

Guidelines compliance table

EBA/GL/2017/10

27 July 2017; Date of application – 14 February 2018

Guidelines on major incident reporting under Directive (EU) 2015/2366 (PSD2)

The following competent authorities* comply or intend to comply with the EBA's Guidelines on major incident reporting under PSD2:

		Competent authority	Complies or intends to comply	Comments
Member State				
BE	Belgium	National Bank of Belgium	Intends to comply**	Once Belgian law transposing PSD2 has been published.
BG	Bulgaria	Bulgarian National Bank	Intends to comply**	It is envisaged by the end of the first half of 2018 the Bulgarian National Bank to adopt the relevant regulations, internal rules and procedures implementing the requirements of the Guidelines.
CZ	Czech Republic	Czech National Bank	Intends to comply**	By 13.01.2018.
DK	Denmark	Danish Financial Supervisory Authority	Yes	As at 10.01.2018, notification date.
DE	Germany	Bundesanstalt für Finanzdienstleistungsufsicht (BaFin)	Intends to comply**	BaFin has activated a notification portal for major incident reports on 13 January 2018, using reporting forms that comply with these guidelines. The criteria for the classification of major operational or security incidents will be incorporated into the German supervisory practice by way of a circular. We expect that this

		Competent authority	Complies or intends to comply	Comments
				circular will be published in April 2018 at the latest. At the moment, BaFin cannot comply with
EE	Estonia	Finantsinspektsioon	Yes	As at 01.02.2018, notification date.
IE	Ireland	Central Bank of Ireland	Yes	As at 16.02.2018, notification date.
EL	Greece	Bank of Greece	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed.
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed at national level. The necessary legislative and regulatory proceedings at national level related to transposition of PSD2 are still ongoing.
ES	Spain	Banco de España	Intends to comply**	By such time as the necessary legislative or regulatory proceedings implementing Directive (UE) 2015/2366 have been completed, without prejudice to Spanish national provisions implementing this regulation and within the limit of the competencies conferred to Banco de España by these national provisions.
FR	France	ACPR	Yes	As at 21.02.2018, notification date.
IT	Italy	Bank of Italy	Intends to comply**	By 30.06.2018.
CY	Cyprus	Central Bank of Cyprus	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed, that is when the PSD2 is transposed into national law.
LV	Latvia	Financial and Capital Market Commission	Intends to comply**	By 01.06.2018.
LT	Lithuania	Bank of Lithuania	Intends to comply**	By 01.09.2018.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed. The bill transposing the PSD2 in Luxembourg law is currently under

		Competent authority	Complies or intends to comply	Comments
				discussion and the Luxembourg Parliament.
HU	Hungary	The Central Bank of Hungary	Intends to comply**	By 13.01.2018.
MT	Malta	Malta Financial Services Authority	Yes	As at 14.02.2018, notification date.
NL	Netherlands	De Nederlandsche Bank	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed.
AT	Austria	Austrian Financial Market Authority	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed, which is currently estimated to be completed in Q3 of 2018.
PL	Poland	Komisja Nadzoru Finansowego	Yes	As at 19.02.2018, notification date.
PT	Portugal	Banco de Portugal	Intends to comply**	By the date of transposition of the PSD2 into national law. Banco de Portugal intends to comply with the Guidelines by the date of transposition of the PSD2 into national law assuming that it will be designated as the national competent authority (similarly to what happened in the transposition of the first PSD).
RO	Romania	National Bank of Romania	No response	
SI	Slovenia	Bank of Slovenia	Intends to comply**	By 02.03.2018. Decision regarding the application of guidelines is published in the Official Gazette of the Republic of Slovenia.
SK	Slovakia	Národná Banka Slovenska	Yes	As at 25.01.2018, notification date.
FI	Finland	Finanssivalvonta (FIN-FSA)	Yes	As at 15.02.2018, notification date.
SE	Sweden	Financial Supervisory Authority	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed, which is currently estimated to be 01.05.2018.
UK	United Kingdom	PRA	Not applicable	

		Competent authority	Complies or intends to comply	Comments
		Financial Conduct Authority	Yes	As at 20.12.2017, notification date. National transposition legislation, The Payment Services Regulations (link below) transposes the Payment Services Directive EU 2015/2366 in UK law. http://www.legislation.gov.uk/ukxi/2017/752/pdfs/ukxi_20170752_en.pdf In September 2017 we indicated our intention to comply in our Policy Statement; https://www.handbook.fca.org.uk/handbook/SUP/15/14.html?date=2018-01-13

EU Institutions – Agencies

ECB	ECB	ECB	Not applicable	
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EEA – EFTA State

IS	Iceland	Financial Supervisory Authority, Iceland	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed.
LI	Liechtenstein	Financial Market Authority Liechtenstein (FMA)	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed, which is currently estimated to be completed in autumn 2018.
NO	Norway	Financial Supervisory Authority of Norway	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed, which is currently estimated to be completed in Q3 of 2018. The FSA of Norway will comply with Guidelines on major incidents reporting under PSD2 (GL), however not with the first part of GL 2.8, which says that PSPs should send the initial report to the competent authority within 4 hours from the moment the major operational or security incident was first detected. The FSA of Norway will keep existing regulation and practice on this matter. i.e. the PSPs should from the moment the PSP classifies the incident as major, send the initial report without undue delay,

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				which with some incidents could be less than 4 hours.
European Territories under Article 355(3) TFEU				
UK	United Kingdom	Gibraltar Financial Services Commission		

*The EEA States other than the Member States of the European Union are not currently required to notify their compliance with the EBA’s 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.

Notes

Article 16(3) of the EBA’s Regulations 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.

The EBA endeavour to ensure the accuracy of this document, however, the information is provided by the competent authorities and, as such, the EBA 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 the EBA’s website www.eba.europa.eu.