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# Decision of the European Banking Authority EBA/DC/399

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of 19 July 2021

concerning reporting of MREL and TLAC data to the EBA

## **The Board of Supervisors**

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<sup>1</sup> and repealing Commission Decision 2009/78/EC<sup>1</sup> (the ‘EBA Regulation’ and the ‘EBA’), in particular Article 35 thereof,

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 “CRR”)<sup>2</sup>,

Council Regulation (EU) No 1024/2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (the ‘Single Supervisory Mechanism Regulation’ or ‘SSMR’)<sup>3</sup>,

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 Council<sup>4</sup> (the ‘BRRD’),

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

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<sup>1</sup> OJ L331, 15.12.2010, p. 12.

<sup>2</sup> OJ L 176, 27.6.2013, p. 1

<sup>3</sup> OJ L 287, 29.10.2013 p. 63

<sup>4</sup> OJ L 173, 12.6.2014, p. 190.

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Resolution Fund and amending Regulation (EU) No 1093/2010 (the ‘Single Resolution Mechanism Regulation’ or ‘SRMR’)<sup>5</sup>,

Commission Implementing Regulation No (EU) 2021/763 of 23 April 2021 laying down implementing technical standards for the application of Regulation (EU) No 575/2013 of the European Parliament and of the Council and Directive 2014/59/EU of the European Parliament and of the Council with regard to the supervisory reporting and public disclosure of the minimum requirement for own funds and eligible liabilities (the ‘MREL/TLAC Reporting and Disclosure Regulation’)<sup>6</sup>,

Decision of the European Banking Authority of 5 June 2020 concerning the European Centralised Infrastructure of Data (“EBA Decision on EUCLID”)<sup>7</sup>,

**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 establishment of a common Union financial data strategy”; 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) EBA is tasked, in accordance with Article 45l of the BRRD, to submit, in cooperation with the competent authorities and resolution authorities, two reports on several elements concerning the application and the impact of MREL requirements. Similarly, EBA will, in accordance with Article 504a CRR, report to the Commission on the amounts and distribution of holdings of eligible liabilities instruments among institutions identified as G-SIIs or O-SIIs and on potential impediments to resolution and the risk of contagion in relation to those holdings.
- (3) To carry out its tasks under the BRRD, the EBA needs to receive all the information collected by competent and resolution authorities from institutions relating to their MREL and TLAC position.

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<sup>5</sup> OJ L 225, 30.07.2014 p. 1.

<sup>6</sup> OJ L 168, 12.5.2021, p. 1–83

<sup>7</sup> EBA DC 2020/335, Decision concerning the European Centralised Infrastructure of Data (EUCLID); available at: [https://www.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](https://www.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)

- (4) 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”.
- (5) To ensure smooth implementation of the Decision, there is a need to set out, by means of a transitional provision, that, for the first submission of information after this Decision comes into force, Competent Authorities will be able to submit to the EBA the relevant data within thirty, rather than within twenty, business days from the reporting remittance dates referred to in Article 3 of the MREL/TLAC Reporting and Disclosure Regulation.
- (6) The submission of information by competent and resolution authorities in accordance with this Decision will be performed through EUCLID. Hence, it is necessary to set out in this Decision that all the provisions of the EUCLID will be applicable to determine all the relevant issues, including for the submission (EUCLID Instructions and Master Data), the quality and the use as well as confidentiality and access to this information.
- (7) 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 – Information to be reported**

1. Competent authorities referred to in points (i) and (v) 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 data received on individual and consolidated basis, which the reporting entities referred to in Article 2 of the MREL/TLAC Reporting and Disclosure Regulation submit to these Competent Authorities in accordance with Articles 1 to 7 and Annex I of that Regulation as well as the data set-out in Article 8 and Annex IV of the MREL/TLAC Reporting and Disclosure Regulation.
2. 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 – Entities covered**

Competent Authorities shall submit to the EBA the 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 2 of the MREL/TLAC Reporting and Disclosure Regulation for each data item. The EBA may refuse to accept

submissions by competent authorities, 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 the submitted information, 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 information 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 information 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 from entities falling under Article 2 or data from entities not falling under Article 2.

#### **Article 7 – Transitional provisions**

For the first submission of information after this Decision comes into force, Competent Authorities shall, without prejudice to Article 3 (1), submit to the EBA the data referred to in Article 1 within thirty business days from the reporting remittance dates referred to in Article 3 of the MREL/TLAC Reporting and Disclosure Regulation for each data item.

### Article 8 – Final provisions

This Decision shall enter into force immediately.

Done at Paris, 19 July 2021

*Jose Manuel Campa*  
Jose Manuel Campa (Jul 26, 2021 19:15 EDT)

José Manuel Campa  
Chairperson

For the Board of Supervisors