

EBA/CP/2025/28

20 July 2025

Consultation Paper

Draft Implementing Technical Standards

on the supervisory reporting of Third Country Branches under Directive 2013/36/EU

Contents

<u>1.Responding to this consultation</u>	<u>3</u>
<u>2.Executive Summary</u>	<u>4</u>
<u>3.Background and rationale</u>	<u>5</u>
<u>4.Draft implementing technical standards</u>	<u>15</u>
<u>5.Accompanying documents</u>	<u>21</u>
5.1Draft cost-benefit analysis / impact assessment	21
5.2Overview of questions for consultation	25

1. Responding to this consultation

The EBA invites comments on all proposals put forward in this paper and in particular on the specific questions summarised in 5.2.

Comments are most helpful if they:

- respond to the question stated;
- indicate the specific point to which a comment relates;
- contain a clear rationale;
- provide evidence to support the views expressed/ rationale proposed; and
- describe any alternative regulatory choices the EBA should consider.

Submission of responses

To submit your comments, click on the 'send your comments' button on the consultation page by 31.10.2025. Please note that comments submitted after this deadline, or submitted via other means may not be processed.

Publication of responses

Please clearly indicate in the consultation form if you wish your comments to be disclosed or to be treated as confidential. A confidential response may be requested from us in accordance with the EBA's rules on public access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by the EBA's Board of Appeal and the European Ombudsman.

Data protection

The protection of individuals with regard to the processing of personal data by the EBA is based on Regulation (EU) 1725/2018 of the European Parliament and of the Council of 23 October 2018. Further information on data protection can be found under the Legal notice section of the EBA website.

2. Executive Summary

The latest amendment to the CRD (Directive (EU) 2024/1619, also known as CRD VI) has introduced a new framework for third-country branches (TCBs). Under this TCB regime, CRD VI outlines in Article 48k the regulatory and financial information that TCBs must periodically report to their competent authorities (CAs). Additionally, Article 48l(1) of the CRD mandates the European Banking Authority (EBA) to develop draft implementing technical standards (ITS) to define uniform formats, definitions, and reporting frequencies for these requirements. While some of these reporting obligations are not entirely new—having already been included in Directive (EU) 2019/878 (CRD V)—CRD VI introduces new elements. These include requirements for TCBs to report information about their head undertakings (HU), as well as details on originated assets and liabilities.

This consultation puts forward the draft ITS, proposing two sets of templates: information requirements concerning the TCBs themselves (Annex I) and information requirements regarding their HU (Annex II). In both cases, the entities obligated to report are always the supervised TCBs. Proportionality is addressed through the “core + supplement approach” applied to Class 1 and Class 2 TCBs, with a core set of data points applicable to all TCBs and additional information required only for those classified as Class 1.

Member States (MSs) that invoke Article 48a(4) of the CRD, hence applying to their third-country TCBs the same requirements as those applicable to credit institutions authorised under the CRD, are still expected to address any information gaps by requesting to their TCBs the necessary templates proposed in this ITS (or specific data points within them).

Next steps

After a consultation period of 3 months, the EBA will finalise this draft ITS. They will be submitted by 10 January 2026 to the Commission, before being published in the Official Journal of the European Union. The EBA will also develop the data-point model (DPM), XBRL taxonomy and validation rules based on the final draft amending ITS. The first reference date for the application of this ITS is foreseen to be December 2026, except for reporting templates where the underlying CRD provisions enter into force at a later stage. The expected implementation period for the proposed changes is approximately 1 year. The instructions will be translated into the official EU languages and published on the EBA website.

3. Background and rationale

1. One of the main tasks of the EBA is to contribute, through the drafting of binding Technical Standards (BTS) and Guidelines, to the creation of the European Single Rulebook in banking. The Single Rulebook aims at providing a single set of harmonised prudential rules for financial institutions throughout the EU, helping create a level playing field and providing high protection to depositors, investors and consumers. As part of this Single Rulebook for Banking in Europe, this draft ITS represent a crucial new milestone in the field of supervisory reporting in Europe by setting out harmonised reporting requirements to TCBs.
2. Pursuant to the mandate set out in Article 48l(1) of the CRD, the EBA has developed the draft ITS now being consulted, which specify IT solutions (templates and instructions), standardised in formats, frequencies and definitions; for the purpose of the regulatory and financial information to be periodically reported by TCBs.
3. This ITS will become directly applicable once adopted by the European Commission and published in the Official Journal of the EU.
4. Reporting required under Article 48l of the CRD shall therefore be done according to the formats, frequency and those IT solutions, as specified in this ITS. While the formats and frequencies as specified in the ITS will be published in the EU Official Journal upon finalisation and adoption by the European Commission, the IT solutions will be published in the EBA website instead and will be equally binding.

3.1 New banking regulatory package

5. In June 2024, Directive (EU) 2024/1619 amending Directive 2013/36/EU (CRD VI) and Regulation (EU) 2024/1623 amending Regulation (EU) No 575/2013 (CRR 3), were published on the EU Official Journal (OJ) both necessary for the implementation of the Basel III post-crisis regulatory reforms published by the Basel Committee on Banking Supervision (BCBS) on December 2017, while considering the specific aspects of the EU's banking sector.
6. The banking package introduces several key innovations to the prudential framework for credit institutions. Firstly, it incorporates the final components of the Basel III framework, ensuring a level playing field at the international level while considering the unique characteristics of the EU's banking sector. Additionally, it supports the green transition by introducing new rules that require banks to systematically identify, disclose, and manage risks related to environmental, social, and governance (ESG) factors as part of their risk management processes. Moreover, the banking package strengthens enforcement tools available to supervisors overseeing EU banks, with the aim of ensuring sound management and safeguarding financial stability. Finally, it establishes a new regulatory regime applicable to TCBs.

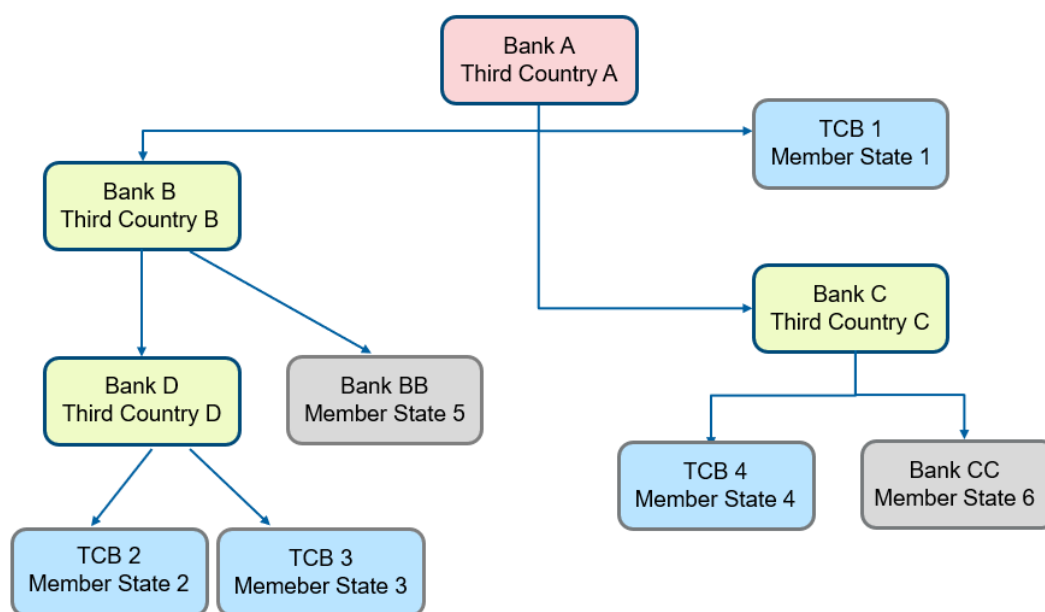
7. The introduction of the TCB regime was driven by the need to address the growing volume of activities conducted by TCBs and the regulatory fragmentation across the EU. In response to these challenges, the EBA's 2021 Report on the treatment of TCBs under the national law of MSs, addressed to the European Parliament, the Council, and the Commission, provided high-level policy recommendations aimed at further harmonising EU law. The report also outlined supervisory practices and offered a detailed mapping of the TCBs operating within the MS. These recommendations paved the way for the inclusion of TCB-related requirements in the CRD. As a result, Article 1(13) of the CRD introduced a harmonised regulatory framework for TCBs, including minimum regulatory requirements.
8. This framework is designed to enable the effective supervision of TCBs and provide a comprehensive overview of the activities of the third-country groups within the Union, including common supervisory and financial reporting. Pursuant to Article 48l(1) of CRD, the EBA was tasked with developing draft ITS that establish standardised templates for reporting requirements. The EBA remains committed to the timely and accurate implementation of the banking package. In this context, this CP introduces a new reporting framework for TCBs, derived from the requirements and mandate set out in the CRD. This framework encompasses financial and prudential data related to the TCBs themselves, as well as additional information concerning the head undertaking.

3.2 Overview of the mandate and general remarks

9. While Article 48l of the CRD provides the mandate for the EBA to develop this draft ITS, Article 48k of CRD specifies the reporting requirements, detailing the information to be submitted at the branch level (paragraph 1) and regarding the head undertaking (paragraph 2). The ITS currently under consultation address the reporting requirements outlined in Article 48k(1) through Annex I (templates) and its instructions, while the requirements under Article 48k(2) are addressed in Annex II (templates) and its instructions.
10. Article 47(3) of the CRD defines a head undertaking as *“an undertaking which has its head office in a third country and which has established a TCB in the Member State, and the intermediate or ultimate parent undertakings of that undertaking, as applicable”*. Consequently, the templates required under Article 48k(2) of the CRD may need to be submitted for more than one head undertaking.
11. For the aggregation of the total assets and liabilities of the third-country group (TCG) within the Union, as required under point (a) of Article 48k(2) of CRD and for the purpose of reporting the services provided by the HU to clients established or situated in the Union on the basis of reverse solicitation of services in accordance with Article 21c of the CRD, the TCG shall be assessed at the level of the ultimate head undertaking of that group.
12. The example below illustrates an imaginary TCG that holds assets and liabilities within the Union through multiple subsidiaries and branches. In this scenario, Bank A serves as the direct head undertaking of TCB 1. Bank D acts as the direct head undertaking of TCB 2 and TCB 3. Bank C is

the direct head undertaking of TCB 4. Bank B functions as the intermediate head undertaking of TCB 2 and of TCB 3. Bank A is the ultimate head undertaking of all TCBs. This structure demonstrates the hierarchical relationships within the TCG, with Bank A at the top as the ultimate head undertaking of all TCBs and subsidiaries.

Figure 1 Example for a TCB group



3.2.1 Correspondence between CRD V and CRD VI reporting requirements

13. Not all the requirements under Article 48k of CRD are entirely new. Some of them have been developed based on the requirements already established in Article 47(1a) of the CRD V. The table below highlights the correspondence between the reporting requirements outlined in CRD V and those specified in CRD VI.

Table 1 - Correspondence between the reporting requirements outlined in CRD V and those specified in CRD VI

CRD V	CRD VI
Art.47.1a.(a): the total assets corresponding to the activities of the branch authorised in that Member State	Art. 48k.1(a): the assets and liabilities held on their books in accordance with Article 48h.,
Art.47.1a.(b): information on the liquid assets available to the branch, in particular availability of liquid assets in Member State currencies;	Art. 48k.1(b): the third-country branches' compliance with the requirements that apply to them under this Directive; Art.48f: liquidity requirements
Art.47.1a.(c): the own funds that are at the disposal of the branch;	Art. 48k.1(b): the third-country branches' compliance with the requirements that apply to them under this Directive; Art.48e: minimum capital endowment requirement

Art.47.1a.(d): the deposit protection arrangements available to depositors in the branch	Art. 48k.1(c): on an ad hoc basis, the deposit protection arrangements available to depositors in the third-country branches in accordance with Article 15(2) and (3) of Directive 2014/49/EU of the European Parliament and of the Council.
Art.47.1a.(g): the recovery plans covering the branch	Art. 48k.2(d) the recovery plans of the head undertaking and the specific measures that could be taken on the third-country branches in accordance with those plans, and any subsequent updates and amendments to those plans
Art.47.1a.(h): any other information considered by the competent authority necessary to enable comprehensive monitoring of the activities of the branch	Art. 48k.1(d): additional regulatory requirements imposed on the third-country branches by Member States under national law.

14. Conversely, some requirements in Article 48k of the CRD are entirely new. This applies particularly to most of the information that TCBs are required to report regarding their HU, as detailed in the table below. It also includes the reporting of assets and liabilities originated by the TCB:

Table 2 - Newly introduced reporting requirements in CRD VI

CRD VI – Newly introduced reporting requirements
Art. 48k.1(a): the assets and liabilities originated by the TCB , as well as breakdowns on (booked) assets and liabilities that single out: (i) the largest recorded assets and liabilities classified by sector and counterparty type, including, in particular, financial sector exposures; (ii) significant exposure and funding source concentrations to specified types of counterparties; (iii) significant internal transactions with the head undertaking and with members of the head undertaking's group;
Art. 48k.2(a): aggregated information on the assets and liabilities held or booked, respectively, by the subsidiaries and other TCBs of that HU's group in the Union
Art. 48k.2(b): the HU's compliance with the applicable prudential requirements on an individual and consolidated basis
Art. 48k.2(c): significant supervisory reviews and assessments, when those are conducted on the HU, and the consequent supervisory decisions
Art. 48k.2(e): the HU's business strategy in relation to the TCB and any subsequent changes to that strategy
Art. 48k.2(f): the services provided by the HU to clients established or situated in the Union on the basis of reverse solicitation of services in accordance with Article 21c.

3.2.2 Proportionality and templates' addressees

15. The principle of proportionality is introduced through the classification of the TCBs into two distinct categories: Class 1 and Class 2. This classification ensures that regulatory requirements are tailored to the size, complexity, and risk profile of the TCBs, thereby promoting a balanced and risk-sensitive supervisory approach.

16. This draft ITS implement proportionality through a 'core plus supplement approach', requiring a core set of information from all TCBs, while mandating more detailed and comprehensive information from Class 1 TCBs.

17. For templates related to the HU (Annex II), no proportionality has been applied, as the entire set of information is considered relevant regardless of the TCB's classification.

3.2.3 Reporting frequencies

18. As mandated by Article 48k of CRD, paragraph 1 of Article 48l requires the EBA to specify reporting frequencies for the templates. However, paragraph 2 of Article 48l sets out minimum reporting frequencies: Class 1 TCBs shall report at least twice a year, while Class 2 TCBs shall report at least annually. In compliance with these two requirements, this ITS sets the following specific reporting frequencies for each template in Annex I:

Table 3 – Frequency set out in Annex I to this ITS

Template code	Reporting frequencies	Addresses	Name of the template /group of templates
Financial information			
E 01.01	Quarterly	Class 1 TCBs	Assets and liabilities booked and originated by the third country branch
E 01.02	Quarterly	Class 2 TCBs	Assets and liabilities booked and originated by the third country branch
E 02.00	Quarterly	Class 1 TCBs / Class 2 TCBs	Off-balance sheet items held and originated by the third country branch
E 03.01	Semi-annually	Class 1 TCBs	Largest assets and significant exposure concentrations
E 03.02	Annually	Class 2 TCBs	Largest assets and significant exposure concentrations
E 04.01	Semi-annually	Class 1 TCBs	Largest liabilities and significant funding sources concentrations
E 04.02	Annually	Class 2 TCBs	Largest liabilities and significant funding sources concentrations
E 05.01	Semi-annually	Class 1 TCBs	Significant internal transactions with the HU and with members of the HU's group - Amounts payable to and amounts receivable
E 05.02	Annually	Class 2 TCBs	Significant internal transactions with the HU and with members of the HU's group - Amounts payable to and amounts receivable
E 06.01	Semi-annually	Class 1 TCBs	Significant internal transactions with the HU and with members of the HU's group - Expenses and income generated by transactions
E 06.02	Annually	Class 2 TCBs	Significant internal transactions with the HU and with members of the HU's group - Expenses and income generated by transactions
Regulatory information			
E 07.01	Quarterly	Class 1 TCBs	Computation of the minimum capital endowment requirement
E 07.02	Quarterly	Class 2 TCBs	Computation of the minimum capital endowment requirement
E 08.01	Quarterly	Class 1 TCBs	Deposited assets covering for the MCER and monitoring of the evolution of the escrow account
E 08.02	Quarterly	Class 2 TCBs	Deposited assets covering for the MCER and monitoring of the evolution of the escrow account
E 09.01	Monthly	Class 1 TCBs	Liquidity coverage - calculations
E 09.02	Monthly	Class 2 TCBs	Liquidity coverage - calculations
E 10.00	Semi-annually/ Annually	Class 1 TCBs / Class 2 TCBs	Deposit protection arrangements available to depositors in the third-country branches in accordance with Article 15(2) and (3) of DGSD

19. For Annex II, the reporting frequencies set out by this ITS are the minimum frequencies outlined in Article 48(2) of CRD, except for the templates H 01.00 and H 02.00, which address the reporting of the aggregated assets and liabilities of the TCB in the Union. For these templates, this ITS prescribes a higher reporting frequency.

Table 4 - Frequency set out in Annex II to this ITS

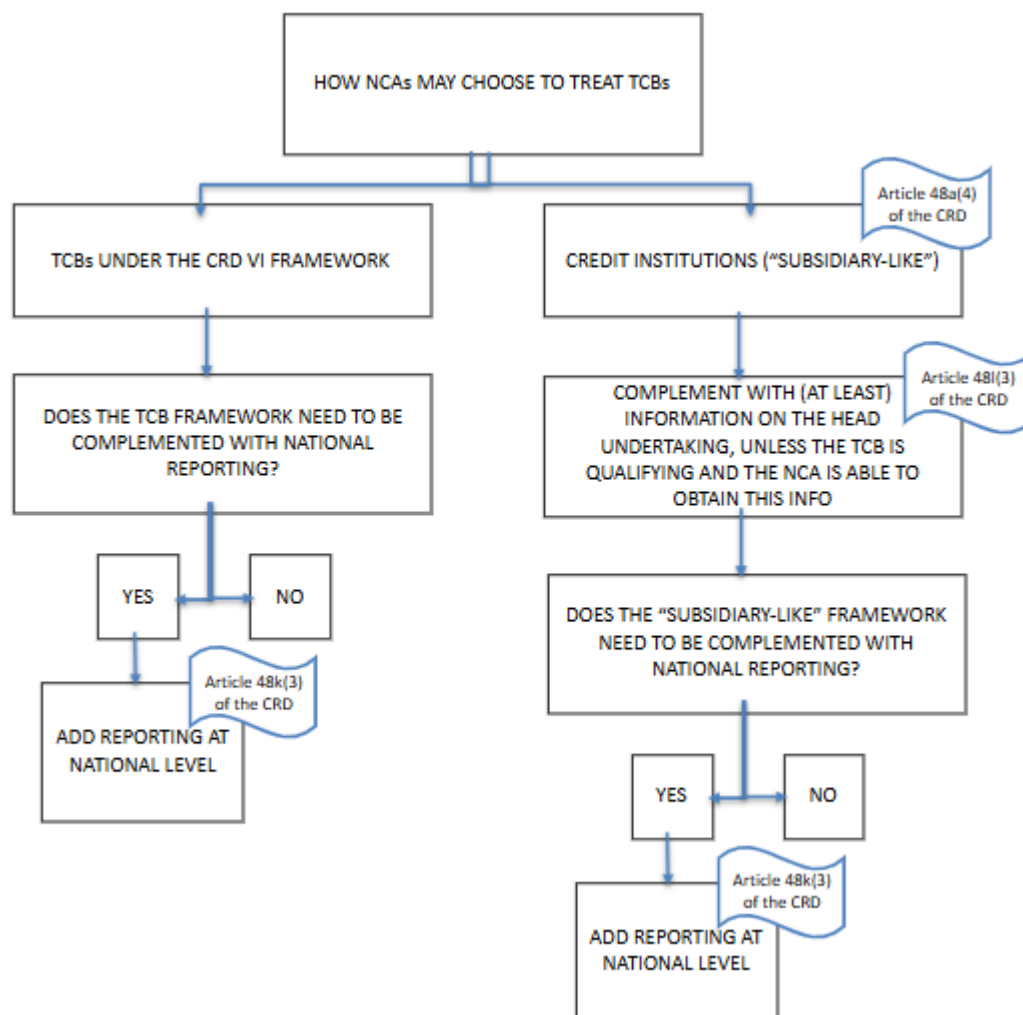
Template code	Reporting frequencies	Addressees	Name of the template /group of templates
Quantitative information			
H 01.00	Quarterly	Class 1 TCBs / Class 2 TCBs	Ultimate head undertaking's aggregated assets and liabilities in the Union
H 02.00	Quarterly	Class 1 TCBs / Class 2 TCBs	Information on the subsidiaries and other third-country branches of the third-country group in the Union
H 03.01	Semi-annually/ Annually	Class 1 TCBs / Class 2 TCBs	Head undertaking's compliance with the applicable prudential requirements (Basel III)
H 04.00	Semi-annually/ Annually	Class 1 TCBs / Class 2 TCBs	Services provided by the head undertaking on the basis of reverse solicitation of services
Qualitative information			
H 03.02	Semi-annually/ Annually	Class 1 TCBs / Class 2 TCBs	Head undertaking's compliance with the applicable prudential requirements (other than Basel III)
H 05.00	Semi-annually/ Annually	Class 1 TCBs / Class 2 TCBs	Head undertaking's significant supervisory reviews and assessments
H 06.00	Semi-annually/ Annually	Class 1 TCBs / Class 2 TCBs	Head undertaking's recovery plans and the specific measures that could be taken on the third-country branches in accordance with those plans
H 07.00	Semi-annually/ Annually	Class 1 TCBs / Class 2 TCBs	Head undertaking's business strategy in relation to the TCB

3.2.4 National specificities for Member States choosing not to adopt and transpose the TCB minimum harmonization regime in the CRD VI

20. Article 48a(4) of the CRD clarifies that Member States may choose to apply to all or some of their TCBs the same requirements that are applicable to credit institutions authorised under the CRD. This includes the application of reporting requirements. In such cases, TCBs would adhere to the reporting requirements specified in the EBA reporting framework, rather than the TCB-specific reporting framework under this draft ITS. When implementing this approach, CAs must ensure that the reporting requirements effectively address the objectives and minimum standards established under the TCB regime of CRD VI. This alignment must be achieved not only in theory but also in practice.

21. Member States will still be required, in any case, to provide for and enforce those TCB-specific reporting obligations. This includes, but might not be limited to, the requirements regarding the financial and regulatory information on the head undertakings of the TCBs.

Figure 2 – National specificities for TCBs treatment by NCAs



3.2.5 National specificities for Member States choosing to adopt and transpose the TCB minimum harmonization regime in the CRD

22. The specifications outlined in this ITS establish the minimum reporting obligations based on the standardised templates developed by the EBA to address the reporting requirements specified in points (a) to (c) of Article 48k(1) and all points in Article 48k(2) of the CRD. CAs may impose additional reporting requirements for TCBs under national legislation. This could occur, as highlighted in paragraph 3 of Article 48k of the CRD, where a CA "considers additional information necessary to gain a comprehensive understanding of the business, activities, or financial soundness of the third-country branches or their head undertaking, to verify their compliance with applicable laws, and to ensure the branches adhere to those laws..

23. Article 48k(3) of the CRD allows for optionality and national discretion, while point (d) of Article 48k(1) of the CRD includes additional national requirements within the scope of regulatory and financial information TCBs must report to their CAs. This ITS does not propose any standardised templates for the requirements mentioned in point (d) of Article 48k(1) of the CRD.

3.3 Reporting details by topic

24. As a general remark, most of the information submitted under Annex I refers to financial information, with some exceptions referring to prudential information. Information shall generally be requested based on the financial year end of the TCB.

25. The information requested in Annex II is primarily qualitative in nature and shall generally also be provided based on the financial year-end of the TCB.

3.3.1 Financial information on third-country branches

26. To ensure harmonisation of definitions and integration of reporting, all information under Article 48k(1) of the CRD shall be reported using consistent definitions based on accounting concepts (carrying and nominal amounts).

27. Point (a) of Article 48k(1) of the CRD is addressed by templates E 01.01, E 01.02 and E 02.00. Assets, liabilities, and off-balance-sheet items are categorised by instrument type in the rows. Furthermore, assets and liabilities are categorised by their booked and originated amounts in the columns. For Class 1 TCBs, originated amounts are further split by whether the TCB retains continuing involvement. For Class 2 TCBs, the breakdown is limited to financial instruments.

28. Points (i) and (ii) of Article 48k(1)(a) of the CRD, covering breakdowns for largest recorded assets and liabilities by counterparty type and significant exposure and funding source concentrations are addressed by templates E 03.01, E 03.02, E 04.01, and E 04.02.

29. Point (a)(iii) of Article 48k(1) of the CRD, addressing significant internal transactions with the head undertaking and with members of the head undertaking's group is covered by templates E 05.01, E 05.02, E 06.01, and E 06.02.

3.3.2 Regulatory information on third-country branches

30. Point (b) of Article 48k(1) of the CRD indirectly references to two key requirements introduced by CRD VI in its Title VI: Capital endowment requirements as outlined in Articles 48e and 48o of the CRD and liquidity requirements as specified in Article 48f of the CRD.

31. Templates E 07.01 and E 07.02 facilitate the computation of the capital endowment requirement (CER), whereas templates E 08.01 and E 08.02 are designed to support the monitoring of the assets to be deposited by the TCB in escrow, in fulfilment of their CER. Class 1 templates shall be reported for significant currencies to ensure that this ITS aligns with several aspects of the Draft Guidelines on instruments available for TCBs for unrestricted and immediate use to cover risks or losses as outlined under Article 48e(2)(c) of the CRD.

32. The provisions of Article 48f of the CRD pertain to the fulfilment of the prudential liquidity requirement, not the reporting liquidity requirement. Paragraph 2 of Article 48f of the CRD mandates that MS require Class 1 TCBs to comply with the liquidity coverage requirement laid down

in Part Six, Title I, of Regulation (EU) No 575/2013 (CRR) and in Commission Delegated Regulation (EU) 2015/61 (LCR Delegated Regulation). Template E 09.01 aligns with both the CRR and LCR Delegated Regulation. Template E 09.02 enables a proportionately simplified reporting for Class 2 TCBs, which must hold unencumbered liquid assets sufficient to cover liquidity outflows for a 30-day period.

33. Point (c) of Article 48k(1) of the CRD is addressed through template E 10.00, though not all TCBs in the EU are subject to this template. Article 48k(1)(c) of the CRD refers to cases under Directive 2014/49/EU (DGSD) where a TCB may operate in a Member State without joining the host MS's DGS. However, under the ongoing Reform of bank crisis management and deposit insurance framework¹, the forthcoming DGSD3 is expected to prohibit this scenario requiring all TCBs to join the host Member State's DGS as a condition for authorisation. As such, template E 10.00 may become obsolete. Nevertheless, due to uncertainty regarding the timing and application of DGSD3, this CP includes a provisional version of the template.

3.3.3 Quantitative information on the head undertaking

34. Point (a) of Article 48k(2) of the CRD is addressed through templates H 01.00 and H 02.00 as follows: In template H 02.00, TCBs shall report the information required for all entities that are part of the same third-country group, as determined at the level of the ultimate HU of that group.

35. In template H 01.00, the TCBs shall aggregate the assets and liabilities for all entities that belong to the third-country group including those reported in template H 02.00 as well as their own booked assets and liabilities.

36. Point (b) of Article 48k(2) of the CRD is addressed through templates H 03.01 and H 03.02. Template H 03.01 provides supervisors with a summary of key Basel III metrics including the own funds, the risk weighted assets, the liquidity coverage ratio, the net stable funding ratio and the leverage ratio. This applies where the HU of the reporting TCB operates under prudential legislation in its third country that aligns with Basel III standards. Template H 03.02 requires TCBs to provide detailed information on key metrics in cases where the jurisdiction of the HU does not apply Basel III definitions

37. Point (f) of Article 48k(2) of the CRD is addressed through template H 04.00. Article 21c of CRD prohibits the direct provision of core banking services from third countries, requiring the establishment of a TCB in the MS where such core banking services are intended to be provided, while permitting the provision of services via reverse solicitation. Template H 04.00 facilitates the collection of key quantitative data, such as net revenues, assets, liabilities and off-balance sheet items, related to the provision of core banking services under this modality. Additionally, the template provides a focused breakdown of data for the two MSs that account for the largest share of services provided in the Union through reverse solicitation.

¹ https://finance.ec.europa.eu/publications/reform-bank-crisis-management-and-deposit-insurance-framework_en

3.3.4 Qualitative information on the head undertaking

38.Regarding the information to be reported on the head undertaking under Article 48k(2) of the CRD, points (c) to (e) refer to information that it is primarily qualitative in nature and, as such, cannot be submitted using the standard XBRL format. This applies for templates H 05.00 covering significant supervisory reviews and assessments of the HU, H 06.00 related to the recovery plans of the HU and H 07.00 which addresses the business strategy of the HU in relation to the reporting TCB.

4. Draft implementing technical standards

In between the text of the draft ITS that follows, further explanations on specific aspects of the proposed text are occasionally provided, which either offer examples or provide the rationale behind a provision, or set out specific questions for the consultation process. Where this is the case, this explanatory text appears in a framed text box.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

laying down implementing technical standards for the application of Directive 2013/36/EU of the European Parliament and of the Council with regard to third country branches reporting
(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, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC², and in particular Article 48l(1), the fourth subparagraph thereof,
Whereas:

- (1) Directive 2024/1619 of the European Parliament and of the Council³ amending Directive 2013/36/EU introduced a new regime, in Title VI, for the establishment, regulation and supervision of third country branches in the Union which sets out additional supervisory powers for competent authorities with regard to third-country branches. As part of this regime, and for the purpose of framing the use of the additional supervisory powers for third-country branches, specification of the information to be received by the competent authorities should include all information that is necessary for facilitating the effective supervision of compliance by third-country branches with applicable prudential and supervisory requirements.
- (2) According to Article 48l(1) second sub-paragraph of Directive 2013/36/EU these reporting requirements are to be proportionate to the classification of third-country branches as either Class 1 or Class 2. Therefore, two sets of templates should be developed, one for each class, in accordance with an approach whereby Class 1 third-country branches are expected to report more detailed information than Class 2.
- (3) In order to harmonise the supervisory practices regarding third-country branches at the Union level and to allow for a comprehensive view of the core banking services provided by head undertakings into the Union upon reverse solicitation, it is necessary for this Regulation to also specify reporting remittance dates.
- (4) This Regulation is based on the draft implementing technical standards submitted to the Commission by the EBA.
- (5) 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

² OJ L 176, 27.6.2013, p. 338–436

³ Directive (EU) 2024/1619 of the European Parliament and of the Council of 31 May 2024 amending Directive 2013/36/EU as regards supervisory powers, sanctions, third-country branches, and environmental, social and governance risks (OJ L, 2024/1619, 19.6.2024, ELI: <http://data.europa.eu/eli/dir/2024/1619/oj>).

benefits, and requested the advice of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council⁴.

- (6) To provide third-country branches with sufficient time to prepare for reporting in accordance with this Regulation, it should enter into force on the day following the date of its publication in the Official Journal of the European Union. Nevertheless, and for the same reasons, on the year of publication of this Regulation, third-country branches should be required to comply with their reporting obligations only for the annual reference date.
- (7) Those templates catering for the reporting requirements under Article 48k(1) that are dependent on underlying provisions in Articles 48h, 48e and 48f of Directive 2013/36/EU, will only become applicable on 11 January 2027. In this case third-country branches should comply with the reporting obligations associated those templates in the subsequent reference date as most immediately applicable.

HAS ADOPTED THIS REGULATION:

Article 1

Reporting reference dates

1. Third-country branches shall submit the information referred to in this Regulation to competent authorities as this information stands on the following reporting reference dates:
 - (a) monthly reporting: on the last day of each month;
 - (b) quarterly reporting: 31 March, 30 June, 30 September and 31 December;
 - (c) semi-annual reporting: 30 June and 31 December;
 - (d) annual reporting: 31 December.
2. Third-country branches shall report the financial and regulatory information referred to in Annex I in accordance with the IFRS or with national accounting frameworks and referring to a certain period cumulatively from the first day of the accounting year to the reference date.
3. Where third-country branches are permitted by national laws to report their financial and regulatory information based on their accounting year-end, which deviates from the calendar year-end, reporting reference dates may be adjusted accordingly, so that the reporting is also done every one, three, six or twelve months from their accounting year-end.

⁴ 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, 15.12.2020, p. 12).

Article 2

Reporting remittance dates

1. Third-country branches shall submit information referred to in Annexes I and II to competent authorities by close of business on the following remittance dates:
 - (a) monthly reporting: 15th calendar day after the reporting reference date;
 - (b) quarterly reporting: 12 May, 11 August, 11 November and 11 February;
 - (c) semi-annual reporting: 11 August and 11 February;
 - (d) annual reporting: 11 February.
2. If the remittance day is a public holiday in the Member State of the competent authority to which the report is to be provided, or a Saturday or a Sunday, data shall be submitted on the following working day.
3. Where third-country branches report their financial information using adjusted reporting reference dates based on their accounting year-end as set out in Article 1(3), the remittance dates may also be adjusted accordingly so that the same remittance period from the adjusted reporting reference date is maintained.
4. Third-country branches may submit unaudited figures. Where audited figures deviate from submitted unaudited figures, the revised, audited figures shall be submitted without undue delay. Unaudited figures are figures that have not received an external auditor's opinion whereas audited figures are figures audited by an external auditor expressing an audit opinion.
5. Other corrections to the submitted reports shall also be submitted to the competent authorities without undue delay.

Article 3

Reporting on regulatory and financial information on third-country branches

1. Third-country branches that meet the criteria set out in Article 48a(1) of Directive 2013/36/EU (Class 1) shall submit the templates with information on their own regulatory and financial information as specified in Annex I as follows:
 - (a) template 9.1 with a monthly frequency;
 - (b) templates 1.1, 2, 7.1 and 8.1 with a quarterly frequency;
 - (c) templates 3.1, 4.1, 5.1, 6.1 and 10 with a semi-annual frequency.
2. Third-country branches that do not meet the criteria set out in Article 48a(1) of Directive 2013/36/EU (Class 2) shall submit the templates with information on their own regulatory and financial information as set out in Annex I, as follows:
 - (a) template 9.2 with a monthly frequency;
 - (b) templates 1.2, 2, 7.2 and 8.2 with a quarterly frequency;
 - (c) templates 3.2, 4.2, 5.2, 6.2 and 10 with an annual frequency.

Article 4

Regulatory and financial information on the head undertaking

1. Third-country branches that meet the criteria set out in Article 48a(1) of Directive 2013/36/EU (Class 1) shall submit the templates with information on the regulatory and financial information of their head undertaking as set out in Annex II, as follows:
 - (a) templates 1 and 2 with a quarterly frequency;
 - (b) templates 3, 4, 5, 6 and 7 with a semi-annual frequency.
2. Third-country branches that do not meet the criteria set out in Article 48a(1) of Directive 2013/36/EU (Class 2) shall submit the g templates **with information on the regulatory and financial information of their head undertaking** as set out in Annex II, as follows:
 - (a) templates 1 and 2 with a quarterly frequency;
 - (b) templates 3, 4, 5, 6 and 7 with an annual frequency.

Article 5

IT solutions, reporting templates and instructions

1. The EBA shall ensure that the IT solutions, including instructions, developed pursuant to Article 48l(1) of Directive 2013/36/EU comply with the uniform reporting formats laid down in this Regulation at all times and include all the data points and information listed in Annexes I and II to this Regulation
2. The EBA shall make available on its website the IT solutions, including instructions referred to in paragraph 1. The EBA shall keep those IT solutions up-to-date and available in all official languages.

Article 6

Data exchange formats and information accompanying submissions

1. Third-country branches shall submit the information referred to in this Regulation in the data exchange formats and representations specified by the competent authorities, respect the data point definition of the data point model and the validation formulae referred to in the IT solutions made available on the EBA website, and comply with the following specifications:
 - (a) they shall not include information in the data submission that is not required or not applicable;
 - (b) they shall submit numerical values as follows:
 - (i) they shall report data points with the data type 'Monetary' using a minimum precision equivalent to ten thousands of units;
 - (ii) they shall express data points with the data type 'Percentage' as per unit with a minimum precision equivalent to four decimals;

- (iii) they shall not use decimals when reporting data points with the data type ‘Integer’ and shall use a precision equivalent to units;
 - (c) they shall identify institutions and insurance undertakings solely by their Legal Entity Identifier (LEI);
 - (d) they shall identify entities and counterparties other than institutions and insurance undertakings by their LEI, where available. When not available, they shall be identified by their National Code.
2. Third-country branches shall, together with the submitted information, submit the following information:
- (a) reporting reference date and reference period;
 - (b) reporting currency;
 - (c) accounting standard;
 - (d) Legal Entity Identifier (LEI) of the reporting TCB, where available. When not available, their National Code;

Article 2

Transitional provisions

1. By way of derogation from Article 1, all third-country branches shall submit information referred to in this Regulation only on an annual basis on the first year of application of this Regulation.

Article 8

Entry into force and application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
It shall apply from 28 December 2026.

This Regulation shall be binding in its entirety and directly applicable in all Member States.
Done at Brussels,

For the Commission
The President
Ursula von der Leyen

5. Accompanying documents

5.1 Draft cost-benefit analysis / impact assessment

As per Article 15 of Regulation (EU) No 1093/2010 (EBA Regulation), any draft implementing technical standards (ITS) developed by the EBA shall be accompanied by an Impact Assessment (IA), which analyses ‘the potential related costs and benefits’.

This analysis presents the IA of the main policy options included in this Consultation Paper on the draft ITS on the supervisory reporting of Third Country Branches under the minimum harmonisation regime of Directive 2013/36/EU (‘the draft ITS’). The analysis provides an overview of the identified problem, the proposed options to address this problem as well as the potential impact of these options. The IA is high level and qualitative in nature.

A. Problem identification and background

In June 2021, the European Banking Authority (‘EBA’) published the Report on the treatment of incoming third country branches (‘TCBs’) under national law of Member States (EBA/REP/2021/20 or EBA 2021 Report) and recommended a more harmonized approach, underpinned on a centralized equivalence assessment, effective supervisory cooperation with home state regulators and, most importantly, uniform supervisory requirements.

The last amendment of the CRD (‘Directive (EU) 2024/1619’ or ‘CRD VI’) comes to materialise those recommendations. Title VI has been extensively developed in scope to focus both on the relations with third countries but, even more primarily, on establishing a prudential supervisory regime specific for TCBs. As a distinctive trait, the regime applies minimum harmonisation only, as conditioned by the fact that the supervision of TCBs shall remain a national task in nature.

As part of the TCBs regime, Article 48k of CRD specifies the information that TCBs have to report to their competent authorities (CAs). Even though that information is quite similar in the content to the information already requested in the former Article 47(1a) of CRD V, this information is more elaborated and some new requirements have been added by the CRD VI. Therefore, the related existing reporting has to be adapted.

To address this, the EBA has been mandated in the Article 48l(1) of the CRD to develop implementing technical standards (ITS) specifying uniform formats and definitions for, and the frequency of, reporting, and to develop the IT solutions to be applied for the purposes of Article 48k.

B. Policy objectives

The draft ITS on the supervisory reporting of Third Country Branches under the minimum harmonisation regime of Directive 2013/36/EU aims at specifying uniform formats and definitions for, and the frequency of, reporting for the purposes of Article 48k of the CRD.

C. Options considered, assessment of the options and preferred options

Section C. presents the main policy options discussed and the decisions made by the EBA during the development of the Draft ITS. Advantages and disadvantages, as well as potential costs and benefits from the qualitative perspective of the policy options and the preferred options resulting from this analysis, are provided.

Templates regarding the head undertaking

As mentioned above, Article 48l(1) of the CRD mandates the EBA to develop implementing technical standards for the provision of information related to TCBs as detailed in Article 48k of the CRD. Article 48k of the CRD mentions that the reporting of TCBs should include information on “*significant internal transactions with the head undertaking and with members of the head undertaking’s group*” and Article 48l(1) that “*The reporting requirements referred to in Article 48k shall be proportionate to the classification of third-country branches as either class 1 or class 2*”. In this context, the EBA considered two options.

Option 1a: Including proportionality in the templates regarding the TCBs head undertaking

Option 1b: Not including proportionality in the templates regarding the TCBs head undertaking

Including proportionality in the templates regarding the TCBs head undertaking could reduce the reporting burden for Class 2 TCBs and align with the general principle of proportionality under the CRD VI. It might also allow for a more tailored approach to data collection, reflecting the lower risk profile of these TCBs. However, this would require the development and maintenance of two separate sets of templates.

On the other hand, not including proportionality in the templates regarding the TCBs’ head undertaking would ensure that all relevant information under Article 48k(2) of the CRD is collected uniformly, regardless of the TCB’s classification. This approach would support consistency, comparability, and completeness of TCBs head undertakings data. Above all, the EBA considered that all data points requested for class 1 TCBs are necessary, and this justifies the use of a similar template for class 2 TCBs.

Based on the above, **Option 1b has been chosen as the preferred option** and the draft ITS will not include proportionality in the templates regarding the TCBs head undertaking.

Liquidity Coverage Ratio (‘LCR’) information

According to Article 48f(2) of the CRD, class 1 TCBs are required to comply with the LCR requirements laid down in Part Six, Title I, of Regulation (EU) No 575/2013 and in Commission Delegated Regulation (EU) 2015/61, but the CRD VI does not give specific guidance when it comes to the class 1 TCBs' LCR reporting. In this regard, the EBA considered two options.

Option 2a: Requesting the Class 1 TCBs to report the whole LCR framework (like for Credit Institutions)

Option 2b: Requesting the Class 1 TCBs to report only one LCR template (i.e. C76.00)

Requesting Class 1 TCBs to report the entire LCR framework, like for Credit Institutions, could ensure highest alignment with the liquidity requirements laid down in Part Six, Title I, of Regulation (EU) No 575/2013 (and in Commission Delegated Regulation (EU) 2015/61) and provide supervisors with granular data. It would also mirror the reporting obligations of credit institutions, supporting consistency across entities. However, this would imply submitting five to six extensive templates, which would be highly disproportionate compared to the rest of the TCB reporting framework. It would also significantly increase the reporting burden and implementation costs for both class 1 TCBs and competent authorities.

On the other hand, requesting only one template (i.e. C76.00) allows for a more proportionate approach while still capturing the key components of the LCR. This summary template provides sufficient insight into LCRs data and computation without overwhelming reporting entities.

Based on the above, **Option 2b has been chosen as the preferred option**. The draft ITS will therefore require class 1 TCBs to report only one LCR template (i.e. C76.00 – which is referenced as E09.01 in the TCB reporting framework).

TCB reporting vs Credit Institutions reporting

The EBA considered two options regarding the alignment of the TCB reporting with the Credit institutions reporting:

Option 3a: Tailoring the TCB reporting templates with regard to the TCBs specificities

Option 3b: Aligning some of the TCBs reporting templates to the Credit Institutions templates

Tailoring the TCB reporting templates towards TCBs' specificities could allow for more focused reporting inflation, reflecting the unique structure and operations of TCBs. However, this approach would require the development of entirely new templates, increasing design and implementation complexity. It could also hinder comparability with Credit Institutions and reduce the efficiency of supervisory analysis across different types of entities.

On the other hand, aligning at least part of the TCBs reporting templates to the Credit Institutions templates supports consistency and comparability of data across the EU banking sector. Templates based on – even though less detailed – to those used for large exposures, LCR and ALMM were included to facilitate supervisory review and reduce implementation costs for TCBs that are part of

groups already using these templates. This approach also benefits competent authorities by enabling more streamlined data integration and analysis.

Based on the above, **Option 3b has been chosen as the preferred option**. The draft ITS will therefore try to align, especially for these three specific topics, the TCBs reporting templates to the Credit Institutions templates. Nevertheless, for the remaining topics, the templates are proposed to be TCB-specific.

D. Conclusion

The development of the draft Implementing Technical Standards (ITS) on the supervisory reporting of Third Country Branches under the minimum harmonisation regime of Directive 2013/36/EU is intended to specify uniform formats and definitions for, and the frequency of, reporting for the purposes of Article 48k of the CRD. The costs associated with the implementation of these ITS are not deemed to be material and are largely absorbed by the existing compliance requirements under Article 48 of the CRD. The expected benefits - namely improved enhanced supervisory convergence and greater transparency - are expected to outweigh the limited costs. Overall, the impact assessment on the draft ITS suggests that the expected benefits are higher than the incurred expected costs.

5.2 Overview of questions for consultation

- Question 1** Are the scope and level of application of the reporting requirements and the content of all the templates and the instructions clear and appropriate?
- Question 2** Do the respondents identify any discrepancies between these templates and instructions and the calculation of the requirements set out in the underlying regulation?
- Question 3** Do the respondents agree that the ITS fits the purpose of the underlying regulation?
- Question 4** Do the respondents consider the transition period and frequency of the first year reporting clear and feasible?
- Question 5** Cost of compliance with the reporting requirements: Is or are there any element(s) of this proposal for new and amended reporting requirements that you expect to trigger a particularly high, or in your view disproportionate, effort or cost of compliance? If yes, please:
- specify which element(s) of the proposal trigger(s) that particularly high cost of compliance,
 - explain the nature/source of the cost (i.e. explain what makes it costly to comply with this particular element of the proposal) and specify whether the cost arises as part of the implementation, or as part of the on-going compliance with the reporting requirements,
 - offer suggestions on alternative ways to achieve the same/a similar result with lower cost of compliance for you.
- Question 6** In particular, are there challenges foreseen in obtaining detailed data on the head undertaking or other group entities, especially for Class 2 TCBs? Would further proportionality be helpful, especially regarding remittance date? How could it be implemented?
- Question 7** Article 48h(1) of the CRD (as further developed in the RTS on booking arrangements) requires the maintenance of a registry book that allows to track and keep a comprehensive and precise record of all the assets and liabilities booked or originated. Have you foreseen that, according to the proposed breakdown in columns 0050 and 0060 of template E 01.01, such a registry book should also allow you to distinguish between the originated amounts where servicing (or other type of continuing involvement) is maintained and

the originated amounts where no continuing involvement is maintained at all?

- Question 8** Do you have any specific comment regarding templates E 01.01/E 01.02 and their instructions?
- Question 9** Do you have any specific comment regarding template E 02.00 and its instructions?
- Question 10** Do you have any specific comment regarding templates E 03.01/E 03.02 and their instructions?
- Question 11** Do you have any specific comment regarding templates E 04.01/E 04.02 and their instructions?
- Question 12** Do you have any specific comment regarding templates E 05.01/E 05.02 and their instructions?
- Question 13** Do you have any specific comment regarding templates E 06.01/E 06.02 and their instructions?
- Question 14** Do you have any specific comment regarding templates E 07.01/E 07.02 and their instructions?
- Question 15** Do you have any specific comment regarding templates E 08.01/E 08.02 and their instructions?
- Question 16** Do you have any specific comment regarding templates E 09.01/E 09.02 and their instructions?
- Question 17** Do you have any specific comment regarding template E 10.00 and its instructions?
- Question 18** Do you have any specific comment regarding template H 01.00 and its instructions?
- Question 19** Do you have any specific comment regarding template H 02.00 and its instructions?
- Question 20** Do you have any specific comment regarding templates H 03.01/H 03.02 and their instructions?
- Question 21** Do you have any specific comment regarding template H 04.00 and its instructions?
- Question 22** Do you have any specific comment regarding template H 05.00 and its instructions?
- Question 23** Do you have any specific comment regarding template H 06.00 and its instructions?
- Question 24** Do you have any specific comment regarding template H 07.00 and its instructions?