

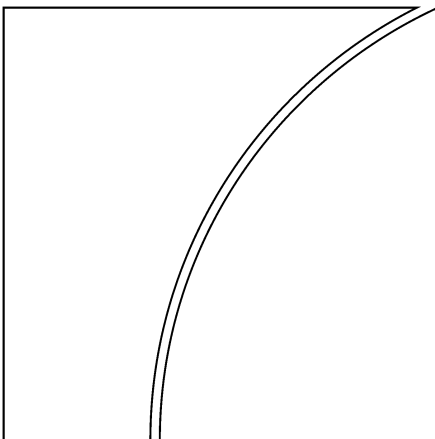
Basel Committee on Banking Supervision

Consultative Document

The New Basel Capital Accord

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BANK FOR INTERNATIONAL SETTLEMENTS

Table of Contents

Part 1: Scope of Application	1
A. Introduction	1
B. Banking, securities and other financial subsidiaries	1
C. Significant minority investments in banking, securities and other financial entities	2
D. Insurance entities	2
E. Significant investments in commercial entities	4
F. Deduction of investments pursuant to this part	4
Part 2: The First Pillar - Minimum Capital Requirements	6
I. Calculation of minimum capital requirements	6
II. Credit Risk - The Standardised Approach	6
A. The standardised approach - general rules	6
1. Individual claims	7
(i) Claims on sovereigns	7
(ii) Claims on non-central government public sector entities (PSEs)	8
(iii) Claims on multilateral development banks (MDBs)	8
(iv) Claims on banks	9
(v) Claims on securities firms	10
(vi) Claims on corporates	10
(vii) Claims included in the regulatory retail portfolios	11
(viii) Claims secured by residential property	11
(ix) Claims secured by commercial real estate	12
(x) Past due loans	12
(xi) Higher-risk categories	13
(xii) Other assets	13
(xiii) Off-balance sheet items	13
2. External credit assessments	14
(i) The recognition process	14
(ii) Eligibility criteria	14
3. Implementation considerations	15
(i) The mapping process	15
(ii) Multiple assessments	15
(iii) Issuer versus issues assessment	15
(iv) Domestic currency and foreign currency assessments	16
(v) Short term/long term assessments	16
(vi) Level of application of the assessment	17
(vii) Unsolicited ratings	17
B. The standardised approach - credit risk mitigation	17
1. Overarching issues	17
(i) Introduction	17
(ii) General remarks	18
(iii) Legal certainty	18
2. Overview of Credit Risk Mitigation Techniques	19
(i) Collateralised transactions	19
(ii) On-balance sheet netting	21
(iii) Guarantees and credit derivatives	21
(iv) Maturity mismatch	21
(v) Miscellaneous	22
3. Collateral	22
(i) Eligible financial collateral	22

(ii)	The comprehensive approach	23
(iii)	The simple approach	31
(iv)	Collateralised OTC derivatives transactions	32
4.	On-balance sheet netting	32
5.	Guarantees and credit derivatives	33
(i)	Operational requirements	33
(ii)	Range of eligible guarantors/protection providers	35
(iii)	Risk weights	35
(iv)	Currency mismatches	36
(v)	Sovereign guarantees	36
6.	Maturity mismatches	37
(i)	Definition of maturity	37
(ii)	Risk weights for maturity mismatches	37
7.	Other items related to the treatment of CRM techniques	37
(i)	Treatment of pools of CRM techniques	37
(ii)	First-to-default credit derivatives	38
(iii)	Second-to-default credit derivatives	38
III.	Credit Risk - The Internal Ratings-Based Approach	38
A.	Overview	38
B.	Mechanics of the IRB Approach	39
1.	Categorisation of exposures	39
(i)	Definition of corporate exposures	39
(ii)	Definition of sovereign exposures	41
(iii)	Definition of bank exposures	41
(iv)	Definition of retail exposures	41
(v)	Definition of qualifying revolving retail exposures	42
(vi)	Definition of equity exposures	43
(vii)	Definition of eligible purchased receivables	45
2.	Foundation and advanced approaches	46
(i)	Corporate, sovereign, and bank exposures	46
(ii)	Retail exposures	47
(iii)	Equity exposures	47
(iv)	Eligible purchased receivables	47
3.	Adoption of the IRB approach across asset classes	47
4.	Transition arrangements	48
(i)	Parallel calculation for banks adopting the advanced approach	48
(ii)	Corporate, sovereign, bank, and retail exposures	48
(iii)	Equity exposures	49
C.	Rules for Corporate, Sovereign, and Bank Exposures	49
1.	Risk-weighted assets for corporate, sovereign, and bank exposures	50
(i)	Formula for derivation of risk weights	50
(ii)	Firm-size adjustment for small and medium-sized entities (SME)	50
(iii)	Risk weights for specialised lending	51
2.	Risk components	52
(i)	Probability of Default (PD)	52
(ii)	Loss Given Default (LGD)	52
(iii)	Exposure at Default (EAD)	56
(iv)	Effective Maturity (M)	58
D.	Rules for Retail Exposures	59
1.	Risk-weighted assets for retail exposures	59
(i)	Residential mortgage exposures	60
(ii)	Qualifying revolving retail exposures	60
(iii)	Other retail exposures	60
2.	Risk components	61

(i)	Probability of default (PD) and loss given default (LGD)	61
(ii)	Recognition of guarantees and credit derivatives	61
(iii)	Exposure at default (EAD)	61
E.	Rules for Equity Exposures	62
1.	Risk weighted assets for equity exposures	62
(i)	Market-based approach	62
(ii)	PD/LGD approach	63
(iii)	Exclusions to the market-based and PD/LGD approaches	64
2.	Risk components	64
F.	Rules for Purchased Receivables	65
1.	Risk-weighted assets for default risk	65
(i)	Purchased retail receivables	65
(ii)	Purchased corporate receivables	65
2.	Risk-weighted assets for dilution risk	67
(i)	Treatment of purchased discounts	67
(ii)	Recognition of guarantees	67
G.	Recognition of Provisions	68
H.	Minimum Requirements for IRB Approach	69
1.	Composition of minimum requirements	69
2.	Compliance with minimum requirements	70
3.	Rating system design	70
(i)	Rating dimensions	70
(ii)	Rating structure	71
(iii)	Rating criteria	72
(iv)	Assessment horizon	73
(v)	Use of models	73
(vi)	Documentation of rating system design	74
4.	Risk rating system operations	75
(i)	Coverage of ratings	75
(ii)	Integrity of rating process	75
(iii)	Overrides	76
(iv)	Data maintenance	76
(v)	Stress tests used in assessment of capital adequacy	77
5.	Corporate governance and oversight	77
(i)	Corporate governance	77
(ii)	Credit risk control	78
(iii)	Internal and external audit	78
6.	Use of internal ratings	79
7.	Risk quantification	79
(i)	Overall requirements for estimation	79
(ii)	Definition of default	80
(iii)	Re-ageing	81
(iv)	Treatment of overdrafts	82
(v)	Definition of loss - all asset classes	82
(vi)	Requirements specific to PD estimation	82
(vii)	Requirements specific to own-LGD estimates	83
(viii)	Requirements specific to own-EAD estimates	84
(ix)	Minimum requirements for assessing effect of guarantees and credit derivatives	86
(x)	Minimum requirements for estimating PD and LGD (EL)	87
8.	Validation of internal estimates	89
9.	Supervisory LGD and EAD estimates	90
(i)	Definition of eligibility of CRE and RRE as collateral	90
(ii)	Operational requirements for eligible CRE/RRE	91
(iii)	Requirements for recognition of financial receivables	92

10. Requirements for recognition of leasing	94
11. Calculation of capital charges for equity exposures	94
(i) The internal models market-based approach	94
(ii) Capital charge and risk quantification	95
(iii) Risk management process and controls	96
(iv) Validation and documentation	97
12. Disclosure requirements	99
IV. Credit Risk - Securitisation Framework	99
A. Scope and definitions of transactions covered under the securitisation framework.	99
B. Definitions	100
1. Different roles played by banks	100
(i) Investing bank	100
(ii) Originating bank	100
2. General terminology	101
(i) Clean-up call	101
(ii) Credit enhancement	101
(iii) Early amortisation	101
(iv) Excess spread	101
(v) Implicit support	101
(vi) Special purpose entity (SPE)	102
C. Operational requirements for the recognition of risk transference	102
1. Operational requirements for traditional securitisations	102
2. Operational requirements for synthetic securitisations.....	103
3. Operational requirements and treatment of clean-up calls	103
D. Treatment of securitisation exposures	104
1. Minimum capital requirement	104
(i) Deduction	104
(ii) Implicit support	104
2. Operational requirements for use of external credit assessments	104
3. Standardised approach for securitisation exposures	105
(i) Scope.....	105
(ii) Risk weights	105
(iii) Exceptions to general treatment of unrated securitisation exposures	106
(iv) Credit conversion factors for off-balance sheet exposures	107
(v) Recognition of credit risk mitigants	108
(vi) Capital requirement for early amortisation provisions	109
(vii) Determination of CCFs for controlled early amortisation features	110
(viii) Determination of CCFs for non-controlled early amortisation features ...	111
4. Internal ratings-based approach for securitisation exposures	112
(i) Scope	112
(ii) Definition of K_{IRB}	112
(iii) Hierarchy of approaches	113
(iv) Maximum capital requirement	114
(v) Rating Based Approach (RBA)	114
(vi) Supervisory Formula (SF)	116
(vii) Liquidity facilities	119
(viii) Eligible servicer cash advance facilities.....	119
(ix) Recognition of credit risk mitigants.....	119
(x) Capital requirements for early amortisation provisions	120
V. Operational Risk	120
A. Definition of operational risk	120
B. The Measurement methodologies	120
1. The Basic Indicator Approach	121
2. The Standardised Approach	122

3. Advanced Measurement Approach (AMA)	123
C. Qualifying criteria	123
1. General criteria	123
2. Standardised approach	124
3. Advanced measurement approaches	125
(i) Qualitative standards	125
(ii) Quantitative standards	126
(iii) Risk mitigation.....	129
D. Partial use.....	130
VI. Trading book issues	131
A. Definition of the trading book	131
B. Prudent valuation guidance	132
1. Systems and controls	132
2. Valuation methodologies	132
(i) Marking to market	132
(ii) Marking to model	133
(iii) Independence price verification	133
3. Valuation adjustments or reserves	134
C. Treatment of counterparty credit risk in the trading book	134
D. Trading book capital treatment for specific risk under the standardised methodology	135
1. Specific risk capital charges for government paper	135
2. Specific risk rules for unrated debt securities	135
3. Specific risk capital charges for positions hedged by credit derivatives	136
4. Add-on factor for credit derivatives	137
Part 3: The Second Pillar - Supervisory Review Process	138
A. Importance of supervisory review	138
B. Four key principles for supervisory review	139
C. Specific issues to be addressed under the supervisory review process	145
D. Other aspects of the supervisory review process	151
Part 4: The Third Pillar - Market Discipline	154
A. General considerations	154
1. Disclosure requirements	154
2. Guiding principles	154
3. Achieving appropriate disclosure	154
4. Interaction with accounting disclosures	155
5. Materiality	155
6. Frequency.....	156
7. Proprietary and confidential information	156
B. The disclosure requirements	156
1. General disclosure principle	156
2. Scope of application.....	157
3. Capital.....	158
4. Risk exposure and assessment.....	159
(i) General qualitative disclosure requirement.....	160
(ii) Credit risk.....	160
(iii) Market risk	167
(iv) Operational risk.....	168
(v) Interest rate risk in the banking book.....	168
Annex 1 The 15% of Tier 1 Limit on Innovative Instruments.....	169
Annex 2 Standardised Approach - Implementing the Mapping Process	170
Annex 3 Illustrative IRB risk weights.....	174

Annex 4	Supervisory Slotting Criteria for Specialised Lending	176
Annex 5	Illustrative Examples : Calculating the Effect of Credit Risk Mitigation under Supervisory Formula	195
Annex 6	Mapping of Business Lines.....	199
Annex 7	Detailed loss event type classification	202
Annex 8	Overview of Methodologies for the Capital Treatment of Transactions Secured by Financial Collateral under the Standardised and IRB Approaches.....	204
Annex 9	The Simplified Standardised Approach.....	206

Acronyms

ABCP	Asset-backed commercial paper
ADC	Acquisition, development and construction
AMA	Advanced measurement approaches
ASA	Alternative standardised approach
CCF	Credit conversion factor
CDR	Cumulative default rate
CF	Commodities finance
CRM	Credit risk mitigation
EAD	Exposure at default
ECA	Export credit agency
ECAI	External credit assessment institution
EL	Expected loss
FMI	Future margin income
HVCRE	High-volatility commercial real estate
IPRE	Income-producing real estate
IRB approach	Internal ratings-based approach
LGD	Loss given default
M	Effective maturity
MDB	Multilateral development bank
NIF	Note issuance facility
OF	Object finance
PD	Probability of default
PF	Project finance
PSE	Public sector entity
RBA	Ratings-based approach
RUF	Revolving underwriting facility
SF	Supervisory formula
SL	Specialised lending
SME	Small- and medium-sized enterprise
SPE	Special purpose entity
UCITS	Undertakings for collective investments in transferable securities
UL	Unexpected loss

Part 1: Scope of Application

A. Introduction

1. The New Basel Capital Accord (the New Accord) will be applied on a consolidated basis to internationally active banks. This is the best means to preserve the integrity of capital in banks with subsidiaries by eliminating double gearing.
2. The scope of application of the Accord will be extended to include, on a fully consolidated basis, any holding company that is the parent entity within a banking group to ensure that it captures the risk of the whole banking group.¹ Banking groups are groups that engage predominantly in banking activities and, in some countries, a banking group may be registered as a bank.
3. The Accord will also apply to all internationally active banks at every tier within a banking group, also on a fully consolidated basis (see illustrative chart at the end of this section).² A three-year transitional period for applying full sub-consolidation will be provided for those countries where this is not currently a requirement.
4. Further, as one of the principal objectives of supervision is the protection of depositors, it is essential to ensure that capital recognised in capital adequacy measures is readily available for those depositors. Accordingly, supervisors should test that individual banks are adequately capitalised on a stand-alone basis.

B. Banking, securities and other financial subsidiaries

5. To the greatest extent possible, all banking and other relevant financial activities³ (both regulated and unregulated) conducted within a group containing an internationally active bank will be captured through consolidation. Thus, majority-owned or-controlled banking entities, securities entities (where subject to broadly similar regulation or where securities activities are deemed banking activities) and other financial entities⁴ should generally be fully consolidated.
6. Supervisors will assess the appropriateness of recognising in consolidated capital the minority interests that arise from the consolidation of less than wholly owned banking,

¹ A holding company that is a parent of a banking group may itself have a parent holding company. In some structures, this parent holding company may not be subject to this Accord because it is not considered a parent of a banking group.

² As an alternative to full sub-consolidation, the application of the Accord to the stand-alone bank (i.e. on a basis that does not consolidate assets and liabilities of subsidiaries) would achieve the same objective, providing the full book value of any investments in subsidiaries and significant minority-owned stakes is deducted from the bank's capital.

³ In Part 1, "financial activities" do not include insurance activities and "financial entities" do not include insurance entities.

⁴ Examples of the types of activities that financial entities might be involved in include financial leasing, issuing credit cards, portfolio management, investment advisory, custodial and safekeeping services and other similar activities that are ancillary to the business of banking.

securities or other financial entities. Supervisors will adjust the amount of such minority interests that may be included in capital in the event the capital from such minority interests is not readily available to other group entities.

7. There may be instances where it is not feasible or desirable to consolidate certain securities or other regulated financial entities. This would be only in cases where such holdings are acquired through debt previously contracted and held on a temporary basis, are subject to different regulation, or where non-consolidation for regulatory capital purposes is otherwise required by law. In such cases, it is imperative for the bank supervisor to obtain sufficient information from supervisors responsible for such entities.

8. If any majority-owned securities and other financial subsidiaries are not consolidated for capital purposes, all equity and other regulatory capital investments in those entities attributable to the group will be deducted, and the assets and liabilities, as well as third-party capital investments in the subsidiary will be removed from the bank's balance sheet. Supervisors will ensure that the entity that is not consolidated and for which the capital investment is deducted meets regulatory capital requirements. Supervisors will monitor actions taken by the subsidiary to correct any capital shortfall and, if it is not corrected in a timely manner, the shortfall will also be deducted from the parent bank's capital.

C. Significant minority investments in banking, securities and other financial entities

9. Significant minority investments in banking, securities and other financial entities, where control does not exist, will be excluded from the banking group's capital by deduction of the equity and other regulatory investments. Alternatively, such investments might be, under certain conditions, consolidated on a pro rata basis. For example, pro rata consolidation may be appropriate for joint ventures or where the supervisor is satisfied that the parent is legally or de facto expected to support the entity on a proportionate basis only and the other significant shareholders have the means and the willingness to proportionately support it. The threshold above which minority investments will be deemed significant and be thus either deducted or consolidated on a pro-rata basis is to be determined by national accounting and/or regulatory practices. As an example, the threshold for pro-rata inclusion in the European Union is defined as equity interests of between 20% and 50%.

10. The Committee reaffirms the view set out in the 1988 Accord that reciprocal cross-holdings of bank capital artificially designed to inflate the capital position of banks will be deducted for capital adequacy purposes.

D. Insurance entities

11. A bank that owns an insurance subsidiary bears the full entrepreneurial risks of the subsidiary and should recognise on a group-wide basis the risks included in the whole group. When measuring regulatory capital for banks, the Committee believes that at this stage it is, in principle, appropriate to deduct banks' equity and other regulatory capital investments in insurance subsidiaries and also significant minority investments in insurance entities. Under this approach the bank would remove from its balance sheet assets and liabilities, as well as third party capital investments in an insurance subsidiary. Alternative approaches that can be

applied should, in any case, include a group-wide perspective for determining capital adequacy and avoid double counting of capital.

12. Due to issues of competitive equality, some G10 countries will retain their existing risk weighting treatment⁵ as an exception to the approaches described above and introduce risk aggregation only on a consistent basis to that applied domestically by insurance supervisors for insurance firms with banking subsidiaries.⁶ The Committee invites insurance supervisors to develop further and adopt approaches that comply with the above standards.

13. Banks should disclose the national regulatory approach used with respect to insurance entities in determining their reported capital positions.

14. The capital invested in a majority-owned or controlled insurance entity may exceed the amount of regulatory capital required for such an entity (surplus capital). Supervisors may permit the recognition of such surplus capital in calculating a bank's capital adequacy, under limited circumstances.⁷ National regulatory practices will determine the parameters and criteria, such as legal transferability, for assessing the amount and availability of surplus capital that could be recognised in bank capital. Other examples of availability criteria include: restrictions on transferability due to regulatory constraints, to tax implications and to adverse impacts on external credit assessment institutions' ratings. Banks recognising surplus capital in insurance subsidiaries will publicly disclose the amount of such surplus capital recognised in their capital. Where a bank does not have a full ownership interest in an insurance entity (e.g. 50% or more but less than 100% interest), surplus capital recognised should be proportionate to the percentage interest held. Surplus capital in significant minority-owned insurance entities will not be recognised, as the bank would not be in a position to direct the transfer of the capital in an entity which it does not control.

15. Supervisors will ensure that majority-owned or controlled insurance subsidiaries, which are not consolidated and for which capital investments are deducted or subject to an alternative group-wide approach, are themselves adequately capitalised to reduce the possibility of future potential losses to the bank. Supervisors will monitor actions taken by the subsidiary to correct any capital shortfall and, if it is not corrected in a timely manner, the shortfall will also be deducted from the parent bank's capital.

⁵ For banks using the standardised approach this would mean applying no less than a 100% risk weight, while for banks on the IRB approach, the appropriate risk weight based on the IRB rules shall apply to such investments.

⁶ Where the existing treatment is retained, third party capital invested in the insurance subsidiary (i.e. minority interests) cannot be included in the bank's capital adequacy measurement.

⁷ In a deduction approach, the amount deducted for all equity and other regulatory capital investments will be adjusted to reflect the amount of capital in those entities that is in surplus to regulatory requirements, i.e. the amount deducted would be the lesser of the investment or the regulatory capital requirement. The amount representing the surplus capital, i.e. the difference between the amount of the investment in those entities and their regulatory capital requirement, would be risk-weighted as an equity investment. If using an alternative group-wide approach, an equivalent treatment of surplus capital will be made.

E. Significant investments in commercial entities

16. Significant minority and majority investments in commercial entities which exceed certain materiality levels will be deducted from banks' capital. Materiality levels will be determined by national accounting and/or regulatory practices. Materiality levels of 15% of the bank's capital for individual significant investments in commercial entities and 60% of the bank's capital for the aggregate of such investments, or stricter levels, will be applied. The amount to be deducted will be that portion of the investment that exceeds the materiality level.

17. Investments in significant minority- and majority-owned and controlled commercial entities below the materiality levels noted above will be risk weighted at no lower than 100% for banks using the standardised approach. For banks using the IRB approach, the investment would be risk weighted in accordance with the methodology the Committee is developing for equities and would not be less than 100%.

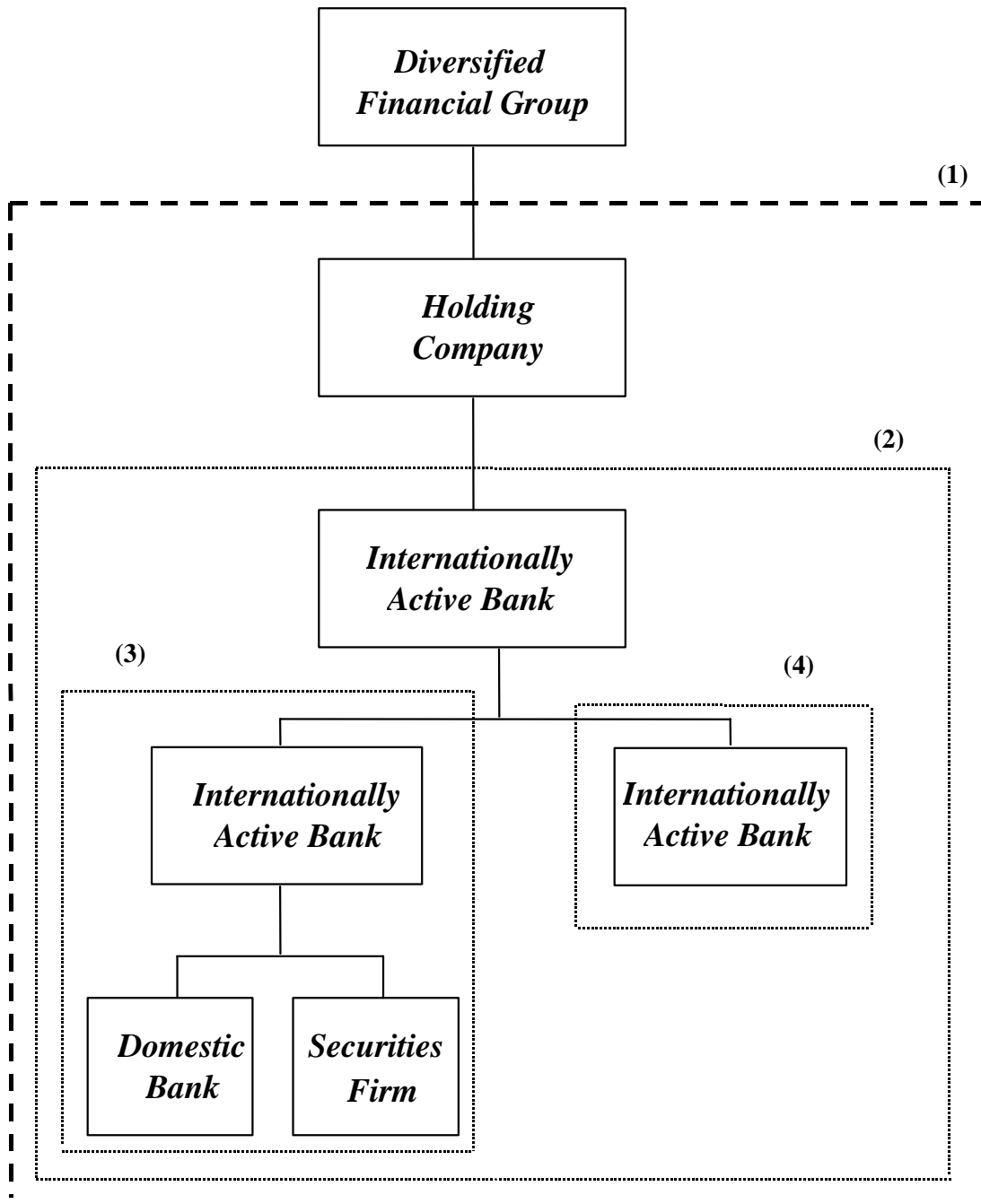
F. Deduction of investments pursuant to this part

18. Where deductions of investments are made pursuant to this part on scope of application, the deductions will be 50% from Tier 1 and 50% from Tier 2.

19. Goodwill relating to entities subject to a deduction approach pursuant to this part should be deducted from Tier 1 in the same manner as goodwill relating to consolidated subsidiaries, and the remainder of the investments should be deducted as provided for in this part. A similar treatment of goodwill should be applied, if using an alternative group-wide approach pursuant to paragraph 11.

20. The issuance of the final Accord will clarify that the limits on Tier 2 and Tier 3 capital and on innovative Tier 1 instruments will be based on the amount of Tier 1 capital after deduction of goodwill but before the deductions of investments pursuant to this part on scope of application (see Annex 1 for an example how to calculate the 15% limit for innovative Tier 1 instruments).

ILLUSTRATION OF NEW SCOPE OF APPLICATION OF THE ACCORD



(1) Boundary of predominant banking group. The Accord is to be applied at this level on a consolidated basis, i.e. up to holding company level (paragraph 2).

(2), (3) and (4): the Accord is also to be applied at lower levels to all internationally active banks on a consolidated basis.