

This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex. Those official texts are directly accessible through the links embedded in this document

► **B**

DECISION OF THE EUROPEAN CENTRAL BANK
of 15 October 2014
on the implementation of the third covered bond purchase programme
(ECB/2014/40)
(2014/828/EU)
(OJ L 335, 22.11.2014, p. 22)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Decision (EU) 2017/101 of the European Central Bank of 11 January 2017	L 16	53	20.1.2017
► <u>M2</u>	Decision (EU) 2017/1360 of the European Central Bank of 18 May 2017	L 190	22	21.7.2017
► <u>M3</u>	Decision (EU) 2017/2199 of the European Central Bank of 20 November 2017	L 312	92	28.11.2017

**DECISION OF THE EUROPEAN CENTRAL BANK****of 15 October 2014****on the implementation of the third covered bond purchase programme****(ECB/2014/40)**

(2014/828/EU)

*Article 1***Establishment and scope of the outright purchase of covered bonds**

The Eurosystem hereby establishes the CBPP3 under which the Eurosystem central banks shall purchase eligible covered bonds within the meaning of Article 2. Under the CBPP3, eligible covered bonds may be purchased by the Eurosystem central banks from eligible counterparties in the primary and secondary markets according to the counterparty eligibility criteria contained in Article 3.

*Article 2***Eligibility criteria for covered bonds**

Covered bonds that are eligible for monetary policy operations in line with section 6.2.1 of Annex I to Guideline ECB/2011/14 ⁽¹⁾ and in addition, fulfil the conditions for their acceptance as own-used collateral as laid out in section 6.2.3.2. (fifth paragraph) of Annex I to Guideline ECB/2011/14, and are issued by credit institutions incorporated in the euro area, shall be eligible for outright purchase under the CBPP3. *Multicédulas* that are eligible for monetary policy operations in line with section 6.2.1 of Annex I to Guideline ECB/2011/14 and are issued by special purpose vehicles incorporated in the euro area shall be eligible for outright purchase under the CBPP3.

The abovementioned covered bonds shall be eligible for outright purchases under the CBPP3 provided that they satisfy the following additional requirements:

1. A minimum first-best credit assessment of credit quality step 3 (CQS3, currently equivalent to an External Credit Assessment Institution (ECAI) rating of 'BBB-' or equivalent), awarded by at least one of the ECAIs accepted within the Eurosystem Credit Assessment Framework (ECAAF) shall apply.
2. A 70 % issue share limit per international securities identification number to the joint holdings under the first ⁽²⁾ and second ⁽³⁾ covered bond purchase programmes (the CBPP1 and CBPP2, respectively) and the CBPP3 and to the other holdings of Eurosystem central banks shall apply.

⁽¹⁾ Guideline ECB/2011/14 of 20 September 2011 on monetary policy instruments and procedures of the Eurosystem (OJ L 331, 14.12.2011, p. 1).

⁽²⁾ Decision ECB/2009/16 of 2 July 2009 on the implementation of the covered bond purchase programme (OJ L 175, 4.7.2009, p. 18).

⁽³⁾ Decision ECB/2011/17 of 3 November 2011 on the implementation of the second covered bond purchase programme (OJ L 297, 16.11.2011, p. 70).

▼B

3. Covered bonds shall be denominated in euro, held and settled in the euro area.
4. Covered bonds issued by entities suspended from Eurosystem credit operations shall be excluded from purchases under the CBPP3 for the duration of their suspension.
5. For covered bonds which currently do not achieve the CQS3 rating in Cyprus and Greece, a minimum asset rating at the level of the maximum achievable covered bond rating defined by the respective ECAI for the jurisdiction shall be required for as long as the Eurosystem's minimum credit quality threshold is not applied in the collateral eligibility requirements for marketable debt instruments issued or guaranteed by the Greek or Cypriot governments (pursuant to Article 8(2) of Guideline ECB/2014/31⁽¹⁾), and a 30 % issue share limit per international securities identification number, which would apply to the joint holdings of the CBPP1, CBPP2, CBPP3 and the other holdings of Eurosystem central banks, provided that they satisfy the following additional requirements in order to achieve risk equivalence:
 - (a) monthly reporting of the cover pool characteristics, including loan-level data, to the NCB where the issuer is domiciled, as well as programme structural features and issuer information; the reporting template shall be made available to the counterparties by the respective NCB;
 - (b) minimum committed over-collateralisation of 25 %; the provisions for calculating the committed over-collateralisation shall be made available to the counterparties by the respective NCB;
 - (c) currency hedges with counterparties rated BBB- or higher for non-euro denominated claims are included in the cover pool of the programme or, alternatively, that at least 95 % of the assets are denominated in euro; and
 - (d) the credit claims in the cover pool are against debtors located in the euro area.
6. Covered bonds retained by their issuer shall be eligible for purchases under the CBPP3, provided that they fulfil the eligibility criteria as specified above.

▼M1

7. Purchases of nominal covered bonds at a negative yield to maturity (or yield to worst) equal to or above the deposit facility rate are permitted. Purchases of nominal covered bonds at a negative yield to maturity (or yield to worst) below the deposit facility rate are permitted to the extent necessary.

⁽¹⁾ Guideline ECB/2014/31 of 9 July 2014 on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral and amending Guideline ECB/2007/9 (OJ L 240, 13.8.2014, p. 28).

▼ M2

8. The issuer of the covered bonds is not an entity, whether publicly or privately owned, that: (a) has as its main purpose the gradual divestment of its assets and the cessation of its business; or (b) is an asset management or divestment entity established to support financial sector restructuring and/or resolution, including asset management vehicles resulting from a resolution action in the form of the application of an asset separation tool pursuant to Article 26 of Regulation (EU) No 806/2014 of the European Parliament and of the Council ⁽¹⁾ or national legislation implementing Article 42 of Directive 2014/59/EU of the European Parliament and of the Council ⁽²⁾.

▼ M3

9. Covered bonds shall be excluded from purchases under the CBPP3 where both: (a) they have a conditional pass-through structure, whereby pre-defined events lead to an extension of the bond's maturity and a switch to a payment structure dependent primarily on cash flows generated by the assets in the underlying cover pool; and (b) they are issued by an entity with a first-best issuer rating below CQS3.

▼ B*Article 3***Eligible counterparties**

The following shall be eligible counterparties for the CBPP3, both for outright transactions and for securities lending transactions involving covered bonds held in the CBPP3 Eurosystem portfolios: (a) domestic counterparties participating in Eurosystem monetary policy operations as defined in Section 2.1 of Annex I to Guideline ECB/2011/14; and (b) any other counterparties that are used by Eurosystem central banks for the investment of their euro-denominated investment portfolios, including non-euro area counterparties active in covered bonds.

*Article 4***Final provision**

This Decision shall enter into force on the day following its publication on the ECB's website.

⁽¹⁾ Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ L 225, 30.7.2014, p. 1).

⁽²⁾ Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).