

Guidelines on Electronic Money Directive Passport Notifications

Implementation on 30 April 2011
[revised 2013]

DISCLAIMER:

These Guidelines were initially drafted in 2011 by an ad hoc working group – the EMD Passporting Liaison Group – composed of representatives of a number of competent authorities in Member States responsible for the authorisation/supervision of e-money institutions, and submitted afterwards to both the EMD Transposition Working Group and the Payments Committee for information and discussion. The Guidelines were subsequently reviewed by another working group in 2013, drawing on the practical experiences of competent authorities' use of the initial draft of the Guidelines.

While the use of the Guidelines is voluntary, all competent authorities appointed under Directive 2009/110/EC are strongly encouraged to use them for passport notification purposes.

While the Commission Services participated only as an observer in these working groups, it is considered appropriate to make these Guidelines available on the relevant area of the Commission's website for easy access and transparency for any stakeholder. This document, however, does not prejudge the position that the Commission might decide to take on the same matters if developments, including Court rulings, were to lead it to express its views. Nor does it prejudge the interpretation that the Court of Justice of the European Communities might have on these matters.

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INTRODUCTION

These Guidelines provide a framework for the co-operation of competent authorities with regard to the implementation of the passport notification provisions of the Electronic Money Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 (hereafter referred to as 'the Directive').

In accordance with Article 3(1) of the Directive, the relevant provisions of Directive 2007/64/EC, in particular Articles 10(9), 17(7) and 25, apply *mutatis mutandis*.

In recognition of the need to co-operate and exchange information to ensure an efficient passport notification process for electronic money institutions (hereafter 'e-money institutions') competent authorities are strongly encouraged to use these Guidelines for passport notification purposes.

Competent authority for the purposes of these Guidelines means any authority designated by any EEA State as responsible for the authorisation and/or prudential supervision of e-money institutions in their territory, in accordance with Article 20 of Directive 2007/64/EC.

In these Guidelines, references to a 'distributor' mean a natural or legal person acting on behalf of an e-money institution and which is engaged by that e-money institution to distribute and/or redeem, electronic money in another Member State (as set out in Article 3(4) of the Directive).

These Guidelines comprise the following:

- i. the standard notification form for freedom to provide services (Annex 1)
- ii. the standard notification form for branch establishment (Annex 2)
- iii. the standard notification form for the initial engagement of an agent in a host Member State (Annex 3)
- iv. the standard notification form for engagement of additional agents located in a host Member State (Annex 4)
- v. the standard notification form for engagement of a distributor located in a host Member State (Annex 5)
- vi. The Standard notification form for engagement of additional distributors located in a host Member State (Annex 6)
- vii. The list of competent authorities for notification purposes (Annex 7)
- viii. the list of national public registers for e-money institutions, their agents and branches (Annex 8)

PART I – General Considerations

1.1. General aims

In accordance with Article 10(9) of Directive 2007/64/EC, an e-money institution may provide the activities covered by its authorisation throughout the EEA, either through the exercise of the right of establishment or the freedom to provide services, including by engaging an agent (with the exception of issuing electronic money). In accordance with Article 3(4) of the Directive, an e-money institution may distribute and/or redeem electronic money in another Member State by engaging a distributor. Competent authorities consider that the adoption of the Directive makes necessary a deepening of their co-operation. In determining these rules of behaviour, the competent authorities intend to uphold practical, pragmatic co-operation between national administrative services for the purpose of:

- better facilitating the passport notification process for e-money institutions operating within the EEA; and
- Overcoming any practical difficulties which may arise in the application of the Title II provisions of the Directive and Directive 2007/64/EC.

1.2. Co-operation between competent authorities

Co-operation between competent authorities, as a result of the provisions of the Directive and Directive 2007/64/EC, in particular Articles 17, 24 and 25 of 2007/64/EC, should lead to genuine dialogue between those authorities with a view to promoting a system of notification within the EEA which is as efficient and harmonised as possible.

In this regard, each competent authority should designate a contact point – individual person or relevant department – responsible for the co-ordination of passport notifications, and whose contact details shall be made available to the other authorities (set out in Annex 7 to these Guidelines).

1.3. Mutual assistance and confidentiality

Competent authorities shall provide each other with the fullest mutual assistance in any matters falling within the scope of these Guidelines in accordance with Articles 17, 24 and 25 of Directive 2007/64/EC. When receiving confidential information under these Guidelines, they shall treat it in accordance with the professional secrecy provisions under Article 22 of Directive 2007/64/EC.

1.4. Scope

These Guidelines deal exclusively with notifications in respect of e-money institutions in line with Articles 5, 17 and 25 of Directive 2007/64/EC – by virtue of Articles 3(1), 3(4) and 3(5) of the Directive – and do not extend to the method and means of supervision of e-money institutions operating on a cross border basis.

These Guidelines do not deal with the definition or characteristics of the right of establishment and the freedom to provide services.

1.5. Harmonisation of documents used

The competent authorities acknowledge that the analysis of the situation of e-money institutions in their respective Member States calls for a variety of methods and practices respecting the fully harmonised provisions of Title II of the Directive, and Title II of Directive 2007/64/EC. The exchange of best practice would be improved by means of a common terminology and harmonisation of passport notification documents within the scope allowed by national legislation implementing the Directive.

1.6. Update of these Guidelines

Where appropriate, these Guidelines will be periodically updated by the Secretariat of the EMD Passporting Liaison Group, located at the Financial Conduct Authority (UK), on the basis of the information received from the competent authorities, to reflect any changes in the content of Annexes 7 and 8.

The updated Guidelines will be also sent to the European Commission, on a periodic basis, to be made available on the relevant area of its website.

PART II – Services of e-money institutions: notifications

2.1 Exercise of the right of establishment

2.1.1 Contents of the notification made by the competent authority of the home Member State to the competent authority of the host Member State in relation to the establishment of a branch.

Article 25 of Directive 2007/64/EC, by virtue of Article 3 of the Directive, requires an e-money institution wishing to establish a branch in another Member State to communicate the following information to the competent authority in its home Member State:

- the host Member State in which the e-money institution intends to issue electronic money, or carry out payment services activities;
- the name and head office address of the e-money institution;
- the electronic money issuance or payment services activities it intends to provide in the host Member State (where applicable);
- the address of the proposed branch;
- the names of those responsible for the management of the proposed branch;
- the organisational structure of the proposed branch (including any additional locations in the host state); and
- a description of the internal control mechanisms that will be used in order to comply with the obligation in relation to money laundering and terrorist financing under directive 2005/60/EC

Annex 2 of these Guidelines sets out the standard template that should be transmitted to the competent authority of the host Member State in case of establishment of a branch in a host Member State.

2.1.2 Contents of the notification made by the competent authority of the home Member State to the competent authority of the host Member State in relation to the engagement of an agent located in the host Member State

In accordance with Article 3(5) of the Directive, and having followed the requirements of Article 17(1) of Directive 2007/64/EC, if an e-money institution wishes to carry out payment services activities in another Member State by engaging an agent the competent authority of the home Member State shall provide to the competent authority of the host Member State:

- the name and head office address of the e-money institution;
- the name and address of the agent;
- the kind of payment services activities the agent intends to provide in the host Member State (and whether it is intended that the agent will also distribute or redeem electronic money) on behalf of the e-money institution;
- the names of those responsible for the management of the proposed agent(s) and confirmation that they have been assessed as fit and proper (article 17(1)(c) of Directive 2007/64/EC); and
- a description of the internal control mechanisms that will be used by agents in order to comply with the obligations in relation to money laundering and terrorist financing under directive 2005/60/EC article 17(1)(b) of Directive 2007/64/EC).

Annex 3 of these Guidelines sets out the standard template that should be transmitted to the competent authority of the host Member State in case of initial engagement of an agent(s) in a host Member State.

It is recognised that Member States each have a unique system whereby natural and legal persons can be identified by a unique code or number. Where a notification is made under Article 25 of Directive 2007/64/EC, by virtue of Article 3 of the Directive, the competent authority of the host Member State, should be able to properly identify any agent of an e-money institution being notified, for it to discharge its responsibilities under Article 25(6) of Directive 2007/64/EC, in relation to suspicions of money laundering and/or terrorist financing. Notification only of “the name and address of the agent”, particularly where the host Member State’s alphabet uses non-Latin letters and symbols will, in many cases, be insufficient for the competent authority of the host Member State, or the relevant Financial Intelligence Units, to properly identify the agent concerned.

Use of a unique identification code/number, specific to each Member State would reduce mistakes caused by any misspelling of names. Different systems of identification codes/numbers are widely used across the EEA countries e.g. tax identification numbers, social security numbers, commercial register numbers etc.

As such, competent authorities are strongly encouraged to:

- establish with each competent authority the relevant code/number to be used for notifications to that Member State;
- inform the e-money institution of the relevant host Member State requirements; and
- incorporate the relevant code/number in the formal notification.

Where the e-money institution intends to use additional agents located in the same host Member State, this description of the internal control mechanisms shall be transmitted to the competent authority of the host Member State only where there are material changes to the particulars already communicated at initial notification.

Annex 4 of these Guidelines sets out the standard template that should be transmitted to the competent authority of the host Member State where additional agents will be used in that host Member State.

2.1.3 Contents of the notification made by the competent authority of the home Member State to the competent authority of the host Member State in relation to the engagement of a distributor(s) located in a host Member State

Where an e-money institution wishes to distribute and/or redeem electronic money in another Member State by engaging one or more distributors, in line with Article 3.4 of the Directive, it shall follow the notification procedures set out in section 2.1.2 above. The e-money institution shall provide a list of all distributors to the competent authority of the home Member State which shall, in turn, communicate this list to the competent authority of the host Member State. The notification shall should also contain the following information:

- a full description of the links to the internal control systems of the e-money institution, including compliance with the AML procedures in the host Member State; and
- the name and address of each distributor, their unique identification code/number and, in the case of natural persons, their date of birth.

Annex 5 of these Guidelines sets out the standard template that should be transmitted to the competent authority of the host Member State in case of initial engagement of a distributor(s) in a host Member State

Where the e-money institution intends to use additional distributors located in the same host Member State, this description of the above mentioned internal control mechanisms referred to above shall be transmitted to the competent authority of the host Member State only where there are material changes to the particulars already communicated at initial notification.

Annex 6 of these Guidelines sets out the standard template that should be transmitted to the competent authority of the host Member State where additional distributor(s) in a host Member State will be used.

This does not affect the right of both home and host Member States competent authorities to subsequently request additional information, as necessary for the fulfilment of the competent authority of their supervisory duties, in respect of branch establishment and/or use of an agent or distributor. Such requests shall not affect the passporting procedure.

All information shall be written in English or another language accepted by both the respective home and host Member States competent authorities.

2.2 Exercise of the freedom to provide services

2.2.1 Contents of the notification made by the competent authority of the home Member State to the competent authority of the host Member State

Article 25 of Directive 2007/64/EC, by virtue of Article 3 of the Directive, requires an e-money institution wishing to carry out payment services activities and/or issue electronic money in another Member State, under the freedom to provide services, to communicate the following information to the competent authority in its home Member State:

- the host Member State in which the e-money institution intends to carry out payment services activities and/or issue electronic money;
- the name and head office address of the e-money institution;
- the electronic money issuance or payment services activities it intends to provide in the host Member State (where applicable);

Annex 1 of these Guidelines sets out the standard template that should be transmitted to the competent authority of the host Member State(s) in case of the exercise of the freedom to provide services by the e-money institution.

2.3 Transmission of the notification

All required information should be communicated to the competent authority of the host Member State(s) as listed in Annex 7 using the standard notification templates set out in Annexes 1 to 6, as appropriate.

This may be by post, e-mail or other electronic means, depending on whether the competent authorities of the home and host Member States agree to exchange such notifications electronically. Annex 7 contains a list of agreed contact points for competent authorities under the Directive and an indication of whether they have agreed to accept electronic notifications. Even where the competent authority of the host Member State does not accept electronic notifications, considering the time constraints provided for in Article 25 of Directive 2007/64/EC, any notification regarding branches, agents and distributors could be sent by email or fax in order for the competent authority of the host Member State to start its processing of the notification before receiving the original notification by post.

This information must be communicated by the competent authority of the home Member State as soon as it is practicable but no later than one month from its receipt.

2.4 Commencement of business

2.4.1 Freedom to provide services

Upon communication of the notification by the competent authority of the home Member State to the competent authority of the host Member State, the competent authority of the home Member State shall confirm to the e-money institution that such a communication has been made. The e-money institution may then provide the notified electronic money or payment services activities in the host Member State.

The competent authority of the home Member State must then add details of the electronic money issuance or payment services activities to be carried out in the host Member State(s) – the 'passport' – on the public register in a timely manner.

The competent authority of the host Member State may additionally choose to make the information contained in the notification from the home Member State available on its website.

2.4.2 Freedom of establishment, including branch, the engagement of agents or distributors established in a host Member State

Upon the competent authority of the home Member State being provided with all the information required under Article 25 of Directive 2007/64/EC, and in the case of engaging an agent, having followed Articles 17 (1) to (4) of Directive 2007/64/EC, it shall inform the competent authority of the host Member State accordingly.

The competent authority of the home Member State can henceforth confirm to the e-money institution that a communication to the host Member State has been made.

It is recommended that the competent authority of the host Member State acknowledges receipt of the notification to the competent authority of the home Member State in a timely manner.

The competent authority of the host Member State (taking into account any information obtained from another relevant authority (e.g. financial intelligence unit) in that Member State) must then inform the competent authority of the home Member State of any concerns with regards to money laundering or terrorist financing in connection with the intended establishment of the branch or engagement of the agent or distributor, in accordance with Article 17(6) and Article 25 of Directive 2007/64/EC. This information must be communicated by the competent authority of the host Member State as soon as is practicable, but no later than one month from receipt by the home competent authority of the notification described in paragraph 2.3

The competent authority of the home Member State shall take any information received in relation to the proposed branch or agent into account, in accordance with Article 17(5) of Directive 2007/64/EC.

If, within one month after receipt by the competent authority of the home Member State of all the information required under Article 25 of Directive 2007/64/EC, the competent authority of the host Member State does not provide any information, or confirms that it has no relevant information, the competent authority of the home Member State must register the branch or agent in a timely manner. .

The competent authority of the host Member State may additionally choose to make the information contained in the notification from the home Member State available on its website.

If the competent authority of the host Member State provides, in accordance with Article 17(6) of the Directive 2007/64/EC, unfavourable information regarding the agent or branch of the e-money institution, the competent authority of the home Member State may decide to register, to refuse to register or to withdraw the registration of the branch or the agent. Such final decision is the responsibility of the competent authority of the home Member State but, in the interests of effective co-operation between competent authorities, full consideration should be given to any opinion expressed by the host authorities. In any event, the competent authority of the home Member State will inform both the competent authority of the host Member State and the e-money institution of its decision in a timely manner. (Such information to the competent authority of the host Member State should also include the reasons underlying the decision, where this is in contradiction to the opinion provided by the competent authority of the host Member State.)

In the case of distributors, the competent authority of the home Member State may similarly take into account any information provided by the competent authority of the host Member State (or by any other relevant authority) when supervising in accordance with Article 21 of Directive 2007/64/EC, by virtue of Article 3 (1) of the Directive.

2.5 Notification of changes to the information provided in the initial notification

In light of Article 24 of Directive 2007/64/EC, competent authorities agree that any changes to an existing notification made under Article 25 of Directive 2007/64/EC, communicated by the e-money institution to the competent authority of the home Member State (e.g. addition, reduction, cessation of activities, change of name, revocation of licence etc.) should also be communicated between home and host competent authorities. This will help ensure that details of the services being provided by e-money institutions and through their agents and distributors across the EEA are maintained and kept up to date as far as is possible, in order to maximise the efficiency of the co-operation between competent authorities.

Notification of such changes should be made as soon as is practicable and no later than one month from the date of receipt by the competent authority of the home Member State and should be based on the notification templates set out in Annexes 1, 2 and 3, where appropriate.

This communication may be done in accordance with paragraph 2.3 by post, e-mail or other electronic means, depending on whether the competent authorities of the home and host Member State agree to exchange such notifications electronically. Annex 7 contains a list of agreed contact points for competent authorities under the Directive, and an indication of whether they have agreed to accept electronic notifications whether, for example, by PDF attachment, or 'electronic signature' etc.

Communication of changes to 'static data' (e.g. change of name or address) may be made by simple letter or email.

ANNEX 1 – STANDARD NOTIFICATION FORM FOR FREEDOM TO PROVIDE SERVICES

Direct line:
Local fax:
Email:

[Date]

Our Ref:

Dear

Notification in accordance with Article 25 of Directive 2007/64/EC, by virtue of Article 3(1) of Directive 2009/110/EC

In accordance with Article 3(1) of Directive 2009/110/EC and Article 25 of Directive 2007/64/EC, I am writing to notify you that on [DATE], **[Name of ELM]**, an e-money institution authorised by [competent authority of the home Member State], notified its intention [to undertake the activities listed in the attached schedule for the first time under the freedom to provide services/to widen or reduce the scope of the activities previously notified under the freedom to provide services].

If you have any queries, please do not hesitate to contact me.

Yours sincerely,

[Signatory details]

SCHEDULE TO NOTIFICATION DATED [Date of letter] PURSUANT TO ARTICLE 3(1) OF DIRECTIVE 2009/110/EC (ARTICLE 25 OF DIRECTIVE 2007/64/EC – FREEDOM TO PROVIDE SERVICES)

Type of notification: [e.g. first time / change of activities]

Notification reference: [Home Member State ref]

Date of receipt by the home authority: [Date]

Member State in which ELMI intends to operate: [Host Member State]

E-money institution: [Name and registration number of ELMI]

Address: [address]

Telephone number: [tel. no]

Email: [email]

Contact: [name]

Home State: [Home Member State]

Authorisation status: Authorised by [Home Member State Competent Authority]

Date from which activities will be provided: [date]

Activities to be provided:

- Issuing electronic money
- Distribution/redemption of electronic money

(provision of payment services listed in the Annex to Directive 2007/64/EC)

- 1 Services enabling cash to be placed on a payment account as well as all the operations required for operating a payment account.
2. Services enabling cash withdrawals from a payment as well as all the operations required for operating a payment account.
3. Execution of payment transactions, including transfers of funds on a payment account with the user's payment service provider or with another payment service provider:
- execution of direct debits, including one-off direct debits
 - execution of payment transactions through a payment card or a similar device
 - execution of credit transfers, including standing orders
4. Execution of payment transactions where the funds are covered by a credit line for a payment service user:*¹
- execution of direct debits, including one-off direct debits
 - execution of payment transactions through a payment card or a similar device
 - execution of credit transfers, including standing orders
5. Issuing and/or acquiring of payment instruments*¹
6. Money remittance
7. Execution of payment transactions where the consent of the payer to execute a payment transaction is given by means of any telecommunication, digital or IT device and the payment is

made to the telecommunication, IT system or network operator, acting only as an intermediary between the payment service user and the supplier of the goods and services.*¹

¹ including granting credits in accordance with the rules provided for in Article 6(1)(b) of the Directive?

yes no

**ANNEX 2 – STANDARD NOTIFICATION FORM FOR BRANCH ESTABLISHMENT IN
A HOST MEMBER STATE**

Direct line:
Local fax:
Email:

PREVIOUSLY SENT BY EMAIL / BY FAX DATED [DATE]

[Date]

Our Ref:

Dear

Notification in accordance with Article 25 of Directive 2007/64/EC, by virtue of Article 3(1) of Directive 2009/110/EC

In accordance with Article 3(1) of Directive 2009/110/EC and Article 25 of Directive 2007/64/EC, I am writing to notify you that on [date] **[Name of ELM]**, an e-money institution authorised by the [competent authority of the home Member State], notified us that it intends to establish a branch in [host Member State] to carry out the activities listed in the attached schedule / intends to widen or reduce the scope of the activities previously notified for its branch in [host Member State].

We would be grateful if you could acknowledge receipt of this notification.

If you have any concerns in relation to the branch, in accordance with Articles 17(6) and 25 of Directive 2007/64/EC, please confirm these in writing as soon as practicable and no later than [DATE = one month after receipt of the notification by the competent authority of the home Member State]. If no response is received within this timeframe, we will assume that you are content with these aspects of the notification.

Yours sincerely,

[Signatory details]

**SCHEDULE TO NOTIFICATION DATED [Date of letter] PURSUANT TO ARTICLE 3(1) OF
DIRECTIVE 2009/110/EC (ARTICLE 25 OF DIRECTIVE 2007/64/EC – BRANCH ESTABLISHMENT
IN A HOST MEMBER STATE**

Type of notification: [e.g. first time / additional activities]

Notification reference: [Home Member State ref]

Date of receipt by the home Authority [Date]

Member State in which branch / agent is to be established: [Host Member State]

E-money institution: [Name of ELM]

Address: [home address]

Telephone number: [tel. no]

Contact: [name + email address]

Home State: [Home Member State]

Authorisation status: Authorised by [Home Member State Competent Authority]

Date from which branch intends to establish: [upon host MS acknowledgement expected by XX/
specific date]

Branch address: [branch / agent address]

Persons responsible for Management of the branch: [names]

Activities to be provided

Issuing electronic money

Distribution/redemption of electronic money

(provision of payment services listed in the Annex to Directive 2007/64/EC)

1. Services enabling cash to be placed on a payment account as well as all the operations required for operating a payment account.

2. Services enabling cash withdrawals from a payment as well as all the operations required for operating a payment account.

3. Execution of payment transactions, including transfers of funds on a payment account with the user's payment service provider or with another payment service provider:
- execution of direct debits, including one-off direct debits
- execution of payment transactions through a payment card or a similar device
- execution of credit transfers, including standing orders

4. Execution of payment transactions where the funds are covered by a credit line for a payment service user:
- execution of direct debits, including one-off direct debits*¹
- execution of payment transactions through a payment card or a similar device
- execution of credit transfers, including standing orders

5. Issuing and/or acquiring of payment instruments*¹

6. Money remittance

7. Execution of payment transactions where the consent of the payer to execute a payment transaction is given by means of any telecommunication, digital or IT device and the payment is made to the telecommunication, IT system or network operator, acting only as an intermediary between the payment service user and the supplier of the goods and services*¹

¹including granting credits in accordance with the rules provided for in Article 6(1)(b) of the Directive?

yes no

Organisational structure

Requirement	Response*
<p>a) <i>Full description of the branch's structural organisation (number of business units/premises; initial number of anticipated employees; organisational chart, showing both functional and legal reporting lines) and how the branch fits into the corporate structure of the group</i></p> <p>b) <i>Full description of outsourcing arrangements,</i></p> <p>c) <i>Full description of participation or intention to participate in a national or international payment system (if applicable)</i></p> <p>d) <i>Full details of the anti-money laundering procedures to be adopted by the branch in the host Member State, to include:</i></p> <ul style="list-style-type: none"> - <i>procedures to identify the customers and the beneficial owner of the transaction and what is prescribed regarding the record keeping</i> - <i>procedures to distinguish situations with different risk levels (risk-based-approach) and the enhanced customer due diligence measures applicable in cases of higher risk.</i> - <i>procedures to detect suspicious transactions which have to be reported to the financial intelligence unit (FIU) and to report these transactions.</i> - <i>measures which have been implemented in relation to the training and education of their employees in order to apply the AML procedures</i> <p>e) <i>Full details of the links with the internal control system of the e-money institution</i></p>	

*The space provide in the Response column is simply a prompt, and not necessarily indicative of the level of detail to be provided by the e-money institution.

**ANNEX 3 – STANDARD NOTIFICATION FORM FOR ENGAGEMENT OF AN AGENT
LOCATED IN A HOST MEMBER STATE**

Direct line:
Local fax:
Email:

PREVIOUSLY SENT BY EMAIL / BY FAX DATED [DATE]

[Date]

Our Ref:

Dear

Notification in accordance with Article 25 of Directive 2007/64/EC, by virtue of Article 3(1) of Directive 2009/110/EC

In accordance with Article 3(1) of Directive 2009/110/EC and Articles 25 and 17 of Directive 2007/64/EC, I am writing to notify you that on [date] **[Name of ELM]**, an e-money institution authorised by the [competent authority of the home Member State], notified us that it intends to engage (an) agent(s) located in [host Member State] to carry out the activities listed in the attached schedule / intends to widen or reduce the scope of the activities previously notified for its agent(s) in [host Member State].

We would be grateful if you could acknowledge receipt of this notification.

If you have any concerns in relation to agent(s), in accordance with Articles 17(6) and 25 of Directive 2007/64/EC, please confirm these in writing as soon as practicable and no later than [DATE = one month after receipt of the notification by the competent authority of the home Member State]. If no response is received within this timeframe, we will assume that you are content with these aspects of the notification.

Yours sincerely,

[Signatory details]

**SCHEDULE TO NOTIFICATION DATED [Date of letter] PURSUANT TO ARTICLE 3(1) OF
DIRECTIVE 2009/110/EC (ARTICLE 25 OF DIRECTIVE 2007/64/EC –ENGAGEMENT OF AGENT(S)
LOCATED IN A HOST MEMBER STATE**

Type of notification: [e.g. first time / additional activities]

Notification reference: [Home Member State ref]

Date of receipt by the home Authority [Date]

Member State in which agent is to be established: [Host Member State]

E-money institution: [Name of ELM]

Address: [home address]

Telephone number: [tel. no]

Contact: [name + email address]

Home State: [Home Member State]

Authorisation status: Authorised by [Home Member State Competent Authority]

Date from which agent is to be appointed: [upon host MS acknowledgement expected by XX/
specific date]

Agent address: [agent address]

Identity of Directors or persons responsible for the management of the agent [names]

Identification code (for each agent)

Activities to be provided

Distribution/redemption of electronic money

(provision of payment services listed in the Annex to Directive 2007/64/EC)

1. Services enabling cash to be placed on a payment account as well as all the operations required for operating a payment account.
2. Services enabling cash withdrawals from a payment as well as all the operations required for operating a payment account.
3. Execution of payment transactions, including transfers of funds on a payment account with the user's payment service provider or with another payment service provider:
- execution of direct debits, including one-off direct debits
 - execution of payment transactions through a payment card or a similar device
 - execution of credit transfers, including standing orders
4. Execution of payment transactions where the funds are covered by a credit line for a payment service user:
- execution of direct debits, including one-off direct debits¹
 - execution of payment transactions through a payment card or a similar device
 - execution of credit transfers, including standing orders
5. Issuing and/or acquiring of payment instruments^{*1}
6. Money remittance
7. Execution of payment transactions where the consent of the payer to execute a payment transaction is given by means of any telecommunication, digital or IT device and the payment is made to the telecommunication, IT system or network operator, acting only as an intermediary between the payment service user and the supplier of the goods and services^{*1}

¹ including granting credits in accordance with the rules provided for in Article 6(1)(b) of the Directive?

yes no

Additional information

Requirement	Response* The space provide in the Response column is simply a prompt, and not necessarily indicative of the level of detail to be provided by the e-money institution.
<p>a) <i>Full description of the agent's structural organisation (number of business units/premises; number of employees; organisational chart, showing both functional and legal reporting lines to the e-money institution) and how the agent(s) fits into the corporate structure of the e-money Institution</i></p> <p>b) <i>Full description of participation or intention to participate in a national or international payment system</i></p> <p>c) <i>A description of the internal control mechanisms that will be used by agent(s) [under the payment institution's responsibility] to include:</i></p> <ul style="list-style-type: none"> - <i>procedures to identify the customers and the beneficial owner of the transaction and what is prescribed regarding the record keeping</i> - <i>procedures which have been implemented to distinguish situations with different risk levels (risk-based-approach) and the enhanced customer due diligence measures applicable in cases of higher risk.</i> - <i>procedures to detect suspicious transactions which have to be reported to the financial intelligence unit (FIU) and to report these transactions.</i> - <i>measures which have been implemented in relation to the training and he education of the agents and their employees in order to apply the local AML procedures</i> <p>d) <i>Details of the links with internal control system of the e-money institution including a description of the permanent and periodic control procedures implemented by the e-money institution to ensure that agents properly apply the AML procedures</i></p> <p>e) <i>Confirmation that the Directors or persons responsible for the management of the agent have been assessed as fit and proper persons (Article 17-1 c)</i></p>	

**ANNEX 4 – STANDARD NOTIFICATION FORM FOR ENGAGEMENT OF
ADDITIONAL AGENTS LOCATED IN A HOST MEMBER STATE**

Direct line:
Local fax:
Email:

PREVIOUSLY SENT BY EMAIL / BY FAX DATED [DATE]

[Date]

Our Ref:

Dear

**Notification in accordance with Article 25 of Directive 2007/64/EC, by virtue of
Article 3(1) of Directive 2009/110/EC**

In accordance with Article 3(1) of Directive 2009/110/EC and Articles 25 and 17 of Directive 2007/64/EC, I am writing to notify you that on [date] **[Name of ELM]**, an e-money institution authorised by the [competent authority of the home Member State], notified us that it intends to engage (an) additional agent(s) located in [host Member State] to carry out the activities listed in the attached schedule.

We would be grateful if you could acknowledge receipt of this notification.

If you have any concerns in relation to agent(s), in accordance with Articles 17(6) and 25 of Directive 2007/64/EC, please confirm these in writing as soon as practicable and no later than [DATE = one month after receipt of the notification by the competent authority of the home Member State]. If no response is received within this timeframe, we will assume that you are content with these aspects of the notification.

Yours sincerely,

[Signatory details]

SCHEDULE TO NOTIFICATION DATED [Date of letter] PURSUANT TO ARTICLE 3(1) OF DIRECTIVE 2009/110/EC (ARTICLE 25 OF DIRECTIVE 2007/64/EC –ENGAGEMENT OF ADDITIONAL AGENTS LOCATED IN A HOST MEMBER STATE

Type of notification: additional agent(s)

Notification reference: [Home Member State ref]

Date of receipt by the home Authority [Date]

Member State in which agent is to be established: [Host Member State]

E-money institution: [Name of ELM]

Address: [home address]

Telephone number: [tel. no]

Contact: [name + email address]

Home State: [Home Member State]

Authorisation status: Authorised by [Home Member State Competent Authority]

Date from which agent(s) is to be appointed: [upon host MS acknowledgement expected by XX/ specific date]

Identity of Directors or persons responsible for the management of each agent [names]

Identification code (for each agent)

Activities to be provided

Distribution/redemption of electronic money (provision of payment services listed in the Annex to Directive 2007/64/EC)

1. Services enabling cash to be placed on a payment account as well as all the operations required for operating a payment account.

2. Services enabling cash withdrawals from a payment as well as all the operations required for operating a payment account.

3. Execution of payment transactions, including transfers of funds on a payment account with the user's payment service provider or with another payment service provider:
- execution of direct debits, including one-off direct debits
- execution of payment transactions through a payment card or a similar device
- execution of credit transfers, including standing orders

4. Execution of payment transactions where the funds are covered by a credit line for a payment service user:
- execution of direct debits, including one-off direct debits*¹
- execution of payment transactions through a payment card or a similar device
- execution of credit transfers, including standing orders

5. Issuing and/or acquiring of payment instruments*¹

6. Money remittance

7. Execution of payment transactions where the consent of the payer to execute a payment transaction is given by means of any telecommunication, digital or IT device and the payment is made to the telecommunication, IT system or network operator, acting only as an intermediary between the payment service user and the supplier of the goods and services*¹

¹ including granting credits in accordance with the rules provided for in Article 6(1)(b) of the Directive?

yes no

LIST OF ADDITIONAL AGENTS

NAME	SURNAME	Address	identification code*	DATE OF BIRTH (natural persons)

*as relevant in the host Member State e.g. national insurance number, fiscal number etc

I, [name of the representative of the e-money institution], duly authorised to act in the name of and on behalf of [Name of the E-money institution] confirm:

- that the description of the internal control mechanisms that will be used by these additional agents to comply with the obligations in relation to money laundering and terrorist financing under Directive 2005/60/EC are the same than those which have been notified and detailed in our initial notification dated [INSERT THE DATE].
- The links with internal control system of the payment institution are also the same than those notified on [[INSERT THE DATE].
- The Directors and persons responsible for the management of these agents have been assessed fit and proper persons.

Signature

ANNEX 5– STANDARD NOTIFICATION FORM FOR ENGAGEMENT OF A DISTRIBUTOR LOCATED IN A HOST MEMBER STATE

Direct line:
Local fax:
Email:

PREVIOUSLY SENT BY EMAIL / BY FAX DATED [DATE]

[Date]

Our Ref:

Dear

Notification in accordance with Article 25 of Directive 2007/64/EC, by virtue of Article 3(4) of Directive 2009/110/EC

In accordance with Article 3(4) of Directive 2009/110/EC and Article 25 of Directive 2007/64/EC, I am writing to notify you that on [date] **[Name of ELM]**, an e-money institution authorised by the [competent authority of the home Member State], notified us that it intends to engage (a) natural and legal person(s) pursuant to article 3 (4) of Directive 2009/110/EC located in [host Member State]] to distribute and redeem electronic money.

We would be grateful if you could acknowledge receipt of this notification.

If you have any concerns in relation to the Distributors, in accordance with Article 25 of Directive 2007/64/EC, please confirm these in writing as soon as practicable and no later than [DATE = one month after receipt of the notification by the competent authority of the home Member State]. If no response is received within this timeframe, we will assume that you are content with these aspects of the notification.

Yours sincerely,

[Signatory details]

SCHEDULE TO NOTIFICATION DATED [Date of letter] PURSUANT TO ARTICLE 3(4) OF DIRECTIVE 2009/110/EC (ARTICLE 25 OF DIRECTIVE 2007/64/EC –ENGAGEMENT OF A NATURAL OR LEGAL PERSON(S) LOCATED IN A HOST MEMBER STATE TO DISTRIBUTE AND REDEEM E-MONEY

Type of notification: Use of natural or legal persons to distribute and redeem electronic money

Notification reference: [Home Member State ref]

Date of receipt by the home Authority [Date]

Member State in which distributors to be established: [Host Member State]

E-money institution: [Name of ELM]

Address: [home address]

Telephone number: [tel. no]

Contact: [name + email address]

Home State: [Home Member State]

Authorisation status: Authorised by [Home Member State Competent Authority]

Identification code (for each distributor)

LIST OF NATURAL OR LEGAL PERSONS TO DISTRIBUTE AND REDEEM EMONEY

COMPANY NAME	SURNAME	NAME	Address	identification code*	DATE OF BIRTH (natural persons)

*as relevant in the host Member State e.g. national insurance number, fiscal number etc

Additional information:

Detail of the links with internal control systems of the e-money institution including a description of the permanent and periodic control procedures implemented by the e-money institution to ensure that distributor properly apply the AML procedure.

ANNEX 6– STANDARD NOTIFICATION FORM FOR ENGAGEMENT OF ADDITIONAL DISTRIBUTORS LOCATED IN A HOST MEMBER STATE

Direct line:
Local fax:
Email:

PREVIOUSLY SENT BY EMAIL / BY FAX DATED [DATE]

[Date]

Our Ref:

Dear

Notification in accordance with Article 25 of Directive 2007/64/EC, by virtue of Article 3(4) of Directive 2009/110/EC

In accordance with Article 3(4) of Directive 2009/110/EC and Article 25 of Directive 2007/64/EC, I am writing to notify you that on [date] **[Name of ELM]**, an e-money institution authorised by the [competent authority of the home Member State], notified us that it intends to engage (a) natural and legal person(s) pursuant to article 3 (4) of Directive 2009/110/EC located in [host Member State] to distribute and redeem electronic money.

We would be grateful if you could acknowledge receipt of this notification.

If you have any concerns in relation to the Distributors, in accordance with Article 25 of Directive 2007/64/EC, please confirm these in writing as soon as practicable and no later than [DATE = one month after receipt of the notification by the competent authority of the home Member State]. If no response is received within this timeframe, we will assume that you are content with these aspects of the notification.

Yours sincerely,

[Signatory details]

SCHEDULE TO NOTIFICATION DATED [Date of letter] PURSUANT TO ARTICLE 3(4) OF DIRECTIVE 2009/110/EC (ARTICLE 25 OF DIRECTIVE 2007/64/EC –ENGAGEMENT OF NATURAL OR LEGAL PERSON(S) LOCATED IN A HOST MEMBER STATE TO DISTRIBUTE AND REDEEM E-MONEY

Type of notification: use of natural or legal persons to distribute and redeem electronic money

Notification reference: [Home Member State ref]

Date of receipt by the home Authority [Date]

Member State in which distributor is to be established: [Host Member State]

E-money institution: [Name of ELM]

Address: [home address]

Telephone number: [tel. no]

Contact: [name + email address]

Home State: [Home Member State]

Authorisation status: Authorised by [Home Member State Competent Authority]

LIST OF NATURAL OR LEGAL PERSONS TO DISTRIBUTE AND REDEEM E-MONEY

COMPANY NAME	SURNAME	NAME	Address	identification code*	DATE OF BIRTH (natural persons)

*as relevant in the host Member State e.g. national insurance number, fiscal number etc

UNDERTAKING:

I, [name of the representative of the e-money institution], duly authorised to act in the name of and on behalf of [Name of the E-money institution] confirm that the links with internal control system of the e-money institution are the same than those notified on [[INSERT THE DATE].

Signature

**ANNEX 7– LIST OF COMPETENT AUTHORITIES (AND AGREED CONTACT POINTS)
FOR NOTIFICATION OF FREEDOM TO PROVIDE SERVICES AND ESTABLISHMENT**

Member State	Competent authority	electronic notification accepted?	
		Freedom to provide services	Right of establishment
Austria	Financial Market Authority Otto-Wagner-Platz 5 AT-1090 Vienna Tel. +43 1 24959 1207 Fax +43 1 24959 1299 Email: PassportNotifications@fma.gv.at Web: www.fma.gv.at Contact point:	yes	yes
Belgium	National Bank of Belgium boulevard de Berlaimont 14 1000 Brussels Belgium Tel. +32 2 2212111 Fax Email: enotification.passporting@nbb.be Web: www.nbb.be Contact point:	yes	yes
Bulgaria	Bulgarian National Bank Knyaz Alexander I-st Sq N°1 BG-Sofia 1000 Tel. +359 2 91451924 Fax +359 2 91451363 Email: PSD_passport_notifications@bnbank.org Web: www.bnb.bg Contact point:	yes	no
Cyprus	Central Bank of Cyprus Banking Supervision and Regulation Division 80 Kennedy Avenue P.O. Box 25529, CY-1395 Nicosia Tel. +357 22714100 Fax +357 22378152 Email: passport.notifications@centralbank.gov.cy Web: ww.centralbank.gov.cy Contact point:		
Croatia	Croatian National Bank Payment Operations Regulation and Development Department Trg hrvatskih velikana 3 HR- 10 002, Zagreb REPUBLIC OF CROATIA Tel: Fax: Email: passport.notifications @hnb.hr Web: www.hnb.hr Contact point:		

Czech Republic	Czech National Bank Na Příkopě 28 CZ-11503 Prague 1 Tel. +420 2 24412616 Fax +420 2 24412572 Email: passport.psd@cnb.cz Web: www.cnb.cz Contact point:	yes	no
Denmark	The Danish Financial Supervisory Authority Aarhusgade 115 DK-2100 Copenhagen Tel. +45 33558282 Fax +45 33558200 Web: www.dfsa.dk Contact point:	yes	yes
Estonia	Estonian Financial Supervision Authority Sakala 4 EE-15030 Tallinn Tel. +372 6 680500 Fax +372 6 680501 Email: Web: www.fi.ee Contact point:		
Finland	Financial Supervisory Authority P.O. Box 159 FI-00101 Helsinki Tel.+358 10 83151 Fax +358 10 8315328 Email: fin-fsa.notifications@bof.fi Web: www.finanssivalvonta.fi Contact point:		
France	Autorité de Contrôle prudentiel 61, rue Taitbout FR-75436 Paris Cedex 09 Tel. +33 142922092 Fax +33 1 42922170 Email: passport.notifications@banque-france.fr Web: http://www.banque-france.fr/acp/index.htm Contact point: Françoise Pascal	yes	no
Germany	Bundesanstalt für Finanzdienstleistungsaufsicht Graurheindorfer Str. 108 DE-53117 Bonn Tel. +49 228 41080 Fax +49 228 41081550 Email: passport.paymentinstitutions@bafin.de Web: www.bafin.de Contact point:	yes	no
Greece	Bank of Greece 21st E. Venizelos Avenue EL-102 50 Athens Tel. +30 210 3205011 Fax +30 210 3205401 Email: passport.notifications@bankofgreece.gr Web: www.bankofgreece.gr Contact point:	yes	no

Hungary	Hungarian Financial Supervisory Authority Krisztina krt. 39 HU-1013 Budapest Tel. +36 1 4899100 Fax +36 1 4899102 Email: single.passport@pszaf.hu Web: www.pszaf.hu Contact point:	yes	no
Iceland	Fjármálaeftirlitid (Financial Supervision Authority) Sudurlandsbraut 32 IS-108 Reykjavík Tel. +354 5252700 Fax +354 252727 Web: www.fme.is Contact point:		
Ireland	Central Bank of Ireland Banking and Policy Division 6-8 College Green Dublin 2 Ireland Tel. +353 1 2244000 Fax +353-1-4782198 Email: BPDnotifications@centralbank.ie Web: http://centralbank.ie Contact point:	yes	yes
Italy	Banca d'Italia Via Nazionale, 187 IT-00184 Roma Tel. +39 06 47924525 / 5768 Fax +39 06 47925110 Email: rea.costituzioni@bancaditalia.it Web: www.bancaditalia.it Contact point: Divisione Costituzione banche e intermediari finanziari	yes (in pdf (or equivalent) format with the visible signature of the home country)	yes
Latvia	The Financial and Capital Market Commission Kungu street 1 LV-1050 Riga Tel. +371 6 7774800 Fax +371 6 7225755 E-mail: single.passport@fktk.lv Web: www.fktk.lv Contact point:	yes	yes
Liechtenstein	Financial Market Authority Heiligkreuz 8 PO Box 684 LI-9490 Vaduz Tel. +423 2367373 Fax +423 2367374 Email: Web: www.fma-li.li Contact point:		



Lithuania	Bank of Lithuania (Credit Institutions Supervision Department) 14 Jogailos St LT-01116 Vilnius Tel. +370 2680500 Fax +370 2615665 Email: passport.notifications@lb.lt Web: www.lb.lt	yes	no
Luxembourg	Commission de Surveillance du Secteur Financier (CSSF) 110, route d'Arlon LU-2991 Luxembourg Tel. +352 2 6251297 Fax +352 2 6251601 Email: direction@cssf.lu Web: www.cssf.lu Contact point:	yes	yes
Malta	Malta Financial Services Authority Banking Unit Notabile Road MT-Attard BKR 3000 Tel. +356 25485174 Fax +356 21449234 Email: bu@mfsa.com.mt Web: www.mfsa.com.mt Contact point:	yes	yes
Netherlands	De Nederlandsche Bank NV Expert Centre for Market Access P.O. Box 98 NL-1000 AB Amsterdam Tel. +31 20 5249111 (information desk DNB) Fax +31 20 5241882 Email: passport.notifications@dnb.nl Web: www.dnb.nl Contact point: Expert Centre for Market Access	yes	no
Norway	Finanstilsynet Revierstredet 3 P.O.Box 1187 Sentrum N-0107 Oslo NORWAY Tel: +47 2293 9800 Fax: +47 2263 0226 Web : www.finanstilsynet.no E-mail: post@finanstilsynet.no		
Poland	Financial Supervision Authority (Komisja Nadzoru Finansowego) Plac Powstańców Warszawy 1 PL-00-950 Warszawa Tel. Fax: Web: www.knf.gov.pl Contact point:		



Portugal	Banco de Portugal Rua do Comércio, 148 PT-1100-150 Lisboa Tel. +351 21 3130987 Fax Web: www.bportugal.pt Contact point:		
Romania	National Bank of Romania 25 Lipscani Street RO-030031 Bucharest (Sector 3) Tel. +40 21 3070210 ext.1437 Fax. +40 21 3124823 Email: adrian.costea@bnro.ro Web: www.bnr.ro Contact point: Adrian Costea – Inspector, Supervision Department	yes	no
Slovakia	The National Bank of Slovakia Imricha Karvaša 1 SK-813 25 Bratislava Tel. +421 2 57872865 Fax: +421 2 57871176 Email: passport.psd@nbs.sk Web: www.nbs.sk Contact point: Banking and Payment Services Supervision Department, Licensing Section	yes	no
Slovenia	Banka Slovenije Slovenska cesta 35 SI-1505 Ljubljana Tel. +386 1 4719565 Fax +386 1 4719725 Email: passport.paymentinstitutions@bsi.si Web: www.bsi.si Contact point: Payment & Settlement Systems Department	yes	no
Spain	Banco de España Alcala 48 ES-28014 Madrid Tel. +34 91 3385000 Fax: +34 91 5310059 Email: Web: www.bde.es Contact point:		
Sweden	Finansinspektionen (<i>Licences and Legal Affairs Department</i>) PO Box 7821 SE-103 97 Stockholm Tel. +46 8 7878000 Fax +46 8 241335 Email: finansinspektionen@fi.se Web: www.fi.se Contact point:		

United Kingdom	The Financial Conduct Authority (FCA) 25 The North Colonnade Canary Wharf UK-London E14 5HS Tel. +44 20 70661000 Fax +44 20 70669798 Email: passport.notifications@fca.org.uk Web: http://www.fca.org.uk Contact point: Passport Notification Unit	yes	yes
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**ANNEX 8 – LIST OF NATIONAL PUBLIC REGISTERS FOR E-MONEY INSTITUTIONS
(ARTICLE 3(1) OF THE DIRECTIVE; ARTICLE 13 OF DIRECTIVE 2007/64/EC)**

Member State	Name of the organisation	Website
Austria	Financial Market Authority	www.fma.gv.at
Belgium	National Bank of Belgium	www.nbb.be
Bulgaria	Bulgarian National Bank	www.bnb.bg
Cyprus	Central Bank of Cyprus	www.centralbank.gov.cy
Czech Republic	Czech National Bank	http://www.cnb.cz/cnb/JERRS.WEB07.INTRO_PAGE
Denmark	Finanstilsynet	www.dfsa.dk
Estonia		
Finland		
France	Autorité de Contrôle prudentiel	http://www.acp.banque-france.fr
Germany	BaFin	www.bafin.de
Greece	Bank of Greece	www.bankofgreece.gr
Hungary	Hungarian Financial Supervisory Authority	www.pszaf.hu/bal_menu/piaci_szereplok/nyilvantartások (Pénzforgalmi intézmények)
Iceland		
Ireland	Central Bank of Ireland.	Http://Registers.centralbank.ie
Italy	Banca d'Italia	www.bancaditalia.it
Latvia	The Financial and Capital Market Commission	www.fktk.lv
Liechtenstein		
Lithuania	Bank of Lithuania	www.lb.lt
Luxembourg	Commission de Surveillance du Secteur Financier	www.cssf.lu
Malta	Malta Financial Services Authority	http://www.mfsa.com.mt/
Netherlands	De Nederlandsche Bank NV	http://www.dnb.nl/en/about-dnb/consumers-and-dnb/consumers-and-supervision/registers/index.jsp
Norway	Finanstilsynet	www.finanstilsynet.no
Poland	Financial Supervision Authority (Komisja Nadzoru Finansowego)	www.knf.gov.pl
Portugal	Banco de Portugal	www.bportugal.pt
Romania	National Bank of Romania	www.bnro.ro

Slovakia	National Bank of Slovakia	www.nbs.sk
Slovenia	Banka Slovenije	www.bsi.si
Spain	Banco de España	www.bde.es
Sweden	Finansinspektionen	www.fi.se
United Kingdom	Financial Conduct Authority	http://www.fca.org.uk/register