



# Consultation on Draft Implementing Technical Standards to establish the templates composing the register of information in relation to all contractual arrangements on the use of ICT services provided by ICT third-party service providers

Fields marked with \* are mandatory.

## Introduction

---

The European Supervisory Authorities (EBA, EIOPA and ESMA) published a Consultation Paper on draft Implementing Technical Standards (ITS) to establish the templates composing the register of information in relation to all contractual arrangements on the use of ICT services provided by ICT third-party service providers as mandated by Regulation (EU) 2022/2554, Article 28(9).

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 have a deadline for submission to the European Commission by 17 January 2024.

The ESAs invite comments on the draft ITS put forward in the Consultation Paper and in particular to the questions presented throughout the paper and as presented in this survey.

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 alternatives 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.

The views expressed in this Consultation Paper are preliminary and will not bind in any way the ESAs in the future development of the draft final response to the European Commission (Commission). They are aimed at eliciting discussion and gathering the stakeholders' opinion at an early stage of the process.

## 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, EU

\* 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

judith.crawford@e-ma.org

## Questions

---

Q1: Can you identify any significant operational obstacles to providing a Legal Entity Identifier (LEI) for third-party ICT service providers that are legal entities, excluding individuals acting in a business capacity?

We perceive the existence of operational obstacles in sourcing/referencing unique LEIs for intra-intergroup ICT service providers that may be involved in the operational delivery of ICT services through a parent /subsidiary. We encourage the ESAs to consider alternative arrangements to identify such entities in the Register of Information.

Q2: Do you agree with Article 4(1)b that reads 'the Register of Information includes information on all the material subcontractors when an ICT service provided by a direct ICT third-party service provider that is supporting a critical or important function of the financial entities.'? If not, could you please explain why you disagree and possible solutions, if available?

We perceive that it will be very difficult for firms to identify all material subcontractors (supply chain service providers) involved in the delivery of Critical business. The extended supply chains used by many ICT third-party service providers introduces significant complexity to this task especially since some material subcontractors may not have a direct relationship with these ICT third-party service providers (n-th party service providers). We propose that firms are only required to record all ICT 3rd party service outsourcers (external, intra/inter-group) and their direct sub-outsourcers (4th party providers) in the Register of Information.

Based on the review of Registers of Information of a number of firms, the relevant CAs can identify material sub-contractors that give rise to concentration risks and seek to assess supply chain dependencies of such subcontractors in more detail.

Q3: Are there any significant operational issues to consider when implementing the Register of Information for the first time? Please elaborate.

Q4: Have you identified any significant operational obstacles for keeping information regarding contractual arrangements that have been terminated for five years in the Register of Information?

Q5: Is Article 6 sufficiently clear regarding the assignment of responsibilities for maintaining and updating the register of information at sub-consolidated and consolidated level?

Q6: Do you see significant operational issues to consider when each financial entity shall maintain and update the register of information at sub-consolidated and consolidated level in addition to the register of information at entity level?

Q7: Do you agree with the inclusion of columns RT.02.01.0041 (Annual expense or estimated cost of the contractual arrangement for the past year) and RT.02.01.0042 (Budget of the contractual arrangement for the upcoming year) in the template RT.02.01 on general information on the contractual arrangements? If not, could you please provide a clear rationale and suggest any alternatives if available?

Q8: Do you agree that template RT.05.02 on ICT service supply chain enables financial entities and supervisors to properly capture the full (material) ICT value chain? If not, which aspects are missing?

Q9: Do you support the proposed taxonomy for ICT services in Annex IV? If not, please explain and provide alternative suggestions, if available?

Q10: Do you agree with the instructions provided in Annex V on how to report the total value of assets and the value of other financial indicator for each type of financial entity? If not, please explain and provide alternative suggestions?

Q11: Is the structure of the Register of Information clear? If not, please explain what aspects are unclear and suggest any alternatives, if available?

Q12: Do you agree with the level of information requested in the Register of Information templates? Do you think that the minimum level of information requested is sufficient to fulfill the three purposes of the Register of Information, while also considering the varying levels of granularity and maturity among different financial entities?

Q13: Do you agree with the principle of used to draft the ITS? If not, please explain why you disagree and which alternative approach you would suggest.

Q14: Do you agree with the impact assessment and the main conclusions stemming from it?

**In addition to the questions above, for each column of each template of the register of information, the following is asked:**

- **proposal for amendment**
- **drafting suggestion or comment**

To properly collect your feedback on the above, please follow the steps listed below:

1. Use the links below to download the two sets of templates at entity and (sub)consolidated level respectively;
2. Once downloaded, use the dedicated fields to provide your feedback to the two questions listed above, which have been included for each column of each template;
3. Upload the file with your input, using the upload buttons below.

Please note the following:

- the two set of templates have been reported in Excel to ease the collection of your feedback;
- it is not compulsory to provide feedback to both set of templates;
- as a rule, the ESAs will not process feedbacks received on the fields of the templates provided in different manner than through the steps as listed above;
- Do not modify the structure of the Excel workbook and worksheet.

### **Register of Information templates**

#### **Entity level**

[FeedbackRegisterInformationEntityLevel.xlsx](#)

### **Register of Information templates**

#### **Sub-consolidated or consolidated level**

[FeedbackRegisterInformationSubConsoOrConsoLevel.xlsx](#)

### **Register of Information templates**

#### **Entity level**

Please **upload** the file with your feedback

Only files of the type xlsx are allowed

**Register of Information templates**  
**Sub-consolidated or consolidated level**

Please **upload** the file with your feedback.

Only files of the type xlsx are allowed

## Submission of Comments

---

### Contact

[Contact Form](#)