

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2581**of 20 June 2022****laying down implementing technical standards for the application of Directive 2013/36/EU of the European Parliament and of the Council with regard to provision of information in applications for authorisation of a credit institution****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2022/2580 ⁽²⁾ sets out which information is to be provided to the competent authorities in applications for authorisation as a credit institution.
- (2) For the purposes of harmonisation, it is important that applicants for authorisation as a credit institution submit the information required for such authorisation in a uniform manner, using the same standard forms, templates and procedures across the Union.
- (3) This Regulation is based on the draft regulatory technical standards submitted to the Commission by the European Banking Authority.
- (4) The European Banking Authority has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽³⁾.
- (5) In order to provide competent authorities and applicant credit institutions with sufficient time to adapt to the requirements laid down in this Regulation, its date of application should be deferred,

HAS ADOPTED THIS REGULATION:

*Article 1***Submission of the application for authorisation as a credit institution**

1. Applicants for authorisation as a credit institution shall submit the information set out in Articles 1 to 9 of Delegated Regulation (EU) 2022/2580 to their competent authority by filling in the template set out in the Annex to this Regulation.

⁽¹⁾ OJ L 176, 27.6.2013, p. 338.

⁽²⁾ Commission Delegated Regulation (EU) 2022/2580 of 17 June 2022 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the information to be provided in the application for the authorisation as a credit institution, and specifying the obstacles which may prevent the effective exercise of supervisory functions of competent authorities (OJ L 335, XX.XX.XXXX, p. 64).

⁽³⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

2. Competent authorities shall indicate on their website the contact details for submitting an application for authorisation as a credit institution and shall indicate whether that application is to be submitted in paper format, in electronic form or both.

Article 2

Assessment of completeness of applications for authorisation as a credit institution

1. Applications for authorisation as a credit institution shall be deemed to be complete if those applications contain all the information required by Delegated Regulation (EU) 2022/2580.
2. Where the information provided in the application is assessed and found to be incomplete, the competent authorities shall send, in paper format or by electronic means, a request the applicants concerned indicating the further information required, and shall provide to those applicants the opportunity to submit the information identified.
3. Upon an application being assessed as complete, the competent authority shall inform the applicant of that fact, together with the date of receipt of the complete application or, as the case may be, the date of receipt of the information that completed the application.
4. Competent authorities may require the applicant to provide additional explanations and supplementary information for the purposes of assessing the application.

Article 3

Applications for authorisation as a credit institution subject to this Regulation

This Regulation shall apply to applications for authorisation as a credit institution submitted on or after XX.XX.XXXX.

Article 4

Entry into force and application

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 apply from the XX.XX.XXXX.

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

Done at Brussels, 20 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Information provided for the purposes of the application for authorisation

Date: ...

Reference number:

Name of the applicant:

Address:

(Contact details of the designated contact person)

Name:

Telephone:

Email:

This is an application for authorisation as a credit institution submitted in accordance with Commission Delegated Regulation (EU) 2022/2580 ⁽¹⁾.

We certify that the information provided in this application is true, accurate, complete and not misleading. Unless specifically stipulated otherwise, the information is up-to-date on the date of this application. Where certain information indicates a future date, it is explicitly indicated in the application and we undertake to notify the authority in writing without delay if any such information should turn out to be untrue inaccurate, incomplete or is misleading.

[Name of the applicant]

By:

Name:

Position:

Table 1

Presentation of information about the applicant credit institution (Article 1 of Delegated Regulation (EU) 2022/2580)

1.1. Contact persons for the purposes of the application (Article 1, points (a) and (b), of Delegated Regulation (EU) 2022/2580)

Details of person to contact regarding the application

Title	
Full name	
Position	
Telephone number	
Mobile number	
Facsimile (if available)	
Email	

Principal professional adviser involved in the preparation of the application (if any)

Title	
Full name	
Position	
Telephone number	
Mobile number	

⁽¹⁾ OJ L 335, XX.XX.XXXX, p. 64.

Facsimile (if available)	
Email	
1.2. Identification of the applicant credit institution (Article 1, points (c) to (k), of Delegated Regulation (EU) 2022/2580)	
Name of the applicant credit institution and any other trading name used or to be used by the applicant credit institution	
Proposed plans (if any) to change the name of the applicant credit institution and an explanation of the proposed changes	
Logo	
Legal form of the applicant credit institution	
Date of incorporation or formation	
Jurisdiction of incorporation or formation	
Address of the applicant credit institution's registered office and, if different, its head office, and principal place of business	
Contact details for the applicant credit institution if different from the details provided under Section 1.1 of this table: telephone, mobile number, facsimile (if available), and email	
Where the applicant credit institution is registered in a central register, commercial register, companies register or similar public register, the name of that register and the registration number of the applicant credit institution or an equivalent means of identification in that register	
The Legal Entity Identifier (LEI), if any, of the applicant credit institution	
The date of the accounting year-end for the applicant credit institution	
The website address, if any, of the applicant credit institution	

1.3. Constitutional documents (Article 1, point (l), of Delegated Regulation (EU) 2022/2580)

Annex under which is provided a copy of the articles of association of the applicant credit institution or equivalent constitutional documents and, where applicable, evidence of registration with the register designated by the law of the Member State concerned in accordance with Article 16 of Directive (EU) 2017/1132 of the European Parliament and of the Council ⁽²⁾

1.4. History of the applicant credit institution and its subsidiaries (Article 2, points (a) to (c), of Delegated Regulation (EU) 2022/2580)

Confirmation of whether the applicant credit institution has previously carried out commercial or other activities (yes/no) (if yes, complete the remaining fields in Section 1.4 of this table)

Details of licences, authorisations, registrations or other permissions of the applicant credit institution or of any of its subsidiaries to carry out activities in the financial services sector granted by a public authority or other entity performing public functions in any Member State or third country falling within the categories set out in Article 2, point (a)(i) to (iv), of Delegated Regulation (EU) 2022/2580

Details about any significant events relating to the applicant credit institution or to any of its subsidiaries which have taken place or are taking place which may be reasonably considered to be relevant for the authorisation, including any of the matters set out in Article 2, point (b), of Delegated Regulation (EU) 2022/2580

Information on any events set out in the declaration including the name and address of the relevant criminal or civil court, or civil or administrative authority, the date of the event, the amount involved, the outcome of the proceedings and an explanation of the circumstances of the event triggering the proceedings

⁽²⁾ Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).

1.5. Applicable fees (Article 2, points (d) and (e), of Delegated Regulation (EU) 2022/2580)	
Elements necessary to calculate any applicable fees where, pursuant to Union or national law, any application fee or supervisory fee that is to be paid by the applicant credit institution is calculated on the basis of the activities or the characteristics of the applicant credit institution	
Annex under which can be found evidence of the payment of any application fee, where applicable pursuant to Union or national law	

Table 2

Programme of activities (Article 3 of Delegated Regulation (EU) 2022/2580)

Activities (Article 3 of Delegated Regulation (EU) 2022/2580)	
Annex under which can be found the programme of activities, including (a) the list of the activities that the applicant credit institution intends to carry out, including the activities listed in Annex I to Directive 2013/36/EU, and (b) the description of how the programme of operations aligns with the proposed activities	

Table 3

Financial information (Article 4 of Delegated Regulation (EU) 2022/2580)

3.1. Forecast information (Article 4, point (a), of Delegated Regulation (EU) 2022/2580)	
Annex under which can be found forecast information on the applicant credit institution at an individual level and, where applicable, at consolidated group and sub-consolidated levels as required by Article 4, point (a), of Delegated Regulation (EU) 2022/2580	

3.2. Statutory financial statements (Article 4, point (b), of Delegated Regulation (EU) 2022/2580)

Annex under which can be found the statutory financial statements of the applicant credit institution at an individual level and, where applicable, at a consolidated group and sub-consolidated levels as required by Article 4, point (b), of Delegated Regulation (EU) 2022/2580

3.3. Indebtedness (Article 4, point (c), of Delegated Regulation (EU) 2022/2580)

Annex under which can be found the outline of any indebtedness incurred or expected to be incurred by the applicant credit institution prior to the commencement of its activities as a credit institution as required by Article 4, point (c), of Delegated Regulation (EU) 2022/2580

3.4. Security interests, guarantees and indemnities (Article 4, point (d), of Delegated Regulation (EU) 2022/2580)

Annex under which can be found the outline of any security interests, guarantees or indemnities granted or expected to be granted by the applicant credit institution prior to the commencement of its activities as a credit institution

3.5. Credit rating (Article 4, point (e), of Delegated Regulation (EU) 2022/2580)

Where available, the credit rating of the applicant credit institution and the overall rating of its group

3.6. Consolidated supervision (Article 4, point (f), of Delegated Regulation (EU) 2022/2580)

Annex under which can be found, where applicable, the analysis of the scope of consolidated supervision pursuant to the consolidation requirements as required by Article 4, point (f), of Delegated Regulation (EU) 2022/2580

3.7. Frameworks and policies (Article 4, point (g)(i) to (x), of Delegated Regulation (EU) 2022/2580)

Outline of the risk management framework as required by Article 4, point (g), of Delegated Regulation (EU) 2022/2580

Outline of the liquidity risk management policy

Outline of the funding concentration and diversification policy	
Outline of the collateral management policy	
Outline of the deposit policy	
Outline of the credit and lending policy	
Outline of the concentration risk policy	
Outline of the provisioning policy	
Outline of the dividend distribution policy	
Outline of the trading book policy	
3.8. Process for developing a recovery plan (Article 4, point (h), of Delegated Regulation (EU) 2022/2580)	
Description of the applicant credit institution's process for developing a recovery plan as defined in Article 2(1), point (32), of Directive 2014/59/EU of the European Parliament and of the Council ⁽³⁾ , and, where applicable, a group recovery plan, as defined in Article 2(1), point (33), of that Directive	
3.9 deposit guarantee scheme (Article 4, point (i), of Delegated Regulation (EU) 2022/2580)	
A statement or confirmation that, before or at the latest on the date of authorisation, the applicant credit institution shall become a member of a deposit guarantee scheme officially recognised in the Member State where the application is submitted, as required by Article 4(3) of Directive 2014/49/EU	
Name of the deposit guarantee scheme	
3.10. Institutional protection scheme (Article 4, point (j), of Delegated Regulation (EU) 2022/2580)	
Name of any institutional protection scheme, as defined in Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽⁴⁾ , that the applicant credit institution has entered into or proposes to enter into	

⁽³⁾ Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).

⁽⁴⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

Table 4

Programme of operations, structural organisation, internal control systems and auditors (Article 5 of Delegated Regulation (EU) 2022/2580)

4.1. Programme of operations (Article 5(1), point (a), of Delegated Regulation (EU) 2022/2580)	
Annex under which can be found the programme of operations as required by Article 5(1), point (a), of Delegated Regulation (EU) 2022/2580	
4.2. Organisation, structure and governance arrangements (Article 5(1), point (b), of Delegated Regulation (EU) 2022/2580)	
Annex under which can be found the description of the organisation, structure and governance arrangements of the applicant credit institution as required by Article 5(1), point (b), of Delegated Regulation (EU) 2022/2580	
4.3. Internal control framework (Article 5(1), point (c), of Delegated Regulation (EU) 2022/2580)	
Annex under which can be found the overview of the internal organisation (including devoted budgetary and human resources) of the compliance function, risk management function and internal audit function as required by Article 5(1), point (c) (i), of Delegated Regulation (EU) 2022/2580	
Outline of the whistleblowing policy	
Outline of the conflicts of interest policy	
Outline of the complaints handling policy	
Outline of the market abuse policy	
Outline of the policy promoting diversity in the management body	
Outline of the remuneration policy for staff members whose professional activities have a material impact on the applicant credit institution's risk profile	
Outline of the systems and policies for assessing and managing the risks of money laundering and terrorist financing, including an overview of the key procedures that have been put in place to counter the risk that the applicant credit institution might be used to further financial crime	

4.4. Internal audit resources (Article 5(1), point (d) of Delegated Regulation (EU) 2022/2580)

Description of the internal audit resources and an outline of the methodology and internal audit plan for the next three years from authorisation, including the audit of externalised services

4.5. Policies and plans (Article 5(1), point (e) of Delegated Regulation (EU) 2022/2580)

Outline of the internal audit policy

Outline of the product governance policy

Outline of the consumer protection policy

Outline of the business continuity plan and policy, including an overview of available back-up and recovery systems and of plans ensuring the availability of key staff in business continuity situations

4.6. Structure of the applicant credit institution (Article 5(1), point (f) of Delegated Regulation (EU) 2022/2580)

Outline of external and intra-group outsourcing to support the applicant credit institution's operations or internal control activities, including the information referred to in Article 5(1), point (f)(i), of Delegated Regulation (EU) 2022/2580

Outline of oversight responsibilities and arrangements, systems and controls for each outsourced function that is critical or important to the applicant credit institution's management and operations

Outline of the service level agreements and arrangements for each outsourcing function that is critical or important to the applicant credit institution's management and operations

Description of the applicant credit institution's IT infrastructure, including the systems in use or to be used, its hosting arrangements, the organisation of its IT function, IT structure, IT strategy and IT governance, IT security policies and procedures, and any systems and controls in place or to be put in place for the provision of online banking facilities

4.7. Statutory auditors or audit firm (Article 5(2) of Delegated Regulation (EU) 2022/2580)	
Name	
Address	
Point of contact (name, telephone number, email address)	

Table 5

Initial capital (Article 6 of Delegated Regulation (EU) 2022/2580)

5.1. Initial capital and own funds (Article 6(1) and (2) of Delegated Regulation (EU) 2022/2580)	
Annex under which can be found evidence of the applicant credit institution's issued capital, paid-up capital and capital which is not yet paid-up	
Description of the types and amounts of own funds that correspond to the initial capital	
Where the initial capital has not been paid up in full at the time of submitting the application, the description of the plan and implementation deadline for ensuring that the initial capital is paid-up in full before the authorisation to commence the activity as a credit institution is effective	
5.2. Available funding sources for own funds (Article 6(3) of Delegated Regulation (EU) 2022/2580)	
Explanation of the available funding sources for own funds and annex under which can be found evidence of the availability of those funding sources as required by Article 6(3) of Delegated Regulation (EU) 2022/2580	
5.3. Amounts, types and distribution of internal capital (Article 6(4) of Delegated Regulation (EU) 2022/2580)	
Annex under which can be found the assessment of the amounts, types and distribution of internal capital considered by the applicant credit institution as adequate to cover the nature and level of the risks to which the applicant credit institution will or might be exposed, and the analysis as required by Article 6(4) of Delegated Regulation (EU) 2022/2580	

Table 6

Effective direction (Article 7 of Delegated Regulation (EU) 2022/2580)**6.1. Members of the management body (complete a separate copy of this section of the table for each individual) (Article 7(1) of Delegated Regulation (EU) 2022/2580)**

Name and, where different, any other previous names	
Gender	
Place of birth	
Date of birth	
Address	
Telephone number	
Mobile	
Email address	
Nationality	
Personal identification number or annex under which a copy of the ID card or equivalent can be found	
Details of the position held or to be held by the person, including whether the position is executive or non-executive, the start date or planned start date and duration of mandate, and a description of the person's key duties and responsibilities	
Annex under which can be found a curriculum vitae required by point 1(d) of Annex 1 to Delegated Regulation (EU) 2022/2580	
Annex under which can be found a list of reference persons including contact information, preferably from employers in the banking or financial services sector, including full name, institution, position, telephone number, email, nature of the professional relationship and information if any non-professional relationship exists or existed with this individual	
Annex under which can be found criminal records and relevant information on criminal investigations and proceedings, relevant civil and administrative cases, and disciplinary actions (including disqualification as a company director, bankruptcy, insolvency and similar procedures) notably through an official certificate or, in cases where such a certificate does not exist, any reliable source of information concerning the absence of criminal conviction, investigations and proceedings	

Annex under which can be found a statement of whether criminal proceedings are pending or the person or any organisation managed by him or her has been involved as a debtor in insolvency proceedings or a comparable proceeding	
Annex under which can be found information on matters set out in point 1(f)(iii), of Annex I to Delegated Regulation (EU) 2022/2580	
Annex under which can be found a description of all financial and non-financial interests that could create potential conflicts of interest as required by point 1(g), of Annex I to Delegated Regulation (EU) 2022/2580	
Annex under which details can be found to show that the individual has sufficient time to commit to the mandate as required by point 1(h), of Annex I to Delegated Regulation (EU) 2022/2580	
Details of the result of any assessment of the suitability of the individual performed by the applicant credit institution as described in point 3 of Annex I to Commission Delegated Regulation (EU) 2022/2580	
6.2. Other information required in relation to members of the management body (Article 7(1) of, and points 2, 4 and 5 of Annex I to, Delegated Regulation (EU) 2022/2580)	
Description of any committee of the management body that is planned at the time of the application, including its members and powers	
Statement regarding the applicant credit institution's overall assessment of the collective suitability of the management body, including relevant board minutes or suitability assessment report or documents	
Description of how the diversity of qualities and competences was taken into account when selecting the members of the management body	
6.3. Heads of internal control function and chief financial officer who are not members of the management body (complete a separate copy of this section of the table for each individual) (Article 7(2) of Delegated Regulation (EU) 2022/2580)	
Name and, where different, any other previous names	
Gender	
Place of birth	
Date of birth	
Address	

Telephone number	
Mobile	
Email address	
Nationality	
Personal identification number or annex under which a copy of the ID card or equivalent can be found	
Details of the position held or to be held by the person, including whether the position is executive or non-executive, the start date or planned start date and duration of mandate, and a description of the person's key duties and responsibilities	
Annex under which can be found a curriculum vitae as required by point 1(d), of Annex I to Delegated Regulation (EU) 2022/2580	
Annex under which can be found a list of reference persons including contact information, preferably from employers in the banking or financial services sector, including full name, institution, position, telephone number, email, nature of the professional relationship and information if any non-professional relationship exists or existed with this individual	
Annex under which can be found criminal records and relevant information on criminal investigations and proceedings, relevant civil and administrative cases, and disciplinary actions (including disqualification as a company director, bankruptcy, insolvency and similar procedures) notably through an official certificate or, in cases where such a certificate does not exist, any reliable source of information concerning the absence of criminal conviction, investigations and proceedings	
Annex under which can be found a statement of whether criminal proceedings are pending or the person or any organisation managed by him or her has been involved as a debtor in insolvency proceedings or a comparable proceeding	
Annex under which can be found information on matters set out in point 1(f)(iii), of Annex I to Delegated Regulation (EU) 2022/2580	
Details of the result of any assessment of the suitability of the individual performed by the applicant credit institution as described in point 3 of Annex I to Delegated Regulation (EU) 2022/2580	

6.4. Powers, responsibilities and proxies conferred upon members of the applicant credit institution's management body (Article 7(3) of Delegated Regulation (EU) 2022/2580)

Description of the powers, responsibilities and proxies conferred upon the members of the applicant credit institution's management body and, where relevant in accordance with Article 7(2) of Delegated Regulation (EU) 2022/2580, conferred upon the heads of internal control functions and the chief financial officer who are not part of the management body

Table 7

Shareholders and members with qualifying holdings (Article 8 of Delegated Regulation (EU) 2022/2580)

7.1. Shareholders and members (legal and natural persons) (Article 8(1) of Delegated Regulation (EU) 2022/2580)

Annex under which can be found in relation to each natural and legal person with a qualifying holding the information referred to in Article 8(1) of Delegated Regulation (EU) 2022/2580

7.2. Further information in relation to natural persons (Article 8(2) of Delegated Regulation (EU) 2022/2580)

Annex under which can be found in relation to each natural person with a qualifying holding the additional information referred to in Article 8(2) of Delegated Regulation (EU) 2022/2580

7.3. Further information in relation to legal persons or entities which are not legal persons and which hold or will hold participations in their own name (Article 8(3) of Delegated Regulation (EU) 2022/2580)

Annex under which can be found in relation to each legal person or entity which is not a legal person and which holds or shall hold participations in its own name the additional information referred to in Article 8(3) of Delegated Regulation (EU) 2022/2580

7.4. Trusts (Article 8(4) of Delegated Regulation (EU) 2022/2580)

Annex under which can be found the information referred to in Article 8(4) of Delegated Regulation (EU) 2022/2580

7.5. Members of an entity that is not a legal person where the holding in the applicant credit institution will be treated as an asset of the entity (Article 8(5) of Delegated Regulation (EU) 2022/2580)

Annex under which can be found the information referred to in Article 8(5) of Delegated Regulation (EU) 2022/2580

Table 8

20 largest shareholders or members (Article 9 of Delegated Regulation (EU) 2022/2580)

8.1. Shareholder structure (Article 9 of Delegated Regulation (EU) 2022/2580)	
Annex under which can be found a chart setting out the shareholder structure of the applicant credit institution, including the breakdown of the capital and voting rights	
8.2. List of names of all persons and other entities with a shareholding and other relevant details (Article 9 of Delegated Regulation (EU) 2022/2580)	
<p>Annex under which can be found a list of the names of all persons and other entities with a shareholding of a kind described in Article 9 of Delegated Regulation (EU) 2022/2580 indicating in respect of each such person or entity:</p> <ul style="list-style-type: none"> — the number and type of shares or other holdings subscribed or to be subscribed; — the nominal value of such shares or other holdings; — any premium paid or to be paid; — any security interests or encumbrances created over such shares or other holdings, including the identity of the secured parties; and — where applicable, any commitments made by such persons or entities aimed at ensuring that the credit institution will comply with applicable prudential requirements 	

Table 9

Items of information required in accordance with Article 10(1) of Delegated Regulation (EU) 2022/2580

Information required by the competent authority in accordance with Article 10(1) of Delegated Regulation (EU) 2022/2580 (complete as applicable presenting in the left column a description of the information required and in the right column the information)	

*Table 10***Items of information omitted from the application in accordance with Article 11 of Delegated Regulation (EU) 2022/2580**

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|-------|---|
| 10.1. | Information omitted in accordance with Article 11, point (a), of Delegated Regulation (EU) 2022/2580 (complete with a list of the information as applicable) |
|-------|---|
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- | | |
|-------|---|
| 10.2. | Information omitted in accordance with Article 11, point (b), of Delegated Regulation (EU) 2022/2580 (complete with a list of the information as applicable) |
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