

Guidelines compliance table

EBA/GL/2015/12 Appendix 1

04 August 2016 – Updated 28
September 2020

Guidelines on arrears and foreclosure

The following competent authorities* comply, intend to comply or do not comply with EBA's Guidelines on arrears and foreclosure: (EBA/GL/2015/12).

| Member State | Competent authority | Complies or intends to comply | Comments |
|--------------|---|-------------------------------|---|
| BE | Federal Public Service Economy, S.M.E.s, Self-employed & Energy | Intends to comply** | By February 2020. Article 28 of Directive 2014/17/EU on credit agreements for consumers relating to residential immovable property (the Mortgage Credit Directive or 'MCD') sets out provisions in the area of arrears and foreclosure and specifically requires Member States (MS) to adopt measures to encourage creditors to exercise reasonable forbearance before foreclosure proceedings are initiated. This article has been transposed in article VII.147/20, § 1, VII.147/21, VII.147/22, VII.147/23, VII.147/24 and VII.147/25 Code of Economic Law. No formal implementation of these guidelines, but they are taken into account when assessing the conformity with these articles of the Code of Economic Law by the economic inspection. |

| | | Competent authority | Complies or intends to comply | Comments |
|----|----------------|--|-------------------------------|---|
| | | | | Belgium will initiate proceedings to bring into force any explicit and formal measures necessary to comply with the Guidelines (a draft national law or circular will be proposed to the next competent minister after the national elections in May 2019). |
| | | National Bank of Belgium | Not applicable | |
| BG | Bulgaria | Българска народна банка (Bulgarian National Bank) | Not applicable | The Guidelines do not apply in the jurisdiction of the competent authority. The guidelines fall within the competence of another authority in Bulgaria this is the Commission for Consumer Protection (CCP). The BNB as a contact point under the Mortgage Credit Directive has notified the CCP about the guidelines on Arrears and Foreclosure. More information regarding the CCP is available on their web site: www.kzp.bg |
| CZ | Czech Republic | Česká Národní Banka (Czech National Bank) | Yes | As at 05.02.2019, notification date. |
| DK | Denmark | Finanstilsynet (Danish Financial Supervisory Authority) | Yes | As at 31.01.2019, notification date. |
| DE | Germany | Bundesaanstalt für Finanzdienstleistungsaufsicht (BaFin) | No | Requirements set out in Article 28 of Directive 2014/17/EU are implemented in German civil law, which is not in BaFin's supervisory remit. Therefore, there is no legal hook for BaFin to transpose the Guidelines on arrears and foreclosure (EBA/GL/2015/12). |
| EE | Estonia | Finantsinspektsioon (Financial Supervision Authority) | Yes | As at 21.03.2016, notification date. |
| IE | Ireland | Central Bank of Ireland | Yes | http://www.centralbank.ie/regulation/processes/consumer-protection-code/EuropeanSupervisoryAuthorityGuidelinesRecommendationsOpinions/Pages/default.aspx |

| | | Competent authority | Complies or intends to comply | Comments |
|----|---------|--|--------------------------------------|--|
| EL | Greece | Τράπεζα της Ελλάδος (Bank of Greece) | Yes | The Bank of Greece, by virtue of its mandate under Law 4224/2013 (Establishment of the Government Council for Private Debt Management) and as part of the Economic Adjustment Programme of Greece, has issued the Code of Conduct on arrears handling in August 2014. The Bank of Greece has already taken fully into account the Opinion of the European Banking Authority on Good Practices for the Treatment of Borrowers in Mortgage payment Difficulties (EBA-Op-2013-03). Furthermore, the Code of Conduct has a broader scope than the EBA/GL/2015/12, because it also includes other categories of credit. Besides that, other creditors such as leasing, factoring and consumer credit companies are subject to compliance with the Code. |
| HR | Croatia | National Bank of Croatia | Yes | As at 28.01.2019, notification date. Please be informed that national measure necessary for compliance with the Guidelines is: Odluka o dodatnim kriterijima za procjenu kreditne sposobnosti potrošača te provođenju postupka naplate dospjelih neplaćenih obveza i dobrovoljne namire (only in Croatian language) (OG 107/2017) Link: https://narodne-novine.nn.hr/clanci/sluzbeni/full/2017_11_107_2479.html |
| ES | Spain | Banco de España (Bank of Spain) | Yes | Complies as of 20.07.2020, notification date. |
| FR | France | Autorité de Contrôle Prudentiel et de Résolution (Prudential Supervisory & Resolution Authority) | Yes | |
| IT | Italy | Banca d'Italia (Bank of Italy) | Yes | As at 03.05.2019, notification date. |

| | | Competent authority | Complies or intends to comply | Comments |
|----|------------|---|--------------------------------------|---|
| CY | Cyprus | Κεντρική Τράπεζα της Κύπρου (Central Bank of Cyprus) | Yes | The provisions of the Guidelines are included in the Directive on Arrears Management of 2015. |
| LV | Latvia | Finanšu un Kapitāla tirgus Komisija (Financial and Capital Market Commission) | Yes | National measures already adopted: 1) Regulations of Financial and Capital Market Commission “Normative regulations on credit risk management”: http://likumi.lv/ta/id/269956-kreditriskapavaldisanas-normativie-noteikumi , 2) Consumer Rights Protection Law (Article 8): http://likumi.lv.doc.phd?id=23309 ; 3) Regulations of the Cabinet of Ministers Nr.245 “Regulations on special permit (license) for the provision of consumer credit services” (clause 8.3): http://likumi.lv/doc.php?id=228147 4) Financial and Capital Market Commission Guidelines “principles and guidelines for our of court consumer mortgage workouts”: http://www.fktk.lv/en/law/general/fcmc-guidelines-and-recommenda/4665-2009-08-21-principles-and-guideline.html |
| LT | Lithuania | Bank of Lithuania | Yes | As at 24.07.2017, notification date. The Bank of Lithuania was partially compliant with the guidelines as of 3 September 2013, when the Decision No. 241-181 by the Director of Supervision Service has been adopted. As of 10 November 2016 the Law on Mortgage (No XIII-2769) has been adopted by the Parliament and as of that date the Bank of Lithuania fully complies with the EBA Guidelines on arrears and foreclosure (EBA/GL/2015/12). All relevant provisions are transposed in the Law as of that date. |
| LU | Luxembourg | Commission de Surveillance du Secteur Financier (Commission | Yes | As at 05.02.2019, notification date. |

| | | Competent authority | Complies or intends to comply | Comments |
|----|-------------|--|-------------------------------|---|
| | | for the Supervision of Financial Sector) | | |
| HU | Hungary | Magyar Nemzeti Bank (Central Bank of Hungary) | Yes | As at 22.02.2019, notification date. Implementing document: MNB Recommendation No 11/2017. (A Magyar Nemzeti Bank 11/2017. (XI.6.) számú ajánlása a hitelkockázat méréséről, kezeléséről és kontrolljáról) |
| MT | Malta | Malta Competition and Consumer Affairs Authority | Intends to comply** | By December 2019. |
| NL | Netherlands | Autoriteit Financiële Markten (Authority for the Financial Markets) | Yes | |
| AT | Austria | Finanzmarktaufsicht (Financial Market Authority) | Yes | As at 24.01.2019, notification date. In reference to our letter of 19th May 2016 in which we declared that the FMA “intends to comply” with EBA Guidelines GL 2015/11 and GL 2015/12 we would like to advise you of the following update circumstances: Firstly, our legal basis under national law is now sufficient [Articles 33 and 39 Banking Act (BWG; Bankwesengesetz)]. Secondly, after further evaluation good administrative practice already reflects the requirements of both Guidelines. In 2016 it had been assumed that further clarification would be needed, to be issued in the form of an FMA circular, which is now in actual fact not necessary. These national circumstances allow the FMA to declare full compliance with these Guidelines. |
| PL | Poland | Komisja Nadzoru Finansowego (Polish Financial Supervision Authority) | Yes | |
| PT | Portugal | Banco de Portugal (Bank of Portugal) | Yes | |

| | | Competent authority | Complies or intends to comply | Comments |
|----|----------|---|--------------------------------------|--|
| RO | Romania | Banca Națională a României (National Bank of Romania) | Yes | As at 31.01.2019, notification date. |
| | | National Authority for Consumer Protection | Intends to comply** | Will comply when the Directive is fully transposed into national law and the authority is designated as competent authority under the Directive. |
| SI | Slovenia | Bank of Slovenia | Yes | The Bank of Slovenia makes decisions regarding the application of guidelines and recommendations issued by the European Banking Authority. Decision regarding the application of the guidelines are published in the Official Gazette of the Republic of Slovenia. |
| SK | Slovakia | Národná Banka Slovenska (National Bank of Slovakia) | Yes | As at 05.02.2019, notification date. |
| FI | Finland | The Regional State Administrative Agency of Southern Finland (RSAASF) | No | RSAASF has been designated in national legislation as an authority other than a competent authority as defined in Article 5 (3)(b) of Directive 2014/17/EU (MCD). However, RSAASF is not a competent authority as defined in Article 4(2)(i) of the Regulation 1093/2010/EU (EBA Regulation), is therefore not obliged to make every effort to comply with EBA Guidelines, and is also not competent to give binding instructions to actors under its supervision. RSAASF does therefore not intend to comply with EBA/GL/2015/12 but will make them available to all actors offering credit agreements under the MCD. |
| | | Consumer Ombudsman (www.kkv.fi/en/) | Yes | |

| | | Competent authority | Complies or intends to comply | Comments |
|----|----------------|--|-------------------------------|--|
| | | Finanssivalvonta (FIN-FSA) | Yes | FIN-FSA regulations and guidelines entered into force 1 April 2017 and can be found here (under section 6. Code of conduct), but only in Finnish and Swedish. |
| SE | Sweden | Finansinspektionen (Swedish Financial Supervisory Authority) | Intends to comply** | Will comply when the Directive is fully transposed into national law and the authority is designated as competent authority under the Directive. |
| UK | United Kingdom | Prudential Regulation Authority (PRA) | Not applicable | The Guidelines do not apply in the jurisdiction of the competent authority. These Guidelines do not apply to the PRA. The FCA is the competent authority for the MCD. |
| | | Financial Conduct Authority (FCA) | Yes | As at 27 th August (Notification date). FCA Handbook – Mortgage (and other forms of Home Finance): Conduct of Business rules – Chapter 13 – Arrears and repossessions FCA Handbook – Principles for Businesses FCA Handbook – Senior Management Arrangements, Systems and Controls |

EEA – EFTA State

| | | | | |
|----|---------------|--|---------------------|--|
| IS | Iceland | Fjármálaeftirlitið (Icelandic Financial Supervisory Authority - FME) | Yes | As at 05.02.2019, notification date. |
| LI | Liechtenstein | Finanzmarktaufsicht - FMA (Financial Market Authority) | Intends to comply** | Will comply by 2016 Q4 |
| NO | Norway | Finanstilsynet (Norwegian Financial Supervisory Authority) | Yes | Will comply when the Directive is fully transposed into national law and the authority is designated as competent authority under the Directive. |

European Territories under Article 355(3) TFEU

| | | | | |
|----|----------------|---|-----|--------------------------------------|
| UK | United Kingdom | Financial Services Commission (Gibraltar) | Yes | As at 04.02.2019, notification date. |
|----|----------------|---|-----|--------------------------------------|

*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 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.