



Joint Guidelines Compliance Table

JC/GL/2018/35

31 July 2018; Date of application – 1 May 2019 (Updated – 13 April 2021)

Joint Guidelines on complaints-handling to authorities competent for supervising the new institutions under PSD2 and/or the MCD (extension of Joint Guidelines on complaints-handling for the securities (ESMA) and banking (EBA) sectors-JC/GL/2014/43 Appendix 1, 18 February 2015)

The following competent authorities* comply or intend to comply with the ESAs' Joint Committee Guidelines on complaints-handling to authorities competent for supervising the new institutions under PSD2 and/or the MCD:

		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
Member State					
BE	Belgium	Financial Services and Markets Authority (FSMA)	EBA	Yes	As at 05.12.2018, notification date. The National Bank of Belgium is not the competent authority for this matter. It was agreed that the Financial Services and Markets Authority (FSMA) will implement these guidelines for all regulated undertakings of the banking and securities sector, except for payment institutions, e-money institutions, payment initiation service providers, account information service providers, credit intermediaries and non-credit institution creditors for which the Federal Public Service Economy, S.M.E.s, Self-employed and Energy is the competent



		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
					authority. The compliance notification provided is on their behalf.
BG	Bulgaria	Българска народна банка (Bulgarian National Bank)	EBA, EIOPA, ESMA	Intends to comply**	This compliance notification pertains only to the financial institutions and activities in the Directives and Regulations that fall into the remit of the Bulgarian National Bank. This is the case for CRD, CRR, PSD 2 and EMD. We intend to comply with the requirements of the Guidelines under CRD and CRR from 04.12.2018. For the services under PSD 2 and EMD we intend to comply by the end of the first half of 2019. By contrast, the Mortgage Credit Directive (MCD) does not fall into the remit of the Bulgarian National Bank but of the Commission for Consumer Protection (CCP). We have made the CCP aware of these Guidelines, and they have indicated that they shall submit a separate compliance notification which BNB as a Contact Point under MCD will provide to you.
		Commission for Consumers Protection	EBA	Yes	As at 19.11.2018, notification date. This compliance notification pertains only to the financial institutions and activities in the Directives that fall into the remit of the Commission for Consumer Protection of Bulgaria, which is the Mortgage Credit Directive (MCD).
CZ	Czech Republic	Czech National Bank	EBA	Intends to comply**	By 01.05.2019.
DK	Denmark	The Danish FSA	EBA	Yes	As at 27.11.2018, notification date.
DE	Germany	Bundesanstalt für Finanzdienstleist	EBA	No	UPDATE: 06/08/2019 Does not comply and does not intend to comply with parts of the Guidelines.



		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
		ungsaufsicht (BaFin)			<p>BaFin complies with Guidelines 1,2,3,5,6 and 7.</p> <p>BaFin does not comply with Guideline 4 on Reporting because European law does not provide for a legal hook to transpose the reporting requirement stipulated in Guideline 4 with regard to credit institutions, payment institutions, electric money institutions and non-credit institutions.</p> <p>BaFin's notification concerning the extension of the scope of the JC guidelines for complaints-handling for the securities (ESMA and banking (EBA) sectors (JC 2014 43) regarding payment institutions and non-credit institution creditors dating from 29 November 2018 remains valid as far as the Guidelines 1,2,3,5,6 and 7 are concerned.</p> <p>With regard to credit intermediaries according to Article 4(5) MCD BaFin is not the competent authority according to Article 5(3) MCD. However, referring to para. 9d) of the Guidelines on complaints-handling for the securities (ESMA) and banking (EBA) sectors (JC 2018 35), please be informed that the Federal ministry for Economic Affairs and Energy intends to comply with the Guidelines 1,2,3,5,6,7 by such time as the necessary legislative proceedings have been completed. The transposition of the guidelines requires amendments of national law which have to be adopted by parliament.</p>
EE	Estonia	Finantsinspektsioon	EBA	Yes	As at 03.12.2018, notification date.
IE	Ireland	Central Bank of Ireland	EBA	Yes	As of date of notification, 30.03.2021. • The relevant supervisory teams have integrated the Guidelines into



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					<p>their supervisory frameworks and they now apply with respect to the relevant entity types.</p> <ul style="list-style-type: none"> The relevant supervisory teams have reviewed their information collection requirements for the relevant entity types, including payment institutions and electronic money institutions, to ensure compliance with Guideline 4. The Banking and Payments Federation of Ireland (BPF), Fintech and Payments Association of Ireland (FPAI) and Association of Expert Mortgage Advisors (AEMA), Brokers Ireland and regulated PISPs and AISPs have been notified that of the Central Bank's intention to comply with the Guidelines. The Guidelines were published on the Consumer Protection Guidelines Page (https://www.centralbank.ie/regulation/consumer-protection/european-supervisory-authority-guidelines) on the Central Bank's website, with a short piece explaining the guidelines and who they apply to.
EL	Greece	Bank of Greece	EBA	Intends to comply**	By 01.05.2019.
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	EBA	Intends to comply**	By such time as the necessary regulatory proceedings have been completed. The CNB intends to transpose the requirements of the GLs through the existing national "Guidelines for complaints-handling for credit institutions, payment institutions and e-money institutions". These national guidelines should be renewed.
ES	Spain	Banco de España	EBA	Yes	As at 08.03.2021, notification date.



		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
FR	France	ACPR	EBA	Yes	As at 13.12.2018, notification date.
IT	Italy	Bank of Italy	EBA	Yes	As at 15.03.2021, notification date.
CY	Cyprus	Central Bank of Cyprus	EBA	Yes	As at 08.03.2021, notification date.
LV	Latvia	Financial and Capital Market Commission	EBA	Yes	As at 30.11.2018, notification date.
LT	Lithuania	Bank of Lithuania	EBA	Intends to comply**	By 01.05.2019 or earlier.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	EBA	Yes	As of notification date, 05.03.2021. https://www.cssf.lu/wp-content/uploads/cssf19_718eng.pdf
HU	Hungary	Central Bank of Hungary	EBA,ESMA	Yes	As at 21.11.2018, notification date.
MT	Malta	Malta Financial Services Authority	EBA	Yes	As at 02.03.2021, notification date. On 5 March 2020, the Malta Financial Services Authority published a new Banking Rule BR/22 on Complaints-Handling Procedures for Credit Institutions authorised under the Banking Act 1994. The scope of this new Banking Rule is to wholly implement and adopt the provisions of the Joint Guidelines (JC/GL/2018/35) and to provide for ancillary matters thereto. Link to BR/22: https://www.mfsa.mt/wp-content/uploads/2020/03/20200305-Complaints-Handling-BR-22.pdf
NL	Netherlands	Dutch Authority for the Financial Markets	EBA	Intends to comply**	By Q1 2020. The AFM intends to fully comply with these Guidelines by Q1 2020. To be specific, compliance with guideline 4 on data reporting in the banking sector will be further



		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
					developed in 2019. The data reporting mechanism is expected to be operational by early 2020.
AT	Austria	Austrian Financial Market Authority	EBA	Yes	With regard to PISPs and AISPs under PSD2, as at 18.10.2018, notification date. With regard to credit intermediaries and non-credit institution creditors (as defined in Article 4(5) and (10) of the MCD respectively), the FMA is not the competent authority and therefore informed the Federal Ministry of Science, Research and Economy as the competent authority (BMDW).
PL	Poland	Komisja Nadzoru Finansowego	EBA	Yes	As at 01.12.2018, notification date.
PT	Portugal	Banco de Portugal	EBA	Yes	As at 04.12.2018, notification date.
RO	Romania	National Bank of Romania	EBA	Yes	As at 09.03.2021, notification date. Guideline has been transposed through NBR Instructions from 20.01.2020. http://www.bnr.ro/Alte-reglementari-emise-de-BNR-736.aspx .
SI	Slovenia	Bank of Slovenia	EBA	Yes	As at 04.12.2018, notification date.
SK	Slovakia	Národná banka Slovenska	EBA	Yes	As at 04.12.2018, notification date.
FI	Finland	Finanssivalvonta (FIN-FSA)	EBA	Yes	As at 02.05.2019, notification date. National measures published by the FIN-FSA: https://www.finanssivalvonta.fi/en/regulation/FIN-FSA-resolutions/code-of-conduct/03_2013/
SE	Sweden	The Swedish Financial Supervision Authority	EBA	Yes	As at 14.11.2018, notification date.
UK	United Kingdom	PRA	EBA	Not applicable	The scope of the Guidelines are outside the scope of the PRA's authority, and are therefore not



		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
					applicable to the UK PRA. The relevant UK authority (Financial Conduct Authority) is responding.
		Financial Conduct Authority (FCA)	EBA	Yes	As at 27.11.2018, notification date.

EU Institutions – Agencies

ECB	ECB	ECB		Not applicable	
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EEA – EFTA State

IS	Iceland	Financial Supervisory Authority, Iceland	EBA	Yes	As of notification date, 04.03.2021.
LI	Liechtenstein	Financial Market Authority Liechtenstein (FMA)	EBA	Yes	As of notification date, i.e. 13.04.2021. This notification concerns only compliance with the respective Guidelines as regards credit interme-diaries under Directive 2014/17. Prior notifications regarding other financial intermediaries remain unchanged. Please note that according to the national implementation of Directive 2014/17 the competence for supervising credit intermediaries has been split between two authorities. While the Office for Eco-nomic Affairs supervises unbound credit intermediaries, the FMA is the competent authority for supervising bound credit intermediaries. Thus, this notification covers both the Office for Economic Affairs as well as the FMA with in their respective remit.
NO	Norway	The Financial Supervisory Authority of Norway	EBA	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed. The Norwegian FSA intends to comply with the guidelines once



		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
					PSD2 as been implemented into Norwegian law.

European Territories under Article 355(3) TFEU

UK	United Kingdom	Gibraltar Financial Services Commission	EBA	Yes	As at 04.12.2018, notification date.
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UK	United Kingdom**	Financial Conduct Authority (FCA)	ESMA/EBA	Yes	
GI	Gibraltar**	Financial Services Commission (Gibraltar)	ESMA/EBA	No response	No notification of compliance was received by the ESAs 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 ESAs' Joint Guidelines. This table is based on information provided from those EEA States on a voluntary basis.

** The United Kingdom formally left the EU on 31 January 2020, following which the withdrawal agreement entered into force. The withdrawal agreement marked the start of a transition period which lasted until 31 December 2020, whereby the UK was no longer an EU Member State but EU law continued to apply to it. The compliance status recorded in this table for the competent authorities of the United Kingdom and the European territories for whose external relations it is responsible under Article 355(3) TFEU (Gibraltar) therefore reflects their compliance status as at 31 December 2020 and is retained for the purpose of historical information. Please note that, from 1 January 2021, EU law no longer applies to those competent authorities.

Notes

Article 16(3) of the ESAs' 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 ESAs endeavour to ensure the accuracy of this document, however, the information is provided by the competent authorities and, as such, the ESAs cannot accept responsibility for its contents or any reliance placed on it.



JOINT COMMITTEE OF THE EUROPEAN SUPERVISORY AUTHORITIES

For further information on the current position of any competent authority, please contact that competent authority. Contact details can be obtained from the ESAs' website (www.eba.europa.eu; www.eiopa.europa.eu; www.esma.europa.eu).