

EUROPEAN SYSTEMIC RISK BOARD

DECISION OF THE EUROPEAN SYSTEMIC RISK BOARD

of 21 July 2015

on the provision and collection of information for the macroprudential oversight of the financial system within the Union and repealing Decision ESRB/2011/6

(ESRB/2015/2)

(2015/C 394/03)

THE GENERAL BOARD OF THE EUROPEAN SYSTEMIC RISK BOARD,

Having regard to Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board ⁽¹⁾, and in particular Articles 3(2), 4(2) and 8(2) and Article 15 thereof,

Having regard to 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 ⁽²⁾, and in particular Article 2(b), Article 5 and Article 6(4) thereof,

Having regard to Decision ESRB/2011/1 of the European Systemic Risk Board of 20 January 2011 adopting the Rules of Procedure of the European Systemic Risk Board ⁽³⁾, and in particular Article 28(1) thereof,

Whereas:

- (1) Article 3(2) of Regulation (EU) No 1092/2010 provides that the European Systemic Risk Board (ESRB) has to determine and/or collect and analyse all relevant and necessary information for the macroprudential oversight of the financial system within the Union in order to contribute to the prevention or mitigation of systemic risks to financial stability in the Union arising from developments within the financial system, taking into account macro-economic developments, so as to avoid periods of widespread financial distress.
- (2) Article 15(2) of Regulation (EU) No 1092/2010 provides that the European Supervisory Authorities (ESAs), the European System of Central Banks (ESCB), the European Commission, the national supervisory authorities and national statistics authorities have to cooperate closely with the ESRB and provide it with all the information necessary for the fulfilment of its tasks in accordance with Union legislation.
- (3) Pursuant to Article 15(3) of Regulation (EU) No 1092/2010, the ESRB may request information from the ESAs, as a rule in summary or aggregate form such that individual financial institutions cannot be identified.
- (4) Recital 10 of Regulation (EU) No 1096/2010 states that 'The ECB should be entrusted with the task of providing statistical support to the ESRB', in accordance with recital 9 thereof.
- (5) This Decision does not interfere with the ECB's entitlement to use for its own purposes the information that it collects under Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank ⁽⁴⁾.
- (6) The ESRB, ECB and ESAs have agreed to update the existing framework of regular provision of aggregated information in order to serve the ESRB's needs,

⁽¹⁾ OJ L 331, 15.12.2010, p. 1.

⁽²⁾ OJ L 331, 15.12.2010, p. 162.

⁽³⁾ OJ C 58, 24.2.2011, p. 4.

⁽⁴⁾ OJ L 318, 27.11.1998, p. 8.

HAS ADOPTED THIS DECISION:

Article 1

Scope

This Decision sets out the aggregated information required by the ESRB for the performance of its tasks and lays down the detailed rules for provision and collection of that information.

Article 2

Regular provision of aggregated information

1. Regular provision of the aggregated information required by the ESRB for the performance of its tasks shall take place as specified in Annexes I and II.
2. The aggregated information set out in Annex I shall be provided by the ECB.
3. The aggregated information set out in Annex II shall be provided by the respective ESAs.
4. The ESRB Secretariat shall:
 - (a) lay down, where necessary, the technical specifications concerning the information referred to in paragraph 1, after having consulted the ECB and/or ESAs as appropriate; and
 - (b) collect the information referred to in paragraph 1 and cooperate with the ECB and the ESAs accordingly.

Article 3

Ad hoc provision of aggregated information

The procedures that the ESRB Secretariat shall apply to carry out requests for aggregated information on an ad hoc basis are set out in Annex III.

Article 4

Final and transitional provisions

1. Decision ESRB/2011/6⁽¹⁾ is repealed with effect from the entry into force of this Decision.
2. Annex II to this Decision shall apply from the date of the entry into force of this Decision, or from the date on which the indicators referred to in that Annex are first produced, or from the date on which the relevant technical specifications on data provision referred to in that Annex are laid down, whichever is the later.

Article 5

Entry into force

This Decision shall enter into force on 21 July 2015.

Done at Frankfurt am Main, 21 July 2015.

The Chair of the ESRB

Mario DRAGHI

⁽¹⁾ Decision ESRB/2011/6 of the European Systemic Risk Board of 21 September 2011 on the provision and collection of information for the macro-prudential oversight of the financial system within the Union (OJ C 302, 13.10.2011, p. 3).

ANNEX I

Regular provision of aggregated information by the European Central Bank

1. On a regular basis, and in accordance with the Memorandum of Understanding on the sharing of non-confidential statistical information agreed between the ECB and the ESRB on 25 September 2013 (hereinafter 'the MoU'), and subsequent modifications thereto, the ECB provides to the ESRB Shared Data, as defined therein (hereinafter 'Shared Data').
2. Shared Data are made available to the Secretariat of the ESRB in accordance with the conditions for access to and use of Shared Data as set out in the MoU. The ECB may, at its own initiative or at the request of the ESRB, change the content of the Shared Data, in particular to take account of changes: (a) to the dataset composition or to the operation of the ECB Statistical Data Warehouse, (b) as regards the consent received by the ECB from the data originator to share non-published data, or (c) concerning the scope and mode of performance of the ESRB's statutory tasks or its related data needs.
3. The ECB makes available to the ESRB also aggregated data not included in the scope of the Shared Data, provided that they do not include confidential statistical information as defined in Article 1(12) of Council Regulation (EC) No 2533/98⁽¹⁾, and that individual financial institutions cannot be identified, unless the data in question have already been made public. The ESRB Secretariat, after having consulted the ECB, shall lay down technical specifications concerning access to these data when they are flagged as non-published.

⁽¹⁾ Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank (OJ L 318, 27.11.1998, p. 8).

ANNEX II

Regular provision of aggregated information by the European Supervisory Authorities**General rule**

The European Supervisory Authorities (ESAs) provide to the ESRB on regular basis aggregated information specified in this Annex. The provided information comprises data on at least three reporting agents, none of which represents 85 % or more of the relevant market, whether it consists of one or more Member States or the Union as a whole. However, if dispersion measures are provided in addition to the aggregated information, the aggregated information comprises data on at least five reporting agents when referring to publicly available data, and data on at least six reporting agents when there is a need to protect confidential firm-level data.

European Banking Authority (EBA)

The EBA reports the Risk Indicators (RIs) and Detailed Risk Analysis Tools (DRATs), as defined by internal EBA documents. The RIs and DRATs are reported for each Member State, provided that the conditions set out in the General Rule are met, and for the Union as a whole, netting out double counting of reporting agents. Other aggregations may be agreed on in particular cases. Data are submitted 2 working days after the remittance dates set out in Article 4 of EBA Decision EBA/DC/090 of 14 May 2014.

European Insurance and Occupational Pensions Authority (EIOPA)

1. The EIOPA reports a set of indicators derived from data available to EIOPA from the Solvency II regular supervisory reporting submitted to National Supervisory Authorities, as defined by EIOPA for this purpose. The indicators should be reported for each Member State, provided that the conditions set out in the General Rule are met, and for the Union as a whole, netting out double counting of reporting agents. Other aggregations may be defined in particular cases. Remittance dates will be agreed bilaterally after the Solvency II legal framework becomes applicable.
2. The ESRB Secretariat, in mutual agreement with EIOPA, may lay down technical specifications on the regular reporting of further aggregated data, to be based on data already available to EIOPA from Solvency II regular supervisory reporting submitted to National Supervisory Authorities.

European Securities Markets Authority (ESMA)

The ESRB Secretariat, in mutual agreement with the ESMA, shall lay down technical specifications on data to be transmitted to the ESRB on the basis of the applicable sectoral legislation. The technical specifications will also define the frequency and timeliness of reporting.

ANNEX III

Ad hoc requests for aggregated information by the ESRB**General considerations**

The ESRB may request the provision of aggregated information on an ad hoc basis. Such ad hoc information requests may be addressed by:

- (a) providing information already available from the European System of Central Banks (ESCB), the European Supervisory Authorities (ESAs), commercial data providers or the databases of international organisations, e.g. the Bank for International Settlements (BIS); or
- (b) conducting ad hoc surveys.

Principles

When fulfilling ad hoc information requests, the ESRB Secretariat, the ECB and the ESAs (hereinafter the 'parties') should:

- (a) follow agreed procedural steps, which should be applied in transparent manner;
- (b) avoid excessive interaction with reporting agents;
- (c) maximise the re-use of existing information for various analytical and operational purposes, while respecting the necessary legal constraints and confidentiality safeguards;
- (d) use existing, harmonised where applicable, methodologies and data collections to the greatest extent possible;
- (e) develop best practices for ad hoc requests by introducing feedback mechanisms and sharing information on methodologies among all parties interested.

A. PROVISION OF AVAILABLE INFORMATION

1. The ESRB Secretariat may, after having consulted the ECB or the relevant ESAs, send an ad hoc request on the reporting of data which are not provided on a regular basis under Annex I and Annex II, but which are, nevertheless, already available to the ESCB or ESAs (hereinafter jointly referred to as the 'Addressees'), laying down a description of the data requested. A timeline for delivering the requested data will be mutually agreed between the ESRB Secretariat and the relevant parties.
2. The Addressees should provide the requested information following the rules and procedures set by applicable law, including, but not limited to:
 - (a) Statute of the European System of Central Banks and of the European Central Bank;
 - (b) Council Regulation (EC) No 2533/98;
 - (c) Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽¹⁾;
 - (d) Regulation (EU) No 1094/2010 of the European Parliament and of the Council ⁽²⁾;
 - (e) Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽³⁾;
 - (f) Council Regulation (EU) No 1096/2010 ⁽⁴⁾.
3. The ESRB Secretariat will then provide the data to the relevant ESRB structure requesting them.

⁽¹⁾ 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⁾ Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48).

⁽³⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

⁽⁴⁾ 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 (OJ L 331, 15.12.2010, p. 162).

4. When it is possible to fulfil an information request by using data available from commercial providers, such data are provided via the ESRB Secretariat to the relevant ESRB structure requesting them, together with a quality assessment and information on the relative cost.

B. AD HOC SURVEY

1. Identification of the need for an ad hoc survey

- 1.1. Notwithstanding the above, initial ad hoc requests for aggregated information submitted by ESRB structures will generally first trigger an investigation phase, which may be carried out by the interested structures themselves, the ESRB Secretariat or the ECB. The aim of such an investigation is to identify whether an ad hoc survey needs to be carried out. The investigation phase will, in particular, assess what quantitative and qualitative data are already available and whether they are fit for purpose. Where the available data are not fit for purpose and the need arises for the data to be collected from reporting agents through an ad hoc survey, the investigation phase may already identify the relevant reporting population and the broad cost implications for the reporting agents in carrying out an ad hoc survey.
- 1.2. The ESRB and one or more ESAs may agree, due to their common interest in a specific topic, to launch a joint ad hoc survey, in which case an investigation phase is unnecessary.

2. Types of ad hoc surveys

Two types of ad hoc surveys may be used:

- (a) Type 1 surveys focus on specific issues, e.g. adequate assessment of exposures, and usually aim to provide more detailed breakdowns within regular data collection exercises, e.g. 'of which' positions. Type 1 surveys may also cover datasets that give rise to (regular) data collection in a different context or by a different organisation, such as the International Monetary Fund or the BIS, and for which established methodological frameworks already exist;
- (b) Type 2 surveys cover phenomena not previously analysed and for which no methodology has been established and no regular data collection is carried out. Type 2 surveys are generally more work-intensive than type 1 surveys and may have no benchmark. The need to identify the relevant reporting agents and establish a methodological framework may imply that considerable time is required before information is collected.

3. Procedure

- 3.1. The General Board of the ESRB (hereinafter the 'General Board') will decide whether the aggregated information should be collected via an ad hoc survey, taking into account the likely costs involved and the timetable for conducting such a survey.

Investigation phase

- 3.2. ESRB structures convey their initial requests for an ad hoc collection of aggregated information to the ESRB Secretariat, which, in cooperation with the ESRB Contact Group on Data and the ECB, supports them in assessing the available information, with a view to maximising the use of previously collected information and avoiding an increased reporting burden. Where it is concluded that the available data are not fit for purpose and a need arises to collect data from reporting agents through an ad-hoc survey, the ESRB substructure, with the support of the ESRB Secretariat, transforms the initial information request into actual data requirements and the availability and quality of relevant information is assessed within the relevant organisations. The investigation phase may also rely on the ESCB, including the ESCB Statistics Committee (STC), the ESCB Financial Stability Committee (FSC), or other sources within the European Statistical System, commercial data providers and international organisations, e.g. the BIS.
- 3.3. If, during the investigation phase the conclusion is reached that: (a) fit for purpose data or acceptable proxies are available and of sufficient quality, and (b) the owner's permission is obtained to use data not fully in the public domain, no ad-hoc survey is necessary and the procedures described in section A will apply.
- 3.4. Where any of the following occur: (a) fit for purpose data or/and proxies are available but are of unknown or insufficient quality; (b) data and proxies are unavailable; or (c) permission by the reporting agent to use data not fully in the public domain is not obtained, the ESRB Secretariat, in cooperation with the ECB, provides the structures requesting the data with the outcome of the assessment related to the availability of information and proposes possible sources and methodologies for an ad hoc survey, including: (i) categories and the number of reporting agents, (ii) reporting channels, e.g. the STC, the FSC or the ESAs, (iii) an estimate of the costs and timeframe, (iv) any anticipated difficulties.

Data collection phase

- 3.5. After the investigation results, the ESRB Secretariat submits for approval by the General Board a proposal for follow-up action together with an approximate assessment of merits and costs. The General Board decides whether to undertake an ad hoc survey, which may require the involvement of reporting agents. The decision of the General Board granting approval for such a request may determine, in particular: (a) the granularity of the required information on an institutional and item level, (b) the confidentiality regime to be applied, in particular who will be allowed to access which data and how data will be stored and transmitted, (c) the time limits for the provision of the information.
 - 3.6. Where an ad hoc survey is conducted by one of the ESAs, the ESRB Secretariat contacts the relevant ESA directly. Data may be transmitted via the ECB, in full compliance with Article 8 of Regulation (EU) No 1092/2010⁽¹⁾.
 - 3.7. Where an ad hoc survey is conducted by the ESCB, the ESRB Secretariat contacts the ECB, which then initiates contact with the potential reporting agents via national competent authorities using the appropriate ESCB committees and respecting applicable confidentiality constraints.
 - 3.8. Following completion of each ad hoc survey, the parties will share information on the survey's implementation and, in particular, on the applied methodologies and quality checks as well as on any encountered difficulties, with a view to improving the effectiveness and efficiency of future surveys.
-

⁽¹⁾ Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (OJ L 331, 15.12.2010, p. 1).