



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

of 6.6.2024

amending Implementing Regulation (EU) 2021/763 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

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012¹, and in particular Article 430(7), fifth subparagraph, and Article 434a, fifth subparagraph, thereof,

Having regard to Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 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, and in particular Article 45i(5), fifth subparagraph, and Article 45i(6), fifth subparagraph, thereof,

Whereas:

- (1) Regulation (EU) 2022/2036 of the European Parliament and of the Council³ introduced into Regulation (EU) No 575/2013 the requirement that intermediate entities in a resolution group are to deduct from eligible liabilities items their holdings of own funds instruments and eligible liabilities instruments used for the compliance with the requirement set out in Article 92b of Regulation (EU) No 575/2013 ('internal Total Loss-absorbing Capacity requirement' or 'internal TLAC') or the requirement set out in Article 45f of Directive 2014/59/EU⁴ ('internal minimum requirement for

¹ OJ L 176, 27.6.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/575/oj>.

² OJ L 173, 12.6.2014, p. 190, ELI: <http://data.europa.eu/eli/dir/2014/59/oj>.

³ Regulation (EU) 2022/2036 of the European Parliament and of the Council of 19 October 2022 amending Regulation (EU) No 575/2013 and Directive 2014/59/EU as regards the prudential treatment of global systemically important institutions with a multiple-point-of-entry resolution strategy and methods for the indirect subscription of instruments eligible for meeting the minimum requirement for own funds and eligible liabilities (OJ L 275, 25.10.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2036/oj>)

⁴ Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 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 (OJ L 173, 12.06.2014, p190-348)

own funds and eligible liabilities’ or ‘internal MREL’) where those own funds instruments and eligible liabilities instruments were issued by entities that are not themselves resolution entities and that belong to the same resolution group. Therefore, it is necessary to reflect this deduction requirement in the templates for the public disclosure of harmonised information on internal MREL and internal TLAC set out in Commission Implementing Regulation (EU) 2021/763⁵. This deduction requirement should equally be reflected in the harmonised information provided to competent and resolution authorities.

- (2) Directive (EU) 2024/1174 of the European Parliament and of the Council amending Directive 2014/59/EU and Regulation (EU) No 806/2014 as regards certain aspects of the minimum requirement for own funds and eligible liabilities⁶ further amended the deduction requirement laid down in Regulation (EU) No 575/2013 by specifying in Directive 2014/59/EU and Regulation (EU) No 806/2014 that intermediate entities in a resolution group are only to deduct their holdings of own funds instruments issued by liquidation entities that belong to the same resolution group and are not themselves resolution entities, subject to certain conditions related to the materiality of those holdings. Those amendments should also be reflected in the harmonised information provided in templates for the public disclosure and reporting to competent authorities and resolution authorities.
- (3) Entities subject to the requirements set out in Article 92a or Article 92b of Regulation (EU) No 575/2013 (‘TLAC requirement’) or the requirement set out in Article 45 of Directive 2014/59/EU (‘MREL’) may, with the prior permission of their resolution authority, call, redeem, repay or repurchase eligible liabilities instruments in accordance with Article 78a of Regulation (EU) No 575/2013. Amounts covered by such a permission reduce the entities’ capacity to meet the MREL or the TLAC requirement. Therefore, it is necessary to specify how the impact of such a permission should be reflected in public disclosures and reporting to competent authorities and resolution authorities.
- (4) Implementing Regulation (EU) 2021/763 should therefore be amended accordingly.
- (5) This Regulation is based on the draft implementing technical standards submitted to the Commission by the European Banking Authority.
- (6) The European Banking Authority has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and 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 Council⁷.

⁵ Commission Implementing Regulation (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 (OJ L 168, 12.5.2021, p. 1)

⁶ Directive (EU) 2024/1174 of the European Parliament and of the Council of 11 April 2024 amending Directive 2014/59/EU and Regulation (EU) No 806/2014 as regards certain aspects of the minimum requirement for own funds and eligible liabilities (OJ L, 2024/1174, 22.4.2024).

⁷ 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, ELI: <http://data.europa.eu/eli/reg/2010/1093/oj>).

- (7) To provide entities subject to the obligation to report or disclose information in accordance with Regulation (EU) No 575/2013 or Directive 2014/59/EU with sufficient time to adapt to the changes in templates and harmonised information, the changes should start to apply six months after its date of entry into force.

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2021/763

Implementing Regulation (EU) 2021/763 is amended as follows:

- (1) templates M 02.00 and M 03.00 set out in Annex I are replaced by templates M 02.00 and M 03.00 set out in Annex I to this Regulation.
- (2) Annex II is replaced by the text in Annex II to this Regulation.
- (3) templates EU TLAC1 and EU ILAC set out in Annex V are replaced by templates EU TLAC1 and EU ILAC set out in Annex III to this Regulation.
- (4) Annex VI is replaced by the text in Annex IV to this Regulation.

Article 2

Entry into force and application

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

It shall apply from *[OJ please insert the date six months after the date of entry into force of this amending Regulation]*.

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

Done at Brussels, 6.6.2024

For the Commission
The President
Ursula VON DER LEYEN