23 July 2026

EBA/CP/2026/14

Consultation Paper

Draft Implementing Technical Standards

on providing information by credit institutions to DGSs, and by DGSs and designated authorities to the EBA under Directive 2026/804/EU

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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 23.10.2026. 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

Directive (EU) 2026/208/EU of the European Parliament and of the Council on deposit guarantee schemes ("DGSD3") in recital 46 states that "to increase transparency for depositors and to promote financial robustness and trust among DGSs when fulfilling their mandates, the current reporting requirements should be improved." In that context, Article 16a(7) of the Directive 2014/49/EU[1], as inserted by Article 1 of the DGSD3 confers a mandate on the EBA to "develop draft implementing technical standards to specify the procedures to be followed and the minimum contents of the information referred to in paragraph 1 [on information needed for DGSs to carry out stress tests and prepare for a repayment of deposits] […], and the procedures, templates and the content of the information referred to in paragraphs 3 [on DGSs' available financial means and amount of covered deposits] and 4 [on information on uses of DGS funds in real-life interventions].".

To fulfil this mandate, these draft ITS propose harmonised minimum requirements for information exchange between credit institutions, DGSs, designated authorities (DGSDAs) and the EBA, to ensure that relevant information is available and accurate, that procedures are efficient and timely without creating unnecessary burden, and that data on the use of DGS funds is collected and published in a transparent, user-friendly manner.

To strike the right balance between providing credit institutions, DGSs and designated authorities with sufficient flexibility, on the one hand, and their operational readiness, data quality and transparency, on the other, these ITS specify the following:

- A minimum list of data to be provided by credit institutions to DGSs for the purpose of stress testing and payout preparedness, including basic depositor identification data, information about the amount of eligible deposits held by the credit institutions, and indicators for specific cases, such as cross-border deposits, client funds and ML/TF-related suspensions. The indicators proposed build on current best practices among the EU DGSs,

- A timely procedure for the provision of requested information from credit institutions to DGSs, requiring DGSs to set and communicate a deadline not exceeding three working days from receipt of the request,

- requirements concerning annual reporting by DGSs to the EBA on covered deposits and available financial means, largely building on existing reporting, with limited additional data points to support comparability and annual publication by the EBA that are in a consolidated, data-extractable format and subject to confidentiality safeguards,

[1] Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (OJ L 173, 12.6.2014, pp. 149–178).

- notifications by designated authorities to the EBA on cases when deposits become unavailable, including pay-outs and other DGS-funded measures, alternative funding arrangements and changes to DGSs, using specified templates, with the aim of the EBA making the information publicly available on its website.

The EBA has developed this ITS by leveraging on established practices and existing data collections from credit institutions to the DGSs and from DGS and DGSDAs to the EBA, and by aiming to ensure the availability and accuracy of the information covered, to establish efficient procedures without creating unnecessary burdens, and to support transparent, user-friendly data collection on the use of DGS funds.

Next steps

The EBA is consulting on the draft ITS for a period of 3 months. Feedback from the public consultation will be taken into account when finalizing the ITS.

3. Background and rationale

3.1. Background

1. Directive 2026/804/EU of the European Parliament and of the Council of 30 March 2026, amending Directive 2014/49/EU as regards the scope of deposit protection, the use of deposit guarantee schemes funds, cross-border cooperation, and transparency (henceforth 'DGSD3') was adopted and published in the Official Journal of the European Union on 20 April 2026. It aims to improve depositor protection, enhance the functioning of DGSs, harmonise rules for DGSs' interventions other than payout proceedings (e.g. preventive or resolution scenarios), and strengthen the effectiveness and cross-border convergence of DGSs.

2. In the context of improving DGSs preparedness for interventions and transparency concerning deposit protection, the DGSD3 confers a mandate on the EBA under Article 16a(7) to "develop draft implementing technical standards to specify the procedures to be followed and the minimum contents of the information referred to in paragraph 1, taking into account the types of depositors, and the procedures, templates and the content of the information referred to in paragraphs 3 and 4."

3. Concerning the procedures and the minimum contents of the information referred to in paragraph 1, article 16a of the DGSD3 states that, "Member States shall ensure that credit institutions maintain at all times and, upon request, provide to the DGS to which they are affiliated all information necessary to carry out the stress testing referred to in Article 4(10) and to prepare for a repayment of deposits, in accordance with the identification requirement laid down in Article 5(4), including the information for the purposes of Article 8(5) and Articles 8b and 8c."

4. Concerning the procedures, templates and the content of the information referred to in Article 16a (3) DGSD3 states that "Member States shall ensure that, by 31 March of each year, DGSs inform EBA of:

   (1) the amount of covered deposits in their Member State on 31 December of the preceding year;

   (2) the amount of their available financial means as at 31 December of the preceding year, including the share of borrowed or lent resources and payment commitments, and,

   (3) in the event of any disbursement of DGS's funds in accordance with Article 8(1) or Article 11(2), (3) or (5), the timeline for reaching the target level.".

5. Furthermore, paragraph 4 of the same article, establishes that the deposit guarantee schemes designated authorities (DGSDAs) should notify EBA about any of the following:

(1) the determination of unavailable deposits,

(2) the repayment of deposits or the application of resolution, preventive or alternative measures the amount of funds used in accordance with those measures, and, where applicable and once available, the amount of funds recovered,

(3) the alternative funding arrangements available and their actual use, and

(4) any DGSs that have ceased to operate and the establishment of any new DGS, including as a result of a merger or started operating on a cross-border basis.

6. The EBA has assessed the mandate in Article 16(a) and related provisions and arrived at the view that the ITS are to achieve the following objectives:

(1) Ensure data availability of the information;

(2) Ensure data accuracy of the information;

(3) Establish efficient procedures, without creating unnecessary burden; and

(4) Ensure transparent data collection about uses of DGS funds in a user-friendly format.

7. The EBA has developed these ITS in order to fulfil this mandate. In what follows below, the rationale section of this Consultation Paper presents the aims of the ITS followed by the rationale for the specific policies proposed.

3.2. Rationale

8. In order to translate the aforementioned objectives into requirements, the EBA has identified and assessed different policy approaches. Accordingly, the remainder of this section outlines those options, and how the EBA proposes to achieve the objectives of the ITS. The presentation is structured around the three key components of the ITS mandated by the DGSD3, namely:

(1) Information from credit institutions to DGSs on eligible depositors and deposits for stress testing and payout purposes,

(2) Information from DGSs to EBA on covered deposits and available financial means, and

(3) Information from DGSDAs to EBA on the use of DGS funds and changes to DGSs.

Information from credit institutions to DGSs on eligible depositors and deposits for stress testing and payout purposes

9. The EBA assessed which data points are necessary for the DGS to carry out the stress testing and to prepare for a repayment of deposits, including the information in Articles 8(5), and Articles 8b and 8c. Furthermore, the EBA assessed which of these data points require further specification in the ITS, and which ones do not require further specifications. In the latter case,

the DGSD3 still requires the credit institution to provide such data points, but without further requirements in relation to those data points in the ITS.

10. The EBA took into account that Article 8(5), 8b and 8c refer to the following cases:

    (1) where it is uncertain whether a person is entitled to receive repayment or the deposit is subject to legal dispute (Article 8(5)(a));

    (2) dormant accounts (Article 8(5)(c));

    (3) the amount to be repaid is to be paid out by the DGS of the host Member State (Article 8(5)(e));

    (4) client funds (Article 8b);

    (5) deposits linked to money laundering and terrorist financing (ML/TF), (Article 8c).

11. Furthermore, the EBA assessed the merits of including further specifications concerning data points not expressly referred to in Articles 8(5), 8b and 8c, but the inclusion of which is essential to carry out the stress testing and to prepare for a repayment of deposits. On that basis, the EBA arrived at the view that further essential data has to include:

    (1) accounts subject to Union restrictive measures (Article 8(5a));

    (2) information on the amount of covered deposits at branches and issued via passported services, as long as such information is essential to the correct repayment of covered deposits.

12. The remainder of this section provides the rationale for the inclusion of these data points. Furthermore, building on the above, the EBA assessed the format in which the data should be reported and the procedures to report it.

Content of the information to be provided by the credit institutions to the DGS

Cases where it is uncertain whether a person is entitled to reimbursement

13. The EBA assessed whether deposits for which “it is uncertain whether a person is entitled to receive repayment or the deposit is subject to legal dispute” require further specifications in the ITS. The EBA assessed current experiences with such cases and whether DGSs have experienced such cases, and if so, in what circumstances this issue arose. The EBA arrived at the view that situations where it is uncertain whether a person is entitled to receive repayment can arise for many different reasons, some of which may also stem from national specificities.

14. On that basis, the EBA has arrived at the view that there is no clear need to specify such cases further in these ITS and, instead, it is best to leave DGSs to provide further national specifications, where needed. Accordingly, this Consultation Paper proposes, in Article 1 of the

draft ITS, to require credit institutions to mark such cases in the SCV files or in other format as prescribed by the DGS, but not to introduce further specifications for such cases in these ITS.

Dormant accounts

15. Article 8(5)(c) of the DGSD3 defines a dormant account as one where "there has been no transaction relating to the deposit within the last 24 months (the account is dormant), except where a depositor also has deposits on another account with the same credit institution that is not dormant".

16. The EBA noted that this definition could still result in different applications, for example if the definition is interpreted as referring to changes to the balance in the account (including by means of the payment of fees or receipt of interest) instead of transactions initiated by the depositor. Furthermore, the EBA identified inconsistent markings in relation to the reporting of dormant accounts in the information transmitted to DGSs. Furthermore, the EBA took into account that Recital 15 of the DGSD3 states that "the administrative cost related to the repayment of small amounts on dormant accounts can outweigh the benefits for the depositors. It is therefore necessary to specify that DGSs should not be obliged to take active steps to repay deposits held in such accounts below certain thresholds [set at national level]". At least some DGSs intend to set the threshold at zero, thus effectively removing the special treatment of dormant accounts. This is relevant because where at national level the threshold is set at zero, it will effectively remove the need to mark accounts as dormant because their treatment will be no different to all other accounts. Thus, in such cases, further specifications of how to mark dormant accounts would not be necessary. Finally, the EBA took further into account that to effectively mark dormant accounts may require changes to the IT systems of credit institutions and may be burdensome for them, as any account is potentially a dormant account depending on the time elapsed between transactions.

17. In light of the above, the EBA has arrived at the view that there is little merit in including specifications in the ITS regarding dormant account and so this Consultation Paper proposes that their treatment should instead be determined at a national level leveraging on existing approaches. Furthermore, the EBA has arrived at the view that marking dormant accounts is relevant only where the threshold for the reimbursement of such accounts exceeds 0. That is the case because if the threshold is set at 0, from a DGS perspective there is no need to know which account is dormant as all of them will be repaid in the same manner.

Cross-border deposits

18. DGSD3 introduces a number of changes to enhance depositor protection in cross-border payouts by: (i) enabling the home DGS to repay directly depositors at branches in another Member State under certain conditions (Article 14(2)(b)); (ii) allowing the host DGS to act as a point of contact for depositors of institutions providing passported services (Article 14(2a)); and, (iii) making explicit reference to information that credit institutions should provide on their cross-border business in other Member States (Article 14(2c)).

19. In addition, Article 16a(2) DGSD3 stipulates that "credit institutions, upon request of a DGS, provide the DGS of which they are a member the information referred to in paragraph 1 about: (a) depositors at branches of those credit institutions in other Member States or, where those deposits are covered by the DGS, in third countries; (b) depositors who are recipients of services provided by member institutions on the basis of the freedom to provide services."

20. The EBA assessed current practices in relation to marking and collecting information on deposits in branches and depositors who are recipients of services provided by member institutions on the basis of the freedom to provide services. The EBA found that industry practices remain insufficiently harmonised. More specifically, the EBA observed that some DGSs do not collect data on branches in other Member States, despite their obligation to obtain all information needed for depositor repayment. Furthermore, although existing bilateral agreements under the Guidelines EBA/GL/2016/02 on cooperation agreements between DGSs[2] already cover the data elements to be exchanged for branches, such cooperation does not always extend to deposits stemming from passported services, as DGSD2 did not explicitly foresee that cooperation was extended to those deposits.

21. Building on the above, the EBA assessed whether the ITS should specify data points to highlight whether a deposit is held in another Member State via a branch or passported service, or not. To this end, the EBA assessed two approaches. The first option is to rely on compliance with Articles 14(2c) and 16a(2) together with cooperation agreements between cross-border DGSs, which would leave outcomes dependent on varying national practices. The second option is to require credit institutions to include these data points in their SCV file or related files, which would operationalise the DGSD3 requirements and ensure that the necessary information is consistently reported and harmonised across Member States. This is particularly important in light of the growing number of neobanks taking deposits stemming from passported services.

22. The EBA assessed the pros and cons of both options and has arrived at the view that the best option is to explicitly specify cross-border data points in the ITS, as it most effectively ensures data availability, harmonisation, and operational readiness for cross-border depositor payouts, thereby fulfilling DGSD3's objectives and the ITS objectives on data availability and accuracy. Therefore, this Consultation Paper proposed in Article 1 of the draft ITS explicitly to refer to cross-border deposits, opened via branches or passported services.

23. The EBA arrived at the view that whether or not an account is opened with a branch will be known by the DGS, since it will know if the SCV file relates to the parent entity, the subsidiary or the branch of a credit institution. Thus, the ITS does not require further specifications.

24. Concerning accounts opened at an institution exercising the freedom to provide services, where depositors make use of those services in a different Member State, the EBA assessed what distinguishes such credit institutions and such depositors. In order to be able to exercise

[2] EBA-GL-2016-02 (Final report on GL on DGS cooperation agreements).pdf

the freedom to provide services, Article 39 of the Capital Requirements Directive (CRD)[3] requires "credit institutions wishing to exercise the freedom to provide services by carrying out its activities within the territory of another Member State for the first time shall notify the competent authorities of the home Member State of the activities […] which it intends to carry out". Thus, the EBA proposes to use that notification as the first condition to determine whether an account if provided by means of freedom to provide services. The EBA then assessed how to distinguish accounts provided by means of freedom to provide services as opposed to providing such accounts under standard conditions. The EBA took into account that the distinguishing feature of such accounts is that, for a sizable proportion of such accounts, it is likely that the depositor resides in a Member State other than where the credit institution is located. While there may be instances when applying these two conditions will not accurately capture each case (for example, where a credit institution has both indicated to the authorities their wish to exercise freedom to provide services in a particular Member State, and also have a branch in that Member State, or where the depositor changes residence without notifying the credit institution), the EBA is of the view that it should accurately capture the vast majority of cases without requiring the collection of additional data points by the credit institution and thus putting undue burden on the credit institutions. Thus, the EBA proposes that the second condition for a deposit to be understood as provided under the freedom to provide services, is that the depositor is in a Member State other than the Member State where the credit institution is authorised. To determine whether this is the case, the Consultation Paper proposes that credit institutions assess if the residential address of the depositor is in a Member State other than the Member State where the credit institution is authorised.

25. Finally, in relation to the identification of depositors who opened deposits under the freedom to provide services, where the DGS has already provided the credit institution with a methodology to be followed to identify such deposits, or where credit institutions in a Member State already have a more precise way to determine whether such deposits were opened under the freedom to provide services, the CP proposes that they should be allowed to use such methodology.

Question 1:

Do you have any comments on the proposed criteria to determine whether the depositor access services by means of freedom to provide services?

[3] 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 and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, pp. 338–436).

Client funds deposits

26. The EBA has observed that currently credit institutions experience difficulties in identifying client funds, and that inconsistent practices across Member States in identifying such accounts further complicate the payout process and reduce transparency for depositors.

27. Building on this finding, the EBA has arrived at the view that it is necessary for the credit institutions to have the necessary information about the client funds, and once they have this information, it is necessary for the credit institutions to mark such client accounts.

28. Article 8b(4) of the DGSD3 mandates the EBA to develop separate RTS on client funds, which the EBA is developing in parallel with these ITS. The Consultation Paper on that RTS on client funds includes proposals how to ensure that credit institutions have the necessary information about client funds and thus there is no need to provide separate requirements in these ITS.

29. To complement the proposed requirements in the separate RTS on client funds, the consultation paper on hand for the ITS on information exchange proposes in its Article 1(2) to require that once the credit institution has the necessary information about client funds, it marks such accounts in the SCV file or a separate file used alongside the SCV for the purposes of the stress testing and to prepare for the repayment of depositors.

30. Furthermore, the EBA noted that, although Article 2(20) of the DGSD3 provides a definition of client funds deposits, and Article 8b(1), provides conditions when client funds deposits are covered by DGSs, the DGSD3 does not define what client accounts are. Based on this, this consultation paper proposes that the ITS should specify when a deposit account is considered to be a client account and that an account should be marked as a client account when:

    - the account holder is a financial institution as defined in point (26) of Article 4(1) of Regulation (EU) No 575/2013; and

    - the deposit account is held to segregate client funds from the firm's own assets in compliance with safeguarding requirements laid down in Union law regulating the activities of the entities referred to in Article 5(1), point (d).

    It should be noted that beneficiary accounts governed by Article 7(3) of DGSD3 are not covered by this ITS, as the EBA considers that their treatment is already adequately defined by the Level 1 text of the DGSD3 and by each DGS in accordance with national transposition legislation.

31. Finally, the EBA assessed how to ensure that a credit institution is aware whether the financial institution that has an account with the credit institution is authorised as an entity subject to safeguarding requirements. The EBA has arrived at the view that the credit institution should require the financial institution to provide such information to it, and the credit institution should provide the DGS with information on the type of authorisation held by the financial institution for their account to be classified as a client account. This Consultation Paper proposes that this requirement should be included but not in these ITS but in the RTS on client

funds, the Consultation Paper which will propose to require credit institutions to have in place a contractual agreement with the financial institutions concerning client funds held in client accounts, except where the national regulation sets forth the procedure for the submission to the DGS of the information on client funds required for payout or stress testing purposes.

Deposits linked to ML/TF

32. In relation to deposits linked to ML/TF, the EBA noted that DGSs have identified data accuracy problems in the information contained in the SCV files transmitted to the DGS. In that context, the EBA assessed which cases linked to ML/TF are relevant for the purpose of markings in the SCV files or other formats specified by the DGS, to be done by the credit institutions. The EBA assessed that in that context only Article 8c(3) imposes a direct requirement on the credit institution to mark a specific depositor. More specifically, the Article states that DGSs shall "suspend the reimbursement of the repayable amount for the same duration as laid down in Article 24 of Directive (EU) 2024/1640 where they are informed by the credit institution or designated authority that the financial intelligence unit referred to in Article 24 of that Directive has suspended a transaction, account or business relationship related to the concerned depositor."

33. Furthermore, Article 8c(2) requires that the "DGS suspends the repayment of the repayable amount where a depositor or any person entitled to sums held in his or her account has been charged with an offence arising out of, or in relation to, money laundering or terrorist financing, pending the judgment of the court", and that "Member States shall establish a procedure which ensures that that information is communicated to the DGS in a timely manner."

34. Finally, Article 5(1) of the DGSD3 states that "deposits arising out of transactions in connection with which there has been a criminal conviction for money laundering or terrorist financing" are excluded from repayment.

35. In light of the above, this Consultation Paper proposes in Article 1(3) of the draft ITS to specify that a credit institution is obliged to submit the data to the DGS in line with procedures to be outlined by the DGS for the purpose of stress testing or in the context of a DGS intervention, whether:

    - the financial intelligence unit referred to in Article 24 of that Directive has suspended a transaction, account or business relationship related to the concerned depositor in accordance with Article 8c(3);
    - the person has been charged with an offence arising out of, or in relation to, money laundering or terrorist financing, pending the judgement of the court;
    - deposits arose out of transactions in connection with which there has been a criminal conviction for money laundering or terrorist financing.

    The requirement applies when the credit institution is aware of such cases, including when it has been informed of them.

36. The EBA has arrived at the view that this approach ensures that any suspensions imposed by the FIU and communicated to credit institutions are accurately captured and transmitted to the DGS.

Union restrictive measures

37. The EBA observed that currently markings in relation to deposits subject to restrictive measures are either included in the SCV files, or excluded from the SCV file, or not captured at all, resulting in discrepancies between Member States. The EBA also noted that Article 8(5a) of the DGSD3 now provides a definition of "´Union restrictive measures' [as] restrictive measures adopted by the Union on the basis of Article 29 TEU or Article 215 TFEU."

38. In light of the above, the EBA has arrived at the view that that definition is sufficiently clear to result in a harmonised marking of such deposits across Member States. Thus, there is no need to provide further specification of what Union restrictive measures mean. However, building on the above findings, this Consultation Paper proposes that Article 1 of the draft ITS require credit institutions to mark in their SCV file or any related file submitted alongside the SCV file by the credit institution to the DGS, when deposits are subject to Union restrictive measures to make sure that information is transmitted to the DGS for the purpose of stress testing and to prepare for a payout.

Minimum information to transmit from the credit institutions to the DGS

39. Article 16a(7) requires the EBA to "specify the procedures to be followed and the minimum contents of the information referred to in paragraph 1, taking into account the types of depositors". In this context, the EBA assessed whether there is merit for the ITS to also set out the minimum information to be reported on eligible depositors, in general, and whether it is necessary to formulate specifications and procedures which would effectively standardise the SCV file. The EBA has arrived at the view that the use of different SCV formats by different DGS does not create any specific issues, and such formats are by now well established and well understood by credit institutions which are obliged to provide the SCV files for regular stress testing by the DGSs. On the other hand, there are certain basic information all SCV files currently include, which provides the possibility to embed existing best practices in these ITS.

40. On that basis, this Consultation Paper proposes in Article 1 of the draft ITS include a basic list of minimum required information for the identification of the depositor and the repayable amount such as type of entity, name, residential address of natural person and address of legal persons, email address, phone number, date of birth, eligible amount, accrued interest and currency. The inclusion of email addresses and phone numbers reflects the importance of having direct contact details to reach depositors where necessary. However, for DGSs that already have alternative means of contacting depositors, such as for example existing official governmental communication platforms, the inclusion of these data fields does not imply an obligation to use them. The minimum set of information also requires the marking of client accounts to distinguish them from regular accounts, as well as marking individual deposits within those accounts as relating to client funds deposits. This is necessary for the DGSs to be able to identify which account is a client account, and then to distinguish individual client funds

deposits from regular depositors, since both the regular deposits and client funds deposits ultimately belonging to the same person, may be placed at the same credit institution.

41. The minimum required information provided in these ITS does not preclude DGSs from specifying additional data points credit institutions are obliged to submit.

Question 2:

Do you have any comments on the proposals concerning cases where it is uncertain whether a person is entitled to reimbursement, cross-border deposits, dormant accounts, client funds, deposits linked to ML/TF and Union restrictive measures, as proposed in Article 1 of the ITS?

Question 3:

Do you have any comments on the proposal concerning the contact details for depositors?

Question 4:

Do you have any comments on the minimum information to be reported by credit institutions to the DGSs, as proposed in Article 1 of the ITS?

Format of the information to be provided by the credit institutions to the DGS

42. Concerning the format, the EBA first assessed whether the ITS should provide a specific template to be used by credit institutions. Based on this assessment, the EBA has arrived at the view that, it is not necessary for the ITS to prescribe a uniform template for credit institutions when sharing information, since no issues have been identified with the national templates used for transmitting data from credit institutions to DGSs, and in order to avoid creating unnecessary burden for the credit institutions and the DGSs.

43. The EBA then assessed if the ITS should formulate requirements in relation to the format in which the information should be submitted to the DGS, or if it is sufficient to specify the data points to be included, regardless of the format. More specifically, the EBA assessed if there is merit in requiring that all the data points required under the ITS should be captured in the SCV file, or the SCV file or associated files, or in some other way. The EBA arrived at the view that including the markings in the SCV file would appear to be the most straight-forward solution which ensures all the necessary information is in one file. On the other hand, the EBA also noted that some DGSs currently capture information in more than one file, and such an approach can work well, too. Thus, the EBA has arrived at the view that in light of existing and well-established procedures in all Member States, it is best to leverage on these existing procedures and not

specify further the precise format in these ITS and instead, leave it up to national implementation. That approach avoids imposing unnecessary burden on the credit institutions and the DGSs.

44. With that in mind, this Consultation Paper proposes not to prescribe any specific template, or any specific format in which the data needs to be provided from the credit institutions to the DGSs and instead leaves it to national implementation.

Question 5:

Do you have any comments on the proposal not to specify the format in which the information should be provided from credit institutions to the DGSs and leave it up to national specifications?

Procedures for the submission of the necessary data by credit institutions to the DGS

45. Finally, the EBA evaluated which procedural elements could be incorporated into the ITS. More specifically, it assessed the merits of including the channel through which credit institutions would transmit data to DGSs, the file formats to be used and the deadline for providing the data.

46. Based on this assessment, the EBA noted that all DGSs already have well-established procedures for transmitting the required information for stress testing and DGS interventions. The EBA has arrived at the view that there appears to be little merit in specifying these procedures further. However, building on the results of the peer review on DGS stress testing, in which the EBA identified that some DGSs had long deadlines for providing the SCV file, the EBA assessed the merits of including a deadline for transmitting such information.

47. Based on the above, the EBA assessed whether the ITS should set a specific deadline, or whether the DGS should be required to set and communicate the deadline to credit institutions in line with existing procedures. The EBA evaluated the advantages of setting a specific deadline within the ITS, such as within 24 hours. The EBA has arrived at the view that this option would ensure that all DGSs receive the information in a timely manner, enabling them to prepare for swift intervention, and would also establish a uniform requirement for credit institutions across the EU. However, the EBA noted that this option would require DGSs to adjust their procedures, resulting in implementation costs. Conversely, the EBA arrived at the view that, if the ITS required the DGS to set the deadline, this would be adapted to existing procedures, remaining flexible as national procedures evolve while preventing the setting of requirements less strict than national rules. Allowing some flexibility would also allow DGS to effectively deal with in-flight transactions. Nevertheless, the EBA noted that this option does not address the current issue of apparently long deadlines for credit institutions to provide the required data to the DGS.

48. Eventually, the EBA has arrived at the view that combining the two options would best achieve the objectives of the mandate, ensuring efficient procedures are established and the long deadlines identified in the peer review are addressed.

49. Therefore, this Consultation Paper proposes in Article 2 of the draft ITS that the DGS should set a deadline for the credit institution to provide the information referred to in Article 16a, with a maximum of three working days.

Question 6:

Do you have any comments on the proposal not to specify the procedure for submitting the information from credit institutions to the DGSs further?

Question 7:

Do you have any comments on the proposal in Article 2 to require the submission of the information from the credit institutions to the DGSs according to the deadline set by the DGS but up to a maximum of three working days from the reception of the request?

Information from DGSs to EBA on covered deposits and available financial means

50. Article 16a(3) of the DGSD3 states that "Member States shall ensure that, by 31 March of each year, DGSs inform EBA of: (a) the amount of covered deposits in their Member State on 31 December of the preceding year; (b) the amount of their available financial means as at 31 December of the preceding year, including the share of borrowed or lent resources and payment commitments, and, (c) in the event of any disbursement of DGS's funds in accordance with Article 8(1) or Article 11(2), (3) or (5), the timeline for reaching the target level" [4]. Furthermore, Article 16a(4) of the DGSD3 requires the EBA to publish the information received under Article 16a(3).

51. On this basis, the EBA assessed which templates, procedures and specifications the ITS should include for the annual reports from DGSs to the EBA on covered deposits, available financial means and potential liabilities. Following the assessment, the EBA has arrived at the view that the reporting requirements in the DGSD3 are not substantially different to what is already reported under Article 10(10) DGSD2 and paragraph 27 of the Guidelines EBA/GL/2021/17 on the delineation and reporting of available financial means (AFM) of DGSs. As and when this ITS has been adopted by the European Commission, the existing EBA Guidelines EBA/GL/2021/17 will be amended to avoid duplication of the same requirements across two separate legal documents.

52. Building on this assessment, this Consultation Paper proposes in Article 3 of the draft ITS retains the data points and specifications currently collected by the EBA such as: name of the DGS in English and in national language, link to the DGS website, amount of covered deposits (in euros

[4] Final Report on Guidelines on the delineation and reporting of available financial means (AFM) of Deposit Guarantee Schemes (DGS)

and, national currency where different from euro), amount of available financial means including the amount of qualified available financial means and other available financial means, level of DGS funds as % of covered deposits, outstanding liabilities incurred for DGS intervention, and types of alternative financing arrangements in place. In addition, the EBA assessed and arrived at the view that three more data points, which are readily available to DGSs should be submitted to complement the information already provided, as they would make the interpretation of the data easier. These proposed additional data points are: (i) the target size as a percentage of covered deposits; and (ii) the date by which the target level should be met in cases where the available financial means of the DGS fund have fallen below the minimum target level, in accordance with Article 10(2) of Directive 2014/49/EU, and (iii) loans to other DGS as per Article 12 of the DGSD and to the IPS fund as per Article 12a of the DGSD.

53. With regard to the submission procedure, the EBA has arrived at the view that in line with the objectives of these ITS, the requirements should not impose additional burden on the DGS. Consequently, there is no need to provide any further detail on the submission date specified as 31 March in Article 16a(3) of the DGSD3. The only procedural aspect that merits further specification is the channel to be used by the DGS, but the EBA arrived at the view that the ITS is not the most appropriate vehicle to specify such a channel and instead it can be agreed with the DGSs separately.

54. Regarding the publication of the received data by the EBA, the EBA has arrived at the view that there is little merit in specifying further the date or procedure for the publication of the data. However, the EBA assessed if there is merit in complementing the current format of publication of this data showing each DGS separately, with a user-friendly consolidated table bringing together all DGS data in one place. The EBA has arrived at the view that this approach would add value for users by reducing the likelihood of errors when users compile such a consolidated table on their own. It would also help to prevent misinterpretation of the figures. Accordingly, this consultation paper proposes in Article 3 of the draft ITS require the data to be published in a consolidated table, to increase comparability and be more user-friendly.

55. Finally, regarding the treatment of confidential information, the EBA has arrived at the view that Article 16a(5) already prevents the publication of data considered confidential by DGSs, as it states that "the EBA shall publish the information received in accordance with paragraph 3 and the summary referred to in paragraph 4 without undue delay. However, it shall not publish any information provided by a DGS that is regarded by that DGS as confidential".

Question 8:

Do you have any comments on the proposal concerning the submission of data from the DGSs to the EBA?

Information from DGSDAs to EBA on the use of DGS funds and changes to DGSs formation

Information on the use of DGS funds

56. Article 16a(7) mandates the EBA to specify the templates, procedures and specifications for the information to be included in the notification of uses of DGS funds. On this regard, the EBA assessed Article 16a(4) that states that "Member States shall ensure that the designated authorities notify EBA, without undue delay, about any of the following:

    (1) the determination of unavailable deposits pursuant to the circumstances referred to in Article 2(1), point (8);

    (2) the repayment of deposits in accordance with Article 8 or the application of any of the measures referred to in Article 11(2), (3) and (5), the amount of funds used in accordance with Article 8 and Article 11(2), (3) and (5), and, where applicable and once available, the amount of funds recovered, the resulting cost for the DGS and the duration of the recovery process;

    (3) the alternative funding arrangements available and their actual use as referred to in Article 10(9);

    (4) any DGSs that have ceased to operate or the establishment of any new DGS, including as a result of a merger or of the fact that a DGS started operating on a cross-border basis."

57. The EBA noted that these requirements are not substantially different from what is already reported to the EBA under EBA Decision 2018/243 on notifications to the EBA relating to Directive 2014/49/EU on deposit guarantee schemes (hereinafter 'the DGS notification').

58. In addition, the EBA noted that despite the regular publication of DGS-funds notifications since 2018, and the existence of internally compiled datasets, as well as reports received under Article 83(4) of the BRRD, the information remains fragmented and not publicly consolidated, limiting the accessibility for NCAs, researchers, and the public. The EBA also noted that for this data to allow effective analysis of bank failures within the EU it should include some qualitative and quantitative data to provide context for the event being reported.

59. Building on the above, the EBA assessed whether the ITS should, in addition to the data already reported currently, include additional data points to develop a public database on bank failures that could support research and policy analysis and enhance transparency. In addition, the EBA assessed whether the development of a database including both (resolution) cases with and without the use of DGS funds cases, requires alignment between the current notification requirement for resolution authorities as laid down in Article 83(4) BRRD and supplemented by Article 49 of Delegated Regulation 2016/1075 (hereinafter 'the resolution notification') and the DGS notification.

60. Specifically, the EBA assessed three options for the ITS: (i) to use generally applicable (non-DGS-specific) wording in the ITS to facilitate alignment between notifications received under the BRRD and the DGSD; (ii) to mirror data points from current resolution notifications by including the same data points for DGS interventions in the ITS; or (iii) a combination of both.

61. The EBA has arrived at the view that a combination of the two options would best support the objective of ensuring transparent and user-friendly data collection on the use of DGS funds, while limiting dependence on resolution authorities future reporting and amendments of notification requirements. In addition, the EBA has arrived at the view that this blended approach would allow sufficient flexibility to include additional DGS-specific data points, which would not be included in the resolution notification, where needed. Thus, this consultation paper proposed in Article 4 of the draft ITS, where possible, to define the data points to be reported by using wording that is not specific to DGS interventions and should require data points currently required for the purpose of reporting resolution cases.

Data points to be reported by the DGSDA to the EBA

62. The EBA assessed the information on the use of DGS funds and changes to DGSs to be reported by DGSDAs and arrived at the view that, any data to be reported should meet three conditions: (i) enable comparability between resolution and DGS cases (including where different powers have been applied), (ii) be non-sensitive if published, and (iii) be readily available to authorities or simple to obtain.

63. First, the EBA assessed the need for the reported data to enable comparability between resolution and DGS cases. Based on the assessment, the EBA has arrived at the view that the ITS should require to include high-level information on the type and cost of the DGS and resolution powers applied, the size of the bank, and the amount of covered and eligible deposits, sufficient for cross-case comparison without unnecessary granularity.

64. Secondly, the EBA assessed the sensitivity and confidentiality of the data. Based on the assessment, the EBA has arrived at the view that in principle the reported data should not contain sensitive or confidential information, should not interfere with ongoing interventions or financial stability, and should not create legal risks. The EBA also arrived at the view that there are no issues with including information on powers applied and certain supervisory data, because: (i) for DGS pay-outs the institution has ceased to operate; (ii) similar information is typically disclosed elsewhere (e.g. insolvency reports, DGS annual reports, valuation 3 in resolution); and (iii) as a final safeguard, Article 16a(5) DGSD3 ensures that "The EBA shall not publish any information provided by a DGS that is regarded by that DGS as confidential."

65. Lastly, the EBA assessed the requirement for the data to be readily available to the relevant authorities or easily obtainable and has arrived at the view that the data points requested should only require what the authorities would have for the purposes of the relevant intervention and thus, should not create any burden neither for the credit institution nor the authorities.

66. Building on the above, the EBA analyzed which data points from the existing notification requirements should be retained, which of the ad hoc data points should be formalized, which should be rephrased to align with DGSD3 and BRRD3, and which additional data points are needed to meet the objectives of the ITS.

67. Furthermore, the EBA assessed Article 16a(5) that requires the EBA to "publish the information received in accordance with paragraph 3 and the summary referred to in paragraph 4 without undue delay." Based on the assessment, the EBA has arrived at the view that, to enable use of the ITS data points for a public database, the data requested from DGSDAs should map to the information required in the summary, namely: "(a) the initial situation of the credit institution, (b) the repayment of deposits in accordance with Article 8 or the measures for which the DGS funds have been used, including the specific instruments that have been used for the measures referred to in Article 11(2), (3) or (5) and (c) the expected amount of funds used."

68. Building on the assessment above, this Consultation Paper proposes in Annex 1 of the draft ITS specify the data points related to Article 16a(4) and to the summary referenced therein.

69. Finally, Article 16a(4)(d) requires the EBA to specify the templates, specifications, and procedures for the notification from DGSDAs to the EBA in the case that a DGSs ceases to operate or a new DGS is established. As these topics are unrelated to notifications on the use of DGS funds, this Consultation Paper proposes in the Annex of the draft ITS separate templates, specifications and procedures for such changes to DGSs.

Procedures

70. In terms of procedures, Article 16a(4) provides that the information should be notified to the EBA without undue delay. The EBA noted that, since not all data points will be available directly after deposits have become unavailable, this would result in the need for several submissions or updates of the notification, possibly spread over several years.

71. Furthermore, in order to develop a process for the case that the DGSDA would inform the EBA that they consider some of the information confidential, in accordance with article 16a(5) DGSD3, this consultation paper proposes in Article 4(6) of the draft ITS to add to the procedures that the DGSDA shall add a reasoning for not publishing specific information for confidentiality reasons as an attachment to the notification.

72. Finally, in order to include the data of past cases in the public database, this consultation paper proposes to do that on the basis of available information and/or an ad hoc request to the DGSDA's and to not include this in the ITS.

Question 9:

Do you have any comments on the proposals concerning the submission of data from the designated authorities to the EBA, and the publication of that data?

4. Draft ITS

COMMISSION IMPLEMENTING REGULATION (EU) …/...

of XXX

laying down implementing technical standards for the application of Directive 2026/804/EU of the European Parliament and of the Council with regard to the information exchange between credit institutions and deposit guarantee schemes, and between designated authorities and deposit guarantee schemes and the EBA.

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,
Having regard to *[full title of the basic act]*[5], and in particular Article 16a(7) thereof,
Whereas:

(1) To ensure deposit guarantee schemes (DGSs) are able to effectively test their resilience and prepare for interventions, including the repayment of deposits under Directive (EU) 2026/804/EU, it is necessary to ensure that DGSs have timely access to accurate and sufficiently granular information from their member credit institutions. For that purpose, credit institutions should provide DGSs with a minimum set of information to allow depositor identification, and basic information about the deposits they hold, including in specific circumstances such as cases of where it is uncertain whether a person is entitled to receive repayment or the deposit is subject to legal dispute, the account is dormant, the amount to be repaid is to be paid out by the DGS of the host Member State, the deposit is offered under the freedom to provide services, deposits are client funds, deposits are subject to Union restrictive measures, or deposits are linked to money laundering or terrorist financing.

(2) The basic information to be provided should include information to accurately identify each depositor, such as indication if the depositor is a natural or legal person, their name, address, email address, phone number, including the date of birth for natural persons. The inclusion of an email address and a phone number in the Single Customer View file aims to facilitate direct communication with depositors where necessary. This should not imply an obligation for DGSs to use those communication channels where other effective means of contacting depositors, including channels provided by public authorities, are available, as specified by the DGSs. The information concerning the amount of deposits includes the eligible amount, accrued

[5] OJ L [number], [date dd.mm.yyyy], [p.].

interest, and the currency of the account. The remaining information concerns specific cases mentioned in recital 1.

(3) Regarding effective handling of client funds deposits, DGSs need to know if an account is a client account, including key information about the account holder. Because Directive (EU) 2026/804 also envisages the possibility of direct repayment of depositors in certain circumstances, the DGSs also need to know the basic information about each of the clients, including information to be able to identify them, and assess their eligibility. It is therefore necessary for the DGS to receive the information about the account holder and the clients in the client accounts, either directly from the financial institutions, or from the credit institutions that collected the information from the financial institutions.

(4) To ensure that depositors linked to money laundering or terrorist financing are not reimbursed by the DGS or their reimbursement is suspended, the DGS needs to receive the right information from the credit institution. Thus, credit institutions should provide the DGS with information concerning cases where a financial intelligence unit (FIU) has suspended a transaction, account or business relationship, or where a depositor or a person entitled to sums held in an account has been charged with an offence, pending the judgment of the court, or where a deposit has arisen out of transactions in connection with which there has been a criminal conviction for money laundering or terrorist financing.

(5) In view of the increasing relevance of cross-border deposit-taking, and in order to ensure consistent preparedness for the repayment of deposits across Member States, it is necessary that DGSs receive information enabling them to identify deposits held via branches in other Member States and deposits offered under the freedom to provide services. This is important as in both instances there is a high probability that the depositor resides in a Member State other than where the credit institution and the DGS are located, which in turn may impact the way the DGS would communicate with the depositor, and how they would be reimbursed. Thus, credit institutions should provide the DGS with data to allow identification of such accountsusing the methodology outlined in the ITS. Where the DGS has already provided the credit institutions with a methodology for the identification of such deposits, or a credit institution already has a methodology that allows precise identification of such depositors, using existing methodologies should be allowed.

(6) Each DGS already has established procedures to collect information from their member credit institutions. For that reason, this Regulation does not prescribe one specific file format or procedure to be used and instead leaves it for the DGS to determine.

(7) In adition to the format and the accuracy of the data, timely access to information is also essential for DGS preparedness and for effective interventions. At the same time, DGSs should retain flexibility to reflect their operational arrangements and to keep developing the procedures over time. Therefore, DGSs should set and communicate to credit institutions a deadline for the provision of requested information, while ensuring that the deadline does not exceed three working days from the moment the DGS makes the request.

(8) Transparency concerning DGSs' available financial means and amount of covered deposits they protect, contributes towards reassuring depositors and other

stakeholders that deposits are well protected. To ensure the data on DGSs' available financial means and covered deposits is available and comparable, DGSs are required to submit it to the European Banking Authority (EBA). The EBA should then publish the non-confidential data on its website in a user-friendly way using data-extractable format to foster transparency and support use of the information for analytical purposes.

(9) Finally, to enhance transparency regarding determinations of unavailability of deposits and the use of DGS funds, and to enable consistent publication of such data, designated authorities are required to notify the EBA of such cases without undue delay. The EBA should then publish the non-confidential data on its website with the aim of building a comprehensive database of information about bank failures in the EU to foster transparency and support the use of the information for analytical purposes.

(10) This Regulation is based on the draft implementing technical standards submitted to the Commission by the EBA.

(11) 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 advice of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 109x/2010 of the European Parliament and of the Council[6].

HAS ADOPTED THIS REGULATION:

Article 1

Information from credit institutions to deposit guarantee schemes

1. Credit institutions shall include in the files to be submitted to the deposit guarantee schemes for the purpose of stress testing and preparation for an intervention at least the following information:
    a. whether the depositor is a natural or legal person;
    b. name of the depositor;
    c. address of the depositor: For natural persons, the residential address and for legal persons, the address where the entity is registered;
    d. email address of the depositor, or another communication channel specified by the DGS;
    e. phone number of the depositor, or another communication channel specified by the DGS;
    f. date of birth of the depositor, for natural persons;
    g. the amount of deposits eligible for deposit protection;
    h. the amount of accrued interest, where not captured in the amount of deposits eligible for deposit protection;
    i. currency of the account;
    j. whether it is uncertain whether the person is entitled to receive repayment or the deposit is subject to legal dispute;

[6] Regulation (EU) No 109x/2010 of the European Parliament and of the Council *[+ full title*], (OJ L [number], [date dd.mm.yyyy], [p.]).

k. whether the account is a dormant account where the threshold for repayment of dormant account exceeds 0;
l. whether the account is a client account;
m. whether the deposit is a client funds deposit placed in a client account;
n. whether the depositor or the person entitled to sums held in an account has been charged with an offence arising out of, or in relation to, money laundering or terrorist financing, pending court judgement; or
o. whether the FIU has suspended a transaction, account or business relationship of that depositor;
p. whether the deposits arise out of transactions in connection with which there has been a criminal conviction for money laundering or terrorist financing;
q. whether the account is subject to Union restrictive measures;
r. whether the account was opened with a branch of a credit institution; and if yes,
s. Member State of the branch
t. whether the account was offered via the freedom to provide services.

2. The information referred to in point (l) of paragraph 1 shall be provided only where the following conditions are met:
   a. the account holder is a financial institution as defined in point (26) of Article 4(1) of Regulation (EU) No 575/2013; and
   b. the deposit account is held to segregate client funds from the firm’s own assets in compliance with safeguarding requirements laid down in Union law regulating the activities of the entities referred to in Article 5(1), point (d).
3. The information referred to in points (n), (o) and (p) of paragraph 1 shall be provided only where the following conditions are met:
   a. the FIU referred to in Article 24 of [AMLD] has suspended a transaction, account or business relationship related to the concerned depositor in accordance with Article 8c(3), or the person has been charged with an offence arising out of, or in relation to, money laundering or terrorist financing, pending the judgement of the court; or there has been a criminal conviction for money laundering or terrorist financing in relation to a deposit, and
   b. the credit institution is aware of such cases, including where it has been informed thereof.
4. The information referred to in point (t) of paragraph 1 shall be provided where the DGS, or the credit institution, through its internal procedures, has classified that an account is offered via the freedom to provide services. In the absence of such internal procedures, that information shall be provided where both of the following conditions are met:
   a. the credit institution has informed its competent authority of its intention to carry out deposit-taking activities exercising the freedom to provide services within the territory of another Member State; and
   b. the residential address of the depositor is in a Member State other than the Member State where the credit institution is authorised.

Article 2

Procedure to provide the information from credit institutions to deposit guarantee schemes

Deposit guarantee schemes shall set a deadline for credit institutions to provide the requested information for the purpose of stress testing or preparation for an intervention promptly. The deadline shall be no later than three working days from the moment the deposit guarantee scheme requested such information from the credit institution.

Article 3

Information from the deposit guarantee schemes to the European Banking Authority

1. In line with Article 16a(3) of the DGSD, by 31 March of each year deposit guarantee schemes shall provide the following information to the European Banking Authority:
    a. name of the DGS in English and in national language;
    b. link to the DGS website;
    c. amount of covered deposits in their Member State on 31 December of the preceding year;
    d. amount of available financial means as at 31 December of the preceding year;
    e. amount of qualified available financial means as at 31 December of the preceding year;
    f. amount of other available financial means as at 31 December of the preceding year;
    g. level of DGS funds as % of covered deposits;
    h. outstanding liabilities incurred for DGS intervention;
    i. loans owed to other DGS as per Article 12 of the DGSD3;
    j. loans provided to other DGS as per Article 12 of the DGSD3 and to the IPS fund as per Article 12a of the DGSD3;
    k. alternative funding arrangements available to the DGS,
    l. the target size of the DGS's available financial means, expressed as a percentage of covered deposits;
    m. in cases where the available financial means of the DGS have fallen below the minimum target level, the date by which the target level should be reached, in accordance with Article 10(2) of DGSD3.
2. For Member States where the national currency is Euro, the amounts should be provided in Euro. For Member State where the national currency is not Euro, the amounts should be provided in Euro and in national currency using the official exchange rate published by the European Central Bank.
3. The European Banking Authority shall publish the information submitted under paragraph 1 of this Article annually, including a consolidated table with the data for all deposit guarantee schemes, in a data extractable format, accompanied by an explanation how to interpret the data, unless notified by the DGS that the information provided by the DGS is confidential.

Article 4

Information from the designated authorities to the European Banking Authority

1. The designated authority shall submit to the EBA without undue delay:
    a. a notification of any determination of unavailability of deposits pursuant to point (8) of Article 2(1) of DGSD3, including general information on the credit institution and the relevant authority, as well as on DGSs' pay-out arrangements as set out in Annex I (Part I and Part II), and a notice summarising the information set out in Annex I (Part I and Part II),
    b. a notification of the repayment of deposits in accordance with Article 8 of DGSD and the amount of funds used including as set out in Annex I (Part III), and a notice summarising the information provided in Annex I (Part III),

c. a notification on the use of the measures referred to in Article 11(2), (3) and (5) of DGSD including the amount of funds used in the intervention and general information on the credit institution and the relevant authority set out in Annex I (Part I and Part IV), and a notice summarising the information provided in Annex I (Part I and Part IV),
d. a notification of the use of alternative funding arrangements available as set out in Annex I (Part V); once the DGS concludes the process of recovering funds from the insolvency, the amount of funds recovered, the resulting cost for the DGS and the duration of the recovery process as set out in Annex I (Part VI)
e. a notification of any DGSs that have ceased to operate or the establishment of any new DGS, including as a result of a merger or of the fact that a DGS started operating on a cross-border basis using the form set out in template in Annex X (Part VII).

2. Designated authorities shall submit the information referred to in paragraph 1 of this Article for credit institutions as defined in point (1) of Article 4(1) of Regulation (EU) 575/2013 and which are affiliated to a DGS in the EU.
3. Designated authorities shall also submit the information referred to in paragraph 1 of this Article, to the extent that that information is available to them, for branches of credit institutions having their head office in a third country, which are members of a DGS in the EU.
4. The notices referred to in points 1(a) and 1(b) of this Article shall only include non-confidential information for which there are no obstacles preventing their publication.
5. The EBA shall publish on its website the notices received from designated authorities pursuant to points 1(a) and 1(b) in this Article.
6. The EBA shall publish the information received from designated authorities pursuant to points 1(a), 1(b), 1(c), 1(d), and 1(e) of this Article, except for the data points where the designated authority provides a reasoning for not publishing specific information for confidentiality reasons.

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.*

It shall apply from [11 May 2028].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Paris,

For the Commission
The President

On behalf of the President

[Position]

ANNEX I

Data points to be reported by the designated authorities to the EBA.

Part I: General information on the institution and authority	
The name of the entity of which depositors are repaid or to which the measure is applied	
The legal entity identifier of that institution or entity, where available	
DGS designated authority	
Relevant DGS, where different from the DGS designated authority	
Home Member State	
Notification provided on	
Date of the determination of unavailability of deposits pursuant to point (8) of Article 2(1) of Directive 2026/804/EU or the application of any of the measures referred to in Article 11(2), (3) and (5)	
Part II: Notification of any determination of unavailability of deposits	
Overview of circumstances leading to the determination of unavailability of deposits	
Date on which a relevant administrative authority made a determination as referred to in Article 2(1), point (8)(a), or a judicial authority made a ruling as referred to in Article 2(1), point (8)(b).	
Total assets of credit institution prior to the measure (DGS payout, resolution, preventive or alternative measures)	
Amount of covered deposits - National currency in millions	
Amount of covered deposits - EUR in millions	
Number of eligible depositors	

Amount of eligible deposits – National currency in millions	
Amount of eligible deposits - EUR in millions	
Host Member States	
Number of depositors in the branch of the institution outside the home Member State of the DGS	
Amount of covered deposits in branches - National currency	
Amount of covered deposits in branches - EUR in millions	
Cross-border payout (for branches established in EEA). Which authorities are involved?	
Part III: Notification of the repayment of deposits in accordance with Article 8 of DGSD3	
Role of statutory DGS - if relevant (DGS payout, resolution, preventive measure, alternative measure)	
Date on which a relevant administrative authority made a determination as referred to in Article 2(1), point (8)(a), or a judicial authority makes a ruling as referred to in Article 2(1), point (8)(b).	
Date when deposits were made available to the depositors	
Start date of the cross-border payout in the branch of the institution outside the home Member State of the DGS – day when funds were made available to depositors in the branch	
Estimated amount of DGS intervention - National currency (amount made available at the start of the intervention)	
Estimated amount of DGS intervention - in EUR millions (amount made available at the start of the intervention)	
of which: funded by the DGS's available financial means	
of which: funded by extraordinary contributions	

Availability of DGS funding in working days	
End date of liquidation or intervention, if applicable	
Actual amount of DGS intervention used after end date of intervention	
Part IV: Notification of the application of any of the measures referred to in Article 11 (2), (3) and (5) of DGSD3	
Role of statutory DGS - if relevant (DGS payout, resolution, preventive measure, alternative measure)	
Date of the resolution authority taking a decision whether or not to take resolution action under Article 82(2) of Directive 2014/59/EU, if applicable	
Start date of the measure (resolution, alternative or preventive measures)	
A summary and specification of the relevant measures (Articles 11, including the specific instruments that have been used for the measures referred to in Article 11(2), (3) or (5) of the DGSD) or resolution actions (resolution tools as defined in Article 2(19) of the BRRD and resolution powers as defined in Article 2(20) of the BRRD) that are taken	
Information on the access to deposits according to Directive 2014/49/EU held at the institution affected by the measure, if applicable	
A list of other group entities and related branches in respect of which the applied measures exercise their effects, including, to the extent possible, information on branches located in third countries	
Estimated amount of DGS intervention - National currency (amount made available at the start of the intervention)	
Estimated amount of DGS intervention - in EUR millions (amount made available at the start of the intervention)	
of which: funded by the DGS's available financial means	
of which: funded by extraordinary contributions	
Amount of resolution financing intervention (€EUR in millions)	

Amount of state aid (EUR in millions)	
Availability of DGS funding in working days	
End date of liquidation or intervention, if applicable	
Actual amount of DGS intervention used after end date of intervention	
Part V: Use of alternative funding arrangements (if applicable)	
Estimated amount of DGS intervention - in EUR millions (amount made available at the start of the intervention)	
of which: funded by alternative financing sources	
Part VI: Process of recovering funds	
Recovery rate of amount of DGS intervention	
Recovery rate of amount of DGS intervention funded by the DGS fund	
Recovery rate of amount of DGS intervention funded by extraordinary contributions, if applicable	
Cost for the DGS after recovery of actual amount of DGS funds used	
Duration of recovery	
Current status of the entity	
Part VII: Notification of changes in DGSs	
DGSs that have ceased to operate or establishment of a new DGS	
Name of the DGS	
Date of ceasing/start of operations	
Reason for the change in the status	
Additional information	
Any additional information	

Attachments	

Accompanying documents

4.1. Draft cost-benefit analysis / impact assessment

As per Article 15(1) of Regulation (EU) No 1093/2010 (EBA Regulation), any Implementing technical standards 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 providing information by credit institutions to DGSs, and by DGSs and designated authorities to the EBA under Directive 2026/804 ('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

Directive (EU) 2026/804 (DGSD 3) was adopted and published in the Official Journal of the European Union on 20 April 2026 and aims to improve the protection for depositors. Its recital 46 states that *"to increase transparency for depositors and to promote financial robustness and trust among DGSs when fulfilling their mandates, the current reporting requirements should be improved."* In this regard, Article 16a(7) of the DGSD3 confers a mandate on the EBA to *"develop draft implementing technical standards to specify the procedures to be followed and the minimum contents of the information referred to in paragraph 1 [on information needed for DGSs to carry out stress tests and prepare for a repayment of deposits] […], and the procedures, templates and the content of the information referred to in paragraphs 3 [on DGSs' available financial means and amount of covered deposits] and 4 [on information on uses of DGS funds in real-life interventions]."*.

B. Policy objectives

The draft ITS on providing information by credit institutions to DGSs, and by DGSs and designated authorities to the EBA under Directive 2026/804 aims at proposing harmonized minimum requirements for information exchange between credit institutions, DGSs, designated authorities (DGSDAs) and the EBA, to ensure that relevant information is available and accurate, that procedures are efficient and timely without creating unnecessary burden, and that data on the use of DGS funds is collected and published in a transparent, user-friendly manner.

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

Information to transmit from the credit institutions to the DGS under Article 16a(1)

As explained above, Article 16a(7) of DGSD3 requires the EBA to specify the procedures to be followed and the minimum contents of the information referred to in Article 16a(1), taking into account the types of depositors. In this context, the EBA considered two options.

Option 1a: specifying a minimum set of information to transmit from the credit institutions to the DGS

Option 1b: not specifying a minimum set of information to transmit from the credit institutions to the DGS

Not specifying a minimum set of information to transmit from the credit institutions to the DGS would provide greater flexibility to credit institutions and DGSs. It would also avoid the risk that the ITS would effectively standardise the files used for communication of data between the credit institutions and the DGSs.

However, specifying a minimum set of information to transmit from the credit institutions to the DGS would give effect to the mandate in Article 16a(7) to specify the minimum contents of the information. At the same time, in order to avoid effectively standardising the files used for communication of data from the credit institutions to the DGSs, and unnecessary burden for credit institutions, the EBA proposes only a basic list of minimum required information for the identification of the depositor. This list consists of data that credit institutions across the EU are likely already submitting.

Based on the above, **Option 1a has been chosen as the preferred option**, and the draft ITS will specify a minimum set of information to transmit from the credit institutions to the DGS under Article 16a(1).

Format of the information to be provided by the credit institutions to the DGS

The EBA assessed whether the draft ITS should prescribe a specific template or a specific format for the transmission of information from credit institutions to DGSs. In this context, the EBA considered two options.

Option 2a: Prescribing a specific template, or a specific format in which the data needs to be provided from the credit institutions to the DGSs.

Option 2b: Not prescribing any specific template, or any specific format in which the data needs to be provided from the credit institutions to the DGSs and instead leaving it to national implementation.

Prescribing a specific template or format could enhance consistency in the way information is transmitted across Member States and could be particularly beneficial for cross-border institutions, as it may allow them to rely on more standardised reporting systems. It could also support a more uniform approach as to whether the required data points should be included in the Single Customer View (SCV) file itself or in associated files.

On the other hand, not prescribing a specific template or format avoids imposing unnecessary implementation costs and operational burden on credit institutions and DGSs, especially as no issues have been identified with the national templates currently in use for transmitting data from credit institutions to DGSs. In addition, existing practices across Member States are already well established and, in some cases, rely on different file structures that function effectively. Leaving the format to national implementation therefore allows existing procedures to be maintained, while still ensuring that the required data points are provided.

Based on the above, **Option 2b has been chosen as the preferred option**, and the draft ITS will not prescribe any specific template, or any specific format in which the data needs to be provided from the credit institutions to the DGSs and instead leaves it to national implementation.

Cross-border deposits

DGSD3 strengthens depositor protection in cross-border situations by facilitating payouts to depositors at branches in other Member States, recognising the role - as point of contact - of host DGSs for depositors using passported services, and requiring clearer information on institutions' cross-border business. Then, Article 16a(2) DGSD3 requires credit institutions, upon DGSs' request, to provide information on depositors at branches in other Member States and on depositors receiving services under the freedom to provide services. With regard to this information, the EBA assessed two options.

Option 3a: Explicitly including requirements concerning cross border data points in the ITS

Option 3b: Not explicitly including requirements concerning cross-border data points in the ITS

Not explicitly including requirements concerning cross-border data points in the ITS would reduce implementation efforts for DGSs and credit institutions, particularly where existing systems, including procedures or cooperation agreements, already capture part of the relevant information. However, the EBA observed that some DGSs do not collect data on branches in other Member States, despite their obligation to obtain all information needed for depositor repayment. Furthermore, although existing bilateral agreements under the Guidelines EBA/GL/2016/02 on cooperation agreements between DGSs already cover the data elements to be exchanged for branches, such cooperation does not always extend to deposits stemming from passported services, as DGSD2 did not explicitly foresee that cooperation would be extended to those deposits. As a result, this option would leave data availability and harmonisation dependent on national practices and existing agreements, with a risk that current gaps would persist.

On the other hand, explicitly including requirements concerning cross-border data points in the ITS would operationalise the new DGSD3 requirements and ensure that information on branches' or passported services' deposits is consistently available and harmonised across Member States. While this approach may entail some implementation costs, the EBA considers these costs proportionate in light of the benefits for payout preparedness, cross-border cooperation and depositor protection, also given the increasing number of neobanks taking deposits from passported services. Furthermore, to minimise the burden where credit institutions already mark such deposits in their systems, the draft ITS allows to continue doing so without the need to follow the methodology in the draft ITS.

Based on the above, **Option 3a has been chosen as the preferred option**, and the draft ITS will explicitly include requirements concerning cross border data points in the ITS.

D. Conclusion

The development of the draft ITS on providing information by credit institutions to DGSs, and by DGSs and designated authorities to the EBA under Directive 2026/804 will propose harmonized minimum requirements for information exchange between credit institutions, DGSs, designated authorities (DGSDAs) and the EBA, to ensure that relevant information is available and accurate, that procedures are efficient and timely without creating unnecessary burden, and that data on the use of DGS funds is collected and published in a transparent, user-friendly manner. The benefits - principally the enhancement of depositor protection in cross-border payouts - are deemed to exceed the costs associated with this draft ITS which are not supposed to be material and are mostly driven by underlying requirements of the DGSD3. As such these draft ITS hence should achieve, with acceptable costs, their objectives.

4.2. Overview of questions for consultation

Question 1. Do you have any comments on the proposed criteria to determine whether the depositor access services by means of freedom to provide services?

Question 2. Do you have any comments on the proposals concerning cases where it is uncertain whether a person is entitled to reimbursement, cross-border deposits, dormant accounts, client funds, deposits linked to ML/TF and Union restrictive measures, as proposed in Article 1 of the ITS?

Question 3: Do you have any comments on the proposal concerning the contact details for depositors?

Question 4: Do you have any comments on the minimum information to be reported by credit institutions to the DGSs, as proposed in Article 1 of the ITS?

Question 5: Do you have any comments on the proposal not to specify the format in which the information should be provided from credit institutions to the DGSs and leave it up to national specifications?

Question 6: Do you have any comments on the proposal not to specify the procedure for submitting the information from credit institutions to the DGSs further?

Question 7: Do you have any comments on the proposal in Article 2 to require the submission of the information from the credit institutions to the DGSs according to the deadline set by the DGS but up to a maximum of three working days from the reception of the request?

Question 8: Do you have any comments on the proposal concerning the submission of data from the DGSs to the EBA?

Question 9: Do you have any comments on the proposals concerning the submission of data from the designated authorities to the EBA, and the publication of that data?