

**Submission Date**

05/10/2020

# ESMA\_QA\_1306

Status: Answer Published

## **Additional Information**

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### **Level 1 Regulation**

Securitisation Regulation (EU) 2017/2402

### **Topic**

Securitisation Disclosure Templates

## **Subject Matter**

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

## **Question**

(a) What should be reported in the field 'Special Schemes'? Are 'municipality guarantees' regarded as special schemes?

(b) What language should be used?

(c) Would a mandatory payment holidays scheme, for example after a natural disaster, be considered as a "special scheme"?

(d) Should a more detailed description of the scheme be provided in this field or elsewhere?

## ESMA Answer

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05-10-2020

Original language

[ESMA 33-128-563 Securitisation Q&A, Q&A 5.3.10]

(a) This field should only be completed where the underlying exposure is governed by a public-sector arrangement. This field does not include arrangements that only exist because of market conventions and that do not have an official status set out by the public sector. It is not possible to provide an exhaustive list. For example, loans under 'Vivienda de Protección Oficial', 'Nationale Hypotheek Garantie', 'Help to Buy', or 'Prêts Accession Sociale' would be considered a special scheme. See also point (c) below.

'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).

(b) There is no need to translate the name into another language; it is acceptable to use the language of the scheme itself, e.g. 'Vivienda de Protección Oficial', 'Nationale Hypotheek Garantie', 'Help to Buy', or 'Prêts Accession Sociale'.

(c) If, after a major event such as a natural disaster, the payment holidays scheme is part of a legislative framework (e.g. a law passed/adopted by a European, national or regional body) and creates a set of standard arrangements and provisions for certain eligible underlying exposures, then such a payment holiday would indeed be considered a 'special scheme'. In

general, if the payment holidays scheme is merely an arrangement developed on a voluntary basis by the originator, a group of originators, or even by an association representing the originator or other related industries, then this would not qualify as a 'special scheme'. However, any scheme which meets the criteria of "general payment moratoria" set out in paragraph 10 of the EBA guidelines on legislative and non-legislative moratoria on loan repayments applied in the light of the COVID-19 crisis ([EBA/GL/2020/02](#)) is considered a special scheme for the purposes of this field.

(d) Generally, where a securitisation includes one or more underlying exposures benefiting from a special scheme, any relevant information about the scheme and its impact on those underlying exposures should be provided in the "Any Other Information" section of Annex 14 ( SESO1; SESO2; SESO3) for non-ABCP securitisation and Annex 15 (SEAO1; SEAO2; SEAO3) for ABCP securitisation.