



# Guidelines compliance table

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ESMA70-156-350

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26 January 2022

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## Guidelines on the management body of market operators and DRSPs under MiFID II

The following competent authorities\* comply or intend to comply with ESMA Guidelines on the management body of market operators and DRSPs under MiFID II:

<b>Member State</b>	<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
BE Belgium	Financial Services and Markets Authority (FSMA)	Yes	
BG Bulgaria	Financial Supervision Commission (FSC)	Intends to comply	Intends to comply by the end of April 2022
CZ Czech Republic	Czech National Bank (CNB)	Yes	
DK Denmark	Finanstilsynet	Yes	
DE Germany	Financial Administration of the City of Hamburg	Yes	
	Ministry of Economics, Energy, Transport and Regional Development, State of Hessen	Yes	
	Ministry of Economic Affairs, Employment, Transport and Digitalisation of Lower Saxony	Yes	
	Ministry of Finance of the State of North Rhine-Westphalia	Yes	

Member State	Competent authority	Complies or intends to comply	Comments
	Exchange Supervisory Authority of the Saxon State (Ministry for Economic Affairs, Labor and Transport)	Yes	
	Ministry of Economic Affairs, Labour and Housing Baden-Wuerttemberg	Yes	
	Bavarian Ministry of Economic Affairs, Energy and Technology	Yes	
	Exchange Supervisory Authority Berlin (Senate Department for Economics, Energy and Public Enterprises)	Yes	
	BaFin	Yes	
EE Estonia	Estonian Financial Supervision Authority (FSA)	Yes	
IE Ireland	Central Bank of Ireland	Yes	
EL Greece	Hellenic Capital Market Commission (HCMC)	Yes	
ES Spain	Comisión Nacional del Mercado de Valores (CNMV)	Yes	
FR France	Autorité des Marchés Financiers (AMF)	Yes	
HR Croatia	Hrvatska agencija za nadzor financijskih usluga (HANFA)	Yes	
IT Italy	Commissione Nazionale per le Società e la Borsa (CONSOB)	Intends to comply**	Partially implemented into Consob Regulation and included in Consob supervisory practice. Consob will fully comply by such time as the necessary regulatory proceedings -

Member State	Competent authority	Complies or intends to comply	Comments
			whose responsibility lies in the hands of the national Ministry of Economics and finance - would have been completed. In particular, the Ministry of Economics and finance has already started the inherent regulatory proceedings, which are still underway and imply that opinions by both Consob and Bank of Italy are issued in due course, pursuant to Legislative Decree no. 58/1998 (the Italian Consolidated Law on Finance).
CY	Cyprus Cyprus Securities and Exchange Commission (CySEC)	Yes	
LV	Latvia Financial and Capital Market Commission (FCMC)	Yes	
LT	Lithuania Bank of Lithuania	Yes	
LU	Luxembourg Commission de Surveillance du Secteur Financier (CSSF)	Yes	
HU	Hungary Magyar Nemzeti Bank (MNB)	Yes	
MT	Malta Malta Financial Services Authority (MFSA)	Yes	



<b>Member State</b>	<b>Competent authority</b>	<b>Complies or intends to comply</b>	<b>Comments</b>
NL	Netherlands Netherlands Authority for the Financial Markets (AFM)	<b>Yes</b>	
AT	Austria Financial Market Authority (FMA)	<b>Yes</b>	
PL	Poland Komisja Nadzoru Finansowego (KNF)	<b>Yes</b>	
PT	Portugal Comissão do Mercado de Valores Mobiliários (CMVM)	<b>Yes</b>	
RO	Romania Romanian Financial Supervisory Authority (ASF)	<b>Yes</b>	
SI	Slovenia Securities Market Agency (SMA)	<b>Yes</b>	
SK	Slovakia National Bank of Slovakia (NBS)	<b>Yes</b>	
FI	Finland Finanssivalvonta (FSA)	<b>Yes</b>	
SE	Sweden Finansinspektionen (FI)	<b>Yes</b>	
IS	Iceland Central Bank of Iceland	<b>Yes*</b>	
LI	Liechtenstein Finanzmarktaufsicht (FMA)	<b>Yes*</b>	
NO	Norway Finanstilsynet	<b>Yes*</b>	
GB	United Kingdom*** Financial Conduct Authority (FCA)	<b>Yes</b>	
GI	Gibraltar <sup>1***</sup> Financial Services Commission (Gibraltar)	<b>Yes</b>	

\*The EEA States other than the Member States of the European Union are not currently required to notify their compliance with the ESMA Guidelines. This table is based on information provided from those EEA States on a voluntary basis. The underlying legislation for these guidelines has not been integrated into the EEA agreement.

<sup>1</sup> Gibraltar is a European territory for whose external relations the UK is responsible.



\*\* 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.

\*\*\* The United Kingdom formally left the EU on 31 January 2020, following which the withdrawal agreement entered into force. The withdrawal agreement marked the start of a transition period which lasted until 31 December 2020, whereby the UK was no longer an EU Member State, but EU law continued to apply to it. The compliance status recorded in this table for the competent authorities of the United Kingdom and the European territories for whose external relations it is responsible under Article 355(3) TFEU (Gibraltar) therefore reflects their compliance status as at 31 December 2020 and is retained for the purpose of historical information. Please note that, from 1 January 2021, EU law no longer applies to those competent authorities.

## Notes

Article 16(3) of the ESMA Regulation 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.

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 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 our website ([www.esma.europa.eu](http://www.esma.europa.eu))