

COMMISSION IMPLEMENTING REGULATION (EU) 2018/308**of 1 March 2018****laying down implementing technical standards for Directive 2014/59/EU of the European Parliament and of the Council with regard to formats, templates and definitions for the identification and transmission of information by resolution authorities for the purposes of informing the European Banking Authority of the minimum requirement for own funds and eligible liabilities****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council ⁽¹⁾, and in particular the third subparagraph of Article 45(17) thereof,

Whereas:

- (1) Resolution authorities have been given the task of setting, for each institution, the minimum requirement for own funds and eligible liabilities ('MREL') in accordance with the requirements and the procedures laid down in Article 45 of Directive 2014/59/EU as further specified by Commission Delegated Regulation (EU) 2016/1450 ⁽²⁾.
- (2) Resolution authorities are required under Article 45(16) of Directive 2014/59/EU to inform the European Banking Authority (EBA), in coordination with competent authorities, of the requirements they have set. Uniform formats, templates and definitions for the identification and transmission of that information to the EBA should be designed in such a way that they facilitate the monitoring by the EBA of MREL decisions and ensure a meaningful assessment of convergence in approach across the Union.
- (3) In respect of groups which are subject to a consolidated MREL, it is necessary to clarify which resolution authority should transmit to the EBA the information on, first, the MREL determined for the parent undertaking concerned, and second, the MREL applied to the subsidiaries, whether on the basis of a joint decision reached between the group-level resolution authority and the resolution authority responsible for the subsidiary on an individual basis, or of a decision taken by the resolution authority of the subsidiary in the absence of a joint decision. In order to ensure that the EBA is provided with the necessary information as regards both the parent undertaking and the subsidiaries, the relevant group-level resolution authority should be required to inform the EBA, in coordination with the consolidating supervisor, of both the MREL determined on an individual and the MREL determined on a consolidated basis for the parent undertaking concerned, and the resolution authorities responsible for a group's subsidiaries, in coordination with competent authorities, should be required to inform the EBA of the MREL that has been set for each institution under their jurisdiction.
- (4) In order to promote convergence of practices regarding MREL decisions and to strengthen the monitoring role of the EBA, uniform reporting periods and submission dates for the transmission of information by the resolution authorities to the EBA should be established.
- (5) This Regulation is based on the draft implementing technical standards submitted by the EBA to the Commission.
- (6) The 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 ⁽³⁾,

⁽¹⁾ OJ L 173, 12.6.2014, p. 190.

⁽²⁾ Commission Delegated Regulation (EU) 2016/1450 of 23 May 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the criteria relating to the methodology for setting the minimum requirement for own funds and eligible liabilities (OJ L 237, 3.9.2016, p. 1).

⁽³⁾ 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).

HAS ADOPTED THIS REGULATION:

Article 1

Information included in the templates

1. For the purposes of informing the EBA of the minimum requirement for own funds and eligible liabilities ('MREL'), and where relevant the requirement laid down in Article 45(13) of Directive 2014/59/EU, that have been set for each institution under their jurisdiction in accordance with Article 45(16) of that Directive on an individual and consolidated basis, resolution authorities, in coordination with competent authorities, shall transmit to the EBA the information specified in the templates set out in Annexes I and II to this Regulation.
2. In respect of institutions that are part of a group subject to a consolidated MREL, resolution authorities, in coordination with competent authorities, shall also transmit to the EBA the information as specified in the template set out in Annex III.
3. For the purposes of paragraphs 1 and 2, resolution authorities shall, where indicated in the template set out in Annex II, provide qualitative information explaining the reasons for MREL decisions on a best effort basis including, where appropriate, references to individual or group resolution plans, public decisions or policy statements of the resolution authority, or other supporting documents.
4. The terms used in Annex II shall have the meaning attributed to them in the relevant provisions referred to in the relevant column of the table included in that Annex.

Article 2

Simplified reporting requirement for institutions subject to waivers and institutions for which the recapitalisation amount is zero

1. By way of derogation from Article 1 of this Regulation, in relation to those institutions for which the application of the MREL has been waived under Article 45(11) or (12) of Directive 2014/59/EU, resolution authorities shall transmit to the EBA the information specified in Annex I, columns 10 to 90 of Annex II and, in respect of institutions that are part of a group subject to consolidated MREL, Annex III to this Regulation.
2. By way of derogation from Article 1 of this Regulation, in respect of those institutions for which the recapitalisation amount is zero in accordance with Article 2(2) of Delegated Regulation (EU) 2016/1450, resolution authorities shall transmit to the EBA the information specified in Annex I, columns 10 to 120 of Annex II and, in respect of institutions that are part of a group subject to consolidated MREL, Annex III to this Regulation.

Article 3

Reporting authority in respect of groups

In respect of groups which are subject to a consolidated MREL, the information referred to in Articles 1 and 2 shall be submitted in the following manner:

- (a) the relevant group-level resolution authority, in coordination with the consolidating supervisor, shall inform the EBA of both the MREL determined on an individual, and the MREL determined on a consolidated basis for the Union parent undertaking or the parent undertaking referred to in Article 2 of Regulation (EU) No 806/2014 of the European Parliament and of the Council ⁽¹⁾;
- (b) the relevant resolution authorities, in coordination with the competent authority, shall inform the EBA of the MREL to be applied to the group subsidiaries under their jurisdiction on an individual basis.

⁽¹⁾ Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ L 225, 30.7.2014, p. 1).

*Article 4***Reporting periods and submission dates**

1. Resolution authorities shall transmit the information referred to in Article 1 without undue delay after the decision establishing the MREL is taken or updated.
2. Resolution authorities shall transmit the information referred to in Article 2 for the MREL which has been determined and remains applicable as at 1 April of each year by 30 April of the same year.

*Article 5***Entry into force**

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, 1 March 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Information about the reporting resolution authority

Reporting resolution authority	
Submission date	
Contact person	
	Name
	Email
	Phone
General comments (if any)	

ANNEX II

MREL information

Mandatory								Simplified reporting template (if 90 is 'Yes')			
To be filled for all institutions								For institutions for which the recapitalization amount is zero in application of Article 2(2) of Commission Delegated Regulation (EU) 2016/1450			
Legal reference	Article 45(7) and (8) of Directive 2014/59/EU or Article 12(8) of Regulation (EU) No 806/2014	General information						Simplified reporting template (if applicable)	Article 1(4) of Commission Implementing Regulation (EU) 2016/962	Article 1(4) of Commission Delegated Regulation (EU) 2016/1450	Article 1(5)(b)(i) and/or Article 1(5)(b)(ii) of Commission Delegated Regulation (EU) 2016/1450
		Legal entity identifier (LEI code)	Consolidated or individual requirement?	Entity name	Member state of incorporation	Is the reporting resolution authority the Group-level resolution authority?	Date of MREL decision or waiver decision				
10	20	30	40	50	60	70	80	90	100	110	120

(1) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 of June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p.1)

Not mandatory for institutions for which the recapitalisation amount is zero in application of Article 2(2) of Commission Delegated Regulation (EU) 2016/1450																			
Type of requirement	Total liabilities and own funds		Total risk exposure amount				Leverage ratio denominator				Loss absorption amount								
Article 45(9) and (10) of Directive 2014/59/EU	Article 7(2) of Commission Delegated Regulation (EU) 2016/1450		Article 2(3) of Commission Delegated Regulation (EU) 2016/1450 and Article 92(3) and (4) of Regulation (EU) No 575/2013 ⁽¹⁾				Article 2(3) of Commission Delegated Regulation (EU) 2016/1450 and Article 429(4) to (11) of Regulation (EU) No 575/2013				Article 1(4) of Commission Delegated Regulation (EU) 2016/1450	Article 1(5)(b)(i) of Commission Delegated Regulation (EU) 2016/1450			Article 1(5)(b)(ii) of Commission Delegated Regulation (EU) 2016/1450				
MREL set by joint decision	Current	Reporting reference date of item 140	Current	Reporting reference date of item 160	Assumed after resolution	Notes	Current	Reporting reference date of item 200	Assumed after resolution	Notes	Default loss absorption amount pursuant to Article 1 (4) of Commission Delegated Regulation (EU) 2016/1450	Upward adjustment	Type(s) of upward adjustment	Notes	Downward adjustment	Type(s) of downward adjustment	Notes	Total (240 + 250 + 280)	
130	140	150	160	170	180	190	200	210	220	230	240	250	260	270	280	290	300	310	

⁽¹⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 of June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p.1)

Not mandatory for institutions for which the recapitalisation amount is zero in application of Article 2(2) of Commission Delegated Regulation (EU) 2016/1450															
Recapitalisation amount									Adjustments related to impediments to resolvability, size, systemic risk and DGS contributions						
Article 2(5) and (6) of Commission Delegated Regulation (EU) 2016/1450	Article 2(7) and (8) of Commission Delegated Regulation (EU) 2016/1450	Article 2(8) of Commission Delegated Regulation (EU) 2016/1450		Article 2(9) of Commission Delegated Regulation (EU) 2016/1450		Article 2(10) of Commission Delegated Regulation (EU) 2016/1450			Article 3 of Commission Delegated Regulation (EU) 2016/1450		Article 5 of Commission Delegated Regulation (EU) 2016/1450		Article 6 of Commission Delegated Regulation (EU) 2016/1450		
To meet conditions for authorisation	Default additional amount to maintain market confidence by meeting buffers	Adjustment to maintain market confidence following peer group comparison	Notes	Downward adjustment taking into account information received from the competent authority relating to the institution's business model, funding model, and overall risk profile	Notes	Adjustment to column 330 for group subsidiaries	Notes	Total (320 + 330 + 340 + 360 + 380)	For exclusions from bail-in	Notes	For size and systemic risk	Notes	For contributions by the DGS to the financing of resolution	Notes	Total (410 + 430 + 450)
320	330	340	350	360	370	380	390	400	410	420	430	440	450	460	470

(¹) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 of June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p.1)

Not mandatory for institutions for which the recapitalisation amount is zero in application of Article 2(2) of Commission Delegated Regulation (EU) 2016/1450													
Combined assessment of MREL				Transitional or post-resolution arrangements (if applicable)									
Article 7(1) of Commission Delegated Regulation (EU) 2016/1450	Article 7(2) of Commission Delegated Regulation (EU) 2016/1450	Article 45(13) of Directive 2014/59/EU		Article 8 of Commission Delegated Regulation (EU) 2016/1450	Article 8(2) of Commission Delegated Regulation (EU) 2016/1450								
Total (310 + 400 + 470)	MREL as % of total liabilities and own funds (480 / 140)	Percentage of MREL to be met through contractual bail-in instruments	Date at which requirement set in 490 must be met	Type of transitional arrangements	Planned MREL (as % of total liabilities and own funds)	Intended date of application	Planned MREL (as % of total liabilities and own funds)	Intended date of application	Planned MREL (as % of total liabilities and own funds)	Intended date of application	Planned MREL (as % of total liabilities and own funds)	Intended date of application	Accounting framework
480	490	500	510	520	530	540	550	560	570	580	590	600	610

(¹) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 of June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p.1)

ANNEX III

MREL location

Institution			Ultimate parent undertaking			Union parent undertaking			Relevant immediate parent undertaking		
Legal entity identifier (LEI code)	Entity name	Member state of incorporation	LEI code	Entity name	Country of incorporation	LEI code	Entity name	Member state of incorporation	LEI code	Entity name	Country of incorporation