

# Guidelines compliance table

EBA/GL/2015/21 Appendix 1

19 July 2016 – Updated 08 Sept 2021

## Final Guidelines on the minimum criteria to be fulfilled by a business reorganisation plan under Directive 2014/59/EU (BRRD)

The following competent authorities\* comply or intend to comply with EBA's Guidelines on business reorganisation plans:

	<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
Member State			
BE	Belgium National Bank of Belgium	Yes	As at 14.07.2016, notification date.
BG	Bulgaria Българска народна банка (Bulgarian National Bank) (from Banking Supervision Department)	Yes	As at 25.10.2019, notification date.
	Българска народна банка (Bulgarian National Bank) (from Credit Institutions Resolution Directorate)	Yes	As at 15.10.2019, notification date.
CZ	Czech Republic Česká Národní Banka (Czech National Bank)	Yes	As at 05.02.2019, notification date.
DK	Denmark The Danish Financial Stability Company and the Danish Financial Supervisory Authority	Yes	As at 07.07.2016, notification date.
DE	Germany FSMA (Federal Agency for Financial Market Stabilisation)	Yes	As at 14.07.2016, notification date.

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
		Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	<b>Yes</b>	As at 19.07.2016, notification date
EE	Estonia	Finantsinspektsioon (Financial Supervision Authority)	<b>Yes</b>	As at 04.07.2016, notification date.
IE	Ireland	Central Bank of Ireland (as Resolution Authority)	<b>Yes</b>	As at 21.06.2016, notification date.
		Central Bank of Ireland (as Competent Authority)	<b>Intends to comply**</b>	By the application date of the Guidelines.
EL	Greece	Τράπεζα της Ελλάδος (Bank of Greece)	<b>Yes</b>	As at 07.03.2019, notification date.
HR	Croatia	State Agency for Deposit Insurance and Bank Rehabilitation	<b>Intends to comply**</b>	Until 1 January 2021, resolution powers in the Republic of Croatia were divided between the Croatian Deposit Insurance Agency (formerly the State Agency for Deposit Insurance and Bank Resolution), the Croatian National Bank and the Croatian Financial Services Supervisory Agency. However, from 1 January 2021, when the Act on the Resolution of Credit Institutions and Investment Firms (Official Gazette, 146/2020) entered into force, in addition to the fact that the Croatian Deposit Insurance Agency is no longer a resolution authority, all implementing acts it adopted with regard to European Banking Authority's Guidelines ceased to be valid. At the same time, the Croatian National Bank took over additional resolution powers as well as the obligation to decide on the compliance with the Guidelines previously covered by the Croatian Deposit Insurance Agency's implementing acts. Accordingly, the Croatian National Bank is currently working on an act by which it intends to comply with the Guidelines on the minimum criteria to be fulfilled by a business reorganisation plan (EBA/GL/2015/21).

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
ES	Spain	FROB (Spanish executive resolution authority)	Yes	As at 06.07.2016, notification date.
		COMISION NACIONAL DEL MERCADO DE VALORES (CNMV) as the preventative resolution authority for investment firms	Yes	As at 16.01.2019, notification date. In 2015, the Spanish Government in order to adopt the Directive 2014/59/EU of the European Parliament and of The Council approved the following legislation which fully complies with the GLs on business reorganisation plan: • Law 11/2015 on the recovery and resolution of credit institutions and investment firms. Article 49 of this Law regulates the business reorganization plan. <a href="https://www.boe.es/buscar/pdf/2015/BOE-A-2015-6789-consolidado.pdf">https://www.boe.es/buscar/pdf/2015/BOE-A-2015-6789-consolidado.pdf</a> • Royal Decree 1012/2015 on the recovery and resolution of credit institutions and investment firms, which supplements the previously mentioned law. The business reorganisation plan is regulated under article 44. <a href="https://www.boe.es/boe/dias/2015/11/07/pdfs/BOE-A-2015-12056.pdf">https://www.boe.es/boe/dias/2015/11/07/pdfs/BOE-A-2015-12056.pdf</a> • Moreover, CNMV published on its official website the guidelines adopted by EBA. <a href="http://www.cnmv.es/Portal/Gpage.aspx?id-LegESMA">http://www.cnmv.es/Portal/Gpage.aspx?id-LegESMA</a>
		Banco De España (as both supervisory competent authority and preventative resolution authority)	Yes	As at 07.02.2019, notification date.
FR	France	Autorité de Contrôle Prudentiel et de Résolution (Prudential Supervisory & Resolution Authority)	Yes	As at 21.02.2019, notification date. ACPR has complied though an internal document.
IT	Italy	Banca d'Italia (Bank of Italy)	Yes	As at 24.11.2021, notification date. Compliance with the GL is ensured via the national handbook on crisis

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
				<p>management and resolution recently finalized that provides an operational description of the resolution processes to be implemented by the Resolution Unit of the Bank of Italy both for SIs and LSIs in case of resolution.</p> <p>The handbook is an internal document. It refers to and includes as annexes the SRB internal manuals on Crisis Governance and Resolution Planning and the Internal Arrangements implementing some provisions of the Cooperation Framework. However, in light of their specific status, these annexes are available on a need to know basis only to the Resolution Unit staff and are stored separately in a dedicated repository.</p>
CY	Cyprus	Κεντρική Τράπεζα της Κύπρου (Central Bank of Cyprus as the Resolution Authority (RA))	<b>Yes</b>	As at 14.07.2016, notification date.
		Central Bank of Cyprus (as the Supervisory Authority)	<b>Yes</b>	As at 18.07.2016, notification date.
LV	Latvia	Finanšu un Kapitāla tirgus Komisija (Financial and Capital Market Commission)	<b>Yes</b>	As at 14.07.2016, notification date.
LT	Lithuania	Lietuvos Bankas (Bank of Lithuania)	<b>Yes</b>	As at 25.01.2016. Notification date 18.07.2016.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CCSF)	<b>Yes</b>	As at 05.02.2019, notification date.
HU	Hungary	Magyar Nemzeti Bank (The Central Bank of Hungary)	<b>Yes</b>	As at 22.02.2019, notification date. Implementing document: Resolution Handbook for the MNB (Internal Rules no 2018-1006).

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
MT	Malta	Malta Financial Services Authority	<b>Intends to comply**</b>	By 31.12.2021.
NL	Netherlands	De Nederlandsche Bank (National Bank of Netherlands)	<b>Yes</b>	As at 04.03.2019, notification date.
AT	Austria	Finanzmarktaufsicht (Financial Market Authority)	<b>Yes</b>	As at 19.07.2016, notification date.
PL	Poland	Komisja Nadzoru Finansowego (Polish Financial Supervision Authority)	<b>Yes</b>	As at 15.02.2019, notification date.
		Bankowy Fundusz Gwarancyjny (Bank Guarantee Fund)	<b>Yes</b>	As at 03.04.2017, notification date. Compliance with the Guidelines is provided by incorporating into Resolution of the Fund Council on the rules of leading by Bank Guarantee Fund resolution issued on the basis of the Act of 10 June 2016 on the Bank Guarantee Fund, Deposit Guarantee Scheme and Resolution (“Act on BFG”), a provision specifying that the Fund – when approving a reorganisation plan - is obliged to follow the GL. Please find below the excerpt from the rules: “The detailed internal rules of leading by the Bank Guarantee Fund resolution (...) Chapter 15 § 31 Section 4. Approving a reorganisation plan, the Fund shall apply the European Banking Authority’s Guidance on the minimum criteria to be fulfilled by a business reorganisation plan (EBA/GL/2015. (...))” In addition to the above please be informed that a non-official translation of the Act on BFG is available on the BFG website: <a href="https://www.bfg.pl/en/strefa-dokumentow/legal-acts/">https://www.bfg.pl/en/strefa-dokumentow/legal-acts/</a> <a href="https://www.bfg.pl/">https://www.bfg.pl/</a> (use the above as the previous one which is what is on the form, cannot be accessed)

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
PT	Portugal	Banco de Portugal (Bank of Portugal)	<b>Yes</b>	As at 29.07.2016, notification date.
RO	Romania	Banca Națională a României (National Bank of Romania)	<b>Yes</b>	As at 19.07.2016, notification date.
SI	Slovenia	Banka Slovenije (Bank of Slovenia)	<b>Yes</b>	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 separate Bank of Slovenia Regulation on the use of the Guidelines on the minimum criteria to be fulfilled by a business reorganisation plan was issued for this purpose.
SK	Slovakia	Národná Banka Slovenska (National Bank of Slovakia)	<b>Yes</b>	As at 15.06.2016, notification date.
FI	Finland	Finanssivalvonta (FIN-FSA)	<b>Yes</b>	As at 18.01.2019, notification date. The FIN-FSA have decided to follow the GLs and to take them into account in its supervisory practices.
SE	Sweden	Finansinspektionen (Swedish Financial Supervisory Authority)	<b>Yes</b>	As at 14.07.2016, notification date.

#### EU Institutions – Agencies

ECB	European Central Bank	Single Supervisory Mechanism	<b>Yes</b>	As at 05.02.2019, notification date.
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#### EEA – EFTA State

IS	Iceland	Fjármálaeftirlitið (The Financial Supervisory Authority in Iceland - FME)	<b>Yes</b>	As at 05.03.2021, notification date.
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		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
LI	Liechtenstein	Finanzmarktaufsicht - FMA (Financial Market Authority)	<b>Intends to comply**</b>	By the date on which the BRRD is incorporated into the EEA Agreement. The Guidelines refer to Directive 2014/49/EU (BRRD). The national BRRD legislation is already in force in the Principality of Liechtenstein. The BRRD has not yet been incorporated into the EEA Agreement. As soon as the BRRD is part of the EEA Agreement, the Financial Market Authority Liechtenstein will update its notifications regarding the BRRD Level III-acts.
NO	Norway	Finanstilsynet (Norwegian Financial Supervisory Authority)	<b>Yes*</b>	As at 20.09.2019, 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](http://www.eba.europa.eu).

