



Banc Ceannais na hÉireann
Central Bank of Ireland

Eurosystem

Guidance Note on application for Withdrawal (Voluntary Revocation) of Authorisation of a MiFID Investment Firm

Under the European Union (Markets in Financial
Instruments) Regulations 2017 (S.I. 375 of 2017)

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1. Introduction

Regulation 13 of the European Union (Markets in Financial Instruments) Regulations 2017 (S.I. No. 375/2017), as amended (“the Regulations”) provides for the voluntary withdrawal of an authorisation where an investment firm “expressly renounces the authorisation” (i.e. a voluntary revocation of authorisation request).

This Guidance Note provides a high level overview of the voluntary revocation of authorisation process and sets out the Central Bank of Ireland’s (“Central Bank”) requirements in respect of processing a voluntary revocation of authorisation request. The voluntary revocation of authorisation request and this Guidance Note also covers those instances where an investment firm is seeking to revoke its authorisation of Investment Business Services¹ and/or Instruments².

The attention of investment firms is also drawn to the following:

- a. Investment firms will be subject to a pro rata Central Bank industry funding levy for the year to date of revocation. Any queries in this regard may be forwarded to funding@centralbank.ie; and,
- b. Investment firms will also be subject to a pro rata Investor Compensation Scheme contribution for the year to date of revocation. Any queries in this regard may be forwarded to info@investorcompensation.ie.

2. Voluntary Revocation Process

If an investment firm wishes to apply to voluntarily revoke any of its authorisation(s), the investment firm will need to submit the following to the Central Bank³:

- A formal, written request for revocation, which must be signed by a director of the investment firm;
- A completed “Application Form for Withdrawal (Voluntary Revocation) of Authorisation of a MiFID Investment Firm “ (“Revocation Form”⁴); and
- Relevant supporting documentation.

If an investment firm is unsure about any requirement, it should seek its own independent legal advice. If required, the firm may contact the Central Bank via investmentfirmauthorisations@centralbank.ie with any queries regarding the revocation process.

The Revocation Form, and supporting documentation, should be submitted to the Central Bank via email to: investmentfirmauthorisations@centralbank.ie. The Central Bank will acknowledge receipt of the Revocation Request within 5 working days by email.

¹ Investment Business Services as provided in Section 2(1) of the Investment Intermediaries Act, 1995 (as amended) and not provided for in MiFID (“IIA Services”).

² Investment Business Instruments as defined in Section 2(1) of the Investment Intermediaries Act, 1995 (as amended) and not provided for in MiFID (“IIA Instruments”).

³ Before submitting a request for a voluntary revocation to the Central Bank, an investment firm must be satisfied that it wishes to revoke its authorisation. In the event that the request for a voluntary revocation is approved and a formal letter of revocation is issued, it will not be possible to reverse the revocation of authorisation.

⁴ The Revocation Form can be accessed on the Central Bank’s website. <https://www.centralbank.ie/regulation/industry-market-sectors/investment-firms/mifid-firms>

3. Key Requirements for applicant investment firms seeking a Voluntary Revocation

The Revocation Form contains questions that must be responded to and confirmations that must be provided by the applicant firm. These include, inter-alia, the following **key information or confirmations** (please note that this is a non-exhaustive list):

- a. Confirmation that the investment firm is requesting the revocation of its authorisation under Regulation 13 of the Regulations;
- b. The rationale for the investment firm's voluntary revocation of authorisation request;
- c. Confirmation that the investment firm is no longer providing investment services that would require authorisation from the Central Bank and that the investment firm has no existing/open trades;
- d. Confirmation that the investment firm no longer holds client assets and has no remaining clients (or issues / obligations to former clients) in respect of the provision of investment services, including confirmation that all related client agreements have terminated. The investment firm should include reference to clients in other jurisdictions in their response;
- e. Confirmation that the investment firm proposes to effect a voluntary wind down of its business operations post withdrawal of its authorisation; or
- f. If the investment firm is not winding down its business operations, details of what the investment firm's proposed activities would be post the withdrawal of its authorisation; and,
- g. Confirmation that the investment firm has sufficient assets to meet all of its liabilities including contingent liabilities. A statement of assets and liabilities should be provided in this regard, which should date from approximately 1 month before the anticipated revocation of authorisation date.
- h. If the investment firm is providing investment services in respect of financial instruments under the Investment Intermediaries Act, 1995 (as amended) ("IIA"), in accordance with the Consumer Protection Code ("CPC"), the firm should submit a copy of the letter it issued to its clients notifying them two months in advance of the investment firm's intention to cease regulated services; If the investment firm is not subject to the CPC, please provide a brief explanation in this regard.
- i. Information with regard to any complaints, including those under assessment by the Financial Services and Pensions Ombudsman.
- j. Confirmation on the de-activation of the investment firm's website/social media profile(s).

It is important that applicant firms fully complete the Revocation Form and provide all necessary supporting documentation (i.e. a fully complete Revocation Request) to facilitate a timely assessment by the Central Bank of its request.

4. Approval of Voluntary Revocation Request

Following the completion of the Central Bank's assessment of the Revocation Request, a Letter of Revocation will be issued to the investment firm setting out that its authorisation has been revoked from the date of issue in accordance with Regulation 13 of the Regulations.



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