



European Securities and
Markets Authority

Questions and Answers

On the Securitisation Regulation



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1. Purpose and status

1. The purpose of this document is to promote common, uniform and consistent supervisory approaches and practices in the day-to-day application of Securitisation Regulation (Regulation 2017/2402). It does this by providing responses to questions asked by the public, financial market participants, competent authorities and other stakeholders. The question and answer (Q&A) tool is a practical convergence tool used to promote common supervisory approaches and practices under Article 29(2) of the ESMA Regulation. Further information on ESMA's Q&A process is available on our website.
2. ESMA intends to update this document on a regular basis and, for ease of reference, ESMA has provided the date each question was first published as well as the date/s of amendment beside each question.
3. Additional questions on the Securitisation Regulation may be submitted to ESMA through the Q&A tool on its website. Please see the guidance available on ESMA's website before submitting any questions.
4. **Important disclaimer:** ESMA has provided these Q&As in advance of several delegated acts being adopted by the European Commission, with a view to providing guidance to market participants seeking further context that may be helpful for their future expectations of how to comply with these technical standards. Market participants should be aware that the Q&As below are subject to change should the delegated acts adopted by the European Commission contain changes relative to the draft technical standards submitted by ESMA to the Commission. Furthermore, ESMA reserves the right to further adjust or update the Q&As provided below at any time. Therefore, the Q&As below are indicative until the delegated acts on which they are based have been adopted by the European Commission and furthermore do not signal that the final delegated acts adopted by the Commission on these standards will necessarily be identical to the provisions referenced below.

2. Legislative references and abbreviations

Legislative references and useful links

<i>ESMA Regulation</i>	Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC ¹
<i>The Securitisation Regulation</i>	Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012
<i>Final Report on Disclosure</i>	Final Report Technical standards on disclosure requirements under the Securitisation Regulation (22 August 2018 ESMA33-128-474)

¹ OJ L 331, 15.12.2010, p. 84

<i>CP on Disclosure Requirements</i>	Consultation Paper Draft technical standards on disclosure requirements, operational standards, and access conditions under the Securitisation Regulation (19 December 2017 ESMA33-128-107)
<i>ESMA's Opinion on Disclosure Requirements</i>	ESMA's Opinion on disclosure requirements under the Securitisation Regulation (31 January 2019 ESMA33-128-600).
<i>Draft RTS on Disclosure</i>	ESMA' Draft Regulatory Technical standards specifying the information and the details of a securitisation to be made available by the originator, sponsor and SSPE on pages 15-260 of ESMA's Opinion on disclosure requirements under the Securitisation Regulation (31 January 2019 ESMA33-128-600).
<i>Draft ITS on Disclosure</i>	ESMA' Draft regulatory technical standards specifying the information and the details of a securitisation to be made available by the originator, sponsor and SSPE on pages 261-305 of ESMA's Opinion on disclosure requirements under the Securitisation Regulation (31 January 2019 ESMA33-128-600).
<i>Draft RTS on Operational Standards</i>	ESMA's Draft RTS on securitisation repository operational standards for data collection, aggregation, comparison, access and verification of completeness and consistency (12 November 2018 ESMA33-128-488).

Abbreviations

<i>CA</i>	Competent Authority
<i>CP</i>	Consultation Paper
<i>EC</i>	European Commission
<i>EU</i>	European Union
<i>ESMA</i>	European Securities and Markets Authority
<i>LEI</i>	Legal Entity Identifier
<i>SMSG</i>	Securities and Markets Stakeholder Group

3. Questions and Answers on general matters

[Further Q&As will be provided here in due course]

4. Questions and Answers on STS Notifications

What is the first date at which ESMA will receive an STS notification? *new*

Date of first publication: 27 May 2019

Q4.1 What is the date at which it is possible to submit an “STS notification”? Has ESMA already set up an STS register in accordance with its obligations set out in Article 27(5) of the Securitisation Regulation?

A4.1 As of 1 January 2019, an STS notification may be submitted to ESMA in accordance with Article 27 of the Securitisation Regulation. The relevant notification templates are available on ESMA’s website: https://www.esma.europa.eu/sites/default/files/esma33-128-585a_template_interim_solution.xlsx. The relevant reporting instructions are also set out on its website (available here: <https://www.esma.europa.eu/document/sts-reporting-instructions>).

According to Article 27(1) of the Securitisation Regulation, originators and sponsors must jointly notify ESMA by means of the template referred to in Articles 27(1) and 27(7) where a securitisation meets the requirements of Articles 19 to 22 or Articles 23 to 26 (hereinafter: “STS notification”). In the case of an ABCP programme, only the sponsor is responsible for the notification of that programme and, within that programme, of the ABCP transactions complying with Article 24.

According to Article 27(5) of the Securitisation Regulation, ESMA has to maintain on its website a list of all securitisations which the originators and sponsors have notified to it as meeting the requirements of Articles 19 to 22 or Articles 23 to 26 of that Regulation. ESMA must add each securitisation so notified to that list immediately and must update the list where the securitisations are no longer considered to be STS following a decision of competent authorities or a notification by the originator or sponsor.

ESMA has set out a register on an interim basis in order to meet the requirements of the Securitisation Regulation starting from 1 January 2019, which contains a list of all STS-notification that ESMA has received: <https://www.esma.europa.eu/policy-activities/securitisation/simple-transparent-and-standardised-sts-securitisation>.

Information which will be available on ESMA’s website regarding STS notifications *new*

Date of first publication: 27 May 2019

Q4.2 What will ESMA publish on its website when it receives an STS notification?

A4.2 In addition to the full list of securitisations which have been notified to ESMA in accordance with Article 27 of the Securitisation Regulation as meeting the requirements in of Articles 19 to 22 or Articles 23 to 26 of the Securitisation Regulation, ESMA will publish the individual STS notification templates (https://www.esma.europa.eu/sites/default/files/esma33-128-585a_template_interim_solution.xlsx) as notified by the reporting entities.

Responsibility for information contained in an STS notification ***new***

Date of first publication: 27 May 2019

Q4.3 Who carries the responsibility for the information contained in the STS notification?

A4.3 ESMA recalls that the information published in the Register derives exclusively from the information notified to ESMA. Therefore, ESMA does not accept any responsibility or liability for the accuracy of the information. ESMA shall not be liable for any loss of business or profits or any direct, indirect or consequential loss or damage resulting from any irregularity or inaccuracy of the information published by ESMA in the Register.

Where an originator or a sponsor of a securitisation which is not an ABCP transaction or an ABCP programme submits a notification to ESMA in accordance with Article 27(1) of the Securitisation Regulation (“STS notification”), the originator and sponsor are jointly responsible for the information contained in the STS notification.

Where a sponsor of a securitisation which is an ABCP transaction or an ABCP programme submits a notification to ESMA in accordance with Article 27(1) of the Securitisation Regulation (“STS notification”), the sponsor is responsible for the notification of information contained in the STS notification.

As set out in Article 27(4) of the Securitisation Regulation, the originator and sponsor shall immediately notify ESMA and inform their competent authority when a securitisation no longer meets the requirements of either Articles 19 to 22 or Articles 23 to 26.

Validation of information in an STS Notification ***new***

Date of first publication: 27 May 2019

Q4.4 What types of validations does ESMA undertake of STS notifications?

A4.4 Please see paragraph 1 of the section entitled “instructions for providing STS notifications for public securitisations” and paragraph 1 of the section entitled “Instructions for providing STS notifications for private securitisations” in the reporting instructions: <https://www.esma.europa.eu/document/sts-reporting-instructions>.

ESMA recalls that the information published in the Register derives exclusively from the information notified to ESMA. Therefore, ESMA does not accept any responsibility or liability for the accuracy of the information. ESMA shall not be liable for any loss of business or profits or any direct, indirect or consequential loss or damage resulting from any irregularity or inaccuracy of the information published by ESMA in the STS Register.

5. Questions and Answers on Disclosure Requirements and Templates

5.1 Cross-cutting issues

5.1.1 Timelines

As of when will the templates need to be reported? Deadlines for the information in Articles 7(1) and 17(2)(a) of the Securitisation Regulation to be reported using the templates set out in ESMA's draft RTS and ITS on disclosure. Reporting once ESMA has registered at least one securitisation repository. *modified*

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.1.1.1

(a) As of when will the templates need to be reported?

(b) When will the first data submission be due after this date and what are the provisions for data cut-off dates associated with this data submission?

(c) Once at least one securitisation repository has been registered by ESMA, must reporting entities re-report already-reported information to that repository or repositories?

A5.1.1.1

(a) The information in Articles (7)(1) and 17(2)(a) of the Securitisation Regulation will need to be reported using the templates in the draft ITS on disclosure from the date on which the ITS, after being adopted by the European Commission, starts to apply. The templates enter into force according to the date set out in the Delegated Regulation that the European Commission will adopt. For the time being, reporting entities are invited to refer to the statement made by the Joint Committee of the European Supervisory Authorities, available here:

https://esas-joint-committee.europa.eu/Publications/Statements/JC_Statement_Securitisation_CRA3_templates_plus_CRR2_final.pdf

(b) The third subparagraph of Article 7(1) of the Securitisation Regulation requires underlying exposures and investor reports to be made available simultaneously each quarter, at the latest one month after the interest payment date. For ABCP securitisations, such information is required on a monthly basis. In addition, information on inside information or significant events must be made available at the same time as the underlying exposure and investor reports (see also question 5.13.6 below).

In addition, Article 10 of the draft RTS on disclosure sets out the timeliness provisions on the 'data cut-off date', i.e. no more than two calendar months prior to the submission date for all information in the Annexes, with the exception of the 'programme information' and 'tests/events/triggers information' sections of Annex 13 and Annex 15 (no more than one calendar month). The following tables provide illustrations of the expected submission deadlines for the disclosure templates as per the draft RTS and ITS on disclosure, assuming that the templates begin to be required as of a hypothetical date of 01 January 2019 (which is used purely for illustrative purposes).

Example submission deadlines and data cut-off dates for non-ABCP securitisations:

Example interest payment date (IPD) occurrence	Deadline for the <u>first</u> report		Deadline for the <u>second</u> report		Deadline for the <u>third</u> report		Deadline for the <u>fourth</u> report	
	Latest possible submission date1	1st report oldest possible data cut-off date	Latest possible submission date2	2nd report oldest possible data cut-off date	Latest possible submission date3	3rd report oldest possible data cut-off date	Latest possible submission date4	4th report oldest possible data cut-off date
20 Dec 2018 (quarterly IPD)	20-Jan-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 20-Nov-18 if the submission date is 20-Jan-19)	20-Apr-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 20-Feb-19 if the submission date is 20-Apr-19)	20-Jul-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 20-May-19 if the submission date is 20-Jul-19)	20-Oct-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 20-Aug-19 if the submission date is 20-Oct-19)
5 Jan/Apr/Jul/Oct 2019 (quarterly IPD)	05-Feb-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Dec-18 if the submission date is 05-Feb-19)	05-May-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Mar-19 if the submission date is 05-May-19)	05-Aug-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Jun-19 if the submission date is 05-Aug-19)	05-Nov-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Sep-19 if the submission date is 05-Nov-19)
5 Feb/May/Aug/Nov 2019 (quarterly IPD)	05-Mar-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Jan-19 if the submission date is 05-Mar-19)	05-Jun-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Apr-19 if the submission date is 05-Jun-19)	05-Sep-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Jul-19 if the submission date is 05-Sep-19)	05-Dec-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Oct-19 if the submission date is 05-Dec-19)
5 Mar/Jun/Sep/Dec 2019 (quarterly IPD)	05-Apr-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Feb-19 if the submission date is 05-Apr-19)	05-Jul-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-May-19 if the submission date is 05-Jul-19)	05-Oct-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Aug-19 if the submission date is 05-Oct-19)	05-Jan-20	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Nov-19 if the submission date is 05-Jan-20)
5 Mar/Sep 2019 (six-monthly IPD)	05-Apr-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Feb-19 if the submission date is 05-Apr-19)	05-Jul-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-May-19 if the submission date is 05-Jul-19)	05-Oct-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Aug-19 if the submission date is 05-Oct-19)	05-Jan-20	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Nov-19 if the submission date is 05-Jan-20)
5 Jan/Feb/Mar/etc. 2019 (monthly IPD)	05-Feb-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Dec-18 if the submission date is 05-Feb-19)	05-May-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Mar-19 if the submission date is 05-May-19)	05-Aug-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Jun-19 if the submission date is 05-Aug-19)	05-Nov-19	data cut-off date no more than two months before the actual submission date (i.e. no earlier than 05-Sep-19 if the submission date is 05-Nov-19)

Example submission deadlines and data cut-off dates for ABCP securitisations:

Example period of time covered by the report	Latest possible submission date	Oldest possible data cut-off date
01 to 31-Dec-18	31-Jan-19	For Annex 11 and the 'transaction information section' in Annexes 13 and 15, data cut-off date no more than <i>two</i> months before the actual submission date (i.e. no earlier than 30-Nov-18 if the submission date is 31-Jan-19) For all other information sections in Annexes 13 and 15, data cut-off date no more than <i>one</i> month before the actual submission date (i.e. no earlier than 31-Dec-18 if the submission date is 31-Jan-19)
01 to 31-Jan-19	28-Feb-19	For Annex 11 and the 'transaction information section' in Annexes 13 and 15, data cut-off date no more than <i>two</i> months before the actual submission date (i.e. no earlier than 31-Dec-18 if the submission date is 28-Feb-19) For all other information sections in Annexes 13 and 15, data cut-off date no more than <i>one</i> month before the actual submission date (i.e. no earlier than 31-Jan-19 if the submission date is 28-Feb-19)
01 to 28-Feb-19	31-Mar-19	For Annex 11 and the 'transaction information section' in Annexes 13 and 15, data cut-off date no more than <i>two</i> months before the actual submission date (i.e. no earlier than 31-Jan-19 if the submission date is 31-Mar-19) For all other information sections in Annexes 13 and 15, data cut-off date no more than <i>one</i> month before the actual submission date (i.e. no earlier than 28-Feb-19 if the submission date is 31-Mar-19)
01 to 31-Mar-19	30-Apr-19	For Annex 11 and the 'transaction information section' in Annexes 13 and 15, data cut-off date no more than <i>two</i> months before the actual submission date (i.e. no earlier than 28-Feb-19 if the submission date is 30-Apr-19) For all other information sections in Annexes 13 and 15, data cut-off date no more than <i>one</i> month before the actual submission date (i.e. no earlier than 30-Mar-19 if the submission date is 30-Apr-19)
15-Feb-19 to 15-Mar-19	15-Apr-19	For Annex 11 and the 'transaction information section' in Annexes 13 and 15, data cut-off date no more than <i>two</i> months before the actual submission date (i.e. no earlier than 15-Feb-19 if the submission date is 15-Apr-19) For all other information sections in Annexes 13 and 15, data cut-off date no more than <i>one</i> month before the actual submission date (i.e. no earlier than 15-Mar-19 if the submission date is 15-Apr-19)
15-Mar-19 to 15-Apr-19	15-May-19	For Annex 11 and the 'transaction information section' in Annexes 13 and 15, data cut-off date no more than <i>two</i> months before the actual submission date (i.e. no earlier than 15-Mar-19 if the submission date is 15-May-19) For all other information sections in Annexes 13 and 15, data cut-off date no more than <i>one</i> month before the actual submission date (i.e. no earlier than 15-Apr-19 if the submission date is 15-May-19)

(c) Once there has been at least one securitisation repository registered by ESMA, then pursuant to the second subparagraph of Article 7(1) of the Securitisation Regulation, information on public securitisations shall be made available by means of a securitisation repository.

Where at least one securitisation repository has been registered by ESMA, and no securitisation repositories were registered before then, a reporting entity is not required to re-report the information to that repository that was made available by means of the website described above prior to the first registration of that repository.

Reporting entities are not required to re-report previously-reported information using the templates set out in the draft ITS on disclosure once those have been adopted by the Commission and begin to apply. The templates in the draft ITS on disclosure must be used starting from their date of application, but do not have a retroactive effect on previously-reported information.

Nevertheless, it is emphasized that preparing previously-reported information and re-reporting it to a securitisation repository using the templates set out in the draft ITS on disclosure (once these have been adopted and begin to apply) is expected to substantially facilitate investors' and potential investors' ability to thoroughly monitor and conduct due diligence on the securitisation transaction in question. At the minimum, transmitting previously-reported past information (not using the draft ITS on disclosure) to a securitisation repository—to the extent that the repository in question offers the facilities to host this

[information—would also substantially benefit investors and potential investors, as well as the other users of securitisation data set out in Article 17\(1\) of the Securitisation Regulation.](#)

Transitional provisions for completing the disclosure templates

Date of first publication: 31 January 2019

Q5.1.1.2 Are there any transitional provisions in place for completing these disclosure templates?

A5.1.1.2 As further explained in section 2.1.2 of ESMA’s CP on disclosure technical standards, the templates must be completed for securitisations that issue any securities from 01/01/2019 onwards (‘new securitisations’), as well as securitisations that issued securities before 01/01/2019 and seek to obtain STS status (‘legacy STS securitisations’).

ABCP programmes that issue securities (i.e. commercial paper) from 01/01/2019, must also complete these templates as required in the draft RTS on disclosure, with the same considerations applying to ABCP programmes that have issued securities prior to 01/01/2019 but also seek to obtain STS status (‘legacy ABCP programmes’).

Availability of XML schema and validation rules for disclosure templates

Date of first publication: 31 January 2019

Q5.1.1.3 When will the XML schema and validation rules for the disclosure templates be available?

A5.1.1.3 Please refer to ESMA’s [statement](#) of 13 November 2018 (ESMA33-128-57) about near-term implementation of the Securitisation Regulation.

5.1.2 General questions of relevance to the disclosure technical standards

Disclosures for public vs. private securitisations

Date of first publication: 31 January 2019

Q5.1.2.1 Which templates are required for both public and private securitisations, and which ones are only required for public securitisations?

A5.1.2.1 Section 1 of the draft RTS on disclosure sets out the information to be made available for all securitisations. Section 2 of the draft RTS on disclosure sets out the information to be made available for all public securitisations. In terms of templates to complete, this can be summarised in the following way:

- For *both* public and private non-ABCP securitisations: Annexes 2 – 10 (as applicable depending on the type of underlying exposure) and Annex 12
- For *both* public and private ABCP securitisations: Annexes 11 and 13
- *Only* for public non-ABCP securitisations: Annex 14
- *Only* for public ABCP securitisations: Annex 15

Reporting information for private securitisations ***modified***

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.1.2.2 As there is no obligation to report to a securitisation repository, to whom is the reporting done for private transactions? How is it done? Who will have access to the report?

A5.1.2.2 Articles 7(3) and (4) of the Securitisation Regulation mandate ESMA to develop draft regulatory technical standards to specify the information that the originator, sponsor and SSPE shall provide in order to comply with their obligations under points (a) and (e) of Article 7(1), which apply to both public and private securitisation. However, the Regulation does not specify *how* ([i.e. the operational manner in which](#)) reporting should be performed for private securitisations, and ESMA has not been mandated to specify this aspect.

Absent any instructions or guidance provided by national competent authorities, reporting entities are free to make use of any arrangements that meet the conditions of the Regulation.

Reporting frequency for ABCP transactions

Date of first publication: 31 January 2019

Q5.1.2.3 What is the reporting frequency applicable to ABCP transactions?

A5.1.2.3 As set out in Article 7(1)(a) and (e) of the Securitisation Regulation and the third subparagraph of 7(1) of the Securitisation Regulation, information on the underlying receivables or credit claims and investor reports shall, for ABCP, be reported simultaneously on a monthly basis and at the latest one month after the end of the period the report covers.

The underlying exposures template that should be used for less-common underlying exposure types ***modified***

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.1.2.4 What underlying exposures template should be used for less-common underlying exposure types?

A5.1.2.4 This requires a case-by-case assessment with the competent authority supervising compliance of the reporting entity with Article 7. Reporting entities that are not certain of the appropriate template to use should contact their national competent authority (using the list available on ESMA's website), copying ESMA at securitisation@esma.europa.eu. Concrete and precise information on the underlying receivables and any other applicable features of the securitisation should be provided, as well as any transaction documentation (final or, if the securitisation has not yet been issued, in draft form). [Guidance will be provided to the reporting entity in due course.](#)

Can the reporting entity delegate the reporting of disclosure templates to a third-party, for instance a management company or servicer that is different from the originator, sponsor, or SSPE? *new*****

Date of first publication: 27 May 2019

Q5.1.2.5

(a) Can the entity which is designated in accordance with Article 7(2) of the Securitisation Regulation assume the sole responsibility for the information which it makes available in accordance with Article 7(2) of the Securitisation Regulation?

(b) Can the reporting entity delegate the reporting of disclosure templates to a third-party, for instance a management company or servicer that is different from the originator, sponsor, or SSPE?

A5.1.2.5

(a) No. As set out in Article 7(1) of the Securitisation Regulation, the originator, sponsor and SSPE of a securitisation remain jointly responsible for the information made available in accordance with Article 7(2). For STS non-ABCP securitisations, as set out in Article 22(5) of the Securitisation Regulation, only the originator and sponsor of the securitisation remain jointly responsible.

(b) As set out in the first subparagraph of Article 7(2) of the Securitisation Regulation, "*the originator, sponsor and SSPE of a securitisation shall designate amongst themselves one entity to fulfil the information requirements pursuant to points (a), (b), (d), (e), (f) and (g) of the first subparagraph of paragraph 1*".

The Securitisation Regulation does not prevent an entity designated in accordance with Article 7(2) from outsourcing the activity of reporting to a third party. However, the use of such a service cannot, under any circumstances, affect the liability of the originator, sponsor and SSPE in respect of their legal obligations under the Securitisation Regulation. In this context, for an STS non-ABCP securitisation, this also implies that an SSPE can fulfil the activity of reporting, notwithstanding the originator and sponsor's responsibility (pursuant to Article 22(5) of the Securitisation Regulation) for compliance with Article 7 of the Regulation.

Reporting of ABCP programme information when a transaction is funded by multiple ABCP programmes ***new***

Date of first publication: 27 May 2019

Q5.1.2.6 Art. 4, paragraph (2)(b) of the draft disclosure technical standards states that the reporting entity shall make information available on “each ABCP programme which is funding the ABCP transactions”. How should this requirement be fulfilled when an ABCP transaction is syndicated and funded via multiple ABCP Programmes, each managed by a different Sponsor? Is there a requirement for each ABCP Programme Sponsor to report on the programme level details of other ABCP Programmes funding the transaction?

A5.1.2.6 Each ABCP transaction must be reported separately for each ABCP programme funding that transaction.

It is acceptable however to receive each reporting template together if there is an entity which coordinates the reporting for all entities required to make information available.

In each case, the field SEAR3 ‘Number Of Programmes Funding The Transaction’ in Annex 15 should be completed accordingly, in order to identify the other programme identifiers associated with this transaction.

Reporting provisions for Master Trust securitisations ***new***

Date of first publication: 27 May 2019

Q5.1.2.7 Must Annexes 12 and 14 be completed for each tranche, in the event of Master Trust securitisations?

A5.1.2.7 Annexes 12 and 14 have different information sections, covering the following details:

- Securitisation information
- Tests/Events/Triggers information
- Cash-flow information
- Tranche/bond-level information
- Account-level information
- Counterparty-level information
- CLO Securitisation information
- CLO Manager information
- Synthetic coverage information
- Issuer collateral information
- Any other information

Each section must be completed in accordance with the information granularity provisions of Article 4(1) (for Annex 12) and of Article 8(1) (for Annex 14). With respect to tranche-level information, yes, tranche-level information must be provided for each tranche in the Master Trust securitisation in Annex 14 (as per the ‘tranche/bond information’ section). Annex 14 must also be completed for the securitisation as a whole (‘securitisation information’ section), for each account in the securitisation (‘account information’ section), for each counterparty in the securitisation (‘counterparty information’ section), as well as for the respective ‘CLO information’ and ‘synthetic securitisation information’ sections, and for any other information (‘any other information’ section) deemed necessary (see also question 5.13.6).

There is no ‘tranche/bond information’ section in Annex 12—Annex 12 must be completed according to the sections found in that Annex and the provisions of Article 4(1), i.e. for the securitisation as a whole

(‘securitisation information’ section), for each test/event/trigger in the securitisation (‘test/event/trigger information’ section), and for each cashflow item in the securitisation (‘cashflow information’ section).

More frequent reporting for securitisations **new**

Date of first publication: 27 May 2019

Q5.1.2.8 Is it acceptable for the disclosure templates to be provided more frequently than their required frequency under the Securitisation Regulation (i.e. quarterly for non-ABCP securitisation, monthly for ABCP securitisation)?

A5.1.2.8 Yes, so long as the frequency provisions set out in Article 7 of the Securitisation Regulation are respected, reporting entities are free to make available the same disclosure templates more frequently, for example on a monthly basis for non-ABCP securitisations.

‘No Data’ options ND1-ND4, as well as ND5 (‘Not Applicable’) **new**

Date of first publication: 27 May 2019

Q5.1.2.9

(a) If a template field allows values ND1-4 and/or ND5 to be entered, does this mean that the field is optional? Is ND5 optional?

(b) What are the implications of not having data for a field where ND1-4 and ND5 are both not allowed?

A5.1.2.9 *Preliminary remarks: It is recalled that recital 13 of the draft RTS on disclosure reads: “The set of ‘No data’ options from ND1 to ND4 is meant to signal legitimate cases of information not being available and under no circumstance should constitute an exemption from reporting requirements. Furthermore, use of these options in reporting underlying exposures information in a given securitisation is expected to be limited and, where present, to converge quickly towards reporting of the relevant information.*

(a) If a template field allows ‘No Data’ options (either ND1-4 and/or ND5) to be entered, this does not, under any circumstance, mean that this template field is optional. In particular, the fact that information is not available for a particular field does not automatically imply that ‘ND5’ (‘Not Applicable’) is the appropriate value to provide.

As suggested by the description of ‘ND5’ (i.e. the words ‘Not Applicable’) if information regarding a template field is not available AND the reason for this information not being available is that the template field does not apply to the particular underlying exposure or other aspect of the securitisation, then ND5 may be entered. If information is not available AND the reason for this information not being available is one of those described by options ND1-4, then the relevant option should be entered in accordance with the disclosure regulatory technical standards. Finally, if information is not available AND the reason for that information not being available is any reason other than those described in options ND1-4 as set out in the Table below), then the reporting entity must obtain and provide this information without exception. Please see also the response in point b below.

Options for field values when data is not available²

No Data Option	Explanation
ND1	Data not collected as not required by the lending or underwriting criteria
ND2	Data collected on underlying exposure application but not loaded into the originator's reporting system
ND3	Data collected on underlying exposure application but loaded onto a separate system from the originator's reporting system
ND4-YYYY-MM-DD	Data collected but will only be available from YYYY-MM-DD (YYYY-MM-DD shall be completed)
ND5	Not applicable

(b) Following on from the answer provided in point a. above, if information is not available for a field where ND1-4 and ND5 are both not allowed to be entered, then the reporting entity must obtain this information and provide it in the field in accordance with the content to report and format set out in the draft RTS and ITS on disclosure. Template fields must always be completed (i.e. cannot be left blank), so long as the relevant template and section within the template applies to the securitisation (as further detailed in the draft RTS on disclosure). The provision of empty fields in a data submission would lead to a violation of the technical standards and, for public securitisations, lead to a rejection of the data submission by the securitisation repository and to the notification of the national competent authority in charge of supervising compliance of the securitisation with these disclosure requirements (in line with the draft RTS on operational standards). For private securitisations not reporting to a securitisation repository, the national competent authority supervising the originator, sponsor or SSPE's compliance with the Securitisation Regulation would, as part of its supervisory activity, take any action it deems necessary.

Additional detail and background about the “no-data” options (ND1-4 and 5) is available in paragraphs 93-104 (pages 32-36) of ESMA's Final Report on securitisation disclosure technical standards³. With respect to ABCP, see also Question 5.11.2.

Use of proxy data in the disclosure technical standards *new*

Date of first publication: 27 May 2019

Q5.1.2.10 We would like to seek clarification from ESMA on the use of “proxy” data. For instance, many ABCP warehouse transactions contain similar exposures to public non-ABCP transactions, either because they are backed by Master Trusts or the originators have also completed term securitisation issuances. The same warehouse exposures may eventually be used for public non-ABCP transactions. In many cases, the servicer may not provide a specific report for the exposures within a warehouse deal alone, but the performance metrics on a term ABS deal by the same originator would provide a good proxy.

A5.1.2.10 Proxy data is not permitted to be entered in any of the templates set out in the securitisation disclosure technical standards. Information on the specific underlying exposures in the securitised pool is expected to be provided. Where information on underlying exposures is aggregated, such as for ABCP

² Table 1 of Annex 1 of the Draft RTS on Disclosure.

³Available at :

https://www.esma.europa.eu/sites/default/files/library/esma33-128-474_final_report_securitisation_disclosure_technical_standards.pdf

underlying exposures reporting using Annex 11, then this aggregation is expected to be based on the actual underlying exposures that form part of the ABCP transaction for which information is being made available.

Calculation methods for fields regarding financial statement information (e.g. revenue, operating expenses, capital expenditure, etc.) **new**

Date of first publication: 27 May 2019

Q5.1.2.11 Are there precise calculation methods for these fields (e.g. Net Operating Income At Securitisation (CREC36), Most Recent Revenue (CREC39), Most Recent Operating Expenses (CREC40), Most Recent Capital Expenditure (CREC41))?

A5.1.2.11 It is expected that the information closest to these field descriptions is provided. In case of specific doubts, reporting entities are invited to request further guidance, using specific examples, by emailing securitisation@esma.europa.eu.

Reporting of further loans in the underlying exposure templates **new**

Date of first publication: 27 May 2019

Q5.1.2.12 Assume that a customer with an original loan worth EUR 100,000 subsequently takes out a further loan worth EUR 10,000 against the same collateral. If both of these loans are securitised, should they be treated as two separate underlying exposures for the purposes of the disclosure templates?

A5.1.2.12 Yes, these should be treated as two separate underlying exposures for the purposes of the disclosure templates, insofar as, pursuant to subparagraph (a) of Article 4(1) of the draft RTS on disclosure, "*securitised loan parts shall be treated as individual underlying exposures*". It is recalled that the obligor (and, where applicable, collateral) identifier fields in the template must be identical across the two underlying exposures, in order to allow investors and other data users to understand that both underlying exposures are related to the same obligor and collateral. It is expected that the information closest to these field descriptions is provided. In case of specific doubts, reporting entities are invited to request further guidance, using specific examples, by emailing securitisation@esma.europa.eu.

For the avoidance of doubt, further advances within revolving loan facilities or other similar arrangements that allow for flexible drawing of credit are generally not considered loan parts. However, in such arrangements it is expected that the applicable template fields where information on the loan terms and conditions, as well as situation, would also be updated to reflect any adjustments (such as increases in principal balance). See also A5.1.3.1.

5.1.3 Questions related to several fields in several templates

Reporting of static information vs. dynamic information; Updating information in the templates over time

Date of first publication: 31 January 2019

Q5.1.3.1 How should static data be reported over time? For example, income information is usually only recorded at the time of underlying exposure origination.

A5.1.3.1 With respect to Annexes 2-10, it is not necessary to update information concerning details of the obligor or collateral that has been collected at the time of origination of the underlying exposure and which could not reasonably be expected to be collected again (e.g. borrower income information, employment status, geographic information, etc.). Nevertheless, if an originator, in the course of its ordinary business and interactions with an obligor (such as during discussions leading to the provision of an additional loan, credit, or advance), becomes aware of updated information in this context (such as an update to the employment status or income), then this updated information should be provided for the existing underlying exposure.

However, the rest of the content in the templates should reflect the most up-to-date information as at the data cut-off date.

For example, fields that relate to aspects of the underlying exposure that regularly evolve should be updated (e.g. loan outstanding balance, interest rate, arrears/account status, etc.). In addition, fields that refer to information on the underlying exposure that is by definition known to the originator and does not have to be re-collected, must also be kept up to date at all times. This includes fields that relate to features describing the underlying exposure itself, such as interest rate, interest rate type, whether collateralised or not, etc. Such information is expected to be known by the originator and thus be able to be updated. The following paragraphs also provide further examples.

As an example of updating information, consider the case of underlying exposures with a fixed rate during the first years of the life of the exposure (e.g. the first 3 years) which then become floating. How should the Interest Rate Type field (RREL42; CREL109; CRPL52) be reported? In this case, the entry "Fixed rate underlying exposure with compulsory future switch to floating (FLCF)" should be reported until the loan becomes a floating-rate product, after which the entry "Floating rate exposure (for life) (FLIF)" should be reported for this field.

The same considerations would apply to lending arrangements that have variable interest periods at the option of the borrower. Thus, a field such as CRPL49 (Scheduled Interest Payment Frequency) should reflect the current frequency as at the data cut-off date.

With respect to Annexes 11 to 15, which do not contain information about individual obligors or collateral, all information on these templates must be kept up to date and reflect the situation as at the data cut-off date of the submission.

Reporting of active underlying exposures vs. inactive underlying exposures, including collateral and tenant information sections.

Date of first publication: 31 January 2019

Q5.1.3.2 How should the underlying exposures templates be completed for underlying exposures that are either *active* or *inactive* (i.e. have defaulted with no further recoveries expected or that have been redeemed, prepaid, cancelled, repurchased or substituted)? What information should be reported for *inactive* underlying exposures, including for those that became *inactive* on the same day as the data cut-off date? How should the collateral information section and tenant information sections be completed for *inactive* underlying exposures that had collateral and/or tenants, where applicable?

A5.1.3.2 As set out in Article 2(5) of the draft RTS on disclosure (see page 67 in the Final Report on Disclosure Technical Standards), “Regarding the information referred to in sub-paragraphs 1 to 4, the reporting entity shall make available information on:

(a) *Active underlying exposures as at the data cut-off date;*

(b) *Inactive underlying exposures that were active underlying exposures at the immediately-preceding data cut-off date.”*

For example, consider two data submissions for a securitisation, the first with a data cut-off date of 30 June 2018, and the second data submission with a data cut-off date of 30 September 2018. In this scenario, the second data submission should include complete information (subject to the use of the ‘No Data’ options) on:

(a) Underlying exposures that were deemed to be *active* underlying exposures as at 30 September 2018 (i.e. that were expected, on 30 September 2018, to generate cash inflows or outflows in the future); AND

(b) Underlying exposures that were deemed *active* underlying exposures at 30 June 2018 but that were then deemed to be *inactive* underlying exposures at 30 September 2018 (i.e. that transitioned from *active* to *inactive* at some point in the time period after 30 June 2018 and up to and including 30 September 2018). Any data submissions after this date (e.g. with a cut-off date of 30 December 2018) no longer need to include these *inactive* underlying exposures (but would have to include loans that became *inactive* in the period after 30 September 2018 and up to and including 30 December 2018).

In addition, where these exist in the underlying exposure template, the ‘collateral information section’ and ‘tenant information section’ of the underlying exposure templates should be completed in the same manner for both *active* and *inactive* underlying exposures. Using the above example, this means that the second data submission (cut-off date of 30 September 2018) should include information on collateral and tenants for both underlying exposures that were *active* as at 30 September 2018 and for underlying exposures that became *inactive* at some point in the time period after 30 June 2018 and up to and including 30 September 2018.

Where an underlying exposure became *inactive* on the same day as the data cut-off date, it is expected that information on this underlying exposure would also be reported in the data submission referencing this data cut-off date. For example, if an underlying exposure became *inactive* on 30 September 2018, then information on that underlying exposure should be included in the data submission having a data cut-off date of 30 September 2018. If an underlying exposure became *inactive* on 1 October 2018, then information on that underlying exposure should be included in the subsequent data submission (e.g. the one having a data cut-off date of 30 December 2018). As set out in Article 10 ‘Information timeliness’ of the draft RTS on disclosure, reporting entities have up to two months after the data cut-off date to prepare their data submissions reference that data cut-off date.

The same reasoning as the above holds for ABCP disclosure requirements, with the exception that reporting for underlying exposures is performed on a monthly basis rather than a quarterly basis.

This is all summarised in the following table, assuming a non-ABCP securitisation with data cut-off dates falling on the 30th day of each quarter-end.

Data cut-off date	Underlying exposures (including collateral, tenant, and all other underlying exposures information) to report
30 June 2018	<ul style="list-style-type: none"> Underlying exposures that were <i>active</i> as at 30 June 2018 Underlying exposures that were <i>active</i> as at 30 March 2018 and became <i>inactive</i> in the period after 30 March 2018 and up to and including 30 June 2018
30 September 2018	<ul style="list-style-type: none"> Underlying exposures that were <i>active</i> as at 30 September 2018 Underlying exposures that were <i>active</i> as at 30 June 2018 and became <i>inactive</i> in the period after 30 June 2018 and up to and including 30 September 2018
30 December 2018	<ul style="list-style-type: none"> Underlying exposures that were <i>active</i> as at 30 December 2018 Underlying exposures that were <i>active</i> as at 30 September 2018 and became <i>inactive</i> in the period after 30 September 2018 and up to and including 30 December 2018
30 March 2019	Etc...

Is it acceptable to round numerical fields?

Date of first publication: 31 January 2019

Q5.1.3.3 For fields that have a {MONETARY} or {NUMERIC} field format, how should they be rounded?

A5.1.3.3 It is not acceptable to round fields, including {INTEGER}, {MONETARY}, and {NUMERIC} fields. The only exception concerns, for {MONETARY} and {NUMERIC} fields, where the number includes more than the 5 decimals permitted in these fields formats. As set out in Table 1 in Annex 1 of the draft ITS on disclosure (pages 267-268 in ESMA's Opinion on disclosures), {MONETARY} and {NUMERIC} fields may contain "0-18 digits, of which up to 5 may be fractional digits". Therefore, any information with a higher degree of precision than 5 fractional digits should be rounded to the nearest fifth digit.

For example, the number 123.456789 should be entered in the following way, depending on the field format:

- For {INTEGER} fields, the number must be entered as 123
- For {MONETARY} and {NUMERIC} fields, the number must be entered as 123.45679 (i.e. 123.456789 must be rounded to the 5th decimal point)

As another example, the number 123.456 should be entered in the following way, depending on the field format:

- For {INTEGER} fields, the number must be entered as 123
- For {MONETARY} and {NUMERIC} fields, the number must be entered as 123.456 (i.e. 123.456 has less than 5 decimal points and therefore can be entered exactly as it is and does not need to be rounded).

Differences in the same field vs. other existing templates

Date of first publication: 31 January 2019

Q5.1.3.4 Why does a particular template field have different content to report (e.g. a different set of list options) than template fields in other reporting requirements (e.g. ECB ABS loan-level data initiative)?

A5.1.3.4 As further explained in sections 2.1.3.1 and 2.1.3.2 of ESMA's CP on the securitisation disclosure requirements, the templates used under the ECB ABS loan-level initiative constituted the starting point for the present templates. However, adjustments to these templates were necessary in order to ensure that the requirements under the Securitisation Regulation (which did not exist when the ECB templates were developed), including the specific needs for investors and other data users to meet their obligations, could be adequately reflected.

Use of the response option 'OTHR' (i.e. 'Other') in {LIST} fields.

Date of first publication: 31 January 2019

Q5.1.3.5 Can the category response 'OTHR' (i.e. 'Other') be used in cases where the answer is unknown or unavailable and where there is no option/possibility to enter 'ND1', 'ND2', 'ND3', 'ND4-YYYY-MM-DD', or 'ND5'?

A5.1.3.5 No. The response category 'OTHR' (i.e. 'Other') constitutes a confirmation by the reporting entity that none of the remaining available response categories are true. The 'OTHR' (i.e. 'Other') response category may under no circumstances be used as a substitute for the 'No Data' options ND1-4 or ND5.

How should 'legacy pools' or 'purchased exposures' be reported? ***modified***

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.1.3.6 For granular "legacy pools" of underlying exposures that have been sold and which changed servicer, there is often a lack of data available from the previous servicers. For instance, regarding information on "restructured" underlying exposures in field RREL69, should this ~~take into account if information reflect whether the previous servicer restructured~~ the underlying exposure ~~has been restructured by the previous servicer~~?

A5.1.3.6 As set out in paragraphs 93-104 of ESMA's Final Report on the disclosure technical standards, there is no additional tolerance provided for 'legacy pools' other than the ability to use the 'No Data' options.

The term 'Original lender' for the purposes of completing the securitisation disclosure templates

new

RREL79; RREL80; RREL81; CREL179; CREL180; CREL181; CRPL96; CRPL97; CRPL98; AUTL79; AUTL80; AUTL81; CMRL62; CMRL63; CMRL64; CCDL42; CCDL43; CCDL44; LESL79; LESL80; LESL81; ESTL64; ESTL65; ESTL66.

Date of first publication: 27 May 2019

Q5.1.3.7 How should the term "Original Lender" be understood for the purposes of the fields referring to the original lender?

A5.1.3.7 The definition of original lender applicable to these fields is laid down in Article 2(20) of the Securitisation Regulation: (20) ‘original lender’ means an entity which, itself or through related entities, directly or indirectly, concluded the original agreement which created the obligations or potential obligations of the debtor or potential debtor giving rise to the exposures being securitised.

A firm which purchases a third party’s exposures on its own account and then securitises them is not the original lender of those exposures for the purposes of these fields.

How should the Originator Name, Originator Legal Entity Identifier, and Originator Establishment Country be completed for syndicated underlying exposures? **new**

Date of first publication: 27 May 2019

Q5.1.3.8 How should the Originator Name, Originator Legal Entity Identifier, and Originator Establishment Country (e.g. CRPL99, CRPL100, CRPL101) be completed for syndicated underlying exposures??

A5.1.3.8 In these circumstances, the information corresponding to the agent/lead originator must be provided. In the event of confusion, such as in the event of multiple agent/lead originators, the parties involved should coordinate amongst themselves so that these fields are populated with the information for one of these agent/lead originators. If this cannot be achieved, the reporting entity should contact their competent authority, copying ESMA at securitisation@esma.europa.eu, and provide detailed explanations and request further guidance.

5.1.4 Questions related to groups of fields or whole sections which appear in multiple templates

Reporting of Geographic Region fields

Date of first publication: 31 January 2019

Q5.1.4.1 NUTS3 code entered for the fields “Geographic Region - Obligor (RREL11, CREL12...etc.)” is accompanied with the “Geographic Region Classification” to identify the exact NUTS code whereas this is not the case for the “Geographic Region – Collateral” in the relevant asset classes.

A5.1.4.1 As per the description of the Geographic Region Classification field, “All geographic region fields must use the same classification consistently for each underlying exposure and across all underlying exposures in the data submission.” Insofar as collateral is provided for the underlying exposures, then the same classification reported for the underlying exposure fields (e.g. in field RREL11) should be extended and used for the collateral fields (e.g. in field RREC6).

Anonymity and confidentiality of obligors, underlying exposures, and collateral fields

Obligor fields: RREL4; CREL2; CRPL4; AUTL4; CMRL4; CCDL4; LESL4; ESTL4; NPEL4; RREL5; CREL3; CRPL5; AUTL5; CMRL5; CCDL5; LESL5; ESTL5; NPEL5.

Underlying exposure fields: RREL2; CREL4; CRPL2; AUTL2; CMRL2; CCDL2; LESL2; ESTL2; NPEL2; RREL3; CREL5; CRPL3; AUTL3; CMRL3; CCDL3; LESL3; ESTL3; NPEL3; RREC2; CREC2; CRET2; CRPC2; ESTC2; NPEC2; NPEH2.

Collateral fields: CRET3; RREC4; CRPC4; ESTC4; NPEC4; RREC3; CRPC3; ESTC3; NPEC3

Tenant fields: CRET4

Date of first publication: 31 January 2019

Q5.1.4.2 Should account numbers and other identifiers related to obligors be anonymised? How does this apply to identifier fields for underlying exposures, obligors, collateral, and tenants, in the underlying exposure templates?

A5.1.4.2 Yes, as set out in the respective field descriptions ('Content To Report' column in the draft RTS on disclosure Annexes), information in these fields must be anonymised by the reporting entity. This means that no names, addresses, account numbers, national or other legal identification numbers, or other identifying information are allowed to be used as 'identifiers' in these templates.

Change of the reporting entity and unique identifier fields

Unique identifier: RREL1; CREL1; CRPL1; AUTL1; CMRL1; CCDL1; LESL1; ESTL1; IVSS1; IVAS1; IVAN1

Date of first publication: 31 January 2019

Q5.1.4.3 The unique identifier (set out in Article 11 of the draft RTS on disclosure) includes the LEI of the reporting entity. Should the unique identifier be adjusted if the reporting entity changes during the lifetime of the securitisation?

A5.1.4.3 If the reporting entity changes during the lifetime of the securitisation, the unique identifier should not change. In other words, once the unique identifier has been set for the securitisation by the reporting entity responsible for creating the first data submission according to the draft RTS on disclosure technical standards, then that unique identifier should not change. This enables a consistent time series of information to be built over time for that securitisation, which is essential for data users.

What is the purpose of the 'new identifier' fields?

RREL3; RREL5; RREC4; CREL3; CREL5; CREC4; CRPL3; CRPL5; CRPC4; AUTL3; AUTL5; CMRL3; CMRL5; CCDL3; CCDL5; LESL3; LESL5; ESTL3; ESTL5; ESTC4; NPEL3; NPEL5; NPEC4; IVAL4; IVSR3; IVSF3; IVAR3; SEST3; SES3; SES4; SEAT3; SEAA3

Date of first publication: 31 January 2019

Q5.1.4.4 What is the purpose of the 'new identifier' fields?

A5.1.4.4 These fields have been created because it is understood that, in certain limited cases (e.g. database migrations), it may not be possible to continue using the 'original' identifier required for the particular underlying exposure or other item.

For example, an originator may not be able to continue using the identifier for an underlying exposure in field RREL2 following a change to its database systems. In these situations, field RREL2 should continue to be reported with the 'old' underlying exposure identifier throughout the lifetime of the securitisation. The 'new' identifier should be reported in field RREL3.

However, if this issue does not arise (i.e. the original underlying exposure identifier can be maintained and there are no database problems), then field RREL3 should include the same identifier as RREL2 (i.e. the same identifier is reported twice, once in field RREL2 and again in field RREL3).

Thus, field RREL3 should never be left blank.

The same rationale holds for all other identifier fields in the disclosure templates listed above in this question.

How should loan-to-value ratios, debt service coverage ratios, and debt to income ratios be calculated? ***modified***

Loan-to-value ratios: RREC12; RREC16; CREL75; CREL76; AUTL59; ESTC13; ESTC17; IVAL19. Debt service coverage ratios: CREL71; CREL72; CREL73; CREL74.

Debt to income ratios: RREL40; ESTL36; IVAL20.

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.1.4.5

(a) How should loan-to-value ratios, debt service coverage ratios, and debt to income ratios be calculated?

(b) How should the “Debt to Income Ratio” and the “Current Loan-to-Value” be calculated where multiple loan parts exist?

A5.1.4.5

(a) It is expected that the methodology and approaches set out in the Recommendation of the European Systemic Risk Board of 31 October 2016 on closing real estate data gaps (ESRB/2016/14) should be followed, in particular those set out in section 2.

(b) As set out in Article 4(1)(a) of the Delegated Regulation on Disclosure “Regarding the granularity of the information set out in Annexes 2 to 10 and Annex 12, the reporting entity shall make available information on: (a) underlying exposures, for each individual underlying exposure. For these purposes, securitised loan parts shall be treated as individual underlying exposures.

The “Debt to Income Ratio” and “Current Loan-to-Value” are fractions in which the numerator is the “Current Principal Balance” (RREL30; CREL23; ESTL28). Where there are multiple loan parts, the denominator, i.e. the value or the income, should be calculated on a pro-rata basis.

For example: An obligor with an annual income of EUR 50,000 has obtained two loans with a total current principal balance as at the data cut-off date of EUR 100,00: loan A (EUR 60,000) and loan B (EUR 40,000), each of which have different interest rates and maturity. Both loan A and B are collateralised on the same property with a value of EUR 150,000 as at the data cut-off date.

The “Debt to Income Ratio” for

- loan A is 200%, i.e. $100 * \text{EUR } 60,000 / (\text{EUR } 50,000 * 0.60)$; and

- loan B is also 200%, i.e. $100 * \text{EUR } 40,000 / (\text{EUR } 50,000 * 0.40)$.

Similarly, the “Current Loan-to-Value” for

- loan A is 67%, i.e. $100 * \text{EUR } 60,000 / (\text{EUR } 150,000 * 0.60)$; and

- loan B is also 67%, i.e. $100 * \text{EUR } 40,000 / (\text{EUR } 150,000 * 0.40)$.

Default Amount and Default Date fields – what is the interaction between these fields and the Account Status fields? ***modified***

Default amount: RREL71; CREL132; CRPL81; AUTL72; CMRL57; CCDL39; LESL59; ESTL57.

Default date: RREL72; CREL133; CRPL82; AUTL73; CMRL58; CCDL40; LESL60; ESTL58.

Account Status: RREL69; CREL136; CRPL79; AUTL70; CMRL55; CCDL37; LESL57; ESTL55.

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.1.4.6

(a) Fields RREL71 Default Amount and RREL72 Default Date. These fields will only be reported once we register the values ‘*Defaulted according to Article 178 or Regulation (EU) No 575/2013 (DFLT)*’, ‘*Not defaulted according to Article 178 or Regulation (EU) No 575/2013 but classified as defaulted due to another definition of default being met (NDFT)*’, ‘*Defaulted both according to Article 178 or Regulation (EU) No 575/2013 and according to another definition of default being met (DTCR)*’ in field RREL69, is that correct?

(b) Should the Default Amount (RREL71) and Default Date (RREL72) only be reported once and not updated subsequently, even if the Account Status of the previously-defaulted underlying exposure changes to ‘Performing’?

A5.1.4.6

(a) Yes, this is correct. If an underlying exposure is classified as defaulted under the Account Status field, then the Default Amount and Default Date fields must also be completed (and vice versa).

(b) Neither the default amount (RREL71) nor the default date (RREL72) should change after it has been entered the first time. These two fields should not change even if there are adjustments to the Account Status field, such as a change in the type of default (e.g. a switch from ‘DFLT’ representing ‘Defaulted according to Article 178 of Regulation (EU) No 575/2013’ to ‘DTCR’ representing ‘Defaulted both according to Article 178 of Regulation (EU) No 575/2013 and according to another definition of default being met’). Whereas RREL71 and RREL72 should not change, in contrast, allocated Losses (RREL73) should continually be updated to reflect the most recent situation as at the data cut-off date, i.e. as recoveries are collected and the work out process progresses.

The Default Amount and Default Date fields (RREL71 and RREL72) should also not be updated and changed in the event where the underlying exposure becomes performing again (i.e. the Account Status field code entered becomes ‘PERF’, whereas in previous data submissions the Account Status field indicated that the underlying exposure was in ‘default’).

For example, assuming a hypothetical underlying exposure:

- 31/01/2019: The underlying exposure defaults due to arrears

- 30/06/2019: All of the arrears are cured

- 30/04/2021: The underlying exposure defaults again (the underlying exposure has again entered into arrears beyond the threshold for being classified as defaulted)

In this example, when the underlying exposure is reported in the next data submission (e.g. on 30/06/2021), then 31/01/2019 is reported as the Default Date under field RREL72, and the amount of default in field RREL71 should also reflect the amount defaulted upon as at 31/01/2019.

How to report Arrears Breakdown and Number Of Days In Arrears fields

IVAL32; IVAL33; IVAL34; IVAL35; IVAL36; IVAL37; IVAL38; IVSS38; IVSS39; IVSS40; IVSS41; IVSS42; IVSS43; IVSS44; RREL68; CREL130; CRPL78; AUTL69; CMRL54; CCDL35; LESL56; ESTL54.

Date of first publication: 31 January 2019

Q5.1.4.7 Our reporting system is calculating arrears on a monthly basis. That means: 30 or 31 days = 1 month. How should the Arrears Breakdown and Number of Days in Arrears fields be completed in this situation? In certain jurisdictions, the practice is to count the number of unpaid monthly instalments in arrears.

A5.1.4.7 If arrears are being calculated on a monthly basis, then

- With respect to the Arrears Breakdown fields, less than one month in arrears should be treated as the equivalent of 1-29 days in arrears, one month in arrears should be counted as 30-59 days in arrears, two months in arrears as 60-89 days in arrears, etc.
- With respect to the Number of Days in Arrears, if the practice is to count the number of unpaid monthly instalments in arrears, then the following convention should be used:
 - When the first month of arrears is recorded, then the Number of Days in Arrears entered should be '30'. In such situations, if the reporting entity is aware of arrears that occur before their systems have recorded a full month of arrears, then the Account Status field (RREL69; CREL136; CRPL79; AUTL70; CMRL55; CCDL37; LESL57; ESTL55) should still be reported as Arrears (i.e. 'ARRE'). For example, if the reporting entity is aware that an underlying exposure is 10 days in arrears (but its systems have not yet recorded these arrears, because these record arrears on a monthly basis), then the Account Status field should still be set still be reported as Arrears (i.e. 'ARRE').
 - When the second month of arrears is recorded, then the Number of Days in Arrears entered should be '60'.
 - When the third month of arrears is recorded, then the Number of Days in Arrears entered should be '90'.
 - Etc...

Use LDOR code in the field for 'Current Interest Rate Index' or 'Revised Interest Rate Index'
Current Interest Rate Index: RREL44; CREL111; CRPL54; AUTL41; CMRL38; CCDL30; LESL37; ESTL40; SEST20; SESI14; SEAT11.
Revised Interest Rate Index: RREL56; CRPL66.
Date of first publication: 31 January 2019

Q5.1.4.8 If a Lender's Own Rate 'LDOR' is directly linked to an interest rate index (e.g. the European Central Bank Base Rate 'ECBR'), should the code 'LDOR' or the code of the relevant interest index ('ECBR') be inserted in this field? (RREL44; RREL56; CREL111; CRPL54; CRPL66; AUTL41; CMRL38; CCDL30; LESL37; ESTL40; SEST20; SESI14; SEAT11)

A5.1.4.8 Only if the Lender's Own Rate is *identical* to an interest rate index (e.g. 'ECBR') at all times, should the code of the relevant index ('ECBR') be inserted in this field. In any other case, the 'LDOR' code should be used.

Revision Margin and Revision Date fields

Revision Margin: RREL50; RREL52; RREL54; CRPL60; CRPL62; CRPL64.
Revision Date: RREL51; RREL53; RREL55; CRPL61; CRPL63; CRPL65.
Date of first publication: 31 January 2019

Q5.1.4.9 How should these fields be completed if the underlying exposure is currently paying a fixed rate of interest, but will in the future switch to a floating interest rate product that contains several changes to the interest rate margin?

A5.1.4.9 Consider for example a loan that was originated on 1 January 2015 and charged a fixed interest rate of 3% until 31 December 2019, after which the loan would be indexed to the 3M Euribor index and

charged an interest rate margin over 3M Euribor of 2% starting on 1 January 2020, 1.5% starting on 1 January 2022, and 1% starting on 1 January 2024. In this case, the following information should be entered:

Field code	Field name	Value to enter in this field
RREL50 (or CRPL60)	Revision Margin 1	2
RREL51 (or CRPL61)	Interest Revision Date 1	1 January 2020
RREL52 (or CRPL62)	Revision Margin 2	1.5
RREL53 (or CRPL63)	Interest Revision Date 2	1 January 2022
RREL54 (or CRPL64)	Revision Margin 3	1
RREL55 (or CRPL65)	Interest Revision Date 3	1 January 2024

How should fields relating to index rates ('Current Interest Rate Index', 'Current Interest Rate Index Tenor', 'Revised Interest Rate Index', etc.) be completed for fixed-rate arrangements? **modified**

Current Interest Rate Index: RREL44; CREL111; CRPL54; AUTL41; CMRL38; CCDL30; LESL37; ESTL40; SEST20; SESI14; SEAT11.

Current Interest Rate Index Tenor: RREL45; CREL112; CRPL55; AUTL42; CMRL39; CCDL31; LESL38; ESTL41; SEST21; SESI15; SEAT12.

Other related fields: SESV31; SESV32; SESV36; SESV37; CREL115; CREL116; RREL56; CRPL66; RREL57; CRPL67.

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.1.4.10

(a) How should fields relating to index rates ('Current Interest Rate Index', 'Current Interest Rate Index Tenor', etc.) be completed for fixed-rate arrangements?

(b) If the interest rate index is tracking a central bank policy rate or single variable rate, would the Current Interest Rate Index Tenor be classified as 'OTHR' (representing 'Other')?

A5.1.4.10

(a) These fields should be completed with 'ND5' ('Not applicable').

(b) These fields should also be completed with 'ND5' ('Not applicable'), insofar as these indices do not have a tenor in the same manner as other interest rate indices and, therefore, these fields are not applicable.

Completion of the collateral information section for guarantees and multiple items of collateral

Date of first publication: 31 January 2019

Q5.1.4.11 (a) Must the collateral information section be completed if the underlying exposure is secured by a guarantee? (b) How should the section be completed for multiple collateral items? (c) How should the lien fields (e.g. RREC8, CREC10) be reported in this case?

A5.1.4.11 (a) As set out in Article 4(1)(b)(i) of the draft RTS on disclosure, the collateral information section must also be completed if the underlying exposure is secured by a guarantee.

(b) As set out in Article 4(1)(b) of the draft RTS on disclosure, the collateral information section must be completed for each item of collateral securing the underlying exposure. Each item of collateral should

be reported using the collateral information section (i.e. one section completed per collateral item). There is also a narrative explanation available in paragraph 33 (including the footnote therein) of ESMA's CP on Disclosures Technical Standards. For example, if there is both a residential property and a guarantee securing the underlying exposure, then the collateral information section should be completed twice.

(c) In the event that a collateral item is secured by a guarantee, fields RREC8 and CREC10 should be completed according to the priority that the originator or other guarantee-holder will have on the guarantor to honour their commitment, which may simply be the first lien.

Definition of 'arrears'

Date of first publication: 31 January 2019

Q5.1.4.12 How are arrears defined? Is there a standard definition that should be used?

A5.1.4.12 The Securitisation Regulation does not provide a definition of 'arrears'. Reporting entities should use the most appropriate regulatory or supervisory definition applicable to them and/or to the underlying exposure.

Legal Entity Identifier fields and the Global Legal Entity Identifier Foundation?

Date of first publication: 31 January 2019

Q5.1.4.13 What are Legal Entity Identifier fields and what is the Global Legal Entity Identifier Foundation?

A5.1.4.13 Please refer to the following links for more information:

https://www.esma.europa.eu/sites/default/files/library/esma70-145-238_lei_briefing_note.pdf

<https://www.gleif.org/en>

Fields relating to Interest Rate Indices ***new***

Current Interest Rate Index: RREL44; CREL111; CRPL54; AUTL41; CMRL38; CCDL30; LESL37; ESTL40; SEST20; SESI14; SEAT11.

Revised Interest Rate Index: RREL56; CRPL66.

Current Index For Payments To Protection Buyer: SESV31.

Current Index For Payments To Protection Seller: SESV36.

Date of first publication: 27 May 2019

Q5.1.4.14 Where the lender's own rate (LDOR) is used, but that own rate is linked directly to another value in the field (such as the European Central Bank or Bank of England base rate or another index), should the lender's own rate be entered or should the underlying source index be entered?

A5.1.4.14 In this situation, the lender's own rate (LDOR) should be entered if there is a material difference between this rate and the underlying rate (e.g. central bank base rate) that it is linked to. The material difference can be reflected in terms of mark-ups, for example, or other arrangements such as reset formula (e.g. the lender's rate is an average of central bank base rates over a certain time period). If the lender's own rate moves identically to the base rate, or is merely an update of the base rate with a time lag (e.g. a reset frequency of every 3 months), then the base rate should be entered. If the terms

and conditions of the underlying exposure are such that, under certain market conditions (e.g. market stress), the lender's own rate does not move identically to the base rate, then the lender's own rate (LDOR) should be entered in this field.

What interest rates are referred to in the Current Interest Rate, Current Interest Rate Index, Current Interest Rate Index Tenor, and Current Interest Rate Margin fields **new**

Current Interest Rate: RREL43; CREL110; CRPL53; AUTL40; CMRL37; CCDL29; LESL36; ESTL39.

Current Interest Rate Index: RREL44; CREL111; CRPL54; AUTL41; CMRL38; CCDL30; LESL37; ESTL40; SEST20; SESI14; SEAT11.

Current Interest Rate Index Tenor: RREL45; CREL112; CRPL55; AUTL42; CMRL39; CCDL31; LESL38; ESTL41; SEST21; SESI15; SEAT12.

Current Interest Rate Margin: RREL46; CREL113; CRPL56; AUTL43; CMRL40; LESL39; ESTL42.

Date of first publication: 27 May 2019

Q5.1.4.15 Do the Current Interest Rate, Current Interest Rate Index, Current Interest Rate Index Tenor, and Current Interest Rate Margin fields refer to the interest rate on the underlying exposure, or to an interest rate on any asset securing the underlying exposure?

A5.1.4.15 These fields refer to the interest rate on the underlying exposure.

Interest rate reset interval for certain fixed rate products **new**

Rate Reset Interval RREL47; CREL114; CRPL57.

Interest Rate Type: RREL42; CREL109; CRPL52.

Interest Revision Date 1: RREL51 and CPRL61.

Index Determination Date: CREL116.

Date of first publication: 27 May 2019

Q5.1.4.16

(a) How should the field Interest Rate Reset Interval be filled in for an underlying exposure whose Interest Rate Type is "Fixed rate underlying exposure with compulsory future switch to floating (FLCF)"?

(b) How should the field Interest Rate Reset Interval be filled in for an underlying exposure whose Interest Rate Type is "Fixed with future periodic resets (FXPR)"?

(c) How should the field Interest Rate Reset Interval be filled in for an underlying exposure whose Interest Rate Type is "Fixed rate underlying exposure (for life) (FXRL)"?

A5.1.4.16

(a) Where the Interest Rate Type (RREL42; CREL109; CRPL52) of an underlying exposure is "Fixed rate underlying exposure with compulsory future switch to floating (FLCF)", the option "not applicable" (ND5) should be entered in field "Rate Reset Interval" (RREL47; CREL114; CRPL57). The date of the switch to floating interest rate will be entered in field "Interest Revision Date 1" (RREL51 and CPRL61) or in field "Index Determination Date" (CREL116).

(b) Where the Interest Rate Type (RREL42; CREL109; CRPL52) of an underlying exposure is "Fixed rate underlying exposure with future periodic resets (FXPR)", then the period of time (in months) between each reset should be entered in field "Rate Reset Interval" (RREL47; CREL114; CRPL57). The

date of the reset/change in (fixed) interest rate will be entered in field “Interest Revision Date 1” (RREL51 and CPRL61) or in field “Index Determination Date” (CREL116).

(c) Where the Interest Rate Type (RREL42; CREL109; CRPL52) of an underlying exposure is “Fixed rate underlying exposure (for life) (FXRL)”, then the “ND5” should be typed into the field “Rate Reset Interval” (RREL47; CREL114; CRPL57).

Obligor Identifiers, Collateral Identifiers, Tenant Identifiers **new**

Original Obligor identifier: RREL4; NPEL4; LESL4; ESTL4; CRPL4; CREL2; CMRL4; CCDL4; AUTL4

New obligor identifier: RREL5; NPEL5; LESL5; ESTL5; CRPL5; CREL3; CMRL5; CCDL5; AUTL5.

Original Collateral identifier: CREC3; CRPC3; ESTC3; NPEC3; RREC3 ; SESI3.

New Collateral identifier/ Collateral Identifier: CREC4; ESTC4; NPEC4; RREC4; SESI4; CRET3.

Tenant identifier: CRET4

Date of first publication: 27 May 2019

Q5.1.4.17

(a) Are these identifiers meant to be collected by the originator, sponsor, and/or SSPE or generated by them?

(b) Where there are multiple obligors on a single underlying exposure, should one identifier be created for each obligor or only for the primary obligor?

A5.1.4.17

(a) These fields are intended to be assigned (i.e. created) by the originator, sponsor, and/or SSPE. They are not intended to be collected by these entities from the obligor, collateral provider, tenant, or other entity involved in the underlying exposure. For example, the obligor identifier field in ESTL4 does not mean that the originator, sponsor, and/or SSPE must request such information from the obligor. Instead, they must *create* the identifier.

(b) Where there are multiple obligors relating to a single underlying exposure, an identifier should only be created for the primary obligor.

Unique Identifiers – Methodology for Generating (including for master trust securitisations)

new

Date of first publication: 27 May 2019

Q5.1.4.18

(a) Given lack of guidance under Article 11 of the draft RTS on disclosure, are reporting entities free to come up with their own methodologies to generate unique identifiers for fields such as RREL1; CREL1; CRPL1; AUTL1; CMRL1; CCDL1; LESL1; ESTL1; IVSS1; IVAS1; and IVAN1?

(b) What unique identifier must be used in the case of Master trusts where there is a revolving pool of underlying exposures and where the Master trust issues multiple series per year – should the identifier be set at a Master trust level or the series level?

A5.1.4.18

(a) So long as the originator, sponsor, and/or SSPE (i.e. reporting entity) respects the provisions set out in Article 11, it is free to use their own methodologies to generate unique identifiers for these and other unique identifier fields in the disclosures technical standards.

(b) The identifier should be set at the Master Trust level. This is because the assets still remain in the Master trust even when the initial series have been replaced with new series, and the nature of Master Trusts is that underlying exposures are tied to the trust rather than individual series.

Definition of 'default', where not specified **new**

Date of first publication: 27 May 2019

Q5.1.4.19 For fields where the definition of default is not specified (e.g. IVSS31-IVSS37, SESL19-SESL21), how is default defined? Is there a standard definition that should be used?

A5.1.4.19 The Securitisation Regulation does not provide a definition of 'default'. Reporting entities should use the most appropriate regulatory or supervisory definition applicable to them and/or to the underlying exposure.

5.1.5 Questions related to individual fields which appear in multiple templates

Customer Type

RREL15; CRPL13; AUTL15; CMRL14; CCDL13; LESL14.

Date of first publication: 31 January 2019

Q5.1.5.1

(a) What is the exact definition of 'new' customer?

(b) Is the term 'employee/affiliated' limited to the originator or does it extend to the companies within the same group as the originator?

A5.1.5.1

(a) For the purpose of these fields, a new customer should be understood as a client that has had no other commercial relationship with the originator or original lender, prior to the relationship assumed in the present underlying exposure for which information is being disclosed.

(b) For the purpose of these fields, the term 'employee/affiliated' refers to all companies within the same legal group as the originator. For example, if a supermarket chain has a banking subsidiary, then the customers and employees of that banking subsidiary should be considered 'employee/affiliated' for the purposes of the Customer Type field.

Primary Income Currency

RREL18; AUTL18; CMRL17; CCDL16; ESTL19.

Date of first publication: 31 January 2019

Q5.1.5.2 What should be reported for corporate borrowers?

A5.1.5.2 The currency of the financial statements should be reported in this field.

How should the 'Redemption Date' field be completed for active and inactive underlying exposures?

RREL9; CREL11; CRPL9; AUTL9; CMRL9; LESL9; ESTL9.
Date of first publication: 31 January 2019

Q5.1.5.3 How should the ‘Redemption Date’ field be completed for active and inactive underlying exposures? (RREL9; CREL11; CRPL9; AUTL9; CMRL9; LESL9; ESTL9)

A5.1.5.3 In the event that an underlying exposure is an *active* underlying exposure as defined in the draft RTS on disclosure, then the Redemption Date field should be completed with ‘ND5’. This is because the underlying exposure has not been redeemed nor has completed had a recovery process completed. In the event that an underlying exposure is an *inactive* underlying exposure as defined in the draft RTS on disclosure, the Redemption Date field should be completed in the following manner:

- If the underlying exposure has been redeemed (i.e. fully paid back as set out in the contractual terms of the underlying exposure, including prepayments), then the Redemption Date field should be completed with the date at which the redemption occurred.
- If the underlying exposure has defaulted and the recovery process is now completed, then the Redemption Date field should be completed with the date at which the recovery process was completed.
- In all other cases for the underlying exposure becoming *inactive* (e.g. repurchases, substitutions, etc.), the Redemption Date field should be completed with ‘ND5’.

Amortisation Type **modified**

RREL35; CREL87; CRPL46; AUTL32; CMRL32; LESL31; ESTL31; IVAL21.
Date of first publication: 31 January 2019
Updated: 27 May 2019

Q5.1.5.4 Amortisation Type fields – how

(a) How should these fields be completed for different types of bullet loans? For example, the Dutch market has a substantial amount of mortgages with a redemption type of ‘bullet + savings’. (RREL35; CREL87; CRPL46; AUTL32; CMRL32; LESL31; ESTL31; ~~IVAL21~~)

(b) How should this field be completed for ABCP transactions (IVAL21)?

A5.1.5.4

(a) In this situation, the amortisation type field should be completed with ‘Bullet’.

(b) With respect to field IVAL21, it is recalled that this is not a {LIST} field but instead a {MONETARY} field. As per the Content to Report for this field, the total outstanding principal amount of the underlying exposures of this type (such as all trade receivables underlying exposures in the ABCP transaction) must be aggregated across all underlying exposures that have an amortisation type of either ‘Bullet’, or ‘Balloon’, or some other arrangement besides ‘French Amortisation’, ‘German Amortisation’, or a ‘Fixed Amortisation Schedule’.

For example, consider an ABCP transaction that has 1,000 underlying exposures each of which are worth exactly EUR 10,000. Of these 1,000 underlying exposures, 750 are trade receivables and 250 are automobile loans and leases. Therefore, Annex 11 (‘ABCP underlying exposures template’) must be completed twice—once for the 750 trade receivables and once for the 250 automobile loans and leases. Focussing on the 250 automobile loans and leases, assume that according to the definition set out in field IVAL21, there are

- a) 100 loans/leases classified as ‘Bullet’.
- b) 50 loans/leases classified as ‘Balloon’.

- c) [25 loans/leases classified as 'French Amortisation'](#),
- d) [25 loans/leases classified as 'Fixed Amortisation Schedule'](#), and
- e) [25 loans/leases classified as 'Other Amortisation'](#).

[Recall that each underlying exposure in this example is worth EUR 10,000. Therefore, taking this example, field IVAL21 would be completed with the value EUR 1,750,000, which is equal to the value of all auto loans and leases classified as either 'Bullet', 'Balloon', or 'Other' \(i.e. \(100 + 50 + 25\) * EUR 10,000\).](#)

Deposit Amount

RREL77; CRPL87; AUTL78; CMRL61; LESL64.

Date of first publication: 31 January 2019

Q5.1.5.5 Several jurisdictions – among which the Netherlands – have a so-called 'DGS' or bank failure safeguard, currently EUR 100k per obligor per bank in the Netherlands. The Deposit Amount field (e.g. RREL77) refers to 'excluding the benefit of any national deposit'. The interpretation of 'excluding' is unclear. If an obligor has EUR 120k of off-settable deposit, then should the whole amount of EUR 120k be used in the pro-rata calculation for this field?

A5.1.5.5 Yes, in this example provided, EUR 120k should be used regardless of whether the deposit is covered by a deposit guarantee scheme or not.

Cumulative Recoveries

RREL74; CREL141; CRPL84; AUTL76; CMRL60; CCDL41; LESL62; ESTL60.

Date of first publication: 31 January 2019

Q5.1.5.6 Cumulative Recoveries: how should this field be completed for underlying exposures that are not undergoing any recovery process?

A5.1.5.6 This field should be completed with 'ND5' ('Not applicable'). Enter '0' if the underlying exposure is undergoing (or has undergone) a recovery process and there have been zero recoveries as described in the Content To Report section of this field.

How should cumulative prepayment fields be completed for exposures that have been purchased from another lender?

RREL64; CRPL74; AUTL52; CMRL50; LESL49; ESTL51

Date of first publication: 31 January 2019

Q5.1.5.7 How should cumulative prepayment fields be completed for exposures that have been purchased from another lender? (RREL64; CRPL74; AUTL52; CMRL50; LESL49; ESTL51)

A5.1.5.7 Cumulative prepayments since the underlying exposure origination date must be provided even for exposures that have been purchased from another lender and then securitised. However, in instances where this information was not provided when the underlying exposure changed ownership, then the values entered in the cumulative prepayments fields should record the cumulative prepayments made *since the underlying exposure was purchased by the originator*.

For example, consider a residential mortgage that was originated on 1 January 2005 and was sold to another lender on 1 January 2010, and securitised on 1 January 2015. Assume that this residential

mortgage had EUR 1000 of prepayments between 1 January 2005 and 1 January 2010, and another EUR 1000 of prepayments between 1 January 2010 and 1 January 2015. In other words, the residential mortgage had EUR 2000 of cumulative prepayments.

In this example, the following reporting arrangements would apply for completing field RREL64 ('cumulative prepayments') for this specific residential mortgage (assuming a data cut-off date of 1 January 2015):

- If the information on the residential mortgage's EUR 1000 prepayments between 1 January 2005 and 1 January 2010 is available to the reporting entity, then field RREL64 should be completed as 'EUR 2000', which reflects the prepayments of EUR 1000 between 1 January 2005 and 1 January 2010, plus the EUR 1000 of prepayments between 1 January 2010 and 1 January 2015. New prepayments occurring over time in the future (e.g. on 1 July 2015) should then be added to this number in subsequent data submissions of field RREL64 for this residential mortgage.

- If the information on the residential mortgage's EUR 1000 prepayments between 1 January 2005 and 1 January 2010 is *not* available to the reporting entity, then field RREL64 should be completed as 'EUR 1000', reflecting the prepayments of EUR 1000 between 1 January 2010 and 1 January 2015. New prepayments occurring over time in the future (e.g. on 1 July 2015) should then be added to this number in subsequent data submissions of field RREL64 for this residential mortgage.

Dilutions

IVSS23; IVAL26.

Date of first publication: 31 January 2019

Q5.1.5.8 What is meant by this field?

A5.1.5.8 This field refers to dilutions since the origination of the loan or, for revolving credit facilities, dilutions since the previous data cut-off date. Thus, dilutions should include reductions in principal exposures that have arisen due to fraud claims as well as any applicable country-specific procedures (e.g. Section 75 of the Consumer Credit Act in the United Kingdom).

Payment Due

RREL39; CREL105; CRPL50; AUTL37; CMRL36; CCDL28; LESL35; ESTL35

Date of first publication: 31 January 2019

Q5.1.5.9 Does this field include any insurance that is paid through the underlying exposure?

A5.1.5.9 Yes, this field includes the total next payment that must be made by the obligor in connection with this underlying exposure (i.e. the total next payment that, if the underlying exposure did not exist, would not have to be made). It therefore does include any insurance that is paid through the underlying exposure.

Date Last in Arrears

RREL66; CREL128; CRPL76; AUTL67; CMRL52; CCDL34; LESL54; ESTL52

Date of first publication: 31 January 2019

Q5.1.5.10 How should the field 'Date Last in Arrears' be completed if the underlying exposure has never been in arrears?

A5.1.5.10 Where the underlying exposure has never been in arrears, this field should be completed as 'ND5'.

Special Scheme

RREL22; CREL14; CRPL32; AUTL22; CMRL20; CCDL18; LESL21

Date of first publication: 31 January 2019

Q5.1.5.11 What should be reported in the field 'Special Schemes'? Are 'municipality guarantees' regarded as special schemes?

A5.1.5.11 This field should only be completed where the underlying exposure is governed by a public-sector arrangement. It is not possible to provide an exhaustive list. For example, loans under 'Vivienda de Protección Oficial', 'Nationale Hypotheek Garantie', or 'Prêts Accession Sociale' would be considered a special scheme.

'Municipality guarantees' which constitute a special arrangement that is deemed worth highlighting to investors, potential investors and/or other users, should be reported using this field. However, this field should not be used to simply highlight that the underlying exposure is guaranteed (the collateral section of the template to be used for this purpose).

Total Credit Limit

RREL33; CRPL42; CMRL29; CCDL23; ESTL29

Date of first publication: 31 January 2019

Q5.1.5.12 Is the field 'Total Credit Limit' referring to underlying exposures still in their disbursement phase and/or revolving underlying exposures?

A5.1.5.12 As set out in the Content To Report, this field refers to "*underlying exposures with flexible re-draw facilities (including revolving characteristics) or where the maximum underlying exposure amount hasn't been withdrawn in full – the maximum underlying exposure amount that could potentially be outstanding.*

This field shall only be populated for underlying exposures that have flexible or further drawing characteristics.

This is not intended to capture instances where the obligor may renegotiate an increased underlying exposure balance but rather where there is currently the contractual ability for the obligor to do this and for the lender to provide the additional funding."

The total credit limit of revolving underlying exposures as well as of underlying exposures still in their disbursement phase would generally be expected to meet the conditions (quoted above) which trigger the need to report. However, there may be additional types of underlying exposures that meet the conditions which trigger the need to report the total credit limit in this field.

Allocated Losses *modified*

RREL73; CREL137; CRPL83; AUTL74; CMRL59; LESL61; ESTL59

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.1.5.13

(a) Is the relevant amount in the field 'Allocated Losses' the losses allocated to the SSPE or the amount of provisioning calculated by the seller prior to the sale?

(b) Should this field only be completed following default of the underlying exposure (e.g. liquidation of collateral/properties) or should this field also be completed upon the sale of properties throughout the life of the underlying exposure?

(c) What is included in 'Losses'?

A5.1.5.13

(a) The field 'Allocated Losses' should reflect the amount calculated by the originator or a specialised third party managing the underlying exposure during the recovery/work-out process, at the time that a 'loss' has been deemed to take place. It should reflect the situation of the underlying exposure before any adjustments have been made to allocate losses to the SSPE, and the amount should be calculated as set out in the Content To Report for each field. Where no recovery/work-out process has begun, this field should be completed as 'ND5'. Note that 'loss' information here is distinct to any loss information on the tranches/bonds in the securitisation, as set out in the relevant investor report (Annex 12 and 13).

(b) This field should be completed upon any sale of properties or collateral as part of a recovery/work-out process for the underlying exposure (which is generally expected to commence following a default of the underlying exposure).

(c) The estimate of losses should be as complete as possible including accrued but unpaid interest plus unpaid principal. Where possible, default interest should also be included.

Account Status ***modified***

RREL69; CREL136; CRPL79; AUTL70; CMRL55; CCDL37; LESL57; ESTL55.

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.1.5.14 (a) What is the definition of 'performing' underlying exposure? And does an exposure that has been restructured >3 years ago qualify as performing, in line with RREL14?

(b) Restructured – Arrears / No Arrears: When should an underlying exposure be considered as 'restructured'. Should only currently restructured loans – i.e. due to credit impaired borrowers - should be reported and not loans that were ever in arrears/default (and have recovered since)?

(c) For defaulted / foreclosed loans several fields are no longer (fully) applicable to report. For example 'valuation amount' in case a real-estate collateral has been sold but foreclosure proceeds still come in, as well as 'current interest rate' in case a borrower has ceased to pay. How should these fields be reported in such instances?

(d) With the new set of statuses we foresee that underlying exposures can have multiple options applicable. For example, an underlying exposure could be in 'arrears' AND 'Repurchased by Seller – Special Servicing'. How should these situations should be reported?

(e) The value 'Defaulted only under another definition of default being met (DADB)', is referred to the default definition usually included in the transaction documentation? We understand that, in general terms, defaults can be cured if, for example, a defaulting loan becomes current again; however, if the default definition used in DADB is the one included in the transaction documentation, defaults may not be cured even if the obligor repays all debt (even if the loan stays performing for long periods): in this situation, we would maintain the loan in the DADB value, is that correct?

(f) What is the difference between the response options ‘NDFT’ (representing ‘Not defaulted according to Article 178 of Regulation (EU) No 575/2013 but classified as defaulted due to another definition of default being met’) and ‘DADB’ (representing ‘Defaulted only under another definition of default being met’)?

A5.1.5.14

(a) Performing: It is not possible to provide an exhaustive definition of performing, which will be determined by applicable regulatory/supervisory requirements that the originator is subject to.

(b) Restructured – Arrears / No Arrears: As set out in the description to this field, “Restructuring refers to any changes made to the contractual terms of the underlying exposure agreement due to forbearance, including payment holidays, arrears capitalisation, change of interest rate basis or margins, fees, penalties, maturity, and/or other generally-accepted measures of restructuring under forbearance.” The information on these underlying exposures is meant to reflect their current status—information should be up to date at all times unless indicated otherwise (for example in fields like “Original Valuation Amount”, which clearly indicate a historical dimension). Underlying exposures that have previously been restructured and are not currently in arrears should be reported as ‘RNAR’ (‘Restructured – No Arrears’) whereas those that are currently in arrears should be reported as ‘RARR’ (‘Restructured – Arrears’).

(c) As indicated in the previous sub-answer, information should reflect the latest-available details on the loan. Thus, ‘valuation amount’ and ‘current interest rate’ should nevertheless reflect the information as at the data cut-off date. In these specific examples, such information may correspond to the valuation of the property at the time of sale (gross of any fees, penalties, etc.) and to the interest rate payable by the obligor at the data cut-off date (which may be 0% if this rate has been waived).

(d) With regards to multiple options being applicable, the purpose of the options ‘Repurchased by seller’ and ‘Redeemed’ relate to signalling some of the reasons for an underlying exposures to be considered an *inactive* underlying exposure. As per the example set out in the question above (see point d), if an underlying exposure is in arrears and has been repurchased then, by virtue of Article 2(5) of the draft RTS on disclosure, the underlying exposure would be treated as an *inactive* underlying exposure and would only need to be reported once subsequently (see also the response to question Q5.1.3.2). In this situation, reporting the underlying exposure as ‘Restructured’ would take precedence over other fields. The same considerations apply to ‘Redeemed’ exposures.

For example, if as at the data cut-off date an underlying exposure has been repurchased (i.e. it is now an *inactive* underlying exposure as at the data cut-off date) but had been restructured prior to or as part of the repurchasing process, then the account status field should be completed with ‘Repurchased by Seller - Restructured’. The same logic applies if the underlying exposure had undergone any special servicing arrangements (i.e. being transferred to a special servicer, or undergoing any special collection procedures) at the time of restructuring (‘Repurchased by the Seller- Special Servicing’), or if the underlying exposure was repurchased as part of a discovery that it had breached the representations and warranties set out in the securitisation transaction documentation (‘Repurchased by the Seller – Breach of Representations and Warranties’), or had defaulted and was then repurchased (‘Repurchased by the Seller – Defaulted’), or finally was repurchased for any other reason (‘Repurchased by the Seller – Other Reason’).

(e) Yes, this is correct.

(f) ‘DADB’ (representing ‘Defaulted only under another definition of default being met’) should only be entered when the originator is not subject to the requirements of the Capital Requirements Regulation (Regulation (EU) No 575/2013). Otherwise, ‘NDFT’ (representing ‘Not defaulted according to Article 178 of Regulation (EU) No 575/2013 but classified as defaulted due to another definition of default being met’) should be entered.

Primary Income Verification **new**

AUTL19; CMRL18; CCDL17; ESTL20.

Date of first publication: 27 May 2019

Q5.1.5.15 How should the Primary Income Verification field be completed where the obligor is a legal person?

A5.1.5.15 The most appropriate verification option should be entered. For example, if income (in this case, revenue) has been verified, then the 'VRFD' (representing 'Verified') should be entered. If a credit bureau has been used instead, then 'SCRG' (representing 'Credit Bureau Information or Scoring') should be entered.

Principal Grace Period End Date **new**

RREL36, CREL88, CRPL47, AUTL33, CMRL33, CCDL25, LESL32, ESTL32

Date of first publication: 27 May 2019

Q5.1.5.16

(a) What is the definition of a principal grace period?

(b) Is there any applicability to interest only loans where the principal is all repaid at the end of the loan term?

A5.1.5.16

(a) A principal 'grace period' can be understood as a period during which no principal payments are required, regardless of whether interest payments are required or not.

(b) Yes, for interest only loans, the principal grace period end date is equal to the end date of the loan term. If the obligor is unable to make the scheduled principal payment at the end of the loan term, and this payment is delayed by the originator, then the updated end-date must be provided.

Scheduled Principal Payment Frequency **new**

RREL37; CREL90; CRPL48; AUTL34; CMRL34; CCDL26; LESL33; ESTL33.

Date of first publication: 27 May 2019

Q5.1.5.17

(a) Please confirm that, for underlying exposures where the principal is repaid only once (at maturity), but periodic contributions have been made to an additional collateral account (e.g. Bullet + Savings deposit) the Scheduled Principal Payment Frequency field can be completed with "OTHER"?

(b) Where the "Amortisation Type" (e.g. CRPL46) is "Bullet - i.e. Amortisation in which the full principal amount is repaid in the last instalment (BLLT)", including for interest-only underlying exposures, how should the field Scheduled Principal Payment Frequency be completed?

A5.1.5.17

(a) Yes, this is confirmed. These underlying exposures do not have a scheduled principal payment frequency of either a monthly, quarterly, semi-annual, or annual basis. Therefore, 'OTHR' (representing 'Other') is the appropriate value to enter in this field.

(b) In this case, the value 'OTHR' (representing 'Other') should be entered in the Scheduled Principal Payment Frequency field.

Obligor Basel III Segment **new**

CRPL15; LESL15.

Date of first publication: 27 May 2019

Q5.1.5.18

(a) Where can the Basel III Segment classifications be found?

(b) How should this field be completed for lenders that are neither subject to supervision under legislation implementing the Basel Accords nor to any classifications under the Basel Committee on Banking Supervision?

Q5.1.5.18

(a) This field should be completed according to the classifications set out in the Basel III arrangement (available here: <https://www.bis.org/bcbs/publ/d424.pdf>). For further background and assistance, see in particular paragraphs 43 and 54-58 therein.

(b) This field should be completed by all reporting entities, regardless of whether they are supervised under the scope of the Basel Committee on Banking Supervision accords or relevant implementing legislation (e.g. Regulation (EU) No 575/2013). For underlying exposures where revenue/turnover/income figures are only available at the time of origination of the underlying exposure (i.e. are not regularly updated), it is acceptable to use these figures as the relevant input to calculate the classification set out in the paragraphs mentioned in point (a) above.

Origination Channel **new**

RREL26; CRPL35; AUTL27; CMRL24; CCDL20; LESL25.

Date of first publication: 27 May 2019

Q5.1.5.19 How should this field be completed where the lender is a fund or another non-bank entity?

Q5.1.5.19 This field should still be completed according to the available options. For example, in the event of an underlying exposure having been originated by a fund and being reported under Annex 4 (Corporate underlying exposure), then the reporting entity should select the most appropriate option for field CRPL35. In this regard, if a fund has created the underlying exposure via its office, then the entry 'BRAN' (representing 'Office or Branch Network') should be entered into that field for that underlying exposure.

Energy Performance Certificate Value **new**

RREC10; RREC11; AUTL57; AUTL58; CMRL68; CMRL69

Date of first publication: 27 May 2019

Q5.1.5.20

(a) What energy performance certificate applies to cars?

(b) What energy performance certificate applies to products related to consumer underlying exposures?

(c) What energy performance certificate applies to products related to residential real estate?

A5.1.5.20

(a) This field refers to the environmental labelling of cars required by Directive 1999/94/EC available at <https://eur-lex.europa.eu/eli/dir/1999/94/2008-12-11> and Commission Recommendation (EU) 2017/948 of 31 May 2017 available at <https://eur-lex.europa.eu/eli/reco/2017/948/oj>. More information about European car labelling is available on the website of the European Commission: https://ec.europa.eu/clima/policies/transport/vehicles/labelling_en.

(b) Further information is available on the Energy label and eco-design webpage of the European Commission: https://ec.europa.eu/info/energy-climate-change-environment/standards-tools-and-labels/products-labelling-rules-and-requirements/energy-label-and-ecodesign_en

(c) Further information is available on the European Commission's Energy Efficiency webpage dedicated to Buildings: <https://ec.europa.eu/energy/en/topics/energy-efficiency/buildings>

Percentage of Prepayments Allowed Per Year **new**

RREL59; CRPL69; AUTL48; CMRL45; LESL44; ESTL46

Date of first publication: 27 May 2019

Q5.1.5.21 Where overpayments are not allowed without penalty, is the correct disclosure '0%' or 'ND5'?

A5.1.5.21 The correct entry is 0%.

Arrears 1-29 Days **new**

IVAL32; IVSS38

Date of first publication: 27 May 2019

Q5.1.5.22 Are fully performing loans i.e. those with zero arrears to be excluded from this disclosure?

A5.1.5.22 Yes. This field only includes underlying exposures which are in arrears.

5.2 Annex 2: Underlying Exposures - Residential Real Estate

Prepayment lock-out end date and Prepayment fee end date

RREL60; RREL62.

Date of first publication: 31 January 2019

Q5.2.1 How should field RREL60 be reported in case there is no explicit lock-out period/end date? Does RREL60 include a date after which the underlying exposure could be prepaid but with a fee/charge? What is the difference between field RREL60 and field RREL62 (Prepayment lock-out end date)?

A5.2.1 RREL60 field allows ND5 ('not applicable') to be entered. Thus, if there is no explicit lock-out period/end date then 'ND5' should be entered. Prepayments after this date that are subject to fees/charges also imply that any 'lock-out' period has ended and, therefore, RREL60 should be completed for the date starting from which such prepayments (even if they include fees/charges) are possible.

RREL62 refers to the date after which prepayments on the underlying exposure can be made without any fees charged (field RREL62 also allows 'ND5' to be entered). RREL60 refers to the date after which prepayments can be made *regardless* of whether any fees/charges are applied to those prepayments.

For example, consider an underlying exposure originated on 1 January 2010, where no prepayments are possible between 1 January 2010 and 31 December 2014, and where any prepayments between 1 January 2015 and 31 December 2017 are subject to a fee, after which there is no charge/fee for prepayments. In this example, field RREL60 would be completed with '1 January 2015' and field RREL62 would be completed with '1 January 2018'.

Pari Passu Underlying Exposures ***new***

RREL32

Date of first publication: 27 May 2019

Q5.2.2 How should this field be filled in if an obligor has two underlying exposure parts ranking pari passu?

A5.2.2 This field should contain the total value of underlying exposures to this obligor ranking pari passu with this underlying exposure (regardless of whether or not they are included in this pool). If there are no balances ranking pari passu, enter 0. For example, if an obligor has two loans ranking pari passu, loan A of € 60,000 and loan B € 40,000, then the correct amount for this field would be € 100,000.

How to provide the amount guaranteed for underlying exposures (collateral section)

Date of first publication: 31 January 2019

Q5.2.3 What is the amount of underlying exposure guaranteed? Does this include the future income pledged by guarantors (in the event of family relations acting as guarantors)?

A5.2.3 The amount guaranteed refers to the amount *of the underlying exposure* that has been guaranteed. This will typically refer to the principal balance of the underlying exposure, although this may also vary with respect to specific underlying exposure terms and conditions.

Purpose

RREL27

Date of first publication: 31 January 2019

Q5.2.4 How should this field be completed if several purposes listed in this field apply?

A5.2.4 In this scenario the most appropriate purpose should be selected. It is not possible to enter in multiple ('combined') values across the items in this list field.

5.3 Annex 3: Underlying Exposures - Commercial Real Estate

Total Other Amounts Outstanding ***new***

CREL27

Date of first publication: 27 May 2019

Q5.3.1 Should all expenses incurred by the special servicer that have not yet been repaid through recoveries be reported in this field?

A5.3.1 No. The field refers only to the cumulative amount of any sums that have been advanced by the Servicer or SSPE and not yet reimbursed by the obligor such as insurance premiums, ground rent and capital expenditures.

Prepayment Terms Description – make-whole payments ***new***

CREL93

Date of first publication: 27 May 2019

Q5.3.2

(a) How should this field be completed for make-whole payments?

(a) How should make-whole payments be represented?

A5.3.2

(a) It is first recalled that the content to report for this field is: “*Shall reflect the information in offering circular. For instance, if the prepayment terms are the payment of a 1% fee in year one, 0.5% in year two and 0.25% in year three of the loan this may be shown in the offering circular as: 1%(12), 0.5%(24), 0.25%(36).*” Where there are prepayment fees of 1% associated with make-whole payments, then the format should be 1%(MW), where ‘MW’ stands for ‘Make-Whole’.

(b) This should be entered in the following format: X%(MW). For example, if there is a prepayment fee of 0.5% after year one and a make-whole prepayment fee of 1.5% then field CREL93 should be entered as ‘0.5(12), 1.5(MW)’.

Covenant Breach / Trigger ***new***

CREL149

Date of first publication: 27 May 2019

Q5.3.3 How should multiple breaches/triggers be listed?

A5.3.3 Response options ‘ICDS’ (‘Interest Coverage Ratio or Debt Service Coverage Ratio’) or ‘ICDL’ (‘Interest Coverage Ratio or Debt Service Coverage Ratio or Loan-to-Value’) are intended to capture the presence of multiple covenant breaches/triggers. Where these are insufficient to describe the breaches/triggers, then the option ‘OTHR’ (representing ‘Other’) should be entered.

Prepayment Interest Excess / Shortfall **new**

CREL101

Date of first publication: 27 May 2019

Q5.3.4 CREL101 (Prepayment Interest Excess / Shortfall) – Does this number include prepayment fees?

A5.3.4 No, this does not include prepayment fees.

Index Determination Date **new**

CREL116

Date of first publication: 27 May 2019

Q5.3.5 CREL116 (Index Determination Date) - How are non-business days considered? E.g. if an underlying exposure pays on the 1st but the 1st is not a business day and the 3rd is the next business day, should the 1st or 3rd be entered here?

A5.3.5 As set out in the description for this field, if the underlying exposure Agreement states specific dates for the index to be set, enter the next index determination date. If the index is determined on the 3rd, then this is the date that should be entered. If the index is determined on the 1st, then the 1st should be entered.

5.4 Annex 4: Underlying Exposures - Corporate

Managed by CLO

CRPL30

Date of first publication: 31 January 2019

Q5.4.1 What is meant by 'also being managed by the CLO manager'?

A5.4.1 This refers to a situation where the CLO manager also manages a participation in the same underlying exposure, and that participation is not securitised.

Collateral valuation fields for corporate and leveraged lending

CRPC10; CRPC11; CRPC12; CRPC13; CRPC14; CRPC15

Date of first publication: 31 January 2019

Q5.4.2 These have an asset valuation focus, whereas corporate and leveraged lending is based on the corporate credit of the borrower and not asset based. How should this information be reported?

A5.4.2 Any information on the value of the security provided to the underlying exposure (including from guarantees), as well as the method used to calculate that value and the date at which this was performed, are expected to be provided in these fields. For example, in the event that a corporate borrower has secured a full guarantee on its underlying exposure contracted to the originator (or original lender), then this should also be reflected.

Market Value **new**

CRPL41

Date of first publication: 27 May 2019

Q5.4.3 What market value must be provided?

A5.4.3 Field CRPL41 reads: "*For Collateralised Loan Obligation securitisations, enter the market value of the security.*" The market value must be provided in all instances; ND5 may not be used as a substitute for market values not being readily available. It is expected that updated market values will be provided for underlying exposures that are admitted to trading on a market and/or are subject to legislative or supervisory requirements that require updated valuations. For underlying exposures where the market value may be challenging to calculate, such as retail mortgage-backed debt instruments, non-marketable debt instruments backed by eligible credit claims, and other instruments that are not admitted to trading on a market, then the best estimate of the market value as at the data cut-off date (which may be identical to the estimate at the previous data cut-off date or at the time that the underlying exposure was created) must be provided.

5.5 Annex 5: Underlying Exposures - Automobile

Original Loan-To-Value

AUTL59

Date of first publication: 31 January 2019

Q5.5.1 How should this field be completed for leases?

A5.5.1 This field should also be completed for leases, using the ratio of the discounted lease balance (inclusive of all fees and other amounts owed by the obligor) relative to the automobile value at origination (as set out in field AUTL60).

5.6 Annex 6: Underlying Exposures - Consumer

[Further Q&As will be provided here in due course]

5.7 Annex 7: Underlying Exposures - Credit Cards

What level of the credit card receivable is the 'underlying exposure'? The account or the product/card level?

Date of first publication: 31 January 2019

Q5.7.1 Should the Issuer prepare the loan level data on an account level, or product/card level? If it has to be on an account level, a single customer may have multiple cards. In that case, do we populate the data fields based on the card with the largest outstanding balance?

A5.7.1 Underlying exposure information should be prepared on an account level, and fields that could in principle accommodate multiple entries (i.e. multiple card balances, multiple payments due) should be aggregated. Field CCDL29 ('current interest rate') should be weighted according to the outstanding balances of all the (securitised) products within the same account.

Pool Addition Date *new*

CCDL7

Date of first publication: 27 May 2019

Q5.7.2 If an account switches product whilst in the pool of underlying exposures, should the Pool Addition Date field remain unchanged?

A5.7.2 The pool addition date should not change in this situation.

5.8 Annex 8: Underlying Exposures - Leasing

[Further Q&As will be provided here in due course]

5.9 Annex 9: Underlying Exposures - Esoteric

[Further Q&As will be provided here in due course]

5.10 Annex 10: Underlying Exposures - Non-Performing Exposures

Reporting of non-performing exposures securitisations – use of the EBA templates ***new***

Date of first publication: 27 May 2019

Q5.10.1 When do the EBA templates have to be used and when do the templates in ESMA's securitisation disclosure technical standards have to be used?

A5.10.1 Where a securitisation meets the definition of a 'non-performing securitisation' set out in Article 1(5) of the (ESMA) Draft RTS on Disclosure, then the templates set out in the ESMA's draft ITS on Disclosure should be used for reporting information on the non-performing underlying exposures contained in that securitisation. The EBA templates for Non-Performing Loans are not specifically concerned with securitisations. While, stakeholders are free to also complete the EBA templates if they wish to, the only regulatory requirement with respect to the Securitisation Regulation and disclosure of information for non-performing exposure securitisations is that the applicable templates in ESMA's securitisation disclosure technical standards be completed.

5.11 Annex 11: Underlying Exposures - ABCP

What is meant by residual maturity?

IVAL17; IVAL18.

Date of first publication: 31 January 2019

Q5.11.1 What is meant by residual maturity? Does this refer to Weighted Average Life?

A5.11.1 Residual maturity refers to the difference, in months, between the data cut-off date of the data submission and the maturity date of the loans. In the case of field IVAL17, this is the longest residual maturity, in months, of any underlying exposure in the ABCP transaction of the same type. Field IVAL18 is the average residual maturity across all underlying exposures of the same type in the ABCP transaction.

For example, if an ABCP transaction contains 1000 trade receivable underlying exposures and 100 auto loans underlying exposures, then Annex 11 must be completed twice (as set out in Article 4(2)(d) of the draft RTS on disclosure). In the completed template of Annex 11 that refers to the 1000 trade receivables,

- field IVAL17 should be equal to the residual maturity of the trade receivable with the longest residual maturity (among the 1000 trade receivables); and
- field IVAL18 refers to the average residual maturity across the 1000 trade receivables.

Similarly, in the second completed template of Annex 11 that refers to the 100 auto loans underlying exposures,

- field IVAL17 refers to the residual maturity of the auto loan with the longest residual maturity (among the 100 auto loans); and
- field IVAL18 refers to the average residual maturity across the 100 auto loans.

Use of 'No Data' options in Annex 11 **new**

Date of first publication: 27 May 2019

Q5.11.2 Sponsors act as underwriters of each ABCP transaction within their ABCP Conduit. On this basis, if a sponsor is reporting on the underlying exposure template in Annex 11 and has not collected certain data fields as part of its underwriting process, is ND1 an acceptable entry for these fields? Can ND2 be entered in cases where the sponsor collected the information initially but did not load it in into their own reporting system?

A5.11.2 It is first recalled that recital (13) of the draft disclosure regulatory technical standards includes the following text: *"The set of 'No data' options from ND1 to ND4 is meant to signal legitimate cases of information not being available and under no circumstance should constitute an exemption from reporting requirements. Furthermore, use of these options in reporting underlying exposures information in a given securitisation is expected to be limited and, where present, to converge quickly towards reporting of the relevant information."*

Furthermore, Article 7 of the Securitisation Regulation stipulates that one entity among the originator, sponsor, and SSPE shall be responsible for fulfilling the disclosure requirements. The fact that a sponsor may not have information available does not necessarily imply that the 'No Data' options can be used,



if such information can easily be provided to the sponsor from other entities active in the securitisations, such as the originator(s) and/or SSPE. See also question 5.1.2.9.

5.12 Annexes 12 and 13: Investor Reports

What type of tests/triggers need to be reported? ***modified***

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.12.1 Which events fall within the scope of tests, events, and triggers that should be reported, compared to the ones mentioned in prospectuses and/or transaction documentation?

A5.12.1 As set out in Article 4(1)(f) of the draft RTS on disclosure, information on tests/events/triggers shall be made available “*for each test/event/trigger set out in the securitisation transaction documentation that triggers changes in the priority of payments or the replacement of any counterparties*”.

This includes any counterparty replacement triggers that can lead to the termination of a counterparty, i.e. both credit ratings-related triggers as well as any other triggers with the same consequence of replacement.

This does not include triggers regarding underlying exposure-related counterparties, for example any replacement triggers relating to counterparties providing swaps directly on one or multiple underlying exposures.

Consequences for Breach ***new***

IVAR6

Date of first publication: 27 May 2019

Q5.12.2 If the consequences for this test/event/trigger being breached are different than a change in the priority of payments and/or a replacement of a counterparty, how should this field be completed?

A5.12.2 Where a reporting entity wishes to signal that there are other consequences for the tests/event/trigger being breached change in the priority of payments and/or a replacement of a counterparty, then the reporting entity may select ‘OTHR’ (representing ‘Other’). However, this is not an obligation and ‘ND5’ (‘Not Applicable’) may also be entered.

Obligation to complete the investor report template ***modified***

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.12.3 Originators, sponsors, or SPEs may already have investor reports in place for ABCP ~~holders~~investors that contain similar information than Annexes 13 and 11 but with a different presentation format. The same situation may exist for non-ABCP securitisations, with respect to investor reports in Annex 12. Will these firms have to duplicate the existing ~~report~~reports by adding another report containing the same information but using the ESMA template or can they continue using their template if it contains the information required by ESMA?

A5.12.3 As per Article 7 of the Securitisation Regulation, the disclosure templates developed by ESMA form the basis for the investor report (and underlying exposures) reporting obligations of the reporting entity. There is no prohibition on originators, sponsors, or SPEs also providing the same information via a second investor report format. However, for the purposes of satisfying the requirements of the

Securitisation Regulation (in this context Article 7(1)(e)), Annex [12 is required to be completed for non-ABCP securitisations](#) and Annex 13 is required to be completed [for ABCP securitisations](#) and in the manner set out in the draft RTS and ITS on disclosure.

Questions relating to principal and interest recoveries ***modified***.

IVSS14; IVSS15.

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.12.4

(a) Where should other recoveries (like for applicable penalties etc.) be reported?

(b) Are these fields meant to capture recoveries on all the underlying exposures (arrears and defaulted) or only for those underlying exposures in arrears?

(c) This information is not separated as such in our system, rather all recoveries are recorded together. Can recoveries be recorded in one of those fields only (e.g. principal) and leave the other 0?

(d) Recoveries may not apply to all type of exposures in the securitisation. Is it acceptable to enter 'ND5' ('Not Applicable') in these fields in such cases?

A5.12.4

(a) Such information could be reported in the cash-flow information section, with a specific line item to capture this information.

(b) These fields are capturing information for all underlying exposures that are undergoing a recovery/work-out process (whether defaulted, in arrears, or in any other situation that means that there is a recovery/work-out process that is ongoing).

(c) In the beginning of the introduction of these reporting requirements this is acceptable, however it is expected that this reporting issue will be fixed over time. During the interim period until the situation is solved, the principal recoveries field (IVSS14) should indeed be populated and the interest recoveries field (IVSS15) be populated with 'ND5'.

(d) It is not acceptable to enter 'ND5' ('Not Applicable') in cases where recoveries may in principle be possible for some, but not all, underlying exposures in the securitisation. In such situations, the value 0 should be entered where no recoveries have taken place, otherwise the value of the recoveries should be provided. 'ND5' ('Not Applicable') should only be entered when no recoveries are in principle possible (given the type of underlying exposures, repayment profile, etc.) for *all* underlying exposures in the securitisation.

Gross Charge-Offs in the Period ***modified***.

IVSS24

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.12.5

(a) Are 'charge offs' the same as 'write-offs'?

(b) Does this field refer only to credit cards exposures or is it referring to default information regardless of the underlying exposure?

(c) Could charge-offs correspond to provisions for badly damaged vehicles, provisions for stolen vehicles, or depreciation accruals?

A5.12.5

(a) This is confirmed.

(b) This field refers to default information regardless of underlying exposure type.

(c) Charge-offs generally correspond to situations where there are no further past-due amounts on the underlying exposure.

Clarifications for field Securitisation Excess Spread and Excess Spread Trapping Mechanism

modified

IVSS19 and IVSS20

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.12.6

(a) 'ND5' is not permitted to be entered in field IVSS19. Therefore, how should this field be reported if there is no excess spread?

(b) The definition states 'The amount of funds left over after application of all currently-applicable stages of the waterfall'. How should field IVSS19 be reported if any left-over funds are paid out as the last line-item in the waterfall to the originator? How should field IVSS20 be reported in this scenario?

A5.12.6

(a) If there are no funds left over after application of all currently-applicable stages of the waterfall, commonly referred to as 'excess spread', then this field should be entered with '0'.

(b) Funds paid out to the originator as part of the final stage of the waterfall should also be considered as excess spread and field IVSS19 should be completed with this amount. In this scenario, the funds are not being held for use in the securitisation (e.g. via a reserve account) and, therefore, IVSS20 should be completed as 'No'.

Clarifications for field Defaulted Exposures

IVSS28

Date of first publication: 31 January 2019

Q5.12.7 Is this field requesting only the sum of the principal amount without interest? The field description in the column 'content to report' specifies principal only.

A5.12.7 Yes, this is correct.

How should the cashflow information section be completed—is this for every item in main funding waterfall or only those Issuer includes in Investor Report?

Date of first publication: 31 January 2019

Q5.12.8 How should the cashflow information section be completed—is this for every item in the main funding waterfall or only those included by the issuer in the Investor Report?

A5.12.8 As set out in Article 4(1)(e) of the draft RTS on disclosure, the item corresponding to each category of receipt or disbursement of funds in the securitisation, according to the applicable priority of payments as at the data cut-off date, must be reported. This is regardless of whether the item is reported or not in the issuer's own (i.e. different from Annex 12) Investor Report.

Clarifications for Annualised Constant Prepayment and Default Rates **new**

IVSS22; IVSS27.

Date of first publication: 27 May 2019

Q5.12.9

(a) How should these fields be reported where there is only one loan in the securitisation?

(b) How should field IVSS22 be completed if no prepayments are possible in the securitisation?

A5.12.9

(a) These fields must still be calculated according to the formulae specified in fields IVSS22 and IVSS27 in the securitisation disclosure regulatory technical standards, i.e. with respect to total principal balances at the start of the period.

(b) Field IVSS22 should be completed as 0 in this case, since no prepayments have taken place.

Principal Collections in The Period **new**

IVSS16

Date of first publication: 27 May 2019

Q5.12.10 Should pre-paid principal be reported here also, or only scheduled?

A5.12.10 Both scheduled and unscheduled (e.g. via prepayment) principal should be reported in this field.

Interest Collections In The Period **new**

IVSS17

Date of first publication: 27 May 2019

Q5.12.11 Should interest penalties be included?

A5.12.11 Any penalties that are treated as interest payments should be included in this field. Penalties that are treated as fees should not be included in this field.

Current Overcollateralisation ***new***

IVSS21

Date of first publication: 27 May 2019

Q5.12.12 Should all bonds/tranches be included in this calculation (including bonds that are unplaced/retained/funding reserve accounts)?

A5.12.12 Yes, all bonds/tranches (including unplaced/retained/funding bonds and subordinated loans) and other arrangements that constitute liabilities in the securitisation should be included in this calculation.

Reporting of risk retention information for ABCP securitisations ***new***

Date of first publication: 27 May 2019

Q5.12.13 How should risk retention fields be completed for ABCP securitisations (Risk Retention Method (IVAS10), Risk Retention Holder (IVAS11), Risk Retention Method (IVAN5), Risk Retention Holder (IVAN6))?

A5.12.13 Where risk retention requirements are being met at the level of the ABCP *programme* and not at the level of the ABCP *transaction*, then fields IVAS10 and IVAS11 should be entered as appropriate and fields IVAN5 and IVAN6 entered as 'ND5' ('Not Applicable'). Where risk retention requirements are being met at the level of the ABCP *transaction* and not at the level of the ABCP *programme*, then fields IVAS10 and IVAS11 should be entered as 'ND5' ('Not Applicable') and fields IVAN5 and IVAN6 should be entered as appropriate.

5.13 Annexes 14 and 15: Inside Information or Significant Event Information

For which counterparties should information be reported?

Date of first publication: 31 January 2019

Q5.13.1 What is the appropriate scope as to which counterparties should be reported for any transaction. In other words, should all counterparty (types) be reported such as all the types mentioned in SESP4?

A5.13.1 As set out in Article 8(1)(c) of the draft RTS on disclosure, information on each counterparty in the securitisation shall be made available, via the counterparty information section. Further narrative descriptions are available in paragraph 60(b) (on page 35) of ESMA's CP on the disclosure technical standards.

Step-Up/Step-Down Coupon Value

SEST17

Date of first publication: 31 January 2019

Q5.13.2 Does this only refer to the step-up part of the coupon and not the total coupon (since the future total coupon for floating rate based transactions is uncertain)?

A5.13.2 This indeed refers only to the step-up part of the coupon and not the total coupon. An example would be if an initial coupon is set to EURIBOR 3M + 20bps and then, after a given period of time, the coupon steps-up to EURIBOR 3M + 30bps, then 30bps would be reported. In the event of multiple step-up/step-down coupons, the next-occurring step-up (or lowest step-down) coupon should be reported. And the same reasoning should apply for field SEST18 (Step-Up/Step-Down Coupon Date)—i.e. the next-occurring step-up/step-down coupon date should be provided.

Perfection Of Sale: how should this be completed for CLO securitisations?

SESS7

Date of first publication: 31 January 2019

Q5.13.3 How should field SESS7 (perfection of sale) be completed for CLO securitisations?

A5.13.3 This field should be completed as per the most common method employed in the CLO purchasing arrangement for transferring the assets. It is noted that field SESS7 may be reported as 'Yes' where the assignment or transfer segregates the underlying exposures from the seller, its creditors and liquidators, including in the event of the seller's insolvency, has the same legal effect as that achieved by means of true sale.

If a securitisation is not a CLO securitisation, must the CLO sections of Annex 14 be completed?

modified

Date of first publication: 31 January 2019

Updated: 27 May 2019

Q5.13.4 If a securitisation is not a CLO securitisation, must the CLO sections of Annex 14 be completed?

A5.13.4 No, as set out in Article 8(1)(fe) of the draft RTS on disclosure, [the CLO sections of Annex 14](#) must only be completed for CLO securitisations.

Should the inside information or significant event information template be completed for private securitisations? *new*

Date of first publication: 27 May 2019

Q5.13.5 Should the inside information or significant event information template be completed for private securitisations?

A5.13.5 Section 2 in each of the draft RTS and ITS on disclosure defines the information requirements for public securitisations, which includes inside information and significant event information. Section 2 in each of these draft RTS and ITS on disclosure does not apply to private securitisations. This does not imply that, for private securitisations, the originator, sponsor, and SSPE do not have to comply with reporting requirements under Article 7(1)(f) and (g) of the Securitisation Regulation.

Timing of reporting of Inside Information and Significant Event Information *new*

Date of first publication: 27 May 2019

Q5.13.6

Should reporting entities make available the information described in points (f) and (g) of the first subparagraph of Article 7(1) of the Securitisation Regulation ‘without delay’ regardless of the reporting interval for Annexes 14 and 15 with respect to the underlying exposure and investor report information?

Must the templates be completed for other events falling under the scope of ‘inside information’ in Article 7(1)(f) or under the scope of ‘significant event’ in Article 7(1)(g) of the Securitisation Regulation that do not related to changes to information disclosed in the underlying exposures or investor report templates?

A5.13.6

The fifth sub-paragraph of Article 7(1) of the Securitisation Regulation provides that “*Without prejudice to Regulation (EU) No 596/2014, the information described in points (f) and (g) of the first subparagraph shall be made available without delay.*”

As clarified in Recital 11 of the draft RTS on disclosure published by ESMA on 31 January 2019, a change in the risk characteristics of the underlying exposures or in the aggregated cash flow generated by those underlying exposures or in other information set out in the investor report can materially impact the performance of the securitisation and have a significant effect on the prices of the tranches/bonds of that securitisation. Consequently, the templates in Annexes 14 and 15 (as applicable) must be made available “*without delay*”. Without prejudice to this obligation, reporting entities for public securitisations should also complete and make available the templates in Annexes 14 and 15 at the same time as the templates for underlying exposures in Annexes 2-11 (as applicable) and the templates for investor reports in Annexes 12 and 13 (as applicable), in order to provide investors and the other users of the information with a complete and up-to-date overview of all the relevant information concerning the securitisation. Thus, every quarter (for non-ABCP securitisations) or month (for ABCP securitisations), reporting entities for public securitisations should make available via a securitisation repository a package of information relating to underlying exposures, investor report, and inside/significant event information.

Outside of the above-mentioned regular monthly or quarterly reporting of this information, Annexes 14 or 15 must (for public securitisations) still be completed and made available without delay, *in the event* that an inside information or significant event (within the respective meanings of Articles 7(1)(f) and (g) of the Securitisation Regulation) has occurred. There may be other events that are deemed to be ‘inside information’ within the meaning of Article 7(1)(f) or that are deemed to be “*significant*” within the meaning of Article 7(1)(g) of the Securitisation Regulation, and that are not captured by changes to the underlying exposures or investor report information, for example “*any material amendments to the transaction documents*” (point (v) of Article 7(1)(g)). In such situations, the entire Annexes 14 or 15 should be completed ‘without delay’, which includes making use of the ‘any other information’ section if this necessary to supplement the remaining sections in order to fully and adequately describe the inside information or significant event, as applicable.

Extension Clause ***new***

SEST25

Date of first publication: 27 May 2019

Q5.13.7

Please confirm that not exercising a redemption option is not regarded a “right to extend the maturity of an instrument”? If point a is affirmative, should this field be reported as ‘No Option (NOPT)’?

A5.13.7 This field refers to arrangements in the securitisation transaction documentation that gives rights to a certain party to extend the maturity of the tranche/bond in question. If the stated maturity of the tranche/bond is at a given date, but that this maturity can be extended, then field SEST25 should be completed in a manner that indicates which party (SSPE, noteholder, other) has this right of extension.

Counterparty information section – provision of Legal Entity Identifier information ***new***

SESP2; SEAP2; SESP3; SEAP3

Date of first publication: 27 May 2019

Q5.13.8 How should these fields (SESP2, SEAP2, SESP3, and SEAP3) be completed for counterparties that do not have a Legal Entity Identifier?

A5.13.8 It is expected that entities providing counterparty services will have a Legal Entity Identifier by the time that the securitisation disclosure technical standards apply.

Fields SSPE Value (SESS10), SSPE Principal Value (SESS11), Note Principal Balance (SESS13) – how should these fields be completed in the event of multiple currencies in the pool of underlying exposures? ***new***

SESS10; SESS11; SESS13.

Date of first publication: 27 May 2019

Q5.13.9 Fields SSPE Value (SESS10), SSPE Principal Value (SESS11), Note Principal Balance (SESS13) – how should these fields be completed in the event of multiple currencies in the pool of underlying exposures (for SESS10 and SESS11) or multiple currencies in the issued tranches/bonds (for SESS13)?

A5.13.9 Fields SESS10 and SESS11 should be completed as per the predominant currency in the pool of underlying exposures (for SESS10 and SESS11). Those underlying exposures whose currencies are

different from this currency must be converted to the currency of the largest group of underlying exposures (in terms of outstanding principal amount), using the latest-available exchange rates as at the cut-off date. Fields SESS10 and SESS11 should then reflect the aggregate value across currencies, denominated in the predominant currency. The same approach should be followed in field SESS13 with respect to the predominant currency in the issued notes.

How should fields relating to interest rate swaps be completed in the event of multiple interest rate swaps in the securitisation? What about currency swaps that are in the same situation?

new

SESS17; SESS18; SESS19; SESS20; SESS21; SESS22; SESS23; SESS24.

Date of first publication: 27 May 2019

Q5.13.10 How should fields relating to interest rate swaps be completed in the event of multiple interest rate swaps in the securitisation? What about currency swaps that are in the same situation?

A5.13.10 For:

- Fields relating to the swap notional amount (SESS19 and SESS24), the values entered in these fields should be aggregated across all of the interest rate swaps (for field SESS19) and across all currency swaps (for field SESS24) associated with the securitisation being reported. In the event of multiple currencies in the swap notional amounts, these notionals should be converted to the currency of the swap with the largest notional amount, using the latest-available exchange rates as at the cut-off date.
- Fields relating to swap maturities (field SESS18 and SESS23), the maturity date of the shortest interest rate swap in the securitisation should be entered in field SESS18 and the maturity date of the shortest currency swap in the securitisation should be entered in field SESS23, with the 'shortest maturity date' being calculated relative to the data cut-off date.
- The field relating the interest rate swap benchmark (SESS17), this should reflect the benchmark of the interest rate swap with the largest notional amount, as at the data cut-off date.
- The fields relating to the currency swap payer leg currency (SESS20), receiver leg currency (SESS21), and exchange rate (SESS22), the values should reflect the currency swap with the largest notional amount, as at the data cut-off date.