

## Guidelines compliance table

EBA/GL/2020/03

(Update: 9 April 2021); Issue date: 15 April 2020; Application date: 16 April 2020

### Guidelines amending Recommendations EBA/REC/2015/01 on the equivalence of confidentiality regimes

The following competent authorities\* comply or intend to comply with the EBA's Guidelines amending Recommendations EBA/REC/2015/01 on the equivalence of confidentiality regimes:

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
Member State				
BE	Belgium	National Bank of Belgium	<b>Complies</b>	As of notification date, i.e. 24.06.2020. The NBB complies with the Guidelines. No specific document to implement these Guidelines has been published but the NBB will use them in its international cooperation involving the countries included in the Guidelines.
BG	Bulgaria	Bulgarian National Bank	<b>Complies</b>	As of notification date, i.e. 29.06.2020.
CZ	Czech Republic	Czech National Bank	<b>Complies</b>	As of notification date, i.e. 09.06.2020.
DK	Denmark	Danish Financial Supervisory Authority	<b>Complies</b>	As of notification date, 29.06.2020. No additional national measures have been adopted or would be needed as the guidelines concern confidentiality regime already set out in national legislation stemming

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
				from the implementation of the Capital Requirements Directive.
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	<b>Complies</b>	As of notification date, i.e. 01.07.2020.
EE	Estonia	Finantsinspektsioon	<b>Complies</b>	As of notification date, i.e. 07.07.2020. Electronic link: <a href="https://www.fi.ee/et/juhendid/pan-gandus-ja-krediit/suunised-millegamuudetakse-soovitusi-ebarec201501-konfidentsiaalsuskordade-samavaarsuse-kohta-valja">https://www.fi.ee/et/juhendid/pan-gandus-ja-krediit/suunised-millegamuudetakse-soovitusi-ebarec201501-konfidentsiaalsuskordade-samavaarsuse-kohta-valja</a>
IE	Ireland	Central Bank of Ireland	<b>Complies</b>	As of notification, i.e. 26.06.2020. The Central Bank of Ireland will integrate the provisions of the Guidelines in its supervisory practices.
EL	Greece	Bank of Greece	<b>Complies</b>	As of notification date, i.e. 17.03.2021. Guidelines adopted with Circular 22 of the Banking Supervision Department of the Bank of Greece.
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	<b>Complies</b>	As of notification date, i.e. 30.06.2020. The Croatian National Bank complies with the Guidelines amending Recommendations EBA/REC/2015/01 on the equivalence of confidentiality regimes by means of its supervisory practices – the updated list of equivalent third country supervisory authorities (in this case New York State Department of Financial Services is added on the list) is the basis for the acceptance of their participation in the work of colleges of supervisors.
ES	Spain	Banco de España	<b>Complies</b>	As of notification date, i.e. 03.07.2020. In line with Article 16(3) of Regulation (EU) n.º 1093/2010 and irrespective of whether an actual case of college participation exists, Banco de Portugal makes every effort to comply with

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
				EBA/GL/2020/03 by incorporating them into its supervisory practices as deemed appropriate, namely within the context and for the purposes referred to in Article 116 (6) of the Capital Requirements Directive.
FR	France	Banque de France	<b>Complies</b>	As of notification date, i.e. 20.07.2020.
IT	Italy	Bank of Italy	<b>Complies</b>	As of notification date, i.e. 23.07.2020. The Italian legal framework does not require any specific legislative and/or regulatory provision 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	<b>Complies</b>	As of notification date, i.e. 15.10.2020.
LV	Latvia	Financial and Capital Market Commission	<b>Complies</b>	As of notification date, i.e. 26.06.2020. No specific national measures published to implement the Guidelines. The Guidelines will be directly applied in cooperation with the countries included in the Annex of the Guidelines.
LT	Lithuania	Bank of Lithuania	<b>Complies</b>	As of notification date, i.e. 07.05.2020. 21 December 2018: Resolution of the Director of the Supervision Service No 241-287 on the Equivalence of Confidentiality Regimes entered into force on 15 January 2019. Internal approval procedures provide for the automatic application of all further amendments and updates in order to reduce the administrative burden.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	<b>Complies</b>	As of notification date, i.e. 29.06.2020.

		<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
HU	Hungary	Central Bank of Hungary	<b>Complies</b>	As of notification date, i.e. 29.06.2020.
MT	Malta	Malta Financial Services Authority	<b>Intends to comply**</b>	When necessary legislative or regulatory proceedings have been completed. The Malta Financial Services Authority is presently working to implement the EBA Guidelines on the equivalence of confidentiality regimes (EBA/GL/2020/03) into the relevant national legislative instruments by introducing new provisions to cater for this.
NL	Netherlands	De Nederlandsche Bank N.V. (DNB)	<b>Complies</b>	As of notification date, i.e. 29.06.2020.
AT	Austria	Austrian Financial Market Authority	<b>Complies</b>	As of notification date, i.e. 21.08.2020.
PL	Poland	Komisja Nadzoru Finansowego	<b>Complies</b>	As of notification date, i.e. 02.04.2020.
PT	Portugal	Banco de Portugal	<b>Complies</b>	As of notification date, i.e. 02.07.2020. In line with Article 16(3) of Regulation (EU) n.º 1093/2010 and irrespective of whether an actual case of college participation exists, Banco de Portugal makes every effort to comply with EBA/GL/2020/03 by incorporating them into its supervisory practices as deemed appropriate, namely within the context and for the purposes referred to in Article 116 (6) of the Capital Requirements Directive.
RO	Romania	National Bank of Romania	<b>Complies</b>	As of notification date, i.e. 07.07.2020.
SI	Slovenia	Bank of Slovenia	<b>Complies</b>	As of notification date, i.e. 20.07.2020. Link to the measures published in the relevant jurisdiction (Uradni list RS, št. 101/2020, 17 July 2020 - Sklep

		Competent authority	Complies or intends to comply	Comments
				o spremembi Sklepa o uporabi Priporočil o enakovrednosti ureditev zaupnosti - <a href="https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2020-01-1866/sklep-o-spremembi-sklepa-o-uporabi-priporocil-o-enakovrednosti-ureditev-zaupnosti">https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2020-01-1866/sklep-o-spremembi-sklepa-o-uporabi-priporocil-o-enakovrednosti-ureditev-zaupnosti</a>
SK	Slovakia	Národná banka Slovenska	<b>Intends to comply**</b>	By 01.01.2021.
FI	Finland	Finanssivalvonta (FIN-FSA)	<b>Complies</b>	As of notification date, i.e. 08.04.2021. The FIN-FSA will take the GLs into account in its supervisory practices when it becomes relevant
SE	Sweden	Finansinspektionen (Swedish Financial Supervisory Authority)	<b>Complies</b>	As of notification date, i.e. 26.06.2020. Additional national measures are not required to comply with the guidelines in question.
UK	United Kingdom	PRA	<b>Complies</b>	As of notification date, i.e. 15.06.2020.
		Financial Conduct Authority (FCA)	<b>Complies</b>	As of notification date, i.e. 22.06.2020.

## EU Institutions – Agencies

ECB	Single Supervisory Mechanism	<b>Complies</b>	As of notification date, i.e. 16.10.2010.  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.  The above declaration of compliance is without prejudice to the ECB's position
-----	------------------------------	-----------------	---

	Competent authority	Complies or intends to comply	Comments
			concerning the previous inclusion of the Central Bank of Kosovo in the list of equivalent third-country authorities (EBA/REC/2017/01). The designation of the Central Bank of Kosovo as an equivalent third country authority is without prejudice to positions on status, and is in line with Resolution 1244/1999 of the United Nations Security Council (UNSCR 11244/1999) and the advisory opinion of the International Court of Justice on the declaration of Independence of Kosovo.

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 at national level.
LI	Liechtenstein	Financial Market Authority Liechtenstein (FMA)	<b>Complies</b>	As of notification date, i.e. 26.06.2020.
NO	Norway	The Financial Supervisory Authority of Norway	<b>Complies</b>	As of notification date, i.e. 01.07.2020.

European Territories under Article 355(3) TFEU

UK	United Kingdom	Gibraltar Financial Services Commission	<b>Does not comply</b>	Has not notified the EBA.
----	----------------	---	------------------------	---------------------------

\*The EEA States other than the Member States of the European Union are required to notify their compliance with EBA guidelines and recommendations relating to a legislative act which has been incorporated into the EEA Agreement, and otherwise provide the information 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](http://www.eba.europa.eu).