

GUIDELINES COMPLIANCE TABLE

Guidelines on settlement fails reporting under Article 7 of Regulation (EU) No 909/2014 (CSDR) (ref. ESMA70-156-4717)

The following competent authorities comply or intend to comply with ESMA's Guidelines on settlement fails reporting under Article 7 of CSDR:

		Competent authority	Complies or intends to comply	Comments
Member States				
AT	Austria	Finanzmarktaufsicht (FMA)	Yes	<p>The links to the FMA website that show full compliance with all obligations stemming from the CSDR-Guidelines:</p> <p>ESMA-Leitlinien und andere Konvergenzinstrumente - FMA Österreich</p> <p>ESMA Guidelines and other Convergence Instruments - FMA Österreich</p>
BE	Belgium	National Bank of Belgium (NBB)	Yes	<p>NBB endorsement of guidelines on 1 February 2022. Additionally, the guidelines are published in the NBB website under the following link: https://www.nbb.be/en/financial-oversight/general/news/circulars</p>

		Competent authority	Complies or intends to comply	Comments
				-and-communications . No additional national measures were needed/taken to ensure compliance with the guidelines.
BG	Bulgaria	Financial Supervision Commission	Yes	The compliance with the guidelines is secured through their implementation in Ordinance № 8 adopted by the FSC. It is available via the link hereunder: https://www.fsc.bg/wp-content/uploads/2023/04/N_8_D_V_36_2023-1.pdf .
CY	Cyprus	Cyprus Securities and Exchange Commission (CySEC)	Yes	CySEC Circular C485 https://www.cysec.gov.cy/CMSPages/GetFile.aspx?guid=1fba50dc-1858-47b0-8984-af17780dedf7
CZ	Czech Republic	Ceská národní banka (CNB)	Yes	CNB provided a link to the part of the CNB website where information on ESMA guidelines is published https://www.cnb.cz/cs/dohled-financni-trh/legislativni-zakladna/obchodni-systemy-vyporadani-a-ochrana-trhu/metodicke-a-vykladove-materialy/
DK	Denmark	Finanstilsynet	Yes	CSDR (finansstilsynet.dk)
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	Yes	
EE	Estonia	Finantsinspektsioon (Estonian Financial Supervision Authority)	Yes	https://www.fi.ee/et/juhendid/investeeringuvalvur/euroopa-vaartpaberiturujarelevalve-esma-suuniste-suunised-vaartpaberiarvelduse-ja-vaartpaberite

		Competent authority	Complies or intends to comply	Comments
EL	Greece	Hellenic Capital Market Commission	Yes	<p>HCMC has incorporated the GLs in its supervisory practice.</p> <p>http://www.hcmc.gr/en_US/web/portal/esmaguidelines</p>
ES	Spain	Comisión Nacional del Mercado de Valores (CNMV)	Yes	<p>CNMV confirmed that no additional national measures were needed to implement ESMA's guidelines apart from the formal approval by CNMV of the decision to adopt each guideline.</p> <p>Additionally, the adopted guidelines are:</p> <ul style="list-style-type: none"> • Considered in the authorisation, review, evaluation and supervision of the entities affected by these guidelines. <p>Published on CNMV's website under the Market Infrastructure section https://www.cnmv.es/portal/Gpage.aspx?id=LegESMA&lang=en</p>
FI	Finland	Finanssivalvonta (FIN-FSA)	Yes	<p>Ohjeet arvopaperikeskusasetuksen 7 artiklan mukaista toimituspuutteita koskevaa raportointia varten - - www.finanssivalvonta.fi</p>
FR	France	Autorité des Marchés Financiers	Yes	<p>Links to the publications made on the AMF's website referring to ESMA Guidelines: https://www.amf-france.org/fr/actualites-publications/actualites/notification-des-defauts-de-reglement-lamf-applique-les-orientations-de-lesma</p>
		Banque de France (BdF)	Yes	

	Competent authority	Complies or intends to comply	Comments
HR Croatia	Hrvatska agencija za nadzor financijskih usluga (HANFA)	Yes	<p>These Guidelines are implemented into the supervisory practices of Hanfa which is a national competent authority responsible for the supervision and authorisation of CSDs established in Croatia under Article 11(1) of CSDR. Under the general provision of Article 2(4) of the Croatian Capital Market Act (Croatian Official Gazette No. 65/18, 17/20, 83/21 and 151/22); available in Croatian only) all the guidelines issued by European supervisory authorities (ESAs) by their powers are binding for Hanfa and persons/entities to whom the guidelines apply. Supervised entities (i.e. CSDs) are obliged to undertake all the necessary activities to comply with these guidelines, in terms of scope and deadlines, which are specified in Hanfa's Notification on the compliance with these Guidelines as of 17 February 2022. The method of submitting reports on settlement fails is also prescribed by Hanfa's Ordinance on reporting on settlement fails and internalised settlement (Croatian Official Gazette No 47/18, 13/22, 142/22, available in Croatian only) that takes into account the Guidelines on settlement fails reporting under Article 7 of Regulation (EU) No 909/2014 (CSDR). The list of Esma Guidelines for which Hanfa notified compliance (including</p>

			Competent authority	Complies or intends to comply	Comments
					CSDR guidelines) is available on Hanfa's web page (available in Croatian language only).
HU	Hungary	Magyar Nemzeti Bank (MNB)		Yes	<p>Mean of implementation: MNB regulation (availability: in HUN only),</p> <p>the guidelines' implementation can be found in the annexes of the MNB regulation (amongst other supervisory data requirements as well): Annex 1 but especially Annex 3 chapter III. - 52/2022. (XI. 29.) MNB rendelet a tőkepiaci szervezetek által a jegybanki információs rendszerhez elsődlegesen a Magyar Nemzeti Bank felügyeleti feladatai ellátása érdekében teljesítendő adatszolgáltatási kötelezettségekről</p> <p>3. sz. melléklet: III. Az (EU) 2018/1229 felhatalmazáson alapuló bizottsági rendelet 14. cikke szerinti, megíúsult kiegyenlítésekről szóló jelentésre vonatkozó kiegészítő szabályok. Available at https://aszp.mnb.hu/nyito/adatszolgáltatasi-mnb-rendeletek</p>
IE	Ireland	Central Bank of Ireland		Intends to comply	By the time a first authorisation under CSDR is granted.
IT	Italy	Commissione Nazionale per le Società e la Borsa (CONSOB)		Yes	https://www.consob.it/web/consob-and-its-activities/bullettin/documenti/english/resolutions/notice_20220203_2.htm?hkeywords=&docid=18&page=0&hits=170&nav=false
LV	Latvia	Latvijas Banka		Yes	

		Competent authority	Complies or intends to comply	Comments
LT	Lithuania	Bank of Lithuania	Intends to comply	For the moment Lithuania does not have a CSD established within its jurisdiction.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	Yes	The CSSF has adopted a Circular embedding the text of the Guidelines and has published the integral version of the Circular on their website. In addition, the CSSF has published a table on the CSSF compliance with EBA and ESMA guidelines on the CSSF website as well. Circular CSSF 22/792
MT	Malta	Malta Financial Services Authority	Yes	Part V, Section 5 (R5-5.4) 'Settlement Discipline' of the Financial Market Rules implements the Guidelines on settlement fails reporting under Article 7 of Regulation (EU) No 909/2014 (CSDR).
NL	Netherlands	De Nederlandsche Bank	Yes	
PL	Poland	Komisji Nadzoru Finansowego (KNF)	Yes	KNF incorporated the guidelines into its supervisory practices. Link to Guidelines has been attached on the KNF website: https://www.knf.gov.pl/dla_ry_nku/regulacje_i_praktyka/Rozporzadzenie_CSDR . No additional national measures were needed to ensure compliance.
PT	Portugal	Comissão do mercado de valores mobiliários (CMVM)	Yes	
RO	Romania	Romanian Financial Supervisory Authority	Yes	

		Competent authority	Complies or intends to comply	Comments
SE	Sweden	Finansinspektionen (FI)	Yes	<p>FI publishes information on Guidelines on its website:</p> <p>https://www.fi.se/sv/publicerat/nyheter/2022/fi-tillampar-eu-riktlinjer-for-rapportering-om-uteblivna-avvecklingar/</p>
SI	Slovenia	Securities Market Agency	Yes	<p>Decisions on the application of the guidelines have been published on the SMA website: https://www.a-tvp.si/pVxL0zn1N4qOTnRd/sklepi-o-uporabi-smernic</p>
SK	Slovakia	National Bank of Slovakia	Yes	<p>NBS published on their website information about the guidelines together with an electronic link to its Slovak and English version:</p> <p>https://nbs.sk/dohlad-nad-financnym-trhom/legislativa/legislativa/detail-dokumentu/usmernenia-esma-z-8-decembra-2021-c-esma70-156-4717-k-ohlasovaniu-zlyhani-vyrovnani-podla-clanku-7-csdr/</p> <p>https://nbs.sk/en/dohlad-nad-financnym-trhom/legislativa/legislativa/detail-dokumentu/esma-guidelines-of-8-december-2021-no-esma70-156-4717-on-settlement-fails-reporting-under-article-7-of-csdr/</p> <p>By publishing guidelines on their website, they expect from their supervised entities to be in compliance with them.</p>

		Competent authority	Complies or intends to comply	Comments
EEA EFTA States **				
IS	Iceland	Central Bank of Iceland	Yes	
LI	Liechtenstein	Financial Market Authority Liechtenstein	Yes	FMA-Liechtenstein publishes all guidelines in their website under the following link: https://www.fma-li.li/de/regulierung/regulierung-en-der-europaischen-aufsichtsbehorden/guidelines.html
NO	Norway	Finanstilsynet	Yes	https://www.finanstilsynet.no/regelverk/esma-retningslinjer/esma-retningslinjer/retningslinjer-fra-esma-om-rapportering-av-manglende-oppgjor-i-henhold-til-csdr-artikkel-7/

European Territories under Article 355(3) TFEU

* 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 or recommendations 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 or recommendations in force in the jurisdiction concerned.

**[Please select one of Options A, B or C below, depending on whether the underlying legal acts have been incorporated in the EEA Agreement.]

[Option A (all underlying legal acts have been incorporated in the EEA Agreement.)] The competent authorities of the EEA States other than the Member States of the European Union are required to notify their compliance with ESMA’s guidelines or recommendations relating to a legal act that has been incorporated in the EEA Agreement. This compliance table reports on guidelines relating to Regulation (EU) No 909/2014, which has been incorporated in the EEA Agreement.

[Option B (none of the underlying legal acts have been incorporated in the EEA Agreement.)] The competent authorities of the EEA States other than the Member States of the European Union are required to notify their compliance with ESMA's guidelines or recommendations relating to a legal act that has been incorporated in the EEA Agreement. This compliance table reports on guidelines relating to the Regulation (EU) No 909/2014, which has not yet been incorporated in the EEA Agreement. This table is therefore based on information provided from those competent authorities of the EEA States on a voluntary basis.

[Option C (some but not all of the underlying legal acts have been incorporated in the EEA Agreement.)] The competent authorities of the EEA States other than the Member States of the European Union are required to notify their compliance with ESMA's guidelines or recommendations relating to a legal act that has been incorporated in the EEA Agreement. This compliance table reports on guidelines relating to the Regulation (EU) No 909/2014, which has been incorporated in the EEA Agreement. This compliance table also reports on guidelines relating to the Regulation (EU) No 909/2014 which has not yet been incorporated in the EEA Agreement. This table is to that extent based on information provided from those competent authorities of the EEA States on a voluntary basis.

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 set of guidelines or recommendations 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).