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**Consultation paper  EBA/CP/2014/04:**

**“Draft guidelines on the remuneration benchmarking exercise”**

**General Comment:**

We understand that there will now be 4 sets of information to be sent by institutions to EBA for the purpose of benchmarking:

* Information on remuneration for all staff
* Information in remuneration for identified staff
* Information on individuals remunerated EUR 1m or more
* High earners (both identified and non-identified staff)

We notice that perimeter of population (“all staff” VS “identified staff) and geography (EEA VS Worldwide) varies depending on the report. We also notice that the information that should be provided is much more granular than in the 2012 and 2013 exercises, raising issues of confidentiality.

We therefore would like to express our concern regarding consistency of the information that will be provided, especially for high earners.



The scope of the guidelines is clear.

We notice that the scope of data in Annex 1 for “all staff” goes beyond the CRD/CRR disclosure requirements.  
Indeed, Article 75(1) of Directive 2013/36/EU states that competent authorities shall collect:

* the information disclosed in accordance with the criteria for disclosure established in points (g), (h) and (i) of Article 450(1) of Regulation (EU) No 575/2013 and shall use it to benchmark remuneration trends and practices, and
* information on the number of employees per institution that are remunerated EUR 1 million or more per financial year, in pay brackets of EUR 1 million, including their job responsibilities, the business area involved and the main elements of salary, bonus, long-term award and pension contribution.

EBA has never addressed the objectives and benefits of collecting remuneration data for “all staff” and we do not see how it will allow stakeholder to have a better assess on remuneration principles.



The scope of institutions to be included in the exercise is clear.  
None of EEA subsidiaries from an EEA institution should be consulted directly by its local competent authority.



The requirement to report at the highest consolidated level is welcome.  
EEA subsidiaries are consequently exempt to realize this report even if, for annex 2 on “identified staff”, regulated perimeter between Group and subsidiaries might be different due to definition and application implemented by local competent authorities.



Information required is more extensive than set by Article 75(1) of Directive 2013/36/EU.  
Indeed, in annex 1 and 3, required perimeter is not focus on “identified staff” but on “all staff” which is neither consistent nor practical compare to report on “identified staff” prepared currently made public by institutions.



Q5 :

Several comments:

* Regarding perimeter, see comments on Q1 and Q4
* Regarding breakdown by activities,
  + first, MB Supervisory function and MB Management function categories are not enough clear and might not be relevant: persons concerned could be in both categories and most of them do not received a remuneration but only attendance fees.
  + Secondly, business categories are not enough clear because activities like private banking or lending could be reported in several categories. Moreover, such breakdown depends on choice of organization of each institution and comparison between institutions may not be consistent.
  + Thirdly, Asset management is governed by another directive than CRD4. It is therefore questionable to include it annex 1 and at least specification should include expected information (top management covered by CRD4?)
  + Quarterly, information on control function, highly complicated data collect for institutions because it forced them to collect information no more by subsidiaries but by activities of each subsidiary. Due to that comparison between institutions may not be consistent.
* Regarding required detailed information on remuneration, it might be not relevant to include employer contribution,
  + Firstly, breakdown between mandatory and non-mandatory contributions complicate data collect for institutions.
  + Secondly, employer contributions and specifically mandatory ones highly depend of local social security systems. Due to that comparison between institutions or subsidiaries of an institution may not be consistent. Furthermore, non-mandatory contributions for institutions or subsidiaries in country with low national social security system compensate mandatory contributions for institutions or subsidiaries in country with high national social security system.

Consequently, we suggest:

* To exclude employer contributions from required information
* To keep the breakdown of the preceding templates.

Q6 :

See comments on Q5 on breakdown by activities

Q7 :

Several comments:

* Regarding perimeter, see comments on Q1 and Q4
* Regarding remuneration data, no specification precise elements included in remuneration used to define payment band (severance pay, employer contributions,…).



See comments on Q5 (detailed information on remuneration) and on Q7 (remuneration data).  
Regarding level of required information, amounts could be reported in million or kilo euros.



It seems that 31 august 2014 deadline is not compatible with the 2-month “comply or explain” period given to local regulator after the publication of the guidelines translation.  
Consequently, we suggest extending the deadline for data submission by the end of 2014.



Yes