



Banc Ceannais na hÉireann  
Central Bank of Ireland

Eurosystem

# CP158


## Feedback Statement on the Consumer Protection Code

March 2025



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A portrait of Deputy Governor Derville Rowland, a woman with red hair, wearing a dark blue shirt, looking directly at the camera. The background is a blurred office setting with white columns and a staircase.

Deputy Governor Derville Rowland  
Consumer & Investor Protection

## Foreword

Following completion of the consultation process on CP158, I am delighted to present the revised Consumer Protection Code. We have developed a modernised Consumer Protection Code which reflects the provision of financial services in a digital world, enhances clarity and predictability for firms on their consumer protection obligations and embodies a customer-focused mind-set where firms proactively take ownership of, and responsibility for, consumer issues.

A key element in delivering this modernised Code has been the constructive engagement we have had with stakeholders during both our engagement on the Code Review Discussion Paper and during the consultation process on CP158.

Consumer protection remains embedded in everything we do in the Central Bank of Ireland reflecting our guiding principle, contained in the State's founding legislation, which requires that our "constant and predominant aim shall be the welfare of the people as a whole." The breadth of our mandate continues to enable us to harness our wide-ranging expertise to protect consumers' interests.

We are making important changes to the way we are organised to ensure we can continue to deliver on our mandate both today and into the future. The implementation of a modernised Consumer Protection Code and the important changes we are making to our supervisory approach will together help to ensure that consumers of financial services continue to be protected in a changing and increasingly interconnected financial landscape.

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# Executive Summary

## Background

The Consumer Protection Code (the Code), has served consumers well, but a review was timely. The nature of financial services and how they are delivered is undergoing transformational change and the Code needs to reflect this. In parallel, internationally, there have been significant developments in the area of financial services regulation. We believe a modernised Code providing a clearer articulation of how firms meet their consumer protection obligations, informed by the learnings from past experiences, can better support firms in meeting all their consumer protection obligations.

Our 2022 Code Review Discussion Paper facilitated a wide-ranging public conversation on consumer protection issues. It was complemented by consumer-based research, an online survey and extensive stakeholder engagement - which were key inputs into our own policy considerations, all of which are reflected in the proposals set out in CP158 - Consultation Paper on the Consumer Protection Code, published on 7 March 2024.

## CP158 – Consultation Paper on the Consumer Protection Code

The proposals set out in CP158 bring forward a modernised Code, which builds on the existing Code, reflects the provision of financial services in a digital world, and enhances clarity and predictability for firms on their consumer protection obligations. These proposals are underpinned by firms' obligation to secure their customers' interests, which is combined with a package of updated protections that reflect how consumers are accessing financial services today.

**Securing Customers' Interests** - seeks to provide a clear articulation of how firms should approach meeting their best interests obligation in a way that effectively incorporates the interests of consumers into their strategy, business model and commercial decision-making process – on a basis that firms proactively take ownership of, and responsibility for, consumer issues.

**Digitalisation** - CP158 set out a number of new digitalisation requirements aimed at ensuring incumbent firms and new entrants deploy a customer-focus in the design and implementation of digital services and delivery channels.

**Informing Effectively** - new requirements proposed in CP158 reflect a shift from requiring firms to disclose information to customers, to requiring them to meet their disclosure obligations in a way that informs effectively.

**Mortgage Switching** - given the significance of mortgage credit and switching for many consumers, CP158 proposed a number of new and enhanced requirements, including disclosure requirements, on switching options and the cost of incentives.

**Provision of unregulated activities by regulated firms** - recognising the risks that can arise when regulated firms undertake unregulated activities, CP158 proposed the introduction of a positive obligation on regulated firms, to ensure that their customers can have no impression or misunderstanding that they are purchasing regulated products and services, where that is not the case.

**Frauds and Scams** - CP158 proposed new requirements to ensure firms are vigilant to the evolving risks to the system and their customers from frauds and scams, and that they take appropriate actions to protect customers, particularly in a digital context.

**Protecting Consumers in Vulnerable Circumstances** - in line with international thinking, CP158 proposed an updated definition of vulnerability along with enhanced requirements, which reflect a better understanding of the dynamic nature of vulnerability, recognising that customers can move in and out of circumstances that make them vulnerable.

**Climate and Sustainability** - given the important role financial services and consumer sustainability preferences will play in the transition to a climate neutral future, CP158 proposed new suitability and advertising requirements for firms.

**Additional Policy Proposals** - CP158 also included proposals for a number of new and enhanced requirements in the areas of consumer credit, SME protections, insurance and investments and pensions.

## Engagement

During the three month consultation period, we engaged extensively with stakeholders through bilateral meetings, industry events and roundtable sessions. This facilitated direct engagement with over 30 stakeholders from individual firms, consumer



representative bodies, industry representative bodies and other regulators or State authorities. We received 57 written submissions in response to CP158.

## Feedback

The proposals set out in CP158 were broadly welcomed. The importance of the Code, including its role in engendering consumer trust and confidence in the financial system, was acknowledged in feedback, and modernisation of the Code was welcomed.

There was support from many respondents for the proposals on securing customers' interests and supporting customers in vulnerable circumstances. The emphasis in the Revised Code on informing effectively and addressing the risk of frauds, scams and financial abuse, was also identified by respondents as important and relevant for consumers in the current environment.

Feedback from industry also identified a number of areas where clarification was required and questions were raised concerning implementation of the Revised Code. We also received specific feedback on a number of proposals including on the cost and operational impacts of a number of specific proposals.

## Response to Feedback

Having analysed and considered all feedback received through engagement and written submissions, we have made a number of changes and clarifications to our proposals. These include a number of specific changes to our original proposals, which will be reflected in amendments to the proposed regulations that accompanied CP158. We are also providing clarifications on a number of proposals via technical drafting changes in the regulations and through updated guidance. The key changes we are making following the consultation process are:

- **Protecting Consumers in Vulnerable Circumstances:** we are making refinements to the definition of consumers in vulnerable circumstances and amending the proposed requirement on firms to record information on consumers in vulnerable circumstances, to provide firms with more flexibility on how they can address the many different ways in which vulnerability may present.

We are also amending the proposed Trusted Contact Person requirement to avoid any overlap with the functions of decision-making representatives appointed under the Assisted Decision-Making (Capacity) Act, 2015 (ADMA).

- **Digitalisation:** We have made changes to the proposed requirements for online transactions to avoid requiring firms to introduce unnecessary frictions for consumers, while also highlighting the responsibility of firms to ensure that they do not create inappropriate dynamics in online transactions that increase the risk of customers purchasing unsuitable products.
- **Title Deeds:** In response to feedback from the Minister for Finance and recommendations of the [Housing for All Expert Group on Conveyancing and Probate](#), we are adding a requirement to the Code to require mortgage providers to provide title deeds to the borrower (or their representative) within 10 working days of the request, subject to certain exceptions.

Reflecting that much of the feedback we received was focused on how firms should go about implementing requirements, we have enhanced our [Guidance on Securing Customers' Interests](#) and are introducing additional guidance on unregulated activities and informing effectively.

We are also introducing a number of changes which are targeted at addressing areas where it has been identified that the benefits associated with a number of specific requirements do not justify associated costs (these are highlighted in Chapter 4 “Benefits and Costs” of this Feedback Statement). We have also reviewed a number of requirements to ensure that firms can utilise innovative technology in meeting their Code obligations, where it is clear doing so secures their customers’ interests. Finally, we have made a number of technical amendments to improve clarity and have enhanced and developed our [General Code Guidance](#) to assist firms with implementation.

Overall, we believe that delivery of this modernised Code is key to maintaining trust and confidence in the financial system as financial services evolve and transform. This is vital to underpinning a well-functioning financial services market that fosters high quality competition between sustainably profitable, resilient, well-run firms, providing appropriate levels of availability and choice to consumers.

## Next Steps

This Feedback Statement is accompanied by the Central Bank Regulations that will give effect to the Revised Code, following a 12-month implementation period. We will also publish a range of materials to support industry and consumers, including guidance, navigation tools and explainers. In addition, we will continue to engage with stakeholders during the 12-month period to support implementation of the Revised Code.



# Chapter 1: Introduction

On 7 March 2024, the Central Bank published a consultation paper on the Consumer Protection Code, CP158. CP158 sets out proposals for a modernised Consumer Protection Code, which builds on the existing Code, reflects the provision of financial services in a digital world, and enhances clarity and predictability for firms on their consumer protection obligations.

The nature of financial services and how they are delivered to consumers is undergoing transformational change and the Code needs to reflect this. Internationally, there have been significant developments in the area of financial consumer protection in recent years. This has included the OECD's review of the G20/OECD High-Level Principles on Financial Consumer Protection<sup>1</sup>, which introduced new principles in relation to access and inclusion and the quality of financial products, along with new cross-cutting themes covering the areas of digitalisation, sustainable finance and financial well-being.

Effective consumer protection requires firms to have a strong customer focus as they pursue their fundamental commercial goals. We believe a modernised Code providing a clearer articulation of how firms meet their consumer protection obligations, informed by the learnings from past experiences, can better support firms in meeting all their consumer protection obligations.

## Approach to Code Review

In undertaking the Code Review, we wanted to better understand, anticipate and be forward-looking and responsive to the emerging context and the far-reaching changes taking place in financial services. To support these objectives, in October 2022, we launched our Discussion Paper seeking the views and perspectives of key stakeholders on the issues facing consumers today. The publication of the Discussion Paper was accompanied by an extensive six-month engagement programme with the public and our other stakeholders, including representatives from consumer representative bodies, individual firms, industry representative bodies, and other regulators and State agencies.

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<sup>1</sup> [G20/OECD High-Level Principles on Financial Consumer Protection](#)

This phase was complemented by consumer research, an online survey and direct engagement with members of the public. As part of the Code Review we also considered specific recommendations from the Government's 2022 Retail Banking Review (RBR).<sup>2</sup> The diverse feedback we received deepened our understanding of consumer protection issues, and it has been a key input into our own policy considerations, which are reflected in the proposals set out in CP158.

## Key Proposals

Overall, the proposals set out in CP158 focus on clarifying, modernising and integrating consumer protections to ensure they are accessible for consumers and firms. The proposals seek to address consumer protections in a changing world while enhancing clarity and predictability for firms by:

- A. **Clarifying** how firms should meet their existing best interests obligation in a way that reflects a customer-focused mind-set and delivers positive consumer outcomes, where firms proactively take ownership of, and responsibility for, consumer issues. We seek to provide this increased clarity and predictability in setting out the obligation of firms to secure their customers' interests.
- B. **Modernising** the Code through reframing, clarifying and enhancing consumer protections across a range of issues. These include:
  - **Digitalisation**
  - **Informing effectively**
  - **Mortgage credit and switching**
  - **Unregulated activities**
  - **Frauds and scams**
  - **Vulnerability**
  - **Climate risk**
- C. **Integrating** the regulatory format and structure of the Code by:
  - Consolidating a range of existing Central Bank rules and codes into the Revised Code, to address fragmentation and enhance framework coherence; and

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<sup>2</sup> <https://www.gov.ie/en/organisation-information/3c122-retail-banking-review/>.

- Converting the Revised Code into two new Central Bank regulations, that sit within the broader Irish consumer protection framework also comprising a range of important EU and domestic consumer protection laws.

D. **Enhancing accessibility** of the Code to support consumers, firms and other Code users in navigating the information they need through the use of digital tools, explainers and guides.

## Consultation Process

During the consultation period, we engaged extensively through bilateral meetings, industry events and roundtable sessions. This facilitated engagement with more than 30 stakeholders from individual firms, consumer representative bodies, industry representative bodies, and other regulators and State agencies, including the Data Protection Commission to ensure that the proposals were consistent with data protection legislation. This engagement provided an opportunity for stakeholders to discuss the proposals and for us to support their understanding of those proposals.



Fig. 1 – Stakeholders engaged with throughout the review of the Code

The consultation period closed on 7 June 2024. We received 57 written submissions in response to CP158. The submissions received can be categorised as follows:

- 18 submissions from industry representative bodies;
- 16 submissions from individual firms;
- 8 submissions from consumer representative bodies;
- 8 submissions from other regulators or State bodies.
- 5 submissions from law/consultancy firms; and

- 2 submissions from individuals.

We would like to thank all parties who took the time to engage with us and/or make a written submission. This is an important part of informing the policy development process. Copies of all submissions received are available on the Central Bank's website.

This paper summarises the feedback received on CP158 and sets out the Central Bank's response to this feedback. It is intended to be read in conjunction with CP158 and makes reference to proposals and terms used in CP158 and associated annexes that can be found on the Central Bank's website [here](#).

In addition to this Introduction chapter, this Feedback Statement comprises 4 further chapters (chapters 2-5).

**Chapter 2** provides an overview of the feedback received on the principal policy proposals set out in CP158 and the Central Bank's response to this feedback.

**Chapter 3** provides an overview of the feedback received on the additional policy proposals set out in CP158 (including proposals on consumer credit, SME protections, insurance, and investments and pensions) together with the Central Bank's response.

**Chapter 4** provides an overview of our consideration of benefits and costs together with a summary of the feedback received on this and our response to this feedback.

**Chapter 5** sets out the next steps including information on implementation and timing.

This Feedback Statement also includes the following Annexes:

- Annex 1: Table of Changes Post-Consultation - provides an overview of the changes made since the consultation, in a tabular format
- Annex 2: Central Bank Reform Act 2010 (Section 17A) (Standards For Business) Regulations 2025 (S.I. No. 80 of 2025)
- Annex 3: Central Bank (Supervision and Enforcement) Act 2013 (Section 48) (Consumer Protection) Regulations 2025 (S.I. No. 81 of 2025)
- Annex 4: Guidance.

## Chapter 2: Feedback on Principal Policy Proposals

Chapter 2 of CP158 set out, and sought feedback on, our principal policy proposals to deliver a modernised Code covering the following areas:

- **Securing Customers' Interests**
- **Digitalisation**
- **Informing Effectively**
- **Mortgage Credit and Switching**
- **Unregulated Activities**
- **Frauds and Scams**
- **Protecting Consumers in Vulnerable Circumstances**
- **Climate Risk**

The sections below summarise the feedback provided by stakeholders on each principal policy proposal in their submissions to CP158, and in our engagement with them during the consultation period. These sections also outline our response to the feedback including where we have introduced changes, clarifications or additional guidance on the proposals to address concerns raised with us.

## 2.1 Securing Customers' Interests

Consumer interests are best served by well-functioning financial services markets providing appropriate levels of availability and choice from sustainably profitable, resilient, well-run, consumer-focused firms, who secure their customers' interests.



### Overview of Proposal

Firms exist in the first instance to pursue their commercial objectives. However, in this pursuit, financial services firms are required to act in a manner that places their customers' (and potential customers') interests at the heart of their culture, strategy, business model and decision-making. This reflects the nature of financial services activities as complex, important and dependent on high levels of trust and confidence. Overall, the existing Code is designed to provide the legal framework for delivering on this obligation, but it is clear that a key issue for firms and consumers is achieving enhanced clarity and predictability on the general expectation that consumer interests will be protected.

Clarifying how firms should meet their existing best interests obligation in a way that reflects a customer-focused mind-set, where firms proactively take ownership of, and responsibility for consumer issues, is a key objective in revising the Code. This is reflected in the proposal set out in CP158 to introduce the Securing Customers' Interests Standard for Business and the associated Supporting Standards for Business, along with detailed [Guidance on Securing Customers' Interests](#). Together these elements are designed to support firms in the effective implementation of all their consumer protection obligations by describing what they need to consider, the actions they need to take and the mind-set they should have towards their customers.

### General Feedback

Stakeholders broadly welcomed the Securing Customers' Interests Standard for Business and Supporting Standards for Business. They viewed the new standards for business as an



important improvement to strengthen consumer protection in Ireland by emphasising the importance of a consumer-centric approach.

Stakeholders welcomed the provision of **Guidance on Securing Customers' Interests** as an important support to assist firms in implementing the requirements, ensuring a consistent approach across firms. The use of case studies and examples in the Guidance was welcomed, with suggestions from a number of stakeholders for additional examples to be included.

## Response to Feedback

In response to feedback we have updated the **Guidance on Securing Customers' Interests** including the addition of an example of securing customers' interests during digital delivery and providing further clarification on our expectations of firms when dealing with customers on an execution only basis. We have also made a number of further enhancements to the Guidance, which are detailed below in the sections outlining specific feedback from respondents on securing customers' interests.

## Specific Feedback

### Terminology

A number of stakeholders noted the need for clarity on the intended meaning of terminology used in the Code to describe the obligation to protect or secure customers' interests. It was noted that 'acting in the best interests' terminology had associations of paternalism and could be interpreted as implying that a third party has a role in deciding what is good for a person, rather than endeavouring to give effect to a person's will and preferences. Feedback requested that the Central Bank clarify that the meaning of 'best interests' and 'securing customers' interests' for the purposes of the Code does not conflict with other legislation, including the ADMA.

### Customer autonomy

Respondents noted the acknowledgment in the **Guidance on Securing Customers' Interests** of the importance of recognising customer autonomy. However, respondents sought further clarification on the balance between customer autonomy and the role of firms, noting the challenge for firms where customers make bad or unwise decisions, and

suggested that the importance of customer autonomy be clearly highlighted in Code materials.

### **Response to Feedback**

The Central Bank agrees that ‘acting in the best interests’ and ‘securing customers’ interests’ in the context of the Code does not mean that a financial services firm is ‘acting on behalf of’ a customer, or in any way taking responsibility for making decisions that could and should be made by the customer themselves. In placing obligations on firms, the securing customers’ interests obligations do not remove responsibility from their customers. We have updated the [Guidance on Securing Customers’ Interests](#) to further clarify this point and to articulate our expectation of firms where customers make poor or unwise decisions.

Our proposals do not conflict with the ADMA which establishes a framework to support decision-making by adults who may have difficulties making decisions without the help of others. It ensures those that may require assistance are supported by financial services firms and other businesses. Under both the ADMA and the Revised Code, staff of financial services firms must be able to assist consumers in vulnerable circumstances. Our guidance outlines for firms how the requirements apply, to support firms in understanding their obligations under the Code and the ADMA.

### **Alignment with Individual Accountability Framework**

A number of respondents sought clarity on the link between the standards for firms set out in the Revised Code and the standards for individuals set out in the Central Bank Reform Act 2010 (as amended by the Central Bank Individual Accountability Framework Act 2023 (the IAF)) (i.e. the Common Conduct Standards and the Additional Conduct Standards). Respondents noted that the conduct standards applied under the Code should align with the individual conduct standards imposed on persons holding Controlled Functions (CFs) under the IAF. It was also noted that the concept of reasonable steps which is reflected in the IAF conduct standards is not replicated in the Code Standards for Business.

## Response to Feedback

The Standards for Business are an essential counterbalance to conduct standards imposed on individuals under the Common Conduct Standards and the Additional Conduct Standards. The IAF envisaged that firms, and the individuals working within them, would be held to legally enforceable standards of behaviour in how they conducted their affairs. The legislature set out the conduct standards for individuals in the primary legislation, and for firms allowed the Central Bank an enabling power to prescribe business standards.

Overall, the IAF seeks to enhance the operation and oversight of firms by requiring clarity on where responsibility and decision-making lies in firms' senior management, and through the application of individual conduct standards. While the Code applies Standards for Business, Supporting Standards for Business and Consumer Protection Regulations on the firm that seek to ensure firms appropriately protect consumers' interests. We have considered the comment on firms taking reasonable steps regarding Code obligations alongside other feedback on proportionality together – see section below.

## Proportionality

Many respondents highlighted the importance of proportionality in the application of the securing customers' interests obligation. It was observed that the [Guidance on Securing Customers' Interests](#) referenced proportionality but respondents sought additional assurance that the obligation would be applied on a proportionate basis reflecting the ability of firms to only take steps or actions within their control to secure their customers' interests.

## Response to Feedback

As noted in the [Guidance on Securing Customers' Interests](#), proportionality has been and continues to be at the heart of our regulatory approach. But, importantly on the basis that all consumers should be afforded the same level of protection - all firms have the same responsibility to secure customers' interests. However, that is not to say that all firms are expected to meet their obligations in the same way.

A firm's approach to adhering to its obligations should reflect the nature of its business and the products and services it provides, and the profile of its customer base. Firms should focus on the customer outcomes that may result from their actions, considering what a firm can know, or can reasonably be expected to know, at a relevant time.

Securing customers' interests does not mean that individual customers will always be protected from poor outcomes. It does not impose an open-ended duty that goes beyond the scope of the firm's role and its ability to determine or influence customer outcomes, or protect customers from all potential harms.

We have revised the [Guidance on Securing Customers' Interests](#) to provide further clarity on proportionality and the types of steps that firms are expected to take to secure their customers' interests. The Code will continue to apply in a way that is appropriate for firms of all sizes, business models and levels of complexity.

The concept of reasonable steps reflected in the IAF is intentionally not replicated in the Securing Customers' Interests Standards for Business. The IAF provides for the concept of reasonable steps in respect of the conduct standards set out in primary legislation in the Central Bank Reform Act 2010 because those standards apply to individuals performing functions. This can be distinguished from obligations imposed on firms. This reflects the range of resources available to firms and our expectations on how these should be effectively deployed in a way that secures customers' interests.

### **Evidencing compliance**

A number of respondents noted the qualitative nature of the obligation to secure customers' interests and sought direction from the Central Bank on how they could determine and evidence if they were meeting the obligation.

### **Response to Feedback**

Complying with the obligation to secure customers' interests requires firms to take ownership of how they meet this obligation. Fulfilling the obligation will never be achieved by tick-box compliance with rules. Firms must take ownership of their

obligations towards consumers. Those in leadership roles should ensure that the right standards are set and reflected throughout the business including strategy setting, product, service and delivery channel development, risk management, people management and complaints handling. The business as a whole has responsibility for securing customers' interests. Crucially, this is not a compliance obligation owned by risk or compliance staff, but one owned by the whole organisation.

The Code does not prescribe what can or should be done by firms in every particular scenario or set of individual circumstances. It articulates what is required of firms generally so that firms can determine for themselves what actions they should be taking to secure their customers' interests.

The way in which a business measures its success should include consideration of outcomes for its customers. As noted in the [Guidance on Securing Customers' Interests](#), firms effectively securing customers' interests will:

- Develop products and services that are fit for purpose and meet the needs and expectations of customers;
- Ensure delivery channels are effective for the products and services offered and the relevant customer base;
- Provide consumers identified as in vulnerable circumstances with the support they need when engaging with financial services; and
- Ensure their communication and engagement with customers empowers them to make decisions in their own interests.

The [Guidance on Securing Customers' Interests](#) and the Central Bank's [Guide to Consumer Protection Risk Assessment](#) (CPRA)<sup>3</sup> are complementary documents. They have been developed to support firms in implementing their consumer protection obligations. The CPRA describes the Central Bank's expectations of regulated financial services firms in implementing or enhancing their frameworks for managing risks to consumers. This tool supports firms in assessing the effectiveness of their risk

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<sup>3</sup> <https://www.centralbank.ie/docs/default-source/regulation/consumer-protection/compliance-monitoring/reviews-and-research/a-guide-to-consumer-protection-risk-assessment.pdf>

management frameworks. While, as noted in the CPRA Guide, firm-specific CPRAs will form a key part of our supervisory framework for certain larger firms<sup>4</sup>, it describes the consideration of consumer protection that all firms should undertake when assessing whether they are implementing the correct approach to securing the interests of their customers.

### Scope of Guidance – application to MiFID firms and crowdfunding service providers

In CP158, we set out our expectation that firms providing MiFID services and crowdfunding service providers would consider and apply the [Guidance on Securing Customers' Interests](#) in the context of their obligation to 'act honestly, fairly and professionally in accordance with the best interests of its clients' under Regulation 31 of the [MiFID Regulations](#)<sup>5</sup> and Article 3 of the [EU Crowdfunding Regulations](#).<sup>6</sup>

Stakeholders broadly acknowledged that the [Guidance on Securing Customers' Interests](#) could assist MiFID firms and crowdfunding service providers in meeting their obligations to act honestly, fairly and professionally in accordance with the best interests of their clients. Stakeholders were largely of the view that the Central Bank's approach would help to ensure a level playing field across all regulated firms, providing consistent protections for consumers.

Individual firms and industry representative bodies sought greater clarity on how the guidance interacted with the EU MiFID Regulations and cautioned against the introduction of any measures that might conflict with EU requirements. Stakeholders also sought clarity on the scope of application of the guidance when EU MiFID firms provide financial products and services to consumers in Ireland, and when Irish firms were providing financial products and services to customers across the EU.

### Response to Feedback

By applying the [Guidance on Securing Customers' Interests](#) to MiFID firms, we are seeking to ensure a consistent level of protection for all consumers in Ireland when they

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<sup>4</sup> Credit institutions, non-bank lenders, insurance undertakings, investment firms, large retail intermediaries, payment institutions and e-money institutions.

<sup>5</sup> S.I. No. 375/2017 - European Union (Markets in Financial Instruments) Regulations 2017.

<sup>6</sup> Regulation 2020/1503 on European Crowdfunding service providers for business.



are engaging with financial services providers. The guidance does not conflict or overlap with the MiFID Regulations, with which all EU firms must comply when providing MiFID services, but rather provides guidance on how the Central Bank expects firms to meet their obligations under the MiFID Regulations.

The Code applies for the benefit of Irish consumers. We expect MiFID firms and crowdfunding service providers based in other EU countries to consider this guidance when they provide services to consumers in Ireland. When Irish firms are providing MiFID services to consumers in other EU Member States, we would expect them to adopt a consistent approach in relation to securing all their customers' interests, whether those customers are in Ireland or abroad.

## 2.2 Digitalisation

Digitalisation has brought many benefits for firms and consumers and has the potential to bring many more. It also brings challenges and risks for firms and consumers. By updating the Code to reflect digitalisation in financial services, we want to ensure that firms support their customers to harness the benefits and take action to mitigate risks.



### Overview of Proposals

Recognising the significant impact digitalisation is having on the provision of financial services, CP158 proposed a number of new requirements relevant to financial services provided through digital means. These proposals were developed in the context of other developments at an EU level including the EU Digital Services Act package<sup>7</sup> which has introduced new requirements to regulate digital services with the goal of creating a safer digital space in which the fundamental rights of all users of digital services are protected. Our proposals also reflect the [G20/OECD High-Level Principles on Financial Consumer Protection](#), which include the impact, risks and opportunities of digitalisation as a cross-cutting theme for consumer protection.

The purpose of the proposals set out in CP158 is to ensure incumbent firms and new entrants deploy a customer-focus in the design and implementation of digital services and delivery channels. Our proposals include requirements for firms using digital platforms to ensure such platforms are designed to be easy to use and navigate, that the technology is tested, and that it produces consistent and objective outcomes for consumers. In addition, firms must ensure that where digital platforms are used, guidance, support and assistance is available to customers. As with all delivery methods, firms need to ensure that the use of technology is not applied in a way that would seek to exploit the behaviours, habits, preferences or biases of customers where it has the potential to cause customer detriment.

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<sup>7</sup> The package is made up of the Digital Markets Act and the Digital Services Act.

## General Feedback

Stakeholders broadly welcomed the proposals set out in CP158 as a significant step in modernising the Code and ensuring appropriate consumer protections in an increasingly digitalised financial services environment. Respondents welcomed the emphasis on the need for digital platforms to focus on positive outcomes for consumers and to be easy to use and navigate with appropriate testing and supports in place. The prohibition on the use of dark practices, which take advantage of behaviours, habits, preferences or biases of consumers, was also seen as an important consumer protection safeguard.

The risks that may arise due to the increasing digitalisation of financial services, including issues relating to accessibility, digital literacy and the increasing risk of frauds and scams, particularly for consumers in vulnerable circumstances, were highlighted by several respondents. Stakeholders also noted the importance of the availability of supports for consumers when firms are transitioning to digital models. Some stakeholders asked for further clarity on specific requirements, how the requirements interacted with other domestic and EU legislation, and sought guidance on how requirements should be implemented.

## Response to Feedback

To enhance supports for consumers when using digital platforms, and to support firms in implementing the requirements, we have developed guidance to support implementation of the digitalisation requirements in the Code. This guidance covers areas including filtering of information, scrolling and use of hyperlinks. We have also narrowed the scope of some requirements for online transactions and clarified aspects of a number of requirements in response to feedback - see sections below for further detail on these changes and clarifications.

## Specific Feedback

### Online Decision-Making

CP158 included a number of proposals aimed at ensuring that digital platforms are designed in a way that effectively supports customers' decision-making and in particular, that transactions are suitably paced to reduce the risk of consumers entering into

transactions that may be unsuitable due to the speed and ease of the process. These included requirements to:

- Slow the digital transaction process with a ‘pause’ statement including a warning for the consumer that they are about to enter a contract for a financial service;
- Avoid the use of certain pre-ticked boxes;
- Ensure appropriate filtering of information where more than three financial products are offered; and
- Provide customers with reminders of ‘cooling-off’ options.

A number of industry representative bodies and an individual firm suggested that Code requirements should focus on simplifying rather than slowing consumers’ digital journeys. It was argued that the introduction of additional pause features could cause unnecessary friction in the process of purchasing a financial services product for consumers resulting in inconvenience, frustration and in the case of warning statements, a potential distrust of financial services. It was also suggested that the proposed filtering requirement was too onerous with respondents suggesting that filtering was only necessary where there is a significant number of financial products offered.

### Response to Feedback

We acknowledge stakeholder feedback that in some circumstances the use of additional pause features may cause unnecessary friction in the process of purchasing certain financial services products, particularly where consumers are purposefully online to purchase a financial product or service, for example when using an online platform to purchase/renew their car insurance.

Where firms are doing business with consumers via digital platforms, they should always consider whether the speed and ease of transacting online serves the customer or whether the customer should be allowed to ‘pause’ and consider. The Revised Code’s Supporting Standards for Business on Securing Customers’ Interests require firms to take into account the interests of customers when designing products and services, and the methods of delivery; and to ensure that their products and services are not designed to unfairly exploit the behaviours, habits, preferences or biases of customers.

We remain of the view that protections should be provided for consumers where they could be enticed into buying financial products or services online which may be unsuitable for them, due to the speed and ease of the process. For example, this can occur when a consumer is purchasing non-financial goods and is then offered a short-term credit facility to pay for their purchases, such as Buy Now Pay Later (BNPL) products. In such cases, the use of a pause feature with a warning statement provides the consumer with the opportunity to 'pause' and consider their decision to enter into a credit agreement before proceeding with the transaction.

Taking this into consideration and informed by feedback, we have amended our proposed requirement on pause statements to focus on the need for firms to consider the impact the dynamic of online transactions can have on consumer decision-making and to apply pause statements where the risk is high of consumers entering into transactions that may be unsuitable due to the speed and ease of the online process. This requirement will be supported by guidance which will provide examples of online transactions where this risk arises.

We have also removed the proposed filtering requirement and instead we have provided guidance in our [General Code Guidance](#) on how filtering can be used to support consumer decision-making online. This will provide firms with a greater degree of flexibility to determine how they can effectively use filtering to support their customers.

### Use of Durable Medium

Feedback supported the modernisation of the Code to reflect the digitalisation of financial services. However, some respondents did not feel that the Revised Code's requirements reflected how firms could use digital tools to meet Code requirements. They expressed concerns that the Code maintains the status quo, meaning that delivery of information on paper or through the use of Portable Document Formats (PDFs) would continue. It was noted that the Code should recognise that information can be delivered through multiple mediums and channels including audio, video, infographics and online platforms. In this context, some stakeholders asked for clarity on what constitutes a 'durable medium' in a digital context.

## Written Consent

Similarly, some stakeholders also requested that the Central Bank consider requirements under the Code that require ‘written consent’ to ensure they reflect the different ways consent can be provided, including through the use of digital tools.

## Response to Feedback

We recognise the role that digital tools can play in effective implementation of Code requirements and welcome innovative approaches where they can bring benefits to customers. In response to feedback to the consultation, we have developed guidance to clarify that a ‘durable medium’ can include digital formats.

We have also reviewed the use of ‘written consent’ requirements in the Code. Where appropriate, we have updated these requirements to include oral consent. However, there are some circumstances where we feel consumers are best protected if written consent is required. Where the Revised Code only requires consent, this can be given verbally or in writing. Where the Revised Code requires written consent it must be in writing only. However, it is important to note that written consent can be given in a number of ways including, for example, via email.

## Material Changes to Banking Services

CP158 included a number of proposed requirements for banks when they are making material changes to banking services, which were informed by the Government’s RBR. These included:

- Increasing the minimum notice period for banks to six months where banks intend to close, merge or move a branch; and to four months where they intend to significantly change services in a branch;
- Requiring banks to publish board-approved assessments of the impact of the changes on customers; and
- Requiring banks to conduct an ex-post assessment to include a survey of impacted customers nine months after the change, which must be completed before 15 months has elapsed since the change.



Stakeholder feedback noted that as traditional firms transition to digital business models, this brings risks and challenges for some consumers relating to accessibility, inclusion and digital literacy. Stakeholders welcomed the proposals set out in CP158 to ensure that where credit institutions are transitioning from traditional to digital business models, they carefully consider consumer impacts, including impacts on consumers in vulnerable circumstances, and identify appropriate mitigants to address identified adverse impacts. Some respondents called for reasonable assistance and the option of access to traditional in-person services to be provided.

Individual firms highlighted that the increase in the notice period for bank closures, mergers, or changes would bring some challenges for firms and sought further clarity to support implementation of the requirements. Industry stakeholders indicated that the requirement to publish an assessment of the consumer impact may raise challenges in relation to disclosure of commercially sensitive information. One industry stakeholder body sought confirmation on the channels through which the assessment should be published and whether the requirements were applicable where branch closures were of a temporary nature. Similarly, firms sought clarity on how the requirements applied to significant changes to services.

### **Response to Feedback**

Having reflected on the feedback, we have developed guidance for firms on how to implement the requirements. This includes clarification that the required board-approved assessments should focus on the impact of closures, mergers or significant changes to services, and therefore does not require the inclusion of commercially sensitive information. We have also clarified in guidance that the required publication in local media need only include notice of the fact that a report has been prepared and published, and advising where anyone who may wish to access the full report, can do so.

Additionally, guidance now provides clarification that the requirements do not apply for closures of a temporary nature i.e. where the branch is closed for renovation or emergency works. Where banks intend to significantly amend the financial services that are provided in a particular branch, the requirements will apply.

## EU Artificial Intelligence Act and the Code

There were a small number of comments in relation to the interaction between the Revised Code and the EU Artificial Intelligence Act (AI Act). Respondents queried if the digitalisation and digital platform requirements provided for the potential use of Generative Artificial Intelligence (GenAI) by financial services providers.

### Response to Feedback

The term “digital platform” in the Code describes a channel where the consumer engages with the financial services provider using technology. There may be elements of artificial intelligence (AI) in a digital platform, deployed to carry out or augment certain business processes. This could include the use of GenAI. The Revised Code does not seek to replicate the requirements of the AI Act, which reflects specific requirements in relation to the use of AI for certain financial services products and use cases. Further guidance on the application of the AI Act requirements will be developed throughout 2025 and 2026, in line with the overall timelines of the AI Act.

## 2.3 Informing Effectively

Informing customers effectively enables them to make informed decisions to meet their financial needs. It allows them to compare products and services, shop around for better value, and have trust and confidence in financial services.



### Overview of Proposals

Well-functioning markets require consumers to have access to clear and unbiased information. Clear disclosure of product features, risk and price allows consumers to select the provider and product that best serves their needs. Reflecting this, CP158 proposed a new Standard for Business which requires firms to seek to effectively inform their customers in their disclosures and communications. This Standard for Business reflects a shift from requiring firms to simply disclose information to customers to requiring firms to meet disclosure requirements in a way that effectively informs their customers.

The 'informing effectively' Standard for Business is complemented by Supporting Standards for Business that require firms to ensure: that information is provided in a way that the material features of the product or service can reasonably be understood and that all customer information is clear, accurate, up to date, written in plain and accessible language, and avoids unnecessary technical terms. CP158 also sets out a proposal for a requirement for product producers to monitor and review the effectiveness of customer communications.

### Feedback

Stakeholder feedback broadly welcomed the proposals set out in CP158 and acknowledged the importance of good quality information to empower consumers to make informed decisions to secure their interests. Stakeholders welcomed the shift in the Central Bank's approach, agreeing that informing customers effectively should be less about merely 'providing information' and more about 'ensuring understanding'. The use of

plain accessible language and accessible delivery channels was highlighted as particularly important to effectively informing consumers.

Some respondents highlighted the challenge for firms in meeting the obligation to effectively inform their customers while also complying with existing domestic and EU disclosure requirements. Some stakeholders sought further clarity on how to implement the updated requirements. Industry representative bodies and a consumer representative body sought examples of what informing effectively might look like in practice using both traditional and digital delivery channels.

Some stakeholders highlighted existing standards and guides, which are useful tools to help ensure that communications effectively inform consumers. These include the [ISO Plain Language Standards](#), NALA's [Writing and Design Tips](#) and the [Customer Communications Toolkit for the Public Service](#). Submissions highlighted the importance of using different and innovative communication approaches and channels including videos, FAQs, and factsheets.

The Central Bank's Consumer Hub was recognised as an important support for consumers to inform them of the risks and protections that apply when they engage with financial services providers. Stakeholders also welcomed the development of the National Financial Literacy Strategy as an important initiative nationally, to empower consumers to make sound financial decisions.

### Response to Feedback

The Central Bank is encouraged by the positive response to proposals set out in CP158 on informing effectively. As noted in CP158, providing information in a way that supports real understanding and supports customers to make well-informed decisions is key to securing customers' interests. Taking this approach can reduce the asymmetry in information, expertise and time, between financial services firms and consumers.

In response to stakeholder feedback, we have developed guidance for firms to support their implementation of the requirements. This guidance includes examples, which illustrate the actions and steps that firms can take to ensure that they are informing

effectively, including where the content of disclosures is mandated by regulatory requirements. The Guidance also provides an overview of important considerations for firms when they are developing and designing communications for customers. This includes consideration of customer profile, content, language, display, delivery channel, timing and the use of review, all of which are explored in the guidance.

### Financial Literacy Strategy

The Central Bank has engaged with the Department of Finance on the development of Ireland's National Financial Literacy Strategy and we will support work to implement this Strategy over the coming years.<sup>8</sup> The Strategy involves a multi-agency and collaborative approach across public and private sector stakeholders. Addressing financial literacy challenges is not something that one actor in the system can deliver. It starts early in life through education and continues throughout the consumer lifecycle as financial services needs evolve.

High levels of financial literacy empower consumers to make good financial decisions to safeguard their financial well-being. Generally speaking, consumers of financial services products will know less about financial products than the individual firm selling them. Accordingly, any strategy in the area of financial literacy must, as is the case with the Code's informing effectively obligation, seek to rebalance the scales towards consumers. Firms have a responsibility to ensure they take steps to inform effectively, but customers also need to have sufficient levels of financial literacy to understand the information that firms provide.

Firms should also consider their role in consumer education as part of the service that a firm provides. We see many firms already actively putting in place helpful initiatives in this area. This can be achieved through their direct engagement with consumers at points of sale, or advice to ensure consumers are adequately supported to make financial decisions. It can also take place more thematically as firms educate consumers on key issues, opportunities and risks affecting their financial well-being using TV, radio or social media campaigns.

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<sup>8</sup> <https://www.gov.ie/en/press-release/99002-minister-donohoe-publishes-irelands-first-national-financial-literacy-strategy/>

## 2.4 Mortgage Credit and Switching

It is important that consumers are protected at all stages of their mortgage journey. Firms must enable mortgage customers to make informed decisions, facilitate switching, and support them when they are experiencing financial distress.



### Overview of Proposals

Taking out a mortgage is one of the most important financial decisions that consumers may make in their lives. Consumer protection is important at all stages of a consumer's mortgage journey and ensuring they understand the costs, benefits and risks of a mortgage are key aspects in this regard.

Given the significance of mortgage credit and switching for many consumers, CP158 set out a number of proposed new and enhanced requirements, including disclosure requirements on switching options and the cost of incentives, to ensure consumers are supported to make informed decisions in relation to mortgage credit. We also proposed the consolidation of the Code of Conduct on Mortgage Arrears (CCMA) into the Code along with a number of enhancements to existing CCMA requirements informed by previous stakeholder feedback.

### General Feedback

Stakeholders broadly welcomed the updated requirements on mortgage credit and switching set out in CP158. Stakeholders agreed that plain language disclosures, clear upfront information about costs and comparable products, and timely and accessible communication will help consumers make better-informed decisions about mortgages. Both individual firms and consumer representative organisations welcomed the introduction of the personalised euro savings estimates in notifications setting out available alternative mortgage refinancing options.

Submissions also gave feedback on barriers to switching including costs relating to conveyancing and delays in the return of title deeds by lenders.

## Response to Feedback

In response to feedback, we have added a legal requirement for mortgage lenders to provide title deeds to a borrower or their legal representative within a specified timeframe. We have also developed guidance and made a number of technical amendments to the proposed requirements to enhance clarity. See sections below for more detail.

## Specific Feedback

### Mortgage Incentives

In CP158, we proposed a requirement to enhance the information provided to consumers on the impact of incentives on the overall cost of credit of a mortgage. This additional information will allow consumers to understand better the actual costs and benefits of choosing a mortgage with an incentive over the short and long term, so that they are empowered to make the most suitable choice for their circumstances.

These proposals also included:

- A definition of a mortgage incentive to set out clearly to firms when the incentive requirements apply;
- A requirement for a warning statement on a 'mortgage approval in principle' where an incentive is a feature of a mortgage, to bring to the attention of the consumer the importance of considering the impact of the incentive on the total cost of credit; and
- Additional requirements in relation to mortgage calculators and advertisements to enhance the disclosure of the 'total cost of credit' to potential customers.

Additionally, the [Guidance on Securing Customers' Interests](#) articulates the importance of firms ensuring that incentives in mortgage products align with the interests of customers. The guidance explains that firms should design and provide incentives in a way that supports customers' ability to act in their own interests and in line with their financial needs.

Respondents to the consultation paper welcomed the updated requirements on incentives, which respondents considered as an important measure to help inform consumers on the costs and benefits of purchasing a mortgage with an incentive.

Respondents welcomed the focus on the overall cost of credit of the mortgage as a straightforward and transparent approach to supporting consumers in selecting the most suitable available mortgage product for their needs.

Respondents also noted that the Central Bank plans to undertake further research and analysis to understand the consumer impact of cashbacks and that we will consider potential further action once this is complete.

### **Response to Feedback**

We have considered the feedback provided and have made some small adjustments to the requirements, which are set out in the Table of Changes Post-Consultation in Annex 1. These include a requirement for firms to include additional signposting to mortgage calculators available on the website of the Competition and Consumer Protection Commission.

Research and analysis on the impact of mortgage incentives is now underway. While our analysis and policy consideration is at an early stage, the research highlights issues around firm communications relating to cashback offers and provides evidence of consumer misunderstanding of how cashbacks work. However, at an overall level the research indicates that cashback incentives are not of primary importance when it comes to decisions about which type of mortgage to choose with factors such as interest rate, monthly repayments and the principal borrowed significantly more important. Further consideration is required to determine if any additional policy response is warranted in this area. We plan to publish our research and full policy consideration in due course.

### **Mortgage Switching - provision of information to enhance internal switching**

In CP158, we proposed an update to existing requirements on the provision of information to enhance internal switching (switching to another mortgage product with an existing provider).

Under the existing Code, lenders must provide an annual notification to variable rate mortgage holders (and at fixed rate maturity for fixed rate mortgage holders) showing a summary of alternative mortgage products available from that lender. Reflecting the



findings from consumer research we undertook in 2022, and a recommendation from the RBR, CP158 proposed that this notification should include a personalised euro savings estimate alongside each alternative mortgage refinancing option presented. Lenders will also be required to provide a specific reminder to customers in relation to mortgage refinancing options, issued between four and eight weeks from the first notification.

The changes in relation to the annual notifications were positively received in feedback, being viewed as a further appropriate measure to incentivise consumers to consider taking steps to switch their mortgage where better options are available from their existing lender.

### **Mortgage Switching - provision of information to enhance switching to new lenders**

In CP158, we highlighted our engagement with mortgage providers via Banking & Payments Federation Ireland (BPFi) to examine how certain barriers to mortgage switching can be overcome by identifying aspects of the mortgage application process that can be standardised by lenders, and that could be reflected in an industry protocol or charter.

Stakeholder feedback recognised the importance of access to mortgage switching opportunities given its potential to provide savings for some individual borrowers and to promote competition between mortgage providers. Stakeholders agreed with the findings of Central Bank research<sup>9</sup>, which found that consumers viewed the mortgage switching process as difficult, complex and time consuming. Some stakeholders also provided suggestions that might enhance both consumers' and firms' experience of the switching process.

Some stakeholders suggested that some borrowers have experienced unnecessary delays in obtaining title deeds or other evidence of ownership from their current mortgage provider. Feedback highlighted that any unnecessary delay in supplying this

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<sup>9</sup> <https://www.centralbank.ie/docs/default-source/publications/economic-letters/economic-letter-12-mortgage-switching.pdf>.

documentation could cause additional and unnecessary costs for the borrower, and hinder switching or the property sale process.

Aspects of this feedback are also reflected in the Report of the Housing for All Expert Group on Conveyancing and Probate (Expert Group).<sup>10</sup> This report includes a number of recommendations related to the provision of title deeds by lenders to solicitors including a recommendation for a 10-day national target for responses to requests for title deeds with financial institutions obliged to put systems in place to ensure compliance with the same. The Expert Group has also recommended that financial institutions should measure and publish their performance against this requirement – initially on a voluntary basis but, failing this, as a regulatory requirement.<sup>11</sup>

Stakeholders welcomed the Central Bank’s engagement with BPFi and mortgage providers to enhance the switching process for consumers. Stakeholders indicated that the introduction of a charter or protocol would help overcome certain barriers to switching.

## Response to Feedback

BPFi has introduced a number of measures to facilitate switching including an online resource ‘InYourInterest.ie’<sup>12</sup>, a universal salary certificate (accepted by six BPFi-affiliated mortgage lenders) and the e-mailing of redemption figures. We will continue to engage with BPFi and its affiliated mortgage lenders on the proposed establishment of an industry protocol or charter to help overcome certain barriers to switching.

Having reflected on feedback in relation to the timely provision of title deeds, we have now added a requirement to the Code to require mortgage providers to provide title deeds to the borrower (or their representative) within 10 working days of the request. Where lenders cannot comply with the request, they will be required to give an explanation and an assessment of when the deeds will be available. Lenders will have to

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<sup>10</sup> <https://www.gov.ie/en/publication/b3e8a-housing-for-all-expert-group-on-conveyancing-and-probate-final-report-and-recommendations/>

<sup>11</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/299009/0eb029a0-c816-45a3-bbe7-299be80c9a1a.pdf#page=null>.

<sup>12</sup> <https://bpfi.ie/in-your-interest/>

ensure that they have systems and controls in place to be able to comply with this requirement.

### **Lifetime Mortgages and Home Reversion Agreements**

To inform consumers further on risks associated with lifetime mortgages, we set out proposals for strengthened disclosure requirements in CP158. These include a requirement for firms to provide consumers with information on which party is liable for any redemption costs, and whether the consumer or their estate will be liable for any shortfall following the eventual sale of the property. We also proposed an enhancement to the warnings already required in the Code for home reversion agreements to prompt customers to consider the link between transferring a share in the home and the potential negative impact this could have on their ability to fund their future financial needs.

Respondents generally welcomed the enhanced disclosure requirements with one respondent providing suggestions on how the proposed requirements could be improved to better reflect the potential risks to consumers when they purchase a lifetime mortgage and recent developments in the market. It was suggested by other respondents that firms should be required to only provide a lifetime mortgage to a consumer where the consumer has received advice from an independent legal advisor.

### **Response to Feedback**

Having considered stakeholder feedback on our proposed requirements for lifetime mortgages and home reversion agreements, we have included a small number of changes to the requirements to reflect this feedback. For example, there is no longer a need to warn a lifetime mortgage holder that their home might be at risk if they do not keep up repayments on their loan where repayments are not required under their contract. We have also made a specific change to the definition of lifetime mortgage to extend it to second properties. Further details of these updates are outline in our Table of Changes Post-Consultation in Annex 1.

### **Code of Conduct on Mortgage Arrears**

The CCMA provides protections for borrowers who are facing difficulty in keeping up with their mortgage repayments. CP158 included a proposal to consolidate the CCMA

within the Code to create a more integrated consumer protection framework and to reflect the requirements of the CCMA in Central Bank Regulations.

CP158 also proposed a number of changes to the CCMA informed by previous feedback from stakeholders. These included a requirement to ensure firms consider a range of appropriate and sustainable Alternative Repayment Arrangements (ARAs), which are broad enough to meet the needs of impacted borrowers. We also signalled that we would issue updated guidance on what we mean by appropriate and sustainable ARAs within the Code, reflecting our engagement with firms on the application of sustainable resolutions for mortgage arrears in practice.

The following specific changes to the CCMA were also proposed:

- A requirement for firms to provide additional information to borrowers about the reasons why the firm is offering (or not) ARAs as set out in the Central Bank's letter to firms of 22 March 2019;<sup>13</sup>
- A requirement for the provision of information on the sale of property post-repossession;
- The introduction of a 12-month validity period for a completed Standard Financial Statement;
- The introduction of limited unsolicited visits outside the Mortgage Arrears Resolution Process (MARP) so that only one unsolicited visit request can be issued every six months;
- The inclusion of the borrower's future repayment capacity as well as their current repayment capacity as a consideration when assessing potential ARAs; and
- A requirement to provide additional information on the implications of a personal insolvency arrangement for a borrower and his/her mortgage loan account in a number of borrower communications.

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<sup>13</sup> <https://www.centralbank.ie/docs/default-source/regulation/consumer-protection/other-codes-of-conduct/letter-issued-to-regulated-entities-re-code-of-conduct-on-mortgage-arrears-22-march-2019.pdf?sfvrsn=6>.

The consolidation of the CCMA within the Code and the updates to the requirements outlined above were positively received. In particular, stakeholders welcomed the proposal to provide guidance on what constitutes an appropriate and sustainable ARA. A number of respondents noted the difficulties and challenges facing joint borrowers and firms in cases of mortgage arrears where the relationship between joint borrowers has broken down and in particular, when one borrower will not co-operate to seek an appropriate and sustainable ARA. We also received a number of suggestions for specific refinements to the requirements.

### **Response to Feedback**

We have developed criteria and expectations [on Appropriate and Sustainable ARAs](#) to support firms in implementing the existing requirements for ARAs in the Code. We have also made some specific drafting amendments to the regulations based on suggestions provided in feedback.

We have engaged with mortgage providers on the issues that can arise in relation to separated borrowers and will continue to engage with firms and relevant consumer advocates to ensure that the CCMA continues to facilitate effective borrower and lender engagement-based solutions in the case of mortgage distress.

## 2.5 Unregulated Activities

Customers need clarity on what is and is not regulated. Where regulated firms engage in regulated and unregulated activities, there is a heightened risk that customers may misunderstand their protections because of the firm's regulated status. This is called the 'Halo Effect.'



### Overview of Proposals

Financial services and products provided outside the regulatory perimeter can pose a significant risk to consumers as the regulatory protections afforded to regulated products and services do not apply. More specifically, the provision of unregulated financial products and services by regulated firms can result in customers not being aware of the status of the product and service they are accessing and the risks associated with them.

Recognising this, CP158 proposed the introduction of a Supporting Standard for Business obliging firms to take appropriate steps to mitigate the risk that a customer will misunderstand an activity to be, or to carry the protections of, a regulated activity where this is not the case. This overarching obligation on firms is complemented by additional disclosure requirements to ensure firms enable customer understanding of the status of unregulated products and services provided. To support firms in meeting this obligation, the [Guidance on Securing Customers' Interests](#) includes guidance to firms on the appropriate use of branding when providing unregulated products and services.

### General Feedback

Overall, stakeholders welcomed the proposed requirements for unregulated activities provided by regulated providers. Stakeholders agreed that ensuring consumers understand the regulatory status of financial products and services and the protections that apply is important to support consumers to make informed decisions that best serve their interests. Some stakeholders asked for further clarity on the scope of the requirements.

## Response to Feedback

Reflecting stakeholders' feedback, we have provided clarification on the scope of the new Supporting Standard for Business and provided additional guidance on our expectations of firms in meeting their obligations. See sections below for more detail.

## Specific Feedback

### Scope of Requirements

Some stakeholders expressed concern that the requirements would mean that regulated firms would not be able to provide any unregulated products or services to their customers. Individual firms sought further clarity on the activities that the requirements applied to including whether they would apply where a regulated firm sells non-financial products such as clothes, health or wellness services.

### Response to Feedback

Under the Code's Supporting Standards for Business firms must clearly distinguish between their regulated activities and their unregulated financial activities by taking all appropriate steps to mitigate the risk that a customer will understand an activity to be, or to carry the protections of, a regulated activity where this is not the case. Importantly, unregulated activities are defined for the purposes of the Code as the provision of services of a financial nature, which are not otherwise regulated activities, to consumers in the State. Therefore, this Supporting Standard for Business applies to regulated financial services firms when providing unregulated *financial* products and services. Similarly, additional disclosure requirements also apply only where a regulated financial services firm is providing unregulated *financial* products and services. The Supporting Standard for Business and requirements do not apply when regulated financial services firms provide non-financial products and services as part of their business model such as, for example, the sale of clothes.

To meet the obligations under the Code when providing unregulated financial products or services, firms must consider if there is a risk that customers may misunderstand the regulatory status of the unregulated products and services that the firm provides and take appropriate steps to mitigate associated risks. This should include consideration of the potential impact that any misunderstanding or confusion can have on consumers, which

will depend on the nature of the product or services and potential for harm or loss to the consumer.

For example, a regulated firm may want to undertake complex high-risk investment activities that are unregulated, such as the sale of non-transferable loan notes. These complex high-risk investment activities present a significant risk of misunderstanding or confusion for consumers as their features are similar to regulated investment products. In terms of the potential impact of customer misunderstanding or confusion, such products carry a potential risk to the consumer of loss, and where inappropriate losses occur customers would not have recourse to compensation schemes. In such cases, the risk that consumers will misunderstand the regulatory status of the unregulated product or service is very high and it will not be possible for the associated risks to be effectively mitigated.

However, there may be cases where it will be possible for the risks associated with the unregulated activities of regulated firms to be mitigated by firms. This will most likely occur where the risk of misunderstanding and the potential for harm or loss to the consumer is low. Where regulated firms do undertake unregulated activities, as noted in the [Guidance on Securing Customers' Interests](#), the obligation to secure customers' interests applies to a firm in the overall conduct of its affairs. Firms should view good culture and a commitment to securing customers' interests as being central to its relationship with its customers, irrespective of the regulatory status of the product or service in question. Good culture and a commitment to securing customers' interests does not turn on or off depending on the legal or regulatory status of the business that a regulated firm does with its customers.

### Regulatory Perimeter

Individual firms queried whether the requirements would apply to unregulated providers and suggested if they did not, that this would create an uneven playing field for regulated and unregulated providers. It was also suggested by some respondents that certain unregulated products or services should be brought within the regulatory perimeter.



## Response to Feedback

The Central Bank does not set the regulatory perimeter; that is a role for the Oireachtas and EU legislators. For example the Markets in Crypto Assets Regulation (MiCAR) brings issuers of crypto assets and crypto asset service providers within the regulatory perimeter and in scope of the Code.<sup>14</sup>

The Central Bank does not have the legal power to impose requirements on firms outside the regulatory perimeter. However, we do regulate firms within the perimeter who at times undertake both regulated and unregulated activities. The provision of unregulated products and services by regulated firms can result in customers not being aware of the regulatory status of the product and service they are accessing and the risks associated with them. By virtue of the regulatory status of the regulated firm, consumers may assume products are regulated and subject to the protections afforded to regulated products including, for example, access to compensation schemes (such as the Investor Compensation Scheme<sup>15</sup>, or the Deposit Guarantee Scheme<sup>16</sup> in the case of a deposit in a bank), when they are not. The requirements proposed in CP158 seek to mitigate this risk.

## Use of Branding

Stakeholders sought clarity on the use of branding and implications for the use of websites and apps by regulated firms to sell unregulated products.

## Response to Feedback

Firms must ensure that the use of branding does not contribute to the risk that customers will misunderstand an activity to be, or to carry the protections of, a regulated activity where this is not the case. This risk of confusion is increased in particular where a product or service has similar characteristics to a regulated financial product or service.

Consideration should be given to the use of branding on websites and apps and the potential for this to create confusion on the regulatory status of products and services.

The creation by a financial services group of a separate subsidiary for the purpose of undertaking unregulated activities, using the same branding it uses for its regulated

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<sup>14</sup> MiCAR came into force for issuers in June 2024 and for service providers in December 2024.

<sup>15</sup> <https://www.centralbank.ie/consumer-hub/explainers/what-compensation-schemes-protect-consumers-of-authorised-firms>

<sup>16</sup> <https://www.centralbank.ie/consumer-hub/deposit-guarantee-scheme>.

activities, where those unregulated activities have significant potential to cause confusion in the minds of consumers and carry high risk of potential harm, would not reflect a culture or mind-set that seeks to secure the interests of those consumers.

We have updated our [Guidance on Securing Customers' Interests](#) to provide further clarity for firms on how we expect firms to meet the requirements, including in relation to the use of branding.

## 2.6 Frauds and Scams

The sophisticated and multi-dimensional nature of financial frauds and scams requires a co-ordinated ‘whole-of-system’ approach across industry and public sector agencies. Working together with other regulatory authorities within the EU framework and law enforcement agencies in the State, the Central Bank is playing its part to address this growing and significant risk to consumers.



### Overview of Proposals

Customers of financial services are, increasingly, being targeted by sophisticated frauds and scams. To ensure that firms are taking the necessary steps to protect the system and their customers from financial abuse including frauds and scams, we proposed a new Standard for Business in CP158 that will require firms to control and manage their affairs and systems to counter the risks to their customers of financial abuse. This Standard for Business is complemented by Supporting Standards for Business. The Supporting Standards for Business include a requirement for firms to communicate clearly to their customers the risk of financial abuse, including where the firm is aware of the occurrence of digital frauds or scams, the supports available and the actions customers can take where they are a victim of financial abuse.

### General Feedback

Industry and consumer representative bodies welcomed the Central Bank’s proposals and agreed with the Central Bank’s view that a ‘whole-of-system’ approach is needed to combat the risks from frauds and scams. Stakeholders highlighted the importance of enhanced consumer awareness and education initiatives to protect consumers from the risks of frauds and scams. An industry representative body suggested that dedicated support services are set up to support victims of fraudulent activities including with the recovery of financial losses. Enhanced regulatory oversight and enforcement measures were also suggested to hold perpetrators accountable and deter future misconduct. The

importance of protecting consumers against all forms of financial abuse including abuse that can occur in domestic settings was also highlighted.

Some stakeholders flagged potential challenges for firms in implementing the proposed requirements and suggested that firms can only be expected to take reasonable steps to mitigate the risks to their existing customers where they are aware of frauds and scams. Further clarity on some aspects of the proposed requirements to support implementation was also requested.

## Response to Feedback

Reflecting on stakeholder feedback, we have limited the scope of requirements relating to financial abuse to existing customers and provided further clarity in guidance on financial abuse. See section below for further detail.

## Specific Feedback

### Definition of Financial Abuse

CP158 sets out a definition of financial abuse to outline the circumstances where the obligations under the Code will apply. The definition of financial abuse in the Code was strongly welcomed. One stakeholder noted that it was important that ‘financial abuse’ is recognised beyond the firms regulated by the Central Bank and that the Standard for Business on financial abuse should be adopted by other government departments and agencies.

Some stakeholders sought clarity on the scope of the definition and whether specific types of financial abuse were captured under the definition, including, for example, coercive control and financial exploitation by caregivers. A number of industry stakeholders also suggested that the scope of the definition was too broad as they were of the view that making firms responsible for financial abuse of potential consumers was disproportionate.

## Response to Feedback

The introduction of the definition of financial abuse within the Code is an important step forward in ensuring that consumers of regulated financial services have the necessary

protections against financial abuse. The scope of the definition includes but is not limited to frauds and scams. Financial abuse includes domestic scenarios where abuse might be occurring, and which may manifest in inappropriate access to, or attempts to access, a customer's accounts or assets.

The Revised Code also includes requirements to enhance protections for consumers where staff have suspicions that financial abuse is occurring. These include a requirement that firms must ensure that front-line staff can bring such concerns to the attention of someone within the firm who is sufficiently expert, senior and authorised, to take whatever actions can be taken by the firm to seek to prevent detriment or harm to the customer.

Having reflected on stakeholder feedback, we agree that it is disproportionate and impractical to expect firms to apply the financial abuse requirements to future potential customers. We are therefore amending the Standard for Business to clarify that it applies only to consumers to whom the regulated financial service is providing services. As a result of this amendment, firms will not have a duty to protect *potential* consumers from financial abuse.

### Regulated Firms' Register

A number of stakeholders suggested that the accessibility and navigability of the Central Bank's register of regulated firms could be improved to ensure that its potential as a tool to combat fraudulent activity is fully realised.

### Response to Feedback

Informed by this feedback, we will consider how the display and accessibility of the Central Bank register of regulated firms can be improved for users.

### Other Developments

The new requirements in the Code complement current requirements contained in anti-money laundering (AML), countering the financing of terrorism (CFT) and payment services legislation. The application of effective AML/CFT controls (particularly in the

area of onboarding and monitoring) can be helpful or complementary as anti-fraud risk management measures in the operational risk context.

They also take account of ongoing work to enhance the fraud protections within the Irish and EU legislative framework.

### National Developments

Payments, including the issue of payment fraud, has been considered domestically under the National Payments Strategy.<sup>17</sup> The Strategy includes a number of measures to address payment fraud, including the establishment of a cross sectoral, anti-fraud forum (consisting of online platforms, telecommunications firms and financial service providers) to combat fraudsters and the introduction of legislation to facilitate a shared fraud database.

As noted in stakeholder feedback, consumer awareness and understanding is key to empowering consumers to take steps to protect themselves from frauds and scams. The National Financial Literacy Strategy for Ireland was published in February 2025 and as part of our engagement with the Strategy, we will continue to inform consumers on risks within the financial system including on financial frauds and scams. Information on frauds and scams for consumers is available on our [Consumer Hub](#).

### European Developments

Developments at EU level include the proposed enhancement of customer authentication methods to ensure all consumers can use them, facilitating sharing of fraud-related information between firms, and the extension of payment service provider liability for payment fraud in certain circumstances. The Central Bank will continue to engage at European level on the development and implementation of these changes, which will be reflected in proposed revisions to EU Payment Services Regulations.

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<sup>17</sup> <https://www.gov.ie/en/publication/8a89a-national-payment-strategy/>

We also welcome the changes that will be introduced under the Instant Payments Regulation,<sup>18</sup> which will include confirmation of payees via an IBAN checking mechanism for all online payments (this will involve mandatory checks to ensure the IBAN details of payees match the intended payee account names).

### Cross-Agency Response

As set out in CP158 and acknowledged in feedback, it is recognised that closer collaboration and a concerted effort from individual firms across all sectors (financial services and technology firms in particular), the Central Bank and other public authorities, will be important in the prevention of financial frauds and scams. The Central Bank will continue to support initiatives and work with our partners and stakeholders to address financial frauds and scams.

We welcome the establishment of Coimisiún na Meán (CnaM), which has been designated as the Digital Services Coordinator under the EU Digital Services Act (DSA) with responsibility for supervision and enforcement of the DSA and for co-ordinating and co-operating with other authorities that have a role in regulating online content.

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<sup>18</sup> <https://www.consilium.europa.eu/en/press/press-releases/2023/11/07/instant-payments-council-and-parliament-reach-provisional-agreement/>.

## 2.7 Protecting Consumers in Vulnerable Circumstances

Consumers in vulnerable circumstances are more likely to suffer detriment or harm. Firms need to understand the broad nature of vulnerability, and to ensure that their culture, policies and processes take account of the needs of consumers in vulnerable circumstances.



### Overview of Proposals

It is important that firms consider the needs of consumers in vulnerable circumstances. CP158 brought forward proposals to promote better understanding by firms of what vulnerability means and to enhance how firms support consumers in vulnerable circumstances. In line with international thinking, we are amending the definition of ‘consumers in vulnerable circumstances’ to better reflect the dynamic nature of vulnerability, one that recognises that consumers can move in and out of circumstances that make them vulnerable.

Our updated approach is complemented by specific new requirements including the proposed facility for customers to appoint a Trusted Contact Person and proposed requirements on training and reporting. Our [Guidance on Protecting Consumers in Vulnerable Circumstances](#) provides guidance on what this new approach to vulnerability means for firms and how they should approach compliance with their obligations to secure the interests of customers in vulnerable circumstances.

### General Feedback

Feedback from stakeholders broadly supported the Central Bank’s proposed approach to vulnerability. Stakeholders generally considered the updated approach including a new definition, enhanced requirements and guidance, as a positive step forward towards strengthening the protections for consumers in vulnerable circumstances.

However, some respondents sought clarity on specific aspects of the proposals, particularly how some proposals could be applied in the context of data protection



requirements and how the Trusted Contact Person aligned with decision-making representatives under the ADMA.

## Response to Feedback

Reflecting on stakeholder feedback, we have made some updates to the requirements, including refinements to the definition of consumers in vulnerable circumstances and the Trusted Contact Person requirements, along with enhancements to our [Guidance on Protecting Consumers in Vulnerable Circumstances](#).

## Specific Feedback

### Definition of Consumers in Vulnerable Circumstances

The proposed definition of consumers in vulnerable circumstance was broadly welcomed. Some stakeholders provided suggestions on how we could further enhance the definition including a suggestion that it could articulate that vulnerable circumstances may be of a permanent or temporary nature. Others suggested that the definition should reflect adult safeguarding and coercive control, and a number of respondents requested further clarity on the meaning of 'harm' within the context of the definition.

### Response to Feedback

Informed by stakeholder feedback, we have refined the definition of consumer in vulnerable circumstances to reflect that the circumstances that cause vulnerability may be permanent or temporary.

We are also updating our [Guidance on Protecting Consumers in Vulnerable Circumstances](#) to include training on adult safeguarding. This will form part of the recommended modules that should be covered under the staff training requirement under the Code. This will assist in raising awareness amongst staff on the need for safeguarding of adults who may be at risk of financial abuse, harm or exploitation. We have also added guidance to explain the use of the word 'harm' in terms of the relationship between a firm and consumers.

## Trusted Contact Person

Stakeholders generally welcomed the introduction of a Trusted Contact Person acknowledging that it represents a positive support for consumers in vulnerable circumstances. However, some stakeholders expressed concern that there may be a potential risk that the role could be used as a mechanism for financial abuse and coercive control. Respondents also noted the potential for confusion between the role of a Trusted Contact Person and roles provided for under the ADMA such as Co-Decision Makers and Decision-Making Representatives.

## Response to Feedback

Under the proposals set out in CP158, a Trusted Contact Person can be appointed at the request of a customer. The requirements and [Guidance on Protecting Consumers in Vulnerable Circumstances](#) provide important clarity and guardrails around the role and responsibilities of the Trusted Contact Person, which is simply to act as a point of contact should there be any difficulties in communicating with the customer, or where a firm suspects financial abuse including fraud. A Trusted Contact Person has no authority to deal with the affairs of a personal consumer.

In response to stakeholder feedback, we have amended the requirements that regulate the appointment of a Trusted Contact Person. This amendment means that if a firm is aware that a decision-making representative has been appointed in respect of a customer under the ADMA, then they should defer to those arrangements instead of contacting any Trusted Contact Person that had been nominated by that customer. This amendment will ensure that there is clarity for firms on who they should engage with when dealing with customers.

## Disclosure by Customers of Sensitive Information

In the Consultation Paper, we proposed that the information about a customer that suggests they are in vulnerable circumstances should be recorded by a firm with the consent of the customer. This was to ensure that the customer is appropriately treated by all staff at all stages during the customer journey, and that circumstances and personal details would not have to be repeated on multiple occasions by the customer.

Feedback from respondents highlighted a number of challenges with implementation of this requirement. In particular, concerns were raised around provision of consent and potential conflicts with data protection requirements including the retention of sensitive data.

### Response to Feedback

Our aim is to improve the experience of consumers in vulnerable circumstances including those who may wish to communicate their circumstances to financial services firms. We want to ensure that such consumers are assisted in their dealings with firms and, in so far as is possible, do not have to explain what might be difficult circumstances multiple times.

We believe that where firms, and their staff, understand the nature of vulnerability and the drivers of vulnerability, that they will be better placed to assist their customers in vulnerable circumstances. A key element of this is staff training to ensure that staff can identify and consider relevant vulnerabilities in the context of a firm's ongoing relationship with a customer.

Having reflected on stakeholder feedback, we have amended this requirement to provide firms with more flexibility on how they address the many different ways in which vulnerability may present. In meeting this revised requirement, we will expect firms to have processes and systems in place to appropriately record relevant information where it is suitable to do so. Such processes and systems should consider appropriate levels of consent (taking account of individual circumstances) and ensure that information is up to date, not prejudicial and retained only for appropriate periods.

We recognise that effectively supporting consumers in vulnerable circumstances can be challenging for firms. We believe that firms can learn from each other's experiences, and therefore we plan to facilitate workshops for stakeholders to support the sharing of knowledge and experience going forward.

## 2.8 Climate Risk

Consumers increasingly want to make sustainable investments to support climate transition. Firms must ensure that they build trust while meeting customer expectations regarding product integrity. Green and sustainable products must be accurately and fairly represented to customers to avoid the risk of ‘greenwashing.’



To ensure firms appropriately reflect sustainability in the provision of financial products and services to consumers under the Code, we proposed a requirement in CP158 for firms to take account of customers’ sustainability preferences when undertaking suitability assessments. We also proposed a requirement for firms to ensure that their advertising does not mislead customers on a product or service’s sustainability, the ‘green credentials’ of the firm itself, or its business model.

In our [Guidance on Securing Customers’ Interests](#), we also articulated our expectations of firms when providing ‘green’ or ‘sustainable’ products and services to customers, including the importance of clear, concise and understandable disclosures that seek to inform customers, enhance understanding and build overall confidence in the green economy.

### General Feedback

Stakeholders broadly supported the Central Bank’s proposed approach noting it reflected the importance of environmental considerations in consumer decision-making.

Stakeholders also noted the significant development of EU regulations to address climate risk over the past number of years. Respondents highlighted that it is important that the requirements in the Revised Code are considered in this context and seek to complement the broader EU regulatory framework.

Stakeholders highlighted the importance of financial education and awareness campaigns to empower consumers to make informed choices and to reflect their sustainability

preferences in their financial decision-making. Respondents also highlighted the importance of a collaborative effort amongst regulators, individual firms and consumer representative bodies, to address climate risk.

## Response to Feedback

The proposed requirements in the Revised Code seek to ensure customers are protected from 'greenwashing' and that firms take account of customers' sustainability preferences when providing financial products and services. As set out in the consultation paper, we considered the proposals in the context of the developing EU legislative framework, including the ongoing implementation of the SFDR<sup>19</sup>, the Taxonomy Regulation and work being undertaken by the ESAs.<sup>20</sup> The Central Bank will continue to engage with EU authorities as this framework evolves.

In response to feedback, we have developed guidance for firms on how to implement the requirement on consideration of sustainability preferences. See the section below for more detail.

## Specific Feedback

### Sustainability preferences

CP158 included a proposal for suitability assessments to reflect customers' sustainability preferences after consideration of existing suitability criteria (consumers' needs and objectives, personal circumstances, financial situation and attitude to risk).

Some stakeholders asked for further clarity to support firms in implementing this requirement. Respondents also provided suggestions on how the requirements could be further enhanced, including the provision of standardised templates and questionnaires for suitability assessments.

## Response to Feedback

Having reflected on stakeholder feedback, we have developed guidance for firms to support their implementation of the updated requirements on suitability assessments.

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<sup>19</sup> Sustainable Finance Disclosures Regulation.

<sup>20</sup> European Supervisory Authorities: EBA, EIOPA, ESMA.

We have reflected on respondents' suggestions that the Central Bank provide templates and/or questionnaires for suitability assessments. Having considered the cross-sectoral nature of the requirements, we believe it is important that firms consider the most appropriate way for them to implement the requirements in a way that reflects the needs of their own customers and the nature of the products and services they provide.

# Chapter 3:

## Feedback on Additional Policy Proposals

### Consumer Credit

In CP158 we proposed that the Code would apply in full<sup>21</sup> to the provision of indirect credit such as Buy Now Pay Later agreements (BNPL), along with Hire Purchase agreements (HP), Personal Contract Plans (PCP) and consumer hire agreements, to ensure that customers of these credit providers are afforded the same protections as customers of other credit providers. We asked whether specific parts of the Code should be tailored for the providers of indirect credit.

### Feedback

Stakeholders broadly welcomed the Central Bank's proposal to apply the Code in full to BNPL, HP, PCP and Consumer Hire firms. Some respondents highlighted some practical concerns around the implementation of some of the requirements in relation to HP and consumer hire agreements. This feedback highlighted that the unsolicited contact provisions in the Code, which limit personal visits to one visit every six months, may prove challenging for the Consumer Hire and HP sectors. It was noted in the feedback that firms may need to access their asset more frequently to check for depreciation given that ownership of the asset only passes from the firm to the customer at the end of the contract.

### Response to Feedback

Reflecting stakeholder feedback, we are making a change to the proposed regulations so that the existing Code provisions relating to unsolicited contact and personal visits are not applied to Consumer Hire and HP firms. We agree that the owner should retain the ability to inspect their asset and have taken account of existing protections provided under the Consumer Credit Act in relation to consumer hire and hire purchase agreements, which limit firms' ability to make personal visits and phone calls (restricting times, location and contacts).

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<sup>21</sup> Chapter 2 General Principles, Chapter 5 Knowing the Consumer and Suitability and Chapter 9 Advertising have applied to these lending activities since 2022.

## SME Protections

Under the existing Code, the General Principles apply to business done with all customers, including all SMEs. The other chapters of the existing Code apply to consumers, which includes natural persons and certain small businesses.<sup>22</sup>

In CP158, we set out our intention to retain this scope. The majority of the Standards for Business will apply to all customers with which the regulated firm does its business, including SMEs. The Standards for Business addressing securing customers' interests<sup>23</sup> and managing the risks of financial abuse to customers<sup>24</sup> will apply to firms when doing business with individuals and small businesses. The Consumer Protection Regulations will also apply to firms only when doing business with individuals and small businesses.

To ensure that a similar population of small businesses continue to be afforded the protections of the Code as those that were protected when the Code was introduced in 2006, we proposed an update to the threshold in the definition of consumer, to include incorporated bodies with an annual turnover of less than €5m per annum (current threshold is €3m). We also outlined our intention to consolidate the SME Regulations into the Code as part of further work we will undertake to further integrate the Irish consumer protection framework.

## Feedback

A number of stakeholders welcomed the proposed change to the definition of 'consumer' in the Code to include small businesses with an annual turnover of less than €5m.

Stakeholders noted that the proposal recognises the important role small businesses play in the economy, keeps pace with inflationary changes and brings important protections to small firms.

However, some industry representative bodies and individual firms highlighted concerns around the potential administrative burden of the proposed change for regulated firms. A

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<sup>22</sup> Small businesses refer to incorporated bodies with less than €3m turnover in the past year.

<sup>23</sup> Regulation 4(1)(a) of the Central Bank Reform Act 2010 (Section 17A) (Standards for Business) Regulations 2025.

<sup>24</sup> Regulation 4(1)(f) of the Central Bank Reform Act 2010 (Section 17A) (Standards for Business) Regulations 2025.



number of industry representative bodies and State authorities highlighted the different approaches to the definition of small business under the Code and under other financial services legislation. Stakeholders suggested that further consideration be given to ensuring a consistent cross-agency approach. One individual firm suggested that the Code should apply to personal customers only.

In relation to the Central Bank's intention to consolidate the SME Regulations within the Code, one industry representative body suggested that the Central Bank should conduct a full consultation on this before proceeding.

### Response to Feedback

We remain of the view that the threshold should be increased. The existing threshold has been in place since the Code was introduced in 2006 and is due for an update. Increasing the threshold to €5m will ensure that a similar population of small businesses continue to be afforded the protections of the Code over the medium to long term. This change will bring an additional 14,000 firms in scope of the protections of the Code, representing a 4% increase vs the number protected under the existing threshold. We do not believe that frequent reviews of the threshold are warranted. We will periodically consider the threshold over the long term, to ensure that it continues to protect an appropriate cohort of small businesses.

## Insurance

### Requirement for opt-in to auto renewal for certain categories of insurance

In CP143 - Consultation on Proposals to Address Differential Pricing<sup>25</sup>, the Central Bank proposed a requirement for written consent from a consumer prior to entry into an automatic renewal process, i.e. making all insurance automatic renewal 'opt-in'.

In CP158, having considered feedback from the earlier consultation, we proposed requiring written consent for automatic renewal for only some categories of insurance: pet insurance, gadget insurance, dental insurance and travel insurance.

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<sup>25</sup> CP143 – Consultation on Proposals to Address Differential Pricing, closing date 22 October 2021: <https://www.centralbank.ie/publication/consultation-papers/cp143---consultation-on-proposals-to-address-differential-pricing>

## Feedback

While some respondents welcomed the proposal noting how it would empower consumers to actively decide to enter an automatic renewal process, a number of individual firms highlighted potential risks to requiring consumers to 'opt-in' to auto renewal for dental, pet and travel insurance in particular. The risk of lapses in coverage and the possible reapplication of waiting periods were highlighted. The inconsistency in approach across different categories of insurance was also identified as a potential issue, in particular the misalignment between dental and health insurance was noted. The administrative burden on consumers was mentioned in some responses.

## Response to Feedback

The Central Bank has considered the feedback provided and, while noting the reservations of some respondents, we maintain our position that the benefits of introducing an explicit opt-in requirement for gadget, travel, dental and pet insurance products outweigh the potential risks. As set out in CP158, these insurance types are often sold as add-ons to other products or services. There is also an increased risk that the consumer no longer owns the insurance risk, or it has been covered by another insurance policy. The requirement for cover, or suitability of the product, in some cases is also likely to change over time as for example the value of the product (e.g. a gadget such as a smart phone) can decline quickly, and travel plans may change from year to year.

It is also important to note that the proposed measures will not prevent automatic renewal in these categories of insurance, they simply apply an additional step to ensure consumers are fully aware before entering an automatic renewal arrangement. The requirements will apply to new contracts entered into after the requirements take effect.

## Pre-renewal reminder/notification

Recognising the importance of switching in the insurance market and the potential impact that auto-renewal can have on switching activity, we consulted on a proposed new requirement to issue a pre-renewal reminder/notification in respect of insurance products 20 working days ahead of the date on which the full renewal notice is required. This was informed by evidence on the impact of notifications in prompting consumers to

engage with the switching process - identified in Central Bank research on measures to improve the uptake of mortgage refinancing opportunities.<sup>26</sup>

## Feedback

A number of concerns were raised by individual firms and representative bodies in relation to this proposal. The main concern centred on the potential for consumers to be prompted to seek quotes from firms only to find that they cannot obtain quotes at such an early stage, or that quotes provided will have expired by the time their renewal date comes around, as quotes are usually valid for no more than one month. A number of responses also raised concerns around the additional costs involved in issuing the notice, including system, administration, postal and environmental costs.

## Response to Feedback

While the feedback on this proposal has been noted, the Central Bank is cognisant of the importance of encouraging switching to consumers in the insurance sector to support a well-functioning, competitive market.

Research highlights how behavioural biases, including inattention, procrastination and present bias can deter optimal financial engagement by consumers across a broad range of financial products.<sup>27</sup> The field trial undertaken in 2020 by the Central Bank, in partnership with a large retail bank, found that enhanced communications were highly effective in tackling consumers' behavioural biases. The application of enhanced communications, tested on mortgage holders as part of the research, brought about an increase in the probability of mortgage refinancing of up to 76%. The research found that the addition of a reminder communication following an original notification substantially drove an increase in uptake (suggesting that two communications to consumers are more effective than one in encouraging engagement with switching).

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<sup>26</sup> <https://www.centralbank.ie/news/article/targeted-communications-with-mortgage-borrowers-can-help-to-improve-uptake-of-refinancing-opportunities-8-december-2022>

<sup>27</sup> "Do some financial; product features negatively affect consumer decisions? A review of evidence." – Pete Lunn, Féidhlim P. McGowan and Noel Howard / "Procrastination, present-biased preferences, and financial behaviours" Jeffrey R. Brown and Alessandro Previtro (Unpublished Manuscript, University of Illinois at Urbana-Champaign and University of Western Ontario (2014))

It seems clear that behavioural factors also impact optimal financial engagement by consumers with insurance products. These may act as a potential barrier to switching. As noted in the [Guidance on Securing Customers' Interests](#), we expect firms, including insurance firms, to consider how they can apply the learnings from the mortgage refinancing field trial to improve customer communications through enhancements such as simplification i.e. informing customers effectively so they can make optimal decisions in their own interest. Additionally we are of the view that increasing the number of mandatory communications with customers on insurance renewals from one to two can encourage customers to consider switching and take actions to do so, as was the case under the mortgage refinancing field trial.

It is recognised that for many people planning, and more specifically the creation of 'implementation intentions', can help to overcome procrastination on their part.<sup>28</sup> Research shows the use of pre-notifications has been used to good effect for people in other life situations, including to drive higher attendance rates at medical screening appointments.<sup>29</sup> We believe that the provision of an additional pre-notification, of an upcoming insurance renewal, in advance of the existing renewal notice, can help to create implementation intentions whereby consumers will consider if they want to switch and when they do, plan and prepare accordingly.

We acknowledge concerns expressed by industry on consumers seeking premature quotes. The drafting of the notice will be important. Considered drafting can ensure that the purpose of the notification is clear to customers. Clear communication and messaging can direct customers to take the desired action (plan and prepare to switch) and avoid them seeking premature quotes. Additionally the use of digital tools to deliver the notification can significantly reduce the cost impact of this requirement for industry. We understand that, while the use of digital delivery of communication varies across insurance firms, firms are increasingly moving towards digital engagement, where paper-based documentation is not required. While firms continue to engage with some customers through traditional written formats, the majority of communications are now

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<sup>28</sup> Overcoming Procrastination through Planning – Frank Wieber and Peter M. Gollwitzer

<sup>29</sup> The implementation and mechanisms of advance notification for cancer screening: A scoping review – Katelyn E. Collins, Larry S. Myers, Belinda C. Goodwin, Alyssa Taglieri-Sclocchi, Micheal J. Ireland.

delivered digitally with capacity for this to increase further, supported by regulatory recognition of digital formats as a durable medium (including through the Revised Code).

Overall, we believe that in the absence of other proposals to enhancing switching from the consultation process, the additional notification represents a cost-effective, evidence-based measure which should address identified barriers to switching in the insurance market, by encouraging consumers to plan and prepare to switch.

### **Health Insurance – notification to affected consumers on cessation of cover**

While not initially included as a proposal in CP158, we have been prompted by one respondent to include an additional change in relation to health insurance cover.

Currently any individual covered under a health insurance policy but who is not the policy holder, might not be notified in the event of the cancellation of the policy. Recognising that such a scenario could present considerable risks for the consumer, we have introduced a requirement for health insurance providers to notify all affected adults of a cancellation of cover.

## **Miscellaneous/ General Requirements**

### **Handling of errors and complaints**

As outlined in CP158, the Central Bank expects that firms will take ownership and responsibility for error and complaints management. We proposed enhancements to the existing requirements in order to promote better governance over complaints handling processes, including requiring firms to have a system to track and manage complaints and to analyse errors and complaints at least once every six months.

In addition, where a complaint is submitted via a webform, we proposed that a consumer must be provided with an immediate acknowledgment or record of the submission.

Also, given the additional requirement to escalate more significant errors to the board of directors, we proposed removing the requirement for firms to notify the Central Bank of errors which remain unresolved after 40 days.

## Feedback

There was broad support for the removal of the requirement to report complaints not resolved within 40 days to the Central Bank. However, one respondent observed that this could slow down the closure of some complaints.

In relation to the immediate acknowledgement of complaints submitted via webforms, respondents sought clarification on the intention of the requirement. Concerns were also raised in relation to additional associated costs relating to systems changes, processes and staff training, required to implement this requirement.

A small number of responses suggested that analysis of errors and complaints every six months was too frequent. However, other respondents agreed with the six month requirement with some suggesting that this is not frequent enough.

## Response to Feedback

The frequency of analysis of complaints will remain at six months, however, as always, the Central Bank applies the principle of proportionality in terms of the approach to be taken, and we expect that firms will carry out this analysis in a manner appropriate to the nature and scale of their business, and to the volume and complexity of errors and complaints to be analysed. Guidance has also been included in [General Code Guidance](#), to provide more clarity as to what might constitute a 'significant error'.

The intention of the proposed requirement for an immediate acknowledgement of complaints submitted via webforms is that it will apply only where a consumer submits a complaint – under the heading of a complaint – via a specific webform dedicated to that purpose. The language of the regulation has been amended to make the position clearer and the requirement is also now covered in [General Code Guidance](#).

## Retention of records

In response to earlier stakeholder feedback, we proposed in CP158 to clarify the record keeping requirements applicable in cases where a consumer engages with a firm but does not proceed to become a customer, e.g. when seeking an insurance quote, or applying for a

mortgage. We indicated that retention of such data for six years is not necessary or proportionate and that we would require firms to retain such information for 12 months.

### Feedback

The responses to this proposal focused on a concern that in the absence of such records, firms would not be able to appropriately deal with any subsequent query or complaint (including a complaint referred to the FSPO). In relation to insurance data specifically, it was flagged that this information can also be used to counteract the risk of fraud where different information/responses might be provided at a subsequent quote request in order to secure cover and/or a lower premium.

### Response to Feedback

While the concerns raised by some stakeholders on data retention are noted, the Central Bank recognises the importance of protecting the personal data of consumers and of adhering to the principles of data protection, in particular those relating to storage limitation and purpose limitation. We have therefore retained the 12 month retention period. It is for regulated firms to determine whether other legitimate bases exist to retain such data for further periods. The requirement has been amended in order to clarify that it applies only to records created after the commencement of the regulations.

### Instructions to be acknowledged and processed

CP158 proposed a new requirement on regulated financial service providers to acknowledge all instructions from a consumer, or from a person acting on their behalf, no more than three days from the receipt of the instruction. The objective behind this proposal was to provide certainty to a consumer that their instruction had been received.

### Feedback

A number of respondents highlighted the broad range of what might be classed as 'instructions' across various sectors and firms. The additional cost and administrative burden of adhering to the proposed requirement was also highlighted, as was the additional information/documentation flow to consumers that would arise as a result of the requirement.

## Response to Feedback

Having considered the proposal from a cost/benefit perspective, we have concluded that the operational complexity and the associated cost that the requirement could create, are not justified by the potential benefit to consumers. Given this, we are not proceeding with the proposal to require firms to acknowledge instructions within three days of receipt. Firms will continue to be required to process instructions properly and promptly.

## Requirements on ceasing to operate, merging business or transferring regulated activities

CP158 proposed a change to the requirement on firms to provide at least 2 months' notice to affected consumers where they intend to cease operating, merge with or transfer regulated activities to another entity by increasing it to at least six months' notice. This would align with a specific requirement being introduced for credit institutions in line with a RBR recommendation.

## Feedback

While some respondents were supportive of the proposal, there were also a number of concerns raised by individual firms that applying the requirement more broadly was disproportionate. Furthermore, specific examples were highlighted of where the proposal could be problematic to implement with particular difficulties identified in the case of transfers of business within the intermediary sector.

## Response to Feedback

In light of the responses received, and noting the various operational and practical difficulties highlighted for some non-bank entities, we have decided not to proceed with this proposal.



# Chapter 4: Benefits and Costs

## Overview of Assessment

Chapter 4 of CP158 set out our assessment of the overall benefits and costs associated with the proposals set out in CP158 and sought stakeholder views on our assessment. We also sought the views of stakeholders on specific cost impacts associated with the implementation of the proposals.

As noted in CP158, we seek to ensure that the system is one where the interests of the consumers and users of financial services are at its centre, thus optimising levels of trust and confidence, and ensuring optimal success of the system as financial services evolve and transform. In regulating financial services and embedding consumer protection within firms, we want to ensure the market properly serves consumers' financial services' needs. We seek to ensure that our regulation is aligned with a well-functioning financial system, where there is competition and innovation.

## Benefits Assessment

CP158 identified that a modernised Code could deliver the following key benefits:

- Ensure that the domestic consumer protection framework underpins a well-functioning financial services market that fosters high quality competition between sustainably profitable, resilient, well-run firms, providing appropriate levels of availability and choice to consumers;
- Act as a driver and enabler of high quality consumer protection amongst all firms and advance the maturity of the consumer protection regulatory framework through an emphasis on ownership and accountability of firms for the protection of consumers and their role in the securing of positive consumer outcomes;
- Support consumers and firms in harnessing the benefits of change and innovation;
- Provide increased clarity and predictability to firms on their consumer protection obligations through enhanced coherence, consistency and accessibility of the framework;
- Protect consumers from risks and challenges associated with change and innovation;

- Support positive outcomes for consumers through the emphasis on the obligation of firms to secure customers' interests as they pursue their commercial goals, supported through related guidance; and
- Enhance overall levels of trust and confidence in the financial system on the part of consumers and the public in general, so that it fulfils its potential in supporting the Irish and EU economies.

### Feedback on Benefits

Many stakeholders agreed with the key benefits identified in CP158. The important role of the Code, including its role in engendering trust and confidence in the system was acknowledged in feedback and modernisation of the Code was welcomed. There was strong support from many respondents for the proposals on securing customers' interests and supporting customers in vulnerable circumstances, with stakeholders of the view that these could deliver important benefits for consumers. The emphasis in the Revised Code on informing effectively and addressing the risk of frauds, scams and financial abuse were also identified by respondents as positive for consumers.

### Costs Assessment

Alongside the benefits identified in CP158, we also acknowledged that there would be costs associated with the implementation of the proposals set out in CP158. It was noted that in considering costs it was important to recognise that the Revised Code largely reflects existing requirements already applicable to firms in the existing Code while seeking to improve clarity and predictability for firms and consumers. As a result, the proposals do not for the most part involve increasing further the requirements of consumer protection, but rather the Revised Code improves their articulation and makes it easier for firms to be clear about their obligations and how to meet them.

Given this, it was noted that addressing proposed changes and enhancements will largely require firms to enhance and refocus existing approaches and processes - rather than introducing completely new approaches and processes, limiting associated cost implications for firms.

Notwithstanding this, the cost assessment also considered specific incremental costs associated with the implementation of new requirements relating to vulnerability and digitalisation. It was noted that overall it would not be possible for the Central Bank to offer precise, or even reliably approximate figures, describing the costs to firms of the implementation of the Revised Code as these will depend on where the firm is at in their business model transition, and on the maturity of each firm's existing consumer protection risk framework.

### Feedback on Costs

One respondent acknowledged that the proposals set out in CP158 aim to clearly articulate what is required of firms under their existing obligations rather than imposing new burdens. They agreed that the focus will be on refining and refocusing existing processes rather than creating entirely new ones as the Revised Code aligns regulatory consumer protection obligations with the standards responsible firms should naturally adopt for effective risk control, governance and reputation management.

However, it was suggested by other respondents that the proposed changes will require fundamental system overhauls across various areas, leading to substantial implementation costs. It was suggested that many changes will necessitate entirely new processes and systems, creating parallel operational structures that increase complexity and cost.

Respondents also suggested that the proposed changes to the Code should not be viewed in isolation but considered alongside other domestic and European regulatory changes including Outsourcing Guidelines, Operational Resilience Guidelines, Climate Risk Guidelines, the IAF and the Digital Operational Resilience Act (DORA).

Some respondents called for detailed cost assessment, thorough impact assessment and a holistic cost benefit analysis to assess the collective impact of the proposals. It was further suggested that this should be completed prior to proceeding to implementation and that phased implementation could help mitigate the immediate financial burden and operational disruptions (see [Chapter 5: Implementation and Timelines](#) for further detail on feedback on proposed timelines and our implementation approach).

Respondents did not provide quantitative estimates of the costs associated with implementation of the proposals set out in CP158. However, a number of specific requirements were identified in feedback where stakeholders were of the view that associated costs were not justified based on the potential benefits the requirements would provide for consumers. Examples of such requirements included the proposal to require acknowledgement of all customer instructions within three working days and the proposal to reduce the timeframe to notify consumers of an issue affecting their insurance claim from ten days to five. Operational challenges with implementing these requirements were noted with the level of benefit for consumers challenged in feedback. As noted in the section 2.2 of Chapter 2 on digitalisation, respondents also highlighted the impact of requirements for “written consent” across the Code in terms of cost for firms and convenience for consumers.

## Response to Feedback

We welcome the positive feedback on benefits. The level of stakeholder ‘buy-in’ is encouraging and demonstrates a commitment across stakeholders to protect consumers.

As noted in CP158, we acknowledge the importance of sustainably profitable firms to a well-functioning market. Recognising this and the fact the costs associated with application of requirements are generally passed on to consumers, we are of the view that consumer protection frameworks should be proportionate in terms of achieving the outcome sought, without being unduly burdensome or costly.

Having considered feedback, we have made a number of changes which are targeted at addressing areas where it has been identified that the benefits associated with a number of specific requirements do not justify associated costs. These include the following changes:

- Written consent – we have reviewed all instances where the Revised Code requires written consent and removed a number of these. We have also clarified in guidance that where written consent is required, that it can be provided via digital channels including e-mail.

- As set out in section 2.7 of Chapter 2 on Protecting Consumers in Vulnerable Circumstances, we have amended the proposed requirement on firms to record information on customers in vulnerable circumstances. This reflects the potential implementation challenges identified in feedback.
- We are not proceeding with the proposal to reduce the timeframe to notify consumers of an issue affecting their insurance claim from ten days to five.
- We are not proceeding with the proposed requirement to issue an acknowledgement within three days of receiving instructions and will instead retain the current requirement on firms to process instructions properly and promptly.
- As set out in section 2.2 of Chapter 2 on Digitalisation, we are amending our proposal on pause features for online transactions so that they will only apply where the risk of consumers entering into transactions that may be unsuitable due to the speed and ease of the online process is high. We are also not proceeding with the proposed requirement for firms to apply appropriate filtering of information where more than three financial products are offered.
- As set out in the section of Chapter 3 on retention of records, the requirement to retain records for 12 months where a consumer engages with a firm but does not proceed to become a customer, will only apply to records created after the commencement of the regulations.
- We are also clarifying that, where we are introducing text changes in warning statements, firms will not be expected to change all their warnings at commencement of the Revised Code - but that they should make such changes as part of the next scheduled update.

### Impact on innovation and competition

The financial system needs to be able to harness the benefits of innovation while also managing and mitigating associated risks. Within that context, we aim to anticipate and support innovation in financial services, on a basis that serves the evolving needs of households and businesses into the future. This aim has underpinned our approach to the Code Review.

The requirements being applied under the Revised Code are focused on maintaining appropriate levels of consumer protection as financial services evolve and transform. Rather than representing a barrier to innovation from incumbents and new entrants, we believe that consumer protection is key to maintaining trust and confidence in the financial system, which is fundamental to there being a well-functioning market.

All participants in the system have a role to play in maintaining this trust and confidence and we believe that the Revised Code provides a clear roadmap for financial services firms on what their consumer protection obligations are and how they can meaningfully adhere to these obligations in practice. In doing so, we are seeking to contribute to a regulatory context in which positive innovation can support a vibrant competitive financial services market that serves the needs of consumers and the economy.

Overall, it is important that the potential benefits of innovation for consumers, businesses and society can be realised, while appropriate standards are met by firms, with risks effectively managed and mitigated, in order to protect consumers and their funds, and the broader economy.

## Conclusion

Benefits and costs must be viewed from the perspective of consumers, industry, the financial services market and financial system as well as the economy. Taking account of the feedback provided and the changes we have made in response to feedback, our overall consideration of cost-benefits indicates that the benefits strongly outweigh incremental cost impacts of introducing a Revised Code.

Our proposals are grounded in the objective to bring enhanced clarity and predictability to the area of consumer protection: to support a well-functioning financial services market; to reflect and articulate effectively the developments in consumer protection of recent years; to enhance the coherence, consistency and accessibility of the framework; and to support firms to pursue their commercial objectives in a manner that places their customers' (and potential customers') interests at the heart of their culture, strategy, business model and decision-making.

At the core of our proposals is a desire to support firms to pursue their commercial objectives (including sustainable profitability to support a well-functioning financial services market) in a way that reflects a customer-focused mind-set where firms proactively take ownership of, and responsibility for, consumer issues. This has underpinned our approach to the Code.

A Revised Code is required to support firms to better meet their consumer protection obligations and play their role in contributing to a well-functioning financial services system, so crucial to the broader functioning of the economy. This is key to underpinning trust and confidence in the financial system as it evolves, which is essential for a well-functioning market, where appropriate levels of competition, supported by transparency and disclosure, drive fair price formation and availability and choice for consumers.

## Chapter 5: Implementation and Timing

In CP158, we proposed a 12-month period from the date of publication of the final updated Code for firms to implement the requirements.

### Stakeholder Feedback

A number of stakeholders, including industry and consumer stakeholder groups, other regulators, State bodies and individual firms, supported the proposed implementation period recognising the importance of updating and modernising the Code as quickly as possible. However, a number of industry stakeholder groups and individual firms proposed extending the implementation period to ensure that firms have sufficient time to implement the changes effectively. Stakeholders also made suggestions on how the Central Bank can support implementation including by hosting implementation workshops for industry.

### Central Bank response

Our approach to implementation seeks to balance the need to maintain momentum on introducing the Revised Code to protect consumers and consumers in vulnerable circumstances, and allowing appropriate time for firms to ensure high quality and consistent implementation. Having reflected on stakeholder feedback, we consider that the proposed 12-month implementation period ensures that the updated protections for consumers are introduced without any undue delay while also allowing an appropriate implementation period for firms (bearing in mind the Revised Code in large part builds on the existing Code which already applies to firms).

### Approach to implementation

We expect firms to take a proactive approach to implementation. While we understand that some of the changes may take time to implement, some firms may be in a position to implement some of the changes at an earlier stage and we would encourage firms, if they can do so, to adopt these changes as soon as it is feasible to do so.



## Implementation Supports

To support implementation we are publishing a range of supporting materials, including guidance, a mapping tool and a table of changes made to the regulations since the Public Consultation. We will continue to engage with stakeholders during the implementation period to support effective implementation of the Revised Code.

## Guidance

Alongside the publication of the regulations, we have published guidance to support firms in implementing the requirements. This includes the final [Guidance on Securing Customers' Interests](#) and [Guidance on Protecting Consumers in Vulnerable Circumstances](#), and updated [General Code Guidance](#). The [General Code Guidance](#) provides guidance for firms to support implementation of the broader requirements of the Revised Code. This guidance incorporates and updates the existing Code guidance, as well as including new guidance on the changes under the Revised Code that has been informed by feedback received during the consultation process.

## Digital tools

We have enhanced the presentation of the Code on our website using digital tools to enable users to more easily navigate the regulations and supporting resources. We have also provided a guide to the Code outlining the scope of the requirements, a contents outline, and a mapping tool which maps the existing requirements of the Code to the updated Code, to provide clarity to firms and practitioners on the changes that we have introduced.

## Engagement

During the implementation period, we will continue to engage with industry to support the implementation of the requirements through bilateral engagements and workshops on specific areas, such as industry approaches to supporting customers in vulnerable circumstances. We will also retain the Code Review mailbox ([codereview@centralbank.ie](mailto:codereview@centralbank.ie)) to receive queries on the Revised Code from stakeholders during the implementation period.

## Support for Consumers

In addition to supports for industry, we are also focused on providing supports for consumers. We have updated the supports available on the Central Bank's Consumer Hub, to inform consumers on potential risks and the protections that are in place for consumers when accessing financial products or services.

In advance of the final implementation date for the Revised Code, we will publish A Consumers' Guide to the Consumer Protection Code, which will set out in easy-to-read terms the protections in place for consumers and what their responsibilities are when dealing with financial services firms.

## Further Work

The Central Bank will consider further changes to the Code arising from ongoing policy developments at a domestic and European level. For example, the anticipated changes under domestic and EU legislation relating to access to key services such as access to cash, the EU's Retail Investment Strategy (RIS), the evolution of the EU Payment Services Framework, and the EU AI Act implementation.

To ensure that all consumers are afforded the same protections, we also intend to progress consultation on the full application of the Code to credit unions; this consultation is expected to commence in the second half of 2025.

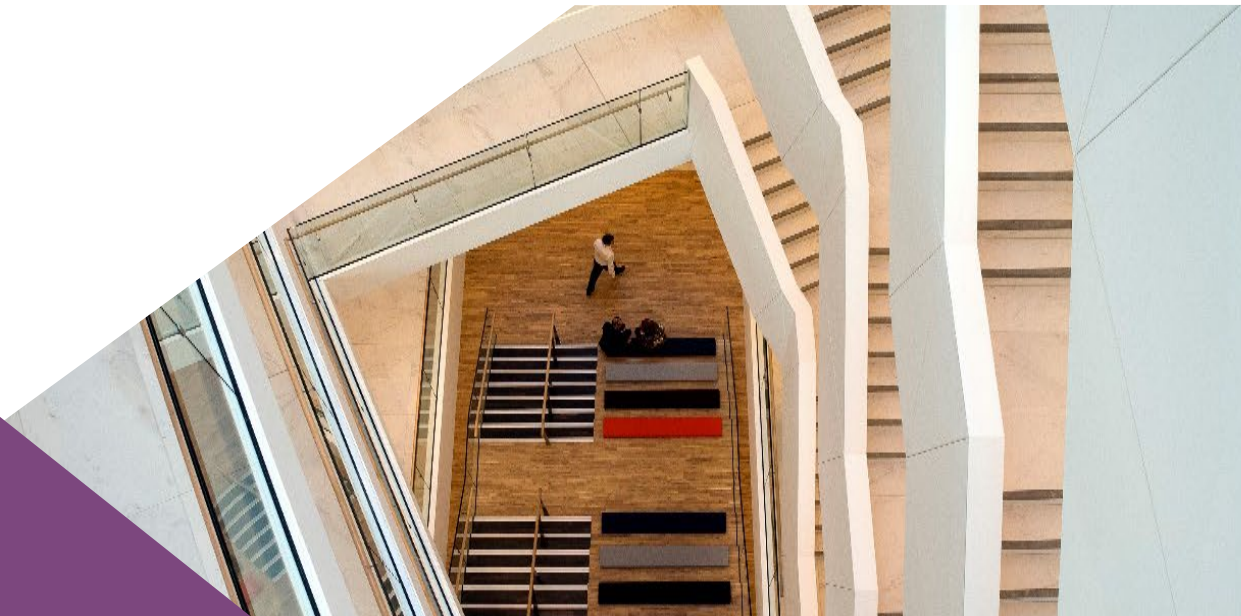
We will also undertake further work in a number of areas referenced in the RBR recommendations. This will include further work in the area of payment account switching and mortgage switching which will be informed by our ongoing industry engagement.

## **Annex 1: Table of Changes Post-Consultation**

## **Annex 2: Central Bank Reform Act 2010 (Section 17A) (Standards For Business) Regulations 2025 (S.I. No. 80 of 2025)**

## **Annex 3: Central Bank (Supervision and Enforcement) Act 2013 (Section 48) (Consumer Protection) Regulations 2025 (S.I. No. 81 of 2025)**

## **Annex 4: Guidance**



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