

## Recommendations amending Recommendations EBA/REC/2015/01

# on the equivalence of confidentiality regimes



## 1. Compliance and reporting obligations

#### Status of these recommendations

- This document contains recommendations issued pursuant to Article 16 of Regulation (EU) No 1093/2010<sup>1</sup>. In accordance with Article 16(3) of Regulation (EU) No 1093/2010, competent authorities and financial institutions must make every effort to comply with the recommendations.
- 2. Recommendations set the EBA view of appropriate supervisory practices within the European System of Financial Supervision or of how Union law should be applied in a particular area. Competent authorities as defined in Article 4(2) of Regulation (EU) No 1093/2010 to whom recommendations apply should comply by incorporating them into their practices as appropriate (e.g. by amending their legal framework or their supervisory processes), including where recommendations are directed primarily at institutions.

#### Reporting requirements

- 3. According to Article 16(3) of Regulation (EU) No 1093/2010, competent authorities must notify the EBA as to whether they comply or intend to comply with these recommendations, or otherwise with reasons for non-compliance, by 08/10/2018. In the absence of any notification by this deadline, competent authorities will be considered by the EBA to be non-compliant. Notifications should be sent by submitting the form available on the EBA website to compliance@eba.europa.eu with the reference 'EBA/REC/2018/01'. Notifications should be submitted by persons with appropriate authority to report compliance on behalf of their competent authorities. Any change in the status of compliance must also be reported to EBA.
- 4. Notifications will be published on the EBA website, in line with Article 16(3).

<sup>&</sup>lt;sup>1</sup> Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC, (OJ L 331, 15.12.2010, p.12).



## 2. Addressees

5. These recommendations are addressed to competent authorities as defined in of Article 4(2) of Regulation (EU) No 1093/2010.

## 3. Implementation

#### Date of application

6. These recommendations apply from dd.XX.XXX.



### 4. Amendments

#### 7. Recommendations EBA/REC/2015/01 on the equivalence of confidentiality regimes are amended as follows:

The following rows are added to the Annex "Table of authorities assessed and equivalence assessment performed"

AUTHORITY ASSESSED	PRINCIPLE 1: NOTION OF CONFIDENTIAL INFORMATION	PRINCIPLE 2: PROFESSIONAL SECRECY REQUIREMENTS	PRINCIPLE 3: RESTRICTIONS ON THE USE OF CONFIDENTIAL INFORMATION	PRINCIPLE 4: RESTRICTIONS ON FURTHER DISCLOSURE OF CONFIDENTIAL INFORMATION	ADDITIONAL INFORMATION FOR CONSIDERATION: BREACH OF PROFESSIONAL SECRECY AND OTHER REQUIREMENTS RELATED TO CONFIDENTIAL INFORMATION DISCLOSURE	<u>OVERALL</u> <u>ASSESSMENT</u>
Bailiwick of	Art. 21 of the Financial Services	Article 21 of the Financial Services	Section 2(2) and 2(3) of the Financial Services	Section 21 of the Financial Services	Section 21 of the Financial Services	Equivalent
Guernsey	Commission (Bailiwick of	Commission (Bailiwick of Guernsey) Law	of Guernsey) Law	Commission (Bailiwick of Guernsey) Law	Commission (Bailiwick of	
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spx Republic of Korea 1) Bank of Korea <u>http://www.</u> <u>bok.or.kr/en</u> <u>g/engMain.a</u> <u>ction</u>	Article 42 of the Bank of Korea Act Article 9 of the Official Information and Disclosure Act Article 31, 33 of the Statistics Act	Article 42 of the Bank of Korea Act Article 34 of the Statistics Act Article 4 of the Act on Real Name Financial Transactions Article 127 of the Criminal Act Article 20 of the	Articles 1, 28, 42, 56- 59, 64-65, 68-69, 81 of the Bank of Korea Act	Regulation Article 94 of the Bank of Korea Act Article 20 of the Foreign Exchange Transactions Act Articles 303, 315 and 3017 of the Civil Procedure Act	Article 104 of the Bank of Korea Act Article 127 of the Criminal Act Article 4 and 6 of the Act on Real name Financial Transactions and Guarantee of Secrecy	Equivalent



Article 4(1) of the	e Certified Public	Articles 106 – 109 and
Act on Real Name	e Accountant Act	111 of the Criminal
Financial		Procedure Act
Transactions	Article 26 of the	Article 4 of the Act on
	Attorney-at-law Act	Real Name Financial
Articles 313 and	k l	Transactions
314 of the Debto	r	Article 11, 21 of the
Rehabilitation and	k l	Official Information
Bankruptcy Act		and Disclosure Act
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		Regulation on
		exchange of
		information according
		to Article 94 of the
		Bank of Korea Act