



# Guidelines compliance table

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ESMA70-156-350

12 January 2021

## 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:

Member State	Competent authority	Complies or intends to comply	Comments
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 2018
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	
	Exchange Supervisory Authority of the Saxon State	Yes	

Member State	Competent authority	Complies or intends to comply	Comments	
	(Ministry for Economic Affairs, Labor and Transport)			
	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. Treasury has started two regulatory proceedings on the topics left, expected to be finalised in Q1 2019.
CY	Cyprus	Cyprus Securities and Exchange Commission (CySEC)	Yes	

Member State		Competent authority	Complies or intends to comply	Comments
LV	Latvia	Financial and Capital Market Commission (FCMC)	<b>Intends to comply</b>	Complies only partially for the moment and intends to comply fully by the end of 2018
LT	Lithuania	Bank of Lithuania	<b>Intends to comply</b>	Intends to comply by Q2 2018
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	<b>Yes</b>	
HU	Hungary	Magyar Nemzeti Bank (MNB)	<b>Yes</b>	
MT	Malta	Malta Financial Services Authority (MFSA)	<b>Yes</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>Intends to comply</b>	Intends to comply by the end of 2018.
SI	Slovenia	Securities Market Agency (SMA)	<b>Intends to comply</b>	Intends to comply with legislative process ending at the end of Dec 18.
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>	



Member State		Competent authority	Complies or intends to comply	Comments
LI	Liechtenstein	Finanzmarktaufsicht (FMA)	Yes*	
NO	Norway	Finanstilsynet	Yes*	
GB	United Kingdom***	Financial Conduct Authority (FCA)	Yes	
GI	Gibraltar <sup>1</sup> ***	Financial Services Commission (Gibraltar)	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. The underlying legislation for these guidelines has not been integrated into the EEA agreement.

\*\* 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.

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



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))

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