



Banc Ceannais na hÉireann
Central Bank of Ireland

Eurosystem

Addendum to the Consumer Protection Code 2012

23 May 2018

CONSUMER PROTECTION CODE 2012

Contents of the Addendum to the Consumer Protection Code 2012:

- Addendum for Consequential Amendment to the Consumer Protection Code 2012 arising from the transposition of Directive 2015/2366/EU (the Payment Services Directive 2)

ADDENDUM FOR CONSEQUENTIAL AMENDMENTS TO THE CONSUMER PROTECTION CODE 2012 ARISING FROM THE TRANSPOSITION OF DIRECTIVE 2015/2366/EU (THE PAYMENT SERVICES DIRECTIVE 2)

Introduction

Directive 2015/2366/EU (the Payment Services Directive 2) was transposed into Irish law by the European Union (Payment Services) Regulations 2018 (S.I. No. 6 of 2018).

Arising from the transposition of the Payment Services Directive 2 into Irish law, certain consequential amendments to the Consumer Protection Code 2012 (the 2012 Code) are required.

For the purposes of giving effect to the consequential amendments to the 2012 Code required as a result of the transposition of the Payment Services Directive 2 into Irish law, the following parts of the 2012 Code are now amended:

- Chapter 1 – Scope
- Chapter 10 – Errors and Complaints Resolution, and
- Chapter 12 – Definitions.

LEGAL BASIS

Pursuant to Section 117 of the Central Bank Act 1989, the 2012 Code is hereby amended as set out below. These amendments are to take effect on the date of publication of this Addendum.

CHAPTER 1 – SCOPE

Application

The following amendments are made, at Chapter 1 (Scope) of the 2012 Code under the heading “Application”, to the paragraph beginning “Where regulated entities are providing payment services and/or issuing electronic money, only the following sections of the Code apply.”

The sixth bullet

- Chapter 10, Errors and Complaints Resolution

is replaced with the following:

- “Chapter 10, Errors and Complaints Resolution, except that:
 - in the case of **regulated entities** providing **payment services** provision 10.2 (c) of the Code applies without prejudice to the rights and obligations arising pursuant to Part 4 (Rights and Obligations in relation to the provision and use of payment services) of the European Union (Payment Services) Regulations 2018 (S.I. No. 6 of 2018),
 - in the case of **regulated entities** providing **payment services**, provisions 10.9(c) and 10.9(d) of the Code do not apply to them, and
 - in the case of **regulated entities** providing solely **account information services**, provisions 10.7 to 10.12 of the Code do not apply to them.”

CHAPTER 10 – ERRORS AND COMPLAINTS RESOLUTION

The “Clarification of Scope” section at the beginning of Chapter 10 (Errors and Complaints Resolution) of the 2012 Code is amended to insert the following additional text:

“Payment Services

Errors

Provision 10.2 (c) of this Code applies to **regulated entities** providing **payment services** without prejudice to the rights and obligations arising pursuant to Part 4 (Rights and

Obligations in relation to the provision and use of payment services) of the European Union (Payment Services) Regulations 2018 (S.I. No. 6 of 2018).

Complaints Resolution

Where *regulated entities* are providing *payment services*, provisions 10.9(c) and 10.9(d) of this Code do not apply to them.

Where *regulated entities* are providing solely *account information services*, provisions 10.7 to 10.12 of this Code do not apply to them.”

CHAPTER 12 – DEFINITIONS

The definition of “payment services” in Chapter 12 of the 2012 Code is deleted and replaced with the following:

“**payment service**” has the meaning given to it in Article 4 of Directive 2015/2366/EU (the Payment Services Directive 2);”

A definition of “account information services” is added to Chapter 12 of the 2012 Code:

“**account information service**” has the meaning given to it in Article 4 of Directive 2015/2366/EU (the Payment Services Directive 2).”

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