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| 19 December 2017 |

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| Response form for the Consultation Paper on STS notification  |
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| Date: 19 December 2017 |

Responding to this paper

ESMA invites responses to the questions set out throughout its Consultation Paper on Draft technical standards on content and format of the STS notification under the Securitisation Regulation (ESMA33-128-33). Responses are most helpful if they:

* respond to the question stated;
* contain a clear rationale; and
* describe any alternatives ESMA should consider.

ESMA will consider all responses received by 19 March 2018.

Instructions

In order to facilitate analysis of responses to the Consultation Paper, respondents are requested to follow the below steps when preparing and submitting their response:

* Insert your responses to the questions in the Consultation Paper in the present response form.
* Please do not remove tags of the type <ESMA\_QUESTION\_STS\_1>. Your response to each question has to be framed by the two tags corresponding to the question.
* If you do not wish to respond to a given question, please do not delete it but simply leave the text “TYPE YOUR TEXT HERE” between the tags.
* When you have drafted your response, name your response form according to the following convention: ESMA\_STS\_nameofrespondent\_RESPONSEFORM. For example, for a respondent named ABCD, the response form would be entitled ESMA\_STS\_ABCD\_RESPONSEFORM.
* Upload the form containing your responses, in Word format, to ESMA’s website ([www.esma.europa.eu](http://www.esma.europa.eu) under the heading “Your input – Open consultations” 🡪 “Draft technical standards on content and format of the STS notification under the Securitisation Regulation”).

Publication of responses

All contributions received will be published following the close of the consultation, unless you request otherwise. Please clearly indicate by ticking the appropriate checkbox on the website submission page if you do not wish your contribution to be publicly disclosed. A confidential response may be requested from us in accordance with ESMA’s rules on access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by ESMA’s Board of Appeal and the European Ombudsman.

Data protection

Information on data protection can be found at [www.esma.europa.eu](http://www.esma.europa.eu) under the heading “Data protection”.

Who should read the Consultation Paper

This consultation paper will be of interest to key parties in a securitisation including originators, sponsors, SSPE and institutional investors in securitisation.

# General information about respondent

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| Name of the company / organisation | European Savings and Retail Banking Group |
| Activity | Banking sector |
| Are you representing an association? |[x]
| Country/Region | Europe |

# Introduction

Please make your introductory comments below, if any:

<ESMA\_COMMENT\_STS\_1>

ESBG could not find a timeline for which an STS notification to ESMA is required to be delivered in order for transactions to be issued.

The proposed STS notification format would result in considerable time, effort and significant costs on the originator side. If not changed, there is a high risk that STS because of the content and format proposed in this paper, combined with the far too narrowed homogeneity proposal in the EBA consultation paper, will not establish itself on the market and will not stimulate the European securitisation market.

Issuers already have to provide details of a securitisation transaction prior to issuance as well as multiple reports on a monthly, quarterly and yearly basis to the competent authorities (CA), investors and rating agencies. If the transaction fulfils the significant risk transfer, intensive exchange with and information is provided to the CA prior to issuance. The content of the STS notification as proposed in the paper would result in an additional significant requirement which turns in our view the cost-benefit comparison of a transaction negative and is out of scale given the very strong historical performance of European ABS.

<ESMA\_COMMENT\_STS\_1>

1. : Do you agree that some general information elements will facilitate the identification of the securitisation and are thus needed to be included in the STS notification?

<ESMA\_QUESTION\_STS\_1>

For the identification of a securitisation there is no need to complete 22 fields. ISIN, LEI and the securitisation name allow the identification of the securitisation.

<ESMA\_QUESTION\_STS\_1>

1. : Do you agree that the list of items in paragraph 15 should be included in the STS notification? Do you have any further proposals? If yes, please also state the reasons.

<ESMA\_QUESTION\_STS\_2>

No. As answered in question 1, the requested fields should be considerably reduced.

<ESMA\_QUESTION\_STS\_2>

1. : Do you agree that the proposed list of items in paragraph 17 should be published on ESMA public website?

<ESMA\_QUESTION\_STS\_3>

No. Private securitisation should not fall under the STS notification as Article 7(2) also exempts them from disclosing information to securitisation repositories. Under the proposal of ESMA in §14 private securitisations would need to provide STS notifications even twice. The non-anonymised data does not need to be stored by ESMA for accessibility for CAs, as CAs receive detailed information of the securitisation in case of SRT prior to issuance. Moreover, STS securitisation transactions will only represent a certain share of the overall European securitisation market and thus the storage of private STS securitisations does not help monitoring the Union’s securitisation market.

<ESMA\_QUESTION\_STS\_3>

1. : Do you agree with the proposal to have three different explanation types in the STS notification, depending on the nature of the criteria?

<ESMA\_QUESTION\_STS\_4>

No. The cost and effort on the originator’s side is disproportionate if concise or even detailed explanations on several fields have to be provided. The originator is responsible and liable for the correct self-attestation and thus should in a flexible approach decide which further information in addition to the general notification that the transaction fulfills the STS requirements is provided.

<ESMA\_QUESTION\_STS\_4>

1. : Do you agree with the proposal of cross-referring in a STS notification between the STS elements and those from Prospectus, where available, or otherwise other securitisation documentation? If not, please also state the reasons.

<ESMA\_QUESTION\_STS\_5>

ESBG agrees with the possibility to do cross-reference. However it should be without the need of additional concise or detailed explanations as the information is already in the cross-referenced documents.

<ESMA\_QUESTION\_STS\_5>

1. : Do you agree that for the list of items in table 2 only a confirmation should be required in the STS notification, accompanied by the cross reference to the relevant section in prospectus or other securitisation documentation? If not, please state your reasons and any further suggestion.

<ESMA\_QUESTION\_STS\_6>

Please see previous responses.

<ESMA\_QUESTION\_STS\_6>

1. : Do you agree that for the list of items in Table 3 a concise explanation shall be required in the STS notification, accompanied by the cross reference to the relevant section in prospectus or other securitisation documentation? If not, please state your reason and any further suggestion.

<ESMA\_QUESTION\_STS\_7>

Please see previous responses.

<ESMA\_QUESTION\_STS\_7>

1. : Do you agree that for the list of items in table 4 a detailed explanation shall be required in the STS notification, accompanied by the cross reference to the relevant section in prospectus or other securitisation documentation? If not, please state your reason and any further suggestion.

<ESMA\_QUESTION\_STS\_8>

Please see previous responses.

<ESMA\_QUESTION\_STS\_8>

1. : Do you agree with the proposal to require the use of XML templates for the STS notification notified to the ESMA?

<ESMA\_QUESTION\_STS\_9>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_STS\_9>

1. : Do you agree with the format of the proposed notification templates as described in Annexes I and II of the draft ITS?

<ESMA\_QUESTION\_STS\_10>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_STS\_10>

1. : Do you agree with the arguments set out in the preliminary CBA? Do you think that other items should be factored into the CBA and if so, for what reasons?

<ESMA\_QUESTION\_STS\_11>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_STS\_11>