

**Notification Form for the Exchange of Information in relation to Start of Branch/Agent/Distributor Passport Activities by Payment Institutions and E-Money Institutions**

**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

**Central Bank** – Central Bank of Ireland

**Applicant** – the firm submitting this Notification Form to the Central Bank advising of the start date of the commencement of activities carried out through an agent/distributor, or branch, on a passport basis in another Member State

**EBA** – European Banking Authority

**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 who have previously submitted a Notification Form to the Central Bank to provide payment and/or electronic money 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/distributors.

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).

Regulation 37(11) of the European Union (Payment Services) Regulations 2018 and Regulation 26(11) of the European Communities (Electronic Money) Regulations 2011 (as amended) require that a payment institution or e-money institution “*shall notify the [Central] Bank of the date from which it commences its activities through the agent/distributor or branch, as the case may be, in the relevant host Member State*”.

**This Notification Form is to be used by a firm wishing to inform the Central Bank of the start date of the commencement of activities carried out through the agent/distributor or branch previously notified to the Central Bank, i.e. the applicant.**

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 VI 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**
5. 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.
6. **This Notification Form must be completed by the applicant in typed format and submitted by email to the Central Bank of Ireland. Application documentation should be submitted by email to** paymentspassporting@centralbank.ie**. The use of unsecured email is not recommended for sensitive or confidential material.**
7. The applicant must answer all questions asked and provide all information or documentation requested before the application can be processed. 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 be progressed to the assessment phase of the application process.**
8. Where an applicant is required to provide ‘confirmation’, a tick (‘✓’) placed in the relevant box will be taken as a confirmation.
9. If insufficient space has been provided for a reply 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.
10. Any questions that have a ‘**YES’** and a ‘**NO’** box should be completed by the applicant accordingly.
11. 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.

**Annex VI of the RTS specifies the information that must be submitted by the applicant in relation to the start date of activities carried out by the branch/agent/distributor.**

**ANNEX VI**

**Notification template for the exchange of information in relation to start of branch/agent/distributor passport activities by payment institutions and e-money institutions**

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| --- | --- | --- |
|  | **Information to be provided by Applicant** | **Response Provided by Applicant** |
| 1) | Home Member State |   |
| 2) | Name of the competent authority of the Home Member State |   |
| 3) | Date of the initial application according to Annex II or III or IV of the RTS |  DD/MM/YY |
| 4) | Member State where the branch/agent/distributor is to start activities |  |
| 5) | Type of Institution | ☐ Payment Institution☐ E-Money Institution |
| 6) | Name of the payment institution/e-money institution |   |
| 7) | Head office address of the payment institution/e-money institution |   |
| 8) | 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) |   |
| 9) | Legal Entity Identifier (LEI) of the payment institution/e-money institution (where available) |   |
| 10) | Home Member State authorisation number of the payment institution/e-money institution (where applicable) |  |
| 11) | Type of passporting | ☐ Branch ☐ Agent ☐ Distributor |
|  | **Information to be provided by Applicant** | **Response Provided by Applicant** |
| 12) | For agents/distributors:a. **If legal person**: 1. Name
2. Unique identification number in the format of the Member State where the agent/distributor is located as specified in Annex I of the RTS (where applicable)
3. Legal Entity Identifier (LEI) of the agent/distributor (where available)
4. Telephone number

b. **If natural person**: 1. Name
2. Unique identification number in the format of the Member State where the agent/distributor is located as specified in Annex I of the RTS (where applicable)
 |   |
| 13) | For agents and branches, date of entry in the register of the competent authorities of the Home Member State |  DD/MM/YYYY |
| 14) | Start date of the branch/agent/distributor activities (for agents and branches, the date shall not precede the date of entry of the agent/branch in the register of the home Member State as referred to in Article 28(3) of Directive (EU) 2015/2366) |  DD/MM/YYYY |

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| **Declaration** |

**[Insert full legal name of applicant]** hereby notifies the Central Bank of the start date of the agent/distributor/branch listed above, 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).

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 notification 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.**

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