

Comitato Esecutivo del 11 ottobre 2022

**Punto 5 all' ODG
EUF**

**ALLEGATO 5.1
Emendamenti CRR**

- Euralia update on CRR file and EUF lobbying actions
- **Emendamenti CRR3 di interesse per il factoring - Parlamento Europeo**

Madrid, 30 September 2022

Euralia update on CRR file and EUF lobbying actions



EURALIA



Euralia's presentation for the 2022 ExCom

- Update on the legislative process concerning the revision of the Capital Requirements Regulation (CRR) :
 - Update on the political discussions currently taking place in the European Parliament ;
 - Update on the political discussions currently taking place in the Council.
- Update on EUF lobbying actions ;
- Next steps and lobbying targets.



CRR3 update (1/3)

CRR 3 file in the European Parliament

- In May 2022, the ECON rapporteur Jonas FERNANDEZ (S&D, ES) published his [draft report](#).
- In August 2022, amendments were tabled by MEPs (part [1](#) – [2](#) - [3](#) - [4](#))
- Since September 2022, shadow meetings have started:
 - The rapporteurs, the shadow rapporteurs and their advisers (APA and group) meet to discuss their positions and establish compromise amendments that will constitute the EP position
 - Just one meeting took place and did not allow the negotiators to go into the details
 - They should first focus on the output floor issue
- **On 5 December 2022 it is expected that the report will be voted upon in the ECON committee** before being voted upon in plenary session. This date is realistic, and the report should be adopted in January 2023 at the latest.

CRR 3 file in the Council

- The Council has **not yet agreed on a common position**.
- However, the Council has already decided to follow the “spirit” of the Commission proposal and not to include new points into CRR3
- Some Member States support a strict transposition of the Basel agreements, some are more willing to adjust them to increase the funding flow towards the real economy and the SMEs
- The different Permanent Representations (PR) with whom we met are confident that a **compromise agreement will be found by the Council before the year’s end**.



CRR3 update (2/3)

Political discussions at the Parliament

- No Group has proposed amendments that would directly jeopardize factoring and the federation's positions were mostly supported by EPP, Renew and ID/ECR groups.
- The main amendments takeaways are :
 - Renew group proposes that **EBA should develop Regulatory Technical Standards (RTS) for "the treatment applicable to exposures to purchased receivables under the Standardised Approach for Credit Risk"**;
 - Renew group proposes that purchased receivables benefit from a RW based on "actual maturity";
 - Renew group proposes to **include "purchased receivables" as a case in which institutions may apply the definition of default at the level of an individual credit facility under SA**;
 - The S&D rapporteur, MEPs for the EPP and Renew propose to include EIOPA in drafting the report on the eligibility and use of credit insurance as a credit risk mitigation technique (CRM);
 - The rapporteur suggested to delete the paragraphs referring to fraud of the obligor in both Article 183 and Article 213.
- **From our most recent discussions, EPP and Renew could see eye to eye and the support amendments key for EUF.**
- Our future meeting with Jonas Fernandez's Parliamentary Assistant should help understanding how the Rapporteur is positioning himself.



CRR3 update (3/3)

Political discussions in the Council

- Regarding the Council position, our recent meeting with the Danish Permanent Representation seems to indicate that the Compromise agreement proposed by the French Presidency -and now pushed by the Czech Presidency- is quite **similar to the Commission's proposal**, but with an output floor implemented at solo level.
- Notably, according to the Spanish Permanent Representation, it seems that the Council has already agreed :
 - **That factoring is no longer considered as an ancillary service ;**
 - To **delete** the words "*any credit protection contract which can, in the event of fraud of the obligor, be cancelled or of which the extent of credit protection can be diminished, shall be considered to not meet those requirements*" in article 183 (b) (iii).

Those points are still to be confirmed but there seems to be converging views on fraud by the obligor.

- The main point identified by all Permanent Representations is that introducing changes regarding the definition of default is something the Council is not willing to do at a political level.
- However, **an amendment of article 178 to allow to consider default at the level of an individual credit facility under the SA could be introduced as "technical point" to level the playing field.**
- EUF's amendment on this point and the associated numbers on the "real" risk weight were well received.



EUf lobbying actions

EURALIA has managed to organize several meetings with key policymakers on CRR3. These meetings are an important piece in **(i) supporting EUf positions and (ii) ensuring that EU institutions are well aware of the importance of factoring in financing the real economy.**

EUf meetings from the last ExCom meeting:

- 19/07: German Permanent Representation
- 09/09: Shadow Rapporteur Othmar KARAS Parliamentary Assistant, Mr. Cristof BISCHOFBERGER
- 22/09: Danish Permanent Representation
- 27/09: Dutch Permanent Representation
- 28/09: Shadow Rapporteur Gilles Boyer Parliamentary Assistant, Mrs. Heather BAILEY

EUf coming meetings

- 04/10 Italian Permanent Representation (tbc)
- XX Rapporteur Jonas FERNANDEZ ALVAREZ Parliamentary Assistant, Mrs. Isabel MEIREILES de ANDRADE
- XX EPP Vice-President Esther de LANGE Parliamentary Assistant, Mr. Cees Jan GEUZE

In conclusion: good and necessary meetings showing that (some of) EUf positions can be supported by the colegislators and included in the final text.



Next steps

Next lobbying targets

As agreed with EUF, EURALIA reached out to the following list of MEPs and PR :

- Portuguese PR ;
- Polish PR ;
- Caroline NAGTEGAAL (Renew, NL) ;
- Engin EROGLU (Renew, DE) ;
- Markus FERBER (EPP, DE) ;
- Irene TINAGLI (S&D, IT) ;
- Isabel BENJUMEA BENJUMEA (EPP, ES) ;
- Frances FITZGERALD (EPP, IE).

Since a big part of the job has been done in the past weeks to meet with (most of) the key decision-makers, we could limit the action towards them to sending the position paper.



EURALIA

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Emendamenti CRR3 di interesse per il factoring

Parlamento Europeo

Organo associativo

Staff

Stato del documento

Nota di approfondimento

Data

6/10/2022

Emendamenti CRR3 di interesse per il factoring

Parlamento Europeo

EMENDAMENTO 957

MODIFICA DELL'ART. 178 – INTRODUCE APPROCCIO PER TRANSAZIONE PER I CREDITI COMMERCIALI ACQUISTATI

Amendment 957

Gilles Boyer, Stéphanie Yon-Courtin, Billy Kelleher, Olivier Chastel

Proposal for a regulation

Article 1 – paragraph 1 – point 89 – point b a (new)

Regulation (EU) No 575/2013

Article 178 – paragraph 1 – subparagraph 2

Present text

In the case of retail exposures, institutions may apply the definition of default laid down in points (a) and (b) of the first subparagraph at the level of an individual credit facility rather than in relation to the total obligations of a borrower.

Amendment

(b a) in paragraph 1, subparagraph 2 is replaced by the following :

In the case of retail exposures ***and purchased receivables***, institutions may apply the definition of default laid down in points (a) and (b) of the first subparagraph at the level of an individual credit facility rather than in relation to the total obligations of a borrower.

Or. en

https://www.europarl.europa.eu/doceo/document/ECON-AM-735613_EN.pdf

(il testo dell'emendamento è conforme alla proposta dell'industria del factoring)

EMENDAMENTO 919 (ALTRI SIMILI: 937 ; 938 ; 945 ; 946 ; 947)

MODIFICA DELL'ART. 151 – INTRODUCE AMPLIAMENTO DEL MANDATO AD EBA PER STUDIARE IL TRATTAMENTO PRUDENZIALE DEI CREDITI COMMERCIALI ACQUISTATI ANCHE AL METODO STANDARDIZZATO

Amendment 919

Gilles Boyer, Stéphanie Yon-Courtin, Billy Kelleher, Olivier Chastel

Proposal for a regulation

Article 1 – paragraph 1 – point 64 – point c

Regulation (EU) No 575/2013

Article 151 – paragraph 13 – subparagraph 1

Text proposed by the Commission

13. EBA shall develop draft regulatory technical standards to specify the treatment applicable to exposures belonging to the exposure class ‘corporates purchased receivables’ referred to in Article 147(2), point (c)(iii) and the exposure class ‘retail purchased receivables’ referred to in Article 147(2), point (d)(iii), for the purposes of calculating risk-weighted exposure amounts for the default risk and for the dilution risk of those exposures, including for the recognition of credit risk mitigation techniques.

Amendment

13. EBA shall develop draft regulatory technical standards to specify the treatment applicable to exposures belonging to the exposure class ‘corporates purchased receivables’ referred to in Article 147(2), point (c)(iii) and the exposure class ‘retail purchased receivables’ referred to in Article 147(2), point (d)(iii), for the purposes of calculating risk-weighted exposure amounts for the default risk and for the dilution risk of those exposures, including for the recognition of credit risk mitigation techniques, ***as well as the treatment applicable to exposures to purchased receivables under the Standardised Approach for Credit Risk.***

Or. en

Justification

The EBA should look at both IRB and SA, to ensure a level playing field between all actors.

https://www.europarl.europa.eu/doceo/document/ECON-AM-735613_EN.pdf

(il testo dell'emendamento è conforme alla proposta dell'industria del factoring)

ALTRI EMENDAMENTI DI RILIEVO PRESENTATI DAL RELATORE JONAS FERNANDEZ

- Emendamento 312: Estende a EIOPA il mandato per lo studio dell'utilizzo dell'assicurazione del credito commerciale come strumento ammissibile alla mitigazione del rischio *(il testo dell'emendamento è conforme alla proposta dell'industria del factoring)*
- Emendamento 168: Modifica l'art. 178 definendo il default come “*“90 consecutive days past due on any material credit obligation*”. Apparentemente interpretato come necessità di almeno una esposizione scaduta da oltre 90 giorni per il default.
- Emendamento 181: cancella dalla proposta di revisione degli art. 184 e 204 le parole “*Any credit protection contract which can, in the event of fraud of the obligor, be cancelled or of which the extent of credit protection can be diminished, shall be considered to not meet those requirements*”. *(il testo dell'emendamento è conforme alla proposta dell'industria del factoring)*

https://www.europarl.europa.eu/doceo/document/ECON-PR-731818_EN.pdf