

Recommendations compliance table

EBA/REC/2017/01 Appendix 1

11 January 2017; Updated; 14 November 2017; Date of application – From 12 January 2017

Recommendations amending EBA/REC/2015/01 on Equivalence of Confidentiality Regimes (Amending - EBA/REC/2017/01)

The following competent authorities* comply or intend to comply with EBA's Recommendations amending on Equivalence of Confidentiality Regimes:

Member State	Competent authority	Complies or intends to comply	Comments
BE	Belgium National Bank of Belgium	Yes	As at 20.06.2017, notification date. No specific document to implement this Recommendation has been published but the NBB will use the Recommendation in its international cooperation involving the countries included in the Recommendation.
BG	Bulgaria Българска народна банка (Bulgarian National Bank)	Yes	As at 15.06.2017, notification date.
CZ	Czech Republic Czech National Bank	Yes	As at 31.03.2017, notification date.
DK	Denmark Danish Financial Supervisory Authority	Yes	As at 24.07.2017, notification date.

		Competent authority	Complies or intends to comply	Comments
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	Yes	As at 09.08.2017, notification date.
EE	Estonia	Finantsinspektsioon (Financial Supervision Authority)	Yes	As at 07.08.2017, notification date.
IE	Ireland	Central Bank of Ireland	Yes	As at 03.07.2017, notification date.
EL	Greece	Bank of Greece	Intends to comply**	By 30.09.2017.
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	Yes	As at 07.06.2017, notification date. The Croatian National Bank complies with the Recommendation by means of its supervisory practices – the updated list of equivalent third-country supervisory authorities covered by the initial Recommendation and its all following iterations (i.e. additional Recommendations) is the basis for the acceptance of their participation in the work of colleges.
ES	Spain	Banco de España	No	Does not comply and does not intend to comply. As the competent authority for the direct supervision of the less significant credit institutions, the Banco de España will assume as its own the “Recommendations EBA/REC/2017/01 amending EBA/REC/2015/01 on the equivalence of confidentiality regimes” as of the date of this communication, with the exception of the part related to the “Central Bank” of the territory of Kosovo ² , in consistency with the Spanish position of non-recognising its unilateral declaration of independence, in accordance with Resolution 1244/1999 of the United Nations Security Council (UNSCR 1244/1999) and the appropriate advisory opinion of the International Court of Justice on

		Competent authority	Complies or intends to comply	Comments
				the declaration of independence of Kosovo.”
FR	France	ACPR	Intends to comply**	By 01.01.2018. The formal decision to intend to comply was made by ACPR on 8 November 2017. Effective compliance will be reached before year end through appropriate amendments to the internal technical documentation.
IT	Italy	Bank of Italy	Yes	As at 07.08.2017, notification date. The Italian institution framework does not require specific legislative and/or regulatory provisions 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	Intends to comply	By 30.09.2017.
LV	Latvia	Financial and Capital Market Commission	Yes	As at 21.07.2017, notification date.
LT	Lithuania	Lietuvos Bankas (Bank of Lithuania)	No response	No notification of compliance was received by the EBA within the two-month time limit.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	Yes	As at 21.07.2017, notification date.
HU	Hungary	Magyar Nemzeti Bank (The Central Bank of Hungary)	Yes	As at 15.08.2017, notification date.
MT	Malta	Malta Financial Services Authority	No response	No notification of compliance was received by the EBA within the two-month time limit.
NL	Netherlands	De Nederlandsche Bank	Yes	As at 17.07.2017, notification date.

		Competent authority	Complies or intends to comply	Comments
AT	Austria	Austrian Financial Market Authority	Yes	As at 20.07.2017, notification date.
PL	Poland	Komisja Nadzoru Finansowego	Yes	As at 26.06.2017, notification date.
PT	Portugal	Banco de Portugal	Yes	As at 02.08.2017, notification date.
RO	Romania	National Bank of Romania	No	Does not comply and does not intend to comply with all or parts of the Recommendations. National Bank of Romania does not and does not intend to fully comply with the EBA/REC/2017/01 amending Recommendation on the equivalence of confidentiality regimes (EBA/REC/2015/01), having in view that they also refer to the Central Bank of the Republic of Kosovo. In this respect we mention that accepting the above-mentioned Recommendations by National Bank of Romania is not in line with Romania's national position of non-recognition of Kosovo's sovereignty.
SI	Slovenia	Banka Slovenije (Bank of Slovenia)	No response	No notification of compliance was received by the EBA within the two-month time limit.
SK	Slovakia	Národná Banka Slovenska	Yes	As at 06.09.2017, notification date.
FI	Finland	Finanssivalvonta (FIN-FSA) (for Less 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)	Yes	As at 18.07.2017, notification date.
SE	Sweden	Finansinspektionen	Yes	As at 07.08.2017, notification date.

		Competent authority	Complies or intends to comply	Comments
UK	United Kingdom	Prudential Regulation Authority (PRA)	No response	No notification of compliance was received by the EBA within the two-month time limit.
		Financial Conduct Authority (FCA)	No response	No notification of compliance was received by the EBA within the two-month time limit.
		Bank of England	Yes	As at 07.08.2017, notification date.

EU Institutions - Agencies

	ECB	European Central Bank (for 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)	Yes	As at 02.10.2017, notification date.
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EEA – EFTA State

IS	Iceland	The Financial Supervisory Authority	Intends to comply**	By the date of a relevant institution or instrument exists in my jurisdiction. Currently, there are no institutions operating in Iceland from third countries which are added to EBA/REC/2015/01. Should that change the FSA, Iceland will comply with the recommendations' guidance on the equivalence of the confidentiality regime in accordance with relevant Icelandic legislation and Article 116(6) of CRD IV.
LI	Liechtenstein	Financial Market Authority Liechtenstein (FMA)	Yes	As at 03.08.2017, notification date.
NO	Norway	Finanstilsynet	Yes	As at 13.06.2017, notification date.

European Territories under Article 355(3) TFEU

		Competent authority	Complies or intends to comply	Comments
UK	United Kingdom	Financial Services Commission (Gibraltar)	No response	No notification of compliance was received by the EBA within the two-month time limit.

*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.