

GL on how information should be provided in summary or collective form

Resolution Unit

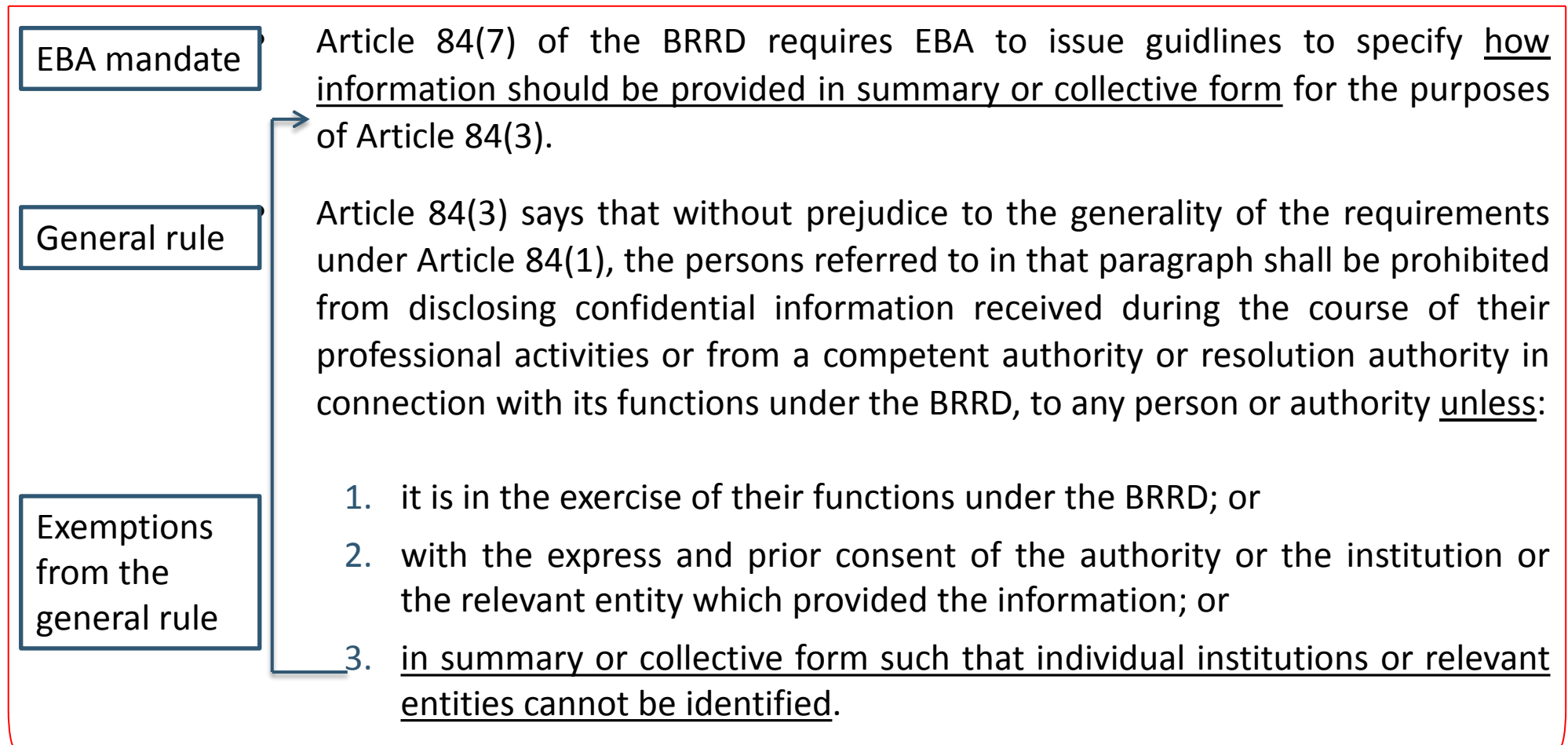
London, 13 January 2016

Outline

1. Mandate
2. Goals of the GL and the main provisions
3. Specific questions for public consultation and next steps

1. Mandate

1.1. Mandate – level 1 text



The guidelines (GL) relate to those cases when the defined persons are disclosing confidential information in summary or collective form such that individual institutions or relevant entities cannot be identified.

Note: level 1 text does not give the definition of ‘confidential information’.

1.2. Scope of Application

The GL shall be applied by the persons as referred to in Article 84(1) of the BRRD:

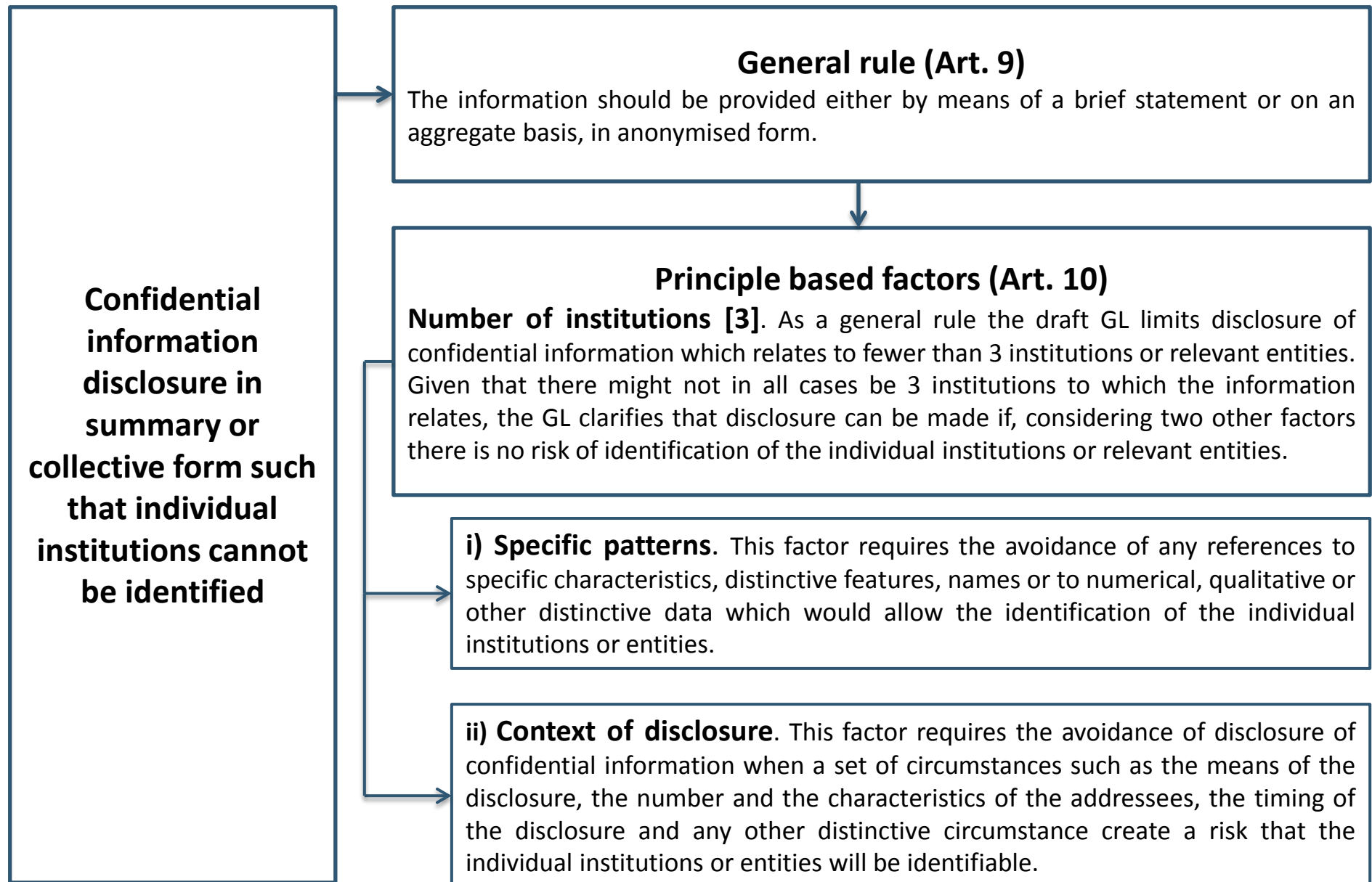
- (a) resolution authorities;
- (b) competent authorities and EBA;
- (c) competent ministries;
- (d) special managers or temporary administrators appointed under this Directive;
- (e) potential acquirers that are contacted by the competent authorities or solicited by the resolution authorities, irrespective of whether that contact or solicitation was made as preparation for the use of the sale of business tool, and irrespective of whether the solicitation resulted in an acquisition;
- (f) auditors, accountants, legal and professional advisors, valuers and other experts directly or indirectly engaged by the resolution authorities, competent authorities, competent ministries or by the potential acquirers referred to in point (e);
- (g) bodies which administer deposit guarantee schemes;
- (h) bodies which administer investor compensation schemes;
- (i) the body in charge of the resolution financing arrangements;
- (j) central banks and other authorities involved in the resolution process;
- (k) a bridge institution or an asset management vehicle;
- (l) any other persons who provide or have provided services directly or indirectly, permanently or occasionally, to persons referred to in points (a) to (k);
- (m) senior management, members of the management body, and employees of the bodies or entities referred to in points (a) to (k) before, during and after their appointment.

2. Goals of the GL and the Main Provisions

2.1. Goals of the GL

- To achieve an appropriate level of convergence of practices as to how confidential information should be provided in summary or collective form;
- To ensure flexibility, considering that there might be many different types of confidential information as well as circumstances and situations when confidential information is being disclosed in summary or collective form;
- To define principles in the GL which guide authorities as to the aspects that have to be considered in order to eliminate the risk of identification of individual institutions or relevant entities.

2.2. General Rule & Principle Based Factors



3. Specific Questions for Public Consultation and Next Steps

3.1. Specific Questions

1. Do you agree with the principle based factors which have to be considered before disclosing information in summary or collective form such that individual institution should not be identified?
2. If no, what other principle based factors might be useful to introduce?

3.2. Next Steps

- Consultation closes on 27 January 2016

- GL to be finalised in Q1 2016

Q&A



EUROPEAN BANKING AUTHORITY

Floor 46, One Canada Square, London E14 5AA

Tel: +44 207 382 1776

Fax: +44 207 382 1771

E-mail: info@eba.europa.eu

<http://www.eba.europa.eu>