

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

**Under Regulations 20(3) and 26 of the European Communities (Electronic Money) Regulations 2011 (as amended)**

**January 2018**

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

**Terms used in this Notification Form:**

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

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

**Central Bank** – Central Bank of Ireland

**EBA** – European Banking Authority

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

**BACKGROUND INFORMATION**

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

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

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

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

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

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

**NOTES ON COMPLETION**

1. **Please do not complete this notification form until you have read and are familiar with:**
2. The European Communities (Electronic Money) Regulations 2011 (as amended), including Regulation 20(3) and Regulation 26 thereof;
3. The European Union (Payment Services) Regulations 2018;
4. [Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015L2366&from=EN) on Payment Services in the Internal Market; **and**
5. The [Regulatory Technical Standards](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R2055&qid=1512722363061&from=en) for the cooperation and exchange of information between competent authorities relating to the exercise of the right of establishment and the freedom to provide services of payment institutions and e-money institutions.
6. **This Notification Form must be completed by the applicant in typed format and submitted by email to the Central Bank at least 3 months in advance of any proposed appointment of a distributor. Application documentation should be submitted by email to** [bpdnotifications@centralbank.ie](mailto:bpdnotifications@centralbank.ie)**. The use of unsecured email is not recommended for sensitive or confidential material.**
7. The applicant must answer all questions asked and provide all information or documentation requested before the application can be considered. In the event that a question does not apply, please write ‘**not applicable’** or ‘**none’** as appropriate and provide an explanation as to why this is considered to be the case. Do not leave any blank spaces. **Incomplete applications will be returned to the applicant who will be advised that the application does not contain sufficient material to be progressed to the assessment phase of the application process.**
8. Where an applicant is required to provide ‘confirmation’, a tick (‘✓’) placed in the relevant box will be taken as a confirmation.
9. If insufficient space has been provided for a reply or if the answer is requested on a separate sheet, the applicant should provide that information on a separate sheet and refer to it in the space provided for the answer. Please ensure that any sheets are clearly marked with the name of the applicant and referenced to the appropriate question.
10. Any questions that have a ‘**YES’** and a ‘**NO’** box should be completed by the applicant accordingly.
11. Further information or clarification may be requested from the applicant (having regard to the replies furnished with its application) for the purpose of considering and assessing an application.
12. The Central Bank may process personal data provided by you in order to fulfil its statutory functions or to facilitate its business operations. Any personal data will be processed in accordance with the requirements of data protection legislation. Any queries concerning the processing of personal data by the Central Bank may be directed to [dataprotection@centralbank.ie](mailto:dataprotection@centralbank.ie). A copy of the Central Bank’s Data Protection Notice is available at [www.centralbank.ie/fns/privacy-statement](http://www.centralbank.ie/fns/privacy-statement).

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

**ANNEX IV**

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

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| --- | --- | --- |
|  | **Information to be provided by Applicant** | **Response Provided by Applicant** |
| 1) | Home Member State |  |
| 2) | Host Member State in which e-money services are to be provided |  |
| 3) | Name of the competent authority of the Home Member State |  |
| 4) | Date of receipt by the competent authority of the Home Member State of the complete and accurate application from the e-money institution | DD/MM/YY |
| 5) | Type of application | ☐ First application  ☐ Change to previous application  ☐ Additional distributors  ☐ Distributor deactivation |
| 6) | Nature of the application | ☐ Right of establishment  ☐ Freedom to provide services, based on the following circumstances:  ………. |
| 7) | Name of the e-money institution |  |
| 8) | Head office address of the e-money institution |  |
| 9) | Unique identification number of the e-money institution in the format of the Home Member State as specified in Annex I of the RTS (where applicable) |  |
| 10) | Legal Entity Identifier (LEI) of the e-money institution (where available) |  |
| 11) | Home Member State authorisation number of the e-money institution (where applicable) |  |
|  | **Information to be provided by Applicant** | **Response Provided by Applicant** |
| 12) | Contact person within the e-money institution |  |
| 13) | Email of the contact person within the e-money institution |  |
| 14) | Telephone number of the contact person within the e-money institution |  |
| 15) | Distributor details:  a. **If legal person**:   1. Name 2. Registered Address(es) 3. Unique identification number in the format of the Member State where the distributor is located as specified in Annex I of the RTS (where applicable) 4. Legal Entity Identifier (LEI) of the distributor (where available) 5. Telephone number 6. Email 7. Name, place and date of birth of legal representatives   b. **If natural person**:   1. Name 2. Registered Business Address(es) 3. Unique identification number in the format of the Member State where the distributor is located as specified in Annex I of the RTS (where applicable) 4. Legal Entity Identifier (LEI) of the distributor (where available) 5. Telephone number 6. Email |  |
| 16) | |  |  | | --- | --- | | Electronic money services to be provided by the distributor |  | | ☐ Distribution  ☐ Redemption of electronic money |
| 17) | Description of the internal control mechanisms that will be used by the e-money institution/distributor in order to comply with the obligations in relation to the prevention of money laundering and terrorist financing under the relevant Irish and EU legislation. |  |
|  | **Information to be provided by Applicant** | **Response Provided by Applicant** |
| 18) | In case of outsourcing of operational functions of e-money services:   1. Name and address of the entity to which operational functions are to be outsourced 2. b. Contact details (email and telephone number) of a contact person within the entity to which operational functions are to be outsourced 3. Type and exhaustive description of the operational functions outsourced |  |

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| **Declaration** |

**[Insert full legal name of applicant]** applies for the registration of [**insert full legal name of proposed distributor(s)]** as a distributor under Regulations 20(3) and 26 of the European Communities (Electronic Money) Regulations 2011 (as amended), on the basis of information supplied with this application and any additional information supplied to the Central Bank in the course of the application process.

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

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

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

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

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

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

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

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