

Ordinance No. 7

of 24 April 2014

on organisation and risk management of banks

(Adopted by the Bulgarian National Bank, published in the Darjaven Vestnik, issue 40 of 13 May 2014)

Chapter One

General Provisions

Article 1. (1) This Ordinance lays down the following:

1. requirements on the organisation and risk management of banks;
2. criteria to be met in relation to the banks' policies for risk management and risk control and processes to maintain internal capital that is adequate to cover those risks;
3. requirements to draw up recovery plans;
4. elements of the supervisory evaluation and review process.

(2) This Ordinance contains provisions related to the exercise of national discretions by the Republic of Bulgaria under Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ, L 176/1 of 27 June 2013), hereinafter Regulation (EU) No 575/2013, including the transitional provisions under Part Ten, Title I of Regulation (EU) No 575/2013.

Chapter Two

Requirements and Criteria for Organisation and Risk Management

Section I

General Requirements

Article 2. The supervisory board of the bank, respectively the board of directors shall approve and periodically review the strategies and policies, adopted under Article 73, paragraph 1, item 3 of the Law on Credit Institutions (LCI) for taking up, managing, monitoring and mitigating the risks to which the bank is or might be exposed, including those posed by the macroeconomic environment in which it operates in relation to the status of the business cycle.

Article 3. (1) The management board (board of directors) shall devote sufficient time to consider risk-related issues. Members of the board shall be actively involved in and ensure that adequate resources are allocated to the management of all material risks addressed in this Ordinance and in Regulation (EU) No 575/2013, including

in the valuation of assets, and the use of external credit ratings and internal models relating to these risks.

(2) The bank shall adopt and maintain rules and procedures for reporting to the management board (board of directors) that cover all material risks and risk management policies and changes thereof.

(3) The supervisory board or the members of the board of directors who do not perform any executive function, as well as the risk committee shall determine the nature, the amount, the format, and the frequency of the information on the bank's risk profile which it is to receive.

(4) The supervisory board or the members of the board of directors who do not perform any executive function and the risk committee shall have adequate access to information on the risk situation of the institution and, where necessary and appropriate, to the risk management function and to external expert advice.

(5) The management board (board of directors) and the supervisory board shall oversee the entire disclosure and communication process.

Article 4. The bank shall devote adequate human and financial resources to the induction of the members of the management board (board of directors).

Section II

Risk Management Function and Risk Committee

Article 5. (1) Banks shall, in accordance with the principle of proportionality, establish and maintain a risk management function independent from the operational units which has sufficient authority, statute, resources and adequate access to the supervisory board or the board of directors.

(2) The risk management function encompasses systems, processes, organisational units and persons whose main purpose is to conduct functions related to identification, monitoring and management of risk taken by the bank independently from the operational function.

(3) The bank's risk management function shall ensure that all material risks are identified, measured and properly reported. The relevant responsible persons conducting the risk management function in the bank shall be actively involved in elaborating the bank's risk strategy and in all material risk management decisions and shall be able to deliver a complete view on the whole range of risks to which the bank is or may be exposed.

(4) The head of the bank's risk management function shall be an independent senior manager with clear responsibilities. Where the nature, scale and complexity of the activities of the bank do not justify a specially appointed person, another senior person within the bank may fulfil that function, provided there is no conflict of interest.

(5) The person under paragraph 4 may, independently from senior management, report directly to the supervisory board or to the board of directors and, where specific risk developments affect or may affect the bank, may raise concerns without

prejudice to the tasks of the management board (board of directors) in their common responsibilities.

(6) The head of the risk management function shall not be removed without prior approval of the supervisory board or members of the boards of directors who do not perform any executive function.

Article 6. (1) Each bank shall establish a risk committee in terms of its size, internal organisation and the nature, scope and complexity of its activities. Banks with a unitary management system shall mandatorily establish a risk committee.

(2) The risk committee shall be composed of members of the supervisory board or non-executive members of the board of directors or the management board.

(3) The persons under paragraph 2 shall have appropriate knowledge, skills and expertise to fully understand and monitor the risk strategy and the risk appetite of the bank.

(4) The risk committee shall advise the supervisory board or management board (board of directors) on the bank's overall current and future risk appetite and strategy and assist in overseeing the implementation of that strategy by senior management. The supervisory board and management board (board of directors) shall retain overall responsibility for risk management and control.

(5) The risk committee shall, without prejudice to the tasks of the remuneration committee, examine whether incentives provided by the remuneration system take into consideration the risk, capital, liquidity and the likelihood and timing of earnings.

(6) Where prices do not properly reflect risks in accordance with the business model and risk strategy, the risk committee shall present a remedy plan to the supervisory board or the management board (board of directors).

Chapter Three

Requirements and Criteria Concerning the Treatment of Different Risk Categories

Section I

Credit and Counterparty Risk

Article 7. (1) Credit-granting of the bank shall be based on sound and well-defined criteria as the process for approving, amending, renewing, and re-financing credits is clearly established.

(2) The bank shall have internal methodologies that enable it to assess the credit risk of:

1. exposures to individual obligors;
2. securities positions;
3. securitisation exposures; and
4. credit risk at the portfolio level.

(3) The bank shall use effective systems for ongoing administration and monitoring of the various credit risk-bearing portfolios and exposures, including for identifying and managing problem credits and for making adequate value adjustments.

(4) For each exposure, the bank shall maintain an exhaustive documentation which contains all material conditions and circumstances of the transaction, as well as information for the evaluation and establishment of the credit risk adjustment.

(5) Internal methodologies for credit risk assessment shall not rely solely or mechanically on external credit ratings.

(6) Where capital requirements are based on a rating by an external credit assessment institution (ECAI) or based on the fact that an exposure is unrated, this shall not exempt the bank from additionally considering other relevant information for assessing its allocation of internal capital.

(7) Diversification of credit portfolios is adequate given the bank's target markets and overall credit strategy.

Section II

Interest Risk Arising from Non-trading Book Activities, Concentration Risk, Securitisation Risk and Residual Risk

Article 8. (1) Banks shall implement systems to identify, evaluate and manage the risk arising from potential changes in interest rates that affect a bank's non-trading activities.

(2) Banks whose economic values decline by more than 20% of their own funds as a result of a sudden and unexpected change in interest rates of 200 basis points or other change, determined under applicable guidelines established by the European Banking Authority (EBA), should take immediate corrective action. Banks shall notify the Bulgarian National Bank (BNB) for the above circumstances in reasonable terms.

Article 9. (1) In their written policies and procedures banks shall:

1. identify cases where overall risk for the bank increases due to the increased credit concentration as a result of newly found connectedness;
2. impose restrictions on concentration of exposures to specific economic sectors and/or geographic region.

(2) Banks shall analyse their exposures to collateral issuers for the presence of concentration risk in establishing concentrations exceeding 10% of the own funds.

Article 10. (1) Banks which are investors, originators, or sponsors in securitisation schemes shall monitor whether risks arising from the schemes are evaluated and addressed through appropriate policies and procedures, to ensure that the economic substance of the transaction is fully reflected in the risk assessment and management decisions.

(2) Banks which are originators in revolving securitisation involving early amortisation provision shall have in place liquidity management plans addressing the implications of both scheduled and early amortisation.

Article 11. The bank shall, by means of appropriate written policies and procedures, monitor and control the risk arising from less effective than expected credit risk mitigation techniques used and lower than expected loss.

Section III

Market Risk

Article 12. Banks shall implement policies and processes for the identification, measurement and management of all material sources and effects of market risks.

Article 13. (1) Banks shall have adequate internal capital to cover material market risks that are not subject to capital requirements under Article 92 of Regulation (EU) No 575/2013.

(2) Banks, which have, in calculating capital requirements for position risk according to Part Three, Title Four, Chapter Two of Regulation (EU) No 575/2013, netted off their positions in one or more of the equities constituting a stock-index against one or more positions in the stock-index future or other stock-index product shall have adequate internal capital to cover the basis risk of loss caused by the future's or other product's value not moving fully in line with that of its constituent equities. Banks shall also have such adequate internal capital where they hold opposite positions in stock-index futures which are not identical in respect of either their maturity or their composition or both.

(3) Where using the treatment in Article 345 of Regulation (EU) No 575/2013, banks shall ensure that they hold sufficient internal capital against the risk of loss which exists between the time of the initial commitment and the following working day.

Article 14. Where the short position falls due before the long position, banks shall take measures against the risk of a shortage of liquidity.

Section IV

Operational Risk

Article 15. (1) Banks shall implement policies and processes in order to evaluate and manage the exposure to operational risk, including model risk, and to cover low-frequency high-severity events.

(2) For the purposes of paragraph 1, banks shall determine risk factors and events related to operational risk.

Article 16. Banks shall have in place contingency and business continuity plans in order to ensure their ability to operate on an ongoing basis and limit losses in the event of severe business disruption.

Section V

Risk of Excessive Leverage

Article 17. (1) Banks shall have in place policies and processes for the identification, management and monitoring of the risk of excessive leverage. Indicators for the

risk of excessive leverage shall include the leverage ratio determined in accordance with Article 429 of Regulation (EU) No 575/2013 and mismatches between assets and obligations.

(2) Banks shall address the risk of excessive leverage by means of different scenarios by taking due account of potential increases in the risk of excessive leverage caused by reductions of the bank's Tier 1 capital through expected or realised losses.

Chapter Four

Internal Approaches for Calculating Capital Requirements for Credit and Market Risk

Section I

General Requirements

Article 18. (1) Banks that are particularly significant in terms of their size, internal organisation and the nature, scale and complexity of their activities shall provide the necessary prerequisites for:

1. internal credit risk assessment capacity and for the use of the internal ratings based approach where their exposures are material in absolute terms and where they have at the same time a large number of material counterparties;
2. internal specific risk assessment capacity and for the use of internal models for specific risk of debt instruments in the trading book, together with internal models for default and migration risk where their exposures to specific risk are material in absolute terms and where they have a large number of material positions in debt instruments of different issuers.

(2) Paragraph 1 shall be applied without prejudice to the fulfilment of the criteria for authorisation to use:

1. Internal Rating Based Approach under Part Three, Title One, Chapter Three, Section I of Regulation (EU) No 575/2013; and
2. Internal model under Part Three, Title Four, Chapter Five, Sections I to V of Regulation (EU) No 575/2013.

Section II

Supervisory Benchmarking of Internal Approaches for Calculating Capital Requirements

Article 19. (1) Banks permitted to use internal approaches except for the advanced measurement approach for operational risk shall report the results of the calculations for their exposures that are included in the benchmark portfolios by means of the templates developed by the EBA.

(2) Banks shall submit the results of their calculations, together with an explanation of the methodologies used to produce them, to the BNB, at least annually. The Bulgarian National Bank shall submit the relevant information to the EBA.

Article 20. In cases where the BNB decides to develop specific portfolios, it shall do so in consultation with the EBA, the banks shall report the results of the calculations separately from the results of the calculations for the EBA portfolios.

Article 21. The Bulgarian National Bank shall, on the basis of the information submitted by banks in accordance with Article 19, paragraph 1, monitor the range of risk weighted exposure amounts or capital requirements for the benchmark portfolio resulting from the internal approaches. At least annually, the BNB shall make an assessment of the quality of those approaches paying particular attention to:

(a) approaches where significant differences in capital requirements for one and the same type of exposure;

(b) approaches where there is particularly high or low diversity, and also where there is a significant and systematic under-estimation of capital requirements.

Article 22. (1) Where particular bank diverges significantly from the majority of other banks using internal approaches or where there is little commonality in an approach leading to a wide variance of results, the BNB shall investigate the reasons thereof and, where it can be clearly identified that a bank's approach leads to an underestimation of capital requirements which is not attributable to differences in the underlying risks of the exposures or positions, it shall take corrective actions.

(2) Corrective actions as referred to in paragraph 1 do not:

(a) lead to standardisation or preferred methods;

(b) create wrong incentives; or

(c) cause herd behaviour.

Chapter Five

Supervisory Review and Evaluation Process

Article 23. Supervisory review and evaluation under Article 79c of the Law on Credit Institutions shall include:

1. governance arrangements of the bank, its corporate culture and values, and the ability of members of the management board (board of supervisors) to perform their duties;

2. levels of credit, market and operational risk taken by the bank;

3. business model of the bank;

4. results of the stress tests;

5. level of the interest rate risk arising from non-trading activities;

6. level and liquidity risk management;

7. exposure to and management of concentration risk by banks, including their compliance with the requirements set out in Part Four of Regulation (EU) No 575/2013 and Article 9;

8. robustness, suitability and manner of application of the policies and procedures implemented by banks for the management of the residual risk associated with the use of recognised credit risk mitigation techniques under Article 11;

9. assessment of systemic risk, in accordance with the criteria set out in Article 79c, paragraph 1 of the Law on Credit Institutions;

10. impact of diversification effects and how such effects are factored into the risk measurement system;

11. existence of implicit support to a securitisation and the extent to which own funds held by the bank in respect of assets which it has securitised are adequate having regards to the economic substance of the transactions, including the degree of risk transfer achieved;

12. assessment which shall be made under Article 79c, paragraph 2 of the Law on Credit Institutions, including whether the valuation adjustments as set out in Article 105 of Regulation (EU) No 575/2013, enable the bank to sell or hedge out its positions within a short period without incurring material losses under normal market conditions;

13. geographical location of banks' exposures;

14. indicators for excessive leverage, including the leverage ratio determined in accordance with Article 429 of Regulation (EU) No 575/2013, taking into account the business model of the bank.

Article 24. Where the BNB determines within the supervisory review and evaluation process (SREP) that banks with similar risk profiles such as similar business models or geographical location of exposures, are or might be exposed to similar risks or pose similar risks to the financial system, the BNB may apply the supervisory review and evaluation process to those banks in a similar or identical manner.

Chapter Six

Recovery Plans

Article 25. (1) The recovery plan referred to in Article 73d, paragraph 1 of the Law on Credit Institutions analyses the impact of adverse events strongly affecting the financial performance of the bank, including crises which affect the entire financial market or the bank, the banking group and/or corporate structure to which it belongs.

(2) The plan under paragraph 1 shall be approved by the supervisory board (board of directors) of the bank and shall be submitted to the BNB together with the information used for its preparation.

(3) If after the BNB assessment, the recovery plan is deficient or there are significant obstacles to its implementation and after the respective period they are not removed, the BNB may require the bank to:

1. reduce its exposure to a particular type of risk;
2. provide additional sources of capital;
3. change its funding policy;
4. change its governance structure.

(4) The recovery plan shall be reviewed at least annually by the bank and shall be updated if necessary.

(5) The Bulgarian National Bank may require extraordinary update of the plan.

Chapter Seven

Provisions Related to the Exercise of National Discretions under Regulation (EU) No 575/2013

Section I

Qualifying Holdings outside the Financial Sector

Article 26. As regards the application of Article 89, paragraph 3 of Regulation (EU) No 575/2013 the bank may not have qualifying holdings in an entity outside the financial sector, which exceeds the individual limit of 15% of eligible capital and the aggregate limit of 60% of eligible capital.

Section II

Criteria for Exposures Secured by Mortgages on Immovable Property

Article 27. (1) As regards the application of Article 124, paragraph 2 of Regulation (EU) No 575/2013:

1. part of the exposure secured by mortgages on residential property that receives a risk weight of 35% shall not exceed 70% of the lower of the market and mortgage lending value of the property in question;

2. part of the exposure secured by mortgages on commercial immovable property that receives a risk weight of 50% shall not exceed 50% of the lower of the market and mortgage lending value of the property in question.

(2) For the purposes of updating the ratios under paragraph 1, banks shall submit data required under Article 101 of Regulation (EC) No 575/2013 and in Annex VI and Annex VII of the Implementing technical standard for supervisory reporting, taking into account the percentages under paragraph 1.

Section III

Materiality Threshold

Article 28. Materiality threshold in relation to Article 178, paragraph 2, point (d) of Regulation (EU) No 575/2013 shall be, as follows:

1. 5% of the installment due, but no more than BGN 100 for retail exposures;
2. 5% of the installment due, but no more than BGN 1000 for all other exposures.

Section IV

Large Exposures

Article 29. (1) In accordance to Article 400, paragraph 2 of Regulation (EU) No 575/2013 in calculation of large exposures under Article 395 of Regulation (EU) No 575/2013, banks shall exempt the following exposures:

1. covered bonds falling within the scope of Article 129, paragraphs 1, 3 and 5 of Regulation (EU) No 575/2013;

2. claims on and other exposures to credit institutions incurred by credit institutions, one of which operates on a non-competitive basis and provides or guarantees loans under legislative programmes or its statutes, to promote specific sectors of the economy under some form of government oversight and restrictions on the use of the loans, provided that the respective exposures arise from such loans that are passed on to the beneficiaries *via* credit institutions or from the guarantees on these loans;

3. claims on and other exposures to institutions, provided that those exposures do not constitute such institutions' own funds, do not last longer than the following business day and are not denominated in a major trading currency;

4. asset items constituting claims on central banks in the form of required minimum reserves held at those central banks which are denominated in their national currencies.

(2) In calculation of the large exposures under Article 395 of Regulation (EU) No 575/2013, banks shall include 20% of the following exposures:

1. claims on regional governments or local authorities of Member States where those claims would be assigned a 20% risk weight under Part Three, Title Two, Chapter Two of Regulation (EU) No 575/2013 and other exposures to or guaranteed by those regional governments or local authorities, claims on which would be assigned a 20% risk weight under Part Three, Title Two, Chapter Two of Regulation (EU) No 575/2013;

2. exposures, including participations or other kinds of holdings, incurred by a bank to its parent undertaking, to other subsidiaries of the group, which are credit institutions, in so far as those undertakings are covered by the supervision on a consolidated basis to which the bank itself is subject, in accordance with Regulation (EU) No 575/2013, the Law on Supplementary Supervision over the Financial Conglomerates or with equivalent standards in force in a third country; exposures that do not meet these criteria, whether or not exempted from Article 395, paragraph 1 of Regulation (EU) No 575/2013 shall be treated as exposures to a third party.

(3) In calculation of the large exposures under Article 395 of Regulation (EU) No 575/2013, banks shall include 50% of the medium or low risk off-balance sheet documentary credits and of the medium or low risk off-balance sheet undrawn credit facilities referred to in Annex I of Regulation (EU) No 575/2013.

Additional Provisions

§ 1. (1) Within the meaning of this Ordinance:

1. 'External credit assessment institution' shall be external credit assessment institution as defined in Article 4, paragraph 1, point 98 of Regulation (EU) No 575/2013;

2. 'Originator' shall be originator as defined in Article 4, paragraph 1, point 13 of Regulation (EU) No 575/2013;

3. 'Mortgage lending value' shall be mortgage lending value as defined in Article 4, paragraph 1, point 74 of Regulation (EU) No 575/2013;

4. 'Qualifying holding' shall be qualifying holding as defined in Article 4, paragraph 1, point 36 of Regulation (EU) No 575/2013;

5. 'Leverage' shall be leverage as defined in Article 4, paragraph 1, point 93 of Regulation (EU) No 575/2013;

6. 'Eligible capital' shall be eligible capital as defined in Article 4, paragraph 1, point 71 of Regulation (EU) No 575/2013;

7. 'Credit risk mitigation' shall be credit risk mitigation as defined in Article 4, paragraph 1, point 57 of Regulation (EU) No 575/2013;

8. 'Risk of excessive leverage' shall be risk of excessive leverage as defined in Article 4, paragraph 1, point 94 of Regulation (EU) No 575/2013;

9. 'Model risk' shall be the potential loss a bank may incur, as a consequence of decisions that could be principally based on the output of internal models, due to errors in the development, implementation or use of such models;

10. 'Securitisation' shall be securitisation as defined in Article 4, paragraph 1, point 61 of Regulation (EU) No 575/2013;

11. 'Trading book' shall be trading book as defined in Article 4, paragraph 1, point 86 of Regulation (EU) No 575/2013;

12. 'Sponsor' shall be sponsor as defined in Article 4, paragraph 1, point 14 of Regulation (EU) No 575/2013;

13. 'Participation' shall be participation as defined in Article 4, paragraph 1, point 35 of Regulation (EU) No 575/2013.

§ 2. This Ordinance shall put into force the provisions of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC.

Transitional and Final Provisions

§ 3. According to Article 354, paragraph 6 of Regulation (EU) No 575/2013, the capital requirement for foreign-exchange risk for the currency pair BGN/EUR shall be 0% until 31 December 2017.

§ 4. According to Article 465, paragraph 2 of Regulation (EU) No 575/2013 during the period of entry into force of this Ordinance to 31 December 2014, own funds requirements shall be those under Article 91, paragraph 1, points (a) and (b) of Regulation (EU) No 575/2013:

1. a Common Equity Tier 1 capital ratio of 4.5%;
2. a Tier 1 capital ratio of 6%.

§ 5. (1) According to Article 467, paragraph 3 of Regulation (EU) No 575/2013, banks shall include in the calculation of their Common Equity Tier 1 the applicable

percentage of unrealised losses related to assets or liabilities measured at fair value, as follows:

1. 20% during the period of entry into force of this Ordinance to 31 December 2014;
2. 40% during the period from 1 January to 31 December 2015;
3. 60% during the period from 1 January to 31 December 2016;
4. 80% during the period from 1 January to 31 December 2017.

(2) The residual amount under paragraph 1, respectively: 80% for 2014, 60% for 2015, 40% for 2016 and 20% for 2017, remains in Tier 1 capital. If the bank has not enough Additional Tier 1 capital to assume the total amount of unrealised losses, the deduction is taken from the Common Equity Tier 1 capital.

(3) According to Article 468, paragraph 3 of Regulation (EU) No 575/2013, banks shall remove from their Common Equity Tier 1 capital the applicable percentage of unrealised gains related to assets or liabilities measured at fair value, as follows:

1. 100% during the period of entry into force of this Ordinance to 31 December 2014;
2. 60% during the period from 1 January to 31 December 2015;
3. 40% during the period from 1 January to 31 December 2016;
4. 20% during the period from 1 January to 31 December 2017.

(4) The residual amount under paragraph 3, respectively: 40% for 2015, 60% for 2016 and 80% for 2017 shall not be removed from Common Equity Tier 1 capital.

§ 6. (1) Deductions under this paragraph shall be applied for the following items:

1. individual deductions from Common Equity Tier 1 capital pursuant to Article 36, paragraph 1, points (b) to (h) of Regulation (EU) No 575/2013, excluding deferred tax assets that rely on future profitability and arise from temporary differences;

2. individual deduction from Common Equity Tier 1 capital for losses from the current financial year, pursuant to Article 26, paragraph 1, point (a) of Regulation (EU) No 575/2013;

3. aggregate amount of deferred tax assets that rely on future profitability and arise from temporary differences and the items referred to in Article 36, paragraph 1, point (i) of Regulation (EU) No 575/2013 that is required to be deducted pursuant to Article 48 of Regulation (EU) No 575/2013;

4. each deduction from Additional Tier 1 capital required pursuant to Article 56, points (b) to (d) of Regulation (EU) No 575/2013;

5. each deduction from Tier 2 capital required pursuant to Article 66, points (b) to (d).

(2) According to Article 478, paragraph 3 of Regulation (EU) No 575/2013 the applicable percentage for the deductions under paragraph 1, items 1, 3, 4 and 5, is as follows:

1. 20% during the period of entry into force of this Ordinance to 31 December 2014;

2. 40% during the period from 1 January to 31 December 2015;

3. 60% during the period from 1 January to 31 December 2016;

4. 80% during the period from 1 January to 31 December 2017.

(3) Paragraph 2 shall apply also in relation to deferred tax assets under Article 36, paragraph 1, point (c) of Regulation (EU) No 575/2013 that rely on future profitability and existed prior to 1 January 2014.

(4) The applicable percentage under paragraph 1, item 2 is 100% for the entire transitional period.

(5) Banks shall apply the requirements of Article 472 of Regulation (EU) No 575/2013 in relation to the residual amounts of the items, which are not deducted from Common Equity Tier 1 capital during the transitional period.

(6) Banks shall apply the requirements of Article 475 of Regulation (EU) No 575/2013 in relation to the residual amounts of the items, which are not deducted from Additional Tier 1 capital during the transitional period.

(7) Banks shall apply the requirements of Article 477 of Regulation (EU) No 575/2013 in relation to the residual amounts of the items, which are not deducted from Tier 2 capital during the transitional period.

§ 7. (1) According to Article 479, paragraph 4 of Regulation (EU) No 575/2013, the applicable percentage for minority interests that had been qualified as consolidated reserves in consolidated own funds until 1 January 2014, but do not qualify as consolidated Common Equity Tier 1 capital due to the reasons, specified in Article 479, paragraph 1 of Regulation (EU) No 575/2013, is 0% for the entire transitional period.

(2) According to Article 480, paragraph 3 of Regulation (EU) No 575/2013, the applicable factor for recognition in consolidated own funds of minority interests, qualified as Additional Tier 1 capital and Tier 2 capital, is 1 for the entire transitional period.

§ 8. (1) According to Article 481, paragraph 5 of Regulation (EU) No 575/2013, during the transitional period, banks shall make adjustments to include in or deduct from own funds items the applicable percentages of filters and deductions required until 1 January 2014. The applicable percentages are as follows:

1. 80% during the period of entry into force of this Ordinance to 31 December 2014;

2. 60% during the period from 1 January to 31 December 2015;

3. 40% during the period from 1 January to 31 December 2016;

4. 20% during the period from 1 January to 31 December 2017.

(2) In relation to the specific provisions for credit risk, that have been deducted from the own funds until 31 December 2013, the applicable percentage is 0% for the entire transitional period.

§ 9. (1) Eligibility for grandfathering of items and instruments is specified in Article 484 of Regulation (EU) No 575/2013, and limits for grandfathering of items within Common Equity Tier 1, Additional Tier 1 and Tier 2 capital are specified in Article 486, paragraphs 2 – 4 of Regulation (EU) No 575/2013.

(2) According to Article 486, paragraph 6 of Regulation (EU) No 575/2013, the applicable percentages are as follows:

1. 80% during the period of entry into force of this Ordinance to 31 December 2014;

2. 70% during the period from 1 January to 31 December 2015;

3. 60% during the period from 1 January to 31 December 2016;

4. 50% during the period from 1 January to 31 December 2017;

5. 40% during the period from 1 January to 31 December 2018;

6. 30% during the period from 1 January to 31 December 2019;

7. 20% during the period from 1 January to 31 December 2020;

8. 10% during the period from 1 January to 31 December 2021.

§ 10. According to Article 494 of Regulation (EU) No 575/2013, eligible capital may include Tier 1 capital up to the following amounts:

1. 100% of Tier 1 capital during the period of entry into force of this Ordinance to 31 December 2014;

2. 75% of Tier 1 capital during the period from 1 January to 31 December 2015;

3. 50% of Tier 1 capital during the period from 1 January to 31 December 2016.

§ 11. The Bulgarian National Bank may, after having consulted the EBA, waive the application of the minimum requirements under Article 500, paragraph 1, point (b) to a bank provided that all the requirements for the Internal Rating Based Approach for credit risk set out in Part Three, Title Two, Chapter Three, Section VI of Regulation (EU) No 575/2013 or the qualifying criteria for the use of the Advanced Measurement Approach set out in Part Three, Title Three, Chapter Four of Regulation (EU) No 575/2013 have been met.

§ 12. This Ordinance is issued on the grounds of Article 73, paragraphs 5 and 6, Article 73d, paragraph 3 and Article 79c, paragraph 5 in connection with § 13 of the Transitional and Final Provisions of the Law on Credit Institutions and is adopted by Resolution No 49 of 24 April 2014 of the Governing Council of the Bulgarian National Bank.

§ 13. The Deputy Governor heading the Banking Supervision Department, issues guidance for the application of this Ordinance.

Ordinance
Repealing Ordinance No 7 of 2006
on the Large Exposures of Banks

(Published in the Darjaven Vestnik, issue 40 of 13 May 2014)

§ 1. Ordinance No 7 of 2006 on the Large Exposures of Banks (Darjaven Vestnik, issue 7 of 2007) is repealed.

§ 2. This Ordinance is adopted by Resolution No 40 of 24 April 2014 of the Governing Council of the Bulgarian National Bank.