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Prepared by Wu/Gk


**Draft Guidelines on credit institutions' credit risk  
management practices and accounting for expected credit  
losses (EBA/CP/2016/10)**

25 Oktober 2016


Dear Sir or Madam,

Thank you for the opportunity to comment on the Draft Guidelines  
credit institutions' credit risk management practices and accounting  
for expected credit losses (EBA/CP/2016/10). Please find enclosed  
the comments of the German Banking Industry Committee.

Yours sincerely,  
on behalf of the German Banking Industry Committee,  
Association of German Banks

  
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# Comments

## on credit institutions' credit risk management practices and accounting for expected credit losses (EBA/CP/2016/10)

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Berlin, 25 October 2016

The **German Banking Industry Committee** is the joint committee operated by the central associations of the German banking industry. These associations are the Bundesverband der Deutschen Volksbanken und Raiffeisenbanken (BVR), for the cooperative banks, the Bundesverband deutscher Banken (BdB), for the private commercial banks, the Bundesverband Öffentlicher Banken Deutschlands (VÖB), for the public banks, the Deutscher Sparkassen- und Giroverband (DSGV), for the savings banks finance group, and the Verband deutscher Pfandbriefbanken (vdp), for the Pfandbrief banks. Collectively, they represent approximately 1,700 banks.

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## Comments on EBA/CP/2016/10

On 26 July 2016, the EBA published its Draft Guidelines on credit institutions' credit risk management practices and accounting for expected credit losses (EBA/CP/2016/10).

We welcome the opportunity to comment on this consultation paper.

### We would like to begin by outlining our key remaining concerns about the consultation paper

1) Regulatory guidance should be principles-based and suitable for banks of different sizes and levels of complexity and with different business models

The consultation paper still contains too much specific guidance and too many examples, creating inflexibility and redundancy with existing regulatory and accounting rules. In some areas, the consultation paper is written as rules-based guidance, with strict requirements that are difficult to reconcile with the principles of proportionality and materiality considering the characteristics (e.g. size, complexity, sophistication level) of each credit institution.

The requirements under "Principle 2 – Sound ECL Methodologies", in particular, read more like checklists than principles-based guidance (especially paragraphs 33, 36, 37). The consultation paper should concentrate on established principles, while specific rules and examples should be removed as they create inflexibility and redundancies.

Furthermore, we have serious concerns about the regulatory expectation that banks should demonstrate risk-adjusted pricing throughout all business segments and for all loans in order to use this as a factor for determining significant increases in credit risk and consequently as an indicator for assessing the quality of the implementation of their ECL model (paragraphs 40, 107).

Another problematic requirement set out in the consultation paper is the obligation to consider an absolute width when determining significant increases in credit risk (paragraph 109) as this might conflict with IFRS 9 requirements. This is because a significant increase in the risk of default is defined as a relative change in PD. Consequently, by following the regulatory guidance banks might no longer be able to determine significant increases in compliance with IFRS 9. In some cases, it may be helpful to use an "absolute" measure (absolute increase in PD as a width of the change in PD) in addition. Considering an absolute measure needs to be a purely voluntary option, however. If the application of both measures were mandatory, it could be difficult for some entities to incorporate an absolute width in the IFRS 9 ECL model because it might conflict with the relative transfer criterion.

2) Proportionality and materiality should be understood as overarching principles

We believe that the proportionality principle should not only apply to credit institutions of different sizes or levels of complexity, but also to subsidiaries or branches and portfolios of banking groups (i.e. this principle should allow subsidiaries/branches (also as part of the parent credit institution) with only small portfolios resulting in immaterial effects on potential ECL amounts to use operational relief when implementing the ECL methodology). In our view, the application of proportionality at segment level is not adequately addressed in the consultation paper (paragraph 17).

Furthermore, we believe considering large portfolios as "material" per se (paragraph 18) is not a proper application of the materiality principle as set out in IFRS. In our view, moreover, the application of the proportionality principle should not involve either defining specific criteria or exempting some credit institutions from applying the requirements of the guidelines. This is because

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we think application should be formulated in a principles-based fashion, ensuring consistency with the rest of the consultation paper.

### 3) Accounting should follow risk management practices

The final guidance should not set out specific rules for credit risk management as such. Instead, it should be based on robust risk management methodology. The consultation paper still contains very detailed requirements for risk management methods and processes. On the other hand, the reference to existing risk management processes is not clear enough.

For example, the requirements under paragraph 38 regarding the consideration of different potential scenarios constitute additional requirements beyond IFRS 9. Due consideration should be given to cost-benefit aspects and the requirements should be less detailed and more principles based. This would be in line with IFRS 9 and consistent with the credit institution's risk management practices.

In addition, we reject the requirement under paragraph 41 that the probation period as defined in Commission Implementing Regulation (EU) 2015/227 should now be considered for impairment purposes as well. Instead of using standard probation periods that may not reflect the actual risks, credit institutions should continue to be able to decide what probation period is appropriate from a risk management perspective and be permitted to conclude on the basis of their analysis that the credit risk on the exposure has decreased. In addition, the proposed requirement would lead to further divergence from IFRS 9, which would not be helpful, in our view.

### 4) Use of practical expedients

#### *Use of practical expedients does not contradict "high quality implementation" as such:*

The consultation paper still takes a very restrictive approach to the use of practical expedients. We do not agree with the conclusion that limited use needs to be made of the practical expedients set out in IFRS 9 in order to achieve robust and consistent implementation of the IFRS 9 ECL model. If the objectives of the IFRS 9 impairment model are not undermined and an appropriate level of allowance is established without delay, we do not see any obstacles to using practical expedients.

#### *Use of full information set ("reasonable and supportable information")*

The use of the relief in IFRS 9 to avoid "undue cost or effort" for preparers should not be limited by assuming that investments in providing forward-looking information are generally necessary unless preparers can prove that they do not contribute to a high-quality implementation of IFRS 9. Nor is it clear how and to what extent banks are supposed to demonstrate that investing additional funds and efforts into considering all reasonable and supportable information would not contribute to a high-quality implementation of IFRS 9. This creates considerable potential for time-consuming discussions with reviewers as well as about findings of regulatory reviews.

#### *Use of the low credit risk exemption (LCRE)*

While the original motivation for introducing this exemption in the IFRS 9 ECL model was to achieve an appropriate balance between the benefits of distinguishing between financial instruments on the basis of changes in credit risk and the costs of making this distinction, the IASB noted that financial instruments of such high credit quality were not the primary focus for the recognition of lifetime expected credit losses. In addition to that empirical analysis, the entire industry has come to the conclusion that, for assets of investment grade quality at the reporting date, any increase in PD since inception does not yet have to be regarded as "significant". As the LCRE is justified both from a

## Comments on EBA/CP/2016/10

conceptual and a material perspective, we disagree with the view that the use of the LCRE would result in low-quality implementation of the IFRS 9 ECL model.

Furthermore, it is unclear how and to what extent banks are supposed to demonstrate that the LCRE was not used “for the purpose of omitting timely assessment and tracking of credit risk” and that the risk of the relevant loans was “sufficiently low”. This uncertainty creates substantial potential for discussions with reviewers.

### 30-days-past-due rebuttable presumption (30 dpd)

A reasonable use of the 30 dpd should not run counter to high quality implementation. We believe that 30 dpd should generally be eligible subject to the application of the principles of proportionality and materiality with regard to the size and inherent risks of such exposures. If, for instance, retail portfolios are not material in terms of exposure size or impact on the financial situation, the use of the more than-30-days-past-due rebuttable assumption may represent appropriate implementation that is proportionate to the risk of the exposures involved. Furthermore, there may be justified cases in which the use of the more-than-30-days-past-due rebuttable assumption is both appropriate and the best criterion available.

### General use of practical expedients within the limitations of IFRS 9 is necessary for retrospective application to credit exposures that are originated before the date of initial application of the ECL model

Banks should be allowed to use practical expedients for retrospective application to credit exposures that are originated before the first application date if the required data are not available and cannot be generated without undue cost or effort in line with IFRS 9. This should also apply to the consideration of the time horizon and the possible use of the 12-month PD as an approximation for the lifetime of the contract to determine a significant increase in credit risk.

This is necessary to avoid additional high provisions that in conjunction with IAS 8 would directly reduce the CET1 capital for some time. Over time, these high provisions would shrink again, with a corresponding increase in the amount of accounting and regulatory capital. This is because, after initial application, provisions for new transactions first have to be calculated on the basis of a 12-month PD and, on the assumption that data are available for these new transactions, provisions amounting to the lifetime expected credit loss are not required in the absence of a significant increase in risk, which is almost always likely to be the case.

#### 5) Independence of model validation from model development

It should be clarified that the required independence of model validation from model development can also be achieved if the validation and development of the model in question is performed in the same organisational unit by different persons and if the validation results are approved by a committee that ensures independent decisions on the conclusions to be drawn from the validation results, such as the need for new model development or a recalibration, for instance.

## Comments on EBA/CP/2016/10

For your convenience, please find below our responses to the **specific questions raised in the consultation paper** (and summarised in section 5.2):

**Question 1:** Is the scope of application of the guidelines appropriate and sufficiently clear?

*Answer:* Yes. We support the clearly described scope of application and especially welcome the emphasis on the fact that credit institutions would need to comply with the guidelines on different levels of consolidation under the CRR scope of consolidation (individual, sub-consolidated and consolidated levels).

**Question 2:** Is the date of application of the guidelines of 1 January 2018 appropriate?

*Answer:* 1 January 2018 as the mandatory date of initial application of the final EBA guidelines will be acceptable if, and only if, the additional requirements compared to IFRS 9 set out in this consultation paper are limited to those that are not criticised and opposed in Section 4 of our attached annotated version of the paper.

*Otherwise, the remaining period of time until 1 January 2018 will be too short for the implementation (including testing activities) of the additional requirements. The earliest feasible implementation date would be 1 January 2020, in our view.*

**Question 3:** Please provide any comments you may have on the appropriateness of the proposed proportionality approach.

*Answer:* We acknowledge the documentation of the proportionality principle in the EBA's consultation paper. These principles of proportionality and materiality are already applied in practice and are a part of the regulatory framework, as demonstrated, for example, by the possibility of permanent partial use under the IRB approach, and an accounting principle for useful information in the IFRS Framework.

*However, we believe that the proportionality principle should not only apply to credit institutions of different sizes or levels of complexity, but also to subsidiaries or branches and portfolios of banking groups (i.e. this principle should allow subsidiaries/branches with only small portfolios resulting in immaterial effects on potential ECL amounts to use operational relief when implementing the ECL methodology). In our view, the application of proportionality at segment level is not adequately addressed in the consultation paper at present.*

*Furthermore, we believe considering large portfolios as "material" per se is not a proper application of the materiality principle as stipulated in IFRS. When considering individual portfolios, the applicable materiality principle should instead follow the criteria of the proportionality principle.*

**Question 4:** Do you agree with the draft guidelines which introduce the relevant BCBS Guidance in the EU regulatory framework? Are there additional issues for which the EBA Guidelines should be amended in the context of finalising the guidelines?

## Comments on EBA/CP/2016/10

*Answer:* In our view, the consultation paper should be adjusted to reflect our detailed remarks set out in the Appendix to these comments. In addition, we would like to highlight the following aspects:

- The EBA mentions that credit institutions may use existing regulatory capital models for the measurement of expected losses as a starting point for estimating ECL for accounting purposes.
- We welcome the fact that some paragraphs reproducing the text of IFRS 9 have been replaced by a reference to the relevant paragraph of IFRS 9. In our view, however, this approach could be extended further. For example, the statement that “credit institutions should ensure that modifications or renegotiations do not obscure increases in credit risk...” (paragraph 124) relates to IFRS 9 preventing preparers from hiding credit deteriorations by modifications or renegotiations of the contractual terms and conditions. This should be appropriately referenced.

**Question 5:** Do you agree with the impact assessment and its conclusions, having regard to the baseline scenario used for this impact assessment? Please provide any additional information regarding the costs and benefits from the application of these guidelines.

*In relation to the impact assessment of the proportionality approach, we believe that Option 2.1 should be chosen, since this is the most principles-based of the three. We strongly believe that the draft guidelines should be based on a set of principles. Such an approach is best suited for application within a broad range of different accounting frameworks, business models and sizes of banks and as such could be adequately applied by each credit institution covered by the scope of the draft guidelines.*

*By contrast, detailed criteria on the application of the proportionality approach and the introduction of specific exclusions or inclusions (“smaller/less complex” or “systematically important credit institutions”) would lead to reduced flexibility and redundancies. It would also be impossible to take account of all possible cases when specifying specific criteria. In consequence, we believe the costs associated with such exclusions and restrictions would outweigh any potential benefits they might bring.*

**Question 6:** Please provide any additional comments on the draft guidelines.

*In addition to our answers/remarks above, we would like to make the following comments on specific paragraphs of the consultation paper:*

- *It should be clearly stated in paragraph 120 that a comparison of past lifetime PD estimates on initial recognition with the lifetime PDs estimated on the reporting date makes economic sense only if the comparison is made for congruent periods of time (as implied in IFRS 9 B5.5.11). Hence only the former lifetime PD expectations on initial recognition for the (at that time) future period starting at the reporting date can be the basis for the comparison with the current lifetime PD on the reporting date.*
- *We disagree with the obligation to consider an absolute width of the change in PD when determining significant increases in credit risk (paragraph 109) as IFRS 9 requires an assessment that is relative in nature.*
- *Regarding the materiality principle, we would like to emphasise that even where large exposures/portfolios are involved, the materiality and sensitivity of the amount of risk provisions should be a more relevant measure than the size of the exposure amount. In consequence, we would recommend deleting the following statement in paragraph 18 to reflect this idea: “In addition, materiality should not be assessed only on the basis of the potential impact on the*

### Comments on EBA/CP/2016/10

*profit or loss statement at the reporting date under the applicable accounting framework. For instance, large portfolio(s) of highly collateralized lending exposures like real estate mortgages should be considered material."*

Our **detailed remarks on all proposals put forward in the consultation paper are contained in the Appendix** attached to this letter. For your convenience and to avoid confusion, we have made concrete proposals for adjustments by inserting modifications and a clear rationale into the original text of the consultation paper as issued by the EBA.



# Appendix to comments on EBA/CP/2016/10

## Consultation Paper

Draft Guidelines on credit institutions' credit risk management practices and accounting for expected credit losses

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# 1. Responding to this consultation

The EBA invites comments on all proposals put forward in this paper and in particular on the specific questions summarised in 5.2.

Comments are most helpful if they:

- respond to the question stated;
- indicate the specific point to which a comment relates;
- contain a clear rationale;
- provide evidence to support the views expressed/ rationale proposed; and
- describe any alternative regulatory choices the EBA should consider.

## **Submission of responses**

To submit your comments, click on the 'send your comments' button on the consultation page by 26.10.2016. Please note that comments submitted after this deadline, or submitted via other means may not be processed.

## **Publication of responses**

Please clearly indicate in the consultation form if you wish your comments to be disclosed or to be treated as confidential. A confidential response may be requested from us in accordance with the EBA's rules on public access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by the EBA's Board of Appeal and the European Ombudsman.

## **Data protection**

The protection of individuals with regard to the processing of personal data by the EBA is based on Regulation (EC) N° 45/2001 of the European Parliament and of the Council of 18 December 2000 as implemented by the EBA in its implementing rules adopted by its Management Board. Further information on data protection can be found under the Legal notice section of the EBA website.

## 2.Executive Summary

These guidelines are issued pursuant to Article 16(1) of Regulation (EU) No 1093/2010 on the EBA's own initiative in order to ensure common, uniform and consistent application of Union law and to establishing consistent, efficient and effective supervisory practices within the European System of Financial Supervision (ESFS).

A significant number of credit institutions apply the International Financial Reporting Standards® ('IFRS® Standards') as these are incorporated into the EU legal framework through EU Regulations, in accordance with the procedures set out in Regulation (EC) No 1606/2002<sup>1</sup>. IFRS 9 *Financial Instruments* ('IFRS 9') which will replace IAS 39 *Financial Instruments: Recognition and Measurement* ('IAS 39') for the accounting periods beginning on or after 1 January 2018<sup>2</sup>, requires the measurement of impairment loss allowances to be based on an expected credit loss ('ECL') accounting model rather than on an incurred loss accounting model.

The EBA welcomes the move from an incurred loss model to an ECL model under IFRS 9<sup>3</sup>. IFRS 9 is, overall, an improvement compared to IAS 39 in the accounting for financial instruments and the changes on credit loss provisioning should contribute in addressing the G20's concerns about the issue of 'too little, too late' recognition of credit losses and improve the accounting recognition of loan loss provisions by incorporating a broader range of credit information. IFRS 9 is therefore expected to address some prudential concerns and contribute to financial stability. However, the application of IFRS 9 also requires the use of judgement in the ECL assessment and measurement process which could potentially affect the consistent application of IFRS 9 across credit institutions and the comparability of credit institutions' financial statements.

In December 2015, the Basel Committee on Banking Supervision ('BCBS') issued supervisory guidance on credit risk and accounting for expected credit losses<sup>4</sup> (the 'BCBS guidance'), which sets out supervisory expectations for credit institutions related to sound credit risk practices associated with implementing and applying an ECL accounting model. In addition, it contains an Annex specific to jurisdictions applying IFRS.

Building on the BCBS guidance, these guidelines aim at ensuring sound credit risk management practices for credit institutions associated with the implementation and ongoing application of ECL accounting models. The existence of supervisory guidance emphasizes the importance of high-quality and consistent application of IFRS 9 and could help promoting consistent

<sup>1</sup> Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards (OJ L 243, 11.9.2002, p. 1).

<sup>2</sup> The endorsement process of IFRS 9 into EU law is on-going

<sup>3</sup> Letter to the European Financial Reporting Advisory Group ('EFRAG') of 26 June 2015 with EBA's views on the adoption of IFRS 9 Financial Instruments (<http://www.eba.europa.eu/documents/10180/943157/Letter+to+EFRAG+Board+on+IFRS+9+endorsement.pdf>).

<sup>4</sup> Guidance on accounting for expected credit losses (<http://www.bis.org/bcbs/publ/d350.pdf>)

interpretations and practices. The objective of the EBA guidelines is to be in line with the BCBS guidance. The EBA guidelines would not prevent credit institutions from meeting the impairment requirements in IFRS 9.

These guidelines should be read in conjunction with the provisions of Regulation (EU) 575/2013 and Directive 2013/36/EU regarding internal governance, credit risk, disclosures, supervisory review and evaluation process and requirements and supervisory measures and powers, as supplemented by the relevant technical standards adopted by the Commission and as further developed by the technical standards and guidelines issued by the EBA.

The guidelines include four main sections as follows:

- Section 4.1 includes some general considerations on the application of the principles of proportionality and materiality, and the use of information by credit institutions.
- Section 4.2 includes 8 principles also addressed to credit institutions related to the provisions for the main elements of credit risk management and accounting for ECL and detailed guidance for the application of each principle.
- Section 4.3 includes guidance specific to credit institutions reporting under IFRS.
- Section 4.4 includes three principles specifically addressed to competent authorities on the supervisory evaluation of credit risk management practices, accounting for ECL and the overall capital adequacy.

In addition, these guidelines should be applied considering the principle of proportionality. The EBA notes that all credit institutions applying IFRS 9 should ensure that they meet the objectives of IFRS 9 when applying the Standard. Credit institutions should comply with these guidelines in a proportionate manner considering different criteria, such as their size, internal organisation, nature, scope and complexity of their activities as described in paragraph 17 of the guidelines. Credit institutions should however, take into consideration if using practical expedients that the objective of IFRS 9 is to measure ECL to reflect an unbiased and probability-weighted amount that is determined by evaluating a range of possible outcomes (IFRS 9, paragraph 5.5.17).

## Next steps

The EBA aims to finalise the proposed guidelines during the fourth quarter of 2016 or first quarter of 2017, taking into account the comments received during the consultation. The guidelines should be implemented by 1 January 2018.

## 3. Background and rationale

### Legal basis and scope of the guidelines

1. These guidelines are issued pursuant to Article 16(1) of Regulation (EU) No 1093/2010<sup>5</sup> on the EBA's own initiative in order to ensure common, uniform and consistent application of Union law and to establishing consistent, efficient and effective supervisory practices within the ESFS.
2. In particular, Article 74 of Directive 2013/36/EU<sup>6</sup> requires credit institutions to have *'adequate internal control mechanisms, including sound administration and accounting procedures,...that are consistent with and promote sound and effective risk management'*. Article 79(1) of Directive 2013/36/EU requires competent authorities to ensure that *'(b) institutions have internal methodologies that enable them to assess the credit risk of exposures to individual obligors (...) and credit risk at the portfolio level'* and *'(c) the ongoing administration and monitoring of the various risk-bearing portfolios and exposures of institutions, including for identifying and managing problem credits and for making adequate value adjustments and provisions, is operated through effective systems'*. Article 88(1)(b) Directive 2013/36/EU also includes the principle that *'the management body must ensure the integrity of the accounting and financial reporting systems, including financial and operational controls and compliance with the law and relevant standards'*. In accordance with Article 97(1) of Directive 2013/36/EU, competent authorities must review the arrangements, strategies, processes and mechanisms implemented by institutions to comply with that Directive and Regulation (EU) No 575/2013. In this regard, Article 104(1) of Directive 2013/36/EU enumerates the minimum powers that competent authorities must have, including the power *'to require the reinforcement of the arrangements, processes, mechanisms and strategies implemented in accordance with Articles 73 and 74'* (Article 104(1)(b)), *'to require institutions to apply a specific provisioning policy or treatment of assets in terms of own funds requirements'* (Article 104(1)(d)).
3. High quality and consistent application of accounting standards are the basis for the effective and consistent application of regulatory capital requirements.
4. Accounting frameworks are commonly principles-based and credit institutions should exercise judgment when applying the standards, with the objective to provide useful financial information to the users. In this regard, the use of judgement plays a fundamental role in some areas of accounting. For this reason, it is important for banking and market authorities to promote a high

<sup>5</sup> 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).

<sup>6</sup> 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 (OJ L 176, 27.6.2013, p.338).

quality and consistent application of the accounting standards which would also improve the comparability of the financial statements across institutions.

5. In addition, a significant number of credit institutions apply the IFRS Standards as these are incorporated into the EU legal framework through EU Regulations, in accordance with the procedures set out in Regulation (EC) No 1606/2002. IFRS 9 which will replace IAS 39 for the accounting periods beginning on or after 1 January 2018<sup>7</sup>, requires the measurement of impairment loss provisions to be based on an ECL accounting model rather than on an incurred loss accounting model.
6. The EBA welcomes the move from an incurred loss model to an ECL model under IFRS 9<sup>8</sup>. IFRS 9 is, overall, an improvement compared to IAS 39 in the accounting for financial instruments and the changes on credit loss provisioning should contribute in addressing the G20's concerns about the issue of 'too little, too late' recognition of credit losses and improve the accounting recognition of loan loss provisions by incorporating a broader range of credit information.
7. The ECL model should result in the earlier recognition of credit losses. In this respect, IFRS 9 is expected to address some prudential concerns and contribute to financial stability. In addition, consideration of forward-looking information, including macroeconomic factors, is a distinctive feature of an ECL model and is critical for the timely recognition of credit losses. The ECL model is also more aligned with existing regulatory practices (for credit institutions using an internal ratings-based ('IRB') approach) which require the calculation of expected credit losses rather than incurred credit losses in order to determine institutions' regulatory capital requirements.
8. However, the application of IFRS 9 also requires the use of judgement in the ECL assessment and measurement process which could potentially affect the consistent application of IFRS 9 across institutions and the comparability of credit institutions' financial statements. Therefore, the existence of supervisory guidance emphasizes the importance of high-quality and consistent application of IFRS 9 and could help promoting consistent interpretations and practices.
9. In December 2015, the BCBS issued supervisory guidance on credit risk and accounting for expected credit losses<sup>9</sup>, which sets out supervisory expectations for credit institutions related to sound credit risk practices associated with implementing and applying an ECL accounting model. In addition, it contains an Annex specific to jurisdictions applying IFRS.
10. As indicated in the BCBS guidance, sound credit risk practices provide the basis for a high-quality, robust and consistent implementation of an ECL accounting model in accordance with the applicable accounting framework and support appropriate measures of capital adequacy.

<sup>7</sup> The endorsement process of IFRS 9 into EU law is on-going.

<sup>8</sup> Letter to the European Financial Reporting Advisory Group ('EFRAG') of 26 June 2015 with EBA's views on the adoption of IFRS 9 *Financial Instruments* (<http://www.eba.europa.eu/documents/10180/943157/Letter+to+EFRAG+Board+on+IFRS+9+endorsement.pdf>).

<sup>9</sup> Guidance on accounting for expected credit losses (<http://www.bis.org/bcbs/publ/d350.pdf>).

11. Recognising that credit institutions may have well established regulatory capital models for the measurement of expected losses, these models may be used as a starting point for estimating ECL for accounting purposes; however, regulatory capital models may not be directly usable in the measurement of accounting ECL due to differences between the objectives of and inputs used for each of these purposes.

12. As with all EBA guidelines, these guidelines should be read holistically with the understanding that the examples provided are not all-inclusive and that a checklist approach to applying these guidelines is not intended. While these guidelines are to be applied for the assessment of credit risk from and the measurement of ECL on lending exposures under the applicable accounting framework, they do not set out principles and expectations targeted at specific categories of loans such as corporate, retail and project finance. In this regard, certain aspects of the guidelines may be more applicable to the individual credit assessment of a large corporate borrower while other aspects may be more relevant to collective assessments of a particular group of retail customers.

#### Objective of the guidelines

13. Building on the BCBS guidance, these guidelines aim at ensuring sound credit risk management practices for credit institutions associated with the implementation and ongoing application of ECL accounting models.

14. The objective of the EBA guidelines is to be in line with the BCBS guidance. However, some changes have been introduced so that the EBA guidelines include the EU legal terminology and necessary references to EU legal texts. In addition, other changes have been introduced in the text compared to the BCBS guidance, mainly:

- the use of the EBA legal drafting criteria for guidelines, which for instance, has led to the removal of some explanatory text or to the use of the term “should” as pursuant to Article 16 of Regulation (EU) No 1093/2010<sup>10</sup> competent authorities and financial institutions must make every effort to comply with the guidelines;
- the inclusion of the Annex of the Basel guidance which is specific to credit institutions applying IFRS 9 as a section of the document. Due to this change, some paragraphs have been deleted to avoid some repetitions in the text;
- some paragraphs reproducing IFRS 9 text have been replaced by a reference to the specific paragraph of IFRS 9;
- some words have been changed for consistency across the text;
- explanation on how to apply the EBA guidelines considering the principle of proportionality.

<sup>10</sup> 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).



15. In particular, on the considerations on proportionate application of the EBA guidelines, the EBA notes that all credit institutions applying IFRS 9 should ensure that they meet the objectives of IFRS 9 when applying the Standard. However, the EBA understands that the way of meeting these objectives may differ across credit institutions, for example, different techniques or models may be used in the measurement of ECL. Credit institutions should comply with these guidelines in a proportionate manner considering different criteria, such as their size, internal organisation, and the nature, scope and complexity of their activities as described in paragraph 17 of the guidelines. Credit institutions should however, take into consideration if using practical expedients that the objective of IFRS 9 is to estimate ECL to reflect an unbiased and probability-weighted amount that is determined by evaluating a range of possible outcomes (IFRS 9, paragraph 5.5.17)

16. The EBA guidelines would not prevent a credit institution from meeting the impairment requirements of IFRS 9, ~~and do not intend to lessen the requirements of the BCBS guidance.~~ Rather, these guidelines should be read as the supervisory approach to support the appropriate application of those standards.

17. These guidelines should be read in conjunction with the provisions of Regulation (EU) 575/2013 and Directive 2013/36/EU regarding internal governance, credit risk, disclosures, supervisory review and evaluation processes and requirements and supervisory measures and powers, as supplemented by the relevant technical standards adopted by the Commission and as further developed by the technical standards and guidelines issued by the EBA, in particular, the implementing technical standards (ITS) on forbearance and non-performing exposures, the EBA Guidelines on common procedures and methodologies for the supervisory review and evaluation process (SREP), the EBA Guidelines on internal governance, and EBA Guidelines on materiality, proprietary and confidentiality and on disclosure frequency among others.

### Structure of the guidelines

18. The first part of the guidelines (section 4.1) includes some general considerations on the application of the principles of proportionality and materiality, and the use of information by credit institutions. The second part (section 4.2) includes eight principles also addressed to credit institutions related to the provisions for the main elements of credit risk management and accounting for ECL and detailed guidance for the application of each principle. The third part of the guidelines (section 4.3) includes guidance specific to credit institutions reporting under IFRS Standards. It is limited to providing guidance on certain aspects of the ECL requirements in the impairment section of IFRS 9 that may not be common to other ECL accounting frameworks. The fourth part of the guidelines (section 4.4) includes three principles specifically addressed to competent authorities on the supervisory evaluation of credit risk management practices, accounting for ECL and the overall capital adequacy.

**Kommentiert [A1]:** We have deleted this phrase because it is our understanding that, for banks in the EU, the regulatory expectations of credit risk management practices and ECL accounting will be set out in the EBA's final guidelines, not BCBS 350. A situation should be avoided where BCBS 350 is seen as the more important document, potentially overruling the EBA's guidance for banks in the EU.

EBA/GL-REC/20XX/XX

DD Month YYYY

## Draft Guidelines

on credit institutions' credit risk  
management practices and accounting  
for expected credit losses

# 1. Compliance and reporting obligations

## Status of these guidelines

1. This document contains guidelines issued pursuant to Article 16 of Regulation (EU) No 1093/2010<sup>11</sup>. In accordance with Article 16(3) of Regulation (EU) No 1093/2010, competent authorities and financial institutions must make every effort to comply with the guidelines.
2. Guidelines set the EBA view of appropriate supervisory practices within the European System of Financial Supervision (ESFS) or of how Union law should be applied in a particular area. Competent authorities as defined in Article 4(2) of Regulation (EU) No 1093/2010 to whom guidelines apply should comply by incorporating them into their practices as appropriate (e.g. by amending their legal framework or their supervisory processes), including where guidelines are directed primarily at institutions.

## Reporting requirements

3. According to Article 16(3) of Regulation (EU) No 1093/2010, competent authorities must notify the EBA as to whether they comply or intend to comply with these guidelines, or otherwise with reasons for non-compliance, by ([dd.mm.yyyy]). In the absence of any notification by this deadline, competent authorities will be considered by the EBA to be non-compliant. Notifications should be sent by submitting the form available on the EBA website to [compliance@eba.europa.eu](mailto:compliance@eba.europa.eu) with the reference 'EBA/GL/201x/xx'. Notifications should be submitted by persons with appropriate authority to report compliance on behalf of their competent authorities. Any change in the status of compliance must also be reported to EBA.
4. Notifications will be published on the EBA website, in line with Article 16(3).

<sup>11</sup> 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).

## 2. Subject matter, scope, addressees and definitions

### Subject matter

5. These guidelines specify sound credit risk management practices for credit institutions associated with the implementation and on-going application of expected credit loss ('ECL') accounting frameworks.
6. These guidelines also provide competent authorities with guidance on evaluating the effectiveness of an institution's credit risk management practices, policies, processes and procedures that affect allowance levels.

### Scope of application

7. These guidelines apply in relation to those credit institutions' credit risk management practices affecting the assessment of credit risk and measurement of expected credit losses from lending exposures and allowances under the applicable accounting framework. These guidelines also apply when, where permitted by the applicable accounting framework, the carrying amount of the lending exposure is reduced directly without the use of an allowance account. These guidelines do not set out any additional requirements regarding the determination of expected loss for regulatory capital purposes.
8. These guidelines build on Article 74 of Directive 2013/36/EU<sup>12</sup> which states that institutions must have adequate internal control mechanisms, including sound administration and accounting procedures that are consistent with and promote sound and effective risk management; and Article 79 (b) and (c) of that Directive, which states that competent authorities must ensure that institutions have internal methodologies that enable them to assess the credit risk of exposures to individual obligors and at the portfolio level, and effective systems for the ongoing administration and monitoring of the various credit risk-bearing portfolios and exposures, including for identifying and managing problem credits and for making adequate value adjustments and provisions, respectively. In addition, Article 88(1)(b) Directive 2013/36/EU states the principle that 'the management body must ensure the integrity of the accounting and financial reporting systems, including financial and operational controls and compliance with the law and relevant standards'. Finally, as specified in Article 104(1) of Directive 2013/36/EU, competent authorities may apply supervisory measures including requiring credit institutions to reinforce of the arrangements, processes,

<sup>12</sup> 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 (OJ L 176, 27.6.2013, p.338).

mechanisms and strategies implemented in accordance with Articles 73 and 74 (Article 104(1)(b)) or the application of a specific provisioning policy or treatment of assets in terms of own funds requirements (Article 104(1)(d)).

9. Guidelines set out in section 4.3 only apply in relation to credit institutions which prepare their financial statements in conformity with the International Financial Reporting Standards® ('IFRS® Standards') adopted in accordance with Regulation (CE) 1606/2002<sup>13</sup> and for which IFRS 9 *Financial Instruments* ('IFRS 9') applies.
10. For credit institutions to which ECL accounting frameworks do not apply, competent authorities should consider applying the relevant aspects of these guidelines related to credit risk management practices, as far as appropriate, within the context of the applicable accounting framework.
11. Competent authorities should ensure that credit institutions comply with these guidelines on an individual, sub-consolidated and consolidated basis in accordance with Article 109 of Directive 2013/36/EU.
12. Guidelines set out in section 4.4 should be considered as supplementing and further specifying the supervisory review and evaluation process (SREP) referred to in Article 97 and 107(1)(a) of Directive 2013/36/EU, in particular with regard to the assessment of credit risk management and controls and accounting for expected credit losses. Competent authorities should therefore comply with guidelines set out in section 4.4 in line with the EBA Guidelines on common procedures and methodologies for the supervisory review and evaluation process (SREP)<sup>14</sup>.

**Question 1: Is the scope of application of the guidelines appropriate and sufficiently clear?**

**Answer:**

**Yes. We support the clearly described scope of application and especially welcome the emphasis on the fact that credit institutions would need to comply with the guidelines on different levels of consolidation under the CRR scope of consolidation (individual, sub-consolidated and consolidated levels).**

## Addressees

13. These guidelines are addressed to competent authorities as defined in point (i) of Article 4(2) of Regulation (EU) No 1093/2010.
14. Guidelines set out in sections 4.1, 4.2 and 4.3 are also addressed to credit institutions as defined in Article 4(1)(1) of Regulation (EU) No 575/2013<sup>15</sup>.

<sup>13</sup> Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards (OJ L 243, 11.9.2002, p. 1).

<sup>14</sup> EBA/GL/2014/13.

<sup>15</sup> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1–337).

## Definitions

15. Unless otherwise specified, terms used and defined in Directive 2013/36/EU, Regulation (EU) No 575/2013 and IFRS 9 have the same meaning in the guidelines. In addition, for the purposes of these guidelines, the following definitions apply:

|  |  |
|--|--|
| Allowances                             | Means the stock of lending exposure loan loss provisions that has been recognised in the balance sheet of the credit institution in accordance with the applicable accounting framework.   |
| Lending exposures                      | Means loans, loan commitments and financial guarantee contracts to which an ECL framework applies.   |
| Reasonable and supportable information | Means information about past events, current conditions and forecasts of future economic conditions, based on relevant facts and sound judgment as further developed in sections 4.1 and 4.2.6 (Principle 6) regarding a credit institution's use of experienced credit judgment in considering relevant, reasonable and supportable information, including forward-looking information. |
| Temporary adjustments to an allowance  | Means adjustments to an allowance used to account for circumstances when it becomes evident that existing or expected risk factors have not been considered in the credit risk rating and modelling process as of the reporting date.  |

## 3. Implementation

### Date of application

16. These guidelines should be implemented by 1 January 2018.

**Question 2: Is the date of application of the guidelines of 1 January 2018 appropriate?**

**Answer:**

1 January 2018 as the mandatory date of initial application of the final EBA guidelines will be acceptable if, and only if, the additional requirements compared to IFRS 9 set out in this consultation paper are limited to those that are not criticised and opposed in Section 4 of our attached annotated version of the paper.

Otherwise, the remaining period of time until 1 January 2018 will be too short for the implementation (including testing activities) of the additional requirements. The earliest feasible implementation date would be 1 January 2020, in our view.

## 4. Guidelines on credit risk management practices and accounting for expected credit losses

### 4.1 General provisions

#### 4.1.1 Application of the principles of proportionality, materiality and symmetry

17. Credit institutions should comply with these guidelines in a manner that is appropriate to their size, internal organization and the nature, scope and complexity of their activities and, more generally, all other relevant facts and circumstances of the credit institution and the group (if any) to which it belongs. The use of properly designed proportionate approaches should not jeopardise the high-quality implementation of the ECL accounting frameworks.
18. Credit institutions should also give due consideration to the application of the principle of materiality. However, this should not result in individual exposures or portfolios being considered immaterial if, cumulatively, these represent a material exposure to the credit institution. ~~In addition, materiality should not be assessed only on the basis of the potential impact on the profit or loss statement at the reporting date under the applicable accounting framework. For instance, large portfolio(s) of highly collateralized lending exposures like real estate mortgages should be considered material.~~
19. When, because of considerations relating to proportionality or materiality, credit institutions choose to adopt an approach to ECL estimation that would generally be regarded as an approximation to 'ideal' measures, such approximate methods should be designed and implemented so as to avoid bias, for example, systematic delay in the recognition of credit losses.
20. The timely recognition of credit deterioration and allowances should not be delayed without prejudice to the fact that ECL accounting frameworks are symmetrical in the way that subsequent changes (both deteriorations and reversals of those deteriorations) in the credit risk profile of a debtor should be considered in the measurement of the allowances.

#### Question 3:

Please provide any comments you may have on the appropriateness of the proposed proportionality approach (please also see the additional criteria included in the section covering the use of practical expedients).

#### Answer:

We acknowledge the documentation of the proportionality principle in the EBA's consultation paper. These principles of proportionality and materiality are already applied in practice and are a part of



the regulatory framework, as demonstrated, for example, by the possibility of permanent partial use under the IRB approach, and an accounting principle for useful information in the IFRS Framework.

However, we believe that the proportionality principle should not only apply to credit institutions of different sizes or levels of complexity, but also to subsidiaries or branches and portfolios of banking groups (i.e. this principle should allow subsidiaries/branches with only small portfolios resulting in immaterial effects on potential ECL amounts to use operational relief when implementing the ECL methodology). In our view, the application of proportionality at segment level is not adequately addressed in the consultation paper at present.

Furthermore, we believe considering large portfolios as “material” per se is not a proper application of the materiality principle as stipulated in IFRS. When considering individual portfolios, the applicable materiality principle should instead follow the criteria of the proportionality principle.

#### 4.1.2 Consideration of reasonable and supportable information

21. Credit institutions should consider a wide range of information when applying ECL accounting models. Information considered should be relevant to the assessment of credit risk and measurement of ECL of the particular lending exposure being assessed and should include information about past events, current conditions and forecasts of future economic conditions. Information which is ultimately included in the assessment of credit risk and measurement of ECL should also be reasonable and supportable. Credit institutions should use their experienced credit judgment in determining the range of relevant information that should be considered and in determining whether information is considered to be reasonable and supportable.

#### 4.1.3 Consideration of forward-looking information

22. In order to ensure a timely recognition of credit losses, credit institutions should consider forward-looking information, including macroeconomic factors. When considering forward-looking information, credit institutions should apply sound judgment consistent with generally accepted methods for economic analysis and forecasting and supported by a sufficient set of data.
23. Credit institutions should be able to demonstrate how they have considered relevant, reasonable and supportable information in the ECL assessment and measurement process. Credit institutions should apply experienced credit judgement in the consideration of future scenarios and to take into account the potential consequence of events occurring or not occurring and the resulting impact on the measurement of ECL. Information should not be excluded from that process simply because an event has a low likelihood of occurring or the effect of that event on the credit risk or the amount of expected credit losses is uncertain. Nevertheless, in certain circumstances information relevant to the assessment and measurement of credit risk may not be supportable or reasonably available without undue cost or effort and supportable and should therefore be excluded from the ECL assessment and measurement process. Given that these circumstances would be exceptional in nature, credit institutions should provide a clearly documented, robust justification.
24. The information used shall include an unbiased consideration of relevant factors and their impact on creditworthiness and cash shortfalls. Relevant factors include those intrinsic to the bank and its business or derived from external conditions.

#### Kommentiert [A2]:

It is our understanding that preparers will provide a rationale if the relevant information is deemed not to be supportable or available without undue cost or effort. Hence, additional limitations to the "undue cost or effort" relief as set out in IFRS 9 would create an unacceptable operational burden.

## 4.2 Principles on credit risk management practices and accounting for expected credit losses

### 4.2.1 Principle 1 —Management body and senior management responsibilities

The management body<sup>16</sup> and senior management of a credit institution are responsible for ensuring that the credit institution has appropriate credit risk management practices, including an effective internal control system, to consistently determine adequate allowances in accordance with the credit institution's stated policies and procedures, the applicable accounting framework and relevant supervisory guidance.

25. The credit institution's management body should be responsible for approving and regularly reviewing a credit institution's credit risk management strategy and the main policies and processes for identifying, measuring, evaluating, monitoring, reporting and mitigating credit risk consistent with the approved risk appetite set by the management body. In addition, to limit the risk that lending exposures pose to depositors and, more generally, financial stability, a credit institution's management body should require that senior management adopt and adhere to sound underwriting practices<sup>17</sup>.

26. To fulfil these responsibilities, the management body should instruct senior management to:

- a. develop and maintain appropriate processes, which should be systematic and consistently applied, to determine appropriate allowances in accordance with the applicable accounting framework
- b. establish and implement an effective internal control system for credit risk assessment and measurement; report periodically the results of the credit risk assessment and measurement processes, including estimates of its ECL allowances.
- c. establish, implement and, as necessary, update suitable policies and procedures to communicate the credit risk assessment and measurement process internally to all relevant staff, in particular staff members who are involved in that process.

Senior management should be responsible for implementing the credit risk strategy approved by the management body and developing the aforementioned policies and processes.

<sup>16</sup> Different management body structures can be observed in EU Member States. In some Member States a single-tier structure is common, i.e. supervisory and management functions of the management body are exercised within a single body. In other Member States a two-tier structure is common, with two independent bodies being established, one for the management function and the other for the supervision of the management function.

<sup>17</sup> The Financial Stability Board published Principles for sound residential mortgage underwriting practices in April 2012, which aims to provide a framework for jurisdictions to set minimum acceptable underwriting standards for real estate lending exposures; available at [www.financialstabilityboard.org/publications/r\\_120418.pdf](http://www.financialstabilityboard.org/publications/r_120418.pdf). The EBA has published Guidelines on creditworthiness assessment (EBA/GL/2015/11) which are aligned with the FSB Principles and cover some of them.

27. An effective internal control system for credit risk assessment and measurement should include:

- a. measures to comply with applicable laws, regulations, internal policies and procedures;
- b. measures to provide oversight of the integrity of information used and reasonably ensure that the allowances reflected in the credit institution's financial statements and reports submitted to the competent authority are prepared in accordance with the applicable accounting framework and relevant supervisory requirements;
- c. well-defined credit risk assessment and measurement processes that are independent from (while taking appropriate account of) the lending function, which contain:
  - i. an effective credit risk rating system that is consistently applied, accurately grades differentiating by credit risk characteristics, identifies changes in credit risk on a timely basis, and prompts appropriate action;
  - ii. an effective process to ensure that all relevant and reasonable and supportable information, including forward-looking information, is appropriately considered in assessing credit risk and measuring ECL. This includes maintaining appropriate reports, details of reviews performed, and identification and descriptions of the roles and responsibilities of staff involved;
  - iii. an assessment policy that ensures ECL measurement occurs at the individual lending exposure level and also, when necessary to appropriately measure ECL in accordance with the applicable accounting framework, at the collective portfolio level by grouping exposures based on identified shared credit risk characteristics;
  - iv. an effective model validation process to ensure that the credit risk assessment and measurement models are able to generate accurate, consistent and unbiased predictive estimates, on an on-going basis. This includes establishing policies and procedures which set out the accountability and reporting structure of the model validation process, internal rules for assessing and approving changes to the models, and reporting of the outcome of the model validation;
  - v. clear formal communication and coordination among a credit institution's credit risk staff, financial reporting staff, senior management, the management body and others who are involved in the credit risk assessment and ECL measurement process. This should be evidenced by written policies and procedures, management reports and minutes of committees involved such as management body or senior management committees; and

- d. an internal audit<sup>18</sup> function that independently evaluates the effectiveness of the credit institution's credit risk assessment and measurement systems and processes, including the credit risk rating system and in case it identifies weaknesses during this evaluation it makes recommendations on addressing those weaknesses.

#### 4.2.2 Principle 2 — Sound ECL Methodologies

Credit institutions should adopt, document and adhere to policies which include sound methodologies, procedures and controls for assessing and measuring credit risk on all lending exposures. The measurement of allowances should build upon those methodologies and result in the appropriate and timely recognition of ECL in accordance with the applicable accounting framework.

- 28. The credit risk assessment and measurement process should provide the relevant information for senior management to make its experienced judgments about the credit risk of lending exposures, and the related estimation of ECL.
- 29. Credit institutions should to the maximum extent possible leverage and integrate common processes, systems, tools, and data that are used within a credit institution to determine if, when, and on what terms, credit should be granted; monitor credit risk; and measure allowances for both accounting and capital adequacy purposes.
- 30. A credit institution's allowance methodologies should clearly document the definitions of key terms related to the assessment of credit risk and ECL measurement (such as loss and migration rates, loss events and default). Where different terms, information or assumptions are used across functional areas (such as accounting, capital adequacy and credit risk management), the underlying rationale for these differences should be documented and approved by senior management. Information and assumptions used for ECL estimates should be reviewed and updated as required by the applicable accounting framework.
- 31. Credit institutions should have in place adequate processes and systems to appropriately identify, measure, evaluate, monitor, report and mitigate the level of credit risk. During the transition to the ECL accounting model, existing processes and systems should be evaluated and, if necessary, modified to collect and analyse relevant information affecting the assessment of credit risk and ECL measurement.
- 32. Credit institutions should adopt and adhere to written policies and procedures detailing the credit risk systems and controls used in its credit risk methodologies and the separate roles and responsibilities of the credit institution's management body and senior management.
- 33. Sound methodologies for assessing credit risk and measuring the level of allowances (subject to exposure type, for example retail or wholesale) ~~generally will~~ should, in particular,

<sup>18</sup> Article 74 of Directive 2013/36/EU and EBA Guidelines on Internal Governance (GL 44)

**Kommentiert [A3]:** The wording of the EBA's consultation paper is different to that in BCBS 350 ("... generally will:"). Based on the modified wording, the bullets could be read as a "checklist" to be worked through in regulatory reviews. By contrast, Section 3, paragraph 12 of this consultation paper stresses that a "checklist approach" to applying the EBA guidelines is not intended. To avoid potential disputes during reviews, we would suggest changing the wording of the introductory sentence to reflect that used in BCBS 350.

- a. include a ~~robust~~ process that is designed to equip the credit institution with the ability to know the level, nature and drivers of credit risk upon initial recognition of the lending exposure to ensure that subsequent changes in credit risk can be identified and quantified;
- b. include criteria to duly consider the impact of forward-looking information, including macroeconomic factors. Whether the evaluation of credit risk is conducted on a collective or individual basis, a credit institution should be able to demonstrate that this consideration has occurred so that the recognition of ECL is not delayed. ~~Such criteria should result in the identification of factors that affect repayment, whether related to borrower incentives, willingness or ability to perform on the contractual obligations, or lending exposure terms and conditions.~~ Economic factors considered (such as unemployment rates or occupancy rates) should be relevant to the assessment and, depending on the circumstances, this may be at the international, national, regional or local level;
- c. include, for collectively evaluated exposures, a description of the basis for creating groups of portfolios of exposures with shared credit risk characteristics;
- d. identify and document the ECL assessment and measurement methods (such as a loss rate method, probability of default (PD)/loss-given-default (LGD) method, or another method) to be applied to each exposure or portfolio;
- e. document the reasons why the selected method is appropriate, especially if different ECL measurement methods are applied to different portfolios and types of individual exposures. Credit institutions should be able to explain to the competent authorities the rationale for any changes in measurement approach (for example, a move from a loss rate method to a PD/LGD method) and the quantitative impacts of such changes;
- f. document:
  - i. the inputs, data and assumptions used in the allowance estimation process, such as historical loss rates, PD/LGD estimates and economic forecasts,
  - ii. how the life of an exposure or portfolio is determined (including how expected prepayments and defaults have been considered),
  - iii. the time period over which historical loss experience is evaluated, and
  - iv. any adjustments necessary for the estimation of ECL in accordance with the applicable accounting framework. For example, if current and forecasted economic conditions are different from those that existed during the historical estimation period being used, adjustments that are directionally consistent with those differences, should be made. In addition, a credit institution may have experienced little to no actual losses in the historical period analysed; however, current or forward-looking conditions can differ from conditions during the historical period, and the impact of these changes on ECL should be assessed and measured;

**Kommentiert [A4]:** It is unclear what "robust" would mean in practice.

**Kommentiert [A5]:** Guidance should be principles-based and should not require the inclusion of macroeconomic factors in specific variables such as repayment rates.

- g. include a process for evaluating the appropriateness of significant inputs and assumptions in the ECL measurement method chosen. The basis for inputs and assumptions used in the process of the estimation of allowances should generally be consistent from period to period. Where the inputs and assumptions or the basis for these change, the rationale should be documented;
- h. identify the situations that would generally lead to changes in ECL measurement methods, inputs or assumptions from period to period (for example, a credit institution may state that a loan that had been previously evaluated on a collective basis using a PD/LGD method may be removed and evaluated individually using the discounted cash flow method upon receipt of new, borrower-specific information such as the loss of employment);
- i. consider the relevant internal and external factors that may affect ECL estimates, such as the underwriting standards applied to a lending exposure at origination and changes in industry, geographical, economic and political factors;
- j. address how ECL estimates are determined (for example historical loss rates or migration analysis as a starting point, adjusted for information on current and expected conditions). A credit institution should have an unbiased view of the uncertainty and risks in its lending activities when estimating ECL;
- k. identify what factors are considered when establishing appropriate historical time periods over which to evaluate historical loss experience. A credit institution should maintain sufficient historical loss data, where available, covering a period in which a likely range of default rates is considered to have been experienced, to provide a meaningful analysis of its credit loss experience for use as a starting point when estimating the level of allowances on a collective or individual basis;
- l. determine the extent to which the value of collateral and other credit risk mitigants affects ECL;
- m. outline the credit institution's policies and procedures on write-offs and recoveries;
- n. require that analyses, estimates, reviews and other tasks/processes that are inputs to or outputs from the credit risk assessment and measurement process are performed by competent and well trained staff and validated by staff who are independent of the credit institution's lending activities. These inputs to and outputs from these functions should be well documented, and the documentation should include clear explanations supporting the analyses, estimates and reviews;
- o. document the methods used to validate models for ECL measurement (for example backtests);
- p. ensure that ECL estimates appropriately incorporate forward-looking information, including macroeconomic factors, that has not already been factored into allowances measured on an

individual exposure basis. This may require management to use its experienced credit judgment to consider broad trends in the entire lending portfolio, changes in the credit institution's business model, macroeconomic factors, etc.; and

- q. require a process to assess the overall appropriateness of allowances in accordance with the relevant accounting framework including a regular review of ECL models.
34. A credit institution's credit risk identification process should ensure that factors that impact changes in credit risk and estimates of ECL are properly identified on a regular basis. In addition, consideration of credit risk inherent in new products and activities should be a key part of the credit risk identification process, the assessment of credit risk and measurement of ECL.
35. Senior management should consider relevant facts and circumstances, including forward-looking information, that are likely to cause ECL to differ from historical experience and that may affect credit risk and the full collectability of cash flows.
36. With respect to factors related to the character, capacity and capital of borrowers, the terms of lending exposures; and the values of assets pledged as collateral together with other credit risk mitigants that may affect the full collectability of cash flows, a credit institution could ~~should~~ (depending on the type of exposure) consider:
- a. its lending policies and procedures, including its underwriting standards and lending terms, that were in effect upon initial recognition of the borrower's lending exposure, and whether the lending exposure was originated as an exception to this policy. A credit institution's lending policy should include details of its underwriting standards, and guidelines and procedures that drive the credit institution's lending approval process;
  - b. a borrower's sources of recurring income available to meet the scheduled payments;
  - c. a borrower's ability to generate a sufficient cash flow stream over the term of the financial instrument;
  - d. the borrower's overall leverage level and expectations of changes to leverage;
  - e. The incentives or willingness of borrowers to meet their obligations;
  - f. unencumbered assets<sup>19</sup> the borrower may pledge as collateral in the market or bilaterally in order to raise funds and expectations of changes to the value of those assets;

**Kommentiert [A6]:** The wording of the EBA's consultation paper is different to that in BCBS 350. By replacing "could" by "should" the following bullets could be read as mandatory requirements for the ECL measurement of each and every loan. Furthermore, the enumeration could be seen as a "checklist" to be worked through in regulatory reviews. By contrast, Section 3, paragraph 12 of this consultation paper stresses that a "checklist approach" to applying the EBA guidelines is not intended. To avoid potential disputes during reviews, we would suggest changing the wording of the introductory sentence to reflect that used in BCBS 350.

<sup>19</sup> Commission Implementing Regulation (EU) 2015/79 of 18 December 2014 amending Implementing Regulation (EU) No 680/2014 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 as regards asset encumbrance, single data point model and validation rules



- g. reasonably possible one-off events and recurring behaviour that may affect the borrower's ability to meet contractual obligations; and
- h. timely evaluations of collateral value and consideration of factors that may impact the future value of collateral (bearing in mind that collateral values directly affect estimates of loss-given-default).

37. Where they have the potential to affect the credit institution's ability to recover amounts due, credit institutions ~~could~~ ~~should~~ consider factors relating to the credit institution's business model and current and forecasted macroeconomic conditions, including but not limited to:

- a. competition and legal and regulatory requirements;
- b. trends in the institution's overall volume of credit;
- c. the overall credit risk profile of the credit institution's lending exposures and expectations of changes thereto;
- d. credit concentrations to borrowers or by product type, segment or geographical market;
- e. expectations on collection, write-off and recovery practices;
- f. the quality of the credit institution's credit risk review system and the degree of oversight by the credit institution's senior management and management body; and
- g. other factors that may impact ECL including, but not limited to, expectations of changes in unemployment rates, gross domestic product, benchmark interest rates, inflation, liquidity conditions, or technology.

38. Sound credit risk methodologies should consider different potential scenarios and should not rely purely on subjective, biased or overly optimistic considerations. Credit Institutions should develop and document its process to generate relevant scenarios to be used in the estimation of ECL. ~~In particular, this could include:~~

- ~~a. credit institutions should demonstrate and document how ECL estimates would alter with changes in scenarios, including changes to relevant external conditions that may impact ECL estimates or components of the ECL calculation (such as PD and LGD parameters);~~
- ~~b. credit institutions should have a documented process for determining the time horizon of the scenarios and, if relevant, how ECL is estimated for exposures whose lives exceed the period covered by the economic forecast(s) used;~~
- ~~c. scenarios may be internally developed or outsourced. For internally developed scenarios, credit institutions should have a variety of experts, such as risk experts, economists, business managers and senior management, assisting in the selection of scenarios that are relevant to~~

**Kommentiert [A7]:** The wording of the EBA's consultation paper is different to that in BCBS 350. By replacing "could" by "should" the following bullets could be read as mandatory requirements for the ECL measurement of each and every loan. Furthermore, the enumeration could be seen as a "checklist" to be worked through in regulatory reviews. By contrast, Section 3, paragraph 12 of this consultation paper stresses that a "checklist approach" to applying the EBA guidelines is not intended. To avoid potential disputes during reviews, we would suggest changing the wording of the introductory sentence to reflect that used in BCBS 350.

**Kommentiert [A8]:** These could be read as mandatory requirements. Furthermore, the enumeration could be seen as a "checklist" to be worked through in regulatory reviews. By contrast, Section 3, paragraph 12 of this consultation paper stresses that a "checklist approach" to applying the EBA guidelines is not intended. To avoid potential disputes during reviews, we would suggest changing the wording of the introductory sentence as indicated.

**Kommentiert [A9]:** According to the requirements of the IFRS 9 impairment model, ECL represent by definition an unbiased probability-weighted expected value based on multiple scenarios. On the other hand, the calculation of regulatory capital requirements is based on comprehensive stress scenarios (incorporating a broad range of factors determining regulatory capital). Hence, additional sensitivity analysis of ECL would not create a substantial benefit that outweighed the cost associated with such an exercise.

~~the credit institutions' credit risk exposure profile. For outsourced scenarios, credit institutions should ensure that the external provider tailors the scenarios to reflect the credit institutions' business and credit risk exposure profile, as credit institutions remain responsible for those scenarios;~~

- ~~d. backtesting should be performed if sufficient and adequate data is available, to ensure that the most relevant economic factors that affect collectability and credit risk are being considered and incorporated into ECL estimates; and~~

~~where reasonable and supportable market indicators of future performance (such as credit default swaps 'CDS' spreads) are available, senior management may consider them to be a valid benchmark against which to check the consistency of its own judgements.~~

**Kommentiert [A10]:** The guidelines should be principles-based and not include concrete examples that might be interpreted as mandatory aspects to be considered.

39. While a credit institution does not need to identify or model every possible scenario through scenario simulations, it should consider all reasonable and supportable information that is relevant to the product, borrower, business model or economic and regulatory environment when developing estimates of ECL ~~and that is available without undue cost or effort~~. In developing such estimates for financial reporting purposes, credit institutions should consider the experience and lessons from similar exercises it has conducted for regulatory purposes (although stressed scenarios are not intended to be used directly for accounting purposes). Forward-looking information including economic forecasts and related credit risk factors used for ECL estimates should be consistent with inputs to other relevant estimates within the financial statements, budgets, strategic and capital plans, and other information used in managing and reporting within a credit institution.

40. ~~For the purpose of assessing increase in credit risk in accordance with the IFRS 9 accounting requirements~~ Senior management should be able to demonstrate that it understands and appropriately considers inherent risks ~~in its underwriting practices in light of the applicable sound underwriting practices<sup>1</sup> when pricing lending exposures~~. ~~Credit institutions should take particular care of the following fact patterns potentially indicative of inadequate estimates of ECL:~~

**Kommentiert [A11]:** Please see our comment on, and proposed change to, paragraph 107 of the consultation paper.

- ~~a. the granting of credit to borrowers based on fragile income streams (that could become non-recurrent upon a downturn) or with no documentation or limited verification of borrower income sources;~~
- ~~b. high debt service requirements relative to the borrower's net available expected cash flows;~~
- ~~c. flexible repayment schedules, including payment vacations, interest only payments and negative amortisation features;~~
- ~~d. for real estate and other asset based financing, lending of amounts equal to or exceeding the~~

<sup>1</sup> such as the „FSB principles for Sound Residential Mortgage Underwriting Practices“, April 2012

value of the financed property or otherwise failing to provide an adequate margin of collateral protection;

- e. ~~undue increases in modifications of lending exposures due to financial difficulties faced by the borrower<sup>20</sup> or renegotiations/ modifications of lending exposures for other reasons (such as competitive pressures faced by credit institutions);~~
- f. ~~circumvention of the classification and rating requirements, including rescheduling, refinancing or reclassification of lending exposures;~~
- g. ~~undue increases in the volume of credit, especially in relation to the increase in the volume of credit by other lenders in the same market; and~~
- h. ~~increasing volume and severity of past due, low quality and impaired credit.~~

41. Credit institutions' accounting policies should address, and its allowance methodology should include, criteria for (a) renegotiations/modifications of lending exposures due to financial difficulties or for other reasons, considering also the specific definitions of forbearance established in Commission Implementing Regulation (EU) 2015/227 amending Part 2 of Annex V and (b) the treatment of purchased or originated credit-impaired lending exposures as defined under the applicable accounting framework:

- a. Credit institutions should take into account the following criteria regarding renegotiations/modifications of lending exposures:
  - i. The allowance methodology should enable credit institutions to perform a robust assessment of credit risk and measurement of ECL such that the allowance level continues to reflect the collectability of the substance of the renegotiated/modified exposure irrespective of whether or not the original asset is derecognised under the applicable accounting framework.
  - ii. Renegotiations/modifications should not automatically lead to the conclusion that there has been an immediate decrease in the credit risk on the exposure. Any decrease in the reported allowance level due to improved credit risk should be supported by strong evidence. Customers should demonstrate consistently satisfactory payment performance over a reasonable period of time before credit risk would be considered to have decreased. ~~considering also the relevant requirements for exposures in the probation period as defined in Commission Implementing Regulation (EU) 2015/227 paragraphs 176-178 amending Part 2 of Annex V.~~
  - iii. Credit institutions should carefully consider whether the collection of loan principal is reasonably assured when repayment performance takes the form of interest payments alone subsequent to a renegotiation or modification. In addition, further

**Kommentiert [A12]:** Instead of using standard probation periods that may not reflect the actual risks, credit institutions should continue to be able to decide what probation period is appropriate from a risk management perspective and be permitted to conclude on the basis of their analysis that the credit risk on the exposure has decreased. In addition, the proposed requirement would lead to further divergence from IFRS 9, which would not be helpful, in our view.

<sup>20</sup> See also Commission Implementing Regulation (EU) 2015/227 of 9 January 2015 amending Implementing Regulation (EU) No 680/2014 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 (OJ L 41, 20.2.2015, p.1) which establishes specific definitions of forbearance and non-performing exposures.

expected delays in the payment of those cash flows may evidence that credit risk has not improved, and thus the level of ECL should be reassessed carefully.

iv. ~~The methodologies should also include a clear process for the lending staff when exposures are renegotiated or modified to ensure appropriate accounting for the change. If such processes are not in place call upon the lending staff should to promptly notify the institution's accounting function when exposures are renegotiated or modified to ensure appropriate accounting for the change in such cases. For more complex renegotiations and modifications, regular communication between the lending staff and the accounting function should take place.~~

**Kommentiert [A13]:** If a clear process is in place to ensure appropriate accounting for modifications, it is not necessary to notify the accounting function.

b. Credit institutions should take into account the following criteria regarding purchased or originated credit-impaired lending exposures:

- i. The methodology should enable appropriate identification and accounting for purchased or originated credit-impaired lending.
- ii. The cash flow estimates for these lending exposures should be reviewed each reporting period and updated as necessary. Such updates should be properly supported and documented and approved by senior management.

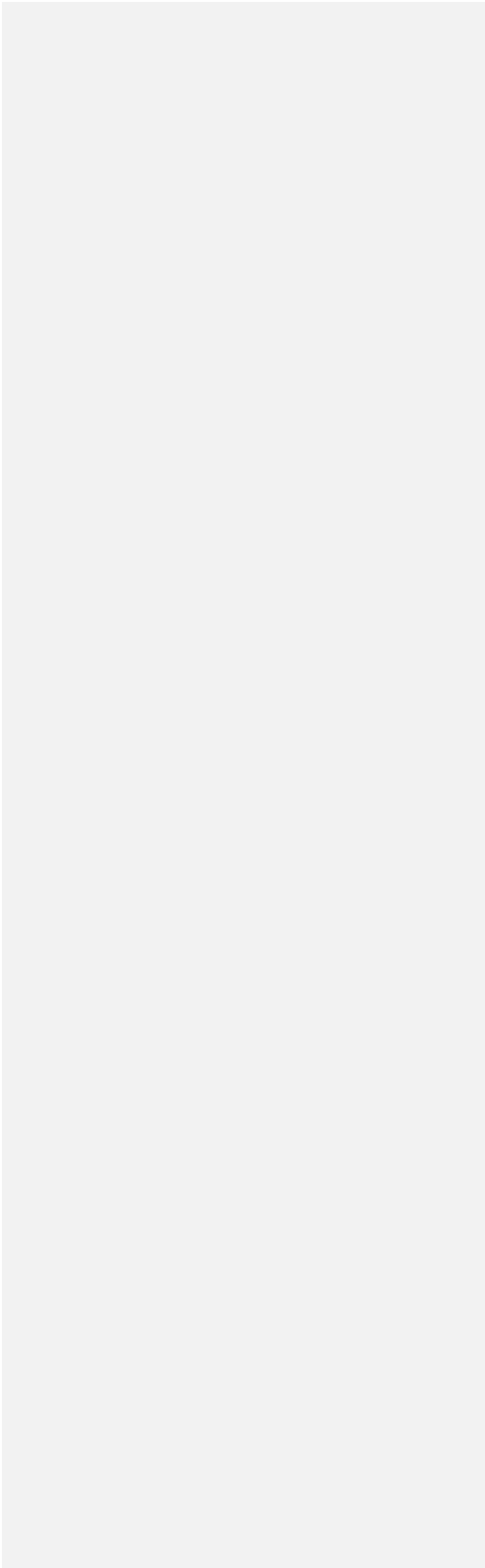
#### 4.2.3 Principle 3 — Credit risk rating process and grouping

A credit institution should have a credit risk rating process in place to appropriately group lending exposures on the basis of shared credit risk characteristics.

##### Credit risk rating process

42. As part of its credit risk assessment process, credit institutions should have in place comprehensive procedures and information systems to monitor the quality of their lending exposures. These include an effective credit risk rating process that captures the varying level, nature and drivers of credit risk that may manifest themselves over time, in order to reasonably ensure that all lending exposures are properly monitored and that ECL allowances are appropriately measured.
43. The credit risk rating process should include an independent review function. Initial assignment of credit risk grades to exposures and their on-going updating by front-line lending staff should be subject to the review of the independent review function.
44. Credit institutions should take into account a number of criteria when assigning the credit risk grade upon initial recognition of a lending exposure, ~~for instance including~~ product type, terms and conditions, collateral type and amount, borrower characteristics and geography or a combination thereof.
45. When changing existing credit risk grades assigned, on either a portfolio or an individual basis, credit institutions should take into account other relevant factors such as, but not limited to,

changes in industry outlook, business growth rates, consumer sentiment and changes in



economic forecasts (such as interest rates, unemployment rates and commodity prices) as well as weaknesses in underwriting identified after initial recognition.

46. The credit risk rating system should capture all lending exposures when assessing the impact of changes in credit risk, and not only those that may have experienced significant increases in credit risk, have incurred losses or are otherwise credit-impaired. This is to allow for an appropriate differentiation of credit risk and grouping of lending exposures within the credit risk rating system, reflect the risk of individual exposures and, when aggregated across all exposures, the level of credit risk in the portfolio as a whole. In this context, an effective credit risk rating system should allow credit institutions to identify both migration of credit risk and significant changes in credit risk.
47. Credit institutions should describe the elements of their credit risk rating system, clearly defining each credit risk grade and designating the staff responsible for the design, implementation, operation and performance of the system as well as those responsible for periodic testing and validation (i.e. the independent review function).
48. Credit risk grades should be reviewed whenever relevant new information is received or a credit institution's expectation of credit risk has changed. Credit risk grades assigned should receive a periodic formal review (for example at least annually or more frequently if required in a jurisdiction) to reasonably ensure that those grades are accurate and up to date. Credit risk grades for individually assessed lending exposures that are higher-risk or credit-impaired should be reviewed more frequently than annually. ECL estimates should be updated on a timely basis to reflect changes in credit risk grades for either groups of exposures or individual exposures.

#### Grouping based on shared credit risk characteristics

49. Credit institutions should group exposures with shared credit risk characteristics in a way that is sufficiently granular to be able to reasonably assess changes in credit risk and thus the impact on the estimate of ECL for these groups.
50. A credit institution's methodology for grouping exposures to assess credit risk (such as by instrument type, product terms and conditions, industry/market segment, geographical location or vintages) should be documented and subject to appropriate review and internal approval by senior management.
51. Lending exposures should be grouped according to shared credit risk characteristics so that changes in the level of credit risk respond to the impact of changing conditions on a common range of credit risk drivers. This includes considering the effect on the group's credit risk in response to changes in forward-looking information, including macroeconomic factors. The basis of grouping should be reviewed by senior management to ensure that exposures within the group remain homogeneous in terms of their response to credit risk drivers and that the relevant credit risk characteristics and their impact on the level of credit risk for the group have not changed over time.

52. Exposures should not be grouped in such a way that an increase in the credit risk of particular exposures is obscured by the performance of the group as a whole.
53. Credit institutions should have in place a robust process to ensure appropriate initial grouping of their lending exposures. Subsequently, the grouping of exposures should be re-evaluated and exposures should be re-segmented if relevant new information is received or a credit institution's changed expectations of credit risk suggest that a permanent adjustment is warranted. If a credit institution is not able to re-segment exposures on a timely basis, a temporary adjustment should be used.

#### Use of temporary adjustments

54. Credit institutions should use temporary adjustments to an allowance only as a temporary solution, in particular in transient circumstances or when there is insufficient time to appropriately incorporate relevant new information into the existing credit risk rating and modelling process or to re-segment existing groups of lending exposures, or when lending exposures within a group react to factors or events differently than initially expected.
55. Such adjustments should not be continuously used over the long term for a continuous risk factor. If the reason for the adjustment is not expected to be temporary, such as the emergence of a new risk driver that has not previously been incorporated into the institution's allowance methodology, the methodology should be updated in the near term to incorporate the factor that is expected to have an on-going impact on the measurement of ECL.
56. The use of temporary adjustments requires the application of significant judgement and creates the potential for bias. In order to avoid the creation of potential for bias, temporary adjustments should be directionally consistent with forward-looking forecasts, supported by appropriate documentation, and subject to appropriate governance processes.

#### 4.2.4 Principle 4 – Adequacy of the allowance

A credit institution's aggregate amount of allowances, regardless of whether allowances are determined on a collective or an individual basis, should be adequate and consistent with the objectives of the applicable accounting framework.

57. Credit institutions should implement sound credit risk methodologies with the objective that the overall balance of the allowance for ECL is developed in accordance with the applicable accounting framework and adequately reflects ECL within that framework.
58. When assessing the adequacy of the allowances credit institutions should take into account relevant factors and expectations at the reporting date that may affect the collectability of remaining cash flows over the life of a group of lending exposures or a single lending exposure. Credit institutions should consider information which go beyond historical and current data, and take into account reasonable and supportable forward-looking information,



including macroeconomic factors, that are relevant to the exposure(s) being evaluated (for example retail or wholesale) in accordance with the applicable accounting framework.

59. Depending on the ability to incorporate forward-looking information into the ECL estimate, credit institutions may use individual or collective assessment approaches; regardless of the assessment approach used, they should be consistent with the relevant accounting requirements and not result in materially different allowance amounts. Together, individual and collective assessments form the basis for the allowance for ECL.
60. The ECL assessment approach used should be the most appropriate in the particular circumstances, and typically should be aligned with how the credit institution manages the lending exposure. For example, collective assessment is often used for large groups of homogeneous lending exposures with shared credit risk characteristics, such as retail portfolios. Individual assessments are often conducted for significant exposures, or where credit concerns have been identified at the individual loan level, such as watch list and past due loans.
61. Regardless of the assessment approach it uses (individual or collective), a credit institution should ensure this does not result in delayed recognition of ECL.
62. When credit institutions use individual assessments, the ECL estimate should always incorporate the expected impact of all reasonable and supportable forward-looking information, including macroeconomic factors, that affect collectability and credit risk. When applying an individual assessment approach, in the same manner as in the case of collective assessment, the credit institution's documentation should clearly demonstrate how forward-looking information, including macroeconomic factors, has been reflected in the individual assessment.
63. In cases when a credit institution's individual assessments of exposures do not adequately consider forward-looking information, and in order to allow identification of relationships between forward-looking information and ECL estimates that may not be apparent at the individual level, an institution should group lending exposures with shared credit risk characteristics to estimate the impact of forward-looking information, including macroeconomic factors. Conversely, when credit institutions determine that all reasonable and supportable forward-looking information has been incorporated in the individual assessment of ECL, an additional forward-looking assessment should not be conducted on a collective basis if that could result in double counting.

#### **4.2.5 Principle 5 – ECL model validation**

A credit institution should have policies and procedures in place to appropriately validate models used to measure ECL.

64. Credit institutions may use in the ECL assessment and measurement process models and assumption-based estimates for risk identification and measurement, at both the individual

lending exposure and overall portfolio levels, including credit grading, credit risk identification, measurement of ECL allowances for accounting purposes, stress testing and capital allocation. Models used in the ECL assessment and measurement process should consider the impact of changes to borrower and credit risk-related variables such as changes in PDs, LGDs, exposure amounts, collateral values, migration of default probabilities and internal borrower credit risk grades based on historical, current and reasonable and supportable forward-looking information, including macroeconomic factors.

65. Credit institutions should have robust policies and procedures in place to appropriately validate the accuracy and consistency of the models used to assess the credit risk and measure ECL, including its model-based credit risk rating systems and processes and the estimation of all relevant risk components, at the outset of model usage and on an ongoing basis.
66. Model validation should be conducted when the ECL models are initially developed and when significant changes are made to the models and should ensure that the models are suitable for their proposed usage on an ongoing basis.
67. A sound model validation framework should include, but not be limited to, the following elements:
  - a. Clear roles and responsibilities for model validation with adequate independence and competence. Model validation should be performed independently of the model development process and by staff with the necessary experience and expertise. The findings and outcomes of model validation should be reported in a prompt and timely manner to the appropriate level of authority. It will not undermine the necessary independence if the validation and development of the respective models are performed in the same organisational unit by different persons and if the validation results are approved by a committee that ensures independent decisions on the conclusions to be drawn from the validation results, such as the need for new model development or a recalibration, for instance. Where a credit institution has outsourced its validation function to an external party, the credit institution remains responsible for the effectiveness of all model validation work and should ensure that the work done by the external party meets the elements of a sound model validation framework on an ongoing basis.
  - b. An appropriate model validation scope and methodology should include a systematic process of evaluating the model's robustness, consistency and accuracy as well as its continued relevance to the underlying individual lending exposure or portfolio. An effective model validation process should also enable potential limitations of a model to be identified and addressed on a timely basis. The scope for validation should include a review of model inputs, model design and model outputs/performance.
    - *Model inputs:* Credit institutions should have internally established quality and reliability standards on data (historical, current and forward-looking information) used as model inputs. Data used to estimate ECL allowances should be relevant to the credit institutions'

**Kommentiert [A14]:** It should be clarified that the required independence of model validation from model development can also be achieved if the validation and development of the model in question is performed in the same organisational unit by different persons and if the validation results are approved by a committee that ensures independent decisions on the conclusions to be drawn from the validation results.

portfolios, and as far as possible accurate, reliable and complete (i.e. without exclusions that could bias ECL estimates). Validation should ensure that the data used meet these standards.

- *Model design:* For model design, validation should demonstrate that the underlying theory of the model is conceptually sound, recognised and generally accepted for its intended purpose. From a forward-looking perspective, validation should also assess the extent to which the model, at the overall model and individual risk factor level, can take into consideration changes in the economic or credit environment, as well as changes to portfolio business profile or strategy, without significantly reducing model robustness.
  - *Model output/performance:* Credit institutions should have internally established standards for acceptable model performance. Where performance thresholds are significantly breached, remedial actions to the extent of model re-calibration or re-development should be taken.
- c. Comprehensive documentation of the model validation framework and process. This should include documenting the validation procedures performed, any changes in validation methodology and tools, the range of data used, validation results and any remedial actions taken where necessary. Credit institutions should ensure that the documentation is regularly reviewed and updated.
- d. A review of the model validation process by independent parties (e.g. internal or external parties) to evaluate the overall effectiveness of the model validation process and the independence of the model validation process from the development process. The findings of the review should be reported in a prompt and timely manner to the appropriate level of authority (e.g. senior management, audit committee).

#### 4.2.6 Principle 6 – Experienced credit judgment

A credit institution's use of experienced credit judgment, especially in the consideration of reasonable and supportable forward-looking information, including macroeconomic factors, is essential to the assessment of credit risk and measurement of ECL.

68. Credit institutions should have the necessary tools to ensure a robust estimate and timely recognition of ECL. Given that information on historical loss experience or the impact of current conditions may not fully reflect the credit risk in lending exposures, credit institutions should use their experienced credit judgment to thoroughly incorporate the expected impact of all reasonable and supportable forward-looking information, including macroeconomic factors, on its estimate of ECL. A credit institution's use of its experienced credit judgment should be documented in the credit institution's credit risk methodology and subject to appropriate oversight.
69. Historical information provides a useful basis for the identification of trends and correlations needed to identify the credit risk drivers for lending exposures. However, ECL estimates must not ignore the impact of (forward-looking) events and conditions on those drivers. The estimate should reflect the expected future cash shortfalls resulting from such impact.

70. Consideration of forward-looking information should not be avoided ~~on the basis that a credit institution considers the cost of incorporating such forward looking information to be very high or unnecessary or~~ because there is uncertainty in formulating forward-looking scenarios, unless the additional cost and operational burden to be introduced ~~are not outweighed by material improvements in the robustness and quality do not contribute to a high quality implementation~~ of an ECL accounting framework.

71. Credit institutions should be able to demonstrate that the forward-looking information factored into the ECL estimation process has a link to the credit risk drivers for particular exposures or portfolios. Given that it may not be possible to demonstrate a strong link in formal statistical terms between certain types of information, or even the information set as a whole, and the credit risk drivers, credit institutions should use their experienced credit judgment in establishing an appropriate level for the individual or collective allowance. When a forward-looking factor that has been identified as relevant is not incorporated into the individual or collective assessment, temporary adjustments may be necessary.

72. Macroeconomic forecasts and other relevant information should be applied consistently across portfolios where the credit risk drivers of the portfolios are affected by these forecasts/assumptions in the same way. Furthermore, when developing ECL estimates, credit institutions should apply their experienced credit judgment to consider their point in the credit cycle, which may differ across the jurisdictions in which they have lending exposures.

73. Credit institutions should exercise care when determining the level of ECL allowances to be recognised for accounting purposes to ensure that the resulting estimates are appropriate (i.e. consistent with neutrality and neither understated nor overstated).

74. Additionally, credit institutions should avail themselves of a wide range of information derived in the credit risk management process, including that of a forward-looking nature for risk management and capital adequacy purposes, in developing their estimate of ECL.

#### 4.2.7 Principle 7 – Common processes, systems, tools and data

Credit institutions should have a sound credit risk assessment and measurement process that provides them with a strong basis for common processes, systems, tools and data to assess credit risk and to account for expected credit losses.

75. To the maximum extent possible, credit institutions should use common processes, systems, tools and data to assess credit risk, measure ECL for accounting purposes and determine expected losses for capital adequacy purposes in order to strengthen the reliability and consistency of the resulting ECL estimates, increase transparency and, through market discipline, provide incentives to follow sound credit risk practices .

76. Credit risk practices should be reviewed periodically to ensure that relevant data available throughout a credit institution's organisation are captured and that systems are updated as the credit institution's underwriting or business practices change or evolve over time. **A**

**Kommentiert [A15]:** The use of the relief in IFRS 9 to avoid "undue cost or effort" for preparers should not be limited by assuming that investments in providing forward-looking information are generally necessary even if they provide only a marginal contribution ("causing undue cost or effort") to improving the quality of the implementation of an IFRS 9 ECL model.

| feedback loop should be established to ensure that information on estimates of ECL, changes

~~in the credit risk and actual losses experienced on lending exposures is shared among credit risk experts, accounting and regulatory reporting staff, and in particular with the loan underwriting staff.~~

77. The common processes, systems, tools and data mentioned above could include credit risk rating systems, estimated PDs (subject to appropriate adjustments), past-due status, loan-to-value ratios, historical loss rates, product type, amortisation schedule, down payment requirements, market segment, geographical location, vintage (i.e. date of origination), and collateral type.

#### 4.2.8 Principle 8 – Disclosure

A credit institution's public disclosures should promote transparency and comparability by providing timely, relevant and decision-useful information.

78. The objective of public disclosures is to provide decision-useful information, on a credit institution's financial position, performance and changes therein, to a wide range of users in a clear and understandable manner. Credit institutions should aim to provide information that is relevant and comparable so that users can make timely, informed decisions and are able to evaluate the stewardship of management body and senior management.
79. Financial and credit risk management disclosures should be made in accordance with the applicable accounting and supervisory frameworks<sup>21</sup>. Credit institutions should provide the disclosures needed to fairly depict a credit institutions's exposure to credit risk, including its ECL estimates, and to provide relevant information on a credit institution's underwriting practices.
80. Consistently with the applicable accounting standards and regulations, credit institutions' senior management should apply judgment to determine the appropriate level of aggregation and disaggregation of data disclosed, such that disclosures continue to meet accounting requirements, and provide insights into a credit institution's exposure to credit risk and ECLs for users to perform individual institution analysis and relevant peer group comparisons.
81. Quantitative and qualitative disclosures when taken as a whole should communicate to users the main assumptions/inputs used to develop ECL estimates. Disclosures should highlight policies and definitions that are integral to the estimation of ECL (such as a credit institution's basis for grouping lending exposures into portfolios with similar credit risk characteristics and its definition of default<sup>22</sup>), factors that cause changes in ECL estimates, and the manner in which senior management's experienced credit judgment has been incorporated. Disclosure

**Kommentiert [A16]:** We consider it unnecessary to establish a separate "feedback loop" (sharing information considered in the IFRS 9 ECL estimation with stakeholders in that information).

This is because the implementation of IFRS 9 is based on existing information relevant to, and used by, all stakeholders for risk management and reporting processes as well as capital planning purposes and is therefore already shared sufficiently.

<sup>21</sup> In accordance with Part Eight of Regulation (EU) 575/2013 and EBA GL/2016/07 [CP published on disclosures requirements under Part Eight of Regulation (EU) 573/2013], EBA GL/2014/14 on materiality, proprietary and confidentiality and on disclosure frequency under Articles 432(1), 432(2) and 433 of Regulation (EU) No 575/2013.

<sup>22</sup> See paragraphs 89 and 90 in the next section for further guidance on definition of default.

of significant policies should indicate how those policies have been implemented in the specific context of the credit institution.

82. Credit institutions should provide qualitative disclosures on how forward-looking information, including macroeconomic factors has been incorporated into the ECL estimation process, in accordance with the applicable accounting framework, in particular when the assessment is carried out on an individual basis.
83. Disclosures regarding the basis for grouping lending exposures should include information of how senior management satisfies itself that lending exposures are appropriately grouped, such that these groups continue to share credit risk characteristics.
84. To improve the quality and meaningfulness of information disclosed for ECL estimates, credit institutions should provide an explanation of significant changes to the estimation of ECL from period to period. This information should include both relevant qualitative and quantitative disclosures in a manner that enhances the understanding of how ECL estimates have changed.
85. Credit institutions' management body should regularly review its disclosure policies to ensure that the information disclosed continues to be relevant to the credit institution's risk profile, product concentrations, industry norms and current market conditions. In doing so, credit institutions should provide disclosures that facilitate comparisons with its peers, enabling users to monitor changes in the credit institution's ECL estimates from period to period and perform meaningful analyses across national and international peer groups.

### 4.3 Guidelines specific to credit institutions applying IFRS 9

This section provides guidelines on aspects of the ECL requirements in the impairment sections of IFRS 9 - (i) the loss allowance at an amount equal to 12-month ECL; (ii) the assessment of significant increases in credit risk; and (iii) the use of practical expedients - that are not common to other ECL accounting frameworks and should be read in conjunction with the other sections of these guidelines.

#### 4.3.1 Loss allowance at an amount equal to 12-month ECL

86. In accordance with paragraph 5.5.5 of IFRS 9, 'if, at the reporting date, the credit risk on a financial instrument has not increased significantly since initial recognition, an entity shall measure the loss allowance for that financial instrument at an amount equal to 12-month expected credit losses'. Credit institutions should measure ECL for all lending exposures and a nil allowance should be rare because ECL estimates are a probability-weighted amount that should always reflect the possibility that a credit loss will occur (see paragraphs 5.5.17 and 5.5.18 of IFRS 9). A nil allowance could however occur, for example, for fully collateralised loans (although credit institutions should be cautious when developing estimates of collateral value, as valuation of collateral at origination may change over the life of the loan).



87. Credit institutions should adopt an active approach to assessing and measuring 12-month ECL that enables changes in credit risk to be identified in a timely manner and hence the timely recognition of those changes in ECL. In accordance with Principle 6, estimates of the amount and timing of 12-month ECL should reflect senior management's experienced credit judgment, and represent an unbiased probability-weighted estimate of ECL by considering a range of possible outcomes

**Kommentiert [A17]:** According to the BCBS paper, the changes should be recognized on a timely basis. ECL is measured for every instrument covered by the scope of the impairment requirements (thus timely recognition is always ensured).

88. IFRS 9 defines an amount equal to 12-month ECL as 'the portion of lifetime expected credit losses that represent the expected credit losses that result from default events on a financial instrument that are possible within the 12 months after the reporting date'<sup>23</sup>. For these purposes, credit institutions must note that an amount equal to the 12-month ECL is not only the losses expected in the next 12 months; rather, in accordance with IFRS 9, paragraph B5.5.43, it is the expected cash shortfalls over the life of the lending exposure or group of lending exposures, due to loss events that could occur in the next 12 months. Credit institutions must also note that in accordance with IFRS 9, paragraph 5.5.9, to assess whether a financial instrument should move to a lifetime ECL measure, the change in the risk of a default occurring over the expected life of the financial instrument must be considered. In some circumstances, IFRS 9 allows changes in the risk of a default occurring over the next 12 months to be used to make this assessment; however, this may not always be appropriate, and particular attention should be given to the examples set out in IFRS 9, paragraph B5.5.14.

89. IFRS 9, paragraph B5.5.37, does not define default, but requires credit institutions to define default in a manner consistent with that used for internal credit risk management. IFRS 9, paragraph B5.5.37, also includes a rebuttable presumption that default does not occur later than 90 days past due. When adopting a definition of default for accounting purposes, credit institutions should be guided by the definition used for regulatory purposes provided in Article 178 of Regulation (EU) 575/2013<sup>24</sup> which includes both:

- a. a qualitative criterion by which 'the institution considers that the obligor is unlikely to pay its credit obligations to the institution, the parent undertaking or any of its subsidiaries in full, without recourse by the institution to actions such as realising security' ('unlikeliness to pay' events); and
- b. an objective indicator where 'the obligor is past due more than 90 days on any material credit obligation to the institution, the parent undertaking or any of its subsidiaries', equivalent to the rebuttable presumption in IFRS 9, paragraph B5.5.37.

90. In accordance with Article 178(1) of Regulation (EU) 575/2013, a default event shall be considered to have occurred with regard to a particular obligor, when either of the criteria in paragraphs 4 (a) and (b) is met, or both are met. In this context, credit institutions should

<sup>23</sup> See IFRS 9, Appendix A, Defined terms.

<sup>24</sup> The EBA has published draft Guidelines on the application of the definition of default in accordance with Article 178 of Regulation 575/2013.

identify default, in accordance with the 'unlikelihood to pay' criterion of the debtor, before the exposure becomes delinquent with the 90-days-past-due criterion. In line with the approach followed for regulatory purposes, the list of elements provided in Article 178(3) of Regulation (EU) 575/2013 as indications of unlikelihood to pay should be implemented in a way that ensures a timely detection of 'unlikelihood to pay' events that precipitate eventual cash shortfalls. ~~As regards the criterion in paragraph 4 (b), although for regulatory purposes in the case of retail and public sector entity obligations, for the 90 days figure competent authorities may substitute a figure up to 180 days for different products, as it considers appropriate to local conditions (see Article 178(1)(b) of Regulation (EU) 575/2013); this possibility should not be read as an exemption from the application of the 90 days rebuttable presumption in IFRS 9, paragraph B5.5.37, for those exposures.~~

**Kommentiert [A18]:** To ensure consistency between the definition of default for regulatory and accounting purposes, exemptions need to be used in the same way.

91. In formulating the estimate of the amount equal to 12-month ECL, credit institutions should consider reasonable and supportable information, as referred to in the Definitions and in Principle 6 of these guidelines, that affect credit risk, especially forward-looking information, including macroeconomic factors. Credit institutions should exercise experienced credit judgment to consider both qualitative and quantitative information that may affect the credit institution's assessment of credit risk. IFRS 9 provides that an entity does not need to undertake an exhaustive search for information when measuring an amount equal to 12-month ECL. However, credit institutions should actively incorporate information that may affect the estimate of ECL, and credit institutions should not exclude or ignore relevant information that is reasonably available.
92. Where a credit institution originates high-credit-risk exposures (which should not be understood, in the context of this paragraph, as meaning the opposite of 'low credit risk' exposures as described by IFRS 9, paragraph 5.5.10) and their allowances are initially measured at 12-month ECL, the credit institution should monitor these exposures closely for significant increases in credit risk to ensure a timely movement of the exposure to lifetime ECL measurement in order to take into account that high risk exposures are likely to exhibit greater volatility and to experience a more rapid increase in credit risk.
93. Even if an increase in credit risk is not judged to be significant, a credit institution should adjust its estimate of 12-month ECL to appropriately reflect changes in credit risk that have taken place. Such adjustments should be made well before exposures move, either individually or collectively, to lifetime ECL measurement and taking into account any migration of credit risk which has taken place.
94. Where a collective assessment is performed, exposures within that group should adhere to the requirements set out in Principle 3 of these guidelines. In particular, where information becomes available to the credit institution indicating that further or different segmentation within a group of lending exposures is required, the group should be split into subgroups and the measurement of the amount equal to 12-month ECL should be updated separately for each subgroup or, in the case of transient circumstances, a temporary adjustment should be applied (see Principle 3 of these guidelines and its detailed requirements on the use of

temporary adjustments). Where information becomes available which indicates that a particular subgroup has suffered a significant increase in credit risk, then lifetime ECL should be recognised in respect of that subgroup.

95. Lending exposures should *not* be grouped in such a way as to obscure the identification of significant increases in credit risk on a timely basis (see also Principles 3 and 4 of these guidelines for additional requirements regarding grouping and collective assessments of ECL).

#### **4.3.2 Assessment of significant increases in credit risk**

96. IFRS 9, paragraph 5.5.4, states that ‘the objective of the impairment requirements is to recognise lifetime expected credit losses for all financial instruments for which there have been significant increases in credit risk since initial recognition – whether assessed on an individual or collective basis – considering all reasonable and supportable information, including that which is forward-looking.’
97. The rationale for this approach is that the creditworthiness of the counterparty, and thus the ECL anticipated upon initial recognition, is taken into account in the pricing of credit at that time. It follows, then, that a post-origination increase in credit risk may not be fully compensated by the interest rate charged, and, as a consequence, credit institutions should carefully consider whether there has been a significant increase in credit risk<sup>25</sup>. If so, the lending exposure should be subject to lifetime ECL measurement.
98. In order to consider whether an exposure has suffered a significant increase in credit risk and the measurement of required 12-month ECL and lifetime ECL, credit institutions should have in place sound governance, systems and controls, in accordance with the principles specified in these guidelines. Unless already established, credit institutions should implement systems that are capable of handling and systematically assessing the large amounts of information that will be required to judge whether or not particular lending exposures or groups of lending exposures exhibit a significant increase in credit risk, and to measure lifetime ECL where that is the case. Parent undertakings and subsidiaries subject to Directive 2013/36/EU should ensure that the approach is consistent across the group. This should include, in particular putting in place processes to ensure that forecasts of economic conditions in different jurisdictions and economic sectors are reviewed and approved by a credit institution’s senior management, and that the process, controls and economic assumptions around developing forecasts and linking these to expectations of credit loss are consistent across the group. The need for consistency should not be interpreted as a requirement that the practice be identical across a group. On the contrary, within a consistent framework there may be differences across jurisdictions and products, depending for instance on the availability of data. These differences should be well documented and justified.

<sup>25</sup> IFRS 9 requires entities to consider a wide range of factors in assessing for significant increases in credit risk and pricing may be one of those factors.

99. Credit institutions' processes in place should enable them to determine on a timely and holistic basis whether there has been a significant increase in credit risk subsequent to the initial recognition of a lending exposure so that an individual exposure, or a group of exposures with similar credit risk characteristics, is transferred to lifetime ECL measurement as soon as credit risk has increased significantly, in accordance with the IFRS 9 impairment accounting requirements.

100. As noted in paragraph B5.5.17 of IFRS 9 Application Guidance on assessing significant increases in credit risk since initial recognition, the range of information that will need to be considered in making this determination is wide. In broad terms, it will include relevant and reasonably available information on macroeconomic conditions, and the economic sector and geographical region relevant to a particular borrower or a group of borrowers with shared credit risk characteristics, in addition to borrower-specific strategic, operational and other characteristics. A critical feature is the required consideration of all relevant, reasonable and supportable forward-looking information that is available without undue cost and effort (see also paragraph 131 of these guidelines on the information set to be used), in addition to information about current conditions and historical data.

101. In order to recognise allowances on a timely basis in line with the IFRS 9 requirements, credit institutions should:

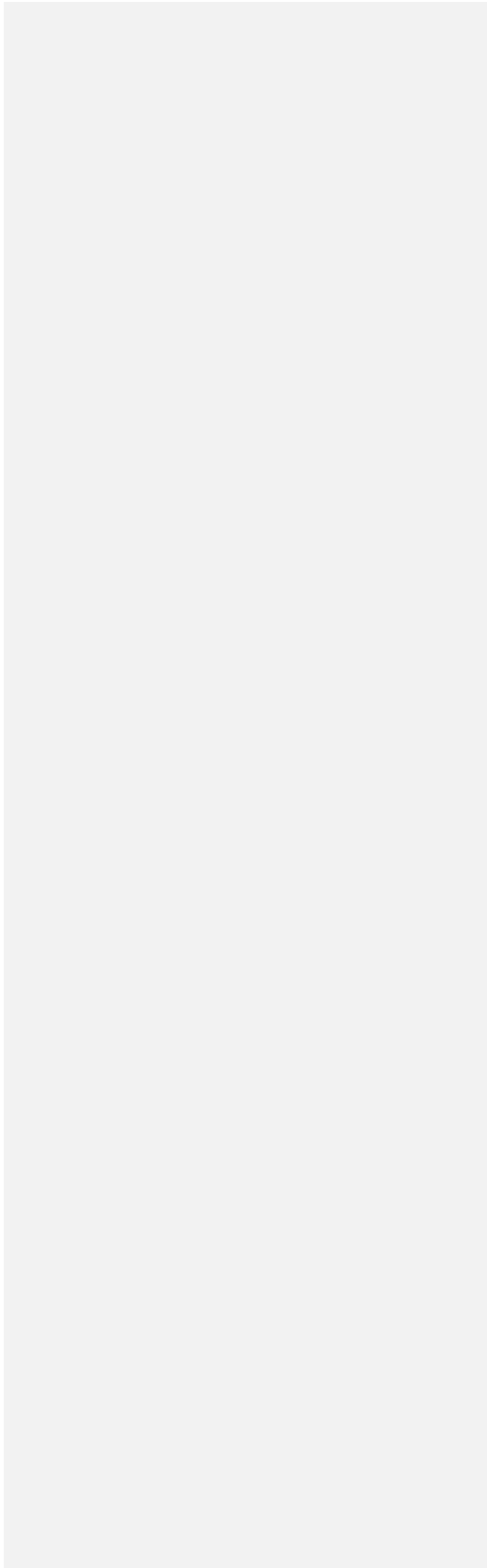
- a. assemble data and forward projections for the key drivers of credit risk in their lending exposures and portfolios; and
- b. be able to quantify the credit risk in each of their lending exposures or portfolios based on these data and projections.

102. IFRS 9, paragraph B5.5.2, states that lifetime expected credit losses are generally expected to be recognised before a financial instrument becomes past due and that 'typically, credit risk increases significantly before a financial instrument becomes past due or other lagging borrower-specific factors (for example a modification or restructuring) are observed'. Therefore, credit institutions' analyses should take into account the fact that the determinants of credit losses very often begin to deteriorate a considerable time (months or, in some cases, years) before any objective evidence of delinquency appears in the lending exposures affected. Credit institutions should be mindful – taking into consideration materiality and proportionality in terms of the exposure size and risk or expected material impact on the financial situation of the bank – that delinquency data are generally backward-looking, and will seldom on their own be appropriate in the implementation of an ECL approach. For example, within retail portfolios adverse developments in macroeconomic factors and borrower attributes will generally lead to an increase in the level of credit risk long before this manifests itself in lagging information such as delinquency. However, there may be justified cases in which the use of the more-than-30-days rebuttable presumption may be appropriate.

103. Thus, in order to meet the objective of IFRS 9 in a robust manner, credit institutions should also consider the linkages between macroeconomic factors and borrower attributes to

**Kommentiert [A19]:** Restriction of the "undue cost or effort" principle.  
**Rationale for the additional wording**  
If excessive amounts of information over and above the delinquency status had to be obtained, stored and documented, this would make loans with comparatively low exposures but of possibly considerable social importance (e.g. development loans to students and SMEs) increasingly unattractive. Banks whose business models are at least partially based on extending retail loans and/or channelling development loans would be particularly hard hit.

the level of credit risk in a portfolio based on reasonable and supportable information. To that end, credit institutions should start with a detailed analysis of historical patterns and current



trends, which would allow for identification of the most relevant credit risk drivers. Experienced credit judgment should facilitate the incorporation of current and forecasted conditions likely to affect those risk drivers, the expected cash shortfalls and therefore loss expectations.

104. Credit institutions should perform analyses of this kind not only in the context of portfolios of individually small credits, such as credit card exposures, but also for large, individually managed lending exposures. For example, for a large commercial property loan, credit institutions should take account of the considerable sensitivity of the commercial property market in many jurisdictions to the general macroeconomic environment, and consider using information such as levels of interest rates or vacancy rates to determine whether there has been a significant increase in credit risk.
105. Credit institutions should have a clear policy including well developed criteria on what constitutes a 'significant' increase in credit risk for different types of lending exposures. Such criteria and the reasons why these approaches and definitions are considered appropriate should be disclosed in accordance with IFRS 7 *Financial Instruments: Disclosures*, paragraph 35F. IFRS 9, paragraph 5.5.9, requires that, when making the assessment of significant increases in credit risk, 'an entity shall use the change in the risk of default occurring over the expected life of the financial instrument instead of the change in the amount of expected credit losses'. For these purposes, institutions should make this assessment in terms of the risk of a default occurring and not expected credit loss (i.e. before consideration of the effects of credit risk mitigants such as collateral or guarantees).
106. ~~In developing their approach to determining a significant increase in credit risk, credit institutions should consider each of the 16 classes of indicators in IFRS 9 (insofar as they are relevant to the financial instrument being assessed) as set out in paragraphs B5.5.17 (a)–(p) and, in addition, credit institutions should consider whether there is further information that should be taken into account. Such indicators (in both IFRS 9 and these guidelines) should not be viewed as a 'checklist'. Some may be more relevant than others to assessing whether a particular type of lending exposure exhibits a significant increase in credit risk. At the same time, credit institutions should take particular care to avoid the risk of a significant increase in credit risk not being acknowledged promptly when it is, in fact, present. In particular, credit institutions should not restrict significant increases in credit risk to situations when a financial instrument is anticipated to become credit-impaired (i.e. the third stage of IFRS 9 impairment requirements). Rather, debtors may exhibit a significant increase in credit risk without evidence that the related lending exposures are likely to become impaired. The fact that credit risk has increased significantly does not necessarily mean that default is probable – merely that it is more likely than at initial recognition. This point is underlined by the symmetry of the IFRS 9 model: it is possible for lending exposures to move to lifetime ECL but subsequently be moved back to 12-month ECL if the threshold of a significant increase in credit risk is no longer met.~~

**Kommentiert [A20]:** The regulatory guidance should not create redundancy by explicitly repeating existing requirements. In this case, common rating development procedures ensure that all relevant risk drivers are used in the rating process. In our view, these principles also apply to the identification of credit deterioration in the context of determining the transfer criterion. In our opinion, the deleted wording in this paragraph is not additional guidance but might create the impression that the specified factors are not being considered at the moment. This would, however, run counter to the basic approach – reviewed by supervisors – to the development of rating system models.

107. ~~Credit institutions should take particular care to avoid the risk of a significant increase in credit risk not being acknowledged promptly when it is, in fact, present. Credit institutions should consider in particular the following non-exhaustive list of indicators in assessing a significant increase in credit risk:~~

- a. ~~a decision by the credit institution's senior management such that, if an existing lending exposure were newly originated at the reporting date, the element of the price of the lending exposure that reflects the credit risk of the exposure would be significantly higher than it was when the loan was actually originated because of an increase in the credit risk of the specific borrower or class of borrowers since inception;~~
- b. ~~a decision by the credit institution's senior management to strengthen collateral and/or covenant requirements for new lending exposures that are similar to lending exposures already originated because of changes in the credit risk of those exposures since initial recognition;~~
- c. ~~a downgrade of a borrower by a recognised credit rating agency, or within a credit institution's internal credit rating system;~~
- d. ~~for performing lending exposures subject to individual monitoring and review, an internal credit assessment summary/ credit quality indicator that is weaker than upon initial recognition;~~
- e. ~~deterioration of relevant determinants of credit risk (e.g. future cash flows) for an individual obligor (or pool of obligors); and~~
- f. ~~expectation of modification due to financial difficulties, including those qualifying as forbearance in accordance with Regulation (EU) 2015/2271~~

~~While~~To achieve this, implementation of IFRS 9 should reflect credit risk management practices that indicate significantly increasing credit risk. However, ~~where possible,~~ in some cases that would not be appropriate. If for example, a credit institution manages most lending exposures in the same way regardless of credit risk – with the exception only of particularly strong or weak credits – the manner in which a lending exposure is managed is unlikely to be a sound indicator of whether there has been a significant increase in credit risk.

108. ~~When assessing whether there has been a significant increase in credit risk for a lending exposure, credit institutions should also take into account the following factors which are related to the environment in which a credit institution or the borrower operates:~~

- a. ~~deterioration of the macroeconomic outlook relevant to a particular borrower or to a group of borrowers. Macroeconomic assessments should be sufficiently rich to include factors relevant to sovereign, corporate, household and other types of borrower. Furthermore, they~~

**Kommentiert [A21]:** The EBA's guidance should be principles-based rather than enumerating a list of criteria. We especially disagree with the requirement that a bank needs to demonstrate that repricing would not have resulted in a higher credit spread after initial recognition.

~~should address any relevant regional differences in economic performance within a jurisdiction<sup>26</sup>; and~~

b. ~~deterioration of prospects for the sector or industries within which a borrower operates.~~

109. Accurate identification of drivers of credit risk, and reliable demonstration of the linkages between those drivers and the level of credit risk, should be considered as critical, as a seemingly small change in a qualitative characteristic of a loan can potentially be a leading indicator of large increase in the risk of a default occurring. Furthermore, in accordance with IFRS 9, paragraph 5.5.9, the significance of a change in credit risk since initial recognition depends on the risk of a default occurring at initial recognition. In this regard, where a credit institution uses changes in probability of default (PD) as a means of identifying changes in the risk of a default occurring, it should take into consideration the significance of a given change in PD expressed in a ratio (or the rate of fluctuation) ~~proportionate to the PD at initial recognition (i.e. a change in the PD divided by the PD at initial recognition). However, the width of the change in PD itself (i.e. PD at measurement date minus PD at initial recognition) should also be taken into consideration.~~

~~110.—Credit institutions should look beyond how many ‘grades’ a rating downgrade entails because the change in PD for a one-grade movement may not be linear (for example, the default probability over five years of an exposure rated BB is around three times that of one rated BBB, based on current data and analyses applicable to certain jurisdictions). Furthermore, because the significance of a one-grade movement would depend on the granularity of a bank’s rating system – and hence the ‘width’ of each grade – an appropriate initial segmentation should be defined to ensure that a significant increase in credit risk for an individual lending exposure or a group of lending exposures is not obscured within a segment. In this regard, credit institutions should ensure that credit risk rating systems include a sufficient number of grades to appropriately distinguish credit risk. ~~Credit institutions should also be mindful of the fact that a significant increase in credit risk could occur prior to a movement in a credit grade.~~~~

~~111-110.~~

~~112-111.~~ Credit institutions should take into account that there are some circumstances in which an adverse movement in the factors listed in paragraphs 107 to 109 above might not be indicative of a significant increase in credit risk. For example, it may be the case that the default probability of a lending exposure rated AA is low, and not much greater than one rated AAA. However, very few lending exposures are of such apparently low credit risk – and, as noted in paragraph 110, the sensitivity of default probability to rating grades may increase strongly as rating quality declines.

~~113-112.~~ Credit institutions should also be aware that there could be circumstances in which some factors move in an adverse direction but may be counterbalanced by improvement in others

**Kommentiert [A22]:** The EBA’s guidelines should be principles-based. The regulatory guidance should not create redundancy by explicitly listing factors that are already considered when identifying changes in credit risk. These are all typically part of robust rating systems.

**Kommentiert [A23]:** Not all banks use the PD at initial recognition as a reference. Some use the expected PD for a given future point in time at initial recognition.

**Kommentiert [A24]:** It is a key requirement of the IFRS 9 ECL model that the definition of a significant increase in the risk of default is defined as a relative change in PD (compared to the PD at initial origination) as opposed to an absolute change in PD. IFRS 9.B5.5.9 (as well as BC5.173/174) states that the significance of a change in PD since initial recognition depends on both the level of PD at inception and the remaining time to maturity. Thus, the level at which an increase in PD should be defined as “significant” should be determined by a “relative” measure (percent increase compared to initial PD) rather than an “absolute” measure (absolute increase in PD as a width of the change in PD). Incorporating an absolute width in the IFRS 9 ECL model would conflict with the IFRS 9 requirements described above. Consequently, by following the GAECCL guidance banks would no longer be able to determine significant increases in compliance with IFRS 9. Furthermore, users of financial statements would find it difficult to interpret changes in LLP and banks would have problems explaining stage transfers to stakeholders. Furthermore, it would be very difficult to adequately calibrate the transfer criterion of such a hybrid model.

**Kommentiert [A25]:** This seems to contradict paragraph 48 of principle 3, which states that “credit risk grades should be reviewed whenever relevant new information is received or a credit institution’s expectation of credit risk has changed.”

<sup>26</sup> See Principle 6 of these guidelines on the consideration of forward-looking information, including macroeconomic



factors.

(see IFRS 9 Implementation Guidance, Example 2). Nonetheless, in view of the importance of detecting whether there has been a significant increase in credit risk, credit institutions should put in place governance and control processes capable of reliably validating any judgment that factors which may have an adverse impact on credit risk are counterbalanced by factors which may have a favourable impact.

~~114-113. Credit institutions should give thorough consideration and full weight to discretionary decisions by a credit institution's management body or senior management which point to a change in credit risk. For example, if because of concerns about credit risk a decision is made to intensify the monitoring of a borrower or class of borrowers, it is unlikely that such action would have been taken by the decision-maker had the increase in credit risk not been perceived as significant.~~

115-114. When a credit institution assesses that there has been a significant increase in credit risk for some, but not all, of its lending exposures to a counterparty – for example, because of differences in the timing of when lending was provided – it should ensure that all lending exposures are identified where there has been a significant increase in credit risk.

116-115. Where a credit institution makes the assessment of significant increases in credit risk on a collective basis (i.e. such as retail), the definitions of portfolios should be reviewed regularly to ensure that the lending exposures within them continue to share risk characteristics in terms of their response to credit risk drivers. Changing economic conditions may require regrouping.

117-116. In line with paragraph B5.5.1 of IFRS 9 on the assessment of significant increases in credit risk since initial recognition on a collective basis, in instances where it is apparent that some lending exposures in a group have experienced a significant increase in credit risk, credit institutions should transfer a subset or a proportion of the group of lending exposures to lifetime ECL measurement even though it is not possible to identify this on an individual lending exposure basis (see IFRS 9, Illustrative Example 5).

118-117. Consistent with paragraph B5.5.6 of IFRS 9 and paragraph IE39 of the Implementation Guidance for IFRS 9, if it is not possible on the basis of shared credit risk characteristics to identify a particular subgroup of lending exposures for which credit risk has increased significantly, an appropriate proportion of the overall group should be subject to lifetime ECL measurement.

119-118. 'Significant' should not be equated with statistical significance, meaning that the assessment approach should not be based solely on quantitative analysis. For portfolios which have a large number of individually small credits, and a rich set of relevant historical data, it may be possible to identify 'significant' increases in credit risk in part by using statistical techniques. However, for other lending exposures, that may not be feasible.

120-119. 'Significant' should also not be judged in terms of the extent of impact on a credit institution's primary financial statements. Identification and disclosure of significant increases

**Kommentiert [A26]:** We do not agree with the statement that a decision in favour of downgrading an internal rating would be unlikely in the absence of significant credit deterioration. A rating may well be downgraded without a significant increase in credit risk having occurred. The existence of a significant credit deterioration can therefore only be determined on the basis of an individual judgement. We oppose a general assignment of loans with a rating downgrade to Stage 2. Discretionary decisions as mentioned in paragraph 113 are an integral component of rating systems. Hence, such action is fully considered in PD changes derived from the rating grading process. To ensure this, such discretionary decisions are monitored on an ongoing basis.

in credit risk should be undertaken, even where an increase in credit risk defined in terms of probability of default is unlikely to affect the allowance made – for example, because the exposure is more than fully collateralised – to allow credit institutions to identify and disclose such increases which are likely to be important to users seeking to understand trends in the intrinsic credit risk of a credit institution’s lending exposures.

~~121-120.~~ In accordance with IFRS 9 paragraph 5.5.9, the assessment of significant increases in credit risk is based on comparing credit risk on exposures at the reporting date relative to credit risk upon initial recognition. IFRS 9, paragraph BC 5.161, and Illustrative Example 6 is an example of the application of this principle in the Standard, rather than an exception to that principle. This example suggests that credit institutions can set a maximum credit risk for particular portfolios upon initial recognition that would lead to that portfolio moving to lifetime ECL measurement when credit risk increases beyond that maximum level. This simplification is only relevant when exposures are segmented on a sufficiently granular basis such that a credit institution can demonstrate that the analysis is consistent with the principles of IFRS 9. Specifically, credit institutions should be able to demonstrate that a significant increase in credit risk had not occurred for items in the portfolio before the maximum credit grade was reached.

~~122-121.~~ Credit institutions should rigorously review the quality of their approach to assessing whether credit risk has increased significantly. A credit institution’s management body or senior management should consider whether there are additional factors that should be taken into account in the assessment of significant increases in credit risk which would improve the quality of their approach.

~~123-122.~~ Credit institutions should be alert to any possibility of bias being introduced that would prevent the objectives of IFRS 9 Standard from being met. In cases where credit institutions believe that their approach to implementation is likely to have introduced bias, they should change their assessment for identified bias and thus ensure that the objective of the Standard is met (see in particular IFRS 9, paragraphs B5.5.1–B5.5.6).

~~124-123.~~ IFRS 9, in paragraphs 5.5.12 and B5.5.25–B5.5.27, sets out the requirements for the assessment of significant increases in credit risk for lending exposures whose contractual cash flows have been renegotiated or modified. In particular, for modifications that do not result in de-recognition in accordance with IFRS 9, an entity must assess whether credit risk has increased significantly by comparing (a) the risk of a default occurring at the reporting date based on the modified contractual terms with (b) the risk of default occurring upon initial recognition based on the original, unmodified contractual terms.

~~125-124.~~ Credit institutions should ensure that modifications or renegotiations do not obscure increases in credit risk and thereby cause ECL to be underestimated and to delay the transfer to lifetime ECL for obligors whose credit risk has significantly deteriorated, or inappropriately result in a move from lifetime ECL measurement back to 12-month ECL measurement.



[126-125.](#) When determining whether there is a significant increase in credit risk for a modified lending exposure, credit institutions should be able to demonstrate, and should take into account when developing ECL estimates, whether such modifications or renegotiations have improved or restored the ability of the credit institution to collect interest and principal payments compared with the situation upon initial recognition. Consideration should also be given to the substance of modified contractual cash flows as well as the implications of the modifications for the future credit risk of the lending exposure (taking into consideration the obligor's credit risk). Factors to consider include, but are not limited to, the following:

- a. whether the modification or renegotiation of the contractual terms and resulting cash flows is economically beneficial to the obligor, compared with the original, unmodified contractual terms, and how the modification economically affects the obligor's ability to repay the debt;
- b. whether factors can be identified that support a credit institution's assessment of the obligor's ability to repay the debt, including circumstances leading up to the modification, and future prospects of the obligor as a result of the modifications, considering current conditions, macroeconomic forecasts, and prospects for the sector/industry within which the obligor operates, the obligor's business model, and the obligor's business (management) plan that outlines the obligor's expectations of its future performance, financial resilience and cash flows; and
- c. whether the obligor's business plan is feasible, realisable and consistent with the repayment schedule of interest and principal under the modified contractual terms of the lending exposure.

[127-126.](#) Lending exposures transferred to lifetime ECL that are subsequently renegotiated or modified, and not de-recognised, should not move back to 12-month ECL measurement unless there is sufficient evidence that the credit risk over the life of the exposure has not increased significantly compared with that upon initial recognition. For example, where a credit institution grants various concessions such as interest rate reductions or postponements of principal repayments to obligors in financial difficulty, the lending exposure may exhibit characteristics of a lower credit risk even though in reality the obligor may continue to experience financial difficulty with no realistic prospects of making scheduled repayments over the remaining term of the exposure. In accordance with paragraph B5.5.27 of IFRS 9 'evidence that the criteria for the recognition of lifetime ECL are no longer met could include a history of up-to-date and timely payment performance against the modified contractual terms. Typically, a customer would need to demonstrate consistently good payment behaviour over a period of time before the credit risk is considered to have decreased. For example, a history of missed or incomplete payments would not typically be erased by simply making one payment on time following a modification of the contractual terms'.

### 4.3.3 Use of practical expedients

~~128-127.~~ IFRS 9 includes a number of practical expedients, intended to ease the implementation burden for a wide range of companies in recognition of the fact that IFRS 9 will be used by a variety of entities, including entities outside the banking industry.

~~129-128.~~ The paragraphs below address the following practical expedients: the information set which an entity must consider in measuring ECL; the exception for 'low' credit risk exposures; and the 30-days-past-due rebuttable presumption.

~~129. As practical expedients have the potential to introduce significant bias credit institutions should carefully assess the use of practical expedients discussed in the following paragraphs to ensure that the objectives of IFRS 9 are not undermined and that the loan loss provision recognized on that basis will be appropriate to comply with the target of the ECL impairment model. This assessment should include a documented justification for the use of the practical expedients. make limited use of those practical expedients as they have the potential to introduce significant bias and because given their business the cost of obtaining relevant information is not likely to involve 'undue cost or effort'. However, taking into account the proportionality principle set out in these guidelines, credit institutions which are both smaller and less complex may reasonably rely more on the use of practical expedients while meeting the objectives of these guidelines.~~

130. Credit institutions should consider the need to make adjustments when using practical expedients to avoid any resulting bias as they should take into account that the objective of IFRS 9 is to estimate expected credit losses to reflect an unbiased and probability-weighted amount that is determined by evaluating a range of possible outcomes (IFRS 9, paragraph 5.5.17).

~~Where credit institution uses such practical expedients, justifications for the use of practical expedients should be clearly documented by the credit institution.~~

#### The information set

131. IFRS 9, paragraph B5.5.15, states that 'an entity shall consider reasonable and supportable information that is available without undue cost and effort' and that 'an entity need not undertake an exhaustive search for information when determining whether credit risk has increased significantly since initial recognition'. Credit institutions should not read these statements restrictively and should develop systems and processes that use all reasonable and supportable information that is relevant to the group or individual exposure, as needed to achieve a high-quality, robust and consistent implementation of the accounting requirements. ~~Nevertheless, additional cost and operational burden do not need to be introduced where they do not contribute to a material improvements in the robustness and quality of the IFRS 9 ECL model. high-quality implementation of IFRS 9.~~

#### 'Low credit risk' exemption

**Kommentiert [A27]:** We do not agree with the conclusion that limited use needs to be made of the practical expedients set out in IFRS 9 in order to achieve robust and consistent implementation of the IFRS 9 ECL model. If the objectives of IFRS 9 impairment model are not undermined and an appropriate level of allowance will be established without delay, we do not see any obstacles to using practical expedients.

**Kommentiert [A28]:** The requirement to document the rationale for the use of practical expedients has been moved to paragraph 129.

**Kommentiert [A29]:** The use of the relief in IFRS 9 to avoid "undue cost or effort" for preparers should not be limited by assuming that investments in providing forward-looking information are generally assumed to be necessary unless preparers can prove that they do not contribute to a high-quality implementation of IFRS 9. Nor is it clear how and to what extent banks are supposed to demonstrate that investing additional funds and efforts into considering all reasonable and supportable information would not contribute to a high-quality implementation of IFRS 9. This creates considerable potential for time-consuming discussions with reviewers as well as about findings of regulatory reviews.

132. In accordance with paragraph 5.5.10 of IFRS 9, 'an entity may assume that the credit risk on a financial instrument has not increased significantly since initial recognition if the financial instrument is determined to have a low credit risk at the reporting date'. ~~Although credit institutions have thus the option for 'low credit risk' exposures not to assess whether credit risk has increased significantly since initial recognition, use of this exemption should be limited. In particular, credit institutions should conduct timely assessment of significant increases in credit risk for all lending exposures.~~

**Kommentiert [A30]:** While the original motivation for introducing this exemption to the ECL impairment model was to achieve an appropriate balance between the benefits of distinguishing between financial instruments on the basis of changes in credit risk and the costs of making that distinction, the IASB noted that financial instruments of such a high credit quality were not the primary focus for the recognition of lifetime expected credit losses. This was supported by the IASB's observations as well as empirical analysis by the entire industry that, for financial instruments with "low credit risk", the effect of this simplification on the timing of recognition and the amount of expected credit losses would be minimal. (This would be the case even if the recognition of lifetime expected credit losses occurred later than it otherwise would have if there had been no simplification.)

As the LCRE is justified both from a conceptual and a material perspective, we disagree with the view that the use of the LCRE should be limited to achieve high quality implementation of the IFRS 9 ECL model.

133. ~~In that context, credit institutions should always recognise changes in 12-month ECL through the allowance where there is not a significant increase in credit risk and move lending exposures to lifetime ECL measurement if there is a significant increase in credit risk. In order to achieve a high quality implementation of IFRS 9, any use of the low credit risk exemption should be accompanied by clear evidence that credit risk as of the reporting date is sufficiently low that a significant increase in credit risk since initial recognition could not have occurred.~~

**Kommentiert [A31]:**

In addition to the fact that general use of the LCRE does not conflict with the implementation of a robust ECL model, it is unclear how and to what extent banks are supposed to demonstrate that

- the LCRE was not used for the purpose of omitting timely assessment and tracking of credit risk and
- that the risk of the relevant loans was “sufficiently low” (time-to-default analysis required? What would be an acceptable result?).

This uncertainty creates substantial potential for discussions with reviewers.

134. To illustrate the meaning of low credit risk in IFRS 9 paragraph B5.5.22, IFRS 9, paragraph B5.5.23, cites as an example an instrument with an external ‘investment grade’ rating. However, all lending exposures that have an ‘investment grade’ rating from a credit rating agency cannot automatically be considered low credit risk. ~~Credit institutions should rely primarily on their own credit risk assessments in order to evaluate the credit risk of a lending exposure, and not rely solely or mechanistically on ratings provided by credit rating agencies (where the latter are available). Nevertheless, optimistic internal credit ratings, as compared with external ratings, should require additional analysis and justification by a credit institution’s management body or senior management.~~

**Kommentiert [A32]:**

Hence it is evident that financial instruments which fulfil the above criteria for determining “low credit risk” quality as a result of robust internal risk grading processes are so resilient against loss events occurring in the foreseeable future that it would be unnecessary to subject them to any process of determining significant increase in the risk of default. On this basis, the EBA considers that recognising loan loss provisions in the amount of the loss to be expected during the remaining term of the loan would not be necessary. The use of the “low credit risk” exemption is therefore seen as a viable approach to high-quality implementation of the ECL model under IFRS 9.

#### More-than-30-days-past-due rebuttable presumption

135. Credit institutions should have credit risk assessment and management processes in place to ensure that significant credit risk increases are detected well ahead of exposures becoming past due or delinquent. Although the use of the more-than-30-days-past-due rebuttable presumption as a backstop measure is not precluded in accordance with IFRS 9 alongside other, earlier indicators for assessing significant increase in credit risk, credit institutions should not use it as a primary indicator of transfer to lifetime ECL. ~~However, if retail portfolios are not material in terms of exposure size or impact on the financial situation, the use of the more-than-30-days rebuttable assumption may be an appropriate implementation that is proportionate to the risk of such retail exposures. Furthermore, there may be justified cases in which the use of the more-than-30-days rebuttable assumption may be appropriate and the best criterion available.~~

**Kommentiert [A33]:** See comment on paragraph 102.

136. Any assertion that the more-than-30-days-past-due presumption is rebutted on the basis that there has not been a significant increase in credit risk should be accompanied by a clear rationale. ~~Thorough analysis clearly evidencing that 30 days past due is not correlated with a significant increase in credit risk.~~<sup>27</sup> Such analysis should consider both current and reasonable and supportable forward-looking information that may cause future cash shortfalls to differ from historical experience.

**Kommentiert [A34]:** Evidence, especially based on historical data, should not be necessary as long as all relevant information is considered when assessing significant increases in credit risk (see IFRS 9.B5.5.20, where historical evidence is only mentioned as a possible example to rebut this presumption).

137. In this regard, credit institutions should use relevant forward-looking information that is reasonable and supportable to analyse whether there is any substantive relationship between such information and credit risk drivers. Credit institutions will – taking account of materiality and proportionality as stated in paragraph 102 – only use in justified cases should not use the 30-days-past-due rebuttable presumption unless they have demonstrated that the forward-



looking information had no substantive relationship with the credit risk driver or such information is not available without undue cost or effort.

<sup>27</sup> For example, in some jurisdictions it is common practice for borrowers to delay repayment for certain exposures, but history shows that those missed payments are fully recouped in the succeeding months.

138. In the limited instances where past-due information is the best criterion available to a credit institution to determine when exposures should move to the lifetime ECL category, credit institutions should pay particular attention to their measurement of 12-month ECL allowance to ensure that ECL are appropriately captured in accordance with the measurement objective of IFRS 9. Moreover, credit institutions should take into account that significant reliance on backward-looking information will introduce bias into the implementation of an ECL accounting model and that they should ensure that the objectives of the IFRS 9 impairment requirements (i.e. to reflect ECL that meet the stated measurement objectives and to capture all significant increases in credit risk) are met

Use of practical expedients for the retrospective application on credit exposures originated before the date of initial application of IFRS 9:

138-139. Banks may use practical expedients for a retrospective application if the required data are not available and cannot be generated without undue cost or effort in line with IFRS 9. This shall also apply for the contemplation of the time horizon and the possible use of the 12-month PD as an approximation for the lifetime of the contract to determine a significant increase in credit risk.

**Kommentiert [A35]:** This addition is necessary to avoid temporary high additional allowances and thus a temporary reduction of CET1 capital that is not commensurate with the risks and that would cause problems.

## 4.4 Supervisory evaluation of credit risk practices, accounting for expected credit losses and capital adequacy

### 4.4.1 Principle 1 – Credit risk management assessment

Competent authorities should periodically evaluate the effectiveness of a credit institution's credit risk practices.

139. Competent authorities should be satisfied that credit institutions have adopted and adhered to the sound credit risk practices described in these guidelines. Competent authorities' evaluation should include, but not be limited to, whether:

(a) the credit institution's internal credit risk review function is robust and encompasses all lending exposures;

(b) the quality of a credit institution's processes and systems for identifying, classifying, monitoring and addressing changes in credit risk for all lending exposures in a timely manner is adequate, and management's experienced credit judgment considers current conditions and forward-looking information, including macroeconomic factors, and is well documented;

(c) the credit institution's processes reflect the risk appetite of the credit institution in a manner that ensures lending exposures on which credit risk has increased since origination or purchase to a level in excess of the credit institution's risk appetite are promptly identified and properly monitored, and ECL allowance estimates appropriately reflect the increases in the credit risk of these exposures as increases are identified. Where a credit institution originates or purchases a lending exposure on which credit risk at acquisition exceeds the institution's risk appetite and which therefore represents an exception to the institution's lending policies and standards, competent authorities should evaluate whether the institution has established and adheres to appropriate processes and controls for: the initial identification, review, approval and documentation of such exposures; the reporting of such policy exceptions to senior management and, for individually significant exposures, to the management body; and the proper monitoring of such exposures after initial recognition. Competent authorities should also evaluate whether the credit institution's processes and controls separately identify ECL allowance estimates related to exposures consistent with the credit institution's risk appetite and those related to riskier lending exposures;

(d) appropriate information about the credit risk of lending exposures, changes in credit risk, the related ECL allowance and changes in allowance estimates is provided to the credit institution's management body and senior management on a regular (for example, quarterly or, if warranted, more frequent) basis;

(e) forecasts included in credit risk assessments and measurements are not only reasonable and supportable, but are also consistent with forecasts used for other purposes by the credit institution, all of which are made available to competent authorities; and

(f) the credit institution's policies and procedures for validating the accuracy and consistency of its internal credit risk assessment models are robust.

140. In making these evaluations, competent authorities may require credit institutions to provide supplemental information, not publicly disclosed, through regular supervisory reporting, ad hoc reporting or on-site examinations. Competent authorities could also use these approaches for obtaining supplemental information when performing the evaluations called for in the principles below.

#### 4.4.2 Principle 2 – ECL measurement assessment

Competent authorities should be satisfied that the methods employed by a credit institution to determine accounting allowances lead to an appropriate measurement of ECL in accordance with the applicable accounting framework.

141. In assessing the methods employed by a credit institution to estimate allowances, competent authorities should be satisfied that the credit institution is following policies and practices consistent with the ECL measurement principles outlined in these guidelines, including, but not limited to, the following:

(a) the procedures used by a credit institution to measure ECL are robust and timely and take into account criteria such as updated valuations of credit risk mitigants (and, in particular, collateral, the residual risk after taking into account the mitigants, the correlation of that risk with borrowers' creditworthiness and the potential impact in terms of the effectiveness of protection), cash flow estimates based on assessments of borrower-specific factors and current and future macroeconomic conditions, together with other relevant forward-looking information that affects the expected collectability of the credit institution's lending exposure;

(b) the framework and methodology for establishing allowances, whether determined collectively or individually, are robust;

(c) aggregate allowances on lending exposures are appropriate in accordance with relevant accounting requirements and in relation to the credit risk exposure in the credit institution's portfolio;

(d) uncollectability is recognised in the appropriate period through allowances or write-offs; and

(e) regardless of the method used to determine ECL, the credit institution's internal processes for measuring ECL take account of the credit risk that the credit institution has taken on and changes in the credit risk of the credit institution's lending exposures.

142. Competent authorities should scrutinize whether the use of practical expedients referred to in section 4.3 was based on careful assessment by the credit institution to ensure that the objectives of IFRS 9 are met and that the loan loss provision recognized on that basis of the ECL model is appropriate to determine the appropriateness of ECL.

**Kommentiert [A36]:** Adjustment has been made to achieve consistency with comments on above paragraphs 127 to 134.

143. Competent authorities may make use of the work performed by internal and external auditors in reviewing a credit institution's credit risk assessment and ECL measurement functions<sup>28</sup>.

#### **4.4.3 Principle 3 – Capital adequacy assessment**

Competent authorities should also consider a credit institution's credit risk practices when assessing a credit institution's overall capital adequacy.

144. In assessing the appropriateness of the level of allowances for lending exposures as an element of a credit institution's overall capital adequacy, competent authorities should look at their credit risk practices and take into account that the credit institution's related ECL processes, methodology and underlying assumptions require the exercise of a substantial degree of experienced credit judgment

145. In performing their assessments, competent authorities should consider whether a credit institution has:

(a) maintained effective systems and controls for identifying, measuring, monitoring and controlling the level of credit risk, significant increases in credit risk and asset quality problems in a timely manner;

(b) analysed all significant relevant factors that affect credit risk and the collectability of the portfolio; and

(c) established an acceptable allowance estimation process that, at a minimum, meets the principles set out in these guidelines, including the relevant accounting requirements.

146. When assessing capital adequacy, competent authorities should consider how a credit institution's accounting and credit risk assessment policies and practices affect the measurement of the credit institution's assets, earnings and, therefore, its capital position.

147. Where competent authorities identify deficiencies when assessing a credit institution's credit risk practices, they should consider how these deficiencies affect the level of reported allowances and, if the aggregate amount of allowances is not appropriate under the applicable accounting framework, the competent authority should discuss this with the credit institution's senior management and management body and take further appropriate supervisory action when necessary.

148. In particular, to the extent that credit risk assessment or ECL measurement deficiencies are significant or are not remedied on a timely basis, competent authorities should consider imposing additional own funds requirements pursuant to Article 104 under Section III, Chapter 2, Title VII of Directive 2013/36/EU.

<sup>28</sup> EBA Guidelines on Internal Governance (GL44) and EBA Guidelines on communication between competent authorities and statutory auditors [to be published]

Question 4:

-Do you agree with the draft guidelines which introduce the relevant BCBS guidance in the EU regulatory framework? Are there additional issues for which the EBA Guidelines should be amended in the context of finalising the guidelines?

Answer:

In our view, the consultation paper should be adjusted to reflect our detailed remarks set out in the Appendix to these comments. In addition, we would like to highlight the following aspects:

- The EBA mentions that credit institutions may use existing regulatory capital models for the measurement of expected losses as a starting point for estimating ECL for accounting purposes.
- We welcome the fact that some paragraphs reproducing the text of IFRS 9 have been replaced by a reference to the relevant paragraph of IFRS 9. In our view, however, this approach could be extended further. For example, the statement that “credit institutions should ensure that modifications or renegotiations do not obscure increases in credit risk...” (paragraph 124) relates to IFRS 9 preventing preparers from hiding credit deteriorations by modifications or renegotiations of the contractual terms and conditions. This should be appropriately referenced.

## 5. Accompanying documents

### 5.1 Draft cost-benefit analysis / impact assessment

Article 16(2) of the EBA Regulation provides that, where appropriate, the EBA should analyse ‘the related potential costs and benefits’ of guidelines issued by the EBA. Such analysis shall be proportionate in relation to the scope, nature and impact of the guidelines. The following section provides an impact assessment (IA) of the guidelines. It includes an overview of the findings regarding the problem to be dealt with, the solutions and the potential impact of these options.

#### A. Problem identification

High quality and consistent application of accounting standards are the **basis for the effective and consistent application of regulatory capital requirements**.

Accounting frameworks are commonly principles-based and credit institutions should use judgement when applying the accounting standards, with the objective to provide useful financial information to the users. In this regard, the use of judgement plays a fundamental role in some areas of accounting. For this reason, it is important for competent authorities to promote a high quality and consistent application of the accounting standards which would also help in the **comparability of financial statements** across institutions. In addition, it would be a concern for competent authorities if as a result of a low quality implementation of the accounting standards credit institutions have inadequate levels of ECL allowances relative to the credit risk of the loan portfolios, for instance, if credit institutions minimize the effort to consider forward looking information, which is a central feature of an expected credit loss model.

In addition, a **significant number of credit institutions apply the IFRS Standards** as these are incorporated into the EU legal framework through EU Regulations, in accordance with the procedures set out in Regulation (EC) No 1606/2002. IFRS 9 which will replace IAS 39 *Financial Instruments: Recognition and Measurement* for the accounting periods beginning on or after 1 January 2018<sup>29</sup> requires among others to measure impairment loss provisions based on an expected credit loss (‘ECL’) accounting model rather than on an incurred loss accounting model.

The application of IFRS 9 also requires the use of judgement in the ECL assessment and measurement process which could **potentially affect the consistent application of IFRS 9** across institutions and the comparability of credit institutions’ financial statements. Therefore, the existence of supervisory guidance emphasizes the importance of high-quality, robust and consistent application of IFRS 9 and could help promoting consistent interpretations and

<sup>29</sup> The endorsement process of IFRS 9 into EU law is on-going

practices. This will also be the case if under national generally applied accounting principles (GAAP) credit institutions apply an expected credit loss model.

In addition, at an international level, in December 2015, the **Basel Committee on Banking Supervision ('BCBS')** issued supervisory guidance on credit risk and accounting for expected credit losses (the 'BCBS guidance'), which sets out supervisory expectations for credit institutions related to sound credit risk practices associated with implementing and applying an ECL accounting model and specific guidance for credit institutions applying IFRS Standards.

#### B. Policy objectives

At a higher-level, these guidelines aim at ensuring common, uniform and consistent application of Union law and to establishing consistent, efficient and effective supervisory practices within the ESFS<sup>30</sup> supporting financial stability, safety and soundness of the EU banking sector<sup>31</sup>. These guidelines aim also at ensuring a level-playing field at the international level, by introducing the BCBS guidance in the EU regulatory framework.

At a more specific level, these guidelines aim at:

- a) Promoting the consistent application of accounting requirements related to the application of an expected loss accounting framework leading to comparable financial information
- b) Promoting the high-quality and robust application of an expected loss accounting framework leading to the estimation of adequate amount of expected credit losses

#### C. Baseline scenario

Without the proposed regulatory intervention to specify sound credit risk practices associated with the accounting for expected credit losses, the application of the accounting requirements for expected credit losses by credit institutions may result in a low quality implementation of the applicable accounting requirements. These adverse effects would be amplified by the unlevel-playing field that will exist across credit institutions at an international level, when the BCBS guidance is applied at an international level, whereas in the EU there is no equivalent regulation developed.

<sup>30</sup> See also EBA: 2016-2018 Multi-Annual Work Programme, available under <https://www.eba.europa.eu/documents/10180/1232192/EBA+Multi+annual+Work+Programme+2016-2018.pdf>.

<sup>31</sup> EBA: Annual Report 2015 (forthcoming) and Regulation (EU) No 1093/2010 of the European Parliament and of the Council establishing the European Banking Authority (amended).



#### D. Options considered

In developing these guidelines, a number of technical options have been considered regarding the following:

##### **D1. Necessity of EBA regulatory intervention**

**Option 1.1:** Abstain from regulatory intervention

**Option 1.2:** Issue own initiative guidelines pursuant to Article 16 of the EBA Regulation

##### **D2. Proportionality approach**

**Option 2.1:** Application of the guidelines in a proportionate manner without defining specific criteria

**Option 2.2:** Develop criteria on the application of the proportionality approach and exclude smaller/ less complex credit institutions in certain cases

**Option 2.3:** Develop criteria on the application of the proportionality approach and include additional requirements for systemically important and other credit institutions in certain cases

##### **D3. Addressees of guidelines**

**Option 3.1:** Including all institutions within the scope

**Option 3.2:** Limiting the scope to credit institutions

#### E. Cost-Benefit Analysis

The incremental costs and benefits of these guidelines, both one-off and on-going costs, predominantly affect credit institutions and competent authorities.

The costs and benefits analysis includes the incremental costs and benefits besides those related to the application of IFRS 9 and which will be generated from the application of these guidelines. It should also be considered that under national GAAP some Member States may also move towards the application of an ECL model and these guidelines are also applicable in that case.

##### **D1. Necessity of EBA regulatory intervention**

**Benefits:** the benefits of not issuing own initiative guidelines (option 1.1) would be that there would be full flexibility for the credit institutions in applying the accounting requirements of IFRS 9, without any additional costs in order to ensure the application of these guidelines which provide the supervisory expectations for a high-quality implementation of the accounting requirements. These costs to credit institutions include costs incremental to the costs occurring under IFRS 9 and they relate to administrative costs, infrastructure costs (data, systems, tools and

processes), and the cost of training and recruitment of staff in order to ensure high-quality implementation of the accounting requirements. Costs to competent authorities relate to the additional costs during the supervisory assessment of the credit risk management practices and the supervisory response to this assessment (administrative costs, cost of training and recruitment of staff).

**Costs:** in the absence of the proposed regulatory intervention (option 1.1), increased use of judgement in the application of principles-based accounting requirements related to credit risk under IFRS 9 would be a source of prudential concern. This could result in a low quality and inconsistent implementation of IFRS 9, and therefore in inadequate levels of ECL allowances relative to the credit risk of the loan portfolios - for instance if credit institutions minimize the effort to consider forward-looking information, which is a central feature of an expected credit loss model. This can have an adverse effect on the comparability of financial statements and the capital adequacy of credit institutions. These adverse effects would be amplified by the unlevel-playing field that will exist across credit institutions at an international level, when the BCBS guidance is applied at an international level, whereas in EU there is no equivalent regulation developed. Therefore, all the policy objectives of these guidelines would not be met.

In terms of the extent of the use of IFRS Standards across credit institutions in EU, the EBA estimated the number of credit institutions applying IFRS Standards on a consolidated basis (Table of data by Member State in next page). These estimates are based on data for each Member State published by the ECB<sup>32</sup>, the supervisory data submitted by credit institutions<sup>33</sup> (FINREP) and EBA aggregated statistical data<sup>34</sup> with some adjustments/ simplifications where data was not readily available.

#### *Credit institutions applying IFRS Standards or national GAAP*

5,906 credit institutions<sup>35</sup> in EU reported €43.7 trillion of 'total Assets' as of 31 December 2014. These credit institutions may use IFRS Standards or other accounting frameworks (for example national accounting standards<sup>36</sup>). In addition, the sum of 'loans and advances' for all credit institutions are 55% of the 'total assets', being on average 64% of 'total assets' and ranging between 38% and 77% of 'total assets' across Member States. Therefore, the subject matter of

<sup>32</sup> ECB Statistical Data Warehouse (Consolidated banking data current) <http://sdw.ecb.int/browse.do?node=9689600>

<sup>33</sup> Commission Implementing Regulation (EU) 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 Text with EEA relevance [OJ L 191, 28.6.2014, p. 1–1861] [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L\\_2014\\_191\\_R\\_0001](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_2014_191_R_0001)

<sup>34</sup> <http://www.eba.europa.eu/supervisory-convergence/supervisory-disclosure/aggregate-statistical-data>

<sup>35</sup> The population of credit institutions includes entities at different levels of consolidation under the CRR scope of consolidation (individual, sub-consolidated and consolidated levels).

<sup>36</sup> Some credit institutions applying national GAAP may also be part of a group that apply IFRS Standards on a consolidated basis and therefore will need to apply also IFRS Standards to provide the data at the consolidated level.

these guidelines is relevant to a significant component - if not the most significant in some cases - of the 'total Assets' of a credit institution<sup>37</sup>.

#### *Credit institutions applying IFRS Standards*

From the whole population of credit institutions in EU, 156 credit institutions submit supervisory data under IFRS Standards on a consolidated basis<sup>38</sup>. Although this number is low compared to the total number of credit institutions in EU (only 3%), these credit institutions on aggregate represent €32.5 trillion or 75% of the 'total assets' of all credit institutions in EU as of 31 December 2014 being on average 64% of 'total assets' and ranging between 27% and 100% of 'total assets' across Member States. In addition, loans and advances of these credit institutions represent 53% of the 'total assets' of all the credit institutions included in the ECB data, being on average 61% of 'total assets' and ranging between 27% and 81% of 'total assets' across Member States. Therefore, IFRS Standards are applied in a significant part of the population of credit institutions in EU covering the majority of the total assets of all credit institutions in EU. For these credit institutions, loans and advances is a significant component - if not the most significant in some cases - of their 'total Assets'.

In addition, according to the Regulation (EC) No 1606/2002<sup>39</sup>, Member States may require or permit the application of IFRS Standards to the consolidated financial statements of entities whose securities do not trade in a regulated securities market or the annual financial statements (traded or not on regulated markets). In particular, as indicated by the latest stock-take of the EC in December 2013 on the use of the options provided in the Regulation (EC) No 1606/2002<sup>40</sup>, in some Member States, IFRS Standards are mandatorily applied for all or some types of entities in their consolidated financial statements (16 Member States) and individual financial statements (13 Member States) and in the majority of Member States (all except for 6 Member States), entities may apply IFRS Standards on a voluntary basis. In many cases, when IFRS Standards are required credit institutions are among the types of entities to which IFRS mandatorily apply. Therefore, more credit institutions than those applying IFRS Standards for supervisory reporting<sup>41</sup>, apply IFRS across Member States and these guidelines are also relevant to these credit institutions. In addition to that, in some Member States credit institutions may apply IFRS Standards only for supervisory reporting (financial statements will be prepared under national GAAP).

In conclusion, the subject matter (loans and advances) and the scope of application of these guidelines (more than 75% of the 'total assets' of the EU banking sector) indicate that these

<sup>37</sup> In addition, these guidelines also apply to loan commitments given and financial guarantee contracts given and therefore a larger amount of exposures are subject to IFRS

<sup>38</sup> Credit institutions may also submit supervisory data under IFRS Standards on an individual and/ or sub-consolidated basis under national regulation.

<sup>39</sup> Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards [<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:02002R1606-20080410>]

<sup>40</sup> [http://ec.europa.eu/finance/accounting/docs/legal\\_framework/20140718-ias-use-of-options\\_en.pdf](http://ec.europa.eu/finance/accounting/docs/legal_framework/20140718-ias-use-of-options_en.pdf)

<sup>41</sup> Supervisory reporting includes the consolidated financial statements of credit institutions applying IFRS Standards (including both listed and non-listed)

guidelines are relevant to a significant part of the EU banking sector, and the issuance of EBA own initiative guidelines in order to meet the objectives of the guidelines noted above is considered to be of high importance. The potential costs in case the objectives of these guidelines are not met in the absence of EBA guidelines would be amplified by the broad relevance of the subject matter of these guidelines to a significant part of the EU banking sector.

| Member State  | All banks in EU - IFRS and non-IFRS - as of 31.12.14 |                             |                             |                                  | Banks submitting FINREP IFRS as of 31.12.14 |   |                             |   |                    |                                  |
|---------------|--|-----------------------------|-----------------------------|----------------------------------|---|---|-----------------------------|---|--------------------|----------------------------------|
|               | Total number of credit institutions                  | Total assets                | Loans and advances          | Loans and advances/ Total assets | Total number of credit institutions         | Total number of IFRS banks - FINREP/ Total number of all EU banks | Total assets                | Total assets of IFRS banks - FINREP/ Total assets of all EU banks | Loans and advances | Loans and advances/ Total assets |
|               |  | <i>amount in € billions</i> | <i>amount in € billions</i> |                                  |   |   | <i>amount in € billions</i> |   |                    | <i>amount in € billions</i>      |
| AT            | 790 *  | 1,079                       | 764                         | 71%                              | 8   | 1%  | 709                         | 66%   | 490                | 69%                              |
| BE            | 15   | 996                         | 612                         | 61%                              | 7   | 47%   | 1,025                       | 100%**  | 542                | 53%                              |
| BG            | 25   | 44                          | 31                          | 70%                              | 3   | 12%   | 18                          | 41%   | 14                 | 77%                              |
| CY            | 36   | 76                          | 55                          | 73%                              | 3   | 8%  | 47                          | 63%   | 33                 | 70%                              |
| CZ            | 39   | 182                         | 114                         | 63%                              | 3   | 8%  | 99                          | 55%   | 59                 | 59%                              |
| DE            | 1,648  | 7,062                       | 4,218                       | 60%                              | 14  | 1%  | 4,097                       | 58%   | 1,924              | 47%                              |
| DK            | 79   | 912                         | 631                         | 69%                              | 4   | 5%  | 716                         | 78%   | 197                | 27%                              |
| EE            | 15   | 22                          | 16                          | 73%                              | 2   | 13%   | 14                          | 64%   | 10                 | 73%                              |
| EL            | 39   | 369                         | 244                         | 66%                              | 4   | 10%   | 349                         | 95%   | 227                | 65%                              |
| ES            | 286 *  | 3,576                       | 2,279                       | 64%                              | 14  | 5%  | 3,249                       | 91%   | 2,003              | 62%                              |
| FI            | 306 *  | 573                         | 307                         | 54%                              | 3   | 1%  | 473                         | 82%   | 189                | 40%                              |
| FR            | 386 *  | 7,187                       | 3,896                       | 54%                              | 11  | 3%  | 6,929                       | 96%   | 3,309              | 48%                              |
| HR            | 29   | 57                          | 43                          | 77%                              | 3   | 10%   | 34                          | 61%   | 28                 | 81%                              |
| HU            | 153  | 101                         | 73                          | 72%                              | 3   | 2%  | 49                          | 48%   | 35                 | 71%                              |
| IE            | 24   | 503                         | 307                         | 61%                              | 4   | 17%   | 327                         | 65%   | 202                | 62%                              |
| IT            | 684 *  | 2,701                       | 1,814                       | 67%                              | 15  | 2%  | 2,276                       | 84%   | 1,502              | 66%                              |
| LT            | 15   | 24                          | 17                          | 69%                              | 3   | 20%   | 17                          | 70%   | 12                 | 74%                              |
| LU            | 142  | 811                         | 576                         | 71%                              | 6   | 4%  | 274                         | 34%   | 181                | 66%                              |
| LV            | 26   | 31                          | 18                          | 58%                              | 3   | 12%   | 13                          | 42%   | 7                  | 55%                              |
| MT            | 25   | 52                          | 25                          | 47%                              | 2   | 8%  | 14                          | 27%   | 7                  | 51%                              |
| NL            | 83   | 2,529                       | 1,807                       | 71%                              | 5   | 6%  | 2,134                       | 84%   | 1,475              | 69%                              |
| PL            | 627  | 361                         | 246                         | 68%                              | 3   | 0%  | 128                         | 36%   | 87                 | 68%                              |
| PT            | 107  | 426                         | 275                         | 65%                              | 6   | 6%  | 324                         | 76%   | 209                | 65%                              |
| RO            | 38   | 82                          | 48                          | 58%                              | 3   | 8%  | 32                          | 39%   | 18                 | 56%                              |
| SE            | 58   | 1,636                       | 1,059                       | 65%                              | 7   | 12%   | 1,466                       | 90%   | 804                | 55%                              |
| SI            | 21   | 41                          | 27                          | 66%                              | 2   | 10%   | 16                          | 39%   | 9                  | 56%                              |
| SK            | 28   | 62                          | 44                          | 70%                              | 3   | 11%   | 34                          | 55%   | 24                 | 71%                              |
| UK            | 182  | 12,177                      | 4,688                       | 38%                              | 12  | 7%  | 7,683                       | 63%   | 3,757              | 49%                              |
| <b>All EU</b> | <b>5,906</b>   | <b>43,671</b>               | <b>24,234</b>               | <b>55%</b>                       | <b>156</b>                                  | <b>3%</b>   | <b>32,547</b>               | <b>75%</b>  | <b>17,355</b>      | <b>53%</b>                       |
|               |  |                             | <b>min</b>                  | <b>38%</b>                       |   |   |                             | <b>27%</b>  |                    | <b>27%</b>                       |
|               |  |                             | <b>median</b>               | <b>66%</b>                       |   |   |                             | <b>64%</b>  |                    | <b>63%</b>                       |
|               |  |                             | <b>average</b>              | <b>64%</b>                       |   |   |                             | <b>64%</b>  |                    | <b>61%</b>                       |
|               |  |                             | <b>max</b>                  | <b>77%</b>                       |   |   |                             | <b>100%</b>   |                    | <b>81%</b>                       |

\*Data as of 31 December 2013 based on EBA aggregate statistical data on each Member State's banking sector.

\*\* Adjusted due to differences in data sources

**Preferred Option:** the costs of not issuing own initiative guidelines would be higher to the benefits of issuing own initiative guidelines. The issuance of EBA own-initiative guidelines is expected to create net benefits in the functioning of the internal market and the establishment of a level-playing field internationally and is thus the preferred option (Option 1.2).

## **D2. Proportionality approach**

**Option 2.1** Application of the guidelines in a proportionate manner without defining specific criteria

This option would require credit institutions to apply the guidelines in a proportionate manner, but not providing more specific criteria to distinguish between entities.

**Benefits:** The criteria to be used to decide how to apply the proportionality approach are consistent with the criteria set out in the BCBS guidance. In addition, this option requires compliance in outcome, which is the application of sound credit risk and accounting practices by all credit institutions, providing freedom of means for achieving that according to the assessment of specific proportionality criteria. Therefore, any additional incremental costs of applying these guidelines would be reduced to the maximum extent possible, since the application of the guidelines will be tailored to the specificities of a credit institution. Furthermore, this option does not raise the risks of introducing any thresholds (so called 'bright lines') to be mechanically applied.

**Costs:** This option would not achieve full convergence of practices across credit institutions and Member States, because it would depend on the ability of the credit institutions and the competent authorities to apply the guidelines in a proportionate manner consistently.

**Option 2.2** Develop criteria on the application of the proportionality approach and exclude smaller/less complex credit institutions in certain cases

As option 2.1, this option would require credit institutions to apply the guidelines in a proportionate manner, but not providing more specific requirements on how to apply the requirements in different circumstances, except for smaller/less complex credit institutions for which the application of the practical expedients of IFRS 9 would be explicitly permitted, while for other credit institutions the application of the practical expedients of IFRS 9 should be limited.

**Benefits:** As option 2.1, this option requires compliance in outcome, which is the application of sound credit risk and accounting practices by all credit institutions, providing freedom of means for achieving that according to the assessment of specific proportionality criteria. In addition, this option permits explicitly smaller/less complex credit institutions to apply the practical expedients of IFRS 9, and hence ensures consistent requirements for smaller/less complex credit institutions.

**Costs:** As option 2.1, this option would not achieve full convergence of practices across credit institutions and Member States, because it would depend on the ability of the credit institutions

and the competent authorities to apply the guidelines in a proportionate manner consistently. However, there might be more harmonisation than in option 2.1 since for the simpler/ less complex credit institutions, the same requirements will be applied leading to further convergence of practices across credit institutions and Member States.

In addition, the application of criteria for the identification of smaller/ less complex credit institutions may increase the risk of introducing thresholds (so called 'bright lines') to be mechanically applied in identifying these institutions without a thorough assessment of whether the guidelines should be applied or not. Furthermore, permitting smaller/ less complex credit institutions to apply the practical expedients of IFRS 9 through these guidelines may be perceived as encouraging the use of practical expedients in general when it could be avoided, which will also be inconsistent with the objectives of IFRS 9, these guidelines and the BCBS guidance.

**Option 2.3** Develop criteria on the application of the proportionality approach and include additional requirements for systemically important and other credit institutions in certain cases

As option 2.1, this option would require credit institutions to apply the guidelines in a proportionate manner, but not providing more specific requirements on how to apply the requirements in different circumstances, except for systemically important credit institutions<sup>42</sup> and other credit institutions designated by the competent authorities based on an assessment of specific criteria. For these credit institutions, the application of the practical expedients of IFRS 9 should be limited. In addition, as option 2.1, this option permits also smaller/ less complex credit institutions to apply the practical expedients of IFRS 9.

**Benefits:** As option 2.1, this option requires compliance in outcome, which is the application of sound credit risk and accounting practices by all credit institutions, providing freedom of means for achieving that according to the assessment of specific proportionality criteria. In addition, under this option the application by systemically important credit institutions or other credit institutions of practical expedients of IFRS 9 should be limited, and hence ensures consistent requirements for these credit institutions. This option ensures consistent requirements for smaller/ less complex credit institutions and may also represent more accurately the term 'internationally active banks' which is used in the BCBS guidance.

**Costs:** As option 2.1 and 2.2, this option would not achieve full convergence of practices across credit institutions and Member States, because it would depend on the ability of the credit institutions and the competent authorities to apply the guidelines in a proportionate manner consistently. However, as in option 2.2, there might be more harmonisation than in option 2.1 since for the systemically important credit institutions and other credit institutions, the same

<sup>42</sup> For more information on the identification of and criteria to assess systemically important institutions (SIIs) see also the relevant (revised) EBA's Guidelines and Binding Technical Standards, available under <http://www.eba.europa.eu/regulation-and-policy/own-funds/guidelines-for-the-identification-of-global-systemically-important-institutions-g-siis-> (for G-SIIs) and <http://www.eba.europa.eu/regulation-and-policy/own-funds/guidelines-on-criteria-to-assess-other-systemically-important-institutions-o-siis-> (for O-SIIs).

requirements will be applied leading to further convergence of practices across credit institutions and Member States.

Of most importance, the application of criteria for the identification of systemically important credit institutions or other credit institutions may increase the risk of introducing thresholds (so called 'bright lines') to be mechanically applied in identifying these institutions without a thorough assessment of whether the guidelines should be applied or not. Furthermore, limiting only the use of practical expedients of IFRS 9 to systemically important credit institutions or other credit institutions through these guidelines may be perceived as encouraging the use of practical expedients in general when it could be avoided, which will also be inconsistent with the objectives of IFRS 9, these guidelines and the BCBS guidance.

**Preferred Option:** the costs of including a proportionality approach which exempts some credit institutions from applying the requirements of the guidelines (options 2.2 and 2.3) would be disproportionate to the benefits of additional convergence of practices across EU. A mix of options 2.1 and 2.2 which, while proposing the application of the general proportionality approach, also clarifies that both smaller and less complex credit institutions may rely more on the use of practical expedients (although adjustments should be considered to avoid any potential bias arising from such use) introduce a more proportional approach in the application of the guidelines. This is expected to create net benefits in the functioning of the internal market and the establishment of a level-playing field internationally and is thus the preferred option<sup>43</sup>.

### D3. Addressees of guidelines

**Benefits:** Including all institutions as addressees of the guidelines (option 3.1) avoids the risk of introducing any thresholds (so called 'bright lines') to be mechanically applied for excluding some types of institutions from the application of the guidelines and ensures a level-playing field across all institutions in EU.

**Costs:** Requiring that these guidelines are applied by all institutions (option 3.1) would pose unnecessary cost and burden for some institutions, which are not active in the lending business and, in particular, the investment firms. The business of lending is less relevant to investment firms and therefore the requirements of these guidelines on credit risk and accounting for expected credit losses would not be as relevant to them. Hence the costs of requiring compliance with these guidelines would not outweigh the related benefits from application of these guidelines.

**Preferred Option:** the costs of including investment firms within the addressees of the guidelines would be disproportionate to the benefits of this option. The exclusion of investment firms is

<sup>43</sup> This approach also addresses concerns expressed by the European banking sector in the recent EC call for evidence on the EU regulatory framework for financial services and in the EBA's Banking Stakeholder Group Report on Proportionality in Bank Regulation (BSG 2015).



expected to create net benefits in the functioning of the internal market and the establishment of a level-playing field internationally and is thus the preferred option (Option 3.2).<sup>44</sup>

#### E. Conclusion

The overall cost impact of these guidelines compared to the baseline scenario is moderate, while the benefits are high. The implementation of these guidelines will create one-off and on-going direct costs for both credit institutions and competent authorities. However, the costs of the application of these guidelines would be outweighed by the benefits of consistent, efficient and effective supervisory practices supporting financial stability, safety and soundness of the EU banking sector and ensuring a level-playing field at the international level.

#### Question 5:

Do you agree with the impact assessment and its conclusions, having regard to the baseline scenario used for this impact assessment? Please provide any additional information regarding the costs and benefits from the application of these guidelines.

#### Answer:

In relation to the impact assessment of the proportionality approach, we believe that Option 2.1 should be chosen, since this is the most principles-based of the three. We strongly believe that the draft guidelines should be based on a set of principles. Such an approach is best suited for application within a broad range of different accounting frameworks, business models and sizes of banks and as such could be adequately applied by each credit institution covered by the scope of the draft guidelines.

By contrast, detailed criteria on the application of the proportionality approach and the introduction of specific exclusions or inclusions (“smaller/less complex” or “systematically important credit institutions”) would lead to reduced flexibility and redundancies. It would also be impossible to take account of all possible cases when specifying specific criteria. In consequence, we believe the costs associated with such exclusions and restrictions would outweigh any potential benefits they might bring.

#### Question 6:

Please provide any additional comments on the draft guidelines.

#### Answer:

In addition to our answers/remarks above, we would like to make the following comments on specific paragraphs of the consultation paper:

— It should be clearly stated in paragraph 120 that a comparison of past lifetime PD estimates on initial recognition with the lifetime PDs estimated on the reporting date makes economic sense only if the comparison is made for congruent periods of time (as implied in IFRS 9 B5.5.11). Hence only the former lifetime PD expectations on initial recognition for the (at that time) future period starting at the reporting date can be the basis for the comparison with the current lifetime PD on the reporting date.

— We disagree with the obligation to consider an absolute width of the change in PD when determining significant increases in credit risk (paragraph 109) as IFRS 9 requires an assessment that is relative in nature.

— Regarding the materiality principle, we would like to emphasise that even where large exposures/portfolios are involved, the materiality and sensitivity of the amount of risk provisions should be a more relevant measure than the size of the exposure amount. In consequence, we would recommend deleting the following statement in paragraph 18 to reflect this idea: “In addition, materiality should not be assessed only on the basis of the potential impact on the profit or loss statement at the reporting date under the applicable accounting framework. For instance, large portfolio(s) of highly collateralized lending exposures like real estate mortgages should be considered material.”

<sup>44</sup> For further arguments for a special treatment of investment firms in the EU financial regulatory framework see also the EBA’s Report on Investment Firms, available under <http://www.eba.europa.eu/documents/10180/983359/EBA-Op-2015-20+Report+on+investment+firms.pdf>.

## 5.2 Overview of questions for consultation

1. Is the scope of application of the guidelines appropriate and sufficiently clear?
2. Is the date of application of the guidelines of 1 January 2018 appropriate?
3. Please provide any comments you may have on the appropriateness of the proposed proportionality approach.
4. Do you agree with the draft guidelines which introduce the relevant BCBS Guidance in the EU regulatory framework? Are there additional issues for which the EBA Guidelines should be amended in the context of finalising the guidelines?
5. Do you agree with the impact assessment and its conclusions, having regard to the baseline scenario used for this impact assessment? Please provide any additional information regarding the costs and benefits from the application of these guidelines.
6. Please provide any additional comments on the draft guidelines.