

Joint Guidelines Compliance Table

JC/GL/2017/16

21 November 2019; Date of application – six months after date of issuance; updated 23 March 2021

Joint Guidelines under Article 25 of Regulation (EU) 2015/847 on the measures payment service providers should take to detect missing or incomplete information on the payer or the payee and the procedures they should put in place to manage a transfer of funds lacking the required information

The following competent authorities* comply or intend to comply with the ESAs’ Joint Guidelines to prevent terrorist financing and money laundering in electronic fund transfers:

		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
Member States					
BE	Belgium	National Bank of Belgium	EBA	Intends to comply**	By 30.06.2018. The National Bank of Belgium intends to comply with the Guidelines by including them within the set of its overall AML/CFT guidelines and recommendations with the view on an appropriate application of the new Belgian AML/CFT Law and regulation. The Bank intends to address these guidelines and recommendations by steps between February 2018 and the end of June 2018 to the financial institutions under its supervision.

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		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
BG	Bulgaria	Българска народна банка (Bulgarian National Bank)	EBA, EIOPA, ESMA	Intends to comply**	By 16.07.2018.
CZ	Czech Republic	Czech National Bank	EBA	Intends to comply**	By the application date of the Joint Guidelines.
		Financial Analytical Office	EBA		
DK	Denmark	FSA	EBA	Intends to comply**	By October 2018.
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	EBA, EIOPA, ESMA	Intends to comply**	By 16.07.2018.
EE	Estonia	Finantsinspeksioon	EBA	Yes	As at 01.02.2018, notification date.
IE	Ireland	Central Bank of Ireland	EBA	Yes	As at 14.03.2018, notification date. The Central Bank of Ireland has implemented the guidelines contained in the Guidelines on the Fund Transfer Regulations ("Guidelines") into its supervisory processes. The Central Bank has the appropriate powers to comply with the Guidelines within existing domestic legislation, as provided for in the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, as amended, the Central Bank Acts, and the European Union (Information Accompanying Transfers of Funds) Regulations 2017. On November 2 nd 2017, the Central Bank of Ireland issued an Anti-



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					<p>Money Laundering bulletin. The main purpose of the bulletin was to provide guidance in relation to suspicious transaction reporting. However, this edition of the bulletin gave an opportunity to provide an update on some of the latest developments. Included in this was an overview of the fund transfer regulations and the associated guidelines. The bulletin was published on the Central Bank of Ireland website, please see below link: https://www.centralbank.ie/docs/default-source/Regulation/how-we-regulate/anti-money-laundering-and-countering-the-financing-of-terrorism/legislation/anti-money-laundering-bulletin-on-suspicious-transaction-reporting---november-2017.pdf?sfvrsn=3</p> <p>The Central Bank of Ireland has also published the Guidelines and related Statutory Instrument on its website, at the below link: https://www.centralbank.ie/regulation/anti-money-laundering-and-countering-the-financing-of-terrorism/guidance-on-risk</p> <p>The Central Bank of Ireland has spoken at a number of outreach events with industry where it highlighted the publication of the Fund</p>

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		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
					Transfer Regulations, the associated Guidelines and the requirement to comply with these guidelines. As an example, please find attached presentation to Financial Services Ireland in November 2017.
EL	Greece	Bank of Greece	EBA	Intends to comply**	By 16.07.2018.
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	EBA	Yes	<p>As of notification date, 04.03.2021.</p> <p>On June 26th 2018 the Governor of the Croatian National Bank issued, in line with the Joint Guidelines on the prevention of money laundering and terrorist financing in electronic fund transfers JC/GL/2017/16, the Decision on the measures of payment service providers in accordance with Article 25 of Regulation (EU) 2015/847 (No. 198-020/06-18/BV).</p> <p>On June 26th 2018 the Governor of the Croatian National Bank issued the Decision on the measures of payment service providers in accordance with Article 25 of Regulation (EU) 2015/847 (No. 198-020/06-18/BV)(hereinafter: the Decision). The Decision</p>



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					<p>was published on June 27th 2018 in the Official gazette "Narodne novine" No.57/2018 and entered into force on the eight day of its publication in the Official Gazette.</p> <p>The Governor of the Croatian National Bank issued the Decision pursuant to Article 98 of the Anti Money Laundering and Terrorist Financing Law (Official Gazette No 108/2017)(hereinafter: AMLTF Law). The relevant Article of the AMLTF Law prescribes that the Governor of the Croatian National Bank shall make, in line with the guidelines issued by the European Supervisory Authorities, a decision prescribing the manner of carrying out the measures that should be undertaken in accordance with the Regulation (EU) 2015/847.</p> <p>The Decision prescribes:</p> <p>a) measures that payment service providers (hereinafter: PSPs) should take in accordance with Regulation (EU) 2015/847 of the European Parliament and of the</p>



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					<p>Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006 (text with EEA relevance) (OJ L 141, 5.6.2015)(hereinafter: Regulation), particularly with regard to the application of Articles 7, 8, 11 and 12 of Regulation;</p> <p>b) the factors PSPs and intermediary payment service providers (hereinafter: IPSPs) should consider when establishing and implementing procedures to detect and manage transfers of funds that lack required information on the payer and/or the payee to ensure that these procedures are effective; and</p> <p>c) activities that PSPs and IPSPs should perform to manage the risk of money laundering and terrorist financing where the required information on the payer and/or the payee is missing or incomplete during transfer of funds. Legal persons subject to the application of the provisions of the Decision are PSPs that are subject to the implementation of measures referred to in</p>



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					<p>the AMLTF Law.</p> <p>Electronic link to the Decision published on June 27th 2018 in the Official gazette "Narodne novine" No.57/2018 (Croatian version):</p> <p>https://narodne-novine.nn.hr/clanci/sluzbeni/2018_06_57_1179.html</p> <p>Electronic link to the Decision (English version, available on Croatian National Bank's website in section Core Functions/Supervision/Prevention of Money Laundering and Terrorist Financing/Legislative Framework:</p> <p>http://www.hnb.hr/documents/20182/123133/e-decision-measures-of-payment-service-article-25.pdf/aa75e3b7-2916-4198-99bc-8f8d8108e1af</p>
		Ministry of Finance, Financial Inspectorate	EBA	Intends to comply**	By 30.06.2018.
ES	Spain	Sepblac	EBA	Yes	As at 05.03.2018, notification date.

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FR	France	Autorité de Contrôle Prudentiel et de Résolution (ACPR)	EBA	Yes	As at 08.03.2018, notification date. https://acpr.banque-france.fr/sites/default/files/media/2018/02/28/avis_orientations_aes_jc_gl_2017_16.pdf The ACPR is in France the only competent authority for the application of these joint guidelines.
IT	Italy	Bank of Italy	EBA	Yes	As at 12.03.2021, notification date. https://www.bancaditalia.it/compiti/vigilanza/normativa/archivio-norme/disposizioni/controlli-interni-antiriciclaggio/Disposizioni.pdf
CY	Cyprus	Central Bank of Cyprus	EBA	Intends to comply**	By 30.06.2018.
LV	Latvia	Financial and Capital Market Commission	EBA	Yes	As at 08.10.2019.
LT	Lithuania	Bank of Lithuania	EBA	Intends to comply**	By 01.06.2018.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	EBA	Intends to comply**	By 16.07.2018.
HU	Hungary	Magyar Nemzeti Bank (Central Bank of Hungary)	EBA, ESMA, EIOPA	Intends to comply**	By 16.07.2018.

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MT	Malta	Malta Financial Services Authority (MFSA)	ESMA	Intends to comply**	By 16.07.2018. The date of compliance also reflects the notification that should be made by the Malta FIU (FIAU) to the EBA.
		Financial Intelligence Analysis Unit (FIAU)	EBA	Intends to comply**	By 16.07.2018.
NL	Netherlands	De Nederlandsche Bank	EBA	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed. DNB intends to comply with the Joint Guidelines. The date of compliance with the Guidelines is dependent on the future date of transposition of AMLD4 in national legislature (expected to happen soon), since the necessary legislative and/or regulatory proceedings at national level are still ongoing.
AT	Austria	Financial Market Authority	EBA	Yes	As at 13.03.2018, notification date.
PL	Poland	Komisja Nadzoru Finansowego	EBA	Yes	As at 16.03.2018, notification date.
PT	Portugal	Banco de Portugal	EBA	Yes	As at 15.03.2021, notification date. The Joint Guidelines JC/GL/2017/16 were implemented by Banco de Portugal through Title V (articles 65 to 71) of Banco de Portugal Notice No 2/2018, of 26 of September 2018 (PT version available here: https://www.bportugal.pt/aviso/22018). Moreover, as per article 70(7) of Banco de Portugal Notice No 2/2018, of 26 of

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					September 2018, through Circular Letter CC/2020/00000055, Banco de Portugal disseminated throughout the payment services providers (PSP) under its AML/CFT supervisory remit the communication form to be used by PSP to report the cases PSPs that repeatedly fail to provide information required by the AMLR on payer and payee (PT version available here: https://www.bportugal.pt/sites/default/files/anexo_s/cartas-circulares/425376946_12.docx.pdf) – which replicates to a greater extend the communication form foreseen in the Joint Guidelines.
RO	Romania	National Bank of Romania	EBA	Intends to comply**	As of 16.07. 2018 or as of the date of entering into force of the national legal framework for the application of Regulation (EU) 2015/847, in caser this become subsequent to the compliance deadline provided by the Guidelines (16.07.2018).
SI	Slovenia	Bank of Slovenia	EIOPA	Intends to comply**	By 31.05.2018.
SK	Slovakia	Národná Banka Slovenska	EBA	Yes	As at 14.03.2018, notification date.

		Competent authority	Relevant ESA/ESAs	Complies or intends to comply	Comments
FI	Finland	Finanssivalvonta (FIN-FSA)	EBA	Intends to comply**	By 01.05.2018.
		Regional State Administrative Agency for Southern Finland			
SE	Sweden	Finansinspektionen (Swedish FSA)	EBA	Yes	As at 16.03.2018, notification date.
EEA – EFTA States					
IS	Iceland	Financial Supervisory Authority, Iceland	EBA	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed.
LI	Liechtenstein	Liechtenstein Financial Market Authority (FMA)	EBA	Yes	As at 16.03.2018, notification date.
NO	Norway	The Financial Supervisory Authority of Norway (Finanstilsynet)	EBA, EIOPA, ESMA	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed. Law proposal is currently being prepared for submission to the Norwegian Parliament.
GB	United Kingdom**	Prudential Regulation Authority (PRA)	EBA	Not applicable	
		Financial Conduct Authority (FCA)	EBA/EIOPA/ ESMA	Yes	
GI	Gibraltar**	Financial Services Commission	EBA/ESMA	Yes	



*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.

*** 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 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)