

# Comments

Public consultation on draft RTS on the  
harmonisation of conditions enabling the conduct  
of the oversight activities (JC 2023-69)

*Lobby Register No R001459*

*EU Transparency Register No 52646912360-95*

Contact:

Frank Trojahn

Telephone: +49 30 20225-5513

E-mail: frank.trojahn@dsgv.de

Berlin, 2024-02-27

Coordinator:

German Savings Banks Association

Charlottenstraße 47 | 10117 Berlin | Germany

Telephone: +49 30 20225-0

Telefax: +49 30 20225-250

[www.die-deutsche-kreditwirtschaft.de](http://www.die-deutsche-kreditwirtschaft.de)

**Comments** Public consultation on draft RTS on the harmonisation of conditions enabling the conduct of the oversight activities (JC 2023-69)

**Question 1: Do you agree with the content of information to be provided by ICT third party providers in the application for a voluntary request to be designated as critical? Please, provide comments on information to be added or removed including the rationale (Article 1)**

Yes

**Question 2: Is the process to assess the completeness of opt-in application clear and understandable? (Article 2)**

Yes

**Question 3: Is the list of information to be provided by critical ICT third-party service providers to the Lead Overseer that is necessary to carry out its duties clear and complete? Please, provide comments on information to be added or removed including the rationale (Article 3)**

No

Art 3 (2) b)

Change to "information on the organisational and group structure of the critical third party ICT service provider, including the identification of all entities belonging to the same group that directly provide ICT services to financial entities in the Union".

Reason:

Atherwise this would be all entities, including e.g. property management, which are also indirectly involved in the provision of services.

Art. 3 para. 2 d) e) f) u) q) v) - delete

The required information is too extensive. It concerns internal information and market analyses that could harm competition if made available to customers. Moreover, this information will not contribute much to monitoring performance."

**Question 4: Do you agree with the content of Article 4 on remediation plan and progress reports?**

Yes

**Question 5: Is the article on the structure and format of information provided by the critical ICT third-party service provider appropriate and structured? (Article 5)**

No

This would mean that all agreements must be written in English or translated.

There are many documents that are not written in English, e.g. contracts. In principle, these should also be allowed to be submitted in all official languages.

**Question 6: Is the information to be provided by the critical ICT third-party service provider to the Lead Overseer complete, appropriate and structured? (Article 6 and Annex I)**

Yes

**Comments** Public consultation on draft RTS on the harmonisation of conditions enabling the conduct of the oversight activities (JC 2023-69)

**Question 7: Is Article 7 on competent authorities' assessment of the risks addressed in the recommendations of the Lead Overseer clear?**

Yes

**Question 8: Do you agree with the impact assessment and the main conclusions stemming from it?**

Yes