

Guidelines compliance table

EBA/GL/2019/02

Last update: 9 April 2021; 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	Yes	<p>As at 03.03.2021, notification date.</p> <p>The National Bank of Belgium (NBB) has published a circular letter (NBB_2019_19) on 19 July 2019 through which it implements the EBA Guidelines on outsourcing.</p> <p>The circular includes the following:</p> <ul style="list-style-type: none"> - the full and unaltered implementation of the EBA Guidelines on outsourcing for the institutions within the scope of the Guidelines (the guidelines are not repeated but reference is made to them); - the extension of the outsourcing regime under the EBA Guidelines to third country branches and a clarification of how such branches are expected to apply such guidelines; - an indication of the cases in which and the frequency with which the NBB intends to request the

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				<p>outsourcing register from institutions;</p> <ul style="list-style-type: none"> - an optional template for the reporting of the register; - an optional template for reporting the intended outsourcing of critical or important functions or that an outsourced function has become critical or important. <p>The circular is published on the NBB's website.</p> <p>Link to French version : https://www.nbb.be/fr/articles/circulaire-nbb201919-orientations-de-lautorite-bancaire-europeenne-abe-du-25-fevrier-2019</p> <ul style="list-style-type: none"> - Link to Dutch version : https://www.nbb.be/nl/artikels/circulaire-nbb201919-richtsnoeren-van-de-europese-bankautoriteit-eba-van-25-februari-2019
BG	Bulgaria	Българска народна банка (Bulgarian National Bank)	Yes	<p>As at 20.09.2019.</p> <p>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.</p> <p>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 embeded in the assessment of the Corporate governance and controls (Part IV, Paragraph 4.2, p. 42-72); Corporate policies on outsourcing</p>

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				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	Yes	As at 08.03.2021, notification date. The DFSA has issued the Executive Order on outsourcing for credit institutions etc. (found here: https://www.retsinformation.dk/eli/ta/2020/877) to implement the EBA Guidelines on outsourcing arrangements. The Executive Order entered into force the 1st of July 2020. § 18, stk. 3, nr. 2, implementing EBA GL63 b and 63 c, will enter into force the 1st of January 2022.
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 amended MaRisk will also incorporate further requirements stemming from other EBA Guidelines and using experience acquired by BaFin and Bundesbank 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	Yes	As at 17 March 2021, notification date. Guidelines adopted with the Executive Committee Act of the Bank of Greece No. 178/5/2020.

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HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	Yes	<p>As at 04.03.2021, notification date. In reference to our compliance declaration of 5 September 2019 in which we declared that the Croatian national bank (CNB) "intends to comply with the Guidelines by such time as the necessary legislative or regulatory proceedings have been complete", we would like to inform that the CNB fully complied with the Guidelines on outsourcing arrangements on 5 November 2020.</p> <p>By amendments to articles 109, 110 and 111 of the Credit institutions act and the Decision on Outsourcing CNB complied with most provision of the Guidelines on outsourcing arrangements. In addition, on 30 September 2020 the CNB sent a Circular letter to credit institutions stating that credit institutions are expected to fully apply these Guidelines (EBA/GL/2019/02).</p> <p>Implementing documents:</p> <p>Act on amendments to the Credit institutions act (OG 47/2020) Link: Act on amendments to the Credit institutions act https://www.hnb.hr/documents/20182/506024/e-zakon-o-kreditnim-institucijama-izmjena_47-2020.pdf/fb0132aa-2259-d78f-42fa-7573f9c5bad2</p> <p>Decision on outsourcing (OG 118/2020) Link: Decision on outsourcing</p>

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				https://www.hnb.hr/documents/20182/527397/e-odluka-o-eksternalizaciji_118-2020.pdf/759f92a0-133f-48ef-be11-2dc56e4ccf38
		Croatian Financial Services Supervisory Agency (HANFA)	Intends to comply **	By 30 September 2019.
ES	Spain	Banco de España	No	<p>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.</p> <p>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 to outsourcing.</p> <p>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</p>

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				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	Yes	<p>As at 15.03.2021, notification date. The Bank of Italy is compliant for banks. The GL have been implemented as binding rules.</p> <p>The Bank of Italy intends to comply for investment firms, and PIs and EMIs by the end of 2021.</p> <p>Please find below the link to the relevant Italian rules and information:</p> <p>https://www.bancaditalia.it/compti/vigilanza/normativa/archivio-norme/circolari/c285/</p> <p>https://www.bancaditalia.it/compti/vigilanza/normativa/orientamenti-vigilanza/elenco-esa/index.html</p>
CY	Cyprus	Central Bank of Cyprus	Intends to comply**	<p>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.</p> <p>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.</p>
LV	Latvia	Financial and Capital Market Commission	Intends to comply**	By September 2020.

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LT	Lithuania	Bank of Lithuania	Intends to comply**	By 31 December 2019.
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)	Yes	<p>As at 03 March 2021, notification date.</p> <p>On 4 June 2020, the Malta Financial Services Authority issued a revised version of Banking Rule BR/14 on Outsourcing by Credit Institutions Authorised under the Banking Act 1994. Extensive revisions were made to this Rule in order to adopt and implement the EBA Guidelines on Outsourcing Arrangements (EBA/GL/2019/02) and to introduce the procedure for credit institutions to notify the Authority of material services or activities that they intend to outsource pursuant to Article 19A(1) of the Banking Act. Moreover, Banking Supervision adopted a Banking Supervision Department (BSD) Internal Procedure in order to implement Title V of the EBA Guidelines, since this Title specifically addresses competent authorities. Link to BR/14: https://www.mfsa.mt/wp-content/uploads/2020/06/BR14-2020-Outsourcing-By-Credit-Institutions-Authorised-Under-The-Banking-Act-1994.pdf.</p>
NL	Netherlands	De Nederlandsche Bank (DNB)	Intends to comply**	<p>By such time as the necessary legislative or regulatory proceedings have been completed.</p> <p>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.</p>

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			intends comply		
AT	Austria	Austrian Market Authority (FMA)	Financial Authority	Yes	By 30 September 2019.
PL	Poland	Komisja Finansowego	Nadzoru	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		Yes	<p>As at 12.03.2021, notification date.</p> <p>1) Banco de Portugal has introduced the EBA Guidelines on outsourcing arrangements in the Portuguese banking system prudential framework by means of Circular Letter CC/2019/0000065 (https://www.bportugal.pt/sites/default/files/anexos/cartas-circulares/384090267_11.docx.pdf) disclosed to all banking system reinforcing the need of the addresses to comply with them after 31 may 2020.</p> <p>2) Additionally this Circular Letter contains the requirements (timeframe and minimum content of the information to be provided to the competent authority) for institutions to report the planned outsourcing arrangements of critical or important functions, or when an outsourced function has become critical or important.</p> <p>3) In 15 July 2020, Banco de Portugal has issued Notice 3/2020 (https://www.bportugal.pt/sites/default/files/anexos/cartas-circulares/418078835_5.docx.pdf) which includes general requirements for institutions concerning the need to properly address outsourcing arrangements within their internal governance mechanisms including risk and control systems and processes and more specifically the conditions previously required for the outsourcing of internal control functions.</p>

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				<p>4) As a result, both the licensing procedures, as well as ongoing supervision and horizontal areas have included on their specific supervisory processes the assessment of the compliance level of the outsourcing internal procedures of institutions with the provisions set forth on the Guidelines and Notice in question.</p> <p>5) Notwithstanding the above mentioned measures already adopted Banco de Portugal is considering to issue a binding regulation to standardize the register requirements and the reporting duty currently defined on the Circular Letter as described in 2) and to establish more broader requirements and duties for institutions in order to reinforce the current regulatory framework on this regard.</p>
RO	Romania	National Bank of Romania	Intends to comply**	<p>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 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</p>

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				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)	Yes	As at 8 April 2021, notification date. The FIN-FSA complies with the guidelines in practice already. GLs will be included in the FIN-FSA Regulations and guidelines 1/2012: ' Outsourcing in supervised entities belonging to the financial sector' in the next update of the Regulations and guidelines.
SE	Sweden	Finansinspektionen	Yes	As at 03 July 2019, notification date.

EU Institutions – Agencies

ECB	European Central Bank	Single Supervisory Mechanism	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 GLs within the ECB framework will be completed by the end of September 2020.
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EEA – EFTA State

IS	Iceland	Fjármálaeftirlitið (Financial Supervisory Authority, Iceland)	Yes*	As at 04.03.2021, notification date.
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.

*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 endeavours 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.