

Guidelines compliance table

EBA/GL/2018/07

4 December 2018; Date of application
– 1 January 2019 (Updated 22 March
2021)

Guidelines on the conditions to benefit from an exemption from the contingency mechanism under Article 33(6) of Regulation (EU) 2018/389 (RTS on SCA & CSC)

The following competent authorities* comply or intend to comply with the EBA's Guidelines on the conditions to benefit from an exemption from the contingency mechanism under Article 33(6) of Regulation (EU) 2018/389 (RTS on SCA & CSC):

Member State	Competent authority	Complies or intends to comply	Comments
BE	Belgium National Bank of Belgium	Yes	As at 11.03.2021, notification date. The National Bank of Belgium (NBB) is compliant with these Guidelines and has implemented them in its supervision via a circular of 19 March 2019 (NBB_2019_04). The circular is published on the NBB's website (French and Dutch): Link to French version : https://www.nbb.be/doc/cp/moniteur/2019/20190319circulaire_nbb_2019_04fr.pdf Link to Dutch version : https://www.nbb.be/doc/cp/moniteur/2019/20190319circulaire_nbb_2019_04nl.pdf
BG	Bulgaria Българска народна банка (Bulgarian National Bank)	Yes	As at 17/07/2019, notification date.

		Competent authority	Complies or intends to comply	Comments
CZ	Czech Republic	Czech National Bank	Yes	As at 07.03.2019, notification date.
DK	Denmark	Danish FSA (Finanstilsynet)	Yes	As at 25.03.2019, notification date.
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	Yes	As at 21.03.2019, notification date.
EE	Estonia	Finantsinspektsioon	Yes	As at 11.02.2019, notification date.
IE	Ireland	Central Bank of Ireland	Yes	As at 21.03.2019, notification date.
EL	Greece	Bank of Greece	Intends to comply**	By such time as the necessary regulatory proceedings have been completed (approx. 01.05.2019).
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	Yes	As of 11.02.2019 – which is the date of a circular letter that was sent by Croatian National Bank to ASPSPs explaining that Croatian National Bank decided to comply with this Guidelines and explaining the requirements (from the Guidelines) that ASPSPs have to fulfil as a condition for an exemption.
ES	Spain	Banco de España	Intends to comply**	By such time as the necessary legislative or regulatory proceedings implementing Directive (EU) 2015/2366 have been completed, without prejudice to Spanish national provisions implementing this regulation and within the limit of the competencies conferred to Banco de España by these national provisions.
FR	France	Autorité de Contrôle Prudentiel et de Résolution	Yes	As at 22.02.2019, notification date. ACPR complies through the instruction published on 18.02.2019, which introduces a form that every institution will have to fill and send to the ACPR in order to benefit from an exemption from the contingency mechanism and is available at: https://acpr.banque-france.fr/autoriser/procedures-secteur-banque/exemption-api

		Competent authority	Complies or intends to comply	Comments
IT	Italy	Bank of Italy	Intends to comply**	By 01.06.2019. The regulatory process is almost complete as Bank of Italy has already published a consultative document in order to amend the regulations applicable to the payment service providers in compliance with the Guidelines; the updated regulations will be available before the first of June. In addition, Bank of Italy has already provided the banks and the payment institutions with the instructions necessary to apply for the exemption.
CY	Cyprus	Central Bank of Cyprus	Yes	As at 12.03.2019, notification date.
LV	Latvia	Financial and Capital Market Commission	Yes	As at 04.02.2019, notification date. Compliance with the EBA Guidelines is ensured by incorporating them into the FCMC's supervisory processes and by informing financial market participants about the obligation to comply with the conditions specified in the Guidelines.
LT	Lithuania	Bank of Lithuania	Yes	As at 25.03.2019, notification date.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	Yes	As at 25.03.2019, notification date.
HU	Hungary	Central Bank of Hungary	Intends to comply**	By 15.04.2019. To benefit from an exemption from the contingency mechanism under Article 33(6) of Regulation (EU) 2018/389 ASPSPs should submit an application and the necessary information for an assessment to MNB through a notification portal so called ERA. ASPSPs have been already informed and are aware of the fact that they can provide us with the necessary information to satisfy the requirements in EBA Guidelines are met through this notification portal since the end of February 2019. Furthermore on the basis of the EBA Guidelines Hungary will enhance the compulsory nature of the compliance with these Guidelines

		Competent authority	Complies or intends to comply	Comments
				and provide further guidance on how ASPSPs should submit their application for the purposes of getting the exemption from contingency mechanism by issuing MNB Guidelines to ASPSPs by 15.04.2019.
MT	Malta	Central Bank of Malta	Yes	As at 22.03.2019, notification date.
NL	Netherlands	De Nederlandsche Bank N.V.	Yes	As at 25.03.2019, notification date.
AT	Austria	Austrian Financial Market Authority	Yes	As at 25.03.2019, notification date.
PL	Poland	Komisja Nadzoru Finansowego	Yes	As at 25.03.2019, notification date.
PT	Portugal	Banco de Portugal	Yes	As at 05.02.2019, notification date.
RO	Romania	National Bank of Romania	Intends to comply**	As of date of entry into force of the law transposing of the Directive (EU) 2015/2366 (PSD2) into Romanian legislation.
SI	Slovenia	Bank of Slovenia	Yes	As at 23.03.2019, notification date.
SK	Slovakia	Národná banka Slovenska	Intends to comply**	By 29.03.2019.
FI	Finland	Finanssivalvonta (FIN-FSA)	Yes	As at 28.03.2019, notification date.
SE	Sweden	Finansinspektionen	Yes	As at 22.02.2019, notification date.
UK	United Kingdom	PRA	Not applicable	The Guidelines are outside the scope of the PRA's authority, and are therefore not applicable to the PRA. The relevant UK competent authority (the Financial Conduct Authority) is responding.
		Financial Conduct Authority	Yes	As at 20.03.2019, notification date.

EU Institutions – Agencies

ECB	ECB	ECB	Not applicable	
-----	-----	-----	-----------------------	--

EEA – EFTA State

		Competent authority	Complies or intends to comply	Comments
IS	Iceland	Financial Supervisory Authority, Iceland	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed.
LI	Liechtenstein	Financial Market Authority Liechtenstein (FMA)	Yes*	Complies with the guidelines as of 1 October 2019.
NO	Norway	The Financial Supervisory Authority of Norway	Intends to comply**	The Directive 2015/2366 has not been incorporated into the EEA Agreement yet. Norway intends to comply and the RTS on SCA & CSC will become effective in Norway from the 14 th September 2019. However, please note that since Norway is an EEA country, directive 2015/2366 has not been incorporated into the EEA agreement yet. Provisions equivalent with PSD2 is implemented onto Norwegian law and will enter into force by 1 April, but Norway is still in the process of detailing how the national rules shall be applied in practice.

European Territories under Article 355(3) TFEU

UK	United Kingdom	Gibraltar Financial Services Commission	Yes	As at 30.04.2019, 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.