchange requirements to all relevant stakeholders. Regulators, supervisors, financial institutions, service providers, other organisations, and the general public, can use the DPM as a common repository of clear and structured specifications of the data referred to in the banking Regulation.
	Publication date: 01/03/2018
EBA takes stock of lessons learned on financial education across the EU	The European Banking Authority (EBA) published its first Report on financial education, covering the years 2017/18. The Report is based on a repository of more than 80 financial education initiatives carried out by the national authorities supervising banking products and services across the 28 EU Member States. The Report provides an opportunity for national authorities to share and compare experiences, and for other organisations and individuals interested in financial education to learn about, and possibly build on, the work carried out so far in this area and the lessons learned.
	Publication date: 01/03/2018
EBA publishes corrective update of XBRL taxonomy 2.6 for remittance of 2018 benchmarking exercise	The European Banking Authority (EBA) published a corrective update (version 2.6.0.1) to the XBRL taxonomy that Competent Authorities shall use for the remittance of data under the Implementing Technical Standards (ITS) on benchmarking of internal approaches, for the 2018 benchmarking exercise.
benefitial killy exercise	Publication date: 14/02/2018
EBA updates its methodological guide on risk indicators and detailed risk analysis tools	The European Banking Authority (EBA) published an updated methodological guide on how to compile risk indicators and detailed risk analysis tools. This guidance, which is mainly for internal use, will also benefit competent authorities and other relevant stakeholders as it will allow them to follow a consistent approach in their risk assessments.
	Publication date: 08/02/2018

EBA PUBLICATION	DESCRIPTION
EBA launches 2018 EU-wide stress test exercise	The European Banking Authority (EBA) launched its 2018 EU-wide stress test and released the macroeconomic scenarios. The adverse scenario implies a deviation of EU GDP from its baseline level by 8.3% in 2020, resulting in the most severe scenario to date. The EBA expects to publish the results of the exercise by 2 November 2018.
	Publication date: 31/01/2018
EBA updates list of credit institutions subject to an LCR inflow cap derogation	The European Banking Authority (EBA) published an updated list of credit institutions exempted from or subject to a higher cap on inflows in the calculation of the Liquidity Coverage Ratio (LCR) in accordance with the provisions laid down in the LCR Delegated Act. Three new institutions have been added to the previous list published in May 2017.
	Publication date: 19/01/2018
EBA Report shows that the Guidelines on methods for calculating contributions to deposit guarantee schemes have broadly met their aims but they would need to be	The European Banking Authority (EBA) published a Report on the implementation of its Guidelines on methods for calculating contributions to deposit guarantee schemes (DGSs). The Report, which assesses authorities' compliance with the principles outlined in the EBA Guidelines, concludes that further analysis and greater experience of the risk-based systems in use is needed before proposing any changes to the current Guidelines. Publication date: 17/01/2018
reviewed in the future	
The EBA Risk Dashboard confirms steady improvements in the EU banking sector but banks profitability and business model sustainability remain key challenges	The European Banking Authority (EBA) published its regular Risk Dashboard. Using quantitative risk indicators, along with the opinions of banks and market analysts from its Risk Assessment Questionnaire, the EBA's dashboard identified ongoing improvements in the repair of the EU banking sector but also residual risks in NPLs and profitability.
	Publication date: 16/01/2018