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**EACB answer to  
ESAs 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**

**General comments:**

Overall, the data register is too complex, and certain key definitions and terms are not clear and would require further clarification, i.e., material subcontractors, sub-consolidated level etc.

The implementation of the proposed, extensive templates would mean a great administrative and costly effort for the institutions while the potential benefits do not appear justified.

From the institutions point of view, the parallel maintenance of an outsourcing register and an information register focused exclusively on ITC third-party-services involves a great deal of additional administrative work. Merging the two registers would make things easier. In addition, there should only be one way to submit the registers to the supervisory authority. Otherwise, existing systems would have to be extensively and cost-intensively adapted.

*1. 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?*

Since the LEI code has no significance so far for internal purposes and at the national level for the unique identification of a service provider, the collection of the LEI code causes additional work for both the institution and the service providers. The LEI code should not be the only possibility for the identification of a service provider that is a legal entity.

*2. 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 suggest a more detailed definition of the term material subcontractors. In particular, to ensure a uniform understanding and application of the term. We see a challenge in practice for this information to be validly presented or collected for the whole chain (especially rank > 2). Less information should generally be provided for subcontractor than for the direct ICT third-party service provider.



*3. When implementing the Register of Information for the first time:*

- *What would be the concrete necessary tasks and processes for the financial entities?*
- *Are there any significant operational issues to consider?*

*Please elaborate.*

Data must first be obtained, existing contracts have not taken this into account, especially since all ICT services (not just for critical and important functions) must be covered. Formal requirements for contracts exist so far only for outsourcing critical and important functions (beyond general contract law). Nevertheless, the scope and content of the information register differs considerably from the information in the outsourcing register. That is why it also causes considerable additional work for outsourcing contracts that are at the same time ICT-third party contracts. (See also our comments to Question 12 and 14).

If the Oversight Forum later needs the register information in a uniform electronically format, the corresponding formats would have to be provided as soon as possible. This would ensure that the processes currently being developed would not have to be adapted subsequently on the basis of the formats later determined by the competent authorities.

*4. 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?*

This historic information is not relevant for the ongoing monitoring of ICT third party risks in the institution. Similar to the requirements for the outsourcing register, terminated contracts should still be kept for a maximum of one year after termination. The display of terminated contracts of the last 5 years leads to a high complexity of the register and impairs the overall overview.

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

It is not clear what is meant by "sub-consolidated" and "consolidated level" and what requirement is attached to it. In addition, it is not clearly described which information belongs to the two "types" - the "detailed register" at group company level and a register at group level and why the in many parts redundant two registers are needed. It is also not clear whether the supervisor wants to get the group register, or the group company register.

*6. 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?*

We see "significant operational issues" in the case of keeping an information register and a register for outsourcing with different rules for consolidation (see also Question 14).



*7. 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?*

It is not clear, why the supervisor needs the information in the context of digital operational resilience. Linking the information register with cost and financial data means in many cases extensive efforts. The general risk management processes do not primarily provide for the retrospective determination and maintenance of costs for a past year. This is part of financial controlling. From the institution's perspective, the aim should therefore dispense the information on costs or limit it (optional fields). Contracts are often not limited to ICT-services only, the costs may contain costs that belong to other kind of services.

*8. 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?*

Even less information enables to capture the ICT value chain (see our comments to the template).

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

Contrary to the DORA definition, ICT services included in Annex IV do not represent a digital service/data service provided through ICT systems or are not on an ongoing basis, e.g., ICT project management, ICT consulting, ICT risk management and auditing. Not included are (SaaS)-services provided by conventional full-service providers that do not constitute cloud services in a narrow sense.

*10. 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?*

It is not clear, why the supervisor needs the information in the context of digital operational resilience. Linking the information register with cost and financial data means in many cases extensive efforts. For credit institutions the information is already known by the supervisory reporting system.

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

The register is too complex. A merging of templates would facilitate filling (and later provision to the responsible supervisor). For example, general and specific details of



contracts should be combined in one template. Function-related information should be kept to a minimum. It should be taken into account that certain contracts e.g., core banking systems can often refer to many functions (or also licensed activities), it does not make sense to repeat contract details for each function. It should also be possible to include basic services that are not specific to individual functions in the institut. The structure for the sub-consolidated and consolidated level is very difficult to understand.

*12. 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?*

The information register should generally be reduced to the size of the information in the outsourcing register (EBA) for services supporting critical or important functions, in addition to a few DORA specific information (see comments to Question 14). For services that did not support critical or important functions there are much too many details to be reported. We suggest reducing details in this case to a minimum (see our comments to the register in detail). The purposes of the Register of Information can also be fulfilled with less details.

*13. 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.*

There are not yet sufficient requirements for the reporting format, which is particularly relevant for electronic reporting.

*14. Do you agree with the impact assessment and the main conclusions stemming from it?*

The benefits compared to the efforts that would be required from institutions are not evident. With regard to the outsourcing supervisory processes, there should be a regular supervisory review of the type and scope of the register data required. From the institutions point of view, the parallel maintenance of an outsourcing register and an information register focused exclusively on ITC third-party-services involves a great deal of additional administrative work. Merging the two registers would make things easier. In addition, there should only be one way to submit the registers to the supervisory authority. Otherwise, existing systems would have to be extensively and cost-intensively adapted.