Commission Implementing Regulation (EU) 2019/912 of 28 May 2019 amending Implementing Regulation (EU) No 650/2014 laying down implementing technical standards with regard to the format, structure, contents list and annual publication date of the information to be disclosed by competent authorities in accordance with Directive 2013/36/EU of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/912

of 28 May 2019

amending Implementing Regulation (EU) No 650/2014 laying down implementing technical standards with regard to the format, structure, contents list and annual publication date of the information to be disclosed by competent authorities in accordance with Directive 2013/36/EU of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 143(3) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 650/2014[(2)] specifies the format, structure, contents list and annual publication date of the information to be published by competent authorities in accordance with Article 143 of Directive 2013/36/EU. The information required to be published by competent authorities in accordance with that Implementing Regulation should now be updated to ensure consistency with changes that have been made to the framework for prudential supervision of institutions.

(2) It is important that the information published by competent authorities is of high quality and easily comparable. Article 5 of Implementing Regulation (EU) No 650/2014 should therefore be amended to clarify that competent authorities should only compile aggregate statistical data from institutions that fall under their supervision, and to clarify for which period data should be reported.

(3) Annex I to Implementing Regulation (EU) No 650/2014 sets out the templates for publishing information on the laws, regulations, administrative rules and general guidance adopted in each Member State. That Annex should be amended to provide more useful and relevant information on how competent authorities carry out supervision in their jurisdictions.

(4) Annex II to Implementing Regulation (EU) No 650/2014 sets out the templates for publishing information on the options and discretions available in Union Law. That

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/912. (See end of Document for details)*

Annex should be amended to cover additional options and discretions stemming from Commission Delegated Regulation (EU) 2015/61[(3)]. It should also be amended to allow for the distinction between the transitional or permanent nature of those options and discretions, and to allow for the distinction between the application of those options and discretions to, on the one hand, credit institutions and, on the other hand, investment firms.

(5) The implementation of the EBA Guidelines on the supervisory review and evaluation process (SREP)[(4)] should be more transparent. Annex III to Implementing Regulation (EU) No 650/2014 should therefore be amended to include a description of the supervisory approach to the internal liquidity adequacy assessment process (ILAAP).

(6) Overlaps should be avoided and the comparability of the aggregate statistical data published by competent authorities should be improved. Annex IV to Implementing Regulation (EU) No 650/2014 should therefore be amended to take into account the level of prudential consolidation applied by institutions in accordance with Chapter 2 of Title II of Part One of Regulation (EU) No 575/2013 of the European Parliament and of the Council[(5)].

(7) To improve the quality of the published information and to allow for a more meaningful comparison of that information, the templates in the Annexes to Implementing Regulation (EU) No 650/2014 should contain detailed guidance and instructions.

(8) This Regulation is based on the draft implementing technical standards submitted by the European Banking Authority to the Commission.

(9) EBA has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits, and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council[(6)].

(10) Implementing Regulation (EU) No 650/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 650/2014 is amended as follows:

(1) in Article 5, the second and third paragraphs are replaced by the following:

> Competent authorities shall update the information referred to in point (d) of Article 143(1) of that Directive by 31 July of each year. That information shall cover the preceding calendar year.
>
> Competent authorities shall, for the institutions subject to their prudential supervision, update the information referred to in points (a) to (c) of Article 143(1) of that Directive on a regular basis, and in any event by 31 July of each year, unless there is no change in the information last published.;

(2) Annex I is replaced by the text in Annex I to this Regulation;

(3) Annex II is replaced by the text in Annex II to this Regulation;

(4) Annex III is replaced by the text in Annex III to this Regulation;

(5) Annex IV is replaced by the text in Annex IV to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 May 2019.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/912. (See end of Document for details)*

ANNEX I

RULES AND GUIDANCE

LIST OF TEMPLATES

Part 1	Transposition of Directive 2013/36/EU
Part 2	Model approval
Part 3	Specialised lending exposures
Part 4	Credit risk mitigation
Part 5	Specific disclosure requirements applied to institutions
Part 6	Waivers for the application of prudential requirements
Part 7	Qualifying holdings in a credit institution
Part 8	Regulatory and financial reporting

General remarks on filling in templates in Annex I

When publishing information on the general criteria and methodologies, competent authorities shall not disclose any supervisory measures directed at specific institutions, whether taken with respect to a single institution or to a group of institutions.

PART 1

Transposition of Directive 2013/36/EU

	Transposition of provisions of Directive 2013/36/EU	**Provisions of Directive 2013/36/EU**	**Links to national text**[a]	**Reference(s) to national provisions**[b]	**Available in EN (Y/N)**
010	**Date of the last update of information in this template**		*(dd/mm/yyyy)*		
020	I. **Subject matter, scope and definitions**	Articles 1 to 3			
030	II. **Competent authorities**	Articles 4 to 7			

a Hyperlink(s) to the website containing the national text transposing the Union provision in question.

b Detailed references to the national provisions, such as relevant Title, Chapter, paragraph etc.

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040	III. **Requirements for access to the activity of credit institutions**	Articles 8 to 27			
050	1. General requirements for access to the activity of credit institutions	Articles 8 to 21			
060	2. Qualifying holding in a credit institution	Articles 22 to 27			
070	IV. **Initial capital of investment firms**	Articles 28 to 32			
080	V. **Provisions concerning the freedom of establishment and the freedom to provide services**	Articles 33 to 46			
090	1. General principles	Articles 33 to 34			
100	2. The right of establishment of credit institutions	Articles 35 to 38			
110	3. Exercise of the freedom to provide services	Article 39			

a Hyperlink(s) to the website containing the national text transposing the Union provision in question.

b Detailed references to the national provisions, such as relevant Title, Chapter, paragraph etc.