

Guidelines compliance table

EBA/GL/2015/09 Appendix 1

11 November 2015/ Updated: 11
January 2023

Guidelines on DGS payment commitments under Directive 2014/49/EU on deposit guarantee schemes

The following competent authorities* comply or intend to comply with EBA's Guidelines on payment commitments:

Member State	Competent authority	Complies or intends to comply	Comments
BE	National Bank of Belgium	No	National Bank of Belgium is not competent in the field of deposit guarantee schemes. The answer below is on behalf of the Guarantee Fund for Federal Services, whom we have contacted for this notification. Article 10(3) of the DGS Directive has been transposed by means of article 8(1) of the law of 22th April 2016 transposing the DGS Directive 2014/49/EU. Concerning its practical implementation, a Royal Decree - compliant with the Guidelines - needs to be adopted first. The legislator chose this approach because of the little practical relevance of the Guidelines seeing the Belgian DGS does not intend to accept payment commitments.

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BG	Bulgaria	Българска народна банка (Bulgarian National Bank)	No	Does not apply in Bulgaria. The national legal framework and notably the Law on Bank Deposit Guarantee do not provide the Bulgarian Deposit Guarantee Fund (BDIF) with any power to accept payment commitments within the available financial means to be taken into account in order to reach the target level.
CZ	Czech Republic	Česká Národní Banka (Czech National Bank)	Yes	As at 05.02.2019, notification date.
DK	Denmark	Finansiel Stabilitet	Yes	<p>As at 09.05.2022, notification date. In accordance with Section 7(3) of the Danish Act on a Guarantee Scheme, Finansiel Stabilitet may as the DGS designated authority decide on behalf of the Danish Guarantee Scheme that up to 30 pct. of banks' contributions to the Danish Guarantee Scheme may consist of payment commitments.</p> <p>This Section has so far not been put into use and, as such, contributions to the Danish Guarantee Scheme do not and cannot consist of payment commitments at this time.</p> <p>Finansiel Stabilitet will take GL 2015/09 into consideration when assessing whether or not to introduce the possibility of payment commitments as contributions. This follows explicitly from the preparatory works to the Guarantee Scheme Act. Furthermore, if payment commitments are in fact introduced as a form of contribution, Finansiel Stabilitet will ensure compliance with GL 2015/09.</p> <p>As such, Finansiel Stabilitet deems "compliant" to be the most correct notification in regards to this GL. "Intends to comply" and "does not</p>

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				comply and does not intend to comply" do not seem accurate for this specific situation.
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (Federal Financial Supervisory Authority)	Yes	As at 01.01.2019, notification date.
EE	Estonia	Finantsinspektsioon (Financial Supervision Authority)	No response	The competent authority failed to provide a notification of compliance within the two-month time limit.
IE	Ireland	Central Bank of Ireland	Intends to comply**	By the date a relevant institution exists in the jurisdiction.
EL	Greece	Ministry of Finance	Yes	As at 17.03.2021, notification date. Guidelines adopted with Circular 12 of the Banking Supervision Department of the Bank of Greece.
		Hellenic Capital Market Commission (HCMC)	Not applicable	The Guidelines do not apply in my jurisdiction. The investment firms under the remit of the Hellenic Capital Market Commission are governed by national legislation on deposit guarantee schemes and on methods for calculating contributions to deposit guarantee schemes.
		Τράπεζα της Ελλάδος (Bank of Greece)	Yes	As at 07.03.2019, notification date.
HR	Croatia	Ministry of Finance	Yes	As at 02.04.2019, notification date. The competent authority complies with the Guidelines. The national measure has been in force since 19 th January 2017. Please find below an electronic link: https://narodne-novine.nn.hr/clanci/sluzbeni/full/2017_01_3_122.html
		National Bank of Croatia		
ES	Spain	Fondo de Garantía de Depositos de Entidades de Crédito	Yes	As at 05.03.2020, notification date.
		Banco de España (Bank of Spain)	Yes	As at 07.02.2019, notification date

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FR	France	Autorité de Contrôle Prudentiel et de Résolution (Prudential Supervisory & Resolution Authority)	No	<p>Does not intend to fully comply with the Guidelines due to a contradiction with applicable French law.</p> <p>Part 3 of the guidelines related to the Financial Collateral Arrangement provides:</p> <p>“13. In order to safeguard the DGS’s creditor position, a Financial Collateral Arrangement should explicitly include the following terms [...] d) The least the following enforcement events: [...]</p> <p>(iv) withdrawal of the credit institution’s authorization [...]</p> <p>Where an institution ceases to be a member of the DGS without meeting any of the above-mentioned enforcement events, the DGS should choose the course of action most suitable to preserve the availability of the committed funding. To that end the DGS may either:</p> <p>(1) enforce the commitment;</p> <p>(2) accept that the institution which no longer is a member of the DGS that terminates its membership remains bound by the commitment and enforce it, at the latest, when reaching the maturity of the commitment as provided in the payment commitment arrangement, unless the payment commitment arrangement is rolled over; or</p> <p>(3) accept that the commitment is transferred to another entity in the context of a merger or acquisition”.</p> <p>In France, payment commitments for deposit guarantee are governed by Article 9 of a ministerial decree dated October 27th of 2015 relating to resources and functioning of the deposit guarantee and resolution fund. Item I. c. 1° of this article sets forth that the commitment terminates with the withdrawal of the credit institution’s license not caused by a sanction. This situation, which is not provided for in the</p>

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				guidelines is consistent with the treatment of payment commitments relating to the contributions to the Single Resolution Fund as provided for in article 7.3 of the Council implementing Regulation (EU) 2015/81 of 19 December 2015.
IT	Italy	Banca d'Italia (Bank of Italy)	Yes	As at 09.05.2019, notification date. According to Article 96-ter of the Italian Banking Law, in the 2017 the Bank of Italy, as National Designated Authority, formally recommended DGSs to align with the EBA guidelines. In addition, the DGS' compliance with the EBA GLs is assessed by the Bank of Italy under its supervisory activity. In this respect, please note that irrevocable payment commitments are currently not operational in Italy.
CY	Cyprus	Deposit Protection & Resolution of Credit & other Institutions Scheme (DP&RCOIS)	Yes	Complies as at 19.10.2017.
		Κεντρική Τράπεζα της Κύπρου (Central Bank of Cyprus)		
LV	Latvia	Finanšu un Kapitāla tirgus Komisija (Financial and Capital Market Commission)	Yes	Complies as at 12 February 2016.
LT	Lithuania	Lietuvos Bankas (Bank of Lithuania)	Yes	As at 22.01.2019, notification date. Compliance with GL approved by 25 January 2016 Supervision Service Decision No241-23.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (Commission for the Supervision of Financial Sector)	Yes	As at 05.02.2019, notification date.
HU	Hungary	Magyar Nemzeti Bank (Central Bank of Hungary)	Yes	As at 22.02.2019, notification date. The MNB has sent the relevant proposal for legislative amendment to the Ministry of Finance, the next steps are within the competence of

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				the Ministry, and after the National Deposit Insurance Fund.
MT	Malta	Malta Financial Services Authority	Yes	As at 04.02.2019, notification date.
NL	Netherlands	Autoriteit Financiële Markten (Authority for the Financial Markets) or De Nederlandsche Bank (National Bank of Netherlands)	Yes	As at 10 th November 2015. (Notification date).
AT	Austria	Finanzmarktaufsicht (Financial Market Authority)	Yes	As at 29.10.2016, notification date.
PL	Poland	Komisja Nadzoru Finansowego (Polish Financial Supervisory Authority)	Yes	As at 10 th November 2015. (Notification date).
		Bankowy Fundusz Gwarancyjny	Yes	As at 04.07.2017, notification date.
PT	Portugal	Banco de Portugal (Bank of Portugal)	Yes	As at 05.02.2019, notification date.
RO	Romania	Banca Națională a României (National Bank of Romania)	Yes	As of 14.12.2015, the date of entering into force of the law transposing the principles of the above mentioned Guidelines (Law no.312/2015 on the recovery and resolution of credit institutions and investment firms, as well as on amending and supplementing some normative acts in the financial field).
SI	Slovenia	Banka Slovenije (Bank of Slovenia)	Yes	Updated: 12.07.2016 – As at 12.07.2016, notification date. The Bank of Slovenia makes decisions regarding the application of guidelines and recommendations issued by the European Banking Authority. Decisions regarding the application of such guidelines or recommendations are published in the Official Gazette of the Republic of Slovenia. Bank of Slovenia complies with the guidelines at hand and a corresponding reference was made

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				in the Bank of Slovenia Regulation on the deposit guarantee scheme for this purpose.
SK	Slovakia	Národná Banka Slovenska (National Bank of Slovakia)	Yes	As at 30 th September 2015. (Notification date).
FI	Finland	Financial Stability Authority	Yes	As at 04.02.2019, notification date.
		Finanssivalvonta (Finnish Financial Supervisory Authority)		
SE	Sweden	Finansinspektionen (Swedish Financial Supervisory Authority)	Yes	As at 07.03.2021, notification date.

EU Institutions - Agencies

ECB	ECB	ECB	Yes	As at 05.02.2019, notification date.
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EEA – EFTA State

IS	Iceland	Fjármálaeftirlitið (Icelandic Financial Supervisory Authority - FME)	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed.
LI	Liechtenstein	Finanzmarktaufsicht - FMA (Financial Market Authority)	Yes	As at 09.03.2021, notification date.
NO	Norway	Bankenes sikringsfond (The Norwegian Banks' Guarantee Fund)	Yes	Complies as of the date of notification, 05/01/2023. The EBA/GL/2015/09 Guideline is not applicable as payment commitments are subject to national discretion and not implemented in the national legal framework. Thus, payment commitments from member banks are not accepted and also not included in the deposit guarantee funds' available financial means. The DGSD has not yet been incorporated into the EEA agreement. Rules similar to the

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				DGSD were transposed into Norwegian law as of 1 January 2019.

*The EEA States other than the Member States of the European Union are not currently required to notify their compliance with the EBA’s Guidelines. This table is based on information provided from those EEA States on a voluntary basis.

** Please note that, in the interest of transparency, if a competent authority continues to intend to comply after the application date, it will be considered “non-compliant” unless (A) the Guidelines relate to a type of institution or instruments which do not currently exist in the jurisdiction concerned; or (B) legislative or regulatory proceedings have been initiated to bring any national measures necessary to comply with the Guidelines in force in the jurisdiction concerned.

Notes

Article 16(3) of the EBA’s Regulations requires national competent authorities to inform us whether they comply or intend to comply with each Guideline or recommendation we issue. If a competent authority does not comply or does not intend to comply it must inform us of the reasons. We decide on a case by case basis whether to publish reasons.

The EBA endeavour to ensure the accuracy of this document, however, the information is provided by the competent authorities and, as such, the EBA cannot accept responsibility for its contents or any reliance placed on it.

For further information on the current position of any competent authority, please contact that competent authority. Contact details can be obtained from the EBA’s website www.eba.europa.eu.