



Payments, E-Money and Crypto-Assets Quarterly Legal and Regulatory Update

Period covered: 1 January 2024 – 31 March 2024

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1. PAYMENTS

1.1. European Parliament's ECON adopts reports on proposed PSD3 and PSR

On 14 February 2024, the European Parliament's Economic and Monetary Affairs Committee (**ECON**) issued a press release to announce that it had adopted its position at first reading on the European Commission's proposals for a Regulation on payment services in the internal market (**PSR**) and for a Directive on payment services and electronic money services in the internal market (**PSD3**).

The European Parliament is expected to vote on the ECON position during its first plenary session in April 2024. Negotiations between European Parliament and the Council of the European Union (**EU**) on the proposals will then occur after the Parliamentary elections.

ECON's press release summarises the focus of PSR and PSD3 as follows:

- Protection for payment service users from fraud and misuse of data;
- Transparency of fees and charges for payment services;
- Creating a level playing field between banks and non-bank payment service providers; and
- Provisions to improve access to cash, especially in remote or rural areas.

A copy of ECON's report on PSR can be accessed [here](#).

A copy of ECON's report on PSD3 can be accessed [here](#).

A copy of ECON's press release can be accessed [here](#).

For more information on the PSR and PSD3 proposals more generally, please refer to our Q2 2023 QLU which can be accessed [here](#).

2. DIGITAL FINANCE & CRYPTO-ASSETS

2.1 ESMA publishes further consultations on draft guidelines under MiCA

On 29 January 2024, the European Securities and Markets Authority (**ESMA**) published the following consultation papers (together, **the Draft Guidelines**) which set out draft guidelines on the Regulation (EU) 2023/1114 (**the Markets in Crypto Assets Regulation** or **MiCA**).

- [Consultation paper on draft guidelines on the conditions and criteria for the qualification of crypto-assets as financial instruments](#)

ESMA's draft guidelines on the conditions and criteria for the qualification of crypto-assets as financial instruments under MiCA aim to provide clarity to national competent authorities (**NCA**s) and market participants on the delineation between the respective scopes of the application of MiCA and the MiFID II Directive¹.

- [Consultation paper on draft guidelines on reverse solicitation under MiCA](#)

ESMA's draft guidelines on reverse solicitation under MiCA aim to provide clarity to NCA's and market participants, particularly third country firms, on the limited situations where the offer or provision of crypto-asset services to clients established or situated in the EU will be regarded as initiated at the own exclusive initiative of the relevant clients.

The consultations on the Draft Guidelines close on 29 April 2024 and responses can be submitted [here](#).

¹ Directive (EU) 2014/65

2.2 ESMA updates Q&As on MiCA

On 2 February 2024, ESMA published a press release to announce that it had updated its Questions and Answers (**Q&A**) document on MiCA, with updates made in relation to the following topics:

- New CASPs established before (and after) 30 December 2024;
- Passporting rights for entities benefiting from grandfathering;
- Prohibition of monetary and non-monetary benefits;
- Provision of crypto-asset services by credit institutions; and
- Notifications under Article 60.

A copy of ESMA's press release on new Q&As available can be accessed [here](#).

The updated Q&A can be accessed in the ESMA Q&A IT-tool which can be accessed [here](#).

2.3 European Commission adopts four delegated regulations under MiCA

On 22 February 2024, the European Commission published four delegated regulations (**Delegated Regulations**) which supplement MiCA, as follows:

- Commission Delegated Regulation (C(2024)897) specifying the fees charged by the European Banking Authority (**EBA**) to issuers of significant asset-referenced tokens (**ARTs**) and issuers of significant e-money tokens (**EMTs**)

The text of this Delegated Regulation can be accessed [here](#).

- Commission Delegated Regulation (C(2024)898) specifying the procedural rules for the exercise of the power to impose fines or periodic penalty payments by the EBA on issuers of significant ARTs and issuers of significant EMTs

The text of this Delegated Regulation can be accessed [here](#).

- Commission Delegated Regulation (C(2024)906) specifying certain criteria for classifying ARTs and EMTs as significant

The text of this Delegated Regulation can be accessed [here](#).

- Commission Delegated Regulation (C(2024)907) specifying the criteria and factors to be taken into account by ESMA, the EBA and competent authorities in relation to their intervention powers

The text of this Delegated Regulation can be accessed [here](#).

The Council of the EU and the European Parliament will now scrutinise the Delegated Regulations before they will be published in the Official Journal of the EU (**OJ**).

2.4 EBA publishes consultation paper on guidelines on redemption plans under MiCA

On 8 March 2024, the EBA published a consultation paper (EBA/CP/2024/09) on draft guidelines on redemption plans under Articles 47 and 55 of MiCA.

The draft guidelines set out proposed guidance for issuers of asset-referenced tokens (**ARTs**) and issuers of e-money tokens (**EMTs**) when drafting their redemption plans. Issuers of ARTs and EMTs are required to develop a redemption plan to ensure the orderly redemption of the tokens when a competent authority assesses that the issuer is unable or likely to be unable to fulfil its obligations.

The public consultation is open until 10 June 2024. Responses to the consultation can be submitted [here](#).

MiCA will become applicable for issuers of ARTs and EMTs on 30 June 2024.

The consultation paper can be accessed [here](#).

2.5 EBA publishes final report on RTS on handling complaints for issuers of ARTs under MiCA

On 13 March 2024, the EBA published its final report (**Final Report**) on draft regulatory technical standards (**RTS**) which specify the requirements, templates and procedures for handling complaints under Article 31 of MiCA.

The draft RTS set out requirements relating to handling of complaints and the complaints management policy and function, and the provision of information to holders of ARTs and other interested parties. The draft RTS also specify requirements related to templates and recording, the languages, the procedure to investigate complaints and to communicate the outcome of the investigations to complainants, and specific provisions for complaints handling involving third-party entities. The template for filing complaints to issuers of ARTs is set out in the Annex to the draft RTS.

In the Final Report, the EBA advises that the draft RTS will be submitted to the European Commission for endorsement by 30 June 2024.

A copy of the Final Report can be accessed [here](#).

2.6 ESMA third consultation package under MiCA

On 25 March 2024, ESMA published its third consultation package setting out its final draft technical standards and guidelines under MiCA (**Third Consultation Package**). The Consultation Package is in the form of one consultation paper which sets out one set of technical standards and three sets of draft guidelines as follows:

- **Technical Standards on market abuse:** Draft RTS for the appropriate arrangements, systems and procedure as well as the notification templates to be used for preventing, detecting and reporting suspected market abuse, and on the coordination procedures between the relevant competent authorities for the detection and sanctioning of market abuse in case of cross-border market abuse situations;
- **Guidelines on suitability requirements:** Draft Guidelines on certain aspects of the suitability requirements under MiCA
- **Guidelines related to transfers of cryptoassets:** Draft Guidelines on the procedures and policies, including the rights of clients, in the context of transfer services for crypto-assets; and
- **Guidelines on systems and security access protocols:** Draft Guidelines on the maintenance of systems and security access protocols in conformity with appropriate Union standards

The consultation on ESMA's Third MiCA Consultation Package closes on 25 June 2024. ESMA's open consultations can be found [here](#) which also contains information on how to respond.

A copy of ESMA's third and final MiCA consultation paper can be accessed [here](#).

2.7 ESMA issues feedback on first consultation package under MiCA

On 25 March 2024, ESMA published a final report (**Final Report**) on its first set of draft RTS and Implementing Technical Standards (**ITS**) under MiCA (**First Consultation Package**). The First Consultation Package was published by ESMA in July 2023 and the consultation period ran until 20 September 2023.

The Final Report sets out feedback statements in relation to the following:

- Notification by certain financial entities to provide cryptoasset services;
- Information to be included in the application for authorisation as a crypto-asset service provider;
- Complaints-handling procedures of crypto-asset service providers; and
- Assessment of intended acquisition of a qualifying holding in a CASP.

In the Final Report, ESMA outlines that a final report and feedback statement relating to the draft RTS on conflicts of interests for CASPs (which was also published as part of the first set of draft RTS in July 2023) will be published at a later stage to allow for the EBA to conclude its related consultation process.

The draft technical standards are set out in Annexes III to VII of the Final Report. The draft technical standards have been submitted by ESMA to the European Commission, which has three months to determine whether to adopt the draft RTS and ITS.

A copy of the Final Report can be accessed [here](#).

2.8 ESMA publishes final report on technical standards on cooperation between ESAs, NCAs, and third-country authorities under MiCA

On 25 March 2024, ESMA published a final report on draft technical standards (including two draft RTS and two draft ITS) which specify requirements for cooperation, exchange of information and notification between NCAs, the European Supervisory Authorities (**ESAs**), and third countries under MiCA.

The draft technical standards were not subject to public consultation as they are not addressed to market participants.

The final drafts of the draft technical standards as included in ESMA's final report will now be submitted to the European Commission for adoption.

A copy of the final report on the draft technical standards can be accessed [here](#).

3. CENTRAL BANK OF IRELAND

3.1 Central Bank amends scope of PCF-16 Branch Manager outside of the State

In February 2024, the Central Bank of Ireland (**Central Bank**) published an information note qualifying the scope of the role of "PCF 16 Branch Manager outside of the State" under its Fitness & Probity regime.

In that communication, the Central Bank confirmed that the role of branch manager of a branch established outside of the State (i.e. an "outgoing" branch) will only constitute a PCF-16 role for the purposes of its Fitness & Probity regime where the business arising from the branch amounts to 5% or more of, as applicable, the assets or revenues or gross written premium of the relevant regulated financial service provider. As a result, only those individuals proposed to be appointed to the role of branch manager of an outgoing branch which meets this materiality threshold will be required to be prior approved by the Central Bank before assuming the role.

Where an outgoing branch of an Irish regulated financial service provider does not meet the applicable materiality threshold, the relevant firm was required to end-date the relevant PCF-16 role, by way of resignation, on the Central Bank's Portal by 29 March 2024.

A copy of the relevant information note is available [here](#).

3.2 Central Bank announces independent review into its Fitness & Probity approval process

On 14 February 2024, the Irish Financial Services Appeal Tribunal (IFSAT) published a judgement in relation to a decision by the Central Bank to refuse an individual's application to perform a pre-approved control function. In its judgement, IFSAT described the decision-making process followed by the Central Bank in the approval process of the relevant individual as "flawed" and noted that the individual had been denied fair procedures at each stage of the process. IFSAT returned the application to the Central Bank for reassessment by it.

Following this judgement, the Central Bank announced that it has commissioned an independent review of its Fitness and Probity approval process which will be conducted in accordance with published terms of reference. The outcome of this review will be published once completed. The Central Bank has noted that it will continue to operate its fitness and probity approval process in accordance with agreed service standards while this review is being carried out.

For a detailed overview of the IFSAT judgement, please refer to our briefing on the topic which is available [here](#).

A copy of the IFSAT judgement is available [here](#).

The public statement published by the Central Bank following the IFSAT judgement is available [here](#).

A copy of the terms of reference issued by the Central Bank for the review is available [here](#).

3.3 Central Bank publishes first Regulatory Supervisory Outlook Report

On 29 February 2024, the Central bank published its first "Regulatory & Supervisory Outlook" report (**Report**).

The Report sets out the Central Bank's perspective on the key trends and risks as well as outlining its regulatory and supervisory priorities for the next two years across all of the sectors regulated by it.

A copy of the Report is available [here](#).

3.4 Central Bank publishes consultation paper on its Consumer Protection Code

On 7 March 2024, the Central Bank published a Consultation Paper 158 titled "Consultation Paper on the Consumer Protection Code" (the **Consultation Paper**).

The Consultation Paper outlines how the Central Bank proposes to revise and enhance its existing consumer protection code to clarify how firms should meet existing "best interests" obligations as well as to reframe, clarify and enhance consumer protection across a range of issues, including for example (i) digitalisation, (ii) informing effectively, (iii) frauds and scams, (iv) vulnerability and (v) climate risk. The revised consumer protection code will consolidate a range of existing Central Bank rules and codes.

The Central Bank has proposed that the revised code will take the form of two new Central Bank regulations.

The first of these, titled the Central Bank Reform Act 2010 (Section 17A) Regulations, will house the "business standards" referenced in the Central Bank (Individual Accountability Framework) Act 2023. These will replace and enhance the "General Principles" of the

existing code and will be supplemented by “Supporting Standards for Business” which will provide further detail on firms’ obligations. These requirements will apply to all Irish regulated financial service providers.

The draft regulation is set out in Annex 3 to the Consultation Paper.

The second regulation, titled “Central Bank (Supervision and Enforcement Act) 2013 (Section 48) (Consumer Protection) Regulations” sets out cross-sectoral requirements and other sector-specific requirements. These requirements will apply to the regulated business of firms done with customers who meet the definition of “consumer” (i.e. individuals and small businesses). The draft regulation is set out in Annex 4 to the Consultation Paper.

The consultation closes on 7 June 2024.

A copy of the Consultation Paper is available [here](#).

For a detailed overview of the Consultation Paper, please refer to our briefing on the topic which is available [here](#).

4. ANTI-MONEY LAUNDERING (AML) AND COUNTERING THE FINANCING OF TERRORISM (CFT)

4.1 EBA publishes guidelines to apply to CASPs amending the ML/TF Risk Factor Guidelines

On 16 January 2024, the EBA published a final report (**Final Report**) on guidelines which amend the EBA’s previous guidelines on customer due diligence and the factors credit and financial institutions should consider when assessing the money laundering (**ML**) and terrorist financing (**TF**) risk associated with individual business relationships and occasional transactions (“**the 2021 ML/TF Risk Factors Guidelines**”).

The Final Report includes (at section 3) revised guidelines which amend the 2021 ML/TF Risk Factors Guidelines to extend their scope to crypto-asset service providers (**CASPs**). The revised guidelines identify the risk factors and mitigating measures that CASPs are encouraged to consider in respect of exposure to ML and TF risk. The revised guidelines also address circumstances where credit and financial institutions that have unregulated CASPs as their customers or that are exposed to crypto-assets.

The revised guidelines will be translated into the official EU languages and published on the EBA’s website and will apply from 30 December 2024.

A copy of the Final Report which includes the revised guidelines can be accessed [here](#).

4.2 Status update on EU AML Package

The EU AML Package comprises:

the proposed Regulation (**AMLA Regulation or AMLAR**) establishing the Anti-Money Laundering Authority (**AMLA**);
the proposed Regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing (**AML Regulation**) (also known as the **EU AML/CFT single rulebook**);
the proposed Sixth Anti-Money Laundering Directive (**MLD6**); and
a Regulation to trace transfers of crypto-assets (**Recast Transfer of Funds Regulation**).

On 18 January 2024, the Council of the EU and European Parliament announced that provisional political agreement has been reached on the AML Regulation and on the MLD 6. Political provisional agreement has therefore now been reached on all aspects of the EU AML Package.

The final compromise texts reflecting the provisional political agreement reached on the AML Regulation and MLD6 were published by the Council on 13 February 2024. A copy of the provisional agreement on the AML Regulation and MLD6 can be accessed [here](#) and [here](#).

The final compromise text reflecting the political agreement reached on the AMLA Regulation was also published by the Council on 12 February 2024. A copy of the provisional agreement on the AMLA Regulation can be accessed [here](#).

The European Parliament is expected to vote on its final approval of the AMLA Regulation, the AML Regulation, and the MLD6 during its plenary session to be held between 22-25 April 2024. The publication of the final texts of the AML Regulation, MLD6 and the AMLA Regulation is expected in summer 2024.

Location of AMLA Seat Finalised

On 22 February 2024, the Council published a press release announcing that an agreement was reached between it and the Parliament on Frankfurt as the seat for the new AMLA. The AMLA will begin its operations in mid-2025 and until then the Commission will establish the authority and begin its initial operations.

A copy of the Council's press release can be accessed [here](#).

A copy of the Parliament's related press release can be accessed [here](#).

Commission requests EBA technical advice

On 12 March 2024, the EBA published a "call for advice" (**Call for Advice**) from the European Commission in respect of RTS and guidelines that should be developed by AMLA and adopted by the Commission under the proposed new EU AML framework.

The Call for Advice is provisional until the AMLA Regulation, the AML Regulation and the MLD6 are finalised and enter into force.

The EBA is required to deliver its advice to the Commission by 31 October 2025.

A copy of the Call for Advice can be accessed [here](#).

4.3 Updates to EU list of high-risk third countries under MLD4

Removal of Cayman Islands and Jordan from EU list of high-risk countries

On 18 January 2024, a Commission Delegated Regulation (EU) 2024/163 (**Delegated Regulation**) was published in the OJ. The Delegated Regulation removes Cayman Islands and Jordan from the list of high-risk third countries published by the European Commission².

The Delegated Regulation entered into force on 7 February 2024.

A copy of the Delegated Regulation can be accessed [here](#).

Addition/removal of further countries from EU list of high-risk countries

On 14 March 2024, the Commission adopted a further delegated regulation C (2024) 1754 (the **Draft Delegated Regulation**) to amend the list of high-risk third countries.

² As set out in Annex to Commission Delegated Regulation (EU) 2016/1675 supplementing MLD4 as revised

The Draft Delegated Regulation adds Kenya and Namibia to the List and removes Barbados, Gibraltar, Panama, Uganda and the United Arab Emirates from the list.

The Draft Delegated Regulation will now be scrutinised by the Council and the Parliament before being published in the OJ and taking effect 20 days thereafter.

A copy of the Delegated Regulation can be accessed [here](#).

5. DATA PROTECTION

5.1 European Commission launches call for evidence on GDPR review

On 11 January 2024, the European Commission launched a call for evidence seeking the views of EU citizens and stakeholders on the application of the General Data Protection Regulation (**GDPR**).

Under Article 97 of the GDPR, the European Commission is obliged to review the GDPR every 4 years, following the initial review completed by 25 May 2020. Article 97 requires the Commission to produce a report on its review, which is to focus in particular on the application and functioning of the requirements for the international transfer of personal data to third countries and the co-operation and consistency mechanism between national data protection authorities.

Responses to the call for evidence will inform the Commission's report on the GDPR review, which is due to be submitted to the European Parliament and Council of the EU by mid-2024.

The consultation period for feedback closed on 8 February 2024.

A copy of the call for evidence is available [here](#).

6. MISCELLANEOUS

6.1 Commission adopts delegated regulations supplementing Digital Operational Resilience Act (DORA)

On 22 February 2024, the Commission adopted the following delegated regulations supplementing DORA:

- Draft Commission Delegated Regulation specifying the criteria for the designation of ICT third-party service providers as critical for financial entities (which can be accessed [here](#)); and
- Draft Commission Delegated Regulation determining the amount of the oversight fees to be charged by the lead overseer to critical ICT third-party service providers and the way in which those fees are to be paid (which can be accessed [here](#)).

On 13 March 2024, the Commission adopted three further delegated regulations under DORA, including:

- Draft Commission Delegated Regulation setting out RTS specifying the criteria for the classification of ICT-related incidents (which can be accessed [here](#));
- Draft Commission Delegated Regulation setting out RTS specifying ICT risk management framework and the simplified ICT risk management framework (which can be accessed [here](#)); and
- Draft Commission Delegated Regulation setting out RTS specifying the detailed content of the policy on ICT services performed by ICT third-party providers (which can be accessed [here](#)).

The draft delegated regulations will now be scrutinised by the Council and the Parliament before finalised versions of the delegated regulations are published in the OJ.

6.2 Further package of economic sanctions against Russia announced by Council of European Union

On 23 February 2024, the Council announced that it had adopted the 13th package of sanctions against Russia.

The focus of this package is the targeting of Russia's military and defence sector and combating sanctions circumvention through further designations and it contained 194 individual designations, including 106 individuals and 88 entities.

The European Commission's webpage on sanctions adopted following Russia's military aggression against Ukraine is available [here](#).

The Central Bank's webpage on EU restrictive measures relating to actions in Ukraine is available [here](#).

6.3 European Parliament approves European Union Artificial Intelligence Act

On 13 March 2024, the European Parliament approved the European Union's first Artificial Intelligence Act (**EU AI Act**).

The EU AI Act is intended to set down a comprehensive legal framework for the use, marketing and supply of artificial intelligence (**AI**) systems across the EU. It provides a risk-based classification for AI systems with different requirements and obligations tailored depending on the level of potential risks and level of impact associated with the relevant system. It will apply to all EU-based users of AI systems where the software forms part of the user's own systems (save where used in the course of a personal non-professional activity) as well as those who provide, import or distribute AI systems within the EU.

Those AI systems that are considered to create an unacceptable risk to people's safety, livelihoods and rights are banned. Those AI systems categorised as "high-risk" on the basis that they can potentially have a detrimental impact on people's health, safety or on their fundamental rights are permitted, but will be subject to a set of requirements and obligations to gain access to the EU market.

AI systems considered to pose limited risks of impersonation or deception because of their lack of transparency (such as chatbots or deepfakes) will be subject to information and transparency requirements which include making the user aware that they are interacting with the AI system, while all other AI systems presenting only minimal risk will not be subject to further obligations under the EU AI Act.

Specific rules are set down for "general purpose AI models" or "GPAI" models (such as large language models and generative AI applications) with more stringent requirements for GPAI models with "high-impact capabilities" that could pose a systemic risk and have a significant impact on the internal market. The framework is not intended to apply to cover simpler, traditional software systems with the legislation noting that a key characteristic of an AI system is its capability to infer.

Under the EU AI Act, each Member State will be required to designate one or more competent authorities, including a national supervisory authority, which is tasked with supervising the application and implementation of the regulation. The framework also establishes the administrative sanctions that can be imposed on those failing to comply with the EU AI Act.

The EU AI Act is now expected to be adopted at first reading by the Council before being published in the OJ. It will enter into force 20 days after its publication in the OJ and will, subject to the specific transitional provisions set down in the legislation, generally apply two years from the date of entry into force.

The Commission is expected to issue various implementing and delegated regulations and guidelines related to the EU AI Act in the coming months.

A copy of the EU AI Act approved by the Parliament is available [here](#).

The press release published by the Parliament announcing its approval of the EU AI Act is available [here](#).

6.4 Reporting obligation on transfer of funds by EU entities (partly) owned by Russian entities or persons outside of the European Union

As of 1 May 2024, under Council Regulation (EU) 2023/2878, any EU legal entity, legal person or legal body whose “proprietary rights” are directly or indirectly owned for more than 40% by (i) a legal person, entity or body established in Russia, (ii) a Russian national; or (iii) a natural person residing in Russia (each an **In-Scope EU Entity**) must report any transfer of “funds” outside of the European Union made by them which exceeds €100,000 to their relevant NCA within two weeks of the end of each calendar quarter.

This “outgoing transfer” reporting obligation is intended to provide NCAs better visibility on the flow of funds related to Russian-owned entities out of the EU, without jeopardising the activities of entities that are (partly) Russian-owned and operating legitimately in the EU.

All transfers of funds outside of the European Union during the relevant quarter must be aggregated to determine whether the threshold has been exceeded. “Funds” for this purpose include without limitation cash, other payment instruments, deposits with banks, dividends, shares, bonds and notes. Both direct and indirect transfers of amounts exceeding €100,000 must also be taken into account.

On 12 April 2024, the Commission published a revised edition of its FAQ on EU restrictive measures relating to actions in Ukraine to include specific guidance on the above-mentioned reporting obligation which is contained in Chapter 13 of Part C entitled “Reporting on outgoing transfers” (**Revised FAQ**).

The Revised FAQ confirms that the first reporting by In-Scope EU Entities should cover the period from 1 January and 31 March 2024 and states that the obligation to the relevant competent authority does not apply until 1 May 2024. It also confirms that information of any transfers made by In-Scope EU Entities during the second quarter 2024 should be reported to the relevant competent authority by 15 July 2024.

The Commission has also published a reporting template which can be used by In-Scope EU Entities for the purposes of reporting the relevant information to its NCAs. However, the Commission has noted that this is a recommendation, and that In-Scope EU Entities are not obliged to use this specific template for the purposes of complying with this reporting obligation.

A copy of Council Regulation (EU) 2023/2878 is available [here](#).

A copy of the revised edition of the Commission’s FAQ is on EU restrictive measures relating to actions in Ukraine is available [here](#).

A copy of the Commission’s reporting template is available [here](#).

The Central Bank’s webpage on EU restrictive measures relating to actions in Ukraine is available [here](#).

6.5 Reporting obligation on credit and financial institutions which initiate transfer of funds on behalf of EU entities (part) owned by Russian entities or persons outside of the European Union

As of 1 May 2024, credit institutions and financial institutions must report to their NCA information on all transfers of funds outside of the EU of a cumulative amount exceeding €100,000 that they initiated, directly or indirectly, for an In-Scope EU Entity (as described in Section 6.4 above) during the previous semester within two weeks of the end of the relevant semester.

The Revised FAQ (referenced in Section 6.4 above) confirms that the first report to be made by in-scope credit institutions and financial institutions should cover the period from 1 January 2024 to 30 June 2024 and should be submitted to the relevant competent authority by 15 July 2024. It also confirms that this reporting obligation imposed on credit and financial institutions applies regardless of whether or not the In-Scope EU Entity has already reported the relevant transfer to its NCA.

As noted in Section 6.4 above, the Commission has also published a reporting template which can be used by in-scope credit institutions and financial institutions for the purposes of reporting the relevant information to their NCAs. The Commission has noted that this is a recommendation, and that in-scope credit institutions or financial institutions are not obliged to use this specific template for the purposes of complying with this reporting obligation.

Links to all relevant documents are provided at Section 6.4 above.

If you have any questions in relation to the content of this update, to request copies of our most recent newsletters, briefings or articles, or if you wish to be included on our mailing list going forward, please contact any of the team members below.

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