



JOINT COMMITTEE OF THE EUROPEAN
SUPERVISORY AUTHORITIES

Joint Guidelines Compliance Table

JC 2015 087

22 December 2015

Joint Guidelines on the convergence of supervisory practices relating to the consistency of supervisory coordination arrangements for financial conglomerates

The following competent authorities* comply or intend to comply with ESAs' Joint Guidelines on the convergence of supervisory practices relating to the consistency of supervisory coordination arrangements for financial conglomerates:

JOINT GUIDELINES ON THE CONVERGENCE OF SUPERVISORY PRACTICES RELATING TO THE CONSISTENCY OF SUPERVISORY COORDINATION ARRANGEMENTS FOR FINANCIAL CONGLOMERATES



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		Competent authority	Relevant ESA/ESAs	Status of compliance	Comments provided by the competent authority
Member State					
AT	Austria	FMA	EBA/ EIOPA/ ESMA	Yes	Bundesgesetz über die zusätzliche Beaufsichtigung der Kreditinstitute, Versicherungsunternehmen und Wertpapierfirmen eines Finanzkonglomerats (Finanzkonglomeratengesetz - FKG) (Federal law on the supplementary supervision of credit institutions, insurance companies and investment companies of a financial conglomerate - Financial Conglomerates law): https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetze_snummer=20003448
BE	Belgium	National Bank of Belgium	EBA	Yes	The Belgian Banking Law includes the legal basis for setting up colleges for financial conglomerates. Since the concerned Joint Guidelines are only directed towards competent authorities, there was no need to adopt a specific national measure that would incorporate the guidelines. Furthermore, the answer from the National Bank of Belgium to the EBA concerns only the “Less Significant Credit Institutions”. The ECB will reply for the (Belgian) “Significant Credit Institutions”. Since there are no Belgian financial conglomerates for which the NBB (and not the ECB) is coordinator, and consequently, no groups for which the NBB needs to use these guidelines to organize a fico college, we consider the NBB to be compliant with the guidelines. If a financial conglomerate, with a Belgian “less significant credit institution” being part of it and with a cross-border dimension as referred to in the Guidelines, would be created, the NBB will of course apply these guidelines.

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		National Bank of Belgium	EIOPA	Intend to comply	By 1 January 2016. The legal basis for setting up colleges for financial conglomerates for the insurance sector will be included in the new Belgian Insurance Law. The Insurance Law will transpose the solvency II directive and the financial conglomerate directive for insurance undertakings. The Insurance Law will enter into force on the 1st January 2016.
		Financial Services and Markets Authority	ESMA	Yes	As the above mentioned Guideline is not addressed to market participants but only to supervisory authorities, we introduced them in our supervisory internal practices. As those practices are internal, they were not made public.
BG	Bulgaria	Българска народна банка (Bulgarian National Bank)	EBA	Yes	
		Комисията за финансов надзор (Financial Supervision Commission)	EIOPA/ ESMA	Yes	With Decision of the Bulgarian Financial Supervision Commission (#264 H3H/7.04.2015) we comply with all the guidelines without the need for additional measures. With this FSC Decision the Guidelines become obligatory for us and we have to comply with them in our supervisory practices.
CY	Cyprus	Κεντρική Τράπεζα της Κύπρου (Central Bank of Cyprus)	EBA	Yes	
		Επιτροπή Κεφαλαιαγοράς Κύπρου (Cyprus Securities and Exchange Commission)	ESMA	Yes	The link to the national measures implementing the said guidelines: http://www.cysec.gov.cy/CMSPages/GetFile.aspx?guid=2468f1b7-8a77-4b3f-826d-e96b307a582b
		Αρμοδιότητα της Υπηρεσίας Ελέγχου Ασφαλιστικών Εταιρειών (Cyprus Insurance Companies Control)	EIOPA	Yes	Please be informed that the Insurance Companies Control Service (ICCS) Cyprus has complied with the guidelines on the coordination arrangements for financial conglomerates on 23/03/2015. The guidelines were issued in Greek and can be found on ICCS's website http://www.mof.gov.cy/mof/mof.nsf/All/17FDF129185EC95CC2257E36002A19FA?OpenDocument .
CZ	Czech Republic	Česká Národní Banka (Czech National Bank)	EBA / EIOPA/ ESMA	Yes	The CNB has published JC/GL/2014/01 on its web site http://www.cnb.cz/en/supervision_financial_market/legislation/financial_conglomerates/methodology_interpretation.html), together with the Annex specifying the

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					<p>template for the mapping process for the financial conglomerate, both in English and in national language. Moreover, CNB statement was published on the Czech web site announcing publication of the guidelines and confirmation of the CNB intention to comply and follow the guidelines. However, this statement is available in the national language only http://www.cnb.cz/cs/dohled_financni_trh/legislativni_zakladna/obecne_pokyny_evropskych_organu_dohledu/jc_gl_2014_01_sdeleni_cnb.html)</p>
DE	Germany	BaFin- Bundesanstalt für Finanzdienstleistungsaufsicht (Federal Financial Supervisory Authority)	EBA / EIOPA ESMA /	Yes	<p>German Act on Supervision of Financial Conglomerates (the “Act”; http://www.gesetze-im-internet.de/fkag). BaFin takes the “Joint Guidelines on the convergence of supervisory practices” into account when applying the Act. Thus, no new national legislation was necessary to comply with the Joint Guidelines. In the following, please find references to relevant national provisions:</p> <ul style="list-style-type: none"> • Title II of the Joint Guidelines: “Mapping procedure, cooperation structure and coordination arrangements” – Corresponding rules are laid down in Art. 4, 6 and 11 of the Act. • Title III: “Coordination of information exchange in going concern and emergency situations” - Corresponding rules are laid down in Art. 4, 5, 29 and 30 of the Act. • Title IV: “Supervisory assessment of financial conglomerates” - Corresponding rules are laid down in Art. 5(1) no. 1 and 4, Art. 17 - 23 of the Act. • Title V: “Supervisory planning and coordination of supervisory activities in going concern and emergency situations” - Corresponding rules are laid down in Art. 4(5) and (6), Art. 5(3) and 25(1) of the Act. • Title VI: “Decision-making processes among competent authorities”: Corresponding rules are laid down in Art. 5 of the Act.

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DK	Denmark	Finanstilsynet (Danish Financial Supervisory Authority)	EBA / EIOPA/ ESMA	Yes	The JC guidelines apply as from 23 February 2015. Finanstilsynet will as of this date comply with the JC guidelines, when carrying out the supplementary supervision according to the Directive 202/87/EC (FICOD). Relevant parts of the JC guidelines will be reflected in written arrangements for relevant supervisory colleges, when these are being updated during the first half of 2015.
EE	Estonia	Finantsinspektsioon (Financial Supervision Authority)	EBA/ EIOPA/ ESMA	Yes	
EL	Greece	Τράπεζα της Ελλάδος (Bank of Greece)	EBA / EIOPA	Intends to comply	By such time necessary legislative or regulatory proceedings have been completed.
		Ελληνική Επιτροπή Κεφαλαιαγοράς (Hellenic Capital Market Commission)	ESMA	Intends to comply	No date. The date a relevant institution or instrument exists in my jurisdiction.
ES	Spain	Banco de España (Bank of Spain)	EBA	Yes	Please, find below the electronic links to our national regulation whereby we comply with those guidelines: Ley 5/2005, de 22 de abril, de supervisión de los conglomerados financieros y por la que se modifican otras leyes del sector financiero. Mainly, Artículo 6. Cooperación entre autoridades competentes. http://www.boe.es/buscar/pdf/2005/BOE-A-2005-6561-consolidado.pdf Real Decreto 1332/2005, de 11 de noviembre, por el que se desarrolla la Ley 5/2005, de 22 de abril, de supervisión de los conglomerados financieros y por la que se modifican otras leyes del sector financiero. (BOE de 23). Mainly, Artículo 16. Cooperación entre autoridades competentes. http://app.bde.es/clf_www/leyes.jsp?id=61438
		Comisión Nacional del Mercado de Valores	ESMA	Yes	
		Dirección General de Seguros y Fondos de Pensiones	EIOPA	Yes	
FI	Finland	Finanssivalvonta (Finnish	EBA / EIOPA/	Yes	The compliance of this guidelines has been decided in our management group in

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		Financial Supervisory Authority)	ESMA		February 2015 and confirmed by the Board. Since these guidelines handle only supervisory work we have not published them explicitly. There is general link to all EIOPA guidelines in our web page (pages are only in Finnish and Swedish) http://www.finanssivalvonta.fi/fi/Saantely/Saantelyhankkeet/Solvenssi/Pages/Default.aspx Implementation of Guidelines on coordination arrangements is and will be done by supervisory practices. For the relevant group the template for the mapping process is in use and the MoU will be updated following the principles of the Guidelines and the draft Coordination Arrangement introduced during the drafting process.
FR	France	ACPR- Autorité de Contrôle Prudentiel et de Résolution (Prudential Supervisory & Resolution Authority)	EBA / EIOPA	Yes	
		Autorité des Marchés Financiers	ESMA	Yes	
HU	Hungary	Magyar Nemzeti Bank (National Bank of Hungary)	EBA / EIOPA ESMA	Intends to comply	Please note that Act LXXXIII of 2013 on the supplementary supervision of financial conglomerates provides for the implementation of the Directive 2002/87/EC (Financial Conglomerates Directive). The Act contains rules <ul style="list-style-type: none"> • on defining a group as financial conglomerate, • on the internal control system and risk management of the conglomerate, • on the coordinator, • on the possibility to conclude coordination arrangements, • on cooperation, information exchange and control, • etc. The calculation of the capital requirement at the level of the conglomerate is defined in Decree 41/2013. (IX.30.) of the Minister of the National Economy. The internal implementing measures are detailed in the Direction by the Deputy Governor (of the MNB) No. 2014-209 on setting up and operating supervisory colleges. Reference to the Joint Committee Guidelines on coordination arrangements for financial conglomerates is being included in this Direction.

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HR	Croatia	Croatian Financial Services Supervisory Agency (HANFA)	EIOPA	Yes	Implementing measures: 1. Act on Financial Conglomerates (Official Gazette No. 147/8 and 54/13) 2. Insurance Act (Official Gazette No. 30/15 which transposed the provisions of Article 248 of the Solvency II Directive (2009/138/EC) into Article 330)
		National Bank of Croatia	EBA / ESMA	Yes	
IE	Ireland	Central Bank of Ireland	EBA / EIOPA/ ESMA	Intends to comply	The Insurance Supervision Directorate of the Central Bank of Ireland is undertaking a full review of our current supervisory processes in advance of Solvency II implementation. The new processes under development will incorporate the new supervisory responsibilities that fall out of the FICOD Guidelines. This review process is underway and is expected to be completed in Q4 2015. We intend to comply with the FICOD Guidelines in advance of 31/12/2015. We will submit a revised Confirmation of Compliance by year-end 2015.
IT	Italy	Banca d'Italia (Bank of Italy)	EBA	Yes	In July 2015 the Bank of Italy amended its internal guidance for the performance of supplementary supervision of financial conglomerates in order to introduce a specific reference to the content of the Guidelines. According to such amendment, units in charge of supplementary supervision of financial conglomerates take into account the mentioned Guidelines for the performance of their activity and, where necessary, they act in order to modify agreements among authorities which are not compliant with such Guidelines.
		IVASS – Istituto per la Vigilanza sulle assicurazioni	EIOPA	Intends to Comply	We intend to be compliant with the Joint guidelines through their implementation in our supervisory framework, namely, an update to IVASS Supervisory Handbook. IVASS has already started the update which should include as well the implementation of the EIOPA SRP guidelines. December 2015 - March 2016 is the estimated timeframe to finalize the process: this timeframe is indeed deemed necessary to complete the overall regulatory proceeding, in order to achieve a proper and comprehensive implementation of the GLs set. In the meantime, guidelines will be applied in any case, even though not yet formalized in the Handbook.
		Commissione Nazionale per le Società e la Borsa	ESMA	Yes	

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LT	Lithuania	Lietuvos Bankas (Bank of Lithuania)	EBA / EIOPA/ ESMA	Intends to comply	The Bank of Lithuania intends to comply with the Joint Guidelines by 01/12/2015. The Joint Guidelines will be implemented by adopting a Decision of the Director of Supervision Service of the Bank of Lithuania. The draft has been prepared and will be adopted in November this year. At the moment there are no financial conglomerates operating in Lithuania.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (Commission for the Supervision of Financial Sector)	EBA / ESMA	Yes	
		Commissariat aux assurances	EIOPA	Yes	http://www.commassu.lu/upload/files/475/Note_conglom%C3%A9rats_financiers.pdf
LV	Latvia	Finanšu un Kapitāla tirgus Komisija (Financial and Capital Market Commission)	EBA / EIOPA ESMA	Yes	
MT	Malta	Malta Financial Services Authority	EBA / EIOPA/ ESMA	Intends to comply	'By such time as the necessary legislative or regulatory proceedings have been completed' An updated Comply or Explain Form will be submitted to the European Supervisory Authority once the Financial Conglomerates (Amendment) Regulations will be published in the Government Gazette.
NL	Netherlands	Autoriteit Financiële Markten (Authority for the Financial Markets)	ESMA	Not applicable	Within the Netherlands DNB is the competent authority with regard to these guidelines.
		DNB - De Nederlandsche Bank (National Bank of Netherlands)	EBA / EIOPA	Intends to comply	Intends to comply with the Joint Guidelines by such time as the necessary legislative or regulatory proceedings have been completed. DNB uses policy rules to implement EBA and EIOPA guidelines. This has not been done recently, but will be done in the upcoming months, in which these JC guidelines will also be formally implemented.
PL	Poland	Komisja Nadzoru Finansowego (Polish Financial	EBA / EIOPA/ ESMA	Yes	Electronic link to national measures: http://www.knf.gov.pl/o_nas/wspolpraca_miedzynarodowa/unia/wytyczne.html

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		Supervision Authority)			
PT	Portugal	Banco de Portugal (Bank of Portugal)	EBA	Intends to comply	Taking into account the data of the last Joint Committee List of Identified Financial Conglomerates (as per 31 December 2013 figures) published in 23 rd October 2014, I am currently notifying that Banco de Portugal intends to comply with the Joint Guidelines JC/GL/2014/01 by the date a relevant financial conglomerate would be identified in relation to which Banco de Portugal would be the coordinator or a relevant competent authority.
		Comissão do Mercado de Valores Mobiliários	ESMA	Intends to comply	Intends to comply with the Joint Guidelines by the date a relevant financial conglomerate exists in my jurisdiction.
		ASF – Autoridade de Supervisão de Seguros e Fundos de Pensões	EIOPA	Yes	Please note that, following the transposition of the Directive 2002/87/EC (the ‘Financial Conglomerates Directive’, ‘FICOD’), the Portuguese legal framework already complies with most of the joint guidelines on the convergence of supervisory practices relating to the consistency of supervisory coordination agreements for financial conglomerates. However, we find that part of the joint guidelines (30, 50, 51, 52, 53, 55, 58, 60 and 61) can only be complied with within a college of financial conglomerates and in the respective functioning, namely through the coordination arrangements and the coordinated action plans. Nonetheless, the Portuguese legal framework does not prevent nor restrict the implementation of these specific guidelines. Therefore, these specific guidelines will be complied with within the operating of the college of financial conglomerates. As requested in the form, please find below the electronic link to the national measures that assure the compliance with the guidelines (Decree-Law no. 145/2006, of 31 July, and two subsequent amendments): https://dre.pt/application/file/a/539322 https://dre.pt/application/file/a/258031 https://dre.pt/application/file/a/25677134
RO	Romania	Banca Națională a României (National Bank of Romania)	EBA	Intends to comply	Intends to comply with the Joint Guidelines by the date on which the National Bank of Romania will have the quality of coordinator or relevant competent authority in

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					case of a cross-border group identified as a financial conglomerate under Directive 2002/87/EC.
		Autoritatea de Supraveghere Financiară (Romanian Financial Supervisory Authority)	EIOPA/ ESMA	Intends to comply	The FSA intends to ensure compliance with the document by incorporating the guidelines into its supervisory practice, more precisely through an internal procedure. We are currently in the final stages of obtaining approval for this procedure, and we estimate that the process to be finalized by the end of November 2015.
SE	Sweden	Finansinspektionen (Swedish Financial Supervisory Authority)	EBA / EIOPA/ ESMA	Yes	Please see the below hyperlink for Finansinspektionen's memorandum regarding Implementation of the European supervisory authorities' guidelines and recommendations: http://www.fi.se/upload/90_English/20_Publications/20_Miscellaneous/2014/pm-eu-riktlinjer-12-12289eng.pdf
SI	Slovenia	Banka Slovenije (Bank of Slovenia)	EBA	Intends to comply	We would like to stress out that currently there is no identified financial conglomerate in Slovenia
		Agencija za trg vrednostnih papirjev (Securities Market Agency)	ESMA	Yes	The link where the Financial Conglomerates Act with implementing regulations is published: http://www.a-tvp.si/Default.aspx?id=39 .
		AZN - Agencija za Zavarovalni Nadzor (Insurance Supervision Agency)	EIOPA	Intends to comply	Currently there are no financial conglomerates on Slovenian markets.
SK	Slovakia	Národná Banka Slovenska (National Bank of Slovakia)	EBA /EIOPA/ ESMA	Intends to comply	We have adopted decision that the guideline will be transposed into our by-laws. For the time being, we are not able to provide exact date of application due to uncertain expected date when internal transposition procedure will be finalized. Generally speaking, when adopting by-laws, which transpose guideline, we follow our standard internal procedure, where the Board of Directors adopt such guideline after the receipt of statement from pertinent section and subject to their meeting's calendar. On the top of this, we would like to inform you that there is no financial conglomerate supervised by the NBS.

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UK	United Kingdom	Prudential Regulation Authority (PRA)	EBA/ EIOPA	Yes	
		Financial Conduct Authority (FCA)	EBA / EIOPA/ ESMA	Yes	
EU Institutions – Agencies					
ECB				Intends to comply	By the end of 2015. The reasons supporting this decision relate to the time needed to incorporate the provisions of the Joint Guidelines in the internal methodologies and thus ensuring their consistent application within the SSM. This period of time will also accommodate the revision of the SSM Supervisory Manual and the establishment of appropriate communication channels with other relevant competent authorities.
EEA – EFTA States					
IS	Iceland	Fjármálaeftirlitið (Icelandic Financial Supervisory Authority - FME)	EBA / EIOPA/ ESMA	Intends to comply	By 31 st December 2015.
LI	Liechtenstein	Finanzmarktaufsicht - FMA (Financial Market Authority)	EBA / EIOPA ESMA	Intend to comply	Intends to comply with the Guidelines by the date a relevant institution exists in my jurisdiction.
NO	Norway	Finanstilsynet (Norwegian Financial Supervisory Authority)	EBA / EIOPA/ ESMA	Intends to comply	As of 01.01.2015 there are 6 financial conglomerates with financial holding company located in Norway, however only DNB, Storebrand and Gjensidige have cross border activities. To be fully compliant with the Guidelines, it is necessary to make some adjustments to the College Agreements and MoAs for these companies. The adjustments will be done within reasonable time after the CRD IV and ESA Regulation are incorporated in Norwegian law through the EEA agreement.
European Territories under Article 355(3) TFEU					
UK - OT	United Kingdom Overseas Territories	Financial Services Commission	EBA/ ESMA	Yes	



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*The EEA States other than the Member States of the European Union are not currently required to notify their compliance with the ESAs' Joint 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 Joint 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 Joint Guidelines in force in the jurisdiction concerned.

Notes

Article 16(3) of the ESAs' 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 ESAs endeavour to ensure the accuracy of this document, however, the information is provided by the competent authorities and, as such, the ESAs 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 ESAs' website (www.eba.europa.eu; www.eiopa.europa.eu; www.esma.europa.eu)