Regulation (EU) No 1011/2012 of the European Central Bank of 17 October 2012 concerning statistics on holdings of securities (ECB/2012/24)

REGULATION (EU) No 1011/2012 OF THE EUROPEAN CENTRAL BANK

of 17 October 2012

concerning statistics on holdings of securities

(ECB/2012/24)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 5 thereof,

Having regard to Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community (hereinafter the 'ESA 95')[(1)], and in particular Annex A thereto,

Having regard to Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank[(2)], and in particular Articles 5(1) and 6(4) thereof,

Having regard to Regulation (EC) No 958/2007 of the European Central Bank of 27 July 2007 concerning statistics on the assets and liabilities of investment funds (ECB/2007/8)[(3)],

Having regard to Regulation (EC) No 24/2009 of the European Central Bank of 19 December 2008 concerning statistics on the assets and liabilities of financial vehicle corporations engaged in securitisation transactions (ECB/2008/30)[(4)],

Having regard to Regulation (EC) No 25/2009 of the European Central Bank of 19 December 2008 concerning the balance sheet of the monetary financial institutions sector (ECB/2008/32)[(5)],

Having regard to Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC[(6)],

Having regard to Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions[(7)],

Whereas:

(1) To perform European System of Central Banks (ESCB) tasks and to monitor the financial markets and financial activities within the euro area, the European Central Bank (ECB), assisted by the national central banks (NCBs), needs to collect high quality statistical information on a security-by-security basis regarding securities held by euro

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area institutional sectors, and securities issued by euro area residents and held by non-euro area institutional sectors.

(2) To contribute to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions, the stability of the financial system and the analysis of the monetary policy transmission mechanism, the ECB needs to collect security-by-security information from banking groups on those groups' holdings of securities.

(3) The purpose of the data to be collected is to provide the ECB with comprehensive statistical information on the exposure of economic sectors and individual banking groups in the euro area Member States to specific classes of securities and on the links between the economic sectors of holders and issuers of securities, and on the market for securities issued by euro area residents. The importance of having accurate information on the exposure of economic sectors and of banking groups to specific classes of securities at a very disaggregated level became evident during the financial crisis, as risks to financial stability due to contagion mechanisms at the level of individual financial institutions, generated by specific classes of securities, could not be properly identified from aggregated data. Timely information on holdings of securities at the level of individual securities will also allow the ECB to monitor the transmission of risks from the financial markets to the real economy.

(4) In addition, this statistical information will support the ECB in analysing financial market developments, and in monitoring the changes in the securities portfolios of economic sectors and the links between financial intermediaries and non-financial investors.

(5) Given the interconnection between monetary policy and the stability of the financial system, the collection of statistical information on a security-by-security basis concerning securities holdings positions and financial transactions, and for the derivation of transactions from positions, is also necessary to satisfy regular and ad hoc analytical needs to support the ECB in carrying out monetary and financial analysis, and for the contribution by the ESCB to the stability of the financial system. This statistical information will allow information on securities held by institutional sectors to be combined with information on the individual issuers across the world, thus providing an important tool to monitor the buildup and evolution of financial imbalances.

(6) It is also necessary to enable the ECB to provide analytical and statistical support to the European Systemic Risk Board in accordance with Council Regulation (EU) No 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board[(8)].

(7) For this reason, the Governing Council of the ECB should identify reporting banking groups for the purpose of the data collection under this Regulation taking into account the size of each group's consolidated balance sheet in comparison to the consolidated balance sheet assets of all European Union banking groups, the significance of the group's activities in a particular segment of the banking business and the relevance of the group for the stability and functioning of the financial system in the euro area and/or individual Member States.

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(8) The standards for the protection and use of confidential statistical information as laid down in Article 8 of Council Regulation (EC) No 2533/98 should apply.

(9) The reporting requirements under this Regulation, including derogations therefrom, are without prejudice to the reporting requirements set out in other ECB legal acts and instruments, which may, at least partly, also cover security-by-security reporting of statistical information on holdings of securities.

(10) It is necessary to set up a procedure to carry out technical amendments to the annexes to this Regulation in an effective manner, provided they neither change the underlying conceptual framework nor affect the reporting burden on reporting agents in Member States. This procedure needs to allow the views of the ESCB Statistics Committee to be taken into account,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation:

1. ‘security-by-security’ data collection means the collection of data broken down into individual securities;

2. ‘position’ means the stock amount of securities, the types of which are listed in paragraph 15, owned or held in custody by an actual reporting agent at the end of a reference period, as further defined in Part 4 of Annex II;

3. ‘**[**F1institution’ has the same meaning as defined in point (3) of Article 4(1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council(9);**]**

3a. ‘**[**F2parent undertaking’ has the same meaning as defined in point (9) of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council(10);

3b. ‘subsidiary’ means:

(a) a subsidiary undertaking as defined in point (10) of Article 2 of Directive 2013/34/EU;

(b) any undertaking over which a parent undertaking effectively exercises a dominant influence.

Subsidiaries of subsidiaries shall also be considered to be subsidiaries of the undertaking that is their original parent undertaking;

3c. ‘financial institution’ has the same meaning as defined in point (26) of Article 4(1) of Regulation (EU) No 575/2013;

3d. ‘branch of an insurance corporation’ means an unincorporated agency or branch, but not the head office, of an insurance or reinsurance corporation;**]**

4. **[**F1‘banking group’ means the undertakings included in the scope of the consolidation of the head of a banking group pursuant to Articles 18(1), 18(4), 18(8), 19(1), 19(3) and Article 23 of Regulation (EU) No 575/2013;**]**

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5. 'resident' has the same meaning as defined in Article 1(4) of Regulation (EC) No 2533/98;

6. 'monetary financial institution' (MFI), 'credit institution' (CI) and 'money market fund' (MMF) have the same meaning as defined in Article 1 of Regulation (EC) No 25/2009 (ECB/2008/32). The MFI sector comprises CIs and MMFs;

7. 'investment fund' (IF) has the same meaning as defined in Article 1 of Regulation (EC) No 958/2007 (ECB/2007/8);

8. 'financial vehicle corporation' (FVC) has the same meaning as defined in Article 1(1) of Regulation (EC) No 24/2009 (ECB/2008/30);

8a. '**[**[F3]insurance corporation' (IC) has the same meaning as defined in Article 1 of Regulation (EU) No 1374/2014 of the European Central Bank (ECB/2014/50)[(11)];**]**

9. 'custodian' means an entity belonging to the 'financial corporations sector' (S.12[(12)]) and undertaking the safekeeping and administration of financial instruments for the account of clients, including custodianship and related services such as cash/collateral management as specified in Section B, point (1) of Annex I to Directive 2004/39/EC;

10. **[**[F1]'head of a banking group' means any of the following:

    (a) an EU parent institution, within the meaning of point (29) of Article 4(1) of Regulation (EU) No 575/2013, with any reference to a Member State in that definition being understood as a reference to a participating Member State;

    (b) an EU parent financial holding company within the meaning of point (31) of Article 4(1) of Regulation (EU) No 575/2013, with any reference to a Member State in that definition being understood as a reference to a participating Member State;

    (c) an EU parent mixed financial holding company within the meaning of point (33) of Article 4(1) of Regulation (EU) No 575/2013, with any reference to a Member State in that definition being understood as a reference to a participating Member State;

    (d) a central body, within the meaning of Article 10 of Regulation (EU) No 575/2013, in a participating Member State;**]**

11. **[**[F4]. . . . .**]**

12. 'investor' means any entity or person owning financial instruments;

13. **[**[F1]'securities held in custody' means securities which are held and administered by custodians on behalf of investors;**]**

14. 'relevant NCB' means the NCB of the euro area Member State in which the reporting agent is resident;

15. 'securities' means the following types of securities:

    (a) 'debt securities' (F.3);

    (b) 'listed shares' (F.511);

    (c) 'investment fund shares or units' (F.52);

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16. ‘holdings of securities’ means economic ownership of securities, the types of which are listed in paragraph 15;

17. ‘ISIN code’ means the International Securities Identification Number assigned to securities, composed of 12 alphanumeric characters, which uniquely identifies a securities issue (as defined by ISO 6166)**[**F1;**]**

18. **[**F2‘legal entity’ means any entity, other than a natural person, that has the status of a legal person under the national law of the country in which the entity is resident, allowing the entity to have legal rights and obligations under the national legal system of that country;

19. ‘sectoral data’ means data reported pursuant to Article 3;

20. ‘group data’ means data reported pursuant to Article 3a;

21. ‘participating Member State’ has the same meaning as defined in Article 1(3) of Regulation (EC) No 2533/98;

22. ‘client’ means a natural or legal person to whom a custodian provides safekeeping and related services, including another custodian;

23. ‘entity-by-entity basis’ means the reported data refers to the holdings of securities of each individual legal entity of a banking group, i.e. the parent undertaking and each of its subsidiaries;

24. ‘group basis’ means the reported data includes information on the holdings of securities of the banking group as a whole.**]**

Textual Amendments

F1 Substituted by Regulation (EU) 2016/1384 of the European Central Bank of 2 August 2016 amending Regulation (EU) No 1011/2012 (ECB/2012/24) concerning statistics on holdings of securities (ECB/2016/22).

F2 Inserted by Regulation (EU) 2016/1384 of the European Central Bank of 2 August 2016 amending Regulation (EU) No 1011/2012 (ECB/2012/24) concerning statistics on holdings of securities (ECB/2016/22).

F3 Inserted by Regulation (EU) 2015/730 of the European Central Bank of 16 April 2015 amending Regulation (EU) No 1011/2012 concerning statistics on holdings of securities (ECB/2012/24) (ECB/2015/18).

F4 Deleted by Regulation (EU) 2016/1384 of the European Central Bank of 2 August 2016 amending Regulation (EU) No 1011/2012 (ECB/2012/24) concerning statistics on holdings of securities (ECB/2016/22).

Article 2

Actual reporting population

[F5**[**F1 1 The actual reporting population shall consist of sectoral data reporting agents and group data reporting agents (hereinafter collectively referred to as ‘actual reporting agents’).

a Sectoral data reporting agents shall be resident MFIs, IFs, FVCs, ICs and custodians.

b Group data reporting agents shall be:

(i) heads of banking groups; and