

**Notification Form for the Exchange of Information in relation to Passport Applications by Payment Institutions and E-Money Institutions using Agents**

**Under Regulation 37 of the European Union (Payment Services) Regulations 2018 and Regulation 26 of the European Communities (Electronic Money) Regulations 2011 (as amended)**

**May 2021**

**IMPORTANT INFORMATION TO BE READ BEFORE COMPLETING THIS NOTIFICATION FORM**

**Terms used in this Notification Form:**

**Member State** - Member State of the European Union and, where relevant, includes a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992 (as adjusted by the Protocol signed at Brussels on 17 March 1993), as amended

**Applicant -** the firm submitting this Notification Form advising the Central Bank that it is seeking to appoint an agent, to provide services on its behalf, on a passport basis in another Member State

**Central Bank -** Central Bank of Ireland

**EBA -** European Banking Authority

**EBA Guidelines** - EBA Guidelines under Directive (EU) 2015/2366 on the information to be provided for the authorisation of payment institutions and e-money institutions

**IQ** - Individual Questionnaire

**RTS -** [Regulatory Technical Standards](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R2055&qid=1512722363061&from=en)

**BACKGROUND INFORMATION**

This Notification Form applies to payment institutions and e-money institutions wishing to provide payment services in a Member State other than its home Member State, in the exercise of the right of establishment or the freedom to provide services, using agents.

Regulation 37 of the European Union (Payment Services) Regulations 2018 and Regulation 26 of the European Communities (Electronic Money) Regulations 2011 (as amended) set out the procedure for an application to exercise the right of establishment and the freedom to provide services by respectively a payment institution and an e-money institution.  This can be done either through the establishment of branch offices or by the engagement of agents in other Member States or through the free provision of services on a cross border basis (i.e. without establishing a permanent presence).

**This Notification Form is to be used by an applicant:**

1. **Wishing to appoint an agent, to provide services on its behalf, on a passport basis in another Member State for the first time; or**
2. **Making changes to the information provided to the Central Bank in a previous Agent Notification Form application; or**
3. **Wishing to appoint additional agents, to provide services on its behalf, on a passport basis in another Member State; or**
4. **Wishing to notify the Central Bank of the deactivation of agents previously notified as providing services on its behalf, on a passport basis in another Member State.**

Where the Notification Form is being used to notify the Central Bank of changes (referred to at (b) above) or deactivations (referred to at (d) above) only the relevant updated information needs to be included in the Notification Form.

Payment institutions and e-money institutions must satisfy themselves that the appropriate criteria is considered to ensure that directors and persons responsible for the management of agents to be used in the provision of payment services are fit and proper and that the appropriate level of compliance is demonstrated with all of the requirements of Guideline 16 of the [EBA Guidelines](https://www.eba.europa.eu/documents/10180/1904583/Final%2BGuidelines%2Bon%2BAuthorisations%2Bof%2BPayment%2BInstitutions%2B%28EBA-GL-2017-09%29.pdf/f0e94433-f59b-4c24-9cec-2d6a2277b62c) on the “Identity and Suitability Assessment of Directors and Persons Responsible for the Management of the Payment Institution or E-money Institution”. The Central Bank requires that an IQ should be completed by the agent and assessed by the applicant, in order that the applicant can consider and satisfy itself as to the fitness and probity of the agent. The Central Bank expects that the information required to be provided by the proposed agent in the IQ, and assessed by the applicant, be the same as the information that is required to be provided to the Central Bank by payment institutions and e-money institutions in respect of proposed Pre-Approval Controlled Function[[1]](#footnote-1) role holders via the relevant IQ to be completed on the Central Bank’s Online Reporting System. Evidence of the criteria considered by the applicant to ensure that directors and persons responsible for the management of the agent to be used in the provision of payment services are fit and proper persons should be available on request by the Central Bank or the competent authority of any relevant host Member State**.**

The EBA has published [Regulatory Technical Standards](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R2055&qid=1512722363061&from=en) for the cooperation and exchange of information between competent authorities relating to the exercise of the right of establishment and the freedom to provide services of payment institutions and e-money institutions. The information requested in this Notification Form reflects the provisions of Annex III of the RTS.

**NOTES ON COMPLETION**

1. **Please do not complete this notification form until you have read and are familiar with:**
2. [The European Union (Payment Services) Regulations 2018](http://www.finance.gov.ie/wp-content/uploads/2018/01/18012-S.I.-No.-6-of-2018-European-Union-Payment-Services-Regulations-2018.pdf), including Regulation 37 thereof;
3. The European Communities (Electronic Money) Regulations 2011 (as amended), including Regulation 26 thereof;
4. [Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015L2366&from=EN) on Payment Services in the Internal Market;

**and**

1. The [Regulatory Technical Standards](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R2055&qid=1512722363061&from=en) for the cooperation and exchange of information between competent authorities relating to the exercise of the right of establishment and the freedom to provide services of payment institutions and e-money institutions.
2. **This Notification Form must be completed by the applicant in typed format and submitted by email to the Central Bank at least 3 months in advance of any proposed appointment of an agent. Application documentation should be submitted by email to** paymentspassporting@centralbank.ie**. The use of unsecured email is not recommended for sensitive or confidential material.**
3. The applicant must answer all questions asked and provide all information or documentation requested before the application can be considered. In the event that a question does not apply, please write ‘**not applicable’** or ‘**none’** as appropriate and provide an explanation as to why this is considered to be the case. Do not leave any blank spaces. **Incomplete applications will be returned to the applicant who will be advised that the application does not contain sufficient material to progress to the assessment phase of the application process.**
4. Where an applicant is required to provide ‘confirmation’, a tick (‘✓’) placed in the relevant box will be taken as a confirmation.
5. If insufficient space has been provided for a reply or if the answer is requested on a separate sheet, the applicant should provide that information on a separate sheet and refer to it in the space provided for the answer. Please ensure that any sheets are clearly marked with the name of the applicant and referenced to the appropriate question.
6. Any questions that have a ‘**YES’** and a ‘**NO’** box should be completed by the applicant accordingly.
7. Further information or clarification may be requested from the applicant (having regard to the replies furnished with its application) for the purpose of considering and assessing an application.
8. Annex III and Table 1 below can be obtained in Excel format from the Central Bank upon request. Please contact paymentspassporting@centralbank.ie, if required.
9. The Central Bank may process personal data provided by you in order to fulfil its statutory functions or to facilitate its business operations. Any personal data will be processed in accordance with the requirements of data protection legislation. Any queries concerning the processing of personal data by the Central Bank may be directed to dataprotection@centralbank.ie. A copy of the Central Bank’s Data Protection Notice is available at [www.centralbank.ie/fns/privacy-statement](http://www.centralbank.ie/fns/privacy-statement).

**Annex III of the RTS specifies the information that must be submitted by the applicant in relation to passport applications for agents.**

**ANNEX III**

**Notification template for the exchange of information in relation to passport applications by payment institutions and e-money institutions using agents**

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| --- | --- | --- |
|  | **Information to be provided by Applicant** | **Response Provided by Applicant** |
| 1) | Home Member State |   |
| 2) | Host Member State in which the agent is to provide payment services |   |
| 3) | Name of the competent authority of the Home Member State |   |
| 4) | Date of receipt by the competent authority of the Home Member State of the complete and accurate application from the payment institution/e-money institution | DD/MM/YY |
| 5) | Type of application | ☐ First application☐ Change to previous application☐ Additional agents☐ Agent deactivation |
| 6) | Nature of the application  | ☐ Right of establishment☐ Freedom to provide services, based on the following circumstances:… |
| 7) | Type of Institution | ☐ Payment Institution☐ E-Money Institution |
| 8) | Name of the payment institution/e-money institution |   |
| 9) | Head office address of the payment institution/e-money institution |   |
| 10) | Unique identification number of the payment institution/e-money institution in the format of the Home Member State as specified in Annex I of the RTS (where applicable) |   |
| 11) | Legal Entity Identifier (LEI) of the payment institution/e-money institution (where available) |   |
|  | **Information to be provided by Applicant** | **Response Provided by Applicant** |
| 12) | Home Member State authorisation number of the payment institution/e-money institution (where applicable) |   |
| 13) | Contact person within the payment institution/e-money institution |   |
| 14) | Email of the contact person within the payment institution/e-money institution |   |
| 15) | Telephone number of the contact person within the payment institution/e-money institution |   |
| 16) | Agent details:

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a. | **If legal person**:

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| --- | --- |
| i. | Name |
| ii. | Registered address(es) |
| iii. | Unique identification number in the format of the Member State where the agent is located as specified in Annex I of the RTS (where applicable) |
| iv. | Legal Entity Identifier (LEI) of the agent (where available) |
| v. | Telephone number |
| vi. | Email |
| vii. | Name, place and date of birth of legal representatives |

 |
| b. | **If natural person**:

|  |  |
| --- | --- |
| i. | Name, date and place of birth |
| ii. | Registered business address(es) |
| iii. | Unique identification number in the format of the Member State where the agent is located as specified in Annex I of the RTS (where applicable) |
| iv. | Telephone number v. Email |

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|  | **Information to be provided by Applicant** | **Response Provided by Applicant** |
| 17) | If under the right of establishment, central contact point, if already appointed and/or required by the host authorities in accordance with Article 29(4) of Directive (EU) 2015/2366:

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| --- | --- |
| a. | Name of representative |
| b. | Address |
| c. | Telephone number |
| d. | Email |

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| 18) | Payment services to be provided by the agent |

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| 1. | ☐ Services enabling cash to be placed on a payment account as well as all the operations required for operating a payment account |
| 2. | ☐ Services enabling cash withdrawals from a payment account as well as all the operations required for operating a payment account |
| 3. | Execution of payment transactions, including transfers of funds on a payment account with the user's payment provider or with another payment service provider:

|  |  |
| --- | --- |
| a) | execution of direct debits, including one-off direct debits ☐ |
| b) | execution of payment transactions through a payment card or a similar device ☐ |
| c) | execution of credit transfers, including standing orders ☐ |

 |
| 4. | Execution of payment transactions where the funds are covered by a credit line for a payment service user:

|  |  |
| --- | --- |
| a) | execution of direct debits, including one-off direct debits ☐ |
| b) | execution of payment transactions through a payment card or a similar device ☐ |
| c) | execution of credit transfers, including standing orders ☐ |

Including granting of credit in accordance with Article 18(4) of Directive (EU) 2015/2366: ☐ yes ☐ no |
| 5. | ☐ Issuing of payment instruments☐ Acquiring of payment transactionsIncluding granting of credit in accordance with Article 18(4) of Directive (EU) 2015/2366: ☐ yes ☐ no |
| 6. | ☐ Money remittance |
| 7. | ☐ Payment initiation services |
| 8. | ☐ Account information services |

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| 19) | Description of the internal control mechanisms that will be used by the payment institution/e-money institution/agent in order to comply with the obligations in relation to the prevention of money laundering and terrorist financing under the relevant Irish and EU legislation |   |
| 20) | Identity and contact details of directors and persons responsible for the management of the agent engaged |   |
| 21) | For agents other than payment service providers, criteria considered to ensure that directors and persons responsible for the management of the agent to be used in the provision of payment services are fit and proper persons |

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| --- | --- |
| a. | ☐ Evidence gathered by the payment institution or e-money institution attesting that directors and persons responsible for the management of the agent to be used in the provision of payment services are fit and proper persons |
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| 22) | In case of outsourcing of operational functions of payment/e-money services:

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| --- | --- |
| a. | Name and address of the entity to which operational functions are to be outsourced |
| b. | Contact details (email and telephone number) of a contact person within the entity to which operational functions are to be outsourced |
| c. | Type and exhaustive description of the operational functions outsourced |

 |   |

**TABLE 1**

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| --- | --- | --- |
| **Related to Annex III of the RTS** | **Details to be provided by Applicant** | **Tick to confirm or insert details (where relevant)** |
| **(19) Description of the internal control mechanisms that will be used in order to comply with the obligations in relation to money laundering and terrorist financing under the relevant Irish and EU legislation** | Confirmation that procedures are in place to review the agent(s) procedures vis-à-vis anti-money laundering and terrorist financing |  |
| **(21) Criteria considered to ensure that directors and persons responsible for the management of the agent to be used in the provision of payment services are fit and proper persons** | Details of the ‘due diligence’ (to be) undertaken by the applicant to ensure that each director and person responsible for the management of the agent(s) are fit and proper persons  |  |
| Confirmation that the IQ(s) is available upon request to the Central Bank and/or the competent authority of any relevant Member State  |  |
| Confirmation that the IQ(s) has been collected and reviewed |  |
| Confirmation that the ‘due diligence’ has been undertaken by the applicant to ensure that each director and person responsible for the management of the agent(s) are fit and proper persons |  |
| Confirmation that the applicant applied the Central Bank's fit and proper test to each director and person responsible for the management of the proposed agent(s) |  |
| Confirmation that no adverse information has arisen in relation to any such individual |  |
| Confirmation that all such individuals are fit and proper persons |  |
| Confirmation that a written contract is in place between the applicant and proposed agent |  |
| Confirmation that the contract(s) is available upon request to the Central Bank |  |
| Confirmation that the applicant will take full and unconditional responsibility for the acts and omissions of its appointed agents when those agents act on its behalf  |  |
| Confirmation that procedures are in place to exercise control and effective oversight over the agent(s) (with no delegation of responsibility) |  |
| Confirmation that procedures are in place to retain written records of the applicant’s review of the agent(s) procedures and records  |  |
| **Confirm that the applicant has read and understands the provisions contained in the European Communities (Payment Services) Regulations 2018 and /or the European Communities (Electronic Money) Regulations 2011 (as amended) (the Regulations) and is satisfied that the appointment of this agent(s) will not materially impair:** | The quality of the applicant’s internal controls and the ability of the Central Bank to monitor the applicant’s compliance with all obligations laid down in the Regulations |  |
| The continuing compliance of the applicant with the requirements of its authorisation under the Regulations |  |
|  | Confirm that the proposed agent(s) acting on the applicant’s behalf will inform payment users of this fact |  |
| **Changes** | In respect of all information contained in this application, confirmation that there are no changes to information which has been previously notified to the Central Bank including no changes made to the procedures previously notified |  |

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| **Declaration** |

**[Insert full legal name of applicant]** applies for the registration of [**insert full legal name of proposed agent(s)]** as an agent under Regulation 37 of the European Union (Payment Services) Regulations 2018 or under Regulation 26 of the European Communities (Electronic Money) Regulations 2011 (as amended), on the basis of information supplied with this application and any additional information supplied to the Central Bank in the course of the application process.

I/We acknowledge that the Central Bank may disclose information in the performance of its statutory functions or otherwise as may be specifically authorised by law.

I/We acknowledge that the applicant’s anti-money laundering and countering the finance of terrorism (AML/CFT) controls have been formulated to comply in full with the relevant Irish and EU legislation and that we shall review and amend these controls in due course and on an on-going basis to ensure they comply with all relevant legislation and applicable codes of practice.

I/We warrant that I/we have truthfully and fully answered the relevant questions in this Notification Form and disclosed any other information which might reasonably be considered relevant for the purpose of the application.

I/We warrant that I/we will promptly notify the Central Bank of any changes in the information we have provided and supply any other relevant information which may come to light in the period during which the application is being considered and, where the application is accepted, thereafter.

I/We warrant that I/we am/are authorised to make this application for registration on behalf of **[*insert full legal name of applicant*].**

|  |  |
| --- | --- |
| **For and on behalf of:** | **[insert full legal name of applicant]** |
| **Name (Printed):****Title:****Signature:****Date:** |  |
| **Name (Printed):****Title:****Signature:****Date:** |  |
| ***(Please print name of the applicant. At least two directors, including the Chief Executive/Managing Director must sign the Declaration above. Original signatures are required.)*** |

**Provisions in this document should not be deleted nor amended in any manner. Applicants should note that it is an offence under the European Union (Payment Services) Regulations 2018 and the European Communities (Electronic Money) Regulations 2011 (as amended) to provide false or misleading information in relation to: (i) obtaining an authorisation to operate as respectively a payment institution or an e-money institution, or (ii) an approval, waiver or permission from the Central Bank concerning the operation of respectively a payment institution or an e-money institution.**

**T +353 1 224 4591 www.centralbank.ie paymentspassporting@centralbank.ie**



1. [Pre-Approval Controlled Functions](https://www.centralbank.ie/docs/default-source/Regulation/authorisation/fitness-probity/regulated-financial-service-providers/list-of-46-pre-approval-controlled-functions.pdf?sfvrsn=0) means those functions set out in Schedule 2 of the Central Bank Reform Act 2010 (Sections 20 and 22) Regulations, 2011 (as amended). [↑](#footnote-ref-1)