

Guidelines compliance table

ESMA35-43-1957

23 July 2019

Guidelines on complex debts instruments and structured deposits (ESMA/2015/1787)

The following competent authorities have informed ESMA that they comply, do not comply or intend to comply with the ESMA's guidelines on complex debt instruments and structured deposits:

		Competent authority	Complies or intends to comply	Comments
Member States				
BE	Belgium	Financial Services and Markets Authority (FSMA)	Yes	
BG	Bulgaria	Financial Supervision Commission (FSC)	Intends to comply	FSC complies with the Guidelines in terms of the complex debt instruments. Due to existing legislative proceeding, FSC intends to comply with the Guidelines in terms of the structured deposits (expected date by 31.12.2019).
CZ	Czech Republic	Czech National Bank (CNB)	Yes	
DK	Denmark	Finanstilsynet	Yes	
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	Yes	



		Competent authority	Complies or intends to comply	Comments
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	
		Autorité des Marchés Financiers (AMF)	Yes	
FR	France	Autorité de Contrôle Prudentiel et de Résolution (ACPR) ¹	Yes	
HR	Croatia	Hrvatska agencija za nadzor financijskih usluga (HANFA)	Yes	
IT	Italy	Commissione Nazionale per le Società e la Borsa (CONSOB)	Yes	
CY	Cyprus	Cyprus Securities and Exchange Commission (CySEC)	Yes	

¹ Autorité de Contrôle Prudentiel et de Résolution is the authority responsible for the supervision of structured deposits in France.



		Competent authority	Complies or intends to comply	Comments
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	
NL	Netherlands	Netherlands Authority for the Financial Markets (AFM)	Yes	
AT	Austria	Financial Market Authority (FMA)	Yes	
PL	Poland	Komisja Nadzoru Finansowego (KNF)	Yes	
PT	Portugal	Comissão do Mercado de Valores Mobiliários (CMVM)	Yes	
		Banco de Portugal ²	Intends to comply*	By such time as the necessary legislative preceding have been completed (expected by end-2019)

² Banco de Portugal is the authority responsible for the supervision of structured deposits in Portugal.



		Competent authority	Complies or intends to comply	Comments
RO	Romania	Romanian Financial Supervisory Authority (ASF)	Yes	
SI	Slovenia	Securities Market Agency (SMA)	Yes	
SK	Slovakia	National Bank of Slovakia (NBS)	Yes	
FI	Finland	Finanssivalvonta (FSA)	Yes	
SE	Sweden	Finansinspektionen (FI)	Yes	
UK	United Kingdom	Financial Conduct Authority (FCA)	Yes	
EEA EFTA States**				
IS	Iceland	Fjármálaeftirlitið (FME)	Intends to comply	By when the legislative proceedings for the incorporation of MiFID II in the EEA agreement have been completed
LI	Liechtenstein	Finanzmarktaufsicht (FMA)	Intends to comply	By when the legislative proceedings for the incorporation of MiFID II in the EEA agreement have been completed
NO	Norway	Finanstilsynet	Yes	
European Territories under Article 355(3) TFEU				
GI	Gibraltar	Financial Services Commission (Gibraltar)	Yes	

*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 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 relating to a legal act that has been incorporated in the EEA Agreement. This compliance table reports on Guidelines relating to Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (MiFID II), which has not yet been incorporated in the EEA Agreement. This table is therefore based on information provided from those competent Authorities 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 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 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)