

COMMENTS ON THE DRAFT ECB REGULATION CONCERNING REPORTING ON SUPERVISORY FINANCIAL INFORMATION

Issue	Article	Comment	Concise statement why your comment should be taken on board
language barrier	all	difficulties regarding comprehension and implementation	Prerequisites and duties which encompass both significant as well as less significant credit institutions need to be available in all official languages of the EU, both during the drafting/consultation period as well as after having been adopted. Especially with less significant institutions, the language barrier is not to be underestimated. Moreover, unofficial translations and interpretations of certain terms and concepts from a (foreign) language can lead to difficulties regarding the practical implementation of new reporting duties. An example for this is the delineation of the concepts “forbearance” and “non-performing exposures”.

adaptation and adjustments to reporting duties based on IFRS, despite (widely used) nGAAP not being based on IFRS	inter alia Art. 12 para. 4, Art. 13 paras. 4, 5 and 7	principle of proportionality requires further exemptions and special rules	Extending the supervisory financial reporting (FINREP) requirements which are ultimately based on IFRS to all credit institutions encompasses major adjustments by (particularly less significant) credit institutions which use nGAAP not based on IFRS. In order to accommodate the principle of proportionality, the need for such major adjustments should be reflected in exemptions, special rules, transitional periods as well as in the definition of implementation dates. Therefore, also less significant credit institutions with a total value of assets of more than 1 billion Euro which apply nGAAP should only have to report the so called “data points”.
Factoring specificities	Annex I-V	factoring specific interpretation as well as particularities should be allowed for	The following two main aspects are particularly specific to factoring transactions: 1) A factoring transaction always involves the “triangle” of a factoring company (purchaser of receivables), a factoring client (seller of receivables) and a debtor. 2) The sale/purchase/assignment of the receivable is used as a means to finance the factoring client. These two predominant criteria are specific to factoring and therefore need to be considered in the context of the new reporting duties on supervisory financial information as they can be the reasons why certain data is not available at all or why certain terms and concepts do not apply to factoring.

less red tape		Avoiding multiple reporting duties with the same content	Apart from these new reporting duties on supervisory financial information, there are plans for other (new or altered) reporting duties on the ECB-/EU-level, e.g. AnaCredit. These different reporting duties may have different reasons and aims, but they should nevertheless be aligned and synchronized in order to avoid onerous, but unnecessary multiple reporting duties with ultimately the same content as well as different interpretations of otherwise congruent terms and concepts.
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