

## Annex II to the Decision of the Single Resolution Board on the calculation of the restatements for 2016-2023 ex-ante contributions in 2024

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Title	Evaluation of the submissions made in the consultation on the draft preliminary Decision of the Single Resolution Board on the calculation of the restatements for 2016-2023 ex-ante contributions in 2024
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(Only the EN text is authentic)

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## 1. INTRODUCTION AND PROCEDURE

1. In compliance with Article 41(2) of the Charter of Fundamental Rights of the European Union (“**Charter**”), the Single Resolution Board (“**Board**”) launched a consultation process (“**Consultation**”) on the preliminary draft Decision of the Single Resolution Board on the calculation of the restatements for 2016-2023 ex-ante contribution periods (the “**Preliminary Decision**”)<sup>1</sup> for the institutions mentioned in Annex I to that Decision (the “**restating institutions**”). 148 institutions from 16 Member States were invited to submit their comments.
2. To facilitate the Consultation, the Board decided to use the same password-protected online EU survey tool hosted by the European Commission (the “**EU Survey Tool**”) known to the restating institutions from previous consultations on ex-ante contributions. The survey was available in the official languages of the restating institutions’ Member States, designed to match the structure of the Preliminary Decision, and enabled the restating institutions to submit comments on any issue they considered to be pertinent in the context of their restatements.
3. The consultation package (the “**Consultation Package**”) consisted of the consultation notice (SRB/ES/2024/08) of 7 March 2024 (the “**Notice**”), available in the official languages of the restating institutions’ Member States, the main body of the Preliminary Decision (Annex I to the Notice) and the privacy statement in relation to the consultation process (Annex III to the Notice). For reasons of confidentiality, the preliminary individual data points for restated data (the “**Preliminary Harmonised Annexes**” – Annex II to the Notice) were provided separately to the restating institutions via their respective national resolution authorities (“**NRAs**”).
4. By letter dated 14 September 2023 (the “**2024 Kick-off Letter**”), the Board, through the NRAs, provided instructions to the restating institutions in relation to the process for restatements and revisions pertaining to the ex-ante contribution cycles 2015-2023. It informed the restating institutions that amended data reporting forms (“**DRFs**”) restating data from previous contribution cycles would be processed during the 2024 contribution period if they were submitted by 31 December 2023.
5. With the Notice of 7 March 2024, the Board, via the NRAs, informed the Institutions of the planned Consultation on the Preliminary Decision.
6. By letter dated 8 March 2024, the Board provided, through the NRAs, the individual Preliminary Harmonised Annexes to the restating institutions.
7. The Consultation opened in the morning of 18 March 2024 and closed at 18:00 CET on 2 April 2024. In the Consultation, the Board received, in total, submissions of 30 restating institutions from 9 Member States (consulted 16 Member States) in 2 different languages.
8. After careful consideration, the Board addresses the comments received on the Preliminary Decision in this Annex II<sup>2</sup>. The comments that cannot be addressed in Annex II without breaching the duty to ensure confidentiality are addressed in the dedicated Annexes IIIa to IIIf to the Final Decision (the “**Individual Notices**”), each communicated only to the concerned restating institution.

## 2. COMMENTS ON RESTATEMENTS AND REVISIONS AND ON CALCULATION RESULTS

9. In the Consultation, the restating institutions submitted similar comments for the categories “Restatements and Revisions” and “Calculation Results”. Therefore, the comments received in these categories are addressed together.

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<sup>1</sup> The final decision on the calculation of the restatements for 2016-2023 ex-ante contribution periods will be referred to as the “**Final Decision**”.

<sup>2</sup> A number of comments submitted do in fact not relate to the respective topic under which they were submitted. In this Annex II, the Board addresses the comments submitted in the respective sub-section to which the comments essentially relate.

10. **First**, several restating institutions submitted comments confirming the Board's calculations. The Board welcomes these acknowledgements.
11. **Second**, other institutions requested clarification on how the Board intended to reimburse restating institutions in case the calculation of their restatements results in a refund.
12. For the reimbursement of restating institutions, the Board has devised the following procedure: in May 2024, following the notification of the Final Decision to the relevant NRAs, the Board will refund to each of these NRAs the total amount of contributions to be reimbursed to the restating institutions in that jurisdiction. The NRAs will be requested to reimburse the restating institutions in their remit before the end of June. However, the Board also notes that any refunds to the restating institutions are subject to national law.<sup>3</sup>

### 3. COMMENTS ON IRREVOCABLE PAYMENT COMMITMENTS POLICY

13. One restating institution commented that the IPC "portal" would be useful for interest payments and suggested that more information, e.g. on nominal amounts broken down per year would be extremely useful for audit and confirmation purposes. The Board appreciates the suggestion and reassures the institutions that it aims at allowing soon an automated generation of such letters directly via the portal. Nevertheless, until this technical facility is introduced, it advises that the restating institutions already possess the required information as the restating institutions are aware of the IPC agreements (IPCA) they concluded in previous contribution cycles.

### 4. OTHER COMMENTS

14. **First**, one restating institution essentially inquired how to record any refunds for accounting purposes. The Board notes that this is subject to the applicable (national) accounting rules and, thus, outside the scope of the Consultation.
15. **Second**, another restating institution that recently acquired another institution subject to ex-ante contributions, essentially requested the Board to grant a waiver as regards potential requirements for new agreed-upon procedures ("AUP") in the context of the additional data assurance process concerning the data relating to the acquired institution. In particular, the restating institution submitted that the relevant data related to dates outside the restating institution's reporting domain and that obtaining new AUP from an external auditor would cause disproportionate costs compared to the restated amount.
16. In general, for data that is not reported under the regular supervisory or accounting framework but computed by the institutions solely for the purpose of calculating ex-ante contributions, the institutions are required to submit additional verification from independent auditors on the basis of AUP. However, this additional assurance process is not subject to this decision on the calculation of restatements for the 2016-2023 contribution periods and, thus, outside the scope of the Consultation.
17. **Finally**, one restating institution remarked that it would have welcomed a consultation on the 2024 ex-ante contributions, although none were raised, as it would have been an opportunity to discuss the information that was newly requested in the 2024 DRF for the application of the risk indicator "own funds and eligible liabilities held by the institutions in excess of minimum requirement for own funds and eligible liabilities (MREL)". The restating institution submitted that providing the required information would be a painstaking exercise notably for large groups.
18. The Board notes that the reporting requirements for the 2024 contribution period are not subject to the decision at hand and, thus, outside the scope of the Consultation.

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<sup>3</sup> See Final Decision, Recital 18.

## 5. FINAL REMARKS

19. The Board welcomes the fact that the Consultation on the calculation of the restatements for the 2016-2023 ex-ante contribution periods was well received by the restating institutions and thanks these institutions for their helpful perspectives and submitted comments. After careful consideration of all received submissions, the Board concludes that the comments do not necessitate any material adaptations of the main body of the Preliminary Decision shared with the restating institutions. However, some comments received and addressed in the dedicated Individual Notices have impacted the restatement calculations for the relevant concerned institutions as well as the overall amount concerned by the decision at hand, which finally stands at EUR 31 791.<sup>4</sup>

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<sup>4</sup> See Final Decision, footnote 50.