

**Recommendations amending Recommendations EBA/REC/2015/01 on the  
equivalence of confidentiality  
(EBA/REC/2015/02)**

These European Banking Authority (EBA) Recommendations, issued on the basis of Article 16 of Regulation (EU) No 1093/2010, are addressed to competent authorities as referred to in Article 4 (2) of Regulation (EU) No 1093/2010.

The EBA published on 2 April 2015 the Recommendations on the equivalence of confidentiality regimes (EBA/REC/2015/01), whose purpose is to harmonize the application of Article 116 (6) of the Capital Requirements Directive (CRD) on the composition of supervisory colleges, and in particular the participation of supervisory authorities from third countries. These Recommendations considered as equivalent the supervisory authorities of the following countries: Bosnia Herzegovina, Brazil, Canada, China, Macedonia, Mexico, Montenegro, Serbia, Singapore, Switzerland, Turkey and the USA.

The EBA/REC/2015/01 have been modified with the publication on 11 September 2015 of the EBA/REC/2015/02 with the aim to include as equivalent the supervisory authority of Albania. The EBA published the Spanish version of the Recommendations on 23 November 2016 and they apply from 24 November 2016.

The Executive Commission of the Banco de España, in its role of competent authority for the direct supervision of the less significant institutions, adopted EBA/REC/2015/02 as their own on 20 January 2017.

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EBA/REC/2015/02

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23/11/2016

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# Recommendations amending Recommendations EBA/REC/2015/01

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## on the equivalence of confidentiality regimes

# 1. Compliance and reporting obligations

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## Status of these recommendations

1. This document contains recommendation issued pursuant to Article 16 of Regulation (EU) No 1093/2010<sup>1</sup>. In accordance with Article 16(3) of Regulation (EU) No 1093/2010, competent authorities and financial institutions must make every effort to comply with the recommendations.
2. Recommendations set the EBA view of appropriate supervisory practices within the European System of Financial Supervision or of how Union law should be applied in a particular area. Competent authorities as defined in Article 4(2) of Regulation (EU) No 1093/2010 to whom recommendations apply should comply by incorporating them into their practices as appropriate (e.g. by amending their legal framework or their supervisory processes), including where recommendations are directed primarily at institutions.

## Reporting requirements

3. According to Article 16(3) of Regulation (EU) No 1093/2010, competent authorities must notify the EBA as to whether they comply or intend to comply with these recommendations, or otherwise with reasons for non-compliance, by 23/01/2017. In the absence of any notification by this deadline, competent authorities will be considered by the EBA to be non-compliant. Notifications should be sent by submitting the form available on the EBA website to [compliance@eba.europa.eu](mailto:compliance@eba.europa.eu) with the reference 'EBA/REC/2015/02'. Notifications should be submitted by persons with appropriate authority to report compliance on behalf of their competent authorities. Any change in the status of compliance must also be reported to EBA.
4. Notifications will be published on the EBA website, in line with Article 16(3).

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<sup>1</sup> Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC, (OJ L 331, 15.12.2010, p.12).

## 2. Addressees

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5. These recommendations are addressed to competent authorities as defined in of Article 4(2) of Regulation (EU) No 1093/2010.

## 3. Implementation

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### Date of application

6. These recommendations apply from 24/11/2016.

## 4. Amendments

7. Recommendation EBA/REC/2015/01 on the equivalence of confidentiality regimes is amended as follows:

The following row is added to the Annex “Table of authorities assessed and equivalence assessment performed”

<b>AUTHORITY ASSESSED</b>	<b><u>PRINCIPLE 1: NOTION OF CONFIDENTIAL INFORMATION</u></b>	<b><u>PRINCIPLE 2: PROFESSIONAL SECRECY REQUIREMENTS</u></b>	<b><u>PRINCIPLE 3: RESTRICTIONS ON THE USE OF CONFIDENTIAL INFORMATION</u></b>	<b><u>PRINCIPLE 4: RESTRICTIONS OF FURTHER DISCLOSURE OF CONFIDENTIAL INFORMATION</u></b>	<b><u>ADDITIONAL INFORMATION FOR CONSIDERATION: BREACH OF PROFESSIONAL SECRECY AND OTHER REQUIREMENTS RELATED TO CONFIDENTIAL INFORMATION DISCLOSURE</u></b>	<b><u>OVERALL ASSESSMENT</u></b>
Albania - Bank of Albania (BANKA E SHQIPËRISË) - <a href="http://www.bankofalbania.org/">http://www.bankofalbania.org/</a>	Article 58 (1) 1 of the Law On the Bank of Albania (BoA-Law)  Art 91(1) Law On Banks in the Republic of Albania (Banking Law)  Regulation no. 42 (On transparency and	Art 58(1) BoA-Law  Article 91 (1) Banking Law  Art 19 of the Statute of the Bank of Albania dated 19.12.2000  Art 13 and 27 of the Code of Conduct	Art 58(1) BoA-Law  Article 91 (1) Banking Law  Art 19 of the Statute of the Bank of Albania dated 19.12.2000  Art 13 and 27 of the Code of Conduct	Art 58 BoA-Law  Art 91 (2) Banking Law  Article 23 BoA-LawArt 58 (2) Banking Law  Regulation no. 42 (On transparency and confidentially in BoA)	Art 91 Banking Law  Art 91(3) Banking Law  Supervisory Council Decision nr. 21, Article 30, 54	Equivalent



	confidentially in BoA)  Governor's Decision no. 2005 (On use and classification of the information classified as "banking secret" at the BoA)		Art 6 of the Governor's Decision no 2005			
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