



Banc Ceannais na hÉireann
Central Bank of Ireland

Eurosystem

Beneficial Ownership Register of Certain Financial Vehicles

Guidance

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Chapter 1

Introduction

The purpose of the Beneficial Ownership Register of Certain Financial Vehicles (CFV) is to deter Money Laundering (ML) and Terrorist Financing (TF) and to identify those that seek to hide their ownership and control of corporate or legal entities by ensuring that the ultimate owners/controllers of **ICAVs, Credit Unions, Unit Trusts, Investment Limited Partnerships, and Common Contractual Funds** are identified, and that this information is readily accessible to law enforcement, regulators and obliged entities.

The purpose of this document is to:

- (i) provide CFV as outlined above, their beneficial owners, and members of the public with information in relation to the scope of the register;
- (ii) outline related processes to the submission of data to the register;
- (iii) provide all interested parties with information in relation to the use and safeguarding of the data provided, under data protection legislation.

Technical guidance in relation to the completion of the beneficial ownership return to the register is available on the [Central Bank of Ireland website](#).

The material contained in this document is provided for general guidance purposes only and does not constitute legal or other professional advice. It is the responsibility of all CFV to ensure their compliance with the relevant legislation.

Beneficial Ownership Register – Legislative Framework

The European Union has legislated for a number of Anti-Money Laundering and Counter Terrorism Financing Directives. EU Directive 2015/849 (4AMLD) and EU Directive 2018/843 (5AMLD) are the relevant directives for the purpose of the Beneficial Ownership Register of Certain Financial Vehicles, for which the Central Bank of Ireland ('the Central Bank') has been appointed registrar by the Minister for Finance. National transposition of these directives has resulted in a number of statutory instruments, which govern the register.

- **The European Union (Modifications of Statutory Instrument No. 110 of 2019) (Registration of Beneficial Ownership of Certain Financial Vehicles) Regulations 2020 (S.I. No 233 of 2020) (the “2020 Regulations”)** – pursuant to the 2020 Regulations, the Bank has been given the function of establishing and maintaining the Central Register of Beneficial Ownership of Irish Collective Asset-management Vehicles, Credit Unions and Unit Trusts in Ireland.
- **The European Union (Anti-Money Laundering: Beneficial Ownership Of Corporate Entities) Regulations 2019 (S.I. No. 110 of 2019)** - The Register will co-exist alongside the existing Central Register of Beneficial Ownership of Companies and Industrial and Provident Societies, which is operated by the Irish Companies Registration Office, and in respect of which corporate and other legal entities incorporated in Ireland (outside of those within scope of the 2020 Regulations) are required to obtain and hold adequate, accurate and current information in relation to their beneficial owners.

Further information in relation to the Register of Beneficial Ownership of Companies and Industrial and Provident Societies is available at <https://rbo.gov.ie/>

- **The Investment Limited Partnerships (Amendment) Act 2020 (S.I. No. 19 of 2021) (the “2020 Act”)** - pursuant to the 2020 Act, the Central Bank has been given the function of establishing and maintaining the Central Register of Beneficial Ownership of Common Contractual Funds and Investment Limited Partnerships.
- **The Central Bank Act 1942 (Section 32d) (Certain Financial Vehicles Dedicated Levy) Regulations 2021 (S.I. No. 335 of 2021) (the “2021 Regulations”)** - the 2021 Regulations have been drafted to give effect to the requirement under the 2020 Act and the 2020 Regulations for the Central Bank Commission to make regulations under section 32D of the 1942 Act prescribing levies (referred to as the ‘dedicated levies’) to be paid by investment limited partnerships, common contractual funds, Irish collective asset-management vehicles, unit trusts and credit unions so that moneys received by Bank by way of such levies shall be used by it to defray expenses of the Central Bank associated with its functions under the 2020 Regulations and the 2020 Act.

Other Central Beneficial Ownership Registers in Ireland

- **The European Union (Anti-Money Laundering: Beneficial Ownership of Trusts) Regulations 2021(S.I.No.194 of 2021)** – these Regulations repeal and replace the previous European Union (Anti-Money Laundering: Beneficial Ownership of Trusts) Regulations 2019 and require a central register of beneficial ownership of trusts to be established, for which responsibility has been conferred on the Revenue Commissioners.

Further information in relation to the Central Register of Beneficial Ownership of Trusts is available at

<https://www.revenue.ie/en/crbot/index.aspx>

Obligations of Certain Financial Vehicles and Relevant Definitions

It is a matter for CFV to identify their beneficial owners. CFV are required to maintain their own internal register of beneficial ownership, and the details submitted to the Central Beneficial Ownership Register should be consistent with what is recorded on the CFV's internal register.

Regulation 5(5) of S.I. 110 of 2019 requires that CFV shall keep records of the actions taken to identify their beneficial owners. If in doubt, CFV should seek legal advice to assist it in establishing who its beneficial owners are.

A Beneficial Owner is defined in Article 3(6) of 4AMLD, as any natural person(s) who ultimately owns or controls a legal entity, either through direct or indirect ownership of a sufficient percentage of the shares or voting rights or ownership interest in the entity, including through bearer shareholdings, or through control via other means.

The following scenarios are included for the purpose of determining beneficial ownership:

- ownership (directly or indirectly) of more than 25% of the company/society's shares;
- controlling (directly or indirectly) more than 25% of the company/society's voting rights;
- control via other means which is explained in Recital 13 of 4AMLD as follows:

“Control through other means” may, inter alia, include the criteria of control used for the purpose of preparing consolidated financial statements, such as

- through a shareholders' agreement;
- the exercise of dominant influence, or
- the power to appoint senior management.

An entity falling within the meaning of CFV for which a shareholding of 25% plus one share, or an ownership interest of more than 25% is held by a natural person, shall be an indication of direct ownership.

An entity falling within the meaning of Certain Financial Vehicle for which a shareholding of 25% plus one share, or an ownership interest of more than 25% is held by a corporate entity which is under the control of a natural person(s), or by multiple corporate entities which are under the control of the same natural person(s) shall be an indication of indirect beneficial ownership.

Ultimately, it is a natural person(s) who must be identified and entered on the register as the beneficial owner(s) of the entity, irrespective of how many layers of ownership exist.

If, after having exhausted all possible means and provided there are no grounds for suspicion, no natural person is identified as a beneficial owner, or if there is any doubt that the person(s) identified are the beneficial owner(s), the natural person(s) who hold the position of Senior Managing Official(s) shall be recorded on the register as the beneficial owner.

Senior Managing Official is defined in S.I. 110 of 2019 which states that it "includes a director and a chief executive officer". Accordingly, the Central Bank expects that when recording Senior Managing Officials, it includes at a minimum a Director and Manager/CEO, and would expect that the Chairperson is included among Directors recorded. It is ultimately a matter for a CFV to interpret this requirement, and record additional senior management or directors as Senior Managing Officials as they see fit.

Unit Trusts

In respect of Unit Trusts, the definition of beneficial owner is set out in Regulation 4 of S.I. 233 of 2020. By virtue of the definition, the following applies:

1. A natural person must be identified in accordance with limbs (a) or (b) of the definition.
2. The trustee/settlor whether they are a natural person or a corporate entity must also be identified.

In respect of limb (b) of the definition, a natural person must be registered who exercises "ultimate control over the entity by means of direct or indirect ownership or by other means". Ultimately, it is a matter for each party to determine who this is but may be a person in the trustee or management company who, in respect of the unit

trust, exercises such a role. For example, the most senior PCF in the trustee firm or management company.

Therefore, details of:

the natural person(s) in 1 above; and

the trustee/settlor (as applicable) in 2 above;

should be included in the submission to the register.

Note:

- As set out above it is a matter for CFV to identify their beneficial owners. CFV are required to maintain their own internal register of beneficial ownership, and the details submitted to the Central Beneficial Ownership Register should be consistent with what is recorded on the CFV's internal register.
- Regulation 5(5) of S.I. 110 of 2019 – requires that CFV shall keep records of the actions taken to identify their beneficial owners.
- If in doubt, CFV should seek legal advice to assist it in establishing who its beneficial owners are.

Chapter 2

Reporting to the Beneficial Ownership Register of Certain Financial Vehicles

In order for CFV to submit beneficial ownership information to the Central Bank, each entity must complete the Beneficial Ownership Information Return and submit this via the Central Bank's Online Reporting (ONR) System.

CFV Required to File Beneficial Ownership Information to the Register

Currently CFV required to report beneficial ownership information to the register are:

- Irish Collective Asset-Management Vehicles (ICAV)¹;
- Unit Trusts;
- Credit Unions;
- Investment Limited Partnerships;
- Common Contractual Funds.

¹ With regard to ICAV there is an obligation to report beneficial ownership information to the register at both the status of registration **and** authorisation. For ICAV who are seeking authorisation, the obligation commences at point of registration. For ICAV who are seeking voluntary strike off or wind up proceedings, it is important to complete the winding up process fully to be removed from the register of ICAV, otherwise the obligation to report continues.

Details to be provided in the Beneficial Ownership Information Return

The following details must be entered in respect of all current **Beneficial Owners**:

- Name
- Date of Birth
- PCF Status
- Nationality
- Address
- Nature of interest / control
- Is the Person's interest / control direct or indirect?
- Extent of interest / control: % owned or controlled
- Further information / clarification in relation to nature / extent of ownership / control
- Date on which the person was entered into the entity's internal register as a beneficial owner
- Date on which the person left the entity's internal register as a beneficial owner (where applicable)²

In addition, the person submitting the information to the Central Bank, i.e. **“the presenter”**, must provide the following information in relation to themselves:

- Name
- Address

² There is no requirement to provide this date for historic beneficial owners. New and continuing (i.e. current) beneficial owners **must always be listed** on every Beneficial Ownership Template submitted. An outgoing beneficial owner **must only be listed once** alongside the current beneficial owners in order to record the cessation date on the Beneficial Ownership Register.

- Telephone Number
- Email Address
- Capacity in which the presenter is acting (e.g. officer/employee of the obliged entity, person acting on behalf of the obliged entity etc.).

Guidance documentation is available on the [Central Bank website](#), in relation to completion of the Beneficial Ownership Template and the subsequent upload of the return to the Central Bank via the Online Reporting (ONR) System.

Requests for Resubmission by the Central Bank

CFV were obliged to file beneficial ownership information to the register by December 2020, following which, the Central Bank, as registrar has facilitated register access requests since February 2021. Reporting obligations remain for all CFV, to keep the information contained in the register accurate and up-to-date, and to report changes as incorporated to their internal register to the central register within 14 days, as required under Regulation 23(5) of S.I. 110 of 2019.

From time to time, it may be necessary for the Central Bank to request a resubmission of data. Such requests will be in the interest of adhering to statutory obligations, e.g. where additional information is required pursuant to legislative change, or where the Central Bank in its capacity as Registrar believes a further submission is required to assure the accuracy of the register, to adhere to the requirements of the AML Directives for the information to be “adequate, accurate and current”. Where resubmission is required, the Central Bank will provide sufficient notice through the appropriate channels, to all relevant entities, notifying them of any requirement for resubmission.

Chapter 3

Access to the Beneficial Ownership Register of Certain Financial Vehicles

Regulations 24 and 25 of SI 110 of 2019 provide for two types of access to the beneficial ownership information contained in the register – "unrestricted" and "restricted" access.

Unrestricted Access

All details contained in the register are available to certain competent authorities. Regulation 24 in SI No 110 of 2019 provides full details on this. The competent authorities include:

- an [Garda Síochána](#);
- the Financial Intelligence Unit (FIU) Ireland;
- the [Revenue Commissioners](#);
- the [Criminal Assets Bureau](#) (CAB);
- the [Central Bank of Ireland](#);
- the [Department of Justice & Equality](#);
- the [Property Services Regulatory Authority](#) (PSRA);
- the [Law Society of Ireland](#);
- the [General Council of the Bar of Ireland](#);
- a designated accountancy body (within the meaning of Part 4 of the Criminal Justice (Money Laundering & Terrorist Financing) Act 2010);
- an inspector appointed by the Director of Corporate Enforcement under [section 764\(1\)](#) of the [Companies Act 2014](#).

An Garda Síochána, Revenue Commissioners, competent authorities and CAB may disclose the information accessed from the register to

any corresponding competent authority of another Member State (Regulation 24(9), SI 110/2019).

The Central Bank has implemented a process to verify that any individual from a competent authority seeking to access the data meets the requirements set out in the relevant legislation.

Restricted access

Only certain information contained in the register is available to the general public and designated persons in accordance with Regulation No 25 of SI No 110 of 2019. This information is:

- Name of the CFV
- Beneficial Owner(s) - Name; Nationality; Country of Residence; Month and Year of Birth; Nature of Beneficial Ownership held.

Designated persons are defined in the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010. They include financial institutions, accountants, auditors, tax advisers, legal professionals, and dealers in expensive goods (such as houses, cars, jewellery, etc.). Designated Persons are required to conduct background information checks on individuals or entities they enter into a financial transaction or a business relationship with, under general AML legislation. SI No. 110 of 2019 requires, inter alia, that when a designated person enters into an occasional transaction with a relevant entity (i.e. a Certain Financial Vehicle), the CFV shall provide certain beneficial ownership to the Designated Person (Regulation 5(8)) and the Designated Person is also granted restricted access to the register (Regulation 25).

Access requests can be made by designated persons and members of the public by emailing BOR@centralbank.ie.

The email **must** include the:

- **Name of the requestor**
- **Name of the relevant CFV**

Access requests made in respect of beneficial ownership information held on the register in relation to the specified CFV will be provided, including the information outlined above. A separate request must be made in respect of each CFV (i.e. multiple CFV cannot be included in a single access request). Access requests can only be made for a CFV, not by beneficial owner.

Amending/Updating Information Reported to the Beneficial Ownership Register of Certain Financial Vehicles

To update or amend the register, a full resubmission must be made using the [Beneficial Ownership Template](#) where the resubmission is being performed at the request of the relevant CFV.

Guidance documentation is available on the [Central Bank website](#), in relation to completion of the Beneficial Ownership Information Return and the subsequent upload of the return to the Central Bank via the Online Reporting (ONR) System.

Discrepancy Notices

S.I. 110 of 2019 provides for discrepancies to be reported to the Registrar (i.e. Central Bank) by a designated person or a competent authority.

In the case of a designated person, Regulation 20(3)(b) of SI 110 of 2019 states that if a designated person carrying out customer due

diligence on a relevant entity, or otherwise, forms the opinion that there is a discrepancy between the information in the register and information contained in the CFV's internal register of beneficial ownership, then the designated person shall deliver, in a timely manner, to the Registrar notice of that opinion, specifying the particulars of the discrepancy it has noted.

Regulation 26(1) states that if a competent authority forms the opinion that there is a discrepancy between the information relating to a relevant entity (i.e. CFV) in the register, and other beneficial ownership information available to the competent authority relating to the same CFV, to the extent that it does not interfere unnecessarily with the performance of the functions of the competent authority, the competent authority shall deliver, in a timely manner to the Registrar, notice of that opinion specifying the particulars of the discrepancy.

A Discrepancy Notice is a formal notification to the Registrar of a discrepancy, by a Designated Person or relevant person in a competent authority.

Reporting a Discrepancy

Only a person who is either an appointed officer of a competent authority / relevant person / or a designated person, as outlined by Part 4 of the 2010 Criminal Justice (Money Laundering and Terrorist Financing) Act, to conduct customer due diligence tests, may report a discrepancy to the Registrar.

In order to report a discrepancy, the relevant competent authority / relevant person / designated person should email BOR@centralbank.ie with the following details:

- Name of the competent authority/relevant person they are acting on behalf of, or
- Name of the designated person, as defined in Section 25, Part 4 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, they are acting on behalf of.

On receipt of notification of a discrepancy report, a Discrepancy Notice Form will be provided by the Central Bank via secure means. The relevant competent authority / relevant person / designated person must complete this form in full. Following receipt of the completed form via secure means, the discrepancy will be investigated by the Central Bank, which may include contacting the CFV to confirm the currency and accuracy of the data provided to the register.

Chapter 4

Control and Use of Information Reported to the Beneficial Ownership Register of Certain Financial Vehicles

The AMLD directives provide for adequate, accurate and current information to be made available to the register, for the purpose of providing timely and unrestricted access to the information by the relevant competent authorities, as defined in the legislation. The purpose of the register is to deter Money Laundering (ML) and Terrorist Financing (TF) and to identify those that seek to hide their ownership and control of corporate or legal entities by ensuring that the ultimate owners/controllers of ICAVs, Credit Unions, Unit Trusts, Investment Limited Partnerships and Common Contractual Funds are identified and that this information is readily accessible to law enforcement, regulators and obliged entities.

The process for submission of beneficial ownership information by eligible entities, to the register, is outlined in Chapter 2.

Receipt of Information via ONR

The presenter of the information completes the submission of beneficial ownership information on behalf of the relevant entity, as previously outlined and as per the [Return Completion Guidance](#) on the Central Bank Website. There will be a number of potential return statuses on ONR:

Valid – User proceeds to finalise and sign off the return

Invalid – User amends the return, as per any indicated errors in the Data Validation worksheet of the file return.

Signed Off Return – Sign off has been completed by the user

ONR performs a validation of the information based on file name, and data provided, upon which a status is notified to the presenter.

Once a file has been successfully signed off by the presenter, ONR will lock the return and this data will be immediately copied to a secure internal data store of Register information.

Access Control

Regulation 24 in SI No 110 of 2019 provides for the competent authorities who are entitled to unrestricted access to the information contained within the register. Designated persons are defined in the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, as previously referenced in Chapter 3.

Competent Authorities

Requests from competent authorities, will be processed by the Central Bank, whereby an “unrestricted” report will be returned to the competent authority on foot of such requests. For the purpose of verifying that an individual from a competent authority seeking to access the data meets the requirements as set out in the relevant legislation, access to the register is governed by the following process.

Each competent authority, as defined in the legislation, was requested to nominate a liaison officer to the Central Bank. This officer was formally nominated by an officer at a more senior rank (as specified in legislation) in the relevant institution. Once confirmation of the liaison officer was received by the Central Bank, each competent authority was issued with an authorisation of members of

staff request, via the liaison officer. The relevant staff to whom access to the register can be granted at each competent authority are indicated in this return, and only requests from such named individuals will be administered by the Bank.

Designated Bodies and Public Requests

5AMLD amended the requirement under 4AMLD for “other persons who are able to demonstrate a legitimate interest with respect to money laundering, terrorist financing, and the associated predicate crimes and fraud, are granted access to beneficial ownership information, in accordance with data protection rules”. Under 5AMLD, public access to the register is provided for. Such requests will be administered by the Bank, whereby a “restricted” report will be returned to the requestor. The details included in restricted reports are outlined in Chapter 3.

Data Protection

GDPR and the data protection law applies fully to personal information processed for the purposes of the Beneficial Ownership Register of Certain Financial Vehicles. Nothing in the aforementioned legislation governing the establishment and operation of the register alters or dilutes the responsibilities and rights of parties arising from the processing of such personal information.

The Central Bank is the data controller of the data held on the Beneficial Ownership Register of CFV.

Responsibilities of CFV

CFV in line with their obligation to report beneficial ownership information to the central register, must ensure that this information is kept accurate and up-to-date, and to report changes as incorporated to their internal register to the central register within 14 days, as required under Regulation 23(5) of S.I. 110 of 2019

CFV also have an obligation to inform their data subjects with regard to the reuse of their personal information for the purposes of providing it to the register as required under Data Protection law.

Responsibilities of the Registrar

The Central Bank is responsible for outlining information about the way in which it collects and uses the personal data provided by CFV for the purpose of the Beneficial Ownership Register of CFV.

Read the Central Bank's Data Protection Privacy Notice [here](#).

The Central Bank is responsible for the deletion of all records concerning a particular entity from the register ten years after that entity has been dissolved, in line with relevant legislation.

Chapter 5

Compliance / Non-Filing

It is a matter for CFV to identify their beneficial owners. CFV are required to maintain their own internal register of beneficial ownership, and the details submitted to the Central Beneficial Ownership Register should be consistent with what is recorded on the CFV's internal register.

The Legal framework underpinning the operation of the Beneficial Ownership Register of Certain Financial Vehicles is outlined in Chapter 1. Certain Financial Vehicles include:

- Irish Collective Asset-Management Vehicles (ICAV);
- Unit Trusts;
- Credit Unions;
- Investment Limited Partnerships;
- Common Contractual Funds.

Where a CFV does not fulfill its statutory obligation to report beneficial ownership information to the register, the Central Bank may pursue non-compliance using a number of means, including but not limited to the following:

The Central Bank will issue a final reminder notice to any CFV which has not returned beneficial ownership information to the register. The purpose of such a notice is to reiterate the filing obligation on the CFV. Engagement from the CFV is expected on foot of issuance of such a notice.

The Central Bank may also exercise its powers under the Central Bank (Supervision and Enforcement) Act 2013 to pursue non-compliance.

Chapter 6

Certain Financial Vehicles Dedicated Levy

The implementation of a levy collection process is governed by the following statutory instruments:

- S.I. No. 233/2020 - European Union (Modifications of Statutory Instrument No. 110 of 2019) (Registration of Beneficial Ownership of Certain Financial Vehicles) Regulations 2020;
- S.I. No. 335/2021 - Central Bank Act 1942 (Section 32d) (Certain Financial Vehicles Dedicated Levy) Regulations 2021.

As provided for in S.I. No 233 of 2020, the Central Bank is legally required to recoup any costs arising from implementation and operation of the Register of Beneficial Ownership of Certain Financial Vehicles (CFV) and cannot fund such costs from its own resources.

For each financial year, a levy will be issued to CFV – Irish Collective Asset Management Vehicles, Credit Unions, Unit Trusts, Investment Limited Partnerships and Common Contractual Funds, based on the costs incurred by the Central Bank in operating the register in that financial year. This will be issued **annually in arrears**. CFV which held authorisation or registration³ in the levy period are eligible to pay the levy in a given levy period.

³ As outlined previously, with regard to ICAV there is an obligation to report beneficial ownership information to the register at both the status of registration and authorisation. This obligation extends to payment of the CFV dedicated levy also. For ICAV who are seeking authorisation, the obligation commences at point of registration. For ICAV who are seeking voluntary strike off or wind up proceedings it is important to complete the winding up process fully to be removed from the register of ICAV, otherwise the obligation to pay the levy continues.

CFV will be notified in advance of the commencement of the levy process in a given year, and terms and conditions for payment will be specified. Invoices will be issued by email to CFV, with the exception of registered ICAV, for whom the invoices will be sent by post.

Payment of the Certain Financial Vehicles Dedicated Levy

The levy can be paid by Electronic Fund Transfer to the account details below:

Bank Identifier Code: DABAIE2D

IBAN: IE19DABA95199010002216

In order for received funds to be appropriately assigned, a **customer account number and/or invoice number must be provided with payment**, to enable the allocation of the payment to the correct account.

Otherwise, the Central Bank will be obliged to return the payment, which may incur bank charges.

Payment related queries can be directed to the Billing & Collections Team – billing@centralbank.ie.

All other queries can be directed to BOR@centralbank.ie.

The Central Bank is currently concluding the levy collection process for the financial year 2020. At the commencement of each levy collection period, CFV will be notified in advance. See below a link to the Levy Notification Statement relating to the financial year 2020.

[Certain Financial Vehicles Dedicated Levy Notification for 2020.](#)



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