

Guidelines compliance table

EBA/GL/2020/06

(Update: 28 January 2021); Issue date:
29 May 2020; Application date: 30 June
2021

Guidelines on loan origination and monitoring

The following competent authorities* comply or intend to comply with the EBA's Guidelines on loan origination and monitoring:

		Competent authority	Complies or intends to comply	Comments
Member State				
BE	Belgium	National Bank of Belgium	Intends to comply**	By 30.06.2021.
BG	Bulgaria	Bulgarian National Bank	Complies	As of notification date, i.e. 24.07.2020.
CZ	Czech Republic	Czech National Bank	Intends to comply**	By 30.06.2021.
DK	Denmark	Danish Financial Supervisory Authority	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed. The necessary changes to the executive orders has been drafted, and will after public consultation comes in to force.
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	Intends to comply**	By 30.06.2022. Main parts of the Guidelines need to be implemented in the national minimum requirements on risk management (MaRisk). The task will start after the integration of the EBA outsourcing guideline and the NPL-guideline is completed and

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				the final MaRisk will most likely be published around mid-2022. This delay has an advantage as it gives BaFin the opportunity to monitor the evolvement of the Consumer Credit Directive over the next year and avoid inconsistencies with consumer protection legislation.
EE	Estonia	Finantsinspeksioon	Complies	As of notification date, i.e. 25.08.2020. Finantsinspeksioon fully complies with the EBA guidelines on loan origination and monitoring. Finantsinspeksioon consider bringing the implementation date forward and implement it earlier than it is indicated in the EBA guidelines.
IE	Ireland	Central Bank of Ireland	Intends to comply**	The Guidelines on loan origination and monitoring will be embedded into the Central Bank of Ireland's supervisory practices. The Central Bank continues to consider the interaction between the Guidelines with the domestic regulatory framework for credit unions in order to determine whether the Central Bank can comply with the Guidelines with respect to credit unions. The Central Bank will follow up with the EBA in this regard.
EL	Greece	Bank of Greece	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed (a BoG legislative decision must be adopted).
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	Complies	Complies as of notification date, i.e. 26.08.2020. Regarding compliance with Guidelines on loan origination and monitoring the Croatian National

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				<p>Bank (CNB) would like to point out several differences.</p> <p>Firstly, these Guidelines are limited by MCD and CCD scope, and Croatia has transposed the CCD into the Consumer Credit Act (Official Gazette, 75/2009, 112/2012, 143/2013, 147/2013, 9/2015, 78/2015, 102/2015 and 52/2016), and its scope is wider than the CCD scope (from 200 EUR to 75 000 EUR). According to Article 3 paragraph (1) item a) Consumer Credit Act applies to all credit agreements involving a total amount of credit of more than HRK 1,000,000.00, therefore a larger scope of loans will be considered as consumer loans regarding the assessment of borrower's creditworthiness and the application of specific requirements given in Section 5.2.4. of the Guidelines.</p> <p>Secondly, Croatia has transposed the MCD into the Act on Consumer Housing Loans, and didn't exercise a Member State discretion given by Article 3 paragraph (3) item b) of the MCD, of the exclusion from the MCD of the credit agreements which relate to an immovable property where the credit agreement provides that the immovable property cannot at any time be occupied as a house, apartment or another place of residence by the consumer or a family member of the consumer and is to be occupied as a house, apartment or another place of residence on the basis of a rental agreement. Therefore, these credit agreements in Croatia fall under specific requirements given in Section 5.2.2. of the Guidelines, and not under Section 5.2.3. as required in paragraph 109 of these Guidelines.</p>

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				<p>And lastly, following the Real Estate Appraisal Act (Official Gazette, 78/2015) and the Ordinance on property appraisal methods (Official Gazette, 105/2015), as well as the Decision on the minimum content of residential real estate records (Official Gazette, 109/2018), the valuation elaborate is required for the purposes of a valuation of residential real estate at the point of loan origination. According to Article 68 of the above mentioned Ordinance, the valuation elaborate requires the results of the eyewitness by the valuer. Therefore, when a credit facility is secured by an immovable residential property collateral, the CNB is of the opinion that credit institutions in Croatia can't apply paragraph 210 of the Guidelines.</p> <p>Following this Notification, the CNB intends to send a Circular letter to credit institutions clarifying the supervisory expectation regarding these differences.</p> <p>The CNB is of the opinion that above stated differences do not represent material differences or impediments in process of adopting these Guidelines into credit institutions policies and procedures. Therefore, the CNB doesn't plan to modify any national measures to reduce above stated differences.</p>
ES	Spain	Banco de España	Intends to comply**	<p>By 30.06.2021. Banco de España intends to comply with the Guidelines by the implementation dates set forth in the Guidelines (paragraphs 18-22).</p>
FR	France	Banque de France	Does not comply	

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			does not intend to comply	<p>The ACPR partially complies with EBA Guidelines EBA/GL/2020/06, with the exclusion of paragraphs 90 and 247 relating to single customer view containing provisions that are not compatible with Article L5 11-33 of the Monetary and Financial Code. The ACPR will apply these guidelines from 30 June 2022.</p> <p>The notice of compliance ("notice") published on the ACPR website (publicly available) elaborates on this partial compliance and provides more details on the implementation of the Guidelines, including on proportionality: https://acpr.banque-france.fr/sites/default/files/media/2020/12/18/20201218_notice_de_conformite_orientations_a_be_prets.pdf</p>
IT	Italy	Bank of Italy	Intends to comply**	By 30.06.2021.
CY	Cyprus	Central Bank of Cyprus	Intends to comply**	By 30.06.2021.
LV	Latvia	Financial and Capital Market Commission	Intends to comply**	<p>By 30.06.2021.</p> <p>Compliance with the EBA Guidelines will be ensured by adopting Amendments to the FCMC Regulations on Credit Risk Management which is foreseen to be done by 30 June 2021.</p>
LT	Lithuania	Bank of Lithuania	Intends to comply**	When the necessary legislative or regulatory proceedings have been completed.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	Intends to comply**	By 30.06.2021.
HU	Hungary	Central Bank of Hungary	Intends to comply**	<p>By 30.06.2021.</p> <p>The Hungarian Banking Association, similarly to international stakeholder associations, which had indicated their concerns to the SSM, has expressed doubts concerning complying the implementation</p>

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				deadline of the Guidelines, the related application of the proportionality and legal issues. On this basis, while the MNB intends to achieve full compliance with the GL, the implementation deadline in Hungary may depend on further negotiations with the Hungarian Banking Association in order to minimise the adverse effects of the COVID-19 pandemic as efficiently as possible. Besides, if such need arises also in other Member States, the MNB is open to reconsider these questions.
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 loan origination and monitoring in the relevant national legislative instrument, by updating existing legislation and/or introducing new procedures in this respect. The Authority aims to conclude this implementation at its earliest.
NL	Netherlands	De Nederlandsche Bank NV	Complies	Complies as of 18.08.2020.

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		Dutch Authority for the Financial Markets (AFM)	Intends to comply**	<p>When necessary legislative or regulatory proceedings have been completed.</p> <p>The Dutch Authority for the Financial Markets (AFM) is responsible for conduct supervision in The Netherlands. With regard to these Guidelines the AFM is the competent supervisor for sections 5.1 to 5.2.4 with the exception of paragraph 86, because the AFM does not have the mandate to supervise lending to SMEs. The reason for the AFM to choose for 'intend to comply' with these Guidelines is because the creditworthiness assessment for the guarantor will need to be implemented in the Dutch Financial Supervision Act.</p> <p>The Dutch National Bank (DNB) is the competent authority for the other sections of these Guidelines.</p> <p>For the implementation of the creditworthiness assessment please refer to the Dutch Financial Supervision Act article 4:34.</p> <p>AFM will publish further communication about these Guidelines on their website: https://www.afm.nl/nl-nl/professionals/onderwerpen/esa-richtsnoeren-bu</p>
AT	Austria	Austrian Financial Market Authority	Complies	As of notification date, i.e. 13.08.2020.
PL	Poland	Komisja Nadzoru Finansowego	Intends to comply**	By 30.06.2021.
PT	Portugal	Banco de Portugal	Intends to comply**	By 30.06.2021.
RO	Romania	National Bank of Romania	Intends to comply**	When necessary legislative or regulatory proceedings have been completed (starting of the date of transposition into secondary legislation).

		Competent authority	Complies or intends to comply	Comments
SI	Slovenia	Bank of Slovenia	Intends to comply**	<p>By application date, i.e. 30.06.2021.</p> <p>Link to the measures published in the relevant jurisdiction (Uradni list RS, št. 104/2020, 24 July 2020 – 1957. Sklep o uporabi Smernic o odobranju in spremljanju kreditov- https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2020-01-1957/sklep-o-uporabi-smernic-o-odobranju-in-spremljanju-kreditov).</p> <p>Bank of Slovenia is a competent authority with a competence for supervision of:</p> <ul style="list-style-type: none"> - credit institutions, as defined in point 1 of Article 4(1) of Regulation (EU) No 575/2013 (CRR); - creditors, as defined in Article 4(2) of Directive 2014/17/EU (MCD) – currently no such creditors operate in our jurisdiction.
		Financial Inspectorate of the Republic of Slovenia	Does not intend to comply	<p>The Market Inspectorate of the Republic of Slovenia (MIRS) is the competent authority for the supervision of consumer credit which falls under the scope of Directive 2008/48 / EC and which has not been approved by the institutions as defined in point 3 of Article 4(1) of Regulation (EU) No 575/2013.</p> <p>Section 5 of the Guidelines applies to creditors, supervision over which is partly also in our competence.</p> <p>MIRS is a supervisory body and as such can only operate within the framework of existing legislation. Also, Bank of Slovenia’s supervisory procedure must be in the line with existing legislation. As the MIRS is not responsible authority for adoption of regulations binding on creditors, it cannot commit to comply with the provisions of the Guidelines upon their entry into</p>

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				<p>force in 30th June 2021. However, about the necessary changes needed in this regard we will inform the Ministry of Economic Technology and Development of the Republic of Slovenia, which is the responsible authority in this regard.</p> <p>Regardless of the above, the Bank of Slovenia would like to point out that in addition to the requirements laid down in Article 8 of Directive 2008/48 / EC, which have been adopted into national legislation in 2016 (Consumer Credit Act (Official Gazette of the Republic of Slovenia, No. 77/16)), Slovenia added into the national law some additional provisions which already complies with the Guidelines. These provisions are:</p> <ul style="list-style-type: none"> - The creditor shall assess the consumer's creditworthiness based on necessary, sufficient and proportionate information on the consumer's income and expenditure or his wealth. This information shall be obtained from the consumer and from the personal data files. - Information on consumer indebtedness shall be obtained by the creditor from personal data files kept on the basis of the law governing the system of exchange of information on the creditworthiness or indebtedness of natural persons. - The creditor shall keep evidence of the consumer's creditworthiness assessment on paper or other durable medium throughout the entire duration of the credit

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				agreement and for four years after the expiry of the credit agreement.
SK	Slovakia	Národná banka Slovenska	Intends to comply**	When necessary legislative or regulatory proceedings have been completed. Národná banka Slovenska will comply with the respective Guidelines on loan origination and monitoring as of the date of amendments to the current legislative, in particular Act on Banks and its implementing legislation.
FI	Finland	Finanssivalvonta (FIN-FSA)	Intends to comply**	By application date, i.e. 30.06.2021. FIN-FSA's supervision release 68/2020. https://www.finanssivalvonta.fi/en/publications-and-press-releases/supervision-releases/2020/new-eba-guidelines-on-loan-origination-and-monitoring-incorporated-into-fin-fsa-guidelines-and-regulations/
SE	Sweden	Finansinspektionen (Swedish Financial Supervisory Authority)	Complies	As of notification date, i.e. 04.08.2020.

EU Institutions – Agencies

ECB	Single Supervisory Mechanism	Intends to comply**	When necessary legislative or regulatory proceedings have been completed. Intends to comply with the Guidelines by the date of application (the date of translation of the guidelines in all EU languages). 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
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Competent authority	Complies or intends to comply	Comments
		relating to the prudential supervision of credit institutions.

EEA – EFTA State

IS	Iceland	Fjármálaeftirlitið (Financial Supervisory Authority, Iceland)	Intends to comply**	By 30.06.2021.
LI	Liechtenstein	Financial Market Authority Liechtenstein (FMA)	Complies	As of notification date, i.e. 26.08.2020.
NO	Norway	The Financial Supervisory Authority of Norway	Intends to comply**	By 30.06.2021.

*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.

