Changes to legislation: *There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/411. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)EUR 2019 No. 411 may be subject to amendment by EU Exit Instruments made by the Financial Conduct Authority under powers set out in The Financial Regulators' Powers (Technical Standards etc.) (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1115), regs. 2, 3, Sch. Pt. 1. These amendments are not currently available on legislation.gov.uk. Details of relevant amending instruments can be found on their website/s. (See end of Document for details) View outstanding changes*

Commission Delegated Regulation (EU) 2019/411 of 29 November 2018 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards setting technical requirements on development, operation and maintenance of the electronic central register within the field of payment services and on access to the information contained therein (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/411

of 29 November 2018

supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards setting technical requirements on development, operation and maintenance of the electronic central register within the field of payment services and on access to the information contained therein

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC[1], and in particular the third subparagraph of Article 15(4) thereof,

Whereas:

(1) Pursuant to Article 15(1) of Directive (EU) 2015/2366, the European Banking Authority (EBA) is required to develop, operate and maintain an electronic central register that contains information as notified by the competent authorities in accordance with paragraph 2 of that Article.

(2) In order to ensure that the information contained in the electronic central register is accurately presented, EBA should ensure that the insertion or modification of information is carried out in a secure manner. To that end, EBA should grant personal access to the application of the register to members of the staff of the competent authorities. EBA and the competent authorities which have decided to transmit information to EBA automatically should ensure that safe and proportionate encryption techniques are used in the end-points and throughout the transmission of the information.

(3) Considering that it is necessary that the electronic central register contains standardised and consistent information for all payment institutions and electronic money institutions established in the Union, presented in the same format, the application of the register should perform data validation before any information inserted or modified by the competent authorities is made publicly available.

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(4) It is necessary to ensure the authenticity, integrity and non-repudiation of the information contained in the electronic central register. EBA should therefore guarantee that the information is safely stored and that any inserted or modified information has been properly recorded.

(5) In order to enable payment service users and other interested parties to use the electronic central register efficiently, it is necessary that the application of the register be developed in a way that guarantees that it operate in a reliable manner and be accessible without interruptions.

(6) It is desirable that the users of the electronic central register be able to efficiently search the information in the register. Therefore, the information should be searchable on the basis of a number of different search criteria.

(7) In order to fulfil the needs of the payment industry, EBA should make the content of the register available for download through a standardised file. This would enable all interested parties to automatically search information in that file

(8) This Regulation is based on the draft regulatory technical standards submitted by EBA to the Commission.

(9) EBA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council[(2)],

HAS ADOPTED THIS REGULATION:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Internal users of the register

1 For the purposes of this Regulation, a member of the staff of a competent authority who is responsible for manually inserting and modifying information in the electronic central register of the European Banking Authority (EBA) (the 'electronic central register') shall be an internal user.

2 Each competent authority shall appoint at least two members of its staff as internal users.

3 Competent authorities shall notify EBA of the identity of the persons referred to in paragraph 2.

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Article 2

Management of the register

EBA shall manage the list of internal users, provide the internal users with the authentication details, and provide technical support to the competent authorities.

Article 3

Access by internal users

1 The application of the electronic central register shall be accessible to internal users only by using two-factor authentication.

2 EBA shall provide a default username and password and the other security credentials to the internal users for accessing the application of the electronic central register.

3 Internal users shall be required to change their default username and password at their first log-in into the application of the electronic central register.

4 EBA shall ensure that the authentication method applied allows the identification of each internal user.

5 EBA shall ensure that the application of the electronic central register does not allow information to be inserted or modified in the electronic central register by persons who do not have access to the application of the register or who do not have the appropriate permissions to do so.

Article 4

Public users

1 For the purposes of this Regulation, public users of the electronic central register shall be payment service users and other interested parties, who access the electronic central register through the website of EBA.

2 Public users shall be able to access the electronic central register without using access credentials.

3 The access of public users to the electronic central register shall allow them only to read, search and download the information contained in the register. Public users shall not have any rights to modify the content of the register.

4 When public users access the electronic central register, the website of EBA shall display the search criteria specified in Article 15(1).

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CHAPTER 2

TRANSMISSION OF INFORMATION BY COMPETENT AUTHORITIES TO EBA

Article 5

Transmission of information by competent authorities to EBA

1 Competent authorities shall transmit to EBA the information to be contained in the electronic central register manually via a web user interface or automatically via an application to application interface.

2 Competent authorities shall notify EBA about their preferred approach for transmission of information under paragraph 1.

3 Competent authorities which have notified EBA that their preferred approach is to transmit information automatically shall be allowed to transmit information manually upon prior notification to EBA.

4 Competent authorities shall provide EBA with a hyperlink to their national public register. EBA shall make those hyperlinks publicly available in the electronic central register.

Article 6

Manual insertion and modification of information

1 Competent authorities which have decided to transmit information to EBA manually shall insert or modify information for their Member States in the web application of the electronic central register. The information shall be entered in the format specified in paragraphs 2 to 9 of Article 1 of the Commission Implementing Regulation (EU) 2019/410[(3)].

2 The manually inserted or modified information shall be made publicly available in the electronic central register after it has been validated by the application of that register in accordance with Article 8.

3 When manually inserted or modified information fails to be validated by the application of the electronic central register, the information shall be rejected and not be made publicly available. The internal user shall make the insertion or modification once again using the corrected information.

4 EBA shall insert a date and time stamp in the manually inserted or modified information in the electronic central register. That date and time stamp shall display the moment of the last change to the register.

5 Competent authorities shall ensure that all amendments to the content of their national public registers related to the granting or withdrawal of authorisation or registration are inserted in the electronic central register of EBA on the same day.

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Article 7

Automated transmission of information

1 Competent authorities which have decided to transmit information to EBA automatically shall transmit the information directly from the applications of their national public registers to the application of the electronic central register.

2 EBA and the competent authorities shall ensure secure transmission of information between the applications of their respective registers in order to safeguard the authenticity, integrity and non-repudiation of the information transmitted, using strong and widely recognised encryption techniques.

3 Competent authorities shall transmit to EBA in a single batch file with a common standard and structured format ('the batch file') the whole set of information set out in paragraphs 2 to 9 of Article 1 of the Implementing Regulation (EU) 2019/410 contained in their national public registers.

4 The transmission of the batch file shall take place at least once each day on which the content of a national public register has been amended.

5 Where competent authorities amend the content of their national public registers in relation to the granting or withdrawal of authorisation or registration and they are unable to transmit those changes automatically, they shall insert them manually on the same day.

6 EBA shall allow the competent authorities to transmit a batch file once a day irrespective of whether the content of their national public registers has been amended.

7 The information automatically transmitted to the electronic central register shall be made publicly available in the register as soon as possible after the batch file has been processed and validated by the application of the electronic central register in accordance with Article 8 and at the latest by the end of the day on which the batch file was processed and validated. All information previously transmitted, or manually inserted by a competent authority, which is publicly available in the electronic central register shall be replaced by the subsequently transmitted information by that competent authority.

8 EBA shall not allow competent authorities to transmit a new batch file before they have received the outcome of the validation of their previously transmitted batch file.

9 Where automatically transmitted information fails to be validated by the application of the electronic central register, the whole set of information contained in the batch file shall be rejected and not be made publicly available in that register.

10 EBA shall insert a date and time stamp in the information automatically transmitted to the application of the electronic central register. That date and time stamp shall display the moment of the last synchronisation between the electronic central register and the national public registers.