

**Notification Form for Credit Servicers Passporting Out Credit Servicing Activities**

**Under Regulation 14(2) of the *European Union (Credit Servicers and Credit Purchasers) Regulations 2023* (S.I. 644 of 2023)**

**June 2024**

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

**BACKGROUND INFORMATION**

The *European Union (Credit Servicers and Credit Purchasers) Regulations 2023* (S.I. 644 of 2023) (“2023 Regulations”) was signed by the Minster for Finance on 21 December 2023 giving effect to *Directive (EU) 2021/2167 of the European Parliament and of the Council of 24 November 2021 on credit servicers and credit purchasers* (“the Directive”). The 2023 Regulations came into operation on 30 December 2023.

According to Regulation 14(1) of the 2023 Regulations, a credit servicer, who is currently authorised by a competent authority in an EU Member State, as defined by Regulation 3(1) of the of the 2023 Regulations, may provide its credit servicing activities, that are covered by that authorisation, in another EU Member State on a passporting basis. This is subject to the credit servicer complying with the relevant national laws giving effect to the Directive in the host Member State(s) which the credit servicer intends to passport its credit servicing activities. Regulation 14(2) sets out the information the notifying credit servicer (“the firm”) must provide to the Central Bank of Ireland (“Central Bank”) when advising of its intention to passport its credit servicing activities to a host Member State. The categories of information sought are listed in the below Notification Form. The completed form must then be submitted to the Central Bank by e-mail to csf-rcf@centralbank.ie.

**BRANCH MANAGER (*if establishing a Branch*)**

The role of a Branch Manager of a branch established in other Member States is listed as a Pre-Approval Controlled Function[[1]](#footnote-1) (PCF-16) under Schedule 2, Part 1 of the *Central Bank Reform Act 2010 (Sections 20 and 22) Regulations, 2011 (as amended)*. Therefore, if the firm intends to establish a branch in another EU Member State, and the business arising from that branch amounts to 5% or more of (*as applicable*) the assets or revenues of the firm, an Individual Questionnaire (“IQ”) **must be submitted**, as part of this notification, in respect of the proposed Branch Manager (PCF-16), via the Central Bank’s Online Portal. See further information on the PCF-16 role [**here**](https://www.centralbank.ie/docs/default-source/regulation/how-we-regulate/fitness-probity/communications-publications/pcf-16-information-note.pdf?sfvrsn=4cf7621a_2).

**NOTES ON COMPLETION**

1. Please do not complete this Notification Form until you have read and are familiar with the 2023 Regulations,in particular Regulation 14 thereof.
2. This Notification Form must be completed by the firm in **typed format** and submitted by email to csf-rcf@centralbank.ie.
3. The firm must answer all questions asked, provide all information requested and sign the declaration before the application can be considered. In the event that a question does not apply, please write ‘**not applicable’** or **‘none’** (*as appropriate*) and provide an explanation as to why this is considered to be the case. **Do not leave any blank spaces**. **Incomplete applications will be returned to the firm who will be advised that the notification does not contain sufficient information.**
4. In addition, if applicable, the firm must ensure that it has submitted a fully completed PCF-16 IQ in respect of the proposed Branch Manager of a branch established in another Member State on the Central Banks’s Online Portal, in order for the notification to be communicated to the firm’s chosen host Member State(s).
5. If insufficient space has been provided for a reply or if the answer is requested on a separate sheet, the firm can provide that information on a separate sheet and refer to it in the space provided for the answer. Please ensure that any sheets are clearly marked with the name of the firm and reference to the appropriate question.
6. In respect to any question that requires a ‘**YES’** or ‘**NO’** response, please ensure that the appropriate answer is highlighted accordingly, i.e. by deleting the response that is not relevant.
7. Further information or clarification may be requested from the firm (having regard to the replies provided with its application) for the purpose of considering and assessing an application.

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| **Please note that only relevant up to date information should to be included in this Notification Form. The firm must notify the Central Bank promptly if there are any subsequent changes to the information provided below and supply any other relevant information which may become known in the period after submitting this notification form to the Central Bank.** |

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| **Section 1 – Notification Form** |

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| **Information to be provided by the firm** | **Response provided by the firm** |
| 1. Full legal name of the firm
 | [Type Answer] |
| 1. Trading Name(s) of the firm
 | [Type Answer] |
| 1. Home Member State of the firm
 | [Type Answer] |
| 1. Name of the competent authority of the firm’s home Member State
 | [Type Answer] |
| 1. Date of receipt by the competent authority of the home Member State of the complete and accurate application from the firm
 | [Type Answer] |
| 1. The firm’s authorisation number, as assigned by the above-mentioned competent authority
 | [Type Answer] |
| 1. The firm’s Legal Entity Identifier (LEI) (*if available*)
 | [Type Answer] |
| 1. The address of the firm’s head office
 | [Type Answer] |
| 1. The host Member State(s) in which the firm intends to provides services
 | [Type Answer] |
| 1. The address of the firm’s proposed branch in the above mentioned host Member State(s) (*if establishing a branch*)
 | [Type Answer] |
| 1. Confirm the date on which the firm was authorised in the home Member State under the 2023 Regulations
 | [Type Answer] |

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| 1. Details of person within the firm who shall be responsible for this notification process:
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| 1. Name of the nominated person
 | [Type Answer] |
| 1. Email address of the nominated person
 | [Type Answer] |
| 1. Telephone number of the nominated person
 | [Type Answer] |

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| 1. Please provide the below details of the person whom the firm is nominating to fulfil the PCF-16 role, i.e. the person responsible for the management of the branch OR provide details of the person who will be responsible for managing the provision of credit servicing activities in the host Member State:
 |
| 1. Name of the nominated person
 | [Type Answer] |
| 1. E-mail address of the nominated person
 | [Type Answer] |
| 1. Telephone number of the nominated person
 | [Type Answer] |
| 1. Person is fulfilling a PCF-16 role
 | [Yes/No] |

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| 1. General customer service contact details (e-mail address/telephone number/web form/postal address) (*as applicable*) to be displayed on public registers:
 |
| [Type Answer] |

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| 1. Contact details of the firm’s customer complaints department (e-mail address/telephone number/web form/postal address) *(as applicable)* to be displayed on public registers:
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| [Type Answer] |

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| 1. Please confirm which of the below credit servicing activities[[2]](#footnote-2) the firm intends to carry out:
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| 1. Collect or recover from the relevant borrower, in accordance with national law of the host Member State(s), any payments due relating to a creditor’s rights under a credit agreement or to the credit agreement itself;
 | [Yes/No] |
| 1. Renegotiate with the borrower, in accordance with the national law of the host Member State(s), any terms and conditions related to a creditor’s rights under a credit agreement, or of the credit agreement itself, in line with the instructions given by the credit purchaser, where the credit servicer is not a credit intermediary;
 | [Yes/No] |
| 1. Administer any complaints relating to a creditors’ rights under a credit agreement or to the credit agreement itself;
 | [Yes/No] |
| 1. Inform the borrower of any changes in interest rates or charges or of any payments due related to a creditor’s rights under a credit agreement or to the credit agreements itself.
 | [Yes/No] |

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| 1. Confirm if the firm is satisfied it has appropriate means to communicate in the language of the host Member State(s) or in the language of the credit agreement(s).
 | [Yes/No] |

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| 1. Confirm if the firm is authorised to receive and hold funds from borrowers.
 | [Yes/No] |

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| 1. If already known, confirm the Member State where the credit was granted:
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| [Type Answer] |

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| 1. A short description of the measures taken to adapt the firm’s
2. internal procedures,
3. governance arrangements, and
4. internal control mechanisms,

in order to ensure its compliance with the laws applicable to a creditor’s rights under a credit agreement or to the credit agreement itself. |
| 1. **INTERNAL PROCEDURES**

[Type Answer]1. **GOVERNANCE ARRANGEMENTS**

[Type Answer]1. **INTERNAL CONTROL MECHANISMS**

[Type Answer] |

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| 1. A short description of the firm’s anti-money laundering and counter terrorist financing procedures, as per the relevant national laws given effect to Directive (EU) 2015/849 (*on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing*) in the host Member State(s) which the firm intends to passport its credit servicing activities into (*as indicated above*).
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| [Type Answer] |

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| **Section 2 – Declaration** |

**Please note that at least two directors, including the Chief Executive/Managing Director, must sign the below Declaration. Original signatures are required.**

We,the undersigned**,** in our capacity as directors of **[Insert full legal name of the firm]** (“the firm”),hereby notify the Central Bank of Ireland (“Central Bank”) of the firm’s intention to passport out its credit servicing activities, as per Regulation 14 of the *European Union (Credit Servicers and Credit Purchasers) Regulations 2023* (“2023 Regulations”), on the basis of the information supplied in this notification form and any additional information supplied to the Central Bank in the course of the said notification process.

We, the undersigned directors of **[insert full legal name of the firm]**, have read, understood and accept the relevant terms of the said 2023 Regulations, and shall adhere to said relevant provisions. We acknowledge that the firm’s anti-money laundering and countering the finance of terrorism (AML/CFT) controls have been formulated to comply in full with the relevant Irish and EU legislation.

We, the undersigned directors of **[insert full legal name of the firm]**, acknowledge that the Central Bank may disclose information in the performance of its statutory functions, or otherwise, as may be specifically authorised by law.

We, the undersigned directors of **[insert full legal name of the firm]**, declare that we have truthfully and fully answered the relevant questions in this Notification Form and disclosed any other information which might reasonably be considered relevant for the purpose of this Notification Form.

We, the undersigned directors of **[insert full legal name of the firm]**, shall promptly notify the Central Bank of any changes to the information we have provided above and shall supply any other relevant information which may become known in the period after submitting this notification to the Central Bank.

We, the undersigned directors of **[insert full legal name of the firm],** confirm that we are authorised to make and sign this notification on behalf of **[insert full legal name of the firm]**.

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| **Dated this [date in words]** | **day of[month]** | **[year]** |
| **Signed:** **Name (Block capitals):** **Position:**  |
| **Signed:****Name (Block capitals):****Position:**  |
| **For and on behalf of**: **[Insert full legal and, if relevant, trading name(s) of the applicant]** |



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[www.centralbank.ie](http://www.centralbank.ie)

1. Pre-Approval Controlled Functions means those functions set out in Schedule 2 of the *Central Bank Reform Act 2010 (Sections 20 and 22) Regulations, 2011 (as amended)*. [↑](#footnote-ref-1)
2. As defined under Article 3(9) of the Directive. [↑](#footnote-ref-2)