



Public consultation on draft Regulatory Technical Standards to specify the detailed content of the policy in relation to the contractual arrangements on the use of ICT services supporting critical or important functions provided by ICT third-party service providers as mandated by Regulation (EU) 2022/2554

Fields marked with * are mandatory.

Introduction

The European Supervisory Authorities (EBA, EIOPA and ESMA) have published the first batch of Consultation Papers on the mandates stemming from the Digital Operational Resilience Act (DORA) with the aim to collect market participants' feedback on the proposed 'Draft Regulatory Technical Standards to further specify the detailed content of the policy on the use of ICT services supporting critical or important functions provided by ICT third-party service providers under Regulation (EU) 2022/2554'.

Market participants are invited to provide their feedback to the draft technical standards by responding to the questions presented in this consultation paper.

The feedback received will be taken into account in the finalisation of the draft technical standards, which are due to be submitted to the European Commission by 17 January 2024.

Comments are most helpful if they:

- respond to the questions stated; indicate the specific point to which a comment relates;
- contain a clear rationale;
- provide evidence (including relevant data, where applicable) to support the views expressed;
- reflect a cross-sectoral (banking, insurance, markets and securities) approach, to the extent possible;
- and describe any alternative approaches the ESAs could consider.

To submit your comments, please click on the blue "Submit" button in the last part of the present survey. Please note that comments submitted after 11 September 2023 or submitted via other means may not be processed.

Please clearly express in the consultation form if you wish your comments to be disclosed or to be treated as confidential. A confidential response may be requested from the ESAs in accordance with the ESAs' rules on public 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 the ESAs' Boards of Appeal and the European Ombudsman.

The protection of individuals with regard to the processing of personal data by the ESAs is based on Regulation (EU) 1725/2018 of the European Parliament and of the Council of 23 October 2018. Further information on data protection can be found under the Legal notice section of the ESA websites.

General Information

* Name of the Reporting Stakeholder

Electronic Money Association

Legal Entity Identifier (LEI) if available

* Type of Reporting Organisation

- ICT Third-Party Service Provider
- Financial Entity
- Industry Association/Federation
- Consumer Protection Association
- Competent Authority
- Other

* Financial Sector

- Banking and payments
- Insurance
- Markets and securities
- Other

* Jurisdiction of Establishment

Belgium

* Geographical Scope of Business

- EU domestic
- Eu cross-border

- Third-country
- Worldwide (EU and third-country)

* Name of Point of Contact

Judith Crawford

* Email Address of Point of Contact

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Questions

Question 1: Are the articles 1 and 2 regarding the application of proportionality and the level of application appropriate and sufficiently clear?

- Yes
- No

1a. Please provide additional comments (if any).

We perceive a significant overlap between the Policy requirements detailed in the draft RTS and existing sectoral guidance (EBA Guidelines on outsourcing arrangements, EBA Guidelines on ICT and Security Risk management). We encourage the ESAs to streamline sectoral compliance and reporting requirements across these GLs and the draft RTS and to provide further clarity on the status of the EBA Guidelines after the publication of the final version of this draft RTS.

Question 2: Is article 3 regarding the governance arrangements appropriate and sufficiently clear?

- Yes
- No

Question 3: Is article 4 appropriate and sufficiently clear?

- Yes
- No

Question 4: Is article 5 appropriate and sufficiently clear?

- Yes
- No

Question 5: Are articles 6 and 7 appropriate and sufficiently clear?

- Yes
- No

Question 6: Is article 8 appropriate and sufficiently clear?

- Yes
- No

Question 7: Is article 9 appropriate and sufficiently clear?

- Yes
- No

Question 8: Is article 10 appropriate and sufficiently clear?

- Yes
- No

Question 9: Is article 11 appropriate and sufficiently clear?

- Yes
- No

Contact

[Contact Form](#)