

**TEMPLATE FOR INFORMATION NOTICE TO BE PRESENTED TO REPORTING AGENTS
WITH REGARD TO COUNCIL REGULATION (EU) No 2015/373 OF 5 MARCH 2015
AMENDING REGULATION (EC) No 2533/98 CONCERNING THE COLLECTION OF
STATISTICAL INFORMATION BY THE EUROPEAN CENTRAL BANK**

The EU Council adopted on 5 March 2015 Council Regulation (EU) No 2015/373¹ (“Regulation (EU) No 2015/373”) amending Council Regulation (EC) No 2533/98 on the collection of statistical information by the European Central Bank (“ECB”) (“Regulation (EC) No 2533/98”)². Regulation (EU) No 2015/373 extends the permitted uses of confidential statistical data collected by the ECB under the framework established by Regulation (EC) No 2533/98 (Regulation (EC) No 2533/98 as amended by Regulation (EU) No 2015/373 hereinafter referred to as “the amended Regulation”).

This notice aims to inform credit institutions of the additional uses of data foreseen by Regulation 2015/373 in light of the European System of Central Banks’ (“ESCB”) obligation pursuant to Article 8(2) of Regulation (EC) No 2533/98, to inform reporting agents about the statistical and other administrative uses to which statistical information provided by them may be put, as well as the legal basis for the transmission of such information and the protective measures adopted.

As it was already foreseen for National Central Banks³, the amended Regulation allows (i) the use by the ECB of statistical information for prudential supervision purposes and (ii) the transmission of this information to European or national authorities entrusted with prudential supervision, financial stability and banking resolution tasks. These new provisions aim to minimise the reporting burden and to enable

¹ OJ L 64, 7.3.2015, p. 6; http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOL_2015_064_R_0003

² OJ L 318, 27.11.1998, p. 8; [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.1998.318.01.0008.01.ENG; Regulation \(EC\) No 2533/98 as amended by Council Regulation \(EC\) No 951/2009, OJ L 269, 14.10.2009, p.1, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32009R0951](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.1998.318.01.0008.01.ENG; Regulation (EC) No 2533/98 as amended by Council Regulation (EC) No 951/2009, OJ L 269, 14.10.2009, p.1, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32009R0951).

³ The use of Confidential Statistical information for prudential supervision, and for other functions exercised by National Central Banks within the ESCB was already permitted according to Article 8(1)(d) and 8(4) of Regulation (EC) No 2533/98 prior to its recent amendment.

the proper performance of supervision of financial institutions, markets and infrastructures, and to protect the stability of the financial system.

Confidential statistical data collected by the ECB may be used henceforth for the ECB's specific functions in the field of prudential supervision of credit institutions (Article 8 (1) point (d) of the amended Regulation). These include, in particular, the responsibilities under Council Regulation (EU) No 1024/2013⁴ ("the SSM Regulation") conferring specific tasks on the ECB concerning policies relating to the prudential supervision of credit institutions. According to the SSM Regulation, the ECB is directly responsible for supervision of significant credit institutions established in Member States participating in the Single Supervisory Mechanism ("the SSM"). It shares with national supervisors the responsibilities associated with supervision of less significant institutions. The key tasks of the SSM are outlined in Article 4 of the SSM Regulation. Specific uses of statistical information may include, but are not limited to compliance assessments with regard to own funds requirements, securitisation, large exposure limits, liquidity, leverage, and reporting and public disclosure, as well as supervisory reviews, supervision on a consolidated basis and supervisory tasks in relation to recovery plans and early intervention.

Furthermore, the amended Regulation allows the transmission of confidential statistical information within the ESCB, to the extent and at the level of detail such transmission is necessary for the performance of tasks in the field of prudential supervision given to the members of the ESCB (Article 8 (4) point (a) of the amended Regulation).

For clarification, the additional uses of statistical information described in Regulation (EU) No 2015/373 only apply to data collected under the framework of Regulation (EC) No 2533/98. The use and transmission of supervisory data that is collected under Article 10 of the SMM Regulation, and/or under other supervisory laws and regulations, is governed by the legal framework for prudential supervision.

In addition, to the above described additional supervisory uses, Regulation (EU) No 2015/373 permits the transmission of confidential statistical information by the ESCB to the authorities or bodies of the Member States and the Union responsible for the supervision of financial institutions, markets and infrastructures, and the stability of the financial system; as well as the European Stability Mechanism ("the ESM") (Article 8 (4a) of the amended Regulation). Such transmission is permitted only to the extent and at the level of detail necessary for these institutions and bodies to carry out their respective tasks. Authorities entitled to receive such information may include, inter alia, the competent authorities responsible for supervision and macro-prudential oversight, the European Supervisory Authorities, the European Systemic Risk Board

⁴ OJ L 287, 29.10.2013, p. 63; <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R1024>

(“the ESRB”), as well as authorities that are authorised to resolve credit institutions. The tasks of these institutions are defined in the institutional and statutory legal framework by which they have been established. The relevant uses of statistical information by these institutions include, by way of example, the identification and prioritisation of systemic risks by the ESRB; decision making on the provision of stability support by the ESM; and the preparation and implementation of resolution plans for credit institutions that are failing, or likely to fail, by the Single Resolution Board. The data received by these institutions may be further transmitted for the implementation of the above mentioned tasks and under the condition of authorisation by the ESCB member that has collected the data⁵.

Currently, confidential datasets collected under the framework of Regulation (EC) No 2533/98 include, in particular, data on the balance sheet of monetary financial institutions and on the interest rates applied by these institutions, as well as statistics on the holdings of securities and other statistical information collected for the centralised securities database operated by the ESCB. The permitted uses according to Regulation (EC) No 2533/98 apply to such data as well as to any other set of confidential data that is, or may in the future be collected under this regulation.

The ESCB and the other authorities that may receive confidential statistical data are legally obliged to take all the necessary regulatory, administrative, technical and organisational measures to ensure the physical and logical protection of the data, including as regards the transmission, storage, access and use of the data. This includes the protection, by appropriate safeguards, of data submitted or stored by electronic means. In particular, access to the data will be granted to users based on their need to know in line with permitted uses under Regulation (EC) No 2533/98.

Hereby the Reporting Agent [Name and legal form of the entity], [MFI code], address [...] is informed that the permitted uses of confidential data collected by the ECB under the framework of Regulation (EC) No 2533/98 have been extended to include (i) the ECB’s tasks related to prudential supervision, (ii) the transmission of confidential data within the ESCB for the performance of tasks in the field of supervision; and (iii) the transmission to institutions and bodies responsible for prudential supervision, financial stability and the resolution of credit institutions, as well as the ESM.

⁵ As an exception to this authorisation procedure, a consultation procedure is foreseen for the further transmission from the ESM members to the national parliaments, when required under national law.