

Guidelines compliance table

EBA/GL/2015/05 Appendix 1

07 October 2015 – Updated: 08 Sept 2021

Guidelines on the determination of when the liquidation of assets or liabilities under normal insolvency proceedings could have an adverse effect on one or more financial markets under Article 42(14) of Directive 2014/59/EU

The following competent authorities* comply or intend to comply with EBA's Guidelines on asset separation tool:

		Competent authority	Complies or intends to comply	Comments
Member State				
BE	Belgium	National Bank of Belgium	Yes	As at 06.10.2015, notification date.
BG	Bulgaria	Българска народна банка (Bulgarian National Bank)	Yes	As at 29.09.2015, notification date. The Bulgarian National Bank (BNB) is also a competent authority under the CRR. We were requested by the EBA to send two separate notifications where a notification is required both by the competent authority and by the resolution authority. Then BNB is responsible for banks only (as opposed to investment firms).
CZ	Czech Republic	Česká Národní Banka (Czech National Bank)	Yes	As at 05.02.2019, notification date.

		Competent authority	Complies or intends to comply	Comments
DK	Denmark	Finanstilsynet (Danish Financial Supervisory Authority)	Yes	As at 22.09.2015, notification date.
DE	Germany	Federal Agency for Financial Market Stabilisation (FMSA)	Yes	As at 22.12.2015, notification date. My jurisdiction complies with the above mentioned Guidelines to the extent that it does not conflict with national law.
EE	Estonia	Finantsinspektsioon (Financial Supervision Authority)	Yes	As at 02.10.2015, notification date.
IE	Ireland	Central Bank of Ireland	Yes	As at 13.08.2015, notification date.
EL	Greece	Τράπεζα της Ελλάδος (Bank of Greece)	Yes	As at 15.03.2019, notification date.
HR	Croatia	National Bank of Croatia	Intends to comply**	Until 1 January 2021, resolution powers in the Republic of Croatia were divided between the Croatian Deposit Insurance Agency (formerly the State Agency for Deposit Insurance and Bank Resolution), the Croatian National Bank and the Croatian Financial Services Supervisory Agency. However, from 1 January 2021, when the Act on the Resolution of Credit Institutions and Investment Firms (Official Gazette, 146/2020) entered into force, in addition to the fact that the Croatian Deposit Insurance Agency is no longer a resolution authority, all implementing acts it adopted with regard to European Banking Authority's Guidelines ceased to be valid. At the same time, the Croatian National Bank took over additional resolution powers as well as the obligation to decide on the compliance with the Guidelines previously covered by the Croatian Deposit Insurance Agency's implementing acts. Accordingly, the Croatian National Bank is currently working on an act by which it intends to comply with the Guidelines on the determination of when the liquidation of assets or

		Competent authority	Complies or intends to comply	Comments
				liabilities under normal insolvency proceedings could have an adverse effect on one or more financial markets under Article 42(14) of Directive 2014/59/EU (EBA/GL/2015/05).
		Banco de España (Bank of Spain)	Not applicable	The Guidelines do not apply in the jurisdiction of the Competent Authority. 06.10.2015 - As already communicated to EBA on July 30 th 2015, Spain opted to establish a structure with two resolution authorities, making the distinction between the roles of preventive and executive procedure (respectively assigned to Banco de España and FROB-Fund for Orderly Bank Restructuring-). Please be aware that EBA/GL/2015/04, EBA/GL/2015/05 and EBA/GL/2015/06 do not fall under Banco de España scope of competences. Therefore, Banco de España will not provide compliance notifications regarding these Guidelines.
ES	Spain	Fund for Orderly Bank Restructuring - FROB	Yes	As at 07.10.2015, notification date.
		Autorité de Contrôle Prudentiel et de Résolution (Prudential Supervisory & Resolution Authority)	Intends to comply**	By 31.12.2019. We are currently updating an internal documentation "National Resolution Handbook". The final document should be finalized by end of 2019.
FR	France	Banca d'Italia (Bank of Italy)	Yes	As at 18.11.2019, notification date. Compliance with the GL is ensured via the national handbook on crisis management and resolution recently finalized that provides an operational description of the resolution processes to be implemented by the Resolution

		Competent authority	Complies or intends to comply	Comments
				Unit of the Bank of Italy both for SIs and LSIs in case of resolution. The handbook is an internal document. It refers to and includes as annexes the SRB internal manuals on Crisis Governance and Resolution Planning and the Internal Arrangements implementing some provisions of the Cooperation Framework. However, in light of their specific status, these annexes are available on a need to know basis only to the Resolution Unit staff and are stored separately in a dedicated repository.
IT	Italy	Κεντρική Τράπεζα της Κύπρου (Central Bank of Cyprus) – Resolution Authority	Yes	As at 24.04.2019, notification date.
CY	Cyprus	Finanšu un Kapitāla tirgus Komisija (Financial and Capital Market Commission)	No response	No notification of compliance was received by the EBA within the two-month time limit.
LV	Latvia	Lietuvos Bankas (Bank of Lithuania)	Yes	As at 22.01.2019, notification date. Compliance with GL approved by 13 December 2016 Board of the Bank of Lithuania Resolution No V 2016/(22.1.E-2200)-265E-23
LT	Lithuania	Commission de Surveillance du Secteur Financier (Commission for the Supervision of Financial Sector)	Yes	As at 05.02.2019, notification date.
LU	Luxembourg	Magyar Nemzeti Bank (The Central Bank of Hungary)	Yes	As at 22.02.2019, notification date. Implementing document: Resolution Handbook of the MNB (Internal Rules No 2018-1006).
HU	Hungary	Malta Financial Services Authority	Intends to comply**	

		Competent authority	Complies or intends to comply	Comments
				When necessary legislative or regulatory proceedings have been completed.
MT	Malta	De Nederlandsche Bank (National Bank of Netherlands)	Yes	As at 04.03.2019, notification date.
NL	Netherlands	Finanzmarktaufsicht (Financial Market Authority)	Yes	As at 01.10.2015, notification date.
AT	Austria	Komisja Nadzoru Finansowego (Polish Financial Supervision Authority)	No reponse	No notification of compliance was received by the EBA within the two-month time limit.
PL	Poland	Bankowy Fundusz Gwarancyjny (Bank Guarantee Fund)	Yes	As at 03.04.2017, notification date. Compliance with the Guidelines is provided by incorporating into Resolution of the Fund Council on the rules of leading by Bank Guarantee Fund resolution issued on the basis of the Act of 10 June 2016 on the Bank Guarantee Fund. Deposit Guarantee Scheme and Resolution (“Act on BFG”) , a provision specifying that the Fund – when verifying the conditions of application the asset separation tool – is obliged to follow the GL. Please find below the excerpt from the rules: “The detailed internal rules of leading by Bank Guarantee Fund resolution (...) Chapter 16 § 32 Asset separation Section 1. The Fund shall verify the conditions of application of the asset separation tool in accordance with the European Banking Authority’s Guideline on the determination of when the liquidation of assets or liabilities under normal insolvency proceedings could have an adverse effect on one or more financial markets under Article 42(14) of Directive 2014/59/EU. (...)”

		Competent authority	Complies or intends to comply	Comments
				In addition to the above please be informed that a non-official translation of the Act on BFG is available on the BFG website : https://www.bfg.pl/
		Banco de Portugal (Bank of Portugal)	Yes	As at 06.10.2015, notification date.
PT	Portugal	Banca Națională a României (National Bank of Romania)	Yes	As of 14.12.2015, the date of entering into force of the law transposing the principles of the abovementioned Guidelines (Law no.312/20915 on the recovery and resolution of credit institutions and investments firms, as well as on amending and supplementing some normative acts in the financial field).
RO	Romania	Bank of Slovenia	Yes	As at 29.08.2017, notification date. The Bank of Slovenia makes decisions regarding the application of guidelines and recommendations issued by the European Banking Authority. Decisions regarding the application of such guidelines or recommendations are published in the Official Gazette of the Republic of Slovenia. Bank of Slovenia complies with the guidelines at hand and a separate Bank of Slovenia Regulation on the use of the Guidelines was issued for this purpose.
SI	Slovenia	Národná Banka Slovenska (National Bank of Slovakia)/ Resolution Council	Yes	As at 14.09.2015, notification date.
SK	Slovakia	Finanssivalvonta (Finnish Financial Supervisory Authority)	No response	No notification of compliance was received by the EBA within the two-month time limit.
FI	Finland	Rahoitusvakausvirasto (Finnish Financial Stability Authority)	Yes	From 01.08.2015.

		Competent authority	Complies or intends to comply	Comments
		Riksgäldskontoret (Swedish National Debt Office)	Yes	As at 16.01.2017, notification date.
SE	Sweden	Riksgäldskontoret (Swedish National Debt Office)	Yes	As at 16.01.2017, notification date.

EU Institutions - Agencies

ECB	European Central Bank		Not applicable	
-----	-----------------------	--	-----------------------	--

EEA – EFTA State

IS	Iceland	Finanzmarktaufsicht - FMA (Financial Market Authority)	Intends to comply**	By the date on which the BRRD is incorporated into the EEA Agreement. The Guidelines refer to Directive 2014/59/EU (BRRD). While the national BRRD legislation is already in force in the Principality of Liechtenstein, the BRRD has not yet been incorporated into the EEA Agreement. As soon as the BRRD is part of the EEA Agreement, the Financial Market Authority Liechtenstein will update its notifications regarding eh BRRD Level III-acts.
LI	Liechtenstein	Finanstilsynet (Norwegian Financial Supervisory Authority)	Not applicable	The Guidelines do not apply in the jurisdiction of the competent authority. Awaiting a final agreement on the implementation of the ESAs' regulations into the EEA agreement, the BRRD has not yet been incorporated into the EEA agreement, nor has a resolution authority in Norway yet been appointed. As soon as the relevant domestic legislation has been adopted and necessary decisions taken, the stance of the Norwegian resolution authority as regards compliance with this and other guidelines, will be communicated.
NO	Norway			

*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.