

Guidelines compliance table

EBA/GL/2017/13 Appendix 1

13 October 2017; Date of application –
09 February 2018 (Updated – 26
November 2018)

Guidelines on procedures for complaints of alleged infringements of Directive (EU) 2015/2366

The following competent authorities* comply or intend to comply with the EBA's Guidelines on procedures for complaints of alleged infringements of Directive (EU) 2015/2366:

		Competent authority	Complies or intends to comply	Comments
Member State				
BE	Belgium	National Bank of Belgium	Yes	As at 25.01.2018, notification date. The National Bank of Belgium is not competent in the field of Procedures for complaints of alleged infringements of the PSD2. The answer is on behalf of the Federal Public Service Economy, whom we have contacted for this notification.
BG	Bulgaria	Bulgarian National Bank	Intends to comply**	By the end of the first half of 2018. It is envisaged by the end of the first half of 2018 the Bulgarian National Bank to adopt the relevant internal rules and procedures implementing the requirements of Guidelines.
CZ	Czech Republic	Czech National Bank	Yes	As at 24.01.2018, notification date.
DK	Denmark	Finanstilsynet	Intends to comply**	By 01.07.2018.

		Competent authority	Complies or intends to comply	Comments
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	Yes	As at 05.02.2018, notification date.
EE	Estonia	Finantsinspektsioon	Yes	As at 01.02.2018, notification date.
IE	Ireland	Central Bank of Ireland	Yes	As at 02.02.2018, notification date.
EL	Greece	Bank of Greece	Intends to comply**	For the article of TITLE II and the article 68.6 & 95-97 of TITLE IV by such time as the necessary national legislative or regulatory proceedings have been completed.
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	Yes	As of 28.07.2018. National measures necessary for compliance with the Guidelines are: Zakon o platnom prometu (engl. Payment System Act), published in "Narodne novine", no. 66/2018 on 20 July 2018, entered into force on 28 July 2018. Link: https://narodne-novine.nn.hr/clanci/sluzbeni/2018_07_66_1330.html Zakon o elektroničkom novcu (engl. Electronic Money Act), published in "Narodne novine", no. 64/2018 on 18 July 2018, entered into force on 26 July 2018. Link: https://narodne-novine.nn.hr/clanci/sluzbeni/2018_07_64_1304.html
ES	Spain	Banco de España	Intends to comply**	By such time as as the necessary legislative or regulatory proceedings implementing Directive (UE) 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	Prudential Supervision and Resolution Authority (ACPR)	Yes	As at 20.01.2018, notification date.
		Direction générale de la concurrence, de la	Yes	As at 05.02.2018, notification date.

		Competent authority	Complies or intends to comply	Comments
		consommation et de la répression des frauds (DGCCRF)		
IT	Italy	Bank of Italy	Intends to comply**	When adjustments of internal procedures will be implemented, which is currently envisaged to be by 05.07.2018.
CY	Cyprus	Central Bank of Cyprus	Intends to comply**	At such time as the necessary legislative or regulatory proceedings have been completed, that is when the PDS2 is transposed into national law.
LV	Latvia	Financial and Capital Market Commission	Yes	As at 05.02.2018, notification date.
LT	Lithuania	Bank of Lithuania	Intends to comply**	By such time as the necessary national legislative or regulatory proceedings have been completed, which is currently envisaged to be by 01.08.2018.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	Intends to comply**	By such time as the necessary national legislative or regulatory proceedings have been completed.
HU	Hungary	The Central Bank of Hungary	Yes	As at 05.02.2018, notification date.
MT	Malta	Central Bank of Malta	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed, which is currently envisaged to be by 01.05.2018.
NL	Netherlands	De Nederlandsche Bank N.V.	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed.
AT	Austria	Austrian Financial Market Authority	Yes	Following the entry into force of the Austrian Payment Services Act 2018 (ZaDiG 2018; Zahlungsdienstegesetz 2018) on 1 June 2018 our legal basis under national law is now adequate to allow the FMA to declare its full compliance with these Guidelines.
PL	Poland	Komisja Nadzoru Finansowego	Yes	As at 05.02.2018, notification date.
PT	Portugal	Banco de Portugal	Intends to comply**	By the transposition of the Directive 2015/2366 into national law. The necessary legislative

		Competent authority	Complies or intends to comply	Comments
				and/or regulatory proceedings at national level are still ongoing.
RO	Romania	National Bank of Romania	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed.
SI	Slovenia	Bank of Slovenia	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed (mid-February 2018).
SK	Slovakia	Národná banka Slovenska	Yes	As at 25.01.2018, notification date.
FI	Finland	Finanssivalvonta (FIN-FSA)	Yes	As at 05.02.2018, notification date.
SE	Sweden	Finansinspektionen	Yes	As at 09.01.2018, notification date.
UK	United Kingdom	PRA	Not applicable	The scope of the Guidelines are outside of the scope of PRA competence, and are therefore not applicable to the UK PRA. The relevant UK authority is responding.
		Financial Conduct Authority	Yes	As at 20.01.2018, notification date. National transposition legislation, the Payment Services Regulations (link below) transposes the Payment Services Directive EU 2015/2366 in UK law. See specifically, Regulation 117. https://www.legislation.gov.uk/uksi/2017/752/contents/made On 18 September 2017 we published Payment Services and Electronic Money - Our Approach (link below) which included the following statement: 11.50. We are required to maintain arrangements to enable payment service users, e-money holders and other interested parties, including, for example, consumer associations and PSPs) to submit complaints to us about PSPs' or e-money issuers' alleged breaches of the PSRs 2017 or EMRs. Information about how to complain can be found on our website. 11.51. Our process for dealing with these complaints is in accordance

		Competent authority	Complies or intends to comply	Comments
				with the Guidelines on Procedures for Complaints of Alleged Infringements of Directive (EU) 2015/2366 issued by the EBA under Article 100(6) of PSD2.33 11.52. These complaints will be acknowledged and used, where appropriate, to inform our regulatory activities - see Chapter 12 - Supervision. We do not operate a redress mechanism for individual complaints and so in replying to complainants, we will tell them - where appropriate - that they may be able to refer their complaint to the Financial Ombudsman Service. https://www.fca.org.uk/publication/finalised-guidance/fca-approach-payment-services-electronic-money-2017.pdf We have also published text on our website about the submission of information about infringements of PSD2 here: https://www.fca.org.uk/consumers/how-complain/submit-information-payment-services-e-money-firm
		Payment System Regulator	Yes	As at 02.02.2018, notification date.

EU Institutions – Agencies

ECB	ECB	ECB	Not applicable	
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EEA – EFTA State

IS	Iceland	Financial Supervisory Authority, Iceland	Intends to comply**	By such time as the necessary national legislative or regulatory proceedings have been completed.
LI	Liechtenstein	Financial Market Authority Liechtenstein (FMA)	Intends to comply**	The Principality of Liechtenstein intends to implement this Directive in national law by autumn 2018.
NO	Norway	The Financial Supervisory Authority of Norway (Finanstilsynet)	Intends to comply**	By such time as the necessary national legislative or regulatory proceedings have been completed.

		Competent authority	Complies or intends to comply	Comments
European Territories under Article 355(3) TFEU				
UK	United Kingdom	Gibraltar Financial Services Commission		

*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.