EUROPEAN CENTRAL BANK

BANKING SUPERVISION

DG-HOL/NFR

17 January 2025
FINAL

Instructions for supervised entities completing a third-party arrangement notification form in the SSM Portal

1. Introduction

This document provides instructions on how to complete the third-party arrangement notification form in the SSM Portal. The annexes explain how to create a new third-party arrangement notification process.

The third-party arrangement notification form is designed to cover one single third-party arrangement at a time. The third-party arrangement notification form should be used to notify:

- planned third-party arrangements;[1]
- material changes to existing third-party arrangements;[2]
- material changes and/or severe events in relation to their third-party arrangements that could have a material impact on the continuing provision of the institution's business activities.

The information request is based on Article 10(1) of Council Regulation (EU) No 1024/2013 (SSM Regulation), paragraphs 57, 58 and 59 of the EBA Guidelines on outsourcing arrangements (EBA/GL/2019/02) as well as Article 28(3) of Regulation (EU) 2022/2554 (DORA).

Mandatory fields in the notification form are marked with a red asterisk.

[1] The scope and timing for the notification of planned third-party arrangements depend primarily on national regulations or expectations. Where there are no national regulations/expectations or these are not communicated, the ECB has separately informed supervised entities in an operational letter about its expectation that notification will be provided of planned critical or important third-party arrangements.

[2] The scope and timing for the notification of material changes to third-party arrangements depend primarily on national regulations or expectations. Where there are no national regulations/expectations or these are not communicated, the ECB has separately informed supervised entities in an operational letter about its expectation that notification will be provided of (a) changes to existing critical or important third-party arrangements, and (b) changes to existing third-party arrangements that will lead to the arrangement becoming critical or important.

2. General overview of the third-party arrangement notification form

The exact requirements for the notification of planned critical or important third-party arrangements and material changes or severe events are laid out in the EBA Guidelines on outsourcing, relevant articles of the DORA Regulation, national requirements and soft laws such as circulars. Such requirements have been communicated to significant institutions in an operational letter.

The notification form consists of four tabs: “1. General information”, “2. Contact details”, “3. Details of the arrangement” and “4. Documents”.

The “General information” tab must be completed before proceeding to the other tabs. This is where the following basic information[3] is entered:

- the institution submitting the notification;
- the supervised entities signing the contract;
- the supervised entities covered by the services or making use of the services;
- the service provider(s), including identifiers, name, location and parent company;
- the contracted function, including basic contractual information.

The details of the contact person for the Joint Supervisory Team (JST), such as the contract manager representing the (supervised) entity, are entered in the “Contact details” tab.

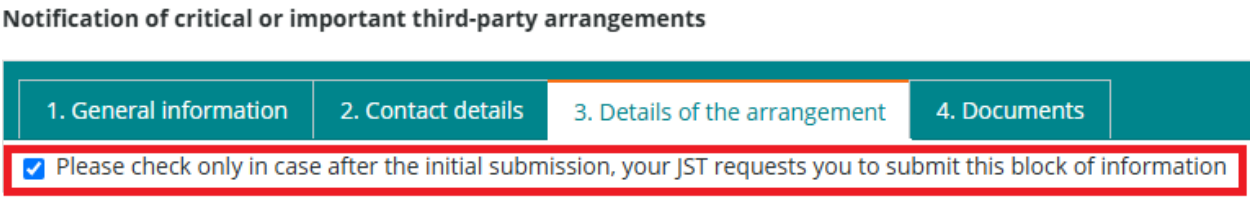
Additional information required under the EBA Guidelines[4] and national regulations is entered in the “Details of the arrangement” tab. Submitters are requested to indicate areas of compliance, measures to ensure compliance and areas of non-compliance. This information should be accompanied by references to supporting documents, such as document names, page numbers or paragraphs (see “ Documents” tab). Details are only requested for a subset of notified third-party arrangements. There are cases in which no questions are displayed in the “Details of the arrangement” tab.

However, the JST may decide to request completion of the “Details of the arrangement” tab or to ask any additional questions they might have on a case-by-case basis. In this case, the supervised entity will receive

[3] Mainly reflecting the information required by paragraph 54 of the EBA Guidelines on outsourcing arrangements.

[4] Based on paragraph 55 of the EBA Guidelines on outsourcing arrangements, but the questions extend to cover other important expectations mainly laid out in Title IV of the EBA Guidelines.

a notification in the SSM Portal with the additional questions requiring input. The supervised entity then needs to reply with a new message to complete the initial submission. Additional questions contained in the “Details of the arrangement” tab will be accessible on resubmission after ticking the check box.



The following information is requested in the “Details of the arrangement” tab:

- expectations regarding the risk assessment (covered risks and risk assessment governance);
- expectations regarding the assessment of due diligence and conflicts of interest (risks identified, processes applied and measures implemented);
- expectations regarding the contractual arrangement (e.g. physical and data/system security, sub-contracting, access and audit privileges, monitoring and oversight, service provider substitutability, business continuity and exit).

In the “Documents” tab, the relevant files that are referenced in the other three tabs should be uploaded. The uploaded files can be in any of the following formats: *.doc, *.docx, application/MS Word, *.pdf, *.csv, *.xls, *.xlsx and application/vnd.ms-excel. Relevant documents can include, but are not limited to:

- a risk assessment of the third-party arrangement;
- a due diligence assessment;
- an assessment of conflicts of interest;
- the (draft) contractual arrangement;
- service level agreements;
- approval documents.

The maximum file size for each document is 10 MB. The form can be submitted once all the mandatory fields have been completed.

3. Processes and messages in the SSM portal

Notifications are created as messages and listed in the “My processes” tab in the Portal with the status “draft”, “notified”, “completed” or “cancelled”. The status should be understood as follows:

- “Draft” means that the notification has not yet been submitted to the ECB. The form can still be changed and it cannot yet be viewed by the JST.
- “Notified” means that the notification has been submitted to the ECB. The form can no longer be changed and the JST can see it.
- “Completed” means that the JST has marked the corresponding internal task as complete, upon which an automated message appears. This does not reflect the assessment of the notification by the JST.
- “Cancelled” means that the notification is discarded. Cancelled messages are shown alongside completed ones in the dashboard.

In the “All Messages” tab, the message type “Third-party arrangements submission” can have the status “draft” and “notified”. The message type “Process status update” has the status “received”.

The message type “Request for information” serves as a channel for communication with the JST. It will be used by the JST to ask for additional details on the documentation, for instance where a relevant attachment is missing from the notification or where some of the information included in the form is insufficient. You can reply to each “Request for information” message only once with an “Information” message and you can attach information to your answer. The status of the message will be “received”, and the status of your reply will be “pending confirmation”, before changing to “notified”.

“Information” messages may also be received. These are one-way messages with no option to reply. There is, however, the option of creating a new, separate information message to the JST, linked to the same notification. The “Update existing” option within a process allows you to resubmit the initial notification with amended or additional information.

Please contact your JST if, exceptionally, you need to withdraw the notification and no longer plan to implement the third-party arrangement. The JST can delete the notification and change its status to “cancelled”.

Please see Annex 4 for further details.

Annex 1: List of validation rules applied in the third-party arrangement notification form

Please note that most of the validation checks are only performed after you have clicked on the “submit” or “save” button.

Tab	Validation rule	Error message	Solution
Subject line	Checks whether a subject has been entered (mandatory).	Subject is required.	Enter a descriptive subject.
General information	Checks whether one or more entities have been selected from the drop-down list (mandatory).	Please provide a list of all entities that are signing the third-party contract.	Select entity/entities from a drop-down list.
General information	Checks whether the field has been completed (contains more than one character) (mandatory).	Decision-making body is required.	Enter the decision-making body.
General information	Checks whether one or more entities are selected from the drop-down list (mandatory).	Please provide a list of all supervised entities covered by the services.	Select entity/entities from a drop-down list.

Tab	Validation rule	Error message	Solution
General information	Checks whether a service provider has been entered (mandatory).	Service provider(s) is required.	Enter one or more service provider(s) in the pop-up dialogue.
General information	Checks whether the field has been completed with valid characters (mandatory).	Invalid name	Enter the name of the service provider using numerals (0-9), letters (a-z, A-Z, Á-ž) and special characters.
General information	Checks whether the field has been completed with valid characters (mandatory).	Invalid corporate registration number	Enter the name of the service provider using numerals (0-9), letters (a-z, A-Z, Á-ž) and special characters.
General information	Checks whether the country of the service provider’s headquarters has been selected (mandatory).	Country of the service provider’s headquarters is required.	Enter country from drop-down list.

Tab	Validation rule	Error message	Solution
General information	Checks whether the name of the competent authority supervising the service provider contains only valid characters.	Invalid name	Enter name with valid characters: numerals (0-9), letters (a-z, A-Z, Á-ž), whitespace, comma, apostrophe, dash.
General information	Checks whether the ultimate parent name contains only valid characters.	Invalid name	Enter name with valid characters: numerals (0-9), letters (a-z, A-Z, Á-ž), space, comma, apostrophe, dash.
General information	Checks whether a contract start date has been entered (mandatory).	The start date of the contract is required.	Enter the date in YYYY-MM-DD format.
General information	Checks whether the scope of this notification has been selected (mandatory).	The scope of the notification is required.	Select one of the options.

Tab	Validation rule	Error message	Solution
General information	Checks whether intragroup contracting has been selected (mandatory).	Intragroup contracting is required.	Select one of the options.
General information	Checks whether the internal reference number contains only valid characters (mandatory).	Invalid name	Enter Internal reference number with valid characters: numerals (0-9), letters (a-z, A-Z, Á-ž), whitespace, comma, apostrophe, dash.
General information	Checks whether the notice period (in days) for the supervised institution to exit the contract is a non-negative integer.	The notice period (in days) for the supervised institution to exit the contract cannot be less than 0.	Enter an integer that is either zero or positive.
General information	Checks whether the notice period (in days) for the service provider to exit the contract is a non-negative integer.	The notice period (in days) for the service provider to exit the contract cannot be less than 0.	Enter an integer that is either zero or positive.

Tab	Validation rule	Error message	Solution
General information	Checks whether the category of the contracted function has been provided (mandatory).	The category of the contracted function is required.	Enter the category of the contracted function.
General information	Checks whether a description of the contracted function has been provided (mandatory).	A description of the contracted function is required.	Enter a description of the contracted function.
General information	Checks whether “Is the contracted function considered critical or important?” has been answered (mandatory).	Answer to “Is the contracted function considered critical or important?” is required.	Choose from the options below (Yes or No).
General information	Checks whether the reasons for assessment of criticality/importance have been provided (mandatory).	The reasons for assessment of criticality/importance are required.	Enter the reasons for assessment of criticality/importance.

Tab	Validation rule	Error message	Solution
General information	Checks whether the country/countries where the service is to be performed has/have been selected (mandatory).	The country/countries where the service is to be performed is/are required.	Select the country/countries where the service is to be performed from options in drop-down list.
General information	Checks if either “not applicable” has been selected without any other option or combined with other options (SaaS, PaaS, IaaS, Other).	Invalid selection	Select valid combination of options.
General information	Checks if either “not applicable” has been selected without any other option or combined with other options (private cloud, community cloud, public cloud, hybrid cloud).	Invalid selection	Select valid combination of options.
General information	Checks whether “The contracted function pertains to a non-core support service as described in Article 1(17) of ECB Decision 2019/322” has been answered (mandatory).	Answer to “The contracted function pertains to a non-core support service as described in Article 1(17) of ECB Decision 2019/322” is required.	Choose from the options below (Yes or No).

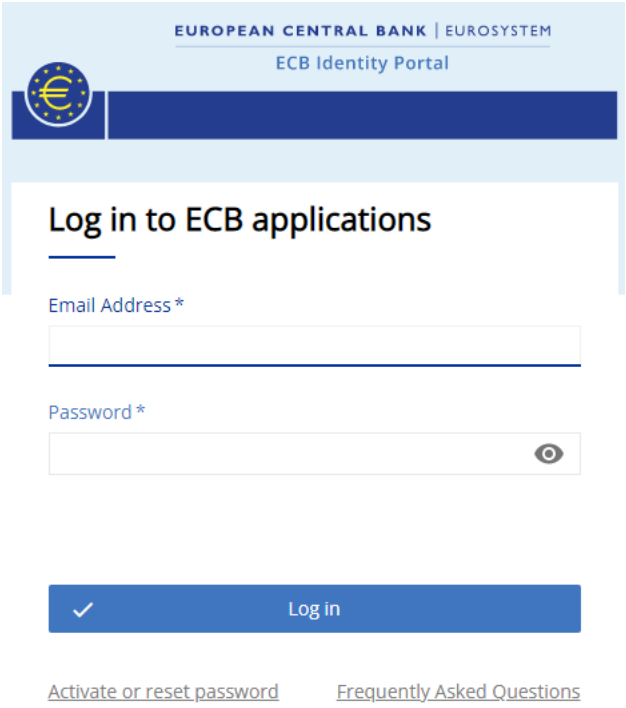
Tab	Validation rule	Error message	Solution
General information	Checks whether “Confidential, personal or otherwise sensitive data will be transferred out of the premises of the institution contracting to third-parties” has been answered (mandatory).	Answer to “Confidential, personal or otherwise sensitive data will be transferred out of the premises of the institution contracting to third-parties” is required.	Choose from the options below (Yes or No).
General information	Checks whether “The contracted function supports business operations that are time critical (e.g. they need to be permanently available)” has been answered (mandatory).	Answer to “The contracted function supports business operations that are time critical (e.g. they need to be permanently available)” is required.	Choose from the options below (Yes or No).
Contact details	Checks whether the field for the contact person’s full name includes only characters (mandatory).	Invalid name	Enter only characters.
Contact details	Checks whether the field for the job title includes only characters (mandatory).	Invalid job title	Enter only characters.

Tab	Validation rule	Error message	Solution
Contact details	Checks whether the business address contains only valid characters (mandatory).	Invalid business address	Enter internal reference number with valid characters: numbers (0-9), letters (a-z, A-Z, Á-ž), whitespace, comma, apostrophe, dash.
Contact details	Checks whether the international country dialling code has no more than four digits and contains only numeric values (mandatory).	Invalid country dialling code	Enter the correct international country dialling code.
Contact details	Checks whether a valid phone number has been entered (mandatory).	Invalid phone number	Enter only numerals; the phone number must not start with “0”.
Contact details	Checks whether a valid email address has been entered (mandatory).	Invalid email address	Enter a valid email address.

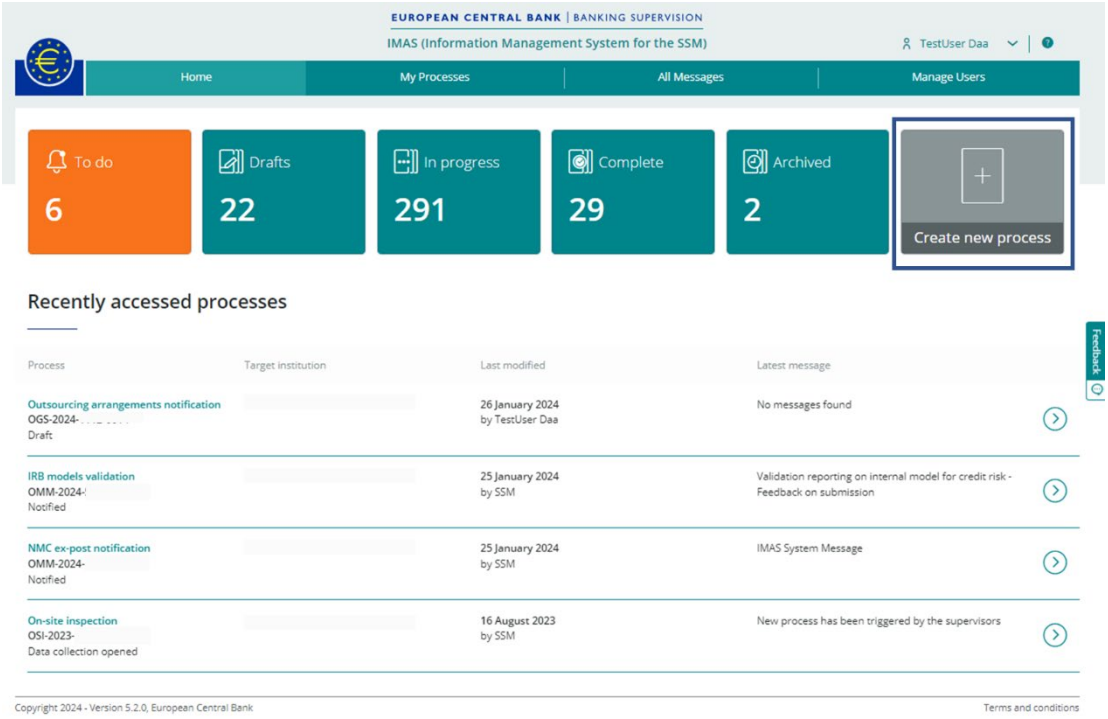
Tab	Validation rule	Error message	Solution
Documents	Checks that the uploaded documents are PDF, Word or Excel files and do not exceed the maximum file size.	The uploaded documents do not meet the specifications.	Upload only documents that meet the specifications.
Documents	Checks whether any document has been uploaded.	The list of relevant documents in Section 4 cannot be empty.	Upload the relevant document(s).

Annex 2: Creating a new process for a third-party arrangement notification

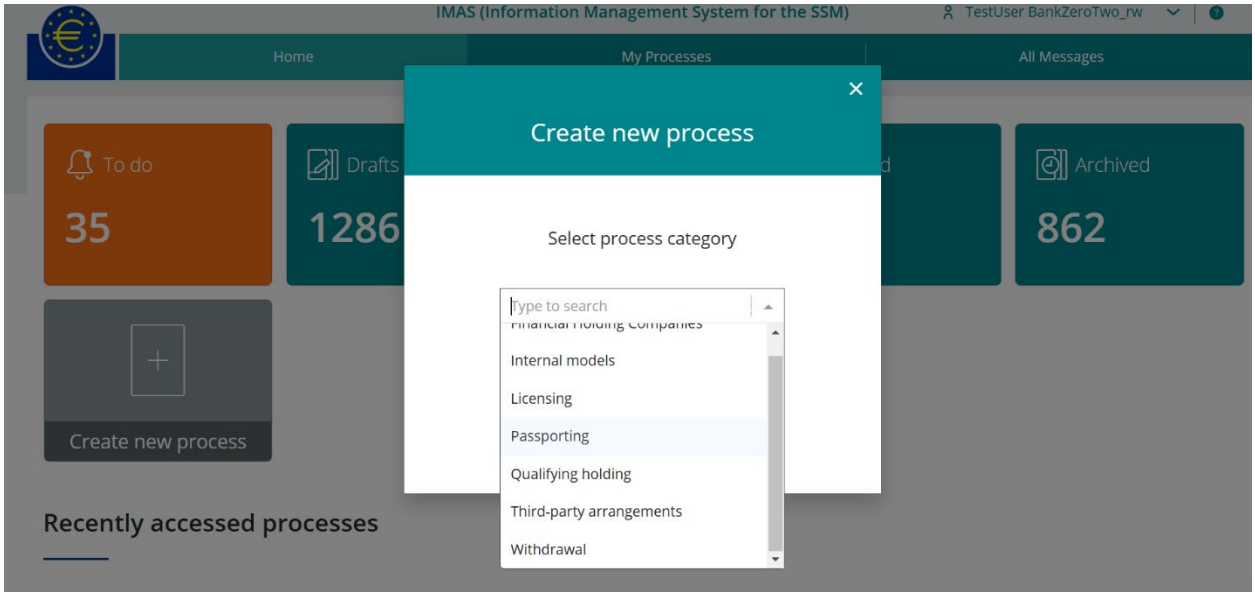
Log in to the SSM Portal.



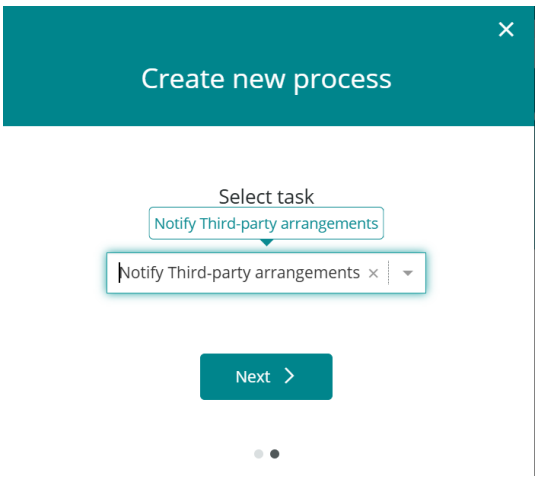
Click on “Create new process”.



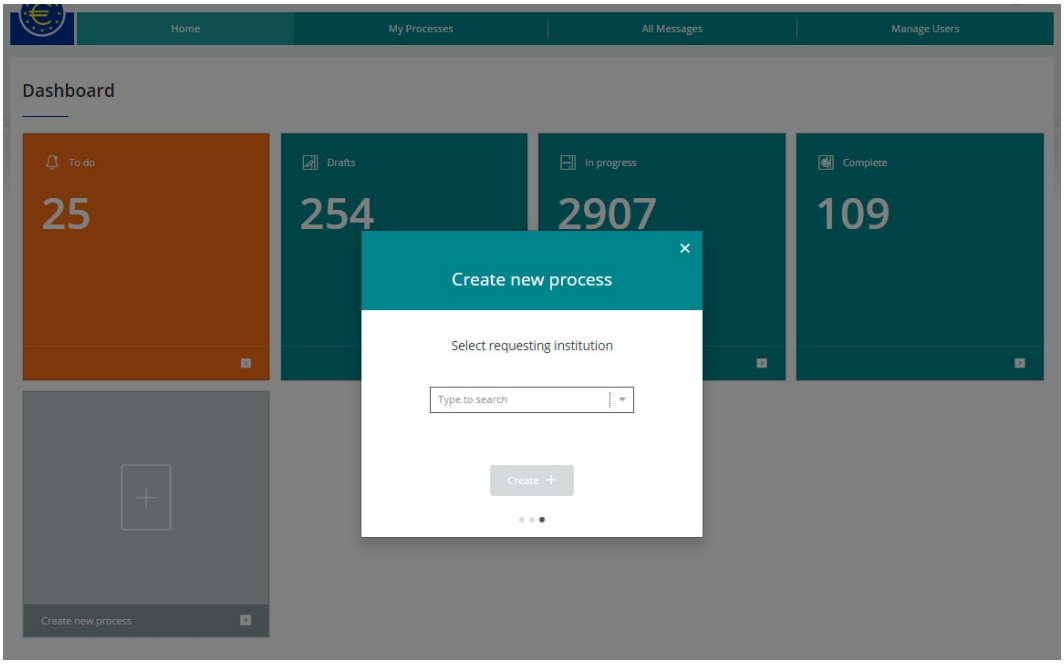
Select “Third-party arrangements” for the process category and click on “Next”.



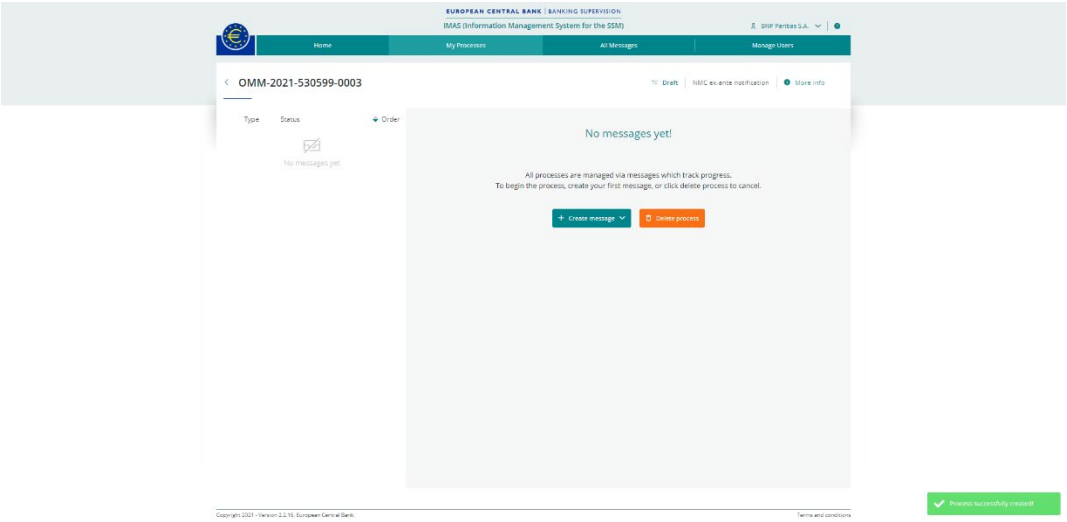
Select “Notify third-party arrangements” for the type of task, then click on “Next”.



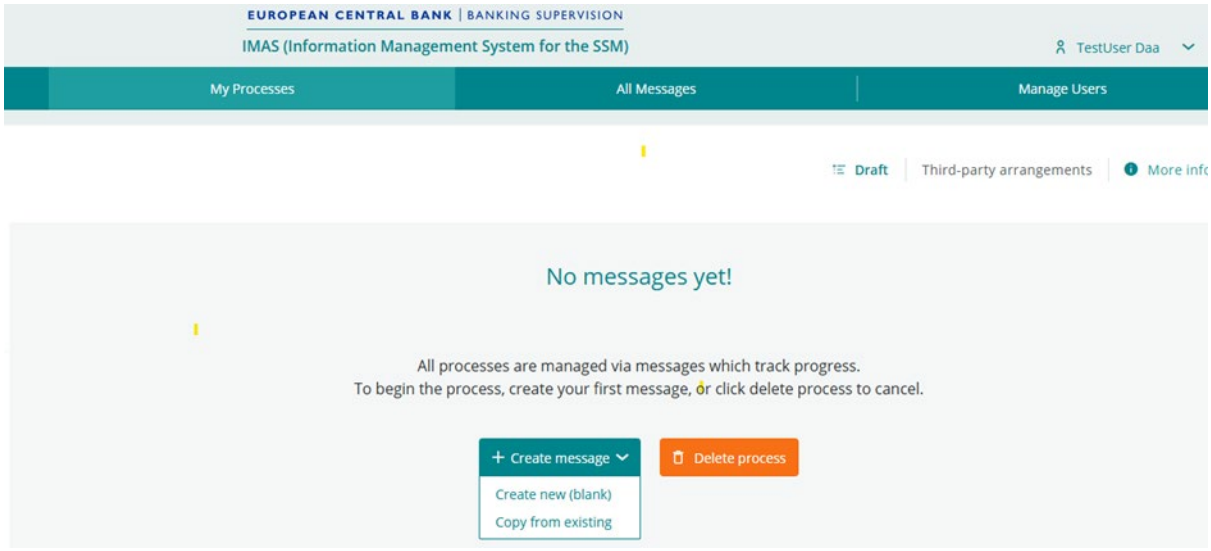
Select the requesting institution from the drop-down list. The selected institution will be used in the “Name of the institution submitting the notification” field in the form.



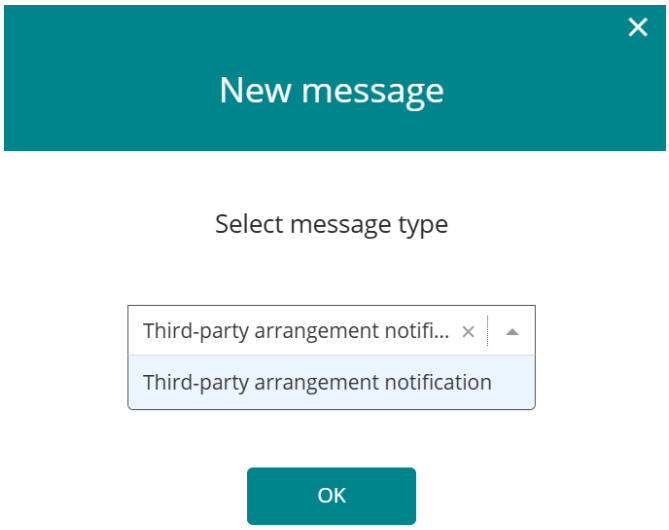
Click on “+ Create message”.



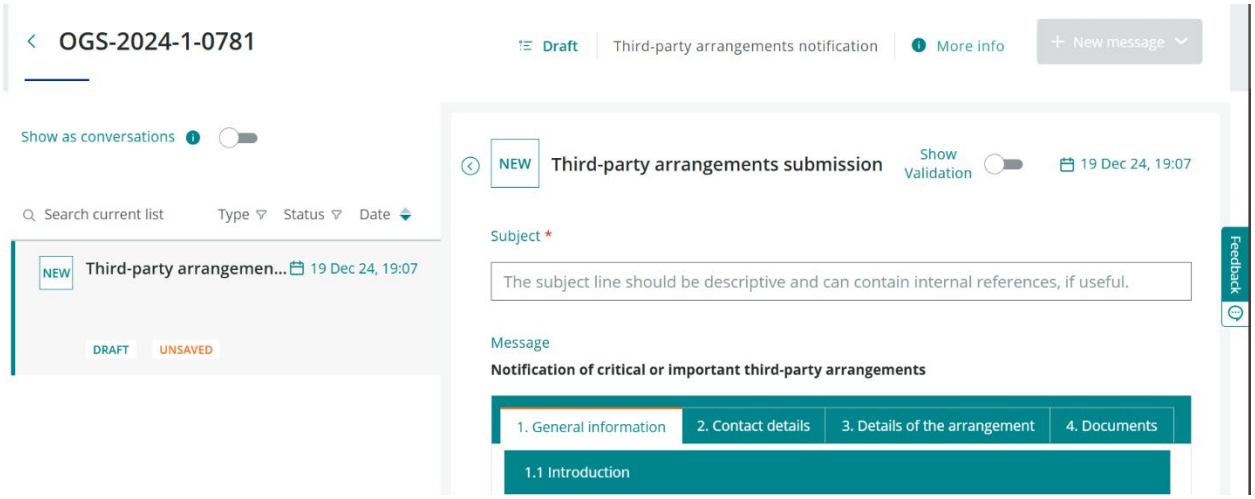
Select “Create new (blank)” or choose “Copy from existing” if you want to reuse the content of a former notification.



Select message type “Third-party arrangement notification”.

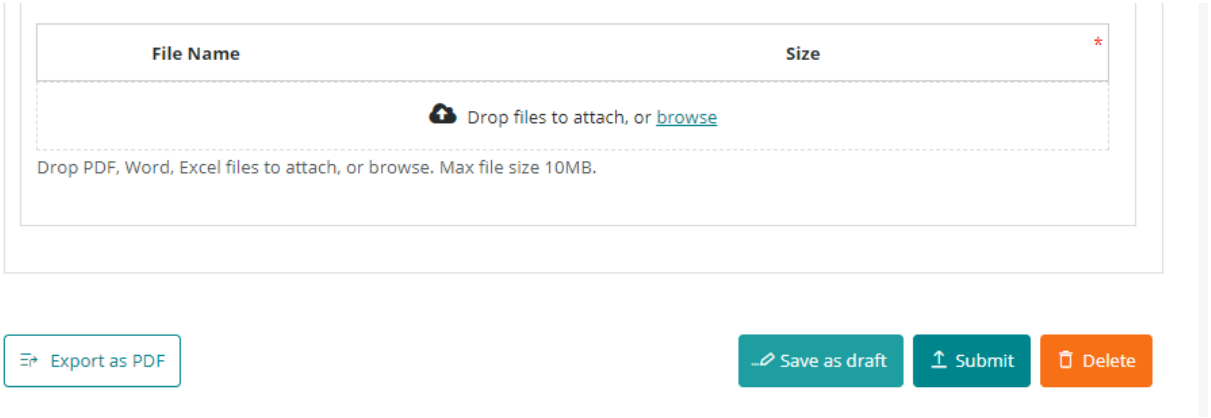


Enter a subject for your message, as this will enable you to save a draft and submit the completed third-party arrangements notification.



Annex 3: Submitting a third-party arrangement notification

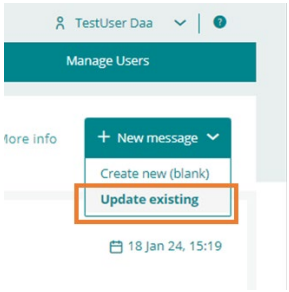
To initiate submission of the third-party arrangement notification to your JST, click on the “Submit” button at the bottom of the page.



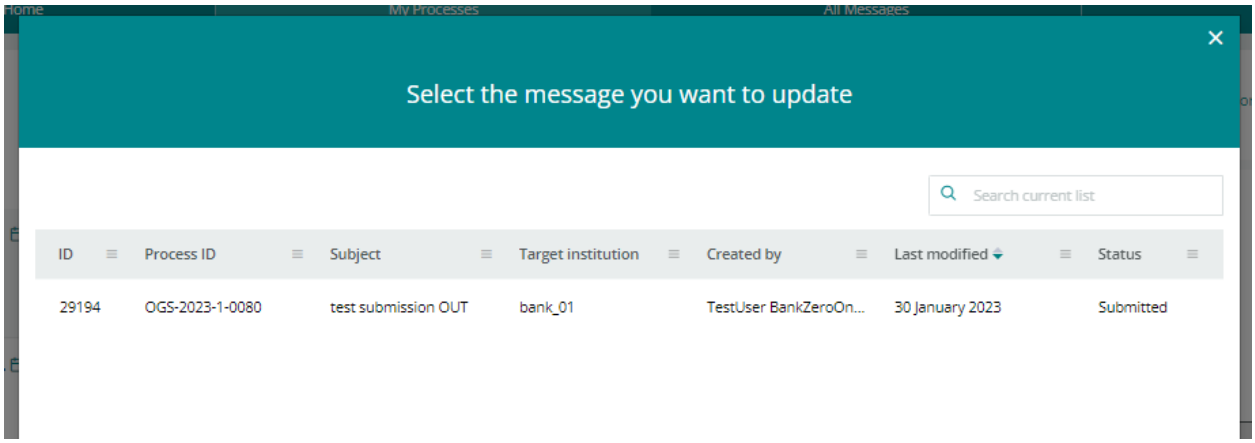
Submission is not possible when the message “Please address the following points before submitting” is visible. Click on an error to start the fixing process. You can toggle the “Show validation” switch to check for errors before submitting.

Once submitted, the status of the message will be “pending confirmation”.

Resubmission is possible using the “Update existing” option within a process.



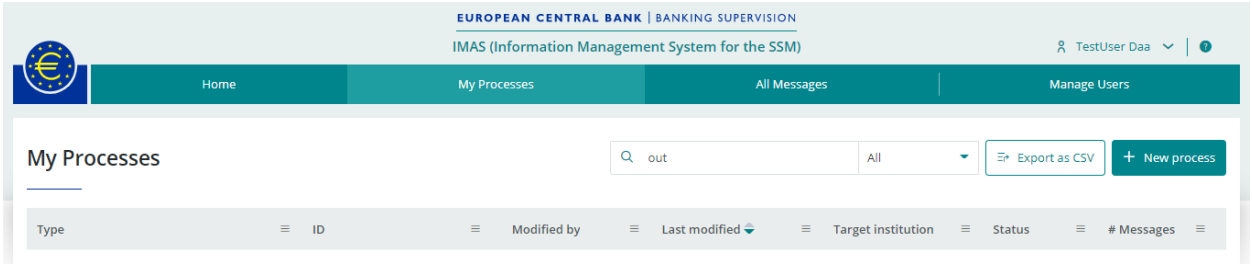
You can choose to add to, or amend, the information for the initial notification or any of the subsequent notifications. A new submission will be created and sent to the JST, overwriting the previous one.



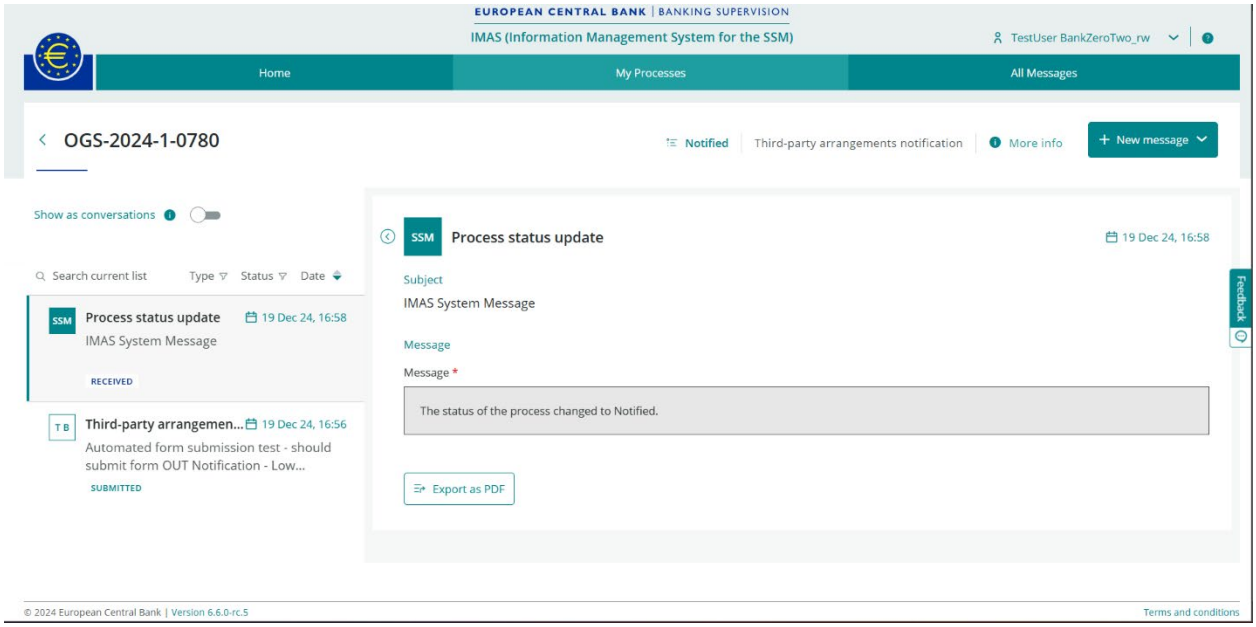
Annex 4: Details of processes and messages in the SSM Portal

The status of each third-party arrangement notification is listed in the “My Processes” tab together with the number of messages and the “Target institution” that created the notification.

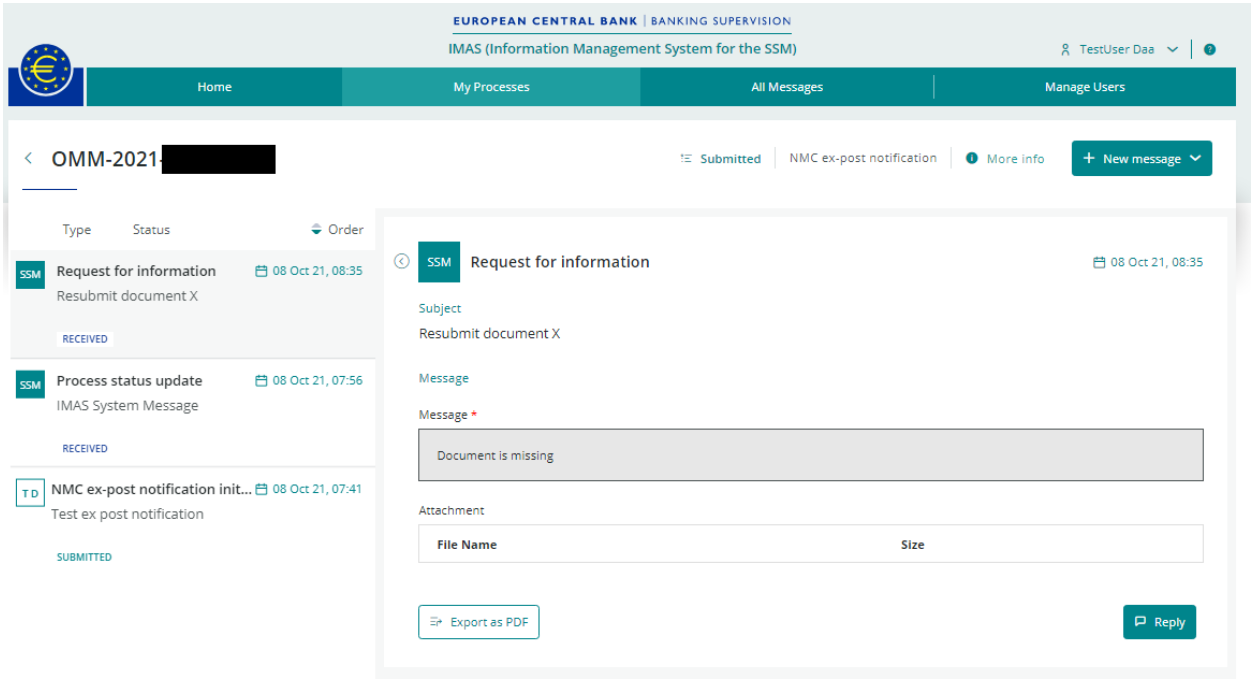
The messages are created either by the SSM Portal user or automatically, in which case the user is shown as “SSM”.



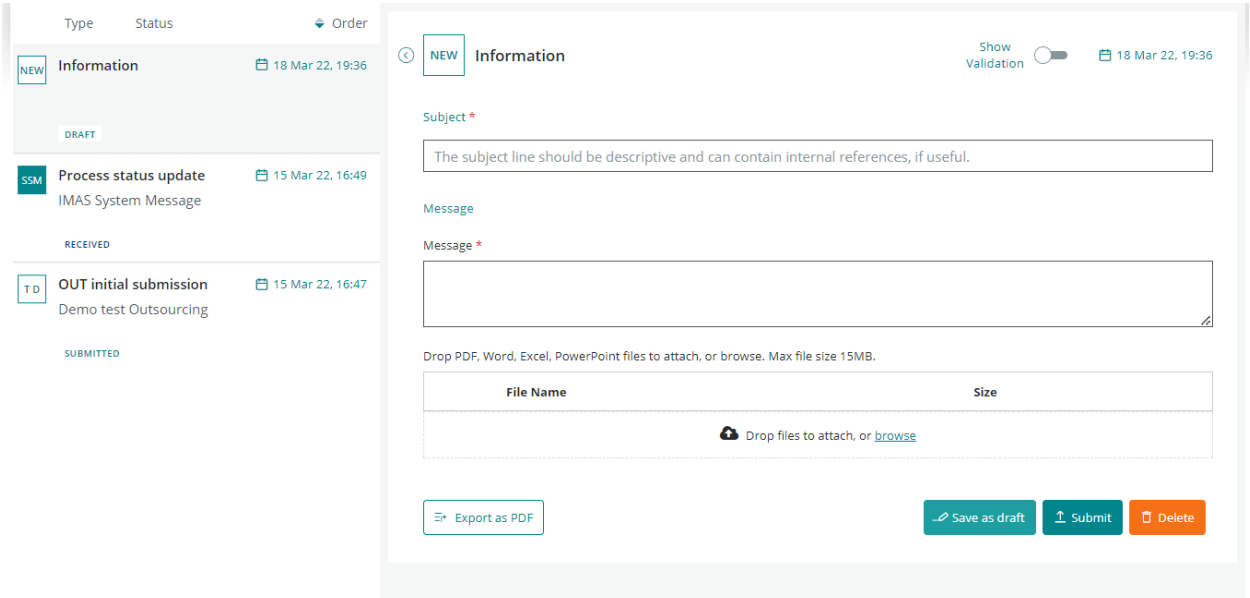
If you click on a process, you will see the related messages, as shown below.



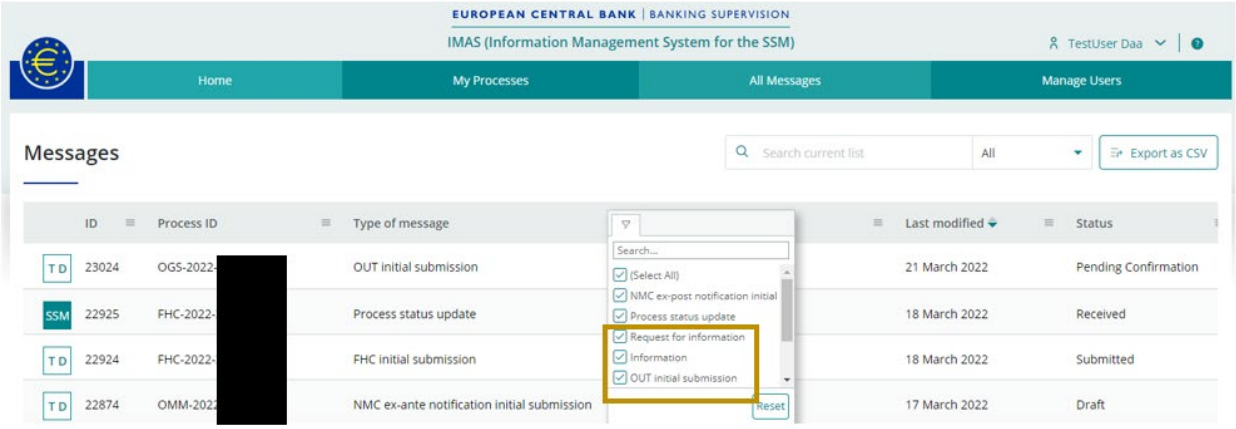
You will receive a message if the JST requests additional information on the third-party arrangement notification, as shown below.



In response, you can send the requested information, including documents, as an information message.



You can filter results based on the type of message in the “All Messages” tab.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IMAS (Information Management System for the SSM)
TestUser Daa
Home
My Processes
All Messages
Manage Users
Messages
Search current list
All
Export as CSV
ID
Process ID
Type of message
Last modified
Status
T D 23024 OGS-2022- OUT initial submission 21 March 2022 Pending Confirmation
SSM 22925 FHC-2022- Process status update 18 March 2022 Received
T D 22924 FHC-2022- FHC initial submission 18 March 2022 Submitted
T D 22874 OMM-202 NMC ex-ante notification initial submission 17 March 2022 Draft
Search...
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NMC ex-post notification initial
Process status update
Request for information
Information
OUT initial submission
Reset