

# Guidelines compliance table

EBA/GL/2015/07 Appendix 1

06 August 2015 – Updated 01 Nov 2021

## Guidelines on the interpretation of the different circumstances when an institution shall be considered as failing or likely to fail under Article 32(6) of Directive 2014/59/EU

The following competent authorities\* comply or intend to comply with EBA's Guidelines on failing or likely to fail:

		Competent authority	Complies or intends to comply	Comments
Member State				
BE	Belgium	National Bank of Belgium	Yes	As at 06.10.2015, notification date.
BG	Bulgaria	Българска народна банка (Bulgarian National Bank)	Yes	As at 29.09.2015, notification date. The Bulgarian National Bank (BNB) is also a competent authority under the CRR. We were requested by the EBA to send two separate notifications where a notification is required both by the competent authority and by the resolution authority. Then BNB is responsible for banks only (as opposed to investment firms).
		Комисия за финансов надзор (Financial Supervision Commission)	No Response	No notification received
CZ	Czech Republic	Česká Národní Banka (Czech National Bank)	Yes	As at 10.08.2018, notification date.

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
DK	Denmark	Finanstilsynet (Danish Financial Supervisory Authority)	<b>Yes</b>	As at 15.08.2018, notification date.
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (Federal Financial Supervisory Authority)	<b>Yes</b>	As at 05.10.2015, notification date.
		Federal Agency for Financial Market Stabilisation (FMSA)	<b>Yes</b>	As at 22.12.2015, notification date. My jurisdiction complies with the above mentioned Guidelines to the extent that it does not conflict with national law.
EE	Estonia	Finantsinspektsioon (Financial Supervision Authority)	<b>Yes</b>	As at 29.09.2015, notification date.
		Tagastisfond (Guarantee Fund)	<b>No Response</b>	No notification received
IE	Ireland	Central Bank of Ireland	<b>Yes</b>	As at 10.09.2018, notification date.
EL	Greece	Τράπεζα της Ελλάδος (Bank of Greece)	<b>Yes</b>	As at 25.09.2016, notification date.
		Επιτροπή Κεφαλαιαγοράς (Hellenic Capital Market Commission)	<b>Intends to comply**</b>	By 30.06.2019 The competent Directorate of the Hellenic Capital Market Commission (HCMC), that is the Directorate of Capital Market Intermediaries, already monitors and supervises the objective elements of the supervised companies, such as capital adequacy, liquidity position and other requirements in order to maintain their license. However, the supervisory and monitoring process is not supported by an overall rating of the supervised companies (Guidelines on common procedures and methodologies for the supervisory review and evaluation process (SREP), EBA/GL/2014/13, 19 December 2014). The aforementioned

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
				Guidelines are expected to be completed for the supervised companies no later than 30 June 2019.
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	<b>Yes</b>	As at 06.08.2018, notification date. The EBA Guidelines on the interpretation of different circumstances when an institution shall be considered as failing or likely to fail under Article 32(6) of Directive 2014/59 (EBA/GL/2015/07) have been transposed into CNB's Internal SREP Methodology effective as of 2016. Namely, the process of identification of possible FOLTF institutions is defined in point 1.3.2.1. Identification that credit institution is failing or likely to fail of CNB's Internal SREP Methodology, while the cooperation with the resolution authority on FOLTF credit institutions is defined in the same document under the point 1.3.3. Cooperation with the resolution authority and CNB's internal Procedure for the cooperation between Supervision Area and Resolution Area (both documents are available in Croatian language only).
		Hrvatska Agencija za Nadzor Financijskih Usluga (Croatian Financial Services Supervisory Agency)	<b>No Response</b>	No notification received
		Državna Agencija za Osiguranje Štednih Uloga i Sanaciju Banaka (State Agency for Deposit Insurance and Bank Resolution)	<b>No Response</b>	No notification received
ES	Spain	Banco de España (Bank of Spain)	<b>Yes</b>	As at 06.10.2015, notification date. Banco de España wishes to inform EBA that the Fund for Orderly Bank Restructuring (FROB) has also adopted the Guideline as the Authority

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
				responsible for the execution phase of resolution, as far as it affects its competences.
		FROB (Spanish Executive Resolution Authority)	<b>Yes</b>	As at 04.09.2018, notification date. As marked, FROB complies with the Guidelines as of the date of this notification. Nevertheless, please note that this compliance is in accordance with powers granted to FROB as Executive Resolution Authority as stated in article 2, paragraph 1, letter (d) of Law 11/2015, of 18 June, on recover <sup>4</sup> and resolution of credit institutions and investment firms which transposes the Directive 2014/59/EU in Spain.
		Comision Nacional de Mercado de Valores (National Securities Market Commission)	<b>Yes</b>	As at 11.10.2018, notification date.
FR	France	Autorité de Contrôle Prudentiel et de Résolution (Prudential Supervisory and Resolution Authority)	<b>Yes</b>	As at 24.09.2018, notification date. The ACPR complies with the guidelines on the determination of FOLTF. This compliance is permitted though internal documents providing for procedure and processes (national handbooks). Furthermore, the ACPR intends to take into account those guidelines whenever it is necessary to determine a FOLTF situation.
IT	Italy	Banca d'Italia (Bank of Italy)	<b>Yes</b>	As at 21.08.2018, notification date.
CY	Cyprus	Κεντρική Τράπεζα της Κύπρου (Central Bank of Cyprus)	<b>Yes</b>	As at 14.09.2018, notification date.
LV	Latvia	Finanšu un Kapitāla tirgus Komisija (Financial and Capital Market Commission)	<b>Yes</b>	As at 13.08.2018, notification date. The EBA Guidelines are implemented with the FCMC

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
				Regulations No 187 of 3 November 2015 ( <a href="https://likumi.lv/ta/id/277702-apstaklu-kados-iestade-uzskatama-par-nonakusu-finansugrutibas-vai-iespejams-nonaks-finansu-grutibas-konstatesanas">https://likumi.lv/ta/id/277702-apstaklu-kados-iestade-uzskatama-par-nonakusu-finansugrutibas-vai-iespejams-nonaks-finansu-grutibas-konstatesanas</a> )
LT	Lithuania	Lietuvos Bankas (Bank of Lithuania)	<b>Yes</b>	As at 06.08.2018, notification date. On 25.01.2016 the Guidelines has been adopted by the Board of the Bank of Lithuania Resolution No 241-23.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (Commission for the Supervision of Financial Sector)	<b>Yes</b>	As at 13.09.2018, notification date.
HU	Hungary	Magyar Nemzeti Bank (The Central Bank of Hungary)	<b>Yes</b>	As at 07.08.2018, notification date.
MT	Malta	Malta Financial Services Authority	<b>Yes</b>	As from 01.01.2016
NL	Netherlands	De Nederlandsche Bank (National Bank of Netherlands)	<b>Yes</b>	As at 09.08.2018, notification date.
AT	Austria	Finanzmarktaufsicht (Financial Market Authority)	<b>Yes</b>	As at 20.08.2018, notification date.
PL	Poland	Komisja Nadzoru Finansowego (Polish Financial Supervision Authority)	<b>Yes</b>	As at 27.08.2018, notification date.
		Bankowy Fundusz Gwarancyjny (Bank Guarantee Fund)	<b>Yes</b>	As at 30.08.2018, notification date.
PT	Portugal	Banco de Portugal (Bank of Portugal)	<b>Yes</b>	As at 14.09.2018, notification date.
RO	Romania	Banca Națională a României (National Bank of Romania)	<b>Yes</b>	As at 09.03.2021, notification date.

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
				Guidelines have been transposed through NBR Instructions from 05.08.2016. <a href="http://www.bnr.ro/Institutii-de-credit--1965.aspx">http://www.bnr.ro/Institutii-de-credit--1965.aspx</a>
		Autoritatea de Supraveghere Financiara (Financial Supervisory Authority)	<b>Yes</b>	As of 08.07.2021. This guidelines shall be applied by ASF through an Internal Operational Procedure regarding the interpretation of the different circumstances when an institution shall be considered as failing or likely to fail under Article 32(6) of Directive 2014/59/EU. Please note that this is an ASF internal procedure and it is not published on the ASF website or in the Romanian Official Journal.
SI	Slovenia	Bank of Slovenia	<b>Yes</b>	As at 29.08.2017, notification date.
SK	Slovakia	Národná Banka Slovenska (National Bank of Slovakia) / Resolution Council	<b>Yes</b>	As at 14.09.2015, notification date.
FI	Finland	Finanssivalvonta (Finnish Financial Supervisory Authority)	<b>Yes</b>	As at 04.03.2021, notification date. FIN-FSA Regulations and guidelines 5/2019 'Regulations and Guidelines related to the Capital Requirements Regulation' <a href="https://www.finanssivalvonta.fi/en/regulation/FIN-FSA-regulations/capital-adequacy/05_2019/">https://www.finanssivalvonta.fi/en/regulation/FIN-FSA-regulations/capital-adequacy/05_2019/</a>
		Rahoitusvakausvirasto (Financial Stability Authority)	<b>Yes</b>	As at 12.11.2018, notification date.
SE	Sweden	Finansinspektionen (Swedish Financial Supervisory Authority)	<b>Yes</b>	As at 15.08.2018, notification date.

**EU Institutions - Agencies**

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
ECB	ECB	ECB	<b>Yes</b>	As at 13.09.2018, notification date.
SRB	SRB	Single Resolution Board	<b>Yes</b>	As at 01.10.2018, notification date.

**EEA – EFTA State**

IS	Iceland	Fjármálaeftirlitið (Financial Supervisory Authority, Iceland)	<b>Intends to comply**</b>	By such time as the necessary legislative or regulatory proceedings have been completed. – still the same
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 2014/59/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>Not applicable</b>	The Guidelines do not apply in the jurisdiction of the competent authority. Awaiting a final agreement on the implementation of the ESAs' regulations into the EEA agreement, the BRRD has not yet been incorporated into the EEA agreement, nor has a resolution authority in Norway yet been appointed. As soon as the relevant domestic legislation has been adopted and necessary decisions taken, the stance of the Norwegian resolution authority as regards compliance with this and other guidelines, will be communicated.

\*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](http://www.eba.europa.eu).