

## Comments

### **EBA Draft ITS On the format, structure, contents list and annual publication date of the supervisory information to be disclosed by competent authorities under Art. 143(3) CRR EBA/CP/2013/27**

Register of Interest Representatives

Identification number in the register: 52646912360-95

Contact:

Christina Wehmeier

Telephone: +49 30 20225-5336

Telefax: +49 30 20225-5325

E-Mail: [Christina.Wehmeier@dsgv.de](mailto:Christina.Wehmeier@dsgv.de)

Berlin, 13-10-08

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-sector 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 more than 2,000 banks.

Coordinator:

German Savings Banks Association  
Charlottenstrasse 47 | 10117 Berlin |  
Germany

Telephone: +49 30 20225-0

Telefax: +49 30 20225-250

[www.die-deutsche-kreditwirtschaft.de](http://www.die-deutsche-kreditwirtschaft.de)

**Comments EBA Draft ITS On the format, structure, contents list and annual publication date of the supervisory information to be disclosed by competent authorities under Art. 143(3) CRR EBA/CP/2013/27**

On 9 July 2013, the European Banking Authority (EBA) published the consultation paper on "Draft Implementing Technical Standards (ITS) on the format, structure, contents list and annual publication date of the supervisory information to be disclosed by competent authorities". We embrace the opportunity to give our comments.

We welcome the efforts of the EBA to harmonise format, structure, contents list and annual publication date of the information to be disclosed by the national supervisory authorities in the context of the Single Rule Book and in this way build on the overview already existing under CEBS (supervisory disclosure).

However, when we looked through the consultation paper and the annexes we found that the EBA has not addressed the national option in Art. 115 Para. 2, 2nd Subparagraph, CRR according to which the EBA is to operate a publicly accessible database which shall register all those regional and local administrative bodies in the Union for which the competent authorities treat the risk positions as risk positions vis-à-vis their respective central state. Against the background of the provision Art. 115 CRR, Annex 1 should be supplemented.

In addition, we would like to suggest that the EBA also include in the ITS the exercise of the national option provided in Art. 116 Para. 4 CRR. According to this, in exceptional cases, risk positions vis-à-vis public bodies may be treated as risk positions vis-à-vis the central state or the regional or local administrative body in the sovereign territory of which they are located if, in the opinion of the competent authorities of the respective sovereign territory, there is no difference between the risks of the positions based on a reasonable guarantee provided by the central state or the regional or local administrative body. Although in this regard, the CRR does not provide for an explicit mandate for the EBA in respect of inclusion into the ITS, the practice already applied by CEBS should be continued and legal certainty for the institutions in the EU, with a view to the CRR, should also be established in the future.