



EBA/DC/2020/336

EBA Regular Use

Decision of the European Banking Authority

of 05.06.2020

concerning 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');
- (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;

¹ OJ L331, 15.12.2010, p. 12

² OJ L 173, 12.6.2014, p. 190

³ OJ L 225, 30.07.2014 p. 1

- (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;
- (5) Decision of the European Banking Authority of 5 June 2020 concerning the European Centralised Infrastructure of Data (“EBA Decision on EUCLID”)⁵.

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) 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.

Has decided as follows:

Article 1 – Data to be reported

⁴ OJ L 277, 7.11.2018, p. 1

⁵ EBA DC 2020/335, Decision concerning the European Centralised Infrastructure of Data (EUCLID); available at: 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. Competent authorities referred to in point (v) 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 and not exempted in accordance with Article 2 paragraph 2.
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 having regard to the exemptions set out in Article 2 paragraph 2.
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.
5. Where data to be reported under this Decision has already been submitted to the EBA by a Competent Authority, the obligation of any other Competent Authority to submit the same data is waived.

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.
2. For institutions that are investment firms, competent Authorities shall submit information received in accordance with Article 3 (1) and Articles 4 to 7 of the Reporting Regulation only at the consolidated level of the group. Information at the individual level from stand-alone investment firms or investment firms within a banking or an investment firm group shall not be submitted to the EBA.

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.

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 data referred to in this decision shall be regarded as Information submitted through EUCLID and the EUCLID Decision shall apply.

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.

Article 7 - Transitional provision

1. Information received by Competent Authorities in accordance with Article 9 of the Reporting Regulation shall be submitted to the EBA by 30 June 2020.

Article 8 - Final provisions

1. This Decision enters into force immediately.
2. EBA/DC/2019/268 of 3 April 2019 is repealed with effect from the date of the entry into force of this Decision.

Done at Paris, 12.06.2020

[signed]

José Manuel Campa

Chairperson
For the Board of Supervisors