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**COMMISSION IMPLEMENTING REGULATION (EU) 2025/2338**

**of 20 November 2025**

**amending Implementing Regulation (EU) 2016/100 laying down implementing technical standards specifying the joint decision process with regard to the application for certain prudential permissions pursuant to Regulation (EU) No 575/2013 of the European Parliament and of the Council**

**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 [1], and in particular Article 20(8), third subparagraph thereof,

Whereas:

(1) Regulation (EU) 2024/1623 of the European Parliament and of the Council [2] replaced Title III of Part Three of Regulation (EU) No 575/2013, which had as a consequence the replacement of all existing approaches for estimating the own funds requirements for operational risk of institutions, including the Advanced Measurement Approach, with a single non-model-based method, namely the new standardised approach for operational risk.

(2) Commission Implementing Regulation (EU) 2016/100 [3], specifies the joint decision process with regard to the application for certain prudential permissions, including the Advanced Measurement Approach. Given the amendments to Title III of Part Three of Regulation (EU) No 575/2013, and in particular the replacement of the Advanced Measurement Approach with the new standardised approach for operational risk, it is necessary to amend Implementing Regulation (EU) 2016/100 to take into account those amendments.

(3) Commission Delegated Regulation (EU) 2025/1496 [4] inserted into Regulation (EU) No 575/2013 a new Article 520a, under which institutions are obliged to continue to apply Part Three, Title IV, and the market risk requirements of Articles 430, 430b, 445 and 455 of Regulation (EU) No 575/2013 in the version in force on 8 July 2024 until 1 January 2027. It follows that the reference to Article 363 of Regulation (EU) No 575/2013 concerning the permission to use internal models for the purpose of calculating own funds requirements for market risk should be maintained in this Regulation.

(4) This Regulation is based on the draft implementing technical standards submitted to the Commission by the European Banking Authority (EBA).

(5) EBA has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council [5],

(1) OJ L 176, 27.6.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/575/oj.

(2) Regulation (EU) 2024/1623 of the European Parliament and of the Council of 31 May 2024 amending Regulation (EU) No 575/2013 as regards requirements for credit risk, credit valuation adjustment risk, operational risk, market risk and the output floor (OJ L, 2024/1623, 19.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1623/oj).

(3) Commission Implementing Regulation (EU) 2016/100 of 16 October 2015 laying down implementing technical standards specifying the joint decision process with regard to the application for certain prudential permissions pursuant to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 21, 28.1.2016, p. 45, ELI: http://data.europa.eu/eli/reg_impl/2016/100/oj).

(4) Commission Delegated Regulation (EU) 2025/1496 of 12 June 2025 amending Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to the date of application of the own funds requirements for market risk (OJ L, 2025/1496, 19.9.2025, ELI: http://data.europa.eu/eli/reg_del/2025/1496/oj).

(5) Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12, ELI: http://data.europa.eu/eli/reg/2010/1093/oj).

HAS ADOPTED THIS REGULATION:

*Article 1*

Implementing Regulation (EU) 2016/100 is amended as follows:

(1) Article 1 is replaced by the following:

‘*Article 1*

**Subject matter**

This Regulation specifies the joint decision process referred to in Article 20(1), point (a), of Regulation (EU) No 575/2013 with regard to the applications for the permissions referred to in Article 143(1), Article 151(9), Article 283, and Article 325az, or Article 363 in the version in force on 8 July 2024, of that Regulation to facilitate joint decisions.’;

(2) in Article 3, paragraph 1 is replaced by the following:

‘1. The consolidating supervisor may decide to involve third country supervisory authorities which participate in the supervisory college pursuant to Article 3(3) of Commission Delegated Regulation (EU) 2025/791 (*) in the assessment of applications submitted pursuant to Article 20(1), point (a), of Regulation (EU) No 575/2013 where the applicant operates in that third country and intends to apply the methodologies concerned to exposures in that third country. In that case, both the consolidating supervisor and the third country supervisory authorities shall agree on the scope of involvement of those authorities for the following purposes:

(a) the provision by the third country supervisory authorities to the consolidating supervisor of their contribution to the assessment report prepared by the consolidating supervisor;

(b) the addition as annexes of the contributions referred to in point (a) of this paragraph to the assessment report prepared by the consolidating supervisor.

(*) Commission Delegated Regulation (EU) 2025/791 of 23 April 2025 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the general conditions for the functioning of supervisory colleges, and repealing Commission Delegated Regulation (EU) 2016/98 (OJ L, 2025/791, 8.8.2025 ELI: http://data.europa.eu/eli/reg_del/2025/791/oj).’;

(3) Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Upon receipt of an application for a permission as referred to in Article 143(1), Article 151(9), Article 283, and Article 325az, or Article 363 in the version in force on 8 July 2024, of Regulation (EU) No 575/2013, the consolidating supervisor shall forward the application to the relevant competent authorities without undue delay, and in any case within 10 days.’;

(b) paragraph 3 is replaced by the following:

‘3. An application shall be deemed complete if it contains all information needed by the competent authorities to assess the application in accordance with the requirements set out in Articles 143, 144, 151, 283, and 325az, or Article 363 in the version in force on 8 July 2024, of Regulation (EU) No 575/2013.’;

(4) in Article 5(3), point (c) is replaced by the following:

‘(c) it shall take into account, as far as possible, the other activities undertaken by the consolidating supervisor and the relevant competent authorities under the examination programme of the supervisory college referred to in Article 16 of Delegated Regulation (EU) 2025/791.’;

(5) in Article 6, paragraph 3 is amended as follows:

(a) point (a) is replaced by the following:

‘(a) an opinion on whether or not the permission requested should be granted, based on the requirements set out in Article 143(1), Article 151(9), Article 283, and Article 325az, or Article 363 in the version in force on 8 July 2024, of Regulation (EU) No 575/2013, together with the reasoning to support that opinion;’;

(b) point (c) is replaced by the following:

‘(c) the assessments relating to the matters which competent authorities are required to assess in accordance with the requirements set out in Articles 143, 144, 151, 283, and 325az, or Article 363 in the version in force on 8 July 2024, of Regulation (EU) No 575/2013;’;

(6) in Article 7(3), point (i) is replaced by the following:

‘(i) any terms and conditions to be met by the applicant, including corresponding reasoning, before using the permission referred to in Article 143(1), Article 151(9), Article 283, and Article 325az, or Article 363 in the version in force on 8 July 2024, of Regulation (EU) No 575/2013, where applicable;’;

(7) in Article 13, paragraph 1 is replaced by the following:

‘1. Where an application for permission relates to material model extensions or changes as referred to in Article 143(3), Article 151(9), Article 283, and Article 325az, or Article 363 in the version in force on 8 July 2024, of Regulation (EU) No 575/2013, the consolidating supervisor and the competent authorities responsible for the supervision of institutions that are affected by these material model extensions or changes shall work together, in full consultation, to decide whether or not to grant the permission sought in accordance with Article 20 of Regulation (EU) No 575/2013, following the process set out in Articles 3 to 9 of this Regulation.’.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 November 2025.

*For the Commission*

*The President*

Ursula VON DER LEYEN