

Response from the Italian Banking Association  
to the EBA consultation paper

**Consultation Paper on draft  
Guidelines  
on the data collection exercises  
regarding high earners under  
Directive 2013/36/EU and under  
Directive (EU) 2019/2034**

March 2022

## Subject matter, scope and definitions

**Q1: Are the sections on subject matter, scope, definitions and implementation appropriate and sufficiently clear?**

Yes, the sections on subject matter, scope, definitions, recipients and implementation are appropriate and sufficiently clear.

### 1.Scope of application of the data collection exercises

**Q2: Are the sections on the scope of the data collection exercises sufficiently clear?**

Yes, the sections on the scope of the data collection exercises are sufficiently clear.

### 2. Procedural specifications for firms

### 3.General specifications regarding the high earner data collections

**Q3: Are the sections 2 and 3 regarding the procedural and general specifications appropriate and sufficiently clear?**

ABI requests confirmation of the previous timing for information collection:

- 30 June transmission to the competent national authorities
- 31 August transmission to the EBA.

to avoid increasing the administrative burden at a time when shareholders' meetings are being organised for the approval of financial statements.

ABI has made the same request regarding the transmission of remuneration benchmarking data, data on gender differentials and data on the approval of an upper limit on the ratio between variable and fixed remuneration.

### 4. Additional specifications regarding the high earner data collection with Annex I

**Q4: Are the additional instructions to Annex I sufficiently clear?**

The definition of member of the Management Body seems to be different to that in the benchmarking consultation paper, in which the following definitions are proposed:

*"a. Management body (MB) supervisory function, should be the members of the management body at the highest level of consolidation acting in the role of overseeing and monitoring management decision-making (i.e. non-executive directors), as specified in the instructions to table REM1 column letter (a) of the Commission Implementing Regulation (EU) 2021/637. Institutions should allocate members of management bodies of subsidiaries to the relevant business area under points (c) to (i) where such a break down is provided and otherwise to the category 'other identified staff'.*

*b. Management body (MB) management function, should be the members of the management Body at the highest consolidating level, who are responsible for its management functions (i.e. executive directors) as specified in the instructions to table REM1 column letter (a) of the Commission Implementing Regulation (EU) 2021/637. Institutions should allocate members of management bodies of subsidiaries to the relevant business area under points (c) to (i), where such a break down is provided and otherwise to the category 'other senior management'.*

Therefore, under these definitions, members of the management bodies of subsidiaries with supervisory / management functions should be allocated to the relevant business area under points (c) to (i) where such a break down is provided and, otherwise, to the category "other identified staff".

Whereas, in the high earners consultation paper:

*"Members of the management body, including members of the management body of subsidiaries that are not subject to specific remuneration requirements, should be reported, as applicable, under the column 'management body in its supervisory function' or 'management body in its management function'.*

ABI requests alignment of the two definitions in order to provide comparable data.

**5. Additional specifications regarding the high earner data collection with Annex II**

**Q5: Are the additional instructions to Annex II sufficiently clear?**

See the answer to Question 4 about the composition of the Management Body.

**6. Collection of data by competent authorities**

**7. Aggregation of data by competent authorities**

**8. Submission of data by competent authorities to the EBA**

**Q6: Are the sections 6 to 8 regarding the instructions for competent authorities sufficiently clear?**

Given the request to confirm the transmission of data to the national competent authorities by 30 June of each year, ABI asks for the deadline for submission by each national authority to the EBA to be changed accordingly, restoring the deadline of 31 August. Restoration of the original deadlines is considered reasonable, given the numerous checks on the adequacy of information carried out by each institution and each national competent authority, thus reducing the data verification work needed by the EBA.

**7. Data quality**

**Q7: Are the section on data quality and the Annex III sufficiently clear?**

Yes, the section on data quality and the Annex III are sufficiently clear.

**Q8: Is the Annex I appropriate and sufficiently clear?**

Yes, the Annex I is appropriate and sufficiently clear.

**Q9: Is the Annex II appropriate and sufficiently clear?**

Yes, the Annex II is appropriate and sufficiently clear.