

Guidelines compliance table

EBA/GL/2019/02

8 October 2020; Date of application –
30 September 2019

Guidelines on outsourcing arrangements

The following competent authorities* comply or intend to comply with the EBA’s revised Guidelines on outsourcing arrangements:

Member State	Competent authority	Complies or intends to comply	Comments
BE	National Bank of Belgium	Intends to comply**	<p>By 30.09.2019</p> <p>The National Bank of Belgium (NBB) has published a circular letter through which it implements the EBA Guidelines on outsourcing. The circular contains the following:</p> <ul style="list-style-type: none"> - The full and unaltered implementation of the EBA guidelines on outsourcing for the scope of institutions as defined in said guidelines (the guidelines are not repeated, but instead reference is made to them) - The addition of third country branches to the scope of application - An indication of the cases in which and the frequency with which the NBB intends to request the outsourcing register from institutions - An optional template for the reporting of the register - And optional template for reporting the planned

		Competent authority	Complies or intends to comply	Comments
				outsourcing of critical or important functions, or when an outsourced function has become critical or important - A clarification of how third country branches are expected to apply the EBA Guidelines on outsourcing
BG	Bulgaria	Българска народна банка (Bulgarian National Bank)	Yes	As at 20.09.2019. In accordance with Article 74a of the Law on Credit Institutions banks shall apply the EBA guidelines, recommendations concerning them and for which the BNB has announced it shall comply with in accordance with Article 79a, paragraph 1, item 2 of the same Law. The EBA/GL/2019/02 are part of the legal framework for the BNB Manual for the SREP (adopted by Decision Nr 279/14.11.2018 of the BNB Governing Council); Under the Manual, the supervisory assessment of bank agreements on outsourced activities and services is embedded in the assessment of the Corporate governance and controls (Part IV, Paragraph 4.2, p. 42-72); Corporate policies on outsourcing to service providers are assessed too (p. 43). The SREP Manual is available only in Bulgarian language.
CZ	Czech Republic	Czech National Bank	Yes	As at 26.09.2019, notification date.
DK	Denmark	Danish Financial Supervisory Authority	Intends to comply**	By 01 July 2020
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	Intends to comply**	By 31.12.2020 We intend to comply with the EBA GLs on outsourcing arrangements and compliance by 31 December 2020. By that date, it is planned to amend the Minimum Requirement for Risk management (Mindestanforderungen an das Riskmanagement – MaRisk). The

		Competent authority	Complies or intends to comply	Comments
				amended MaRisk will also incorporate further requirements stemming from other EBA Guidelines and using experience acquired by BaFin and Budesbank in their supervisory activities and inspections.
EE	Estonia	Finantsinspektsioon	Yes	As at 05 August 2019, notification deadline.
IE	Ireland	Central Bank of Ireland	Yes	As at 02 August 2019, notification date.
EL	Greece	Bank of Greece	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed at national level.
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed.
		Croatian Financial Services Supervisory Agency (HANFA)	Intends to comply**	By 30 September 2019.
ES	Spain	Banco de España	No	Banco de Espana intends to comply with the Guidelines by 30.09.2019, except to Guidelines 62 and 63, when those relate to the outsourcing of functions of banking activities consisting of taking deposits or other repayable funds from the public, and 62 b), with respect to the outsourcing of payment services. With respect to the outsourcing of functions of banking services, we consider Guidelines 62 and 63 are inconsistent with the Spanish national provisions implementing Directive 2013/36/EU and we will not comply with them. Particularly, Article 22 of Royal Decree 84/2015, of 13 February, developing Spanish Law 10/2014, of 26 June, on the regulation, supervision and solvency of credit institutions sets out that activities restricted to credit institutions (i.e. taking deposits or other repayable funds from the public) cannot be subject

		Competent authority	Complies or intends to comply	Comments
				to outsourcing. With respect to the outsourcing of functions of payment services and the condition set out in Guideline 62 b), we consider that the interpretation of the Spanish legal framework has sufficient room to accommodate the supervisory policy decision of not using this condition, but rather only the one set out in Guideline 62 a). Therefore, the outsourcing payment service will only be allowed under the condition set out in Guideline 62 a), i.e. the service is authorized or registered by a competent authority to perform such payment services.
FR	France	Autorité de Contrôle Prudentiel et de Résolution (ACPR)	Yes	As at 05 August 2019, notification date.
IT	Italy	Bank of Italy	Intends to comply**	By 30 September 2020.
CY	Cyprus	Central Bank of Cyprus	Intends to comply**	The matter of outsourcing arrangements with respect to Credit Institutions is currently addressed by the Central Bank of Cyprus (CBC) in its Directive on Governance and Management Arrangements in Credit Institutions of July 2014. The said Directive is currently under revision. Once the revision is completed, the CBC will be fully compliant with the subject Guidelines. With respect to the Payment and Electronic Money Institutions, they have been instructed to directly apply the subject EBA Guidelines, hence the CBC is fully compliant.
LV	Latvia	Financial and Capital Market Commission	Intends to comply**	By September 2020.
LT	Lithuania	Bank of Lithuania	Intends to comply**	By 31 December 2019.

		Competent authority	Complies or intends to comply	Comments
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	Intends to comply**	By 30 September 2019.
HU	Hungary	Central Bank of Hungary	Intends to comply**	By 31 December 2019
MT	Malta	Malta Financial Services Authority (MFSA)	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed.
NL	Netherlands	De Nederlandsche Bank (DNB)	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed. At this point national legislation exempts intra-group outsourcing to group entities within the EU/EEA from DNB supervision. As a result, DNB cannot yet fully comply with the Guidelines.
AT	Austria	Austrian Financial Market Authority (FMA)	Yes	By 30 September 2019.
PL	Poland	Komisja Nadzoru Finansowego	No	PFSA intends to comply with the guidelines by 28.12.2020 excluding the part of the Guidelines relating to cloud and cloud services.
PT	Portugal	Banco de Portugal	Intends to comply**	By 31.05.2020
RO	Romania	National Bank of Romania	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed. Considering that the Guidelines on outsourcing arrangements (EBA/GL/2019/02) contain a number of provisions for which it is necessary to amend the current regulatory framework applicable to credit institutions and given that compliance of payment institutions and e-money institutions with these guidelines requires the transposition into the national legal framework of the Directive (EU) 2015/2366 on payment services in the internal market, amending

		Competent authority	Complies or intends to comply	Comments
				Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC, we mention that the compliance with the above mentioned guidelines will be achieved at the completion of the process of reviewing the national regulatory framework and adopting the national primarily legislation.
SI	Slovenia	Bank of Slovenia	Yes	As at 04.07.2019, notification date.
SK	Slovakia	Národná banka Slovenska	Intends to comply**	By September 2020.
FI	Finland	Finanssivalvonta (FIN-FSA)	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed. The FIN-FSA has issued Regulations and guidelines 1/2012." Outsourcing in supervised entities belonging to the financial sector" and is in the process of defining the extent of the charges needed to these regulations and guidelines due to the EBA's Guidelines on outsourcing arrangements (EBA/GL/2019/02).
SE	Sweden	Finansinspektionen	Yes	As at 03 July 2019, notification date.
UK	United Kingdom	PRA	Intends to comply**	By 30 th June 2020. We intend to comply with the guidelines through a combination of binding PRA rules and non-binding expectations set out in a Supervisory Statement. This will require consultation.
		The Financial Conduct Authority (FCA)	Intends to comply**	By 30 th September 2019.

EU Institutions – Agencies

ECB	ECB	ECB	Intends to comply**	For the SREP 2020. The ECB will comply with the Guidelines within the limit of, and without prejudice to, national provisions implementing Directive 2013/36/EU. All the necessary procedural steps to implement the
-----	-----	-----	---------------------	---

		Competent authority	Complies or intends to comply	Comments
				GLs within the ECB framework will be completed by the end of September 2020.

EEA – EFTA State

IS	Iceland	Fjármálaeftirlitið (Financial Supervisory Authority, Iceland)	Intends to comply**	By the application date of the Guidelines.
LI	Liechtenstein	Financial Market Authority Liechtenstein (FMA)	Yes*	As at 17 June 2019, notification date.
NO	Norway	Finanstilsynet (FSA Norway)	Yes*	As at 02 September 2019, notification date.

European Territories under Article 355(3) TFEU

UK	United Kingdom	Gibraltar Financial Services Commission	Yes*	As at 04 October 2019, notification date.
----	----------------	---	------	---

*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.

