

EBA/REC/2015/02

23/11/2016

Recommendations amending Recommendations EBA/REC/2015/01

on the equivalence of confidentiality regimes

1. Compliance and reporting obligations

Status of these recommendations

1. This document contains recommendation issued pursuant to Article 16 of Regulation (EU) No 1093/2010¹. In accordance with Article 16(3) of Regulation (EU) No 1093/2010, competent authorities and financial institutions must make every effort to comply with the recommendations.
2. Recommendations set the EBA view of appropriate supervisory practices within the European System of Financial Supervision or of how Union law should be applied in a particular area. Competent authorities as defined in Article 4(2) of Regulation (EU) No 1093/2010 to whom recommendations apply should comply by incorporating them into their practices as appropriate (e.g. by amending their legal framework or their supervisory processes), including where recommendations are directed primarily at institutions.

Reporting requirements

3. According to Article 16(3) of Regulation (EU) No 1093/2010, competent authorities must notify the EBA as to whether they comply or intend to comply with these recommendations, or otherwise with reasons for non-compliance, by 23/01/2017. In the absence of any notification by this deadline, competent authorities will be considered by the EBA to be non-compliant. Notifications should be sent by submitting the form available on the EBA website to compliance@eba.europa.eu with the reference 'EBA/REC/2015/02'. Notifications should be submitted by persons with appropriate authority to report compliance on behalf of their competent authorities. Any change in the status of compliance must also be reported to EBA.
4. Notifications will be published on the EBA website, in line with Article 16(3).

¹ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC, (OJ L 331, 15.12.2010, p.12).

2. Addressees

5. These recommendations are addressed to competent authorities as defined in of Article 4(2) of Regulation (EU) No 1093/2010.

3. Implementation

Date of application

6. These recommendations apply from 24/11/2016.

4. Amendments

7. Recommendation EBA/REC/2015/01 on the equivalence of confidentiality regimes is amended as follows:

The following row is added to the Annex “Table of authorities assessed and equivalence assessment performed”

AUTHORITY ASSESSED	<u>PRINCIPLE 1: NOTION OF CONFIDENTIAL INFORMATION</u>	<u>PRINCIPLE 2: PROFESSIONAL SECRECY REQUIREMENTS</u>	<u>PRINCIPLE 3: RESTRICTIONS ON THE USE OF CONFIDENTIAL INFORMATION</u>	<u>PRINCIPLE 4: RESTRICTIONS OF FURTHER DISCLOSURE OF CONFIDENTIAL INFORMATION</u>	<u>ADDITIONAL INFORMATION FOR CONSIDERATION: BREACH OF PROFESSIONAL SECRECY AND OTHER REQUIREMENTS RELATED TO CONFIDENTIAL INFORMATION DISCLOSURE</u>	<u>OVERALL ASSESSMENT</u>
Albania - Bank of Albania (BANKA E SHQIPËRISË) - http://www.bankofalbania.org/	Article 58 (1) 1 of the Law On the Bank of Albania (BoA-Law) Art 91(1) Law On Banks in the Republic of Albania (Banking Law) Regulation no. 42 (On transparency and	Art 58(1) BoA-Law Article 91 (1) Banking Law Art 19 of the Statute of the Bank of Albania dated 19.12.2000 Art 13 and 27 of the Code of Conduct	Art 58(1) BoA-Law Article 91 (1) Banking Law Art 19 of the Statute of the Bank of Albania dated 19.12.2000 Art 13 and 27 of the Code of Conduct	Art 58 BoA-Law Art 91 (2) Banking Law Article 23 BoA-LawArt 58 (2) Banking Law Regulation no. 42 (On transparency and confidentially in BoA)	Art 91 Banking Law Art 91(3) Banking Law Supervisory Council Decision nr. 21, Article 30, 54	Equivalent



	confidentially in BoA) Governor's Decision no. 2005 (On use and classification of the information classified as "banking secret" at the BoA)		Art 6 of the Governor's Decision no 2005			
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