

EBA/DC/2016/156

31 May 2016

# Decision of the European Banking Authority on data for supervisory benchmarking

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/EC and repealing Commission Decision 2009/78/EC<sup>1</sup> (the ‘**EBA Regulation**’ and ‘the **EBA**’);
- (2) Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC<sup>2</sup>, as amended (the “**Capital Requirements Directive**”);
- (3) Commission Implementing Regulation to be adopted on the basis of the EBA draft ITS/2015/01 of 2 March 2015<sup>3</sup> laying down implementing technical standards with regard to templates, definitions and IT solutions for benchmarking reporting (the “**Benchmarking Implementing Regulation**”);
- (4) Commission Implementing Regulation No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (EU) No 680/2014<sup>4</sup>, as amended (the “**Reporting Regulation**”); and
- (5) EBA Decision on reporting of competent authorities to the European Banking Authority of 23 September 2015 (EBA/DC/130).
- (6) EBA Decision on data for supervisory benchmarking of 20 October 2015 (EBA/DC/139).

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

<sup>2</sup> OJ L 176, 27.6.2016, p.338

<sup>3</sup> Available at <https://www.eba.europa.eu/documents/10180/997875/EBA-RTS-2015-01+and+EBA-ITS-201-501+Final+Draft+RTS+and+ITS+on+Benchmarking+Exercise.pdf/022d26b1-e97b-4de9-823b-9447d35801ff>

<sup>4</sup> OJ L191. 28.06.2014, p.01

**Whereas:**

- (1) Competent authorities shall, in accordance with Article 78 (3) of the Capital Requirements Directive: (a) monitor the range of risk weighted exposure amounts or own funds requirements, as applicable, except for operational risk, for the exposures or transactions in the benchmark portfolios resulting for the internal approaches of institutions; and (b) assess, at least annually, the quality of the relevant approaches adopted by institutions. For that purpose, competent authorities receive benchmarking information / data in accordance with the Benchmarking Implementing Regulation.
- (2) The EBA is tasked, in accordance with Article 78 (3) of the Capital Requirements Directive, to assist the competent authorities in their assessment with regard to supervisory benchmarking. To that end, Article 78(2) of the Capital Requirements Directive requires that relevant benchmarking data are also received by the EBA. Thus, any long-term IT solution applied to the reporting for the benchmarking exercise under that Article could accommodate the possibility for direct reporting of institutions to EBA.
- (3) However, at the current stage and taking into account that competent authorities already receive from institutions data on supervisory benchmarking while they have already in place the IT systems / solutions for submitting to the EBA COREP and FINREP data, there is a need to avoid disproportionate double reporting by institutions (both to their competent authorities and directly to the EBA) and therefore competent authorities should undertake to submit to the EBA all relevant benchmarking information received by institutions.
- (4) The EBA should collect information which is necessary and in a form which will enable it to quickly and effectively perform its tasks in relation to supervisory benchmarking. Therefore and for the purposes of supervisory benchmarking, data should be received at the highest level of EU consolidation and in the same format as for COREP and FINREP data submitted to the EBA in accordance with EBA Decision EBA/DC/130. Furthermore, it is necessary to provide that institutions falling outside the scope of EBA Decision EBA/DC/130 but within the scope of this Decision, COREP data shall also be submitted to the EBA by the relevant competent authority on an annual basis.
- (5) In that respect, the EBA had, in view of the forthcoming adoption of the Benchmarking Implementing Regulation that would enable the harmonised submission of data to the competent authorities and therefrom to the EBA, adopted EBA/DC/139 of 20 October 2015 on data or supervisory benchmarking setting as first date of submission of the relevant data 10 business days from 15 January 2016. Due to the delay in the adoption of the above Regulation, there is a need to reset the date of submission for the 2015 data. 2016 data will be submitted to the EBA in accordance with Article 3 of this decision.
- (6) For reasons of completeness, EBA/DC/139 of 20 October 2015 is fully repealed and replaced by this decision.

**Has decided as follows:****Article 1 – Data to be reported**

1. Competent authorities, referred to in Article 4 (2) (i) of the EBA Regulation, shall submit to the EBA in accordance with the provisions set out in this Decision:

- (a) supervisory benchmarking data, which the competent authorities receive from institutions in accordance with the relevant provisions of the Benchmarking Implementing Regulation; and
  - (b) supervisory data received from institutions in accordance with Chapter 3, Section 1 of the Reporting Regulation where such data are not already submitted to the EBA in accordance with EBA Decision EBA/DC/130.
2. Competent authorities shall submit supervisory data referred to in paragraph 1(b) with annual frequency and reference date of 31 December of each calendar year.
  3. For institutions belonging to banking groups, the data referred to in paragraph 1 shall be submitted to the EBA only at the highest level of their consolidation in the EU. For stand-alone institutions, the data referred to in paragraph 1 shall be submitted to the EBA on an individual basis.

#### **Article 2 – Institutions covered**

1. Competent authorities shall submit the data referred to in Article 1 for institutions permitted to use internal approaches for the calculation of risk weighted exposure amounts or own fund requirements except for operational risk.
2. The EBA shall publish on its website the list of reporting institutions.

#### **Article 3- Date of submission**

1. Competent authorities shall submit to the EBA the data referred to in Article 1 within 10 business days from the reporting remittance dates referred to in the relevant provision, for each data item, either of the Benchmarking Implementing Regulation or of the Reporting Regulation.
2. Notwithstanding paragraph 1, the data referred to in Article 5 of the Benchmarking Implementing Regulation shall be submitted to the EBA within 10 business days from 11 November of each calendar year.
3. Competent authorities shall endeavor 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 paragraphs. Any further revision necessary shall be submitted by the competent authorities to the EBA without undue delay.
4. 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 relevant data to the EBA, competent authorities warrant the data has undergone rigorous internal controls and quality checks. Where competent authorities cannot warrant this for a particular set of the data submitted, competent authorities 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. The EBA shall make available to the competent authorities quality checks and it shall provide relevant feedback.

#### **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. Data submissions to the EBA shall be performed exclusively by means of the pertinent DPM/XBRL taxonomy set out, updated and published on the EBA website. The conditions for providing access to the data shall be specified by decision of the Executive Director of the EBA in accordance with Article 53 of the EBA Regulation.

#### **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 Articles 1 and 2.
2. Competent authorities shall not submit data, other than as foreseen in Article 1 and 2, unless they have previously obtained the EBA's consent.

#### **Article 7 – Transitional and final provisions**

1. Competent authorities shall submit all 2015 supervisory and supervisory benchmarking data within 10 business days from 30 June 2016.
2. EBA/DC/139 is repealed from the date this decision enters into force.
3. This Decision enters into force immediately.

Done at London, 31 May 2016

[signed]

Andrea Enria  
Chairperson  
For the Board of Supervisors