The EAPB's proposals to simplify the EU banking regulatory framework

The European Association of Public Banks (EAPB) represents over 90 financial institutions with total assets exceeding €3.5 trillion, accounting for approximately 15% of the European financial sector. Our members include national and regional promotional banks, municipal funding agencies, and public commercial banks. All operate under a public mandate and adhere to a non-profit-maximisation principle.

We welcome the European Commission's **simplification agenda**, including the recent *Omnibus* initiatives that aim to reduce administrative burdens across key EU policy areas such as sustainability reporting, due diligence requirements, investment procedures, and the regulatory environment for mid-sized companies. These initiatives are an important first step toward a more coherent, proportionate, and investment-friendly regulatory framework.

In particular, we support the **sustainability reporting Omnibus proposals** and the Commission's commitment to a full review of the Disclosures Delegated Act by the end of 2025, including amendments to the Green Asset Ratio (GAR). We also strongly support efforts to simplify the European Sustainability Reporting Standards (ESRS), while maintaining the availability of key ESG indicators aligned with CRR Pillar 3 disclosures and banks' ESG risk management needs.

This paper sets out a series of **further proposals, primarily in the area of banking and capital markets regulation**, that we believe the Commission and EU policymakers could consider as part the simplification agenda. In doing so, simplification efforts should also better account for the specific characteristics of promotional banks, whose public mandates and risk profiles are not always appropriately reflected in existing EU legislation. A clear example of misalignment is the obligation for promotional banks to contribute to the Single Resolution Fund (SRF) despite being publicly owned and resolved under national insolvency regimes. Such contributions amount to de facto public cross-financing and run counter to the objectives of the Banking Union.

We also see potential for **simplification and greater legal certainty in the way EU financial legislation is developed and implemented**. Currently, Level 1 legislative obligations often take effect before the adoption of corresponding Level 2 technical standards and Level 3 guidance, creating uncertainty and divergence in supervisory expectations.

To address this, Level 1 obligations should only enter into force after the finalisation and publication of all relevant Level 2 and Level 3 measures, with a transitional period (e.g. 18 months) thereafter to allow for proper implementation. This sequencing principle should be reflected in legislative timelines and codified in ESMA's and EBA's implementation policies. Furthermore, we call for improved transparency and stakeholder engagement in the EBA Q&A process, including fixed response deadlines and periodic review of existing answers, especially when the underlying legal framework evolves (e.g., under CRR3).

Avenue de la Joyeuse Entrée 1-5, B-1040 Brussels
Phone: **+32 / 2 / 898 30 00** • E-mail: **info@eapb.eu** • Website: **www.eapb.eu** • EU Transparency Register: **8754829960-32**

PROPOSALS

Crisis Management and Deposit Insurance (CMDI) framework

- Though the resolution framework allows for reduced reporting requirements for entities for which the preferred resolution strategy is normal insolvency (simplified obligations), we feel there is room to further reduce unnecessary administrative burden. For instance, institutions subject to simplified obligations and having a MREL requirement equal to the minimum capitalization requirement still must submit the Liability Data Report. The Liability Data Report enables the SRB to assess the loss absorbing capacity. Because the MREL requirement equals the minimum capitalization requirement, whose fulfillment is monitored by the banking supervisor, this reporting is obsolete. Besides, the MoU between the ECB and the SRB in respect of cooperation and information exchange already provides that the ECB automatically informs the SRB in the event of a breach of the MREL (Annex 1.1, point (v)).
- For the vast majority of EU promotional banks subject to the BRRD, liquidation under national insolvency or national liquidation regimes is the normal scenario which implies that it is unlikely that they would resort to the SRF. The fact that certain promotional banks are subject to the BRRD and thus, to the SRF's contributions, is not to be interpreted as an indication that the legislator has deemed that they might have to be resolved and need to resort to the SRF. In fact, recital 19 of the SRMR refers to the necessity to sever the link between banks and the Member State, which hardly seems applicable in the context of promotional banks which precisely support Member States' policies and benefit from special State guarantees, as explicitly recognised by prudential and resolution legislation.
- In addition, the SRF serves to finance the use of transfer tools in resolution, to ensure the continuity of the bank's critical functions, in the interest of depositors' protection (to allow continued access to covered deposits or to absorb losses that would have otherwise been suffered by covered depositors.). Yet, promotional banks do not take covered deposits nor have critical functions overall that would require such financing.
- Thus, contributions to the SRF from promotional banks serve de-facto public cross-financing for bank resolution, which is not in line with the objectives of the Banking Union and which is detrimental to the funding of financial, social or economic public interest policies that promotional banks are meant to support. Promotional banks should therefore be exempted from contributions to the SRF. It also serves in reducing the administrative burden (e.g. calculation and verification of the contribution, collection) both for the promotional banks as well as for the regulator.
- Rules for preventive public recapitalization i.e. for using public funds to support banks before they fail should not be made too rigid. Retaining the necessary level of flexibility in the use of precautionary recapitalization is all the more so necessary for non-deposit taking banks that would inherently not be eligible for DGS' support.
- **Proposed changes:**
  - Reduce the reporting requirements for institutions subject to simplified obligations or consider full exemption for promotional banks if no material changes in the business model occur.
  - Exempt promotional banks from SRF contributions
  - Exclude pass-through promotional loans from the calculation of MREL, as they distort capital requirements and penalise public missions.
  - Clarify the application of the regime, in particular, precautionary measures, for promotional banks, given their characteristics.
  - Ensure that the reform of precautionary recapitalisation will still allow central or regional authorities to provide extraordinary financial support to public banks they have created and are responsible for, to ensure their continued viability and protect the local economy.

Digital Operational Resilience Act (DORA)

- DORA caters for proportionality by Article 4(1) and 4(2). The implementation of the rules laid down in Chapter II and the application by financial entities of Chapters III, IV and V, Section I, shall be proportionate to their size and overall risk profile, and to the nature, scale and complexity of their services, activities, and operations.

The ESAs are required to take proportionality into account when developing the requested draft regulatory technical standards by Dora. In the RTS the ESAs specify criteria to fulfil this requirement of proportionality without relying on or referencing to existing concepts (e.g. TLTP requirement).

- **Proposed changes:**
    - Rely on/reference to existing concepts for consistency, clarity, and simplification of legislation. The resolution framework distinguishes between those whose failure could cause widespread economic disruption (on financial markets, other institutions and funding conditions) and those whose failure would pose low systemic risk, that may benefit from simplified obligations such as promotional banks, because of their characteristics (cf. Commission Delegated Regulation (EU) 2019/348) of 25 October 2018, recital 15). Therefore, the way risk is defined in the resolution framework (BRRD/ delegated regulation (EU) 2019/348) should inform how proportionality is applied in DORA in addition to the "significant" status of the institution within the microprudential framework. Moreover, DORA already allows promotional banks exempted by their Member States under the CRD to benefit from a simplified regime under art. 16 of that Regulation. By way of equal treatment for similar entities, promotional banks subject to CRD should therefore also benefit from a proportionate application of this regime.

Financial Data Access (FIDA) proposal

- One of FiDA's primary objectives is to enhance competition by allowing customers to share their financial data with different service providers. However, this rationale does not align with the specific mission of promotional banks, which are created to pursue objectives of common interest, namely addressing market failures in specific segments. In this context, the market failures that promotional banks are designed to address are not competition-driven issues. Applying FiDA to such institutions does not serve the regulation's competition-focused goals and could divert resources away from their critical public policy missions.
- **Proposed changes:**
    - Promotional entities should be excluded from the regulation's scope. The Council's position exempts entities listed in Article 2(5), points (4) to (23), of Directive 2013/36/EU from the scope of FiDA (Article 2(3)). Many of the institutions listed in this Article are promotional banks. We propose that promotional banks and municipal funding agencies, as defined in Article 416(2)(iii) of Regulation 575/2013/EU, should also be exempted from FiDA, as they follow the same business model.

CRR/CRD

<u>Pillar 3 disclosures</u>

- To enhance consistency, reduce duplication, and lower the reporting burden, Pillar 3 ESG disclosure requirements should be streamlined and better aligned with the Taxonomy Regulation and CSRD. Institutions should not be required to disclose the same Taxonomy-related information—such as the Green Asset Ratio (GAR)—under multiple frameworks (Pillar 3 and Taxonomy Regulation, and the CSRD report), especially given the ongoing review of the Taxonomy delegated acts and technical screening criteria. A one-time disclosure of taxonomy templates (e.g. annexed to the management report and published via ESAP) would be sufficient to meet transparency objectives without adding procedural complexity
- If the taxonomy templates are not removed from the Pillar 3 requirements, the final EBA ITS on Pillar 3 disclosures should aim for permanent alignment with the Taxonomy Regulation, both in terms of definitions and templates. The EBA proposal of a direct reference to the Taxonomy DA's in the ITS on disclosure is a step in the right direction. Moreover, we support a proportional approach to ESG disclosures, with simplified obligations for smaller and non-listed institutions. For large listed banks already subject to extensive ESG reporting, the final standards should not introduce new requirements.
- **Proposed changes:**
    - Limit taxonomy disclosures to a single publication (e.g. through ESAP only).
    - Reduce the frequency of supervisory ESG disclosures to annual (rather than semi-annual) to reflect the nature of ESG risks and avoid divergence from international standards (e.g. BCBS).
    - Consider threshold-based exemptions (e.g., below €5 billion assets) for quantitative ESG disclosures.
    - Designate ESAP as the single mandatory disclosure platform for both financial and Pillar 3 reports.
    - Duplicative disclosure should be abolished for all institutions that already report key data elsewhere.

- The cost-benefit ratio of the XBRL conversion should be reevaluated. The technical and financial burden is significant, particularly for non-complex institutions.

CRR's trading book

- Although the definitions of "trading intent" and "trading book" remained unchanged from CRR2 to CRR3, the transposition from the Basel Committee on Banking Supervision (BCBS) standards into the CRR introduced substantial divergences. Specifically, the CRR interpretation, which automatically classifies positions arising from client servicing as held with "trading intent," significantly differs from the original BCBS framework. This rigid interpretation disproportionately impacts promotional and public banks, creating unnecessary regulatory complexity and costs.
- This issue recently gained prominence due to the EBA's narrow interpretation of Article 4(1)(85) CRR (EBA Q&A 2015_2054), which mandates classifying all client-related swaps into the trading book without exception. Promotional banks historically have not maintained trading books, unlike commercial banks that absorb these derivatives without substantial additional burden.
- Current classification requirements compel public banks to establish a "trading book," despite the lack of genuine trading intent or market-making activity. This requirement introduces unnecessary complexity, raises operational costs, and increases Risk-Weighted Assets (RWAs) significantly without contributing to enhanced risk management practices.
- Actively winding down existing derivatives is practically and financially challenging due to their contractual and economic structures. These derivatives are typically economically linked to client-issued floating-rate notes.
- **Proposed changes:**
    - Reviewing and clarifying Article 4(1)(85) CRR to align closely with the original intent and updated BCBS standards. Specifically, derivatives arising from client servicing activities, held until maturity, without short-term resale intentions or profit motives, should not automatically imply trading intent.
    - Revising the definition as follows:
        - Positions held with "trading intent" means any of the following:
            - (a) Positions intended to be resold in the short term;
            - (b) Positions intended to benefit from actual or expected short-term price differences between buying and selling prices, or from other price or interest rate variations
            - (c) Positions intended to lock in arbitrage profits;
            - (d) Positions intended to hedge risks that arise from instruments meeting (a), (b), or (c) above.

Prudential treatment of equity

- With CRR III, the general risk weight for equity exposures has increased from 100% to 250%. This change risks undermining the ability of promotional banks to provide equity financing in support of public policy objectives.
- Equity investments by promotional banks are typically made under public mandates, without a profit-maximisation motive, and in compliance with EU state aid rules (e.g., the private investor test). These investments should benefit from the preferential 100% risk weight foreseen by Article 133(5)(a) CRR.
- **Proposed changes:**
    - The European Commission should clarify that the requirements of Article 133(5)(a) CRR are considered fulfilled for the equity holdings of promotional banks fully owned by public authorities.
    - Such a clarification would ensure continued eligibility for a 100% risk weight and prevent potentially restrictive supervisory interpretations from limiting the public policy role of promotional banks.

Macroprudential framework

- The ongoing macroprudential review provides an opportunity to strengthen the competitiveness of European banks and simplify the capital buffer scheme. The current approach is very complex with too many capital buffers and overlapping objectives. With the systemic risk buffer (SyRB) and the buffer for other systemically important institutions (O-SII), the variety and intensity of macroprudential tools in the EU is much greater than in other relevant jurisdictions. In addition, the wide discretion in applying and calibrating the buffers in the EU leads to fragmentation and creates an uneven playing field within the single market.

- **Proposed changes:**
    - The number of capital buffers should be significantly reduced and greater flexibility introduced in the use of buffers. The future buffer scheme should include releasable buffers without increasing capital requirements.
    - The capital conservation buffer (CCoB) should be combined with the countercyclical buffer (CCyB) to form a new releasable buffer that could be used for lending in times of crises. Special European requirements such as the SyRB should be removed and the requirements for setting O-SII buffers should be harmonised across member states.

Supervision

Stress testing

- Public development banks are usually non-systemic and often excluded from the bank resolution framework or subject to lighter rules because their failure wouldn't trigger broader instability. Despite this, current stress test rules treat them like large commercial banks, which leads to disproportionate requirements that don't reflect their low-risk nature, and misleading results, since the EBA stress test methodology doesn't account for their specific business model. In addition, stress tests are resource-intensive and bring limited added value for public development banks.
- Loans to regional and local governments (RGLAs) are penalized with a Loss Given Default (LGD) rate of 40% in stress tests. This results in artificially high Expected Credit Losses, even though such loans are typically very low-risk. A more realistic LGD for RGLA loans would be closer to 5%, as allowed under the IRB-F approach in the CRR.
- **Proposed changes:**
    - To address this, changes should be made to the CRR/CRD rules and EBA guidelines, including: making stress tests optional for public development banks that are non-systemic, and are under simplified resolution obligations or excluded from the resolution framework.
    - Adapt the stress testing methodology specifically for public development banks, for example by using more appropriate LGD parameters for their public sector exposures (like those to RGLAs).

SSM liquidity template

- Since 2015, the ECB Supervisory Board has required all Significant Institutions to complete the SSM liquidity template in stress situations, and annually, for five consecutive days as part of the "SSM Liquidity Exercise." In September 2023, the ECB extended this requirement to weekly data submissions for a four-month exercise period. However, in 2024, the ECB continued requesting weekly data, and public promotional banks are still submitting it through the CASPER platform.
- Weekly reporting is highly resource-intensive, even with automation in place. Teams must frequently address exceptional cases and IT issues, making the process burdensome and inefficient.
- **Proposed changes:**
    - Discontinue the weekly submission of the SSM liquidity template for banks without a structural high risk liquidity profile, as per the BIS report of October 2024 (*The 2023 banking turmoil and liquidity risk: a progress report A report to G20 Finance Ministers and Central Bank Governors, p. 14*).
    - If supervisory authorities wish to test banks' liquidity reporting capabilities, implement randomized and time-limited exercises rather than maintaining a fixed weekly frequency.

EMIR

Active Account Requirement

- The AAR aims to relocate clearing to EU CCPs but introduces obligations that disproportionately affect low-activity institutions such as promotional banks. The proposed "representativeness obligation", based on absolute thresholds rather than relative activity, imposes costs that do not correspond to systemic risk or market impact. Public banks typically engage in few transactions of large notional size, and this is not adequately captured by the reference period methodology proposed by ESMA. Institutions with low transaction counts but high notional volumes are treated the same as frequent traders, distorting the objective of proportionality.

- In the recently concluded ESMA consultation, ESMA also proposes the establishment of a new reporting system to monitor compliance with the obligations under the AAR. This contradicts the principle of data reuse, as the data is already available through reporting under Article 9 EMIR – even if not in aggregated form. Given today's technology, this should not pose a challenge for ESMA to perform such aggregation. It is disproportionate to require every institution to develop and implement the necessary programming for this purpose.
- **Proposed changes:**
  - The reference period used to calculate the number of representative trades should vary based on actual activity levels. Institutions with fewer trades should benefit from a longer observation period, ensuring proportional application and reducing undue burden on the public sector.
  - Once the RTS on the AAR have been published, the implementation date in regards of the obligation to clear through a EU CCP should be at least 6 month after the publication date.
  - Suggested revision to the duration of the reference period (Article 4 and 6 of the draft RTS):
    - 1 month for entities > EUR 100bn notional; 6 months for < EUR 100bn.
    - If 20% of annual trades are in-scope, the period extends to 6/12 months respectively
  - No AAR obligations for institutions clearing ≥85% in EU CCPs:
    - Article 7a(5) provides a full exemption from AAR requirements for entities clearing 85%+ of trades in EU CCPs.
    - This should be interpreted to include exemption from all Article 7a(3) and 7b obligations, not only Article 7b(2), as clarified by ESMA in its consultation and QA documents.
    - ESMA's Final Report on the AAR does not recognise this issue. According to the Final Report entities clearing more than 85% in the EU still have to report.
  - Timing of AAR threshold calculation:
    - Threshold calculations should begin only once the AAR enters into force. This creates a clear incentive to shift future clearing activities to the EU.
    - Legacy trades should not be included in the "notional volume outstanding," particularly as such transfers often require consent from non-EU counterparties.
    - ESMA's Final Report on the AAR does not address this issue at all.
  - Avoid redundant reporting requirements:
    - All necessary data for AAR monitoring is already reported to TRs under Article 9 EMIR.
    - ESMA and national competent authorities can leverage existing data infrastructure rather than impose duplicative reporting obligations under Article 7b(1).
    - ESMA's Final Report on the AAR addresses this issue only to some extent. Even though the number of fields have been reduced, some field still have to be reportetd. We still are of the view that e.g. the fact, at which CCP how many trades are cleared by a specific entity can be extracted by using the Art. 9 EMIR data.

EMIR Risk Management

- The requirements should be reviewed for their effectiveness and, if they do not achieve their intended goal or prove impractical, should be eliminated.
- **Proposed changes:**
  - EMIR FRANDT: Article 4(3a) EMIR in conjunction with Delegated Regulation (EU) 2021/1456 imposes an obligation on clearing service providers to offer clearing services under fair, reasonable, non-discriminatory, and transparent (FRANDT) conditions. This regulation is intended to support counterparties in accessing clearing, particularly those with limited derivatives trading volume who struggle to access clearing services. However, the associated publication and bilateral disclosure obligations should be removed as they offer no meaningful added value.
  - Due diligence in client clearing: Complete removal of the annual review and collection of feedback under Article 25(1) of Delegated Regulation 2017/589 as well as the annual review under Article 25(2).
  - EMIR 3.0 – Information obligations regarding clearing options: These obligations for CCPs and clearing members to inform clients should be critically reviewed and ideally removed. The purpose and necessity of this information are not evident to market participants who deal with derivative clearing on a daily basis.

Capital Markets Reporting Obligations

Capital Markets Reporting Obligations – General

- Frequent reporting updates under EMIR, MiFIR, SFTR: —often justified by global standards (e.g., CPMI IOSCO)—create misalignment rather than harmonization, as rules are applied differently across jurisdictions (e.g., EMIR applies OTC rules to ETDs, unlike others). This leads to divergence (e.g., EMIR EU vs. EMIR UK), making transaction matching nearly impossible.
- EMIR and MiFIR reporting has grown overly complex, with constant changes hampering data quality improvements. New fields are often redundant, added for internal cross-checks rather than better information.
- **Proposed changes:**
  - Introduce a regulatory moratorium to align EMIR, MiFIR, and SFTR reporting, which often overlaps in scope and purpose.
  - Move toward a single, unified dataset submitted by reporting entities. Supervisors would extract what they need, eliminating the need for multiple, duplicative systems. This calls for a one-off systemic reform, not continuous patchwork changes.

Transaction Reporting under Article 26 MiFIR

- The recent ESMA consultation on the review of RTS 22 revealed that ESMA is imposing significant new field reporting requirements on institutions, apparently to avoid building its own validation processes. The added value for supervision is negligible compared to the high implementation costs for institutions.
- **Proposed changes:**
  - Stricter assessment of the introduction of new reporting fields: There must be a stricter assessment of whether new reporting fields are truly essential or merely "nice to have." Even though ESMA should be able to derive the required insights from existing reported data, it seemingly finds it more convenient to request the data again in a different format. This forces every institution to reprogram their systems, while ESMA could simply query the data already available through the Trade Repositories (TRs).
  - Avoiding duplication of derivatives reporting under EMIR and MiFIR: Duplicate reporting of derivatives under EMIR and MiFIR should be urgently eliminated. Derivatives should only be reported under EMIR, where a comprehensive dataset, including life-cycle events, already exists and suffices for market surveillance.

PRIIPs Regulation

Restriction of the scope of application of the PRIIPs Regulation to investment products

- The PRIIPs Regulation currently also covers hedging products such as OTC derivatives. These are individual bilateral contracts that have a real economic background and, for example, hedge payment flows from projects or generally serve to control asset-liability management. The provisions tailored to investment products do not fit to these products (e.g. clients must be informed about the risk of loss of the investment amount - with OTC derivatives there is no initial investment amount).
- For this reason, through Q&A the ESAs have already had to amend the statutory requirements on the content of KIDs for OTC derivatives in order to avoid misleading information.
- **Proposed changes:**
  - To avoid KIDs with misleading content due to inappropriate regulatory requirements, the scope of application of the PRIIPs Regulation should be limited to investment products. Thus, products for hedging should be excluded from the scope of application.

Prospectus Regulation (PR)

- Supplement Notification Regime (Article 23(3) PR): The obligation for each distributor to individually notify clients of a supplement is operationally unworkable in the context of base prospectuses used by numerous intermediaries. Many distributors lack the technical systems to issue timely notifications, leading to duplication, errors, and inconsistent investor communication, with limited added protection for retail clients.
- Format and sequencing requirements (Article 6 PR): The rigid structure and mandatory sequencing of disclosures are unsuitable for multi-product programmes. Current requirements on layout, order, and font

specifications are more appropriate for single-product offerings and are incompatible with well-established international documentation practices. This especially affects the application of the "Items" in the annexes of the Delegated Regulation.

- ESG-Related Disclosure Obligations (Annex 21 CDR): Annex 21 applies the same detailed ESG disclosure requirements to all ESG-labelled securities, including those not subject to the EU GBS. This one-size-fits-all approach creates unnecessary duplication, particularly for issuers using ICMA-aligned frameworks or structured products with ESG components, while also raising liability and complexity concerns.
- Use of Prospectus Supplements (Article 23(4a) PR): Current proposals seek to narrow the scope of what can be introduced through a supplement. This undermines the flexible purpose of the supplement mechanism in programme-based issuance and would require full prospectus updates even for non-fundamental changes such as adding guarantees, collateral, or new underlyings within pre-approved product logics.
- **Proposed changes:**
    - Allow centralised publication of supplements by the issuer or lead manager (e.g. via website or regulated outlet) to fulfil Article 23(3) obligations. Distributors should not be required to issue separate notifications or publish supplements themselves unless they published the prospectus.
    - Permit prospectuses to state upfront that investors will be notified of supplements through a centralised channel, referenced by distributors in their offering documentation.
    - Maintain flexibility in the structure and sequencing of base prospectuses (especially EMTNs), allowing deviations from prescribed item order when supported by a cross-reference table.
    - Apply the fixed sequencing requirement only to broad “Sections,” not individual “Items,” and allow integration of key information (e.g. guarantees, ESG data) into relevant sections rather than forcing separate appendices.
    - Limit the Annex 21 ESG disclosure requirements to securities explicitly falling under the EU Green Bond Regulation, and clarify that issuers using ICMA-aligned frameworks may incorporate ESG information by reference rather than duplicating it.
    - Keep post-issuance ESG reporting optional and avoid embedding it into prospectus disclosure obligations.
    - Confirm that supplements under Article 23(4a) can be used to reflect product features such as the addition of guarantees or collateral, the inclusion of new underlyings, or step-up/down coupon mechanics, provided they do not alter the essential risk structure of the security.

GDPR

- We welcome the Commission’s initiative to simplify record-keeping obligations under Article 30 GDPR and to reduce administrative burdens for SMEs and small mid-cap companies. While exempting SMEs and small mid-caps from record-keeping obligations is a welcome step, further refinements are needed to ensure legal certainty, risk alignment, and practical support for small and public-interest-driven institutions.
- Fixed employee thresholds (e.g., 250 or 750 employees) are not a reliable proxy for the risk associated with data processing activities. Small institutions may process highly sensitive data, whereas larger entities may perform low-risk, standardised operations. A meaningful simplification must therefore go beyond size-based exemptions and address operational reality.
- **Proposed changes:**
    - Replace employee-based thresholds under Article 30(5) GDPR with a risk-based exemption logic, whereby documentation requirements are only triggered if processing is likely to result in a “high risk” to the rights and freedoms of data subjects. The Commission should clarify how such risk is defined, drawing on existing DPIA guidelines.
    - Provide EU-wide positive and negative lists for typical low- or high-risk processing activities (e.g. internal HR databases vs. profiling in credit scoring), building on national supervisory practice.
    - Ensure consistent interpretation of key concepts such as joint controllership and applicability of the GDPR to categories like B2B customer data.
    - Develop standardised templates, checklists, and sample documentation (e.g. for DPIAs, deletion concepts, processing records) that are usable across the EU.