



European Securities and
Markets Authority

Final Report

Draft technical standards on cooperation, exchange of information and notification between competent authorities and ESMA, the EBA and EIOPA under the Securitisation Regulation



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Acronyms and definitions used

AIFMD	Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers.
CAs	Competent Authorities referred to in Article 29 of the Securitisation Regulation
CRD IV	Directive 2013/36/EU of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms.
CRR	Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012
EBA	European Banking Authority
EIOPA	European Insurance and Occupational Pensions Authority
EEA	European Economic Area
EMIR	Regulation 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories
ESMA	European Securities and Markets Authority
ESMA Regulation	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, as amended.
ESAs	European Supervisory Authorities
EU	European Union
ITS	Implementing Technical Standards
JC	Joint Committee of the three ESAs as laid down in Regulation 1095/2010 of the European Parliament and of the Council of 24 November 2010.
MAR	Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC.
MiFIR	Regulation (EU) 600/2014 of the European parliament and the council on markets in financial instruments and amending regulation (EU) No 648/2012
IORP I	Occupational Pensions Fund Directive 2003/41/EC of the European Parliament and of the council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision

IORP II	Occupational Pensions Fund Directive (EU) 2016/2341.
RTS	Regulatory Technical Standards
Securitisation Regulation	Regulation 2017/2024 of the European Parliament and of the Council of 12 December 2017
Supervised entities	Originators, sponsors, SSPEs, original lenders.
Solvency II	Directive 2009/138/EC of the European Parliament and of the council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance.
SSPE	Securitisation Special Purpose Entity
STS	Simple, transparent and standardised (securitisation)
UCITS Directive	Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS)
SSM Regulation	COUNCIL REGULATION (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions.

1 Executive Summary

Reasons for publication

Regulation (EU) 2017/2402 (hereafter the “Securitisation Regulation”) was published in the Official Journal of the European Union on 28 December 2017. It grants the European Commission the power to adopt Regulatory Technical Standards (hereafter “RTS”) and/or Implementing Technical Standards (hereafter “ITS”) in a number of areas.

In accordance with Article 36(8) of the Securitisation Regulation, ESMA shall, in close cooperation with the EBA and EIOPA, develop draft RTS specifying the cooperation and exchange of information obligations among the Competent Authorities (CAs) and between the CAs and ESMA, the EBA and EIOPA under the Securitisation Regulation. ESMA has to submit these draft RTS to the European Commission by 18 January 2019.

This final report contains ESMA’s proposed draft RTS on how CAs and ESMA, the EBA and EIOPA should cooperate with each other for the purposes of the Securitisation Regulation.

Sections 2 and 3 provide background information on ESMA’s legal mandates to develop the draft RTS, and describe ESMA’s general approach regarding the proposed content for the general cooperation, the exchange of information and the notifications obligations. Section 4 gives an overview of the consultation process. Annex I contains the legislative mandates and Annex II the full text of the proposed draft RTS.

2 Background

1. The Securitisation Regulation published on 28 December 2017 lays down common rules on securitisation and creates a European framework for simple, transparent and standardised (STS) securitisation¹. From the entry into force of the Securitisation Regulation, ESMA is required within six or twelve months to provide to the European Commission several draft RTS and/or ITS on different topics.
2. This final report contains ESMA's proposed final draft RTS on how the Competent Authorities (CAs), ESMA, the EBA and EIOPA (or when referred together "the ESAs") should cooperate, exchange information and notify each other about compliance of originators, sponsors, special securitisation purpose entities (SSPEs) and original lenders (or when referred together "the supervised entities") with the requirements of the Securitisation Regulation.
3. In accordance with Article 10(1) of Regulation (EU) 1095/2010 ("ESMA Regulation"), the proposed draft RTS was not subject to a public consultation, but to a targeted one with only those CAs falling under the scope of the Securitisation Regulation, as well as the ESAs. Taking into account the addressees of the proposed draft RTS, ESMA considered that performing a public consultation would have been disproportionate in relation to the scope and impact of the proposed draft RTS. For the above mentioned reasons, the proposed draft RTS was not subject to a cost-benefit analysis either.

3 Legal mandate

4. Pursuant to Article 36(8), ESMA, in close cooperation with the EBA and EIOPA, is required to develop a draft RTS by 18 January 2019 to specify:
 - (a) the general cooperation obligation and the exchange of information under Article 36(1) of the Securitisation Regulation, so that CAs and the ESAs can fulfil their duties pursuant to Articles 30 to 34 of the same Regulation. In this regard, exchange of information should take place where information may be of assistance to CAs or ESAs in carrying out their respective tasks as conferred by the Securitisation Regulation.
 - (b) the notification obligations pursuant to Article 36(4) and (5) of the Securitisation Regulation. These obligations apply to both the CA that finds that one or more of Articles 6 to 27 of the Securitisation Regulation has been infringed or suspects that an infringement has been committed, and the CA of the entity or entities in question. Where an infringement or a suspected infringement concerns, in particular, an incorrect or misleading STS notification pursuant to Article 27(1), the obligation shall be extended to the ESAs, which must also be notified by the CA of the designated entity by virtue of Article 27 of the Securitisation Regulation.
5. The proposed draft RTS, in Annex II to this report, specifies the scope of application and details for (i) the general cooperation and exchange of information among CAs and between the CAs and the ESAs, (ii) the infringement notification obligations among CAs and between the CAs and the ESAs and (iii) the standardised forms to make a request for

¹ It also amends Directives and Regulations including Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012.

cooperation and exchange of information, to reply to such a request, and to provide unsolicited information or notification of infringement(s) or suspected infringement(s).

4 Consultation process

6. Taking into account ESMA's decision on having a targeted consultation, the Consultation Paper (CP) on "Draft technical standards on cooperation, exchange of information and notification between competent authorities and ESMA, the EBA and EIOPA under the Securitisation Regulation" was only submitted to ESMA members as well as the EBA and EIOPA members and ECB on 16 July 2018. The consultation period closed on 15 September 2018.
7. ESMA received 10 responses, including one collective response from EIOPA. Most of the responses came from the national competent authorities designated or to be designated as competent authorities pursuant to Article 29 of the Securitisation Regulation.
8. Overall, comments referred to:
 - whether institutional investors, financial institutions acting as investors and authorised third parties verifying (TPV) compliance with STS requirements should fall under the scope of application of the proposed draft RTS;
 - whether the proposed draft RTS should include definitions of supervised entities, competent authorities, and infringement and suspected infringement;
 - the extent to which cooperation and obligations under Article 36 of the Securitisation Regulation are to be applicable to the ESAs;
 - the use of unsolicited exchange of information by the CAs and/or the ESAs;
 - the ways to share information and the use of standardised forms.
9. These and other comments have been analysed and where necessary, clarified in the proposed draft RTS (Annex II of this Report). The proposed final draft RTS also provides the relevant standardised forms to be used by CAs and the ESAs for the above cooperation, exchange of information and notification.
10. ESMA has requested the opinion of the Securities and Markets Stakeholder Group established in accordance with Articles 15(1) and 37(1) of Regulation (EU) No 1095/2010 of the European Parliament and of the Council.

5 Annex I: Legislative mandate

Article 36

Cooperation between competent authorities and the ESAs

1. The competent authorities referred to in Article 29 and ESMA, the EBA and EIOPA shall cooperate closely with each other and exchange information to carry out their duties pursuant to Article 30 to 34.
2. Competent authorities shall closely coordinate their supervision in order to identify and remedy infringements of this Regulation, develop and promote best practices, facilitate collaboration, foster consistency of interpretation and provide cross-jurisdictional assessments in the event of any disagreements.
3. A specific securitisation committee shall be established within the framework of the Joint Committee of the European Supervisory Authorities, within which competent authorities shall closely cooperate, in order to carry out their duties pursuant to Articles 30 to 34.
4. Where a competent authority finds that one or more of the requirements under Articles 6 to 27 have been infringed or has reason to believe so, it shall inform the competent authority of the entity or entities suspected of such infringement of its findings in a sufficiently detailed manner. The competent authorities concerned shall closely coordinate their supervision in order to ensure consistent decisions.
5. Where the infringement referred to in paragraph 4 of this Article concerns, in particular, an incorrect or misleading notification pursuant to Article 27(1), the competent authority finding that infringement shall notify without delay, the competent authority of the entity designated as the first contact point under Article 27(1) of its findings. The competent authority of the entity designated as the first contact point under Article 27(1) shall in turn inform ESMA, the EBA and EIOPA and shall follow the procedure provided for in paragraph 6 of this Article.
6. Upon receipt of the information referred to in paragraph 4, the competent authority of the entity suspected of the infringement shall take within 15 working days any necessary action to address the infringement identified and notify the other competent authorities involved, in particular those of the originator, sponsor and SSPE and the competent authorities of the holder of a securitisation position, when known. When a competent authority disagrees with another competent authority regarding the procedure or content of its action or inaction, it shall notify all other competent authorities involved about its disagreement without undue delay. If that disagreement is not resolved within three months of the date on which all competent authorities involved are notified, the matter shall be referred to ESMA in accordance with Article 19 and, where applicable, Article 20 of Regulation (EU) No 1095/2010. The conciliation period referred to in Article 19(2) of Regulation (EU) No 1095/2010 shall be one month.

Where the competent authorities concerned fail to reach an agreement within the conciliation phase referred to in the first subparagraph, ESMA shall take the decision referred to in Article 19(3) of Regulation (EU) No 1095/2010 within one month. During the procedure set out in this Article a securitisation appearing on the list maintained by ESMA pursuant to Article 27 shall continue to be considered as STS pursuant to Chapter 4 and shall be kept on such list.

Where the competent authorities concerned agree that the infringement is related to noncompliance with Article 18 in good faith, they may decide to grant the originator, sponsor and SSPE a period of up

to three months to remedy the identified infringement, starting from the day the originator, sponsor and SSPE were informed of the infringement by the competent authority. During this period, a securitisation appearing on the list maintained by ESMA pursuant to Article 27 shall continue to be considered as STS pursuant to Chapter 4 of this Regulation and shall be kept on such list.

Where one or more of the competent authorities involved is of the opinion that the infringement is not appropriately remedied within the period set out in third subparagraph, first subparagraph shall apply.

7. Three years from the date of application of this Regulation, ESMA shall conduct a peer review in accordance with Article 30 of Regulation (EU) No 1095/2010 on the implementation of the criteria provided for in Articles 19 to 26 of this Regulation.

8. ESMA shall, in close cooperation with the EBA and EIOPA, develop draft regulatory technical standards to specify the general cooperation obligation and the information to be exchanged under paragraph 1 and the notification obligations pursuant to paragraphs 4 and 5.

ESMA shall, in close cooperation with the EBA and EIOPA, submit those draft regulatory technical standards to the Commission by 18 January 2019.

The Commission is empowered to supplement this Regulation by adopting the regulatory technical standards referred to in this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.

6 Annex II: draft RTS

Brussels, XXX
[...] (20XX) XXX draft

COMMISSION DELEGATED REGULATION (EU) .../..

of [dd mm yyyy]

[...]

COMMISSION DELEGATED REGULATION (EU) .../...

of [dd mm yyyy]

supplementing Regulation (EU) 2017/2402 of the European Parliament and of the Council with regard to regulatory technical standards on the cooperation, exchange of information and notification obligations between competent authorities and ESMA, the EBA and EIOPA

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 648/2012², and in particular Article 36(8) thereof,

Whereas:

- (1) The cooperation obligation and the information to be exchanged among competent authorities in accordance with Regulation (EU) 2017/2402 should be of a sufficient scope and nature to allow them to effectively discharge their supervisory, investigatory and sanctioning duties.
- (2) It is essential that, subject to national and Union law governing the protection of confidentiality of information and the processing of personal data, competent authorities are able to cooperate and exchange information throughout the entire process of their activities. This should include the exchange of relevant reports and specific information on the respective supervised entities, as well as information on on-going inspections or investigations and the imposition of sanctions.
- (3) Competent authorities and the European Securities and Markets Authority (ESMA), the European Banking Authority (EBA) and the European Insurance and Occupational Pensions Authority (EIOPA) should be able to cooperate and exchange information where relevant to carrying out their duties, powers and tasks under Regulation (EU) 2017/2402.
- (4) In order to ensure that the cooperation and exchange of information among competent authorities and between competent authorities and ESMA, the EBA and EIOPA take place in an efficient and timely manner, it is appropriate to provide in this Regulation for common procedures and forms.
- (5) A common procedure and form should also be used by competent authorities, ESMA, the EBA and EIOPA to transmit information on a voluntary basis when they consider that the information in their possession may be of use to another competent authority or ESMA, the EBA and EIOPA. This should include the case of any information held by the competent authority of an institutional investor or third party authorised to assess the compliance of securitisations with the simple,

² (OJ L 347, 28.12.2017, p.35)

transparent and standardised (STS) requirements which may be of use to the competent authority of the originator, sponsor, SSPE or original lender.

- (6) In order to ensure the smooth and timely application of the infringement notification requirements in accordance with Regulation (EU) 2017/2402, competent authorities should notify each other and ESMA, the EBA and EIOPA of an infringement or a suspected infringement using the form and procedure provided for the unsolicited exchange of information.
- (7) The procedures and forms specified in this Regulation should ensure the confidentiality of any request for cooperation as well as of any information exchanged or notified and compliance with the rules on the protection of individuals with regard to the processing of personal data and on the free movement of such data.
- (8) This Regulation is without prejudice to the cooperation that should take place at the level of the securitisation committee established within the Joint Committee of the European Supervisory Authorities (ESAs) pursuant to Regulation (EU) 2017/2402, whose mandate includes preventing divergent approaches in the implementation of the STS requirements, ensuring cross-sectoral consistency and assessing practical issues that could arise with regard to STS securitisations.
- (9) This Regulation is based on the draft regulatory technical standards submitted by ESMA to the Commission.
- (10) ESMA did not conduct open public consultations on the draft regulatory standards on which this Regulation is based, nor did it analyse the potential costs and benefits, as this would have been disproportionate in relation to the scope and impact of those standards, taking into account that their addressees are only competent authorities, ESMA, the EBA and EIOPA and not financial market participants.
- (11) ESMA has requested the opinion of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council³,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. “electronic means” are means of electronic equipment for the processing (including digital compression), storage and transmission of data, employing wires, radio, optical technologies, or any other electromagnetic means;
2. “supervised entity” means any of the following: sponsors, originators, original lenders or SSPEs;

Article 2

Contact points

1. Competent authorities, ESMA, the EBA and EIOPA shall designate contact points for the purposes

³ 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 (OJ L 331, 15.12.2010, p. 84).

of this Regulation.

2. Competent authorities, the EBA and EIOPA shall communicate the details of the designated contact points to ESMA within 30 days of the date of entry into force of this Regulation. They shall provide to ESMA updated information as necessary.
3. ESMA shall maintain a list of all designated contact points and update that list as necessary for use by the competent authorities, ESMA, the EBA and EIOPA.

Article 3

Cooperation among competent authorities

1. Competent authorities shall cooperate closely with each other at least in the following areas pursuant to Article 36(1) of Regulation (EU) 2017/2402 :
 - (a) supervision;
 - (b) inspections and investigations;
 - (c) enforcement, including the imposition of sanctions and remedial measures.
2. Upon a request made pursuant to Article 5, competent authorities shall exchange, to the extent available to them, any report or extract of a report related to their supervised entities in the areas referred to in the first sub-paragraph which is relevant to carrying out their duties under Articles 30 to 34 of Regulation (EU) 2017/2402.

Article 4

Exchange of information among competent authorities

Upon a request made pursuant to Article 5, competent authorities shall exchange at least the following information pursuant to Article 36(1) of Regulation (EU) 2017/2402:

- (a) information on the arrangements, processes and mechanisms implemented by the supervised entities as set out in Article 30(2) of that Regulation;
- (b) information on the risk management policies and procedures implemented by the supervised entities as set out in Article 30(3) of that Regulation;
- (c) information on the specific effects that the participation in the securitisation market has on the stability of their supervised entities as well as any material risk identified in this respect as set out in Article 30(4) of that Regulation;
- (d) information on any criminal investigation or proceedings commenced against their supervised entities for the infringement referred to in Article 32(1) of that Regulation;
- (e) information on any criminal sanction, administrative sanction or remedial measure or against their supervised entities as set out in Articles 32 and 34 of that Regulation.

Article 5

Request for cooperation and exchange of information between competent authorities

1. A competent authority shall make a request for cooperation to another competent authority using the form set out in Annex I. The form shall be transmitted in writing by post, fax or electronic means to the designated contact point of the requested competent authority.
2. Where the requesting competent authority believes that the request should be processed urgently, it may inform the requested competent authority of the request verbally, and subsequently send the request in writing using the form set out in Annex I without undue delay.
3. The requesting competent authority shall specify the desired time period for reply and where appropriate indicate the urgency of the request.
4. The requesting competent authority may attach to the request any document or supporting material deemed necessary to support the request.
5. Where the request for cooperation involves a request for information, the requesting competent authority shall:
 - (a) specify, to the extent possible the details of the information sought, including the reasons why that information is considered to be relevant for the purposes of carrying out its duties under Articles 30 to 34 of Regulation (EU) 2017/2402;
 - (b) identify, where appropriate, any issue relating to the confidentiality of the information sought, including any special precaution for the collection of that information.

Article 6

Reply to a request for cooperation and exchange of information among competent authorities

1. The requested competent authority shall reply to a request made pursuant to Article 5, using the form set out in Annex II. The form shall be transmitted in writing by post, fax or electronic means to the designated contact point of the requesting competent authority, unless they have specified otherwise.
2. The requested competent authority shall:
 - (a) request further clarifications in any form as soon as possible where it has any doubt in relation to the request received;
 - (b) take reasonable steps within the scope of its powers to provide the cooperation or exchange the information requested;
 - (c) execute the request in a manner that facilitates any necessary regulatory action to proceed in a timely manner, taking into account the complexity of the request and the necessity to involve another competent authority.

Article 7

Procedures for sending and processing a request for cooperation and exchange of information among competent authorities

1. Competent authorities shall communicate in relation to a request for cooperation, also where it involves a request for information, and its reply by the most expedient means, taking due account of confidentiality considerations, correspondence times, the volume of material to be communicated and the ease of access to the information. In particular, the requesting competent authority shall respond without undue delay to any clarification requested by the requested competent authority pursuant to Article 6(2)(a).
2. Competent authorities shall closely cooperate in order to resolve any difficulty that may arise in executing a request.

Article 8

Cooperation and exchange of information between competent authorities and ESMA, the EBA and EIOPA

1. Competent authorities and ESMA, the EBA or EIOPA shall cooperate and exchange the information specified in Article 4 to the extent relevant to carry out the duties under Articles 30 to 34 of Regulation (EU) 2017/2402, having regard to the powers and tasks of ESMA, the EBA or EIOPA under that Regulation.
2. Competent authorities and ESMA, the EBA or EIOPA shall make and respond to a request for cooperation or exchange of information in accordance with Articles 5 to 7.

Article 9

Unsolicited exchange of information

1. Where competent authorities, ESMA, the EBA or EIOPA provide unsolicited information, they shall use the form set out in Annex III. The form shall be transmitted in writing by post, fax or electronic means to the designated contact point of the relevant competent authority or of ESMA, the EBA and EIOPA.
2. Where the competent authority, ESMA, the EBA or EIOPA sending the information, believe that the information should be transmitted urgently, they may communicate the information verbally, and subsequently send it in writing using the form in Annex III without undue delay.

Article 10

Notification obligations

1. A competent authority shall notify another competent authority for the purposes of Article 36(4) and (5) of Regulation (EU) 2017/2402 using the form set out in Annex III. The form shall be transmitted in writing by post, fax or electronic means, to the designated contact point of the notified competent authority.

2. Where the notifying competent authority believes that the information should be transmitted urgently, it may inform the other competent authority verbally and subsequently send the notification in writing using the form set out in Annex III without undue delay.
3. The notifying competent authority shall specify the factual elements, the nature, materiality and duration of the infringement found or suspected and provide any other relevant information that could be of assistance to the notified competent authority.
4. Competent authorities shall notify ESMA, the EBA and EIOPA for the purposes of Article 36(5) of Regulation (EU) 2017/2402 in accordance with paragraphs 1 to 3.

Article 11

Confidentiality

Competent authorities, ESMA, the EBA and EIOPA shall keep confidential the fact that a request for cooperation has been made or that information has been exchanged or notified pursuant to this Regulation, the content of that request and of any information exchanged or notified as well as any matter arising from the execution of that request, except where a competent authority, ESMA, the EBA or EIOPA when making the request or providing the information consent to disclosure or where such disclosure is necessary for legal proceedings.

Article 12

Restrictions and permissible use of information

1. Where in order to execute a request for cooperation, also where it involves a request for information, the requested competent authority is required to disclose the fact that the requesting competent authority has made the request or the content of the request, the requested competent authority shall disclose it only after having obtained the consent of the requesting competent authority to such disclosure.
2. Where the requesting competent authority does not provide its consent to disclosure, the requested competent authority shall not act upon the request. The requesting competent authority shall either withdraw or suspend their request until they are able to provide such consent to disclosure.
3. Competent authorities, ESMA, the EBA and EIOPA shall use the information exchanged or notified pursuant to this Regulation only for the purposes of carrying out their duties, powers and tasks under Regulation (EU) 2017/2402.

Article 13

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [date]

For the Commission
The President

ANNEX I

Form for a request for cooperation and exchange of information

Request for cooperation and exchange of information

Reference number:

Date:

General information

FROM:

Member State (if applicable):

Requesting competent authority:

Please tick the appropriate box(es)

- Supervisor of originator
- Supervisor of sponsor
- Supervisor of original lender
- Supervisor of SSPE
- Other (please specify)
- ESMA
- EBA
- EIOPA

Address: [insert address]

[Insert the contact details of the designated contact point under Article 2 of the Commission Delegated Regulation (EU) .../...⁴, for dealing with this request and identified below]

Name:

Telephone:

Email:

TO:

Member State (if applicable):

Requested competent authority:

⁴ Insert the reference of these RTS.



Acting in its capacity as:

Please tick the appropriate box(es)

- Supervisor of originator
- Supervisor of sponsor
- Supervisor of original lender
- Supervisor of SSPE
- Other (please specify)
- ESMA
- EBA
- EIOPA

Address: [insert address]

[Insert the contact details of the designated contact point under Article 2 of Commission Delegated Regulation (EU) .../...⁵, for dealing with this request and identified below]

Name:

Telephone:

Email:

Dear [insert appropriate name]

In accordance with Article 5 [or 8(2), depending on whether ESMA, the EBA or EIOPA are involved] of the Commission Delegated Regulation (EU) .../...⁶ your cooperation is sought in relation to the matter(s) set out in further detail below.

[I would be grateful for the above cooperation by] *[Insert indicative date for the reply]* OR [Given the urgency of the matter(s), I would be grateful for the above cooperation by] *[Insert date for the reply]* or, if that is not possible, for an indication as to when you anticipate being in a position to provide the cooperation which is sought.

Reasons for the request

⁵ Insert the reference of these RTS.

⁶ Insert the reference of these RTS.

.....
.....
.....

[Insert provision(s) of Regulation (EU) 2017/2402 under which the requesting competent authority, ESMA, the EBA or EIOPA is competent to deal with the matter]

The request concerns cooperation in

.....
.....
.....
.....

[Insert description of the subject matter of the request, the purpose for which the request for cooperation is sought, contextual information for the request and an explanation for its relevance for fulfilling the requesting competent authority's duties under Articles 30 to 34 of Regulation (EU) 2017/2402 and, where applicable, ESMA, the EBA or EIOPA's powers and tasks under that Regulation.]

Further to.....

.....
.....
.....

[If applicable, insert details of previous request(s) for cooperation on the same matter, including the reference number(s), in order to enable it (them) to be identified]

Exchange of information (if applicable)

.....
.....
.....

[Please provide a detailed description of the specific information sought.]

Please note the following:

ISIN:

Common securitisation identifier:

LEI code:



STS notification identifier as provided by ESMA.....

[If the request concerns information relating to originator(s), sponsor(s), original lender(s) or SSPE(s) please complete the above, as relevant.]

Confidentiality

.....
.....
.....
.....

[If there are special considerations on the confidentiality of the information sought, please provide an indication of the level of confidentiality of the information contained in the request and any special precautions that have to be taken in collecting the information.]

Additional information (if applicable)

.....
.....
.....
.....

[Please provide any additional information, if any.]

Yours sincerely,

[Name and signature]



ANNEX II

Form for the reply to a request for cooperation and exchange of information

Rely to a request for cooperation and exchange of information

Reference number:

Date:

General information

FROM:

Member State (if applicable):

Requested competent authority:

Acting in its capacity as:

Please tick the appropriate box(es)

- Supervisor of originator
- Supervisor of sponsor
- Supervisor of original lender
- Supervisor of SSPE
- Other (please specify)
- ESMA
- EBA
- EIOPA

Address: [insert address]

[Insert the contact details of the designated contact point under Article 2 of Commission Delegated Regulation (EU) .../...⁷, for dealing with this request and identified below]

Name:

Telephone:

Email

⁷ Insert the reference of these RTS.

TO:

Member State (if applicable):

Requested competent authority:

Acting in its capacity as:

Please tick the appropriate box(es)

- Supervisor of originator
- Supervisor of sponsor
- Supervisor of original lender
- Supervisor of SSPE
- Other (please specify)
- ESMA
- EBA
- EIOPA

Address: [insert address]

[Insert the contact details of the designated contact point under Article 2 of Commission Delegated Regulation (EU) .../... , for dealing with this request and identified below]

Name:

Telephone:

Email:

Dear [*Insert appropriate name*]

In accordance with Article 6 [or 8(2), depending on whether ESMA, the EBA or EIOPA are involved] of [*Commission Delegated Regulation (EU) .../...⁸*], your request dated [*dd.mm.yyyy*] with reference [*insert request reference number*] has been processed by us.

Information Gathered

⁸ Insert the reference of these RTS.

.....
.....
.....

[If it is possible to provide the cooperation requested, including whether it involves a request for information please set out all the relevant details or provide an explanation of how the cooperation will be provided.]

The information provided is confidential and is disclosed to *[insert name of the requesting competent authority, ESMA, the EBA or EIOPA]* and on the basis that the information shall remain confidential in accordance with Article 11 of *[Commission Delegated Regulation (EU) .../...⁹]*.

The *[Insert name of the requesting competent authority, ESMA, the EBA or EIOPA]* shall observe the requirements of the Article 12 of *[Commission Delegated Regulation (EU) .../...¹⁰]*.

.....
.....
.....

[Insert any other necessary confidential warnings or any necessary restrictions on the permissible uses of information in compliance with the Union law.]

.....
.....
.....

[Where relevant, please explain any clarification you may require in relation to the cooperation or information requested.]

Additional information (if applicable)

[Please provide, on you own initiative, any essential information that could further assist the cooperation for the purposes of the request.]

.....
.....
.....

Yours sincerely,

[Name and signature]

⁹ Insert the reference of these RTS.
¹⁰ Insert the reference of these RTS.



ANNEX III

Form for the provision of unsolicited information and notification of infringement(s) or suspected infringement(s)

Provision of unsolicited information or notification of infringement(s) or suspected infringement(s)

Reference number:

Date:

General information

FROM:

Member State (if applicable):

Transmitting competent authority:

Acting in its capacity as:

Please tick the appropriate box(es):

- Supervisor of originator
- Supervisor of sponsor
- Supervisor of original lender
- Supervisor of SSPE
- Other (please specify)
- ESMA
- EBA
- EIOPA

Address: [insert address]

[Insert the contact details of the designated contact point under Article 2 of Commission Delegated Regulation (EU) .../...¹¹, for dealing with this request and identified below]

Name:

Telephone:

¹¹ Insert the reference of these RTS.



Email:

TO:

Member State:

Requested competent authority:

Acting in its capacity as:

Please tick the appropriate box(es)

- Supervisor of originator
- Supervisor of sponsor
- Supervisor of original lender
- Supervisor of SSPE
- Other (please specify)
- ESMA
- EBA
- EIOPA

Address: [insert address]

[Insert the contact details of the designated contact point under Article 2 of Commission Delegated Regulation (EU) .../...¹², for dealing with this request and identified below]

Name:

Telephone:

Email:

SUBJECT MATTER:

- Unsolicited information pursuant to Article 9 of *Commission Delegated Regulation (EU) .../...¹³*
- Notification pursuant to Article 36(4) of Regulation (EU) 2017/2420
- Notification to a competent authority pursuant to Article 36(5) of Regulation (EU) 2017/2420
- Notification to ESMA, the EBA and EIOPA pursuant to Article 36(5) Regulation (EU) 2017/2402

Dear [Insert appropriate name]

¹² Insert the reference of these RTS.

¹³ Insert reference of these RTS.



In accordance with Article(s) [*please insert relevant Articles of the Commission Delegated Regulation (EU) .../...¹⁴*], please find attached the information in relation to the matter(s) set out in further detail below.

ISIN:

Common securitisation identifier:

LEI code:

STS notification identifier as provided by ESMA.....

[If the information relating to originator(s), sponsor(s), original lender(s), or SSPE(s) or other, please complete the above as relevant]

Reasons for unsolicited information or notification of infringement(s) or suspected infringement(s)

The purpose of this is

.....
.....
.....
.....
.....

[Insert description of the subject matter of the information transmitted or the infringement(s) notified]

Further to.....

.....
.....
.....

[If applicable, insert details of previous information provided or notification(s) made on the same matter]

Yours sincerely,

[Name and signature]

¹⁴ Insert reference of these RTS.