

GUIDELINES COMPLIANCE TABLE

Guidelines on the process for the calculation of the indicators to determine the substantial importance of a CSD for a host Member State (ref. ESMA70-708036281-67)

The following competent authorities comply or intend to comply with ESMA's Guidelines on the process for the calculation of the indicators to determine the substantial importance of a CSD for a host Member State:

		Competent authority	Complies or intends to comply	Comments
Member States				
AT	Austria	Finanzmarktaufsicht (FMA)	Yes	The links to the FMA website that show full compliance with all obligations stemming from the CSDR-Guidelines: ESMA-Leitlinien und andere Konvergenzinstrumente - FMA Österreich ESMA Guidelines and other Convergence Instruments - FMA Österreich
BE	Belgium	National Bank of Belgium (NBB)	Yes	NBB endorsement of guidelines on 17 April 2018. Additionally, the guidelines are published in the NBB website under the following link: https://www.nbb.be/en/financial-oversight/general/news/circulars-and-communications . No additional national measures were needed/taken to ensure compliance with the guidelines.
BG	Bulgaria	Financial Supervision Commission	Yes	The compliance with the guidelines is secured through their implementation in Ordinance N8 adopted by the FSC. It is available via the link hereunder: https://www.fsc.bg/wp-content/uploads/2023/04/N_8_DV_36_2023-1.pdf
CY	Cyprus	Cyprus Securities and Exchange Commission (CySEC)	Yes	CySEC Circular C241 https://www.cysec.gov.cy/CMSPages/GetFile.aspx?guid=01119bf9-0c94-40c8-99c0-797a7a134c20

		Competent authority	Complies or intends to comply	Comments
CZ	Czech Republic	Ceská národní banka (CNB)	Yes	CNB provided a link to the part of the CNB website where information on ESMA guidelines is published https://www.cnb.cz/cs/dohled-financni-trh/legislativni-zakladna/obchodni-systemy-vyporadani-a-ochrana-trhu/metodicke-a-vykladove-materialy/
DK	Denmark	Finanstilsynet	Yes	CSDR (finansstilsynet.dk)
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	Yes	
EE	Estonia	Finantsinspektion (Estonian Financial Supervision Authority)	Yes	https://www.fi.ee/et/juhendid/investment-market/esma-suunised-naitajate-arutamise-protsessi-kohta-et-maatleda-vaartpaberite-keskdepositooriumi
EL	Greece	Hellenic Capital Market Commission	Yes	The HCMC has published an announcement (on 5/6/2018) on its website regarding its compliance status with the Guidelines (see at: http://www.gr/el_GR/web/portal/elib/news). According to the announcement, the HCMC has incorporated said GLs in its supervisory practice. See also: http://www.hcmc.gr/en_US/web/portal/esmaguidelines
ES	Spain	Comisión Nacional del Mercado de Valores (CNMV)	Yes	CNMV confirmed that no additional national measures were needed to implement ESMA's guidelines apart from the formal approval by CNMV of the decision to adopt each guideline. Additionally, the adopted guidelines are: <ul style="list-style-type: none"> • Considered in the authorisation, review, evaluation and supervision of the entities affected by these guidelines. Published on CNMV's website under the Market Infrastructure section https://www.cnmv.es/portal/Gpage.aspx?id=LegESMA&lang=en

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FI	Finland	Finanssivalvonta (FIN-FSA)	Yes	Tärkeimpien valuuttojen määrittämistä ja arvopaperikeskusten merkittävyyttä koskevien indikaattorien laskentaprosessit - - www.finanssivalvonta.fi
FR	France	Autorité des Marchés Financiers	Yes	
		Banque de France	Yes	
HR	Croatia	Hrvatska agencija za nadzor financijskih usluga (HANFA)	Yes	These Guidelines are implemented into the supervisory practices of Hanfa which is a national competent authority responsible for the supervision and authorisation of CSDs established in Croatia under Article 11(1) of CSDR. Under the general provision of Article 2(4) of the Croatian Capital Market Act (Croatian Official Gazette No. 65/18, 17/20, 83/21 and 151/22 ; available in Croatian only) all the guidelines issued by European supervisory authorities (ESAs) by their powers are binding for Hanfa and persons/entities to whom the guidelines apply. Supervised entities (i.e. CSDs) are obliged to undertake all the necessary activities to comply with these guidelines, in terms of scope and deadlines, which are specified in Hanfa's Notification on the compliance with these Guidelines as of 23 July 2020. The list of Esma Guidelines for which Hanfa notified compliance (including CSDR guidelines) is available on Hanfa's web page (available in Croatian language only).
HU	Hungary	Magyar Nemzeti Bank (MNB)	Yes	Mean of implementation: MNB regulation (availability: HUN + its' unofficial ENG translation), MNB code of the data requirement: P67 - 54/2021. (XI. 23.) MNB rendelet a jegybanki információs rendszerhez elsődlegesen a Magyar Nemzeti Bank alapvető feladatai ellátása érdekében teljesítendő adatszolgáltatási kötelezettségekről

		Competent authority	Complies or intends to comply	Comments
				MNB Decree No 54/2021 (XI. 23.) of the Governor of the Magyar Nemzeti Bank on the obligations to report data to the central bank's information system primarily to enable the Magyar Nemzeti Bank to carry out its basic duties. Available at https://aszp.mnb.hu/nyito/adatszolgaltatasi-mnb-rendeletek and https://www.mnb.hu/en/statistics/information-for-data-suppliers/regulations-and-resolutions
IE	Ireland	Central Bank of Ireland	Intends to comply	By the date a CSD is authorised by the Central Bank of Ireland
IT	Italy	Commissione Nazionale per le Società e la Borsa (CONSOB)	Yes	https://www.consob.it/documents/1912911/1979011/Avviso_20180518.pdf/a8da839b-f080-76c1-8e26-9b235d1aac6d
LV	Latvia	Latvijas Banka	Yes	
LT	Lithuania	Bank of Lithuania	Yes	
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	Yes	The CSSF has adopted a Circular embedding the text of the Guidelines and has published the integral version of the Circular on their website. In addition, the CSSF has published a table on the CSSF compliance with EBA and ESMA guidelines on the CSSF website as well. Circular CSSF 18/689
MT	Malta	Malta Financial Services Authority	Yes	Part V, Section 7 (R5-7.1) 'Process for the Calculation of Relevant Indicators' of the Financial Market Rules implements the Guidelines on the process for the calculation of the indicators to determine the substantial importance of a CSD for a host Member State.
NL	Netherlands	Autoriteit Financiële Markten (AFM)	Yes	https://www.afm.nl/~/_profmedia/files/onderwerpen/richtsnoeren/csdr-guidelines-on-substantial-importance-of-a-csd.pdf
PL	Poland	Komisji Nadzoru Finansowego (KNF)	Yes	KNF incorporated the guidelines into its supervisory practices. Link to the Guidelines has been attached on the KNF website: https://www.knf.gov.pl/dla_rynku/regulacje_i_praktyka/Rozporzadzenie_CSDR .

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				No additional national measures were needed to ensure compliance.
PT	Portugal	Comissão do mercado de valores mobiliários (CMVM)	Yes	
RO	Romania	Romanian Financial Supervisory Authority	Yes	
SE	Sweden	Finansinspektionen (FI)	Yes	FI publishes information on Guidelines on its website: https://www.fi.se/sv/marknad/regler/bors-clearing-och-vardepapperscentraler/internationella-riktlinjer/
SI	Slovenia	Securities Market Agency	Yes	Decisions on the application of the guidelines have been published on the SMA website: https://www.atvp.si/pVxL0zn1N4qOTnRd/sklepi-o-uporabi-smernic
SK	Slovakia	National Bank of Slovakia	Yes	NBS published on their website information about the guidelines together with an electronic link to its Slovak and English version: https://nbs.sk/dohlad-nad-financnym-trhom/legislativa/legislativa/detail-dokumentu/usmernenia-esma-z-28-marca-2018-c-esma70-708036281-67-sk-o-postupe-vypoctu-ukazovatelov-na-stanovenie-zasadneho-vyznamu-centralneho-depozitara-cennych-papierov-pre-hostitelsky-clensky-stat/ https://nbs.sk/en/dohlad-nad-financnym-trhom/legislativa/legislativa/detail-dokumentu/esma-guidelines-of-28-march-2018-no-esma70-708036281-67-on-the-process-for-the-calculation-of-the-indicators-to-determine-the-substantial-importance-of-a-csd-for-a-host-member-state/ By publishing guidelines on their website, they expect from their supervised entities to be in compliance with them.

		Competent authority	Complies or intends to comply	Comments
EEA EFTA States **				
IS	Iceland	Central Bank of Ireland	Yes	
LI	Liechtenstein	Financial Market Authority Liechtenstein	Yes	FMA-Liechtenstein publishes all guidelines in their website under the following link: https://www.fma-li.li/de/regulierung/regulierungen-der-europaischen-aufsichtsbehorden/guidelines.html
NO	Norway	Finanstilsynet	Yes	https://www.finanstilsynet.no/regelverk/esma-retningslinjer/esma-retningslinjer/retningslinjer-tilknyttet-csdr/
European Territories under Article 355(3) TFEU				

* 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 or recommendations 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 or recommendations in force in the jurisdiction concerned.

**[Please select one of Options A, B or C below, depending on whether the underlying legal acts have been incorporated in the EEA Agreement.]

[Option A (all underlying legal acts have been incorporated in the EEA Agreement.)] The competent authorities of the EEA States other than the Member States of the European Union are required to notify their compliance with ESMA’s guidelines or recommendations relating to a legal act that has been incorporated in the EEA Agreement. This compliance table reports on guidelines relating to Regulation (EU) No 909/2014, which has been incorporated in the EEA Agreement.

[Option B (none of the underlying legal acts have been incorporated in the EEA Agreement.)] The competent authorities of the EEA States other than the Member States of the European Union are required to notify their compliance with ESMA’s guidelines or recommendations relating to a legal act that has been incorporated in the EEA Agreement. This compliance table reports on guidelines relating to the Regulation (EU) No 909/2014, which has not yet been incorporated in the EEA Agreement. This table is therefore based on information provided from those competent authorities of the EEA States on a voluntary basis.

[Option C (some but not all of the underlying legal acts have been incorporated in the EEA Agreement).] The competent authorities of the EEA States other than the Member States of the European Union are required to notify their compliance with ESMA's guidelines or recommendations relating to a legal act that has been incorporated in the EEA Agreement. This compliance table reports on guidelines relating to the Regulation (EU) No 909/2014, which has been incorporated in the EEA Agreement. This compliance table also reports on guidelines relating to the Regulation (EU) No 909/2014 which has not yet been incorporated in the EEA Agreement. This table is to that extent based on information provided from those competent authorities of the EEA States on a voluntary basis.

Notes

Article 16(3) of Regulation (EU) No 1095/2010 (the ESMA Regulation) requires national competent authorities to inform us whether they comply or intend to comply with each set of guidelines or recommendations 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.

ESMA endeavours to ensure the accuracy of this document, however, the information is provided by the competent authorities and, as such, ESMA cannot accept responsibility for its content 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 our website (www.esma.europa.eu).