

EBA/DC/2020/337

EBA Regular Use

Decision of the European Banking Authority

of 05.06.2020

concerning data for supervisory benchmarking

The Board of Supervisors

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/EC¹ (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/EC² (the 'Capital Requirements Directive');
- (3) Commission Delegated Regulation (EU) 2017/180 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for benchmarking portfolio assessment standards and assessment-sharing procedures (the 'Supervisory Benchmarking RTS')³;
- (4) Commission Implementing Regulation (EU) 2016/2070 laying down implementing technical standards for templates, definitions and IT-solutions to be used by institutions when reporting to the European Banking Authority and to competent authorities in accordance with Article 78(2) of Directive 2013/36/EU of the European Parliament and of the Council (the 'Supervisory Benchmarking ITS')⁴;
- (5) EBA Decision EBA/DC/2016/156 on data for supervisory benchmarking (the 'Benchmarking

¹ OJ L 331, 15.12.2010, p. 12

² OJ L 176, 27.06.2013, p. 338

³ OJ L 29, 3.2.2017, p. 1

⁴ OJ L 328, 2.12.2016, p. 1

Decision’);

(6) EBA Decision EBA/DC/335 on EUCLID of 05 June 2020 (‘EUCLID Decision’).

Whereas:

- (1) Competent authorities are required, in accordance with Article 78 (3) of the Capital Requirements Directive: (a) to 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) to assess, at least annually, the quality of the relevant approaches adopted by institutions. For that purpose, competent authorities receive benchmarking information/data from institutions in accordance with the Supervisory Benchmarking ITS.
- (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 the 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 supervisory and financial reporting data, there is a need to avoid disproportionate double reporting by institutions (both to their competent authorities and directly to the EBA). Therefore competent authorities should undertake to submit to the EBA all relevant benchmarking information received from 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 supervisory and financial reporting data submitted to the EBA in accordance with EBA Decision EBA/DC/xxx (‘Reporting Decision’) [to be completed upon adoption].
- (5) The EBA issued the Benchmarking Decision, in accordance with which competent authorities are required to submit to the EBA the data required for the benchmarking exercise. This includes supervisory data received from institutions in accordance with Chapter 3, Section 1 of the Reporting Regulation where such data is not already submitted to the EBA in accordance with the Reporting Decision.
- (6) The Reporting Decision has now been amended to include submission of data for smaller institutions. Thus, there is no need to refer to the submission of supervisory reporting data in the Benchmarking Decision anymore. Therefore, there is a need to amend it accordingly.

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, supervisory benchmarking data which the competent authorities receive from institutions in accordance with the Supervisory Benchmarking ITS.
2. 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.
3. Where the ECB has submitted data referred to in paragraph 1 to the EBA, the relevant competent authorities shall refrain from submitting those data.

Article 2 – Date of submission

1. Competent authorities shall submit to the EBA the data referred to in Article 1 within ten (10) business days from the reporting remittance dates referred to in the relevant provision for each data item of the Supervisory Benchmarking ITS.
2. Competent authorities shall endeavour 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 paragraph. Any further revision necessary shall be submitted by the competent authorities to the EBA without undue delay.

Article 3 - 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.
3. Competent authorities shall not submit data, other than as foreseen in Article 1, unless they have previously obtained the EBA's consent.

Article 4 - Final provisions

1. This Decision enters into force immediately.
2. From the date of application of this Decision, the EBA Decision on reporting of competent authorities to the European Banking Authority of 31 May 2016 (EBA/DC/2016/156) shall be repealed.

Done at Paris, 12.06.2020

[signed]

José Manuel Campa

Chairperson

For the Board of Supervisors