

Guidelines compliance table

ESMA/2016/572

24 March 2021

Guidelines on key concepts of the AIFMD (ESMA/2013/611)

The following competent authorities* comply or intend to comply with ESMA Guidelines on key concepts of the AIFMD (ESMA/2013/611):

		Competent authority	Complies or intends to comply	Comments
Member States				
EL	Greece	Hellenic Capital Market Commission	Yes	
RO	Romania	Romanian Financial Supervisory Authority	Yes	The Romanian legislation complies with the provisions of the guidelines. The transitory period for the AIFMD closes on 23 May 2016.
BE	Belgium	FSMA	Yes	http://www.fsma.be/fr/supervision/finbem/bhv/circmedprak/esma.aspx
DK	Denmark	Finanstilsynet	Yes	
LV	Latvia	Financial and Capital Market Commission	Yes	
CZ	Czech Republic	Czech National Bank	Yes	
AT	Austria	FMA Austria	Yes	
ES	Spain	CNMV	Yes	
LU	Luxembourg	Commission de Surveillance du Secteur Financier	Yes	

		Competent authority	Complies or intends to comply	Comments
PL	Poland	KNF – Polish Financial Supervision Authority	Yes	
SE	Sweden	Finansinspektionen (FSA Sweden)	Yes	
FR	France	Autorité des marchés financiers (AMF)	Yes	http://www.amf-france.org/Reglementation/Doctrine/Doctrine-list/Doctrine.html?category=II+-+Produits+de+placement&docId=workspace%3A%2F%2FSpacesStore%2F2332aa81-ef6b-43de-9306-7f0c203ff9c2
CY	Cyprus	Cyprus Securities & Exchange Commission	Yes	
IT	Italy	Consob	Yes	
HR	Croatia	Croatian Financial Services Supervisory Agency	Yes	
SK	Slovakia	National Bank of Slovakia	Yes	
HU	Hungary	Magyar Nemzeti Bank (MNB)	Yes	
EE	Estonia	Estonian Financial Supervision Authority	Yes	
BG	Bulgaria	Financial Supervision Commission	Yes	
MT	Malta	Malta Financial Services Authority	Yes	

		Competent authority	Complies or intends to comply	Comments
FI	Finland	Finanssivalvonta (FIN-FSA)	Yes	
SI	Slovenia	Securities Market Agency	Yes	
				The Portuguese national measures adopted in conformity with the referred Guidelines are available on the CMVM's website, on the following electronic links (only in Portuguese):
				a) The "Collective Investment Schemes General Framework", approved by Law 16/2015, of 24 february, which entered into force on the 26th of march 2015: http://www.cmvm.pt/pt/Legislacao/LegislacaoComplementar/OrganismosdeInvestimentoColetivo/Pages/Regime-geral-dos-OIC-vs-consolidada.aspx?v=
PT	Portugal	Portuguese Securities Market Commission (CMVM)	Yes	Developed in CMVM Regulation 2/2015, of 15 october: http://www.cmvm.pt/pt/Legislacao/Legislacaonacional/Regulamentos/Pages/Reg2015_2.aspx?v=
				b) The "Venture Capital, Social Entrepreneurship and Specialized Investment Legal Framework", approved by Law 18/2015, of 4 march, which entered into force on the 2nd of march 2015: http://www.cmvm.pt/pt/Legislacao/LegislacaoComplementar/CapitaldeRisco/Pages/Regime-Jur%C3%ADdico-do-Capital-de-Risco,-do-Empreendedorismo-Social-e-do-Investimento-Especializado.aspx?v=
				Developed in CMVM



		Competent authority	Complies or intends to comply	Comments
				Regulation 3/2015, of 12 June: http://www.cmvm.pt/pt/Legislacao/Legislacaonacional/Regulamentos/Pages/Reg2015_3.aspx?v=
DE	Germany	BaFin	Yes	
IE	Ireland	Central Bank of Ireland	Yes	
NL	The Netherlands	Netherlands Authority for the Financial Markets	Yes	
LT	Lithuania	Bank of Lithuania	Yes	The Bank of Lithuania complies with the Guidelines on key concepts of the AIFMD by applying them directly (decision of the Director of Supervision Service of the Bank of Lithuania of 1 June 2015, No. 241-97).

EEA EFTA States

IS	Iceland	Central Bank of Iceland	Yes	
NO	Norway	Finanstilsynet	Yes	
LI	Liechtenstein	Finanzmarktaufsicht (FMA)	Yes	

GB	United Kingdom***	FCA	Yes	
GI	Gibraltar***	The Financial Services Commission	Yes	



*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.

** 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 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)