

Guidelines compliance table

EBA/GL/2020/03

(Update: 10 February 2021); Issue date: 15 April 2020; Application date: 16 April 2020

Guidelines amending Recommendations EBA/REC/2015/01 on the equivalence of confidentiality regimes

The following competent authorities* comply or intend to comply with the EBA's Guidelines amending Recommendations EBA/REC/2015/01 on the equivalence of confidentiality regimes:

		Competent authority	Complies or intends to comply	Comments
Member State				
BE	Belgium	National Bank of Belgium	Complies	As of notification date, i.e. 24.06.2020. The NBB complies with the Guidelines. No specific document to implement these Guidelines has been published but the NBB will use them in its international cooperation involving the countries included in the Guidelines.
BG	Bulgaria	Bulgarian National Bank	Complies	As of notification date, i.e. 29.06.2020.
CZ	Czech Republic	Czech National Bank	Complies	As of notification date, i.e. 09.06.2020.
DK	Denmark	Danish Financial Supervisory Authority	Complies	As of notification date, 29.06.2020. No additional national measures have been adopted or would be needed as the guidelines concern confidentiality regime already set out in national legislation stemming

		Competent authority	Complies or intends to comply	Comments
				from the implementation of the Capital Requirements Directive.
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	Complies	As of notification date, i.e. 01.07.2020.
EE	Estonia	Finantsinspektsioon	Complies	As of notification date, i.e. 07.07.2020. Electronic link: https://www.fi.ee/et/juhendid/pangandus-ja-krediit/suunised-millegamuudetakse-soovitusebarec201501-konfidentsiaalsuskordade-samavaarsuse-kohta-valja
IE	Ireland	Central Bank of Ireland	Complies	As of notification, i.e. 26.06.2020. The Central Bank of Ireland will integrate the provisions of the Guidelines in its supervisory practices.
EL	Greece	Bank of Greece	Intends to comply**	By 15.07.2020.
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	Complies	As of notification date, i.e. 30.06.2020. The Croatian National Bank complies with the Guidelines amending Recommendations EBA/REC/2015/01 on the equivalence of confidentiality regimes by means of its supervisory practices – the updated list of equivalent third country supervisory authorities (in this case New York State Department of Financial Services is added on the list) is the basis for the acceptance of their participation in the work of colleges of supervisors.
ES	Spain	Banco de España	Complies	As of notification date, i.e. 03.07.2020. In line with Article 16(3) of Regulation (EU) n.º 1093/2010 and irrespective of whether an actual case of college participation exists, Banco de Portugal makes every effort to comply with EBA/GL/2020/03 by incorporating them into its supervisory practices

		Competent authority	Complies or intends to comply	Comments
				as deemed appropriate, namely within the context and for the purposes referred to in Article 116 (6) of the Capital Requirements Directive.
FR	France	Banque de France	Complies	As of notification date, i.e. 20.07.2020.
IT	Italy	Bank of Italy	Complies	As of notification date, i.e. 23.07.2020. The Italian legal framework does not require any specific legislative and/or regulatory provision for the application of the Recommendations on the equivalence of third-country confidentiality regimes. The supervisory approaches and practices put in place by the Bank of Italy for cooperation and information exchange with third countries are in line with the EBA Recommendations.
CY	Cyprus	Central Bank of Cyprus	Complies	As of notification date, i.e. 15.10.2020.
LV	Latvia	Financial and Capital Market Commission	Complies	As of notification date, i.e. 26.06.2020. No specific national measures published to implement the Guidelines. The Guidelines will be directly applied in cooperation with the countries included in the Annex of the Guidelines.
LT	Lithuania	Bank of Lithuania	Complies	As of notification date, i.e. 07.05.2020. 21 December 2018: Resolution of the Director of the Supervision Service No 241-287 on the Equivalence of Confidentiality Regimes entered into force on 15 January 2019. Internal approval procedures provide for the automatic application of all further amendments and updates in order to reduce the administrative burden.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	Complies	As of notification date, i.e. 29.06.2020.

		Competent authority	Complies or intends to comply	Comments
HU	Hungary	Central Bank of Hungary	Complies	As of notification date, i.e. 29.06.2020.
MT	Malta	Malta Financial Services Authority	Intends to comply**	When necessary legislative or regulatory proceedings have been completed. The Malta Financial Services Authority is presently working to implement the EBA Guidelines on the equivalence of confidentiality regimes (EBA/GL/2020/03) into the relevant national legislative instruments by introducing new provisions to cater for this.
NL	Netherlands	De Nederlandsche Bank N.V. (DNB)	Complies	As of notification date, i.e. 29.06.2020.
AT	Austria	Austrian Financial Market Authority	Complies	As of notification date, i.e. 21.08.2020.
PL	Poland	Komisja Nadzoru Finansowego	Complies	As of notification date, i.e. 02.04.2020.
PT	Portugal	Banco de Portugal	Complies	As of notification date, i.e. 02.07.2020. In line with Article 16(3) of Regulation (EU) n.º 1093/2010 and irrespective of whether an actual case of college participation exists, Banco de Portugal makes every effort to comply with EBA/GL/2020/03 by incorporating them into its supervisory practices as deemed appropriate, namely within the context and for the purposes referred to in Article 116 (6) of the Capital Requirements Directive.
RO	Romania	National Bank of Romania	Complies	As of notification date, i.e. 07.07.2020.
SI	Slovenia	Bank of Slovenia	Complies	As of notification date, i.e. 20.07.2020. Link to the measures published in the relevant jurisdiction (Uradni list RS, št. 101/2020, 17 July 2020 - Sklep

		Competent authority	Complies or intends to comply	Comments
				o spremembi Sklepa o uporabi Priporočil o enakovrednosti ureditev zaupnosti - https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2020-01-1866/sklep-o-spremembi-sklepa-o-uporabi-priporocil-o-enakovrednosti-ureditev-zaupnosti
SK	Slovakia	Národná banka Slovenska	Complies	As of notification date, i.e. 08.02.2021.
FI	Finland	Finanssivalvonta (FIN-FSA)	Intends to comply**	By application date, i.e. 01.07.2020.
SE	Sweden	Finansinspektionen (Swedish Financial Supervisory Authority)	Complies	As of notification date, i.e. 26.06.2020. Additional national measures are not required to comply with the guidelines in question.

EU Institutions – Agencies

ECB	Single Supervisory Mechanism	Complies	As of notification date, i.e. 16.10.2010. Significant Institutions as defined in Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions. The above declaration of compliance is without prejudice to the ECB's position concerning the previous inclusion of the Central Bank of Kosovo in the list of equivalent third-country authorities (EBA/REC/2017/01). The designation of the Central Bank of Kosovo
-----	------------------------------	-----------------	---

	Competent authority	Complies or intends to comply	Comments
			as an equivalent third country authority is without prejudice to positions on status, and is in line with Resolution 1244/1999 of the United Nations Security Council (UNSCR 11244/1999) and the advisory opinion of the International Court of Justice on the declaration of Independence of Kosovo.

EEA – EFTA State

IS	Iceland	Fjármálaeftirlitið (Financial Supervisory Authority, Iceland)	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed at national level.
LI	Liechtenstein	Financial Market Authority Liechtenstein (FMA)	Complies	As of notification date, i.e. 26.06.2020.
NO	Norway	The Financial Supervisory Authority of Norway	Complies	As of notification date, i.e. 01.07.2020.

*The EEA States other than the Member States of the European Union are required to notify their compliance with EBA guidelines and recommendations relating to a legislative act which has been incorporated into the EEA Agreement, and otherwise provide the information 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.