

Commission Delegated Regulation (EU) 2015/61 of 10 October 2014 to supplement Regulation (EU) No 575/2013 of the European Parliament and the Council with regard to liquidity coverage requirement for Credit Institutions (Text with EEA relevance)

TITLE III

LIQUIDITY OUTFLOWS AND INFLOWS

CHAPTER 2

Liquidity outflows

Article 28

Outflows from other liabilities

1 Credit institutions shall multiply liabilities resulting from deposits by clients that are non-financial customers, sovereigns, central banks, multilateral development banks, public sector entities, credit unions authorised by a competent authority, personal investment companies or by clients that are deposit brokers, to the extent they do not fall under Article 27 by 40 %.

By derogation from the first subparagraph, where the liabilities referred to in that subparagraph are covered by a deposit guarantee scheme in accordance with Directive 94/19/EC or Directive 2014/49/EU or an equivalent deposit guarantee scheme in a third country they shall be multiplied by 20 %.

2 Credit institutions shall multiply liabilities resulting from the institution's own operating expenses by 0 %.

[^{F13} Credit institutions shall multiply liabilities maturing within 30 calendar days and resulting from secured lending or capital market-driven transactions, as defined in points (2) and (3) respectively of Article 192 of Regulation (EU) No 575/2013, by:

- a 0 % where they are collateralised by assets that, but for being used as collateral for those transactions, would qualify in accordance with Articles 7 and 10 of this Regulation as liquid assets of any of the categories of level 1 asset referred to in Article 10, with the exception of extremely high quality covered bonds referred to in point (f) of Article 10(1);
- b 7 % where they are collateralised by assets that, but for being used as collateral for those transactions, would qualify in accordance with Articles 7 and 10 of this Regulation as liquid assets of the category referred to in point (f) of Article 10(1);
- c 15 % where they are collateralised by assets that, but for being used as collateral for those transactions, would qualify in accordance with Articles 7 and 11 of this Regulation as liquid assets of any of the categories of level 2A asset referred to in Article 11;
- d 25 % where they are collateralised by assets that, but for being used as collateral for those transactions, would qualify in accordance with Articles 7 and 13 of this Regulation

Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2015/61. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- as liquid assets of any of the categories of level 2B asset referred to in point (i), (ii) or (iv) of point (g) of Article 13(2);
- e 30 % where they are collateralised by assets that, but for being used as collateral for those transactions, would qualify in accordance with Articles 7 and 12 of this Regulation as liquid assets of the category of level 2B asset referred to in point (e) of Article 12(1);
 - f 35 % where they are collateralised by assets that, but for being used as collateral for those transactions, would qualify in accordance with Articles 7 and 13 of this Regulation as liquid assets of any of the categories of level 2B asset referred to in point (iii) or (v) of point (g) of Article 13(2);
 - g 50 % where they are collateralised by assets that, but for being used as collateral for those transactions, would qualify in accordance with Articles 7 and 12 of this Regulation as liquid assets of any of the categories of level 2B asset referred to in point (b), (c) or (f) of Article 12(1);
 - h the percentage minimum haircut determined in accordance with paragraphs (2) and (3) of Article 15 of this Regulation where they are collateralised by shares or units in CIUs that, but for being used as collateral for those transactions, would qualify in accordance with Articles 7 and 15 as liquid assets of the same level as the underlying liquid assets;
 - i 100 % where they are collateralised by assets that do not fall within any of points (a) to (h) of this subparagraph.

By way of derogation from the first subparagraph, where the counterparty to the secured lending or capital market-driven transaction is the domestic central bank of the credit institution, the outflow rate shall be 0 %. However, in cases where the transaction is done through a branch with the central bank of the Member State or of the third country in which the branch is located, a 0 % outflow rate shall be applied only if the branch has the same access to central bank liquidity, including during stress periods, as credit institutions incorporated in that Member State or third country have.

By way of derogation from the first subparagraph, for secured lending or capital market-driven transactions that would require an outflow rate under that first subparagraph higher than 25 %, the outflow rate shall be 25 % where the counterparty to the transaction is an eligible counterparty.

4 Collateral swaps, and other transactions with a similar form, that mature within the next 30 calendar days shall lead to an outflow where the asset borrowed is subject to a lower haircut under Chapter 2 than the asset lent. The outflow shall be calculated by multiplying the market value of the asset borrowed by the difference between the outflow rate applicable to the asset lent and the outflow rate applicable to the asset borrowed determined in accordance with the rates specified in paragraph 3. For the purposes of this calculation, a 100 % haircut shall be applied to assets that do not qualify as liquid assets.

By way of derogation from the first subparagraph, where the counterparty to the collateral swap or other transaction with a similar form is the domestic central bank of the credit institution, the outflow rate to be applied to the market value of the asset borrowed shall be 0 %. However, in cases where the transaction is done through a branch with the central bank of the Member State or of the third country in which the branch is located, a 0 % outflow rate shall be applied only if the branch has the same access to central bank liquidity, including during stress periods, as credit institutions incorporated in that Member State or third country have.

By way of derogation from the first subparagraph, for collateral swaps or other transactions with a similar form that would require an outflow rate higher than 25 % under that first subparagraph, the outflow rate to be applied to the market value of the asset borrowed shall be 25 % where the counterparty is an eligible counterparty.]

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5 The offsetting balances held in segregated accounts related to client protection regimes imposed by national regulations shall be treated as inflows in accordance with Article 32 and shall be excluded from the stock of liquid assets.

6 Credit institutions shall apply a 100 % outflow rate to all notes, bonds and other debt securities issued by the credit institution, unless the bond is sold exclusively in the retail market and held in a retail account, in which case those instruments can be treated as the appropriate retail deposit category. Limitations shall be placed such that those instruments cannot be bought and held by parties other than retail customers.

[^{F27} Assets borrowed on an unsecured basis and maturing within the next 30 calendar days shall be assumed to run off in full, leading to a 100 % outflow of liquid assets, unless the credit institution owns the assets borrowed and the assets borrowed do not form part of the credit institution's liquidity buffer.

8 For the purposes of this Article, ‘domestic central bank’ means any of the following:

- a any Eurosystem central bank where the credit institution's home Member State has adopted the Euro as its currency;
- b the national central bank of the credit institution's home Member State where that Member State has not adopted the Euro as its currency;
- c the central bank of the third country in which the credit institution is incorporated.

9 For the purposes of this Article, ‘eligible counterparty’ means any of the following:

- a the central government, a public sector entity, a regional government or a local authority of the credit institution's home Member State;
- b the central government, a public sector entity, a regional government or a local authority of the Member State or of the third country in which the credit institution is incorporated for the transactions undertaken by that credit institution;
- c a multilateral development bank.

However, public sector entities, regional governments and local authorities shall only count as an eligible counterparty where they are assigned a risk weight of 20 % or lower in accordance with Article 115 or Article 116 of Regulation (EU) No 575/2013, as applicable.]

Textual Amendments

- F1** Substituted by Commission Delegated Regulation (EU) 2018/1620 of 13 July 2018 amending Delegated Regulation (EU) 2015/61 to supplement Regulation (EU) No 575/2013 of the European Parliament and the Council with regard to liquidity coverage requirement for credit institutions (Text with EEA relevance).
- F2** Inserted by Commission Delegated Regulation (EU) 2018/1620 of 13 July 2018 amending Delegated Regulation (EU) 2015/61 to supplement Regulation (EU) No 575/2013 of the European Parliament and the Council with regard to liquidity coverage requirement for credit institutions (Text with EEA relevance).

Changes to legislation:

There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2015/61. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- Regulation revoked by 2023 c. 29 Sch. 1 Pt. 13
- Regulation revoked by S.I. 2021/1078 reg. 13(1)(a)
- Art. 28(1) words substituted by S.I. 2018/1401 reg. 242(a)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by S.I. 2018/1401 reg. 251
- Art. 2(3)(d) words substituted by S.I. 2018/1401 reg. 227(4)(d)
- Art. 3(1) words substituted by S.I. 2018/1401 reg. 228(a)
- Art. 3(2) words substituted by S.I. 2018/1401 reg. 228(b)
- Art. 3(5) words substituted by S.I. 2018/1401 reg. 228(c)
- Art. 3(6) omitted by S.I. 2018/1401 reg. 228(d)
- Art. 3(9) words substituted by S.I. 2018/1401 reg. 228(e)
- Art. 3(9A) inserted by S.I. 2018/1401 reg. 228(f)
- Art. 3(13)-(16) inserted by S.I. 2018/1401 reg. 228(g)
- Art. 3(13)(14) words substituted in earlier amending provision S.I. 2018/1401, reg. 228(g) by S.I. 2020/1301 reg. 3Sch. para. 11(j)
- Art. 7(2)(a) words omitted by S.I. 2018/1401 reg. 230(a)
- Art. 7(4)(g) words substituted by S.I. 2018/1401 reg. 230(b)
- Art. 7(7)(d) omitted by S.I. 2018/1401 reg. 230(d)
- Art. 8(1)(b) words substituted by S.I. 2018/1401 reg. 231(a)(i)
- Art. 8(1)(b) words substituted by S.I. 2018/1401 reg. 231(a)(ii)
- Art. 10(1)(b)(i) words substituted by S.I. 2018/1401 reg. 232(a)
- Art. 10(1)(b)(iii) words omitted by S.I. 2018/1401 reg. 232(c)
- Art. 10(1)(b)(ii) words inserted by S.I. 2018/1401 reg. 232(b)(i)
- Art. 10(1)(b)(ii) words inserted by S.I. 2018/1401 reg. 232(b)(ii)
- Art. 10(1)(c)(i) words substituted by S.I. 2018/1401 reg. 232(d)
- Art. 10(1)(c)(v) words substituted by S.I. 2018/1401 reg. 232(f)
- Art. 10(1)(c)(iii) words substituted by S.I. 2018/1401 reg. 232(e)(i)
- Art. 10(1)(c)(iii) words substituted by S.I. 2018/1401 reg. 232(e)(ii)
- Art. 10(1)(e)(i) words substituted by S.I. 2018/1401 reg. 232(e)(i)
- Art. 10(1)(e)(i) words substituted by S.I. 2018/1401 reg. 232(e)(ii)
- Art. 10(1)(e)(ii) words substituted by S.I. 2018/1401 reg. 232(g)(i)
- Art. 10(1)(e)(ii) words substituted by S.I. 2018/1401 reg. 232(g)(ii)
- Art. 10(1)(f)(i) words substituted by S.I. 2018/1401 reg. 232(h)
- Art. 11(1)(a) words substituted by S.I. 2018/1401 reg. 233(a)
- Art. 11(1)(c)(i) words substituted by S.I. 2018/1401 reg. 233(b)
- Art. 11(1)(d)(ii) words substituted by S.I. 2018/1401 reg. 233(c)
- Art. 12(1)(c)(i) words substituted by S.I. 2018/1401 reg. 234(a)
- Art. 12(1)(c)(ii) words substituted by S.I. 2018/1401 reg. 234(b)
- Art. 12(1)(d) words substituted by S.I. 2018/1401 reg. 234(c)
- Art. 12(1)(e)(i) words substituted by S.I. 2018/1401 reg. 234(d)
- Art. 12(1)(e)(v) words substituted by S.I. 2018/1401 reg. 234(e)
- Art. 13(2)(g) words substituted by S.I. 2019/660 reg. 55(2)(a)
- Art. 13(2)(g)(i) words substituted by S.I. 2019/660 reg. 55(2)(b)
- Art. 13(2)(g)(v) words substituted by S.I. 2019/660 reg. 55(2)(f)
- Art. 13(2)(g)(iii) words substituted by S.I. 2019/660 reg. 55(2)(d)
- Art. 13(2)(g)(ii) omitted by S.I. 2019/660 reg. 55(2)(c)

- Art. 13(2)(g)(iv) words substituted by S.I. 2019/660 reg. 55(2)(e)(i)
- Art. 13(2)(g)(iv) words substituted by S.I. 2019/660 reg. 55(2)(e)(ii)
- Art. 13(2)(g)(iv) words substituted in earlier amending provision S.I. 2019/660, reg. 55(2)(e)(ii) by S.I. 2020/1301 reg. 3Sch. para. 35(h)(i)
- Art. 13(14)(a) words substituted by S.I. 2019/660 reg. 55(7)
- Art. 19(1)(b) words substituted by S.I. 2018/1401 reg. 236(a)
- Art. 25(2)(e) words substituted by S.I. 2018/1401 reg. 239(a)
- Art. 25(2)(e) words substituted by S.I. 2018/1401 reg. 239(b)
- Art. 26(c)(ii) words substituted by S.I. 2018/1401 reg. 240
- Art. 27(1)(b) omitted by S.I. 2018/1401 reg. 241(a)
- Art. 28(3)(d)(ii) words substituted by S.I. 2018/1401 reg. 242(b)
- Art. 29(1)(b) words omitted by S.I. 2018/1401 reg. 243(c)
- Art. 29(1)(b) words substituted by S.I. 2018/1401 reg. 243(b)
- Art. 29(1)(d) words substituted by S.I. 2018/1401 reg. 243(d)
- Art. 32(3)(d) words omitted by S.I. 2018/1401 reg. 246
- Art. 33(2)(a) words substituted by S.I. 2018/1401 reg. 247(a)
- Art. 33(2)(b) words omitted by S.I. 2018/1401 reg. 247(b)
- Art. 33(4)(b) substituted by S.I. 2018/1401 reg. 247(c)
- Art. 33(4)(b) words substituted in earlier amending provision S.I. 2018/1401, reg. 247(c) by S.I. 2020/1301 reg. 3Sch. para. 11(k)
- Art. 34(1)(b) words omitted by S.I. 2018/1401 reg. 248(c)
- Art. 34(1)(b) words substituted by S.I. 2018/1401 reg. 248(b)
- Art. 34(1)(d) words substituted by S.I. 2018/1401 reg. 248(d)