

February, 2020

## ➤ FMC PUBLISHES, FOR PUBLIC CONSULTATION, TWO NEW REGULATIONS ON RISK-WEIGHTED ASSETS DETERMINATION AND BANKS CAPITAL BUFFERS IMPLEMENTATION

On January 27, 2020, the Financial Market Commission ("**FMC**") published, for public consultation purposes, a proposed amendment to its Updated Regulations Compendium, by means of introducing two new Chapters:

1. Chapter 21-6, on credit risk-weighted assets determination, and
2. Chapter 21-12, on additional basic capital.

### Chapter 21-6

In accordance with article 67 of the General Banking Act ("**GBA**"), the FMC shall set standardized methodologies for purposes of determining banks' risk-weighted assets.

Following Basel III standards, the proposal establishes (a) a standard methodology, and (b) the principles for the use of internal methodologies when determining such weighting.

The standard methodology, on the contrary of what nowadays occurs, is more risk-sensitive, since it has categories that depend on the kind of counterparty and certain risks factors.

As to the internal methodologies, the proposal allows banks to directly calculate their risk-weighted assets, to the extent minimum requirements set forth by the FMC are met, and it authorizes it in consequence.

In any of these two cases, the proposal sets credit risk mitigators, including guarantees and financial securities, among others.

### Chapter 21-12

Pursuant to articles 66 bis and 66 ter of the GBA and in accordance with Basel III standards, the proposal establishes the additional capital contributions applicable to banks in Chile, distinguishing two buffers:



Si tiene consultas respecto de los temas comentados en esta alerta, puede contactar a los siguientes abogados o a su contacto regular en Carey.

**Diego Peralta**

**Partner**

+56 2 2928 2216

dperalta@carey.cl

**Diego Lasagna**

**Associate**

+56 2 2928 2216

dlasagna@carey.cl

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*Carey y Cía. Ltda.*

*Isidora Goyenechea 2800, 43<sup>rd</sup> Floor.  
Las Condes, Santiago, Chile.*

*www.carey.cl*

- a. **Conservation buffer:** It shall be set on regular functioning periods and is equal to 2.5% of the risk-weighted assets, net of required financial covers (*provisiones exigidas*);
- b. **Counter-cyclic buffer:** It solely shall be set at Central Bank's request and may range between 0% and 2.5% of the risk-weighted assets, net of required financial covers.

El capital adicional requerido para la banca por efecto de esta norma corresponderá a la suma de a) y b). En caso de que exista un déficit, el banco deberá restringir el reparto de dividendos, además de quedar prohibida la compra de acciones del banco por parte de los accionistas controladores, a menos que lo apruebe la CMF.

El período de consulta del Capítulo 21-6 se mantendrá hasta el 15 de abril de 2020 y el del Capítulo 21-12, hasta el 31 de marzo de 2020.