

Application of the Guidelines and Recommendations of the European Supervisory Authorities with a view to establishing consistent, efficient and effective supervisory practices and to ensure the common, uniform and consistent application of Union law with regard to the prudential supervision of financial undertakings

The European Supervisory Authorities – the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA), and the European Securities and Markets Authority (ESMA) – are authorised to issue guidelines and recommendations to competent authorities or financial institutions.

The aim of these guidelines and recommendations is to promote the consistency, efficiency and effectiveness of supervisory practices and to ensure that Union law is applied in a common, uniform and consistent manner.

Within two months of a guideline or recommendation being issued, each competent authority must state whether it complies with it or intends to do so. If a competent authority does not or does not intend to comply with a guideline or recommendation – in most cases because compliance is prevented by national law – it informs the relevant ESA of this, stating its reasons. This is referred to as the “comply or explain” procedure.

De Nederlandsche Bank is responsible for supervising compliance with these rules for financial institutions in the Netherlands.

The overview below lists the guidelines and recommendations with which DNB complies, unless explicitly specified otherwise.

For each guideline or recommendation, the overview provides details on its basis in the relevant underlying European Directive or Regulation, its basis in Dutch legislation and its effective date.

Where competent authorities have indicated their compliance with a guideline or recommendation, they and the financial institutions to which the guideline or recommendation is addressed must make every effort to comply.¹

The full texts of the EBA guidelines and recommendations can be consulted on the Compliance with EBA regulatory products webpage. See also the EBA Single Rulebook.

The EIOPA Guidelines can be consulted on the EIOPA Guidelines webpage. See also the Solvency II Single Rulebook.

The Joint Committee Guidelines can be consulted on the Joint Committee Guidelines webpage. This Joint Committee of the European Supervisory Authorities is a partnership committee of the ESAs.

Finally, the ESMA Guidelines can be consulted on the ESMA's Guidelines and Technical Standards webpage.

¹ This is laid down in Article 16(3) of the founding regulations of the ESAs – (EU) No 1093/2010 (EBA), (EU) No 1094/2010 (EIOPA) and (EU) No 1095/2010 (ESMA) – and confirmed by the European Court of Justice in its judgement of 15 July 2021 on a dispute between the Fédération bancaire française and the Autorité de contrôle et de résolution – ECLI:EU:C:2021:599. The Court confirmed not only that, although EBA guidelines are not binding, supervisory authorities and financial institutions must do their utmost to comply with them (paragraphs 43 and 48), but also that national courts are expected to consider EBA guidelines when resolving cases (paragraph 71 of the judgement).

Overview of Guidelines and Recommendations within DNB's domain of responsibility²

DNB monitors compliance with the provisions under or pursuant to the *Wft* in accordance with the Guidelines and Recommendations of the European Supervisory Authorities (ESAs), as set out in the table below.

Table – application of ESA guidelines			
Guideline / Recommendation	Basis in Directive or Regulation	Basis in Dutch legislation	Effective as of [date]
<i>Guidelines adopted by the Joint Committee</i>			
1.	CESR, CEBS, EIOPA Impact assessment Guidelines for Lamfalussy level 3 Committees, April 2008 CEBS 2007 58	n/a	n/a
2.	JC ³ Guidelines on the convergence of supervisory practices relating to the consistency of supervisory coordination arrangements for financial conglomerates JC /GL/2014/01	Article 11(1) of Directive 2002/87/EC (Financial Conglomerates Directive)	Articles 3:289-3:293 of the <i>Wft</i> 23-02-2015
3.	Joint Guidelines on the prudential assessment of acquisitions and increases of qualifying holdings in the financial sector JC/GL/2016/01	Article 23 of Directive 2013/36/EU (Capital Requirements Directive); Article 59 of Directive 2009/138/EC (Solvency II Directive); Article 13 of Directive 2004/39/EC (Markets in Financial Instruments Directive II, MiFID II)	Articles 3:99 and 3:100 of the <i>Wft</i> 01-10-2017
4.	Joint Guidelines on the characteristics of a risk based approach to anti money laundering and terrorist financing supervision, and the steps to be taken when conducting supervision on a risk sensitive basis - The Risk Based Supervision Guidelines ESAs 2016 72 Amended by Guidelines EBA/GL/2021/16	Article 48(10) of Directive (EU) 2015/849 (4th Anti-Money Laundering Directive)	<i>Wwft</i> , no specific Article 07-04-2018

² The following guidelines of the Joint Committee, EBA and EIOPA are relevant only for the AFM and the financial institutions subject to its supervision:

- Guidelines on complaints-handling for the securities (ESMA) and banking (EBA) sectors [JC 2018 35](#);
- EBA Guidelines on creditworthiness assessment, [EBA/GL/2015/11](#);
- EBA Guidelines on arrears and foreclosure, [EBA/GL/2015/12](#);
- EBA Guidelines on product oversight and governance arrangements for retail banking products, [EBA/GL/2015/18](#);
- EBA Guidelines on passport notifications for credit intermediaries under the Mortgage Credit Directive, [EBA/GL/2015/19](#);
- EIOPA Guidelines on complaints handling by insurance intermediaries, EIOPA-BoS-13/164.

5.	<p>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</p> <p>JC/GL/2017/16</p>	<p>Article 25 of Regulation (EU) 2015/847 (on information accompanying transfers of funds)</p>	<p>Regulation with direct effect</p>	<p>16-07-2018</p>
6.	<p>Joint Guidelines under Articles 17 and 18(4) of Directive (EU) 2015/849 on simplified and enhanced customer due diligence and the factors credit and financial institutions should consider when assessing the money laundering and terrorist financing risk associated with individual business relationships and occasional transactions –</p> <p>The Risk Factors Guidelines</p> <p>JC 2017 37</p>	<p>Articles 17 and 18(4) of Directive (EU) 2015/849</p>	<p>Article 6(1) of the <i>Wwft</i></p> <p>Articles 8(1), 8(4-9) and 5(5) of the <i>Wwft</i></p>	<p>26-06-2018</p>
7.	<p>Joint guidelines on cooperation and information exchange for the purpose of Directive (EU) 2015/849 between competent authorities supervising credit and financial institutions –</p> <p>The AML/CFT Colleges Guidelines</p> <p>JC/GL/2019/81</p>	<p>Articles 16 and 56(1) of Regulations (EU) 1093/2010 (establishing EBA), Regulation (EU) 1094/2010 (establishing EIOPA), and Regulation (EU) 1095/2010 (establishing ESMA) — the “ESA Regulations”</p>	<p>Regulations with direct effect</p>	<p>10/01/2020</p>
Guidelines adopted by EBA				
8.	<p>CEBS Guidelines regarding revised Article 3 of Directive 2006/48/EC</p>	<p>Article 3 of Directive 2006/48/EC (relating to the taking up and pursuit of the business of credit institutions).</p> <p>Current basis: Article 21 of Directive 2013/36/EU (Capital Requirements Directive)</p>	<p>Article 3:111 of the <i>Wft</i></p>	<p>18-05-2011</p>
9.	<p>CEBS Guidelines on the application of Article 122a of the CRD, 31 December 2010</p>	<p>Article 122a of Directive 2006/48/EC (relating to the taking up and pursuit of the business of credit institutions).</p> <p>Current basis: Articles 404 to 410 of Regulation (EU) 575/2013 (Capital</p>	<p>Regulation with direct effect</p>	<p>01-01-2011</p>

		Requirements Regulation)		
10.	CEBS Guidelines on Liquidity Cost Benefit Allocation, 27 October 2010 CEBS Guidelines on Liquidity Cost Benefit Allocation	Article 22, Annex V(16) of Directive 2006/48/EC (relating to the taking up and pursuit of the business of credit institutions). Current basis: Article 86 of Directive 2013/36/EU (Capital Requirements Directive)	Article 3:17(1) of the <i>Wft</i> ; Article 23a of the <i>Bpr</i>	30-06-2011
11.	CEBS Guidelines on the management of operational risk in market-related activities , 12 October 2010	Articles 102-105 and Annex V, points 12 and 13 of Directive 2006/48/EC (relating to the taking up and pursuit of the business of credit institutions). Current basis: Article 85 of Directive 2013/36/EU (Capital Requirements Directive) and Article 313 to 324 of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Article 3:17(2c) of the <i>Wft</i> ; Article 23a of the <i>Bpr</i>	30-06-2011
12.	CEBS Implementation Guidelines on Article 106(2)(c) and (d) of Directive 2006/48/EC recast, 28 July 2010 CEBS Implementation Guidelines on large exposures for money transmission, correspondent banking, clearing and settlement and custody services	Article 106(2)(c) and (d) of Directive 2006/48/EC (relating to the taking up and pursuit of the business of credit institutions). Current basis: Article 390(6) and (8) of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	31-12-2010
13.	CEBS Guidelines on operational risk mitigation techniques , 22 December 2009	Annex X, Part 3 of Directive 2006/48/EC (relating to the taking up and pursuit of the business of credit institutions). Current basis: Article 322 and 323 of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	31-12-2010
14.	EBA Guidelines on AMA extensions and changes EBA/GL/2012/01	Article 312(2) of Regulation (EU) No 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	06-03-2012

15.	EBA Guidelines on Stressed Value at Risk (Stressed-VaR) EBA/GL/2012/02	Article 365(2) of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	16-11-2012
16.	Guidelines on the Incremental Default and Migration Risk Charge (IRC) EBA/GL/2012/03	Article 372 (last paragraph) of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	16-11-2012
17.	EBA Guidelines on the applicable notional discount rate for variable remuneration EBA/GL/2014/01	Article 94 (1)(g) of Directive 2013/36/EU (Capital Requirements Directive)	n/a: DNB does not apply this optional provision	n/a
18.	EBA Guidelines on disclosure of encumbered and unencumbered assets, Appendix EBA/GL/2014/03	Article 443 of Regulation (EU) 575/2013 (Capital Requirements Regulation); Recommendation ESRB/2012/2, in particular Recommendations B and D ⁴	Regulation with direct effect	27-12-2014
19.	EBA Guidelines on significant risk transfer (SRT) related to Articles 243 and 244 of Regulation (EU) 575/2013 EBA/GL/2014/05	Articles 243(6) and 244(6) of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	07-01-2015
20.	EBA Guidelines on the range of scenarios to be used in recovery plans EBA/GL/2014/06	Article 5(7) of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Section 3:17 (2)(c)(4 ^o) of the <i>Wft</i> ; Sections 23d(2) and 23e(2) of the <i>Bpr</i>	01-01-2015
21.	EBA Guidelines on the data collection exercise regarding high earners EBA/GL/2014/07	Article 75(3) of Directive 2013/36/EU (Capital Requirements Directive)	Regulation on the Fulfilment of Tasks and Cross-Border Cooperation of Financial Supervisors under the <i>Wft</i>	31-10-2014
22.	EBA Guidelines on the remuneration benchmarking exercise EBA/GL/2014/08	Article 75(1) of Directive 2013/36/EU (Capital Requirements Directive)	Regulation on the Exercise of Tasks and Cross-Border Cooperation of Financial Supervisors under the <i>Wft</i>	31-10-2014
23.	EBA Guidelines on the types of tests, reviews or exercises that may lead to support	Article 32(4) of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Article 3:18(1) of the <i>Wft</i>	01-01-2015

⁴ Recommendation ESRB/2012/2 of the European Systemic Risk Board of 20 December 2012 on funding of credit institutions (OJ C 119)

measures under Article 32(4)(d)(iii) of the BRRD

[EBA/GL/2014/09](#)

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| 24. | EBA Guidelines on the criteria to determine the conditions for the application of Article 131(3) of Directive 2013/36/EU in relation to the assessment of other systemically important institutions (O-SIIs) | Article 131(3) (second paragraph) of Directive 2013/36/EU (Capital Requirements Directive) | Article 3:62a of the <i>Wft</i> ;
Article 105c(1)(b) of the <i>Bpr</i> | 01-01-2015 |
| | EBA/GL/2014/10 | | | |
| 25. | EBA Guidelines on measures to reduce or remove impediments to resolvability and the circumstances in which each of the measures may be applied in accordance with Directive 2014/59/EU | Article 17(8) of Directive 2014/59/EU (Bank Recovery and Resolution Directive) | Articles 1:75 and 3A:11(3) of the <i>Wft</i> | 01-04-2015 |
| | EBA/GL/2014/11 | | | |
| 26. | EBA Guidelines on internet payments security under the Payment services directive, PSD1 (Directive 2007/64/EC) | Article 10(4), Title III, Title IV of PSD1 | Article 3:17 of the <i>Wft</i> | 01-08-2015 |
| | EBA/GL/2014/12_rev1 | | | |
| 27. | Guidelines for common procedures and methodologies for the Supervisory Review and Evaluation Process (SREP) | Articles 97 and 107(3) of Directive 2013/36/EU (Capital Requirements Directive) ⁵ | Article 3:18a of the <i>Wft</i> | 01-01-2016 |
| | EBA/GL/2014/13 | | | |
| 28. | EBA Guidelines on non-material, proprietary and confidential information and on the frequency of disclosures pursuant to Articles 432(1), 432(2) and 433 of Regulation (EU) 575/2013 | Articles 432(1), 432(2) and 433 of Regulation (EU) 575/2013 (Capital Requirements Regulation) | Regulation with direct effect | 23-06-2014 |
| | EBA/GL/2014/14 | | | |
| 29. | EBA Guidelines on the minimum list of qualitative and quantitative recovery plan indicators | Article 9(2) of Directive 2014/59/EU (Bank Recovery and Resolution Directive) | Article 3:17 of the <i>Wft</i>
Sections 23d(2) 23e(2) and 23h of the <i>Bpr</i> | 31-07-2015 |
| | EBA/GL/2015/02 | | | |
| 30. | EBA Guidelines on triggers for use of early intervention measures pursuant to Article 27(4) of Directive 2014/59/EU | Article 27(4) of Directive 2014/59/EU (Bank Recovery and Resolution Directive) | Articles 1:74, 1:75 (1-3) and 1:75a of the <i>Wft</i>
Regulation on the Fulfilment of Tasks and Cross-Border Cooperation of Financial Supervisors under the <i>Wft</i> | 01-01-2016 |
| | EBA/GL/2015/03 | | | |

⁵ Article 97 of the Capital Requirements Directive refers to the Supervisory Review and Evaluation Process (SREP). This has been implemented in Section 3:18a of the *Wft*. Article 107(3) of the Capital Requirements Directive refers to guidelines to be adopted by EBA in relation to the organisation of the SREP.

31.	EBA Guidelines on the determination of when the liquidation of assets or liabilities under normal insolvency proceedings could have an adverse effect on one or more financial markets under Article 42(14) of Directive 2014/59/EU EBA/GL/2015/05	Article 42(14) of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Article 3:41(2) of the <i>Wft</i>	01-08-2015
32.	EBA Guidelines on the minimum list of services or facilities that are necessary to enable a recipient to operate a business transferred to it under Article 65(5) of Directive 2014/59/EU EBA/GL/2015/06	Article 65(5) of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Article 3:36 of the <i>Wft</i>	01-08-2015
33.	EBA Guidelines on the interpretation of the different circumstances when an institution shall be considered as failing or likely to fail under Article 32(6) of Directive 2014/59/EU EBA/ GL/2015/07	Article 32(6) of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Article 3A:18(1) of the <i>Wft</i>	01-01-2016
34.	EBA Guidelines on payment commitments under Directive 2014/49/EU on deposit guarantee schemes EBA/GL/2015/09	Article 10(2-3) of Directive 2014/49/EU (Deposit Guarantee Schemes Directive)	Articles 29.11(2-3) and 29.12(5) of the <i>Bbpm</i>	31-12-2015
35.	EBA Guidelines on methods for calculating contributions to deposit guarantee schemes EBA/GL/2015/10	Article 13(1-2) of Directive 2014/49/EU (Deposit Guarantee Schemes Directive)	Article 29.12 (1-4) of the <i>Bbpm</i>	31-12-2015
36.	EBA Guidelines specifying the conditions for group financial support under Article 23 of Directive 2014/59/EU EBA/GL/2015/17	Article 23(1) of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Articles 3:301 and 3:305 of the <i>Wft</i>	09-02-2016
37.	EBA Guidelines on limits on exposures to shadow banking entities which carry out banking activities outside a regulated framework under Article 395(2) of Regulation (EU) 575/2013 EBA/GL/2015/20	Article 395(2) of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	01-01-2017
38.	EBA Guidelines on the minimum criteria to be fulfilled by a business reorganisation plan EBA/GL/2015/21	Article 52(7) of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Article 3A:48 of the <i>Wft</i>	19-08-2016
39.	EBA Guidelines on cooperation agreements	Article 14(5) of Directive 2014/49/EU	Regulation on the Exercise of Tasks and	08-12-2016

	between deposit guarantee schemes under Directive 2014/49/EU EBA/GL/2016/02	(Deposit Guarantee Schemes Directive); Article 26 of Regulation (EU) 1093/2010 (EBA Founding Regulation)	Cross-Border Cooperation of Financial Supervisors under the <i>Wft</i>	
40.	EBA Guidelines on the provision of information in summary or collective form for the purposes of Article 84(3) of Directive 2014/59/EU EBA/GL/2016/03	Article 84(3) and (7) of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Article 1:89(2) and (4) of the <i>Wft</i>	19-01-2017
41.	EBA Guidelines on stress tests of deposit guarantee schemes under Directive 2014/49/EU, Appendix 1 EBA/GL/2016/04	Article 4(10) of Directive 2014/49/EU (Deposit Guarantee Schemes Directive)	Article 1a of Regulation on the Fulfilment of Tasks and Cross-Border Cooperation of Financial Supervisors under the <i>Wft</i>	19-12-2016
42.	EBA Guidelines on communication between competent authorities supervising credit institutions and the statutory auditor(s) and the audit firms(s) carrying out the statutory audit of credit institutions EBA/GL/2016/05	Article 12(2) of Regulation (EU) 537/2014 (on specific requirements regarding statutory audit of public-interest entities)	Regulation with direct effect	31-03-2017
43.	EBA Guidelines on remuneration policies and practices related to the sale and provision of retail banking products and services EBA/GL/2016/06	Article 11(4) of Directive 2015/2366/EU (PSD2); Article 3(1) of Directive 2009/110/EC (Electronic Money Directive); Articles 74(3) and 75(2) of Directive 2013/36/EU (Capital Requirements Directive)	Articles 1:117, 2:3b and 3:17 of the <i>Wft</i>	13-01-2018
44.	EBA Guidelines on the application of the definition of default under Article 178 of Regulation (EU) 575/2013 EBA/GL/2016/07	Article 178 of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	01-01-2021
45.	EBA Guidelines on implicit support for securitisation transactions EBA/GL/2016/08	Article 248 of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	01-03-2017
46.	EBA Guidelines on corrections to modified duration for debt instruments under Article 340(3), second	Article 340(3), last paragraph, of Regulation (EU) 575/2013 (Capital	Regulation with direct effect	01-03-2017

	paragraph, of Regulation (EU) 575/2013 EBA/GL/2016/09	Requirements Regulation)		
47.	EBA Guidelines on ICAAP and ILAAP information collected for SREP purposes EBA/GL/2016/10	Articles 73, 86 and 97 of Directive 2013/36/EU (Capital Requirements Directive)	Articles 3:17 and 3:18a of the <i>Wft</i>	01-01-2017
48.	EBA Guidelines on disclosure requirements under Part Eight of Regulation (EU) No 575/2013 EBA/GL/2016/11 - V2	Part Eight of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	31-12-2017
49.	EBA Guidelines on LCR disclosure to complement the disclosure of liquidity risk management under Article 435 of Regulation (EU) 575/2013 EBA/GL/2017/01	Article 435 of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	31-12-2017
50.	EBA Guidelines concerning the interrelationship between the BRRD sequence of write down and conversion and CRR/CRD EBA/GL/2017/02	Article 48 of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Articles 3A:21(6) and 3A:44(5) of the <i>Wft</i>	11-01-2018
51.	EBA Guidelines on the rate of conversion of debt to equity in bail-in EBA/GL/2017/03	Article 50 of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Articles 3A:21(3) and 3A:44(3) of the <i>Wft</i>	11-01-2018
52.	EBA Guidelines on the treatment of shareholders in bail-in or the write-down and conversion of capital instruments EBA/GL/2017/04	Article 47 of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Articles 3A:21(1) and (4) and 3A:26 of the <i>Wft</i>	11-01-2018
53.	EBA Guidelines on ICT risk assessment in the context of the supervisory review and evaluation process (SREP) EBA/GL/2017/05	Articles 97 and 107(3) of Directive 2013/36/EU (Capital Requirements Directive) ⁶	Article 3:18a of the <i>Wft</i>	01-01-2018
54.	EBA Guidelines on credit institutions' credit risk management practices and accounting for expected credit losses EBA/GL/2017/06	Articles 74, 79(b) and (c), 88(1)(b) and 104(1) of Directive 2013/36/EU (Capital Requirements Directive)	Articles 3:17 and 3:111a of the <i>Wft</i>	01-01-2018

⁶ Article 97 of the Capital Requirements Directive refers to the Supervisory Review and Evaluation Process (SREP). This has been implemented in Section 3:18a of the *Wft*. Article 107(3) of the Capital Requirements Directive refers to guidelines to be adopted by EBA in relation to the organisation of the SREP.

55.	EBA Guidelines on the criteria on how to stipulate the minimum monetary amount of the professional indemnity insurance or other comparable guarantee under Article 5(4) of Directive (EU) 2015/2366 (PSD2)	Article 5(2) and (3) of Directive 2015/2366/EU (PSD2)	Articles 2:3b and 3:17(2) of the <i>Wft</i>	30-01-2018 (Date of entry into force of the Payment Services Directive)
EBA/GL/2017/08				
56.	EBA Guidelines on the information to be provided for the authorisation of payment institutions and e-money institutions and for the registration of account information service providers under Article 5(5) of Directive (EU) 2015/2366 (PSD2)	Articles 5 and 32 of Directive 2015/2366/EU (PSD2)	Articles 2:3b and 3:17 of the <i>Wft</i> ; Article 1a of the Exemption Regulation under the <i>Wft</i>	13-01-2018
EBA/GL/2017/09				
57.	EBA Guidelines on major incident reporting under Directive (EU) 2015/2366 (PSD2)	Article 96(1) of Directive 2015/2366/EU (PSD2)	Article 3:17 of the <i>Wft</i> Article 26g of the <i>Bpr</i>	13-12-2018
EBA/GL/2017/10				
58.	EBA Guidelines on internal governance under Directive 2013/36/EU EBA/GL/2017/11	Articles 74(3), 75(2), 92(2), 93, 95(1) and (2) of Directive 2013/36/EU (Capital Requirements Directive)	Article 3:17 of the <i>Wft</i> and Section 4 of the <i>Bpr</i>	30-06-2018 [Replaced by EBA/GL/2021/05 on 31-12-2021]
59.	Joint ESMA and EBA Guidelines on the assessment of the suitability of members of the management body and key function holders under Directive 2013/36/EU and Directive 2014/65/EU EBA/GL/2017/12	Article 91(12) of Directive 2013/36/EU (Capital Requirements Directive)	Article 3:8 of the <i>Wft</i>	30-06-2018 [Replaced by EBA/GL/2021/06 on 31-12-2021]
60.	EBA Guidelines on procedures for complaints of alleged infringements of Directive (EU) 2015/2366 EBA/GL/2017/13	Article 99 of Directive 2015/2366/EU (PSD2)	no explicit basis ⁷	13-01-2018
61.	EBA Guidelines on supervision of significant branches EBA/GL/2017/14	Title V, Chapter 4 and Title VII, Chapters 1 and 3 of Directive 2013/36/EU (Capital Requirements Directive); Title II, Section 2 of Directive 2014/59/EU (Bank Recovery and Resolution Directive)	Articles 1:51c and 1:51d <i>Wft</i>	01-01-2018

⁷ At the time of implementation, it was explained that Article 99 PSD2 does not require implementation (Dutch House of Representatives, 2017-2018,34 813, No. 3)

62.	EBA Guidelines on connected clients under Article 4(1)(39) of Regulation (EU) No 575/2013 EBA/GL/2017/15	Article 4(1)(39) of Regulation (EU) No 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	01-01-2019
63.	EBA Guidelines on PD estimation, LGD estimation and the treatment of defaulted exposures EBA/GL/2017/16	Article 159 of Regulation (EU) 575/2013 (Capital Requirements Regulation); EBA RTS 2016/03	Regulation with direct effect	01-01-2021
64.	EBA Guidelines on uniform disclosures under Article 473a of Regulation (EU) 575/2013 as regards the transitional period for mitigating the impact of the introduction of IFRS 9 on own funds EBA/GL/2018/01	Article 473a of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	20-03-2018 until the end of the transitional period referred to in paragraph 6 of Article 473a of Regulation (EU) 575/2013 (Capital Requirements Regulation)
65.	Guidelines on the management of interest rate risk arising from non-trading book activities EBA/GL/2018/02	Articles 84 and 98(5) of Directive 2013/36/EU (Capital Requirements Directive)	Article 3:18a(5) of the <i>Wft</i> ; Section 23a of the <i>Bpr</i>	30-06-2019
66.	EBA Guidelines on the revised common procedures and methodologies for the supervisory review and evaluation process (SREP) and supervisory stress testing EBA/GL/2018/03	Articles 97 and 107(3) of Directive 2013/36/EU (Capital Requirements Directive) ⁸	Article 3:18a of the <i>Wft</i>	01-01-2019
67.	EBA Guidelines on institutions' stress testing EBA/GL/2018/04	Article 100(2) of Directive 2013/36/EU (Capital Requirements Directive)	Article 3:18a(5) of the <i>Wft</i>	01-01-2019
68.	EBA Guidelines on fraud reporting under Article 96(6) of Directive 2015/2366/ EU (PSD2); EBA/GL/2018/05	Article 96(6) of PSD2	Article 3:17 of the <i>Wft</i> and Section 26g of the <i>Bpr</i>	01-01-2019
69.	EBA Guidelines on management of non-performing and forborne exposures EBA/GL/2018/06	Regulation (EU) 680/2014 (laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) 575/2013)	Regulation with direct effect	30-06-2019

⁸ Article 97 of the Capital Requirements Directive refers to the Supervisory Review and Evaluation Process (SREP). This has been implemented in Section 3:18a of the *Wft*. Article 107(3) of the Capital Requirements Directive refers to guidelines to be adopted by EBA in relation to the organisation of the SREP.

70.	Guidelines on the conditions to benefit from an exemption from the contingency mechanism under Article 33(6) of Regulation (EU) 2018/389 (RTS on SCA & CSC) EBA/GL/2018/07	Article 33(6) of Regulation (EU) 2018/389	Regulation with direct effect	01-01-2019
71.	EBA Guidelines on the STS criteria for ABCP securitisation EBA/GL/2018/08	Articles 24 and 26 of Regulation (EU) 2017/2402 (laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation)	Regulation with direct effect	15-05-2019
72.	EBA Guidelines on the STS criteria for non-ABCP securitisation EBA/GL/2018/09	Articles 20, 21 and 22 of Regulation (EU) 2017/2402 (laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation)	Regulation with direct effect	15-05-2019
73.	EBA Guidelines on disclosure of non-performing and forborne exposures EBA/GL/2018/10	Part Eight of Regulation (EU) 575/2013 (Capital Requirements Regulation) (as regards the disclosure requirements set out therein); Regulation (EU) 680/2014 (laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) 575/2013)	Regulations with direct effect	31-12-2019
74.	EBA Guidelines on specification of types of exposures to be associated with high risk EBA/GL/2019/01	Article 128 of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	01-07-2019
75.	EBA Guidelines on outsourcing arrangements EBA/GL/2019/02	Article 74 of Directive 2013/36/EU (Capital Requirements Directive);	Article 3:18 of the <i>Wft</i> Chapter 5 of the <i>Bpr</i>	20-09-2019

		Article 9 of Directive 2015/2366/EU (PSD2); Article 5(5) of Directive 2009/110/EC (Electronic Money Directive)		
76.	EBA Guidelines for the estimation of LGD appropriate for an economic downturn (Downturn LGD estimation) EBA/GL/2019/03	Article 181 of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	01-01-2021
77.	EBA Guidelines on ICT and security risk management EBA/GL/2019/04	Article 95(3) of Directive 2015/2366/EU (PSD2)	Article 3:17 of the <i>Wft</i> Section 26f of the <i>Bpr</i>	30-06-2020
78.	EBA guidelines on harmonised definitions and templates for funding plans of credit institutions under Recommendation of the European Systemic Risk Board of 20 December 2012 (ESRB/2012/2) EBA/GL/2019/05	Recommendation of the European Systemic Risk Committee of 20 December 2012 (ESRB/2012/2)	Article 3:17 of the <i>Wft</i>	31-12-2020
79.	EBA Guidelines amending Guidelines EBA/GL/2018/05 on fraud reporting under the Payment Services Directive (PSD2) EBA/GL/2020/01	Article 96(6) of Directive 2015/2366/EU (PSD2)	Article 3:17 of the <i>Wft</i> Article 26g of the <i>Bpr</i>	1-7-2020
80.	EBA Guidelines on legislative and non-legislative moratoria on loan repayments applied in the light of the COVID-19 crisis EBA/GL/2020/02 ⁹	Article 178 of Regulation (EU) 575/2013 (Capital Requirements Regulation); Commission Delegated Regulation (EU) 2018/171 on the materiality threshold for credit obligations past due	Regulations with direct effect	03-06-2020
81.	EBA Guidelines amending Recommendations EBA/REC/2015/01 on the equivalence of confidentiality regimes EBA/GL/2020/03	Article 116 of Directive 2013/36/EU (Capital Requirements Directive)	Articles 1:54b and 1:54c of the <i>Wft</i>	16-04-2020
82.	EBA Guidelines on the determination of the weighted average maturity (WAM) of the contractual payments due under the tranche in accordance with point (a) of	Article 257 (1a) of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	1-09-2020

⁹ Amended by EBA/GL/2020/08 and EBA/GL/2020/15. The clarifications provided are in line with Article 178 of Regulation (EU) 575/2013, with Commission Delegated Regulation (EU) 2018/171 on the materiality threshold for credit obligations past due and with the EBA Guidelines on the application of the definition of default under Article 178 of Regulation (EU) 575/2013, EBA/GL/2016/07.

Article 257(1) of Regulation (EU) 575/2013

[EBA/GL/2020/04](#)

83.	EBA Guidelines on credit risk mitigation for institutions applying the IRB approach with own estimates of LGDs EBA/GL/2020/05	Article 108(2) of Regulation (EU) 575/2013 (Capital Requirements Regulation); EBA/RTS/2016/03	Regulation with direct effect	01-01-2022
84.	EBA Guidelines on loan origination and monitoring EBA/GL/2020/06	Articles 74(1) and 79 of Directive 2013/36/EU (Capital Requirements Directive) ¹⁰	Section 3:17 of the <i>Wft</i> Section 23a of the <i>Bpr</i>	30-06-2021
85.	EBA Guidelines on reporting and disclosure of exposures subject to measures applied in response to the COVID-19 crisis EBA/GL/2020/07	Annex V to Regulation (EU) 680/2014 (laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) 575/2013)	Regulation with direct effect	02-06-2020
86.	EBA Guidelines amending Guidelines EBA/GL/2020/02 on legislative and non-legislative moratoria on loan repayments applied in the light of the COVID-19 crisis EBA/GL/2020/08	Article 178 of Regulation (EU) 575/2013 (Capital Requirements Regulation); Commission Delegated Regulation (EU) 2018/171 on the materiality threshold for credit obligations past due	Regulation with direct effect	25-06-2020
87.	EBA Guidelines on the treatment of structural FX under Article 352(2) of Regulation (EU) 575/2013 EBA/GL/2020/09	Article 352(2) of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	01-01-2022
88.	EBA Guidelines on the pragmatic 2020 supervisory review and evaluation process in light of the COVID-19 crisis EBA/GL/2020/10	Articles 97 and 107(3) of Directive 2013/36/EU (Capital Requirements Directive); EBA/GL/2014/13 ¹¹	Article 3:18a of the <i>Wft</i>	23-07-2020
89.	EBA Guidelines on supervisory reporting and disclosure requirements in compliance	Commission Implementing Regulation (EU)	Regulation with direct effect	27-01-2021

¹⁰ The AFM is the competent authority in relation to the Guidelines in Sections 5.1 to 5.2.4 on the application of the consumer creditworthiness assessment requirements in Chapter 6 of Directive 2014/17/EU (Mortgage Credit Directive) and Article 8 of Directive 2008/48/EC (Consumer Credit Directive).

¹¹ These guidelines show how EBA Guidelines EBA/GL/2014/13 (SREP Guidelines) can be applied pragmatically for the purposes of the 2020 SREP cycle.

	with the CRR 'quick fix' in response to the COVID-19 pandemic EBA/GL/2020/11	680/2014 (laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) 575/2013) Regulation (EU) 2016/200 (laying down regulatory technical standards for the specification of the methodology for the identification of global systemically important institutions and for the definition of subcategories of global systemically important institutions)		
90.	EBA Guidelines amending Guidelines EBA/GL/2018/01 on uniform disclosures under Article 473a of Regulation (EU) 575/2013 (CRR) on the transitional period for mitigating the impact of the introduction of IFRS 9 on own funds to ensure compliance with the CRR 'quick fix' in response to the COVID-19 pandemic EBA/GL/2020/12	Article 473a of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	11-08-2020 – 27-06-2021
91.	EBA Guidelines on the appropriate subsets of sectoral exposures to which competent or designated authorities may apply a systemic risk buffer in accordance with Article 133(5)(f) of Directive 2013/36/EU EBA/GL/2020/13	Article 133(5f) of Directive 2013/36/EU (Capital Requirements Directive)	Article 3:62a(2) of the <i>Wft</i> ; Chapter 10A of the <i>Bpr</i>	29-12-2020
92.	EBA Guidelines on the specification and disclosure of systemic importance indicators EBA/GL/2020/14	Regulation (EU) 1222/2014 (supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for the specification of the methodology for the identification of global systemically important institutions and for the definition of subcategories of	Regulation with direct effect	16-12-2020

		global systemically important institutions)		
93.	EBA Guidelines amending Guidelines EBA/GL/2020/02 on legislative and non-legislative moratoria on loan repayments applied in the light of the COVID-19 crisis EBA/GL/2020/15	Article 178 of Regulation (EU) 575/2013 (Capital Requirements Regulation); Commission Delegated Regulation (EU) 2018/171 on the materiality threshold for credit obligations past due	Regulations with direct effect	16-12-2021
94.	EBA Guidelines specifying the conditions for the application of the alternative treatment of institutions' exposures related to 'tri-party repurchase agreements' set out in Article 403(3) of Regulation (EU) 575/2013 for large exposures purposes EBA/GL/2021/01	Article 403(3) of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Regulation with direct effect	28-06-2021
95.	EBA Guidelines on customer due diligence and the factors credit and financial institutions should consider when assessing the money laundering and terrorist financing risk associated with individual business relationships and occasional transactions (' The ML/TF Risk Factors Guidelines ') under Articles 17 and 18(4) of Directive (EU) 2015/849, repealing and replacing Guidelines JC/2017/37 EBA/GL/2021/02	Articles 17 and 18(4) of Directive (EU) 2015/849 (the fourth Anti-Money Laundering Directive)	Chapter 2 of the <i>Wwft</i> (customer due diligence provisions)	01-06-2021
96.	EBA Guidelines on major incidents reporting under Directive (EU) 2015/2366 (PSD2) EBA/GL/2021/03	Article 96(1) Directive 2015/2366 /EU (Payment services directive)	Article 3:17 <i>Wft</i> ; Article 26g <i>Bpr</i>	01-01-2022
97.	EBA Guidelines on sound remuneration policies under Directive 2013/36/EU EBA/GL/2021/04	Article 74(1)(92-95) of Directive 2013/36/EU (Capital Requirements Directive); Article 450 of Regulation (EU) 575/2013 (Capital Requirements Regulation)	Article 3:17 of the <i>Wft</i> and Chapter 1.7 of the <i>Wft</i> (in particular Article 1:117)	[Intention to comply – subject to the entry into force of 'Wetsvoorstel nadere beloningsmaatregelen financiële sector']

98.	EBA Guidelines on internal governance (second revision) EBA/GL/2021/05	Articles 74(3), 75(2), 92(2), 93, 95(1) and (2) of Directive 2013/36/EU (Capital Requirements Directive)	Article 3:17 of the <i>Wft</i> and Section 4 of the <i>Bpr</i>	31-12-2021
99.	Joint ESMA and EBA Guidelines on the assessment of the suitability of members of the management body (revised) EBA/GL/2021/06	Article 91(12) of Directive 2013/36/EU (Capital Requirements Directive)	Article 3:8 of the <i>Wft</i>	31-12-2021
100.	EBA Guidelines on criteria for for the use of data inputs in the risk-measurement model referred to in Article 325bc of Regulation (EU) No 575/2013 (Capital Requirements Regulation) EBA/GL/2021/07	Article 325bc of Regulation (EU) No 575/2013	Regulation with direct effect	01-01-2022
101.	Guidelines on the monitoring of the threshold and other procedural aspects on the establishment of intermediate EU parent undertakings under Article 21b of Directive 2013/36/EU EBA/GL/2021/08	Article 21b of Directive 2013/36/EU	Article 3:280c <i>Wft</i>	09-11-2021
102.	EBA Guidelines specifying the criteria to assess the exceptional cases when institutions exceed the large exposure limits of Article 395(1) of Regulation (EU) No 575/2013 and the time and measures to return to compliance pursuant to Article 396(3) of Regulation (EU) No 575/2013 EBA/GL/2021/09	Articles 395(1) and 396(3) of Regulation (EU) 575/2013	Regulation with direct effect	01-01-2022
103.	Revised Guidelines on stress tests of deposit guarantee schemes EBA/GL/2021/10	Article 4(10) of the Deposit Guarantee Schemes Directive (DGSD, 2014/49/EU)	Article 1a Regeling taakuitoefening en grensoverschrijdende samenwerking financiële toezichthouders <i>Wft</i>	15.09.2021
104.	Guidelines on recovery plan indicators under Article 9 of Directive 2014/59/EU EBA/GL/2021/11	Article 9(2) of Directive 2014/59/EU (BRRD)	Article 3:17 <i>Wft</i> Article 23 <i>Bpr</i>	14.02.2022

105.	Guidelines on a common assessment methodology for granting authorisation as a credit institution under Article 8(5) of Directive 2013/36/EU	Article 8(5) of Directive 2013/36/EU	Article 2:11 to 2:13 Wft	08.04.2022
	<u>EBA/GL/2021/12</u>			
106.	Guidelines on sound remuneration policies under Directive (EU) 2019/2034	Articles 30 to 33 Directive (EU) 2019/2034 IFD	Article 1:117 Wft Regeling beheerst beloningsbeleid 2021	30.04.2022
	<u>EBA/GL/2021/13</u>			
107.	Guidelines on internal governance under Directive (EU) 2019/2034	Article 26(4) of Directive (EU) 2019/2034	Article 3:17 Wft Article 23 Bpr	30.04.2022
	<u>EBA/GL/2021/14</u>			
108.	Guidelines on cooperation and information exchange between prudential supervisors, AML/CFT supervisors and financial intelligence units under Directive 2013/36/EU	Article 117(6) of Directive 2013/36/EU	Article 1:51a Wft	01.06.2022 Intention to comply
	<u>EBA/GL/2021/15</u>			
109.	Guidelines on the characteristics of a risk-based approach to anti-money laundering and terrorist financing supervision, and the steps to be taken when conducting supervision on a risk-sensitive basis under Article 48(10) of Directive (EU) 2015/849	Article 48(10) of Directive (EU) 2015/849	-	04.07.2022 Intention to comply
	<u>EBA/GL/2021/16</u>			
110.	Guidelines on the delineation and reporting of available financial means of Deposit Guarantee Schemes	Article 10(10) of Directive 2014/49/EU	-	30.03.2022 Intention to comply
	<u>EBA/GL/2021/17</u>			
2022				
111.	Guidelines on improving resolvability for institutions and resolution	15 and 16 Directive 2014/59/EU (BRRD)		01.01.2024 Intention to comply

	authorities under articles 15 and 16 BRRD		
	<u>EBA/GL/2022/01</u>		
112.	Guidelines on the limited network exclusion under PSD2	Article 3(k) and 37(2) of Directive (EU) 2015/2366	01.06.2022
	<u>EBA/GL/2022/02</u>		
113.	Guidelines on common procedures and methodologies for the supervisory review and evaluation process (SREP) and supervisory stress testing under Directive 2013/36/EU	Article 107(3) of Directive 2013/36/EU	01.01.2023
	<u>EBA/GL/2022/03</u>		
114.	Guidelines on the equivalence and confidentiality of third country authorities	Article 116(6) Directive 2013/36/EU	16.08.2022
	<u>EBA/GL/2022/04</u>		
115.	Guidelines on policies and procedures in relation to compliance management and the role and responsibilities of the AML/CFT Compliance Officer under Article 8 and Chapter VI of Directive (EU) 2015/849	Article 8 and Chapter VI of Directive (EU) 2015/849	11/21/2022
	<u>EBA/GL/2022/05</u>		
116.	Guidelines on the benchmarking exercises on remuneration practices and the gender pay gap under Directive (EU) 2019/203	Directive 2013/36/EU	31.12.2022
	<u>EBA/GL/2022/06</u>		
117.	Guidelines on the benchmarking exercises on remuneration practices, the gender pay gap and approved higher ratios under Directive 2013/36/E	Article 34(2) of Directive (EU) 2019/2034	31.12.2022
	<u>EBA/GL/2022/07</u>		
118.	Guidelines on on the data collection exercises regarding high earners	Article 75(3) of Directive 2013/36/EU	31.12.2022

	under Directive 2013/36/EU and under Directive (EU) 2019/2034	Article 34(4) of Directive (EU) 2019/2034 (IFD)	
	<u>EBA/GL/2022/08</u>		
119.	Joint EBA and ESMA Guidelines on common procedures and methodologies for the supervisory review and evaluation process (SREP) under Directive (EU) 2019/2034	Articles 36 to 45 of regulation (EU) 2019/2034	31.03.2024
	<u>EBA/GL/2022/09</u>		
120.	Guidelines on the criteria for the exemption of investment firms from liquidity requirements	Article 43(4) Regulation (EU) 2019/2033	28.11.2022
	<u>EBA/GL/2022/10</u>		
121.	EBA/GL/2022/11 - Guidelines for institutions and resolution authorities to complement the resolvability assessment for transfer strategies	Articles 10, 12 15 and 16 of Directive 2014/59/EU	01.01.2024
	<u>EBA/GL/2022/11</u>		
122.	Guidelines amending GLs EBA GL 2020 14 on the specification and disclosure of systemic important indicators	Paragraph 2a of Directive (EU) 2019/878 of 20 May 2019 and to article 5a of Delegated Regulation (EU) 2021/539 of 11 February 2021	16.01.2023
	<u>EBA/GL/2022/12</u>		
123.	Guidelines amending GLs EBA GL 2018 10 on disclosure of non-performing and foreborne exposures	Article 442 of Regulation (EU) No 575/2013 (CRR)	31.12.2022
	<u>EBA/GL/2022/13</u>		
124.	Guidelines issued on the basis of Article 84 (6) of Directive 2013/36/EU specifying criteria for the identification, evaluation, management and mitigation of the risks arising from potential changes in interest rates and of the assessment and monitoring of credit spread risk, of institutions' non-trading book activities	Article 84 (6) of Directive 2013/36/EU	30.06.2023 with the exception of sections 4.5 and 4.6 that apply at 31 December 2023
	<u>EBA/GL/2022/14</u>		

125.	Guidelines on the use of Remote Customer Onboarding Solutions under Article 13(1) of Directive (EU) 2015/849	Article 13(1) of Directive (EU) 2015/849		02.10.2023
	EBA/GL/2022/15			
126.	Guidelines to resolution authorities on the publication of the write-down and conversion and bail-in exchange mechanic	Articles 43 and 44, 46 to 50 and 59 to 62 of Directive 2014/59		01.01.2024
	EBA/GL/2023/01			
127.	Guidelines (revised) on methods for calculating contributions to deposit guarantee schemes under Directive 2014/49/EU repealing and replacing Guidelines EBA/GL/2015/10	Article 13, lid 3, of Directive 2014/49/EU		11.09.2023
	EBA/GL/2023/02			
128.	Guidelines amending Guidelines EBA/2021/02 on customer due diligence and the factors credit and financial institutions should consider when assessing the money laundering and terrorist financing risk associated with individual business relationships and occasional transactions ('The ML/TF Risk Factors Guidelines') under Articles 17 and 18(4) of Directive (EU) 2015/849	Articles 17 and 18, sub 4, of Directive (EU) 2015/849		25.09.2023
	EBA/GL/2023/03			
129.	Guidelines on policies and controls for the effective management of money laundering and terrorist financing (ML/TF) risks when providing access to financial services	Article 8, sub 3, of Directive (EU) 2015/849 and article 16 of Directive (EU) 2014/92		25.09.2023
	EBA/GL/2023/04			
130.	Guidelines amending Guidelines EBA/GL/2022/01 on improving resolvability for institutions and resolution authorities under articles 15 and 16 of Directive 2014/59/EU (Resolvability Guidelines) to introduce a new section on resolvability testing	Articles 15 and 16 of Directive 2014/59/EU		01.01.2024

EBA/GL/2023/05**Recommendations adopted by EBA**

131.	EBA Recommendation on the use of Legal Entity Identifier (LEI) EBA/REC/2014/01	Article 35 of Regulation 1093/2010 (EBA Founding Regulation)	Regulation with direct effect	31-01-2014
132.	EBA Recommendations on the equivalence of confidentiality regimes EBA/REC/2015/01 Amended by Recommendation EBA/REC/2018/01 And Recommendation EBA/REC/2018/03	Article 116 of Directive 2013/36/EU (Capital Requirements Directive)	Articles 1:54b and 1:54c of the <i>Wft</i>	02-04-2015
133.	EBA Recommendation amending Recommendation EBA/REC/2015/01 on the equivalence of confidentiality regimes EBA/REC/2015/02	Article 116 of Directive 2013/36/EU (Capital Requirements Directive)	Articles 1:54b and 1:54c of the <i>Wft</i>	12-09-2015
134.	EBA Recommendation amending Recommendation EBA/REC/2015/01 on the equivalence of confidentiality regimes EBA/REC/2017/01	Article 116 of Directive 2013/36/EU (Capital Requirements Directive)	Articles 1:54b and 1:54c of the <i>Wft</i>	12-01-2017
135.	EBA Recommendation on the coverage of entities in a group recovery plan EBA/REC/2017/02	Articles 5 to 9 of Directive 2014/59/EU (Bank Recovery and Resolution Directive); Articles 3 to 21 of Commission Delegated Regulation (EU) 2016/1075; EBA/GL/2015/02 on recovery plan indicators and EBA/GL/2014/06 on the set of recovery plan scenarios	Article 3:17 of the <i>Wft</i> Articles 23d(2) 23e(2) and 23h of the <i>Bpr</i>	01-07-2017

Guidelines adopted by EIOPA**EIOPA Guidelines**

136.	EIOPA Guidelines on the use of the Legal Entity Identifier; EIOPA-BoS-14/026 EN Per 01-07-2022 replaced by EIOPA-BoS-2021/456	n/a	n/a	31-12-2014 01-07-2022
137.	EIOPA Guidelines on operational functioning of colleges	Article 248 of Directive 2009/138/EG (Solvency II Directive)	Section 1:51e of the <i>Wft</i> ;	01-01-2016

	EIOPA-BoS-14/146 EN		Sections 1a, 1b and 3 of the Regulation on the Fulfilment of Tasks and Cross-Border Cooperation of Financial Supervisors under the <i>Wft</i>	
138.	EIOPA Guidelines on contract boundaries EIOPA-BoS-14/165 EN Modified per 01-01-2023, new EIOPA-number not known yet.	Articles 76(1) and 78 of Directive 2009/138/EG (Solvency II Directive) Articles 17 and 18 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 3:67 and 3:68a of the <i>Wft</i> ; Sections 114-116 of the <i>Bpr</i>	01-01-2016 01-01-2023
139.	EIOPA Guidelines on valuation of technical provisions EIOPA-BoS-14/166 EN Modified per 01-01-2023, new EIOPA-number not known yet.	Articles 48 and 76-86 of Directive 2009/138/EG (Solvency II Directive); Articles 17-42 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 3:67 and 3:68a of the <i>Wft</i> ; Sections 26.2 and 114-116 of the <i>Bpr</i>	01-01-2016 01-01-2023
140.	EIOPA Guidelines on ancillary own funds EIOPA-BoS-14/167 EN	Articles 89, 90, 93-96, 226 and 235 of Directive 2009/138/EG (Solvency II Directive); Articles 62-67, 74-75 and 78-79 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 3:57(2), 3:59(2), 3:288a and 3:288k(3) of the <i>Wft</i> ; Section 70 of the <i>Bpr</i> ; Section 4 of the <i>Bptfg</i>	01-01-2016
141.	EIOPA Guidelines on Classification of Own Funds EIOPA-BoS-14/168 EN	Articles 93-95 of Directive 2009/138/EG (Solvency II Directive); Articles 69-79 and 82 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 3:57(2) and 3:59(2) <i>Wft</i> ; Sections 52 and 70 of the <i>Bpr</i>	01-01-2016
142.	EIOPA Guidelines on ring-fenced funds EIOPA-BoS-14/169 EN	Articles 99 and 111 of Directive 2009/138/EG (Solvency II Directive); Articles 80-81 and 216-217 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 3:57(2), 3:58 and 3:59(2) of the <i>Wft</i> ; Article 65 of the <i>Bpr</i>	01-01-2016
143.	EIOPA Guidelines on treatment of related undertakings, including participations EIOPA-BoS-14/170 EN	Articles 92 and 111 of Directive 2009/138/EG (Solvency II Directive); Articles 68, 168 and 171, without prejudice to Article 84, of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 3:57(2), 3:58 and 3:59(2) of the <i>Wft</i> ; Sections 65 and 70 of the <i>Bpr</i>	01-01-2016
144.	EIOPA Guidelines on look-through approach EIOPA-BoS-14/171 EN	Articles 104 and 105 of Directive 2009/138/EG (Solvency II Directive); Article 84 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Section 3:57(2) of the <i>Wft</i> ; Section 65 of the <i>Bpr</i>	01-01-2016

145.	EIOPA Guidelines on basis risk EIOPA-BoS-14/172 EN	Articles 104 and 105 of Directive 2009/138/EG (Solvency II Directive); Articles 86 and 210 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Section 3:57(2) of the <i>Wft</i> ; Section 65 of the <i>Bpr</i>	01-01-2016
146.	EIOPA Guidelines on application of outwards reinsurance arrangements to the non-life underwriting risk sub-module EIOPA-BoS-14/173 EN	Article 105(2) of Directive 2009/138/EG (Solvency II Directive); Articles 119-135, 208 and 214 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Section 3:57(2) of the <i>Wft</i> ; Section 65 of the <i>Bpr</i>	01-01-2016
147.	EIOPA Guidelines on the treatment of market and counterparty risk exposures in the standard formula EIOPA-BoS-14/174 EN	Articles 104-105 of Directive 2009/138/EG (Solvency II Directive); Articles 164-202 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Section 3:57(2) of the <i>Wft</i> ; Section 65 of the <i>Bpr</i>	01-01-2016
148.	EIOPA Guidelines on application of the life underwriting risk module EIOPA-BoS-14/175 EN	Article 105(3) of Directive 2009/138/EG (Solvency II Directive) Articles 137-139 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Section 3:57(2) of the <i>Wft</i> ; Section 65 of the <i>Bpr</i>	01-01-2016
149.	EIOPA Guidelines on health catastrophe risk sub-module EIOPA-BoS-14/176 EN	Article 105(4) of Directive 2009/138/EG (Solvency II Directive) Articles 160-163 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Section 3:57(2) of the <i>Wft</i> ; Section 65 of the <i>Bpr</i>	01-01-2016
150.	EIOPA Guidelines on the loss-absorbing capacity of technical provisions and deferred taxes EIOPA-BoS-14/177 EN	Articles 103 and 108 of Directive 2009/138/EG (Solvency II Directive); Articles 83 and 205-207 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Section 3:57(2) of the <i>Wft</i> ; Section 65 of the <i>Bpr</i>	01-01-2016
151.	EIOPA Guidelines on undertaking-specific parameters EIOPA-BoS-14/178 EN	Articles 104(7), 110-111, 230 and 248(2) of Directive 2009/138/EG (Solvency II Directive); Articles 218, 229-220, 338 and 356 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Section 3:57(2) of the <i>Wft</i> ; Section 65 of the <i>Bpr</i> ; Section 4b of the <i>Bptfg</i>	01-01-2016
152.	EIOPA Guidelines on supervisory review process EIOPA-BoS-14/179 EN	article 36 of Directive 2009/138/EG (Solvency II Directive);	Section 1:24 of the <i>Wft</i>	01-01-2016

153.	EIOPA Guidelines on the use of internal models EIOPA-BoS-14/180 EN	Articles 112-113, 115-116, 120-126 and 231 of Directive 2009/138/EG (Solvency II Directive); Title I, Chapter VI and Title II Chapter II of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Section 3:57(2) of the <i>Wft</i> ; Section 65 of the <i>Bpr</i> ; Section 4b of the <i>Bptfg</i>	01-01-2016
154.	EIOPA Guidelines on group solvency EIOPA-BoS-14/181 EN	Articles 212-235, 261-262 and 263 of Directive 2009/138/EG (Solvency II Directive); Articles 328-342 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 1:65(6), 3:270, 3:284-3:285, 3:288, 3:88a, 3:288b, 3:288j(4-6), 3:288k of the <i>Wft</i> ; Sections 3 and 4b of the <i>Bptfg</i>	01-01-2016
155.	EIOPA Guidelines on the methodology for equivalence assessments by national supervisory authorities under Solvency II EIOPA-BoS-14/182 EN	Articles 227 and 260 of Directive 2009/138/EG (Solvency II Directive); Articles 379 and 380 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 3:288a (1-2) and 3:288j of the <i>Wft</i> ; Section 4b of the <i>Bptfg</i>	01-01-2016
156.	EIOPA Guidelines on the system of governance EIOPA-BoS-14/253 EN	Articles 40-49, 75, 93, 132 and 246 of Directive 2009/138/EG (Solvency II Directive); Articles 71, 73, 75, 77 and 258-275 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Chapter 1.2, Sections 2:31(4), 3:8-3:9, 3:17-3:18, 3:29, 2:31 (3-4), 3:267h and 3:288h of the <i>Wft</i> ; Sections 17-22, paragraph 4.2, Chapters 5 and 6 of the <i>Bpr</i> ; Section 12 (1)(g) and (h) of the <i>BMfo</i>	01-01-2016
157.	EIOPA Guidelines on Own Risk Solvency Assessment (ORSA) EIOPA-BoS-14/259 EN	Articles 41, 44-45 and 246 of Directive 2009/138/EG (Solvency II Directive); Articles 258-259, 262 and 306 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Chapter 1.2, Sections 3:17, 3:288f, and 3:288h(4-7) of the <i>Wft</i> ; Section 17, paragraph 4.2 of the <i>Bpr</i>	01-01-2016
158.	EIOPA Guidelines on the methods for determining the market shares for reporting EIOPA-BoS-15/106 EN	Article 35(6-8) of Directive 2009/138/EG (Solvency II Directive)	Sections 3:72(5), 3:73b, 3:82a, 3:86a, 3:288f(1-4), 3:288h(1) and 3:288i of the <i>Wft</i> ; Section 131(5) of the <i>Bpr</i>	01-01-2016
159.	EIOPA Guidelines on Financial Stability Reporting EIOPA-BoS-15/107 EN	Article 35 of Regulation (EU) 1094/2010	Section 1:69(2) of the <i>Wft</i>	01-01-2016

160.	EIOPA Guidelines on the Extension of the Recovery Period EIOPA-BoS-15/108 EN	Articles 138(3,4) and 218(4) of Directive 2009/138/EG (Solvency II Directive)	Sections 3:135 (5-7) and 3:288a(4) of the <i>Wft</i>	01-01-2016
161.	EIOPA Guidelines on reporting and public disclosure EIOPA-BoS-15/109 EN	Articles 35 (2)(a)(ii), 51, 53-55, 245(2), 254(2) and 256 of Directive 2009/138/EG (Solvency II Directive) Articles 290-314, 359-375 and Annex XX of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 3:72(5), 3:73b, 3:82a, 3:86a and 3:288f(1-4) of the <i>Wft</i> ; Section 130(3) of the <i>Bpr</i>	01-01-2016
162.	EIOPA Guidelines on the supervision of branches of third-country insurance undertakings EIOPA-BoS-15/110 EN	Articles 162-171 of Directive 2009/138/EG (Solvency II Directive)	Sections 1:63, 2:40(10), 2:41(1-2), 2:42, 2:44, 3:17, 3:24, 3:30, 3:36(1), 3:43(1), 3:47, 3:53, 3:57, 3:60, 3:68, 3:68a, 3:72(4), 3:80, 3:81, 3:82(2), 3:86(2), 4:70(2), 3:128, 3:131, 3:141-345 of the <i>Wft</i> Sections 49a, 59, 65, 67-68 and 71 of the <i>Bpr</i>	01-01-2016
163.	EIOPA Guidelines on the implementation of the long-term guarantee measures EIOPA-BoS-15/111 EN	Articles 77, 77b, 77d, 308c and 308d of Directive 2009/138/EG (Solvency II Directive) Articles 26, 37, 83, 166-167, 176(1), 178(1), 179(1), 204(4), 250(1) and 251(1) of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 3:67(5) and 3:68a(2) of the <i>Wft</i> ; Sections 114-116 of the <i>Bpr</i>	01-01-2016
164.	EIOPA Guidelines on the exchange of information within colleges EIOPA-BoS-15/112 EN	Article 249 of Directive 2009/138/EG (Solvency II Directive)	Section 1:51e of the <i>Wft</i> ; Sections 1a and 1b of the Financial Supervisors (Performance of Duties and Crossborder Cooperation) Regulation (<i>Wft</i>)	01-01-2016
165.	EIOPA Guidelines on recognition and valuation of assets and liabilities other than technical provisions EIOPA-BoS-15/113 EN	Articles 35 and 75 of Directive 2009/138/EG (Solvency II Directive); Articles 7-16 of Delegated Regulation (EU) 2015/35 (Solvency II Regulation)	Sections 3:69a, 3:79 and 3:84 of the <i>Wft</i>	01-01-2016

166.	EIOPA Guidelines on facilitating an effective dialogue between competent authorities supervising insurance undertakings and statutory auditor(s) and the audit firm(s) carrying out the statutory audit of those undertakings EIOPA-BoS-16/071 EN	Article 12(2) of Regulation (EU) 537/2014	Regulation with direct effect	31-05-2017
167.	EIOPA Guidelines under the Insurance Distribution Directive on Insurance-based investment products that incorporate a structure which makes it difficult for the customer to understand the risks involved EIOPA-17/651 EN	Article 30 (1-2) of Directive (EU) 2016/97 (Insurance Distribution Directive)	Sections 4:23-4:24 of the <i>Wft</i>	04-10-2017 ¹²
168.	EIOPA Guidelines on outsourcing to cloud service providers EIOPA-BoS-20-002 EN	Article 49 of Directive 2009/138/EG (Solvency II Directive)	Section 3:18 of the <i>Wft</i> , Sections 27(1), 27d and 27e of the <i>Bpr</i>	01-01-2021
169.	EIOPA Guidelines on information and communication technology security and governance EIOPA-BoS-20/600 EN	Governance provisions under the Solvency II Directive and Regulation ¹³	Section 3:17 of the <i>Wft</i> , Section 20 of the <i>Bpr</i>	01-07-2021
170.	EIOPA Guidelines on PEPP supervisory reporting EIOPA-BoS-21/260 EN	Article 40(2a) of Regulation (EU) 2019/1238 (PEPP Regulation)	Regulation with direct effect	22-03-2022

Recommendations adopted by EIOPA

171.	EIOPA Recommendations on supervisory flexibility regarding the deadline of supervisory reporting and public disclosure - coronavirus/COVID-19 EIOPA-BoS-20/236 EN	Solvency II Directive and EIOPA Guidelines based on the Solvency II Directive	n/a	20-03-2020
172.	EIOPA Recommendations for the insurance sector in light of the United Kingdom withdrawing from the European Union EIOPA-BoS-19/040 EN	These recommendations are based on the Solvency II Directive, Directive (EU) 2016/973 (the Insurance Distribution Directive) and EIOPA's guidelines		The recommendations apply from the date following that on which the Treaties ceased to apply to and in the United Kingdom in accordance with Article 50(3) of the

¹² The AFM is responsible for the application of these Guidelines

¹³ The Guidelines build on the governance provisions under Articles 41, 44, 46, 47, 132 and 246 of the Solvency II Directive and Articles 258-260, 266, 268-271 and 274 of the Solvency II Regulation. They also build on the recommendations from the EIOPA Guidelines on the System of Governance (EIOPA-BoS-14/253) and the EIOPA Guidelines on outsourcing to cloud service providers (EIOPA-BoS-19/270).

		and other relevant EIOPA tools.		Treaty on European Union.
Guidelines adopted by ESMA				
173.	Guidelines on article 25 of Directive 2011/61/EU	Article 25 of Directive 2011/61/EU	n/a ¹⁴	23-08-2021
	<u>Guideline ESMA 34-32-701</u>			
174.	ESMA Guidelines on certain aspects of the MiFID II compliance function requirements	Article 16(2) of MIFID II and Article 22 of the MiFID II Delegated Regulation	Section 3:17 of the <i>Wft</i> ; Section 21 of the <i>Bpr</i>	06-04-2021
	<u>ESMA/2012/388</u>			
175.	Guidelines On Internalised Settlement Reporting under Article 9 of CSDR	Article 9 of CSDR		30.04.2019
	<u>ESMA70-151-367</u>			
176.	Guidelines on the consistent application of the triggers for the use of Early Intervention Measures (Article 18(8) of CCPRRR)	Article 14 EMIR	n.v.t.	08-06-2017
	<u>ESMA91-372-1700</u>			
177.	Guidelines on written agreements between members of CCP colleges	Articles 15, 17-21, 30-32, 35, 41, 49, 51 en 54 EMIR	n.v.t.	01-07-2021
	<u>ESMA70-151-3431</u>			
178.	Guidelines on outsourcing to cloud service providers	Articles 25, 26 en 34-35 EMIR	n.v.t.	10-05-2021
	<u>ESMA50-164-4285</u>			
179.	Guidelines on CCP conflict of interest management	Articles 26, 28 en 33 EMIR	n.v.t.	05-04-2019
	<u>ESMA70-151-1439</u>			
180.	Joint guidelines on the prudential assessment of acquisitions and increases of qualifying holdings in the financial sector	Articles 31 en 33 EMIR	n.v.t.	20-12-2016
	<u>JC/GL/2016/01</u>			
181.	Guidelines on EMIR Anti-Proccyclicality Margin	Article 41 EMIR	n.v.t.	15-04-2019

¹⁴ According to the correlation table in the explanatory memorandum of the Act amending the Financial Supervision Act to implement Directive 2011/66/EU (Directive for Alternative Investment Fund Managers), Article 25 of Directive 2011/66/EU – with reference to Article 1:24 *Wft* regarding the tasks of DNB, which include supervision aimed at the financial stability of the system – does not require implementation.

Measures for Central Counterparties

ESMA70-151-1496

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| 182. | Guidelines Further specifying the circumstances for temporary restrictions in the case of a significant non-default event in accordance with Article 45a of EMIR | Article 45a EMIR | n.v.t. | 02-06-2023 |
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ESMA91-372-1704

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| 183. | Guidelines and Recommendations for establishing consistent, efficient and effective assessments of interoperability arrangements | Articles 51-54 EMIR | n.v.t. | 10-06-2013 |
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ESMA/2013/322**2022****Acronyms :**

DNB: De Nederlandsche Bank N.V.

EBA: European Banking Authority, legal successor to the Committee of European Banking Supervisors (CEBS);

EIOPA: The European Insurance and Occupational Pensions Authority, legal successor to the Committee of European Insurance and Occupational Pensions Supervisors (CEIOPS);

ESMA: European Securities and Markets Authority, legal successor to the Committee of European Securities Regulators (CESR);

Joint Committee: Joint Committee of the European Supervisory Authorities (ESAs);

Wft: Financial Supervision Act (*Wet op het financieel toezicht*);

Wwft: Anti-Money Laundering and Anti-Terrorist Financing Act (*Wet ter voorkoming van witwassen en financiering van terrorisme*)

BMfo: Decree on Conduct of Business Supervision of Financial Undertakings under the Wft (*Besluit Markttoegang financiële ondernemingen Wft*)

Bpr: Decree on Prudential Rules for Financial Undertakings under the Wft (*Besluit prudentiële regels Wft*)

Bptfg: Decree on Prudential Supervision of Financial Groups under the Wft (*Besluit prudentieel toezicht financiële groepen Wft*)

Bbpm: Decree on Special Prudential Measures, Investor Compensation and Deposit Guarantees under the Wft (*Besluit bijzondere prudentiële maatregelen, beleggerscompensatie en depositogarantie Wft*)

PSD2: Payment Services Directive, Directive Directive 2021/2366/EU

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