

11 February 2009

Guidelines for passport notifications

Table of contents

Introduction	3
PART I – General Considerations	4
1.1. General aims.....	4
1.2. Co-operation between Competent Authorities	5
1.3. Harmonisation of documents used.....	5
1.4. Mutual assistance and confidentiality	5
1.5. Possible addition to provisions for co-operation	5
1.6. Co-operation with non-EU States that are parties to the EEA Agreement..	6
PART II – Services and Activities of Credit Institutions: Notifications	6
2.1. Exercise of activities by way of freedom to provide services	6
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 .	6
2.1.2 Transmission of the notification	7
2.1.3 Notification of changes to the information provided in the initial notification	7
2.2 Opening a branch by way of freedom of establishment.....	8
2.2.1 Contents of the application made by the institution to the Competent Authority of the home Member State.....	8
2.2.2 Contents of the notification to be transmitted by the Competent Authority of the home Member State to the Competent Authority of the host Member State	10

2.2.3 Notification of changes to the information provided in the initial notification	11
ANNEX 1 - Standard notification form for cross-border services	13
ANNEX 2 – Standard notification form for branch establishment	16
Programme of operations	19
ANNEX 3 - List of competent authorities for notification of cross-border services and branch establishments.....	21
ANNEX 4 – List of website addresses of public registers fro credit institutions in various Member States	27
ANNEX 5 – List of competent bodies for receipt of complaints and out-of-court settlements of complaints	28
ANNEX 6 – List of compensation schemes.....	31
ANNEX 7 – Joinder agreement	34

DRAFT

Introduction

1. This Guideline provides a framework for the co-operation of competent authorities with regard to the notification provisions of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (recast) (hereinafter, "Banking Directive"), particularly in the light of the implementation of the Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments (hereinafter, "MiFID").
2. CEBS Members, recognising the need to cooperate and exchange information to ensure an efficient passport notification process for credit institutions operating in the European Economic Area (hereinafter, "EEA"), have resolved to agree to this Guideline applying to new notifications sent under the Banking Directive as from the approval of this Guideline. CEBS Members and other signatories may update this Guideline from time to time to take into account of regulatory developments.
3. This Guideline applies to any **Competent Authority** as defined below for the purposes of the Guideline:
 - (i) any CEBS Member that is a Competent Authority under the Banking Directive (Competent CEBS Authority);
 - (ii) any other Competent Authority under the Banking Directive or the MiFID (hereinafter referred to as "Directives") that is not a CEBS member which signs the Joinder agreement to this Guideline set out in Annex 7.
4. The Competent Authorities have agreed the **Annexes** to this Guideline which are comprise the following:
 - (i) standard notification form for cross border services (Annex 1);
 - (ii) standard notification form for branch establishment (Annex 2);
 - (iii) the list of Competent Authorities for notification of cross-border services and branch establishment (Annex 3);
 - (iv) the list of website addresses of public registers for credit institutions in the various member states (Annex 4);
 - (v) the list of competent bodies for receipt of complaints and out-of court settlements of complaints (Annex 5);
 - (vi) the list of compensation schemes (Annex 6); and
 - (vii) joinder agreement (Annex 7).

5. Annexes 3 to 6 inclusive will be updated by the CEBS Secretariat to reflect any changes to the relevant lists and will be communicated to all Competent Authorities. Competent Authorities agree to inform the CEBS Secretariat of any changes to the details in these annexes in a timely manner.

PART I – General Considerations

1.1. General aims

6. In accordance with the principle of single authorisation, the decision to issue an authorisation, which is valid for the whole of the EU, shall be the sole responsibility of the Competent Authority of the home Member State. A credit institution may then provide the services or perform the activities, for which it has been authorised, throughout the Community, either through the establishment of a branch or the free provision of services.
7. In addition to listing the activities that may be undertaken by a credit institution, Annex I of the Banking Directive states:
8. "The services and activities provided for in Section A and B of Annex I of Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments when referring to the financial instruments provided for in Section C of Annex I of that Directive are subject to mutual recognition according to this Directive."
9. The Competent Authorities of the Member States consider that the adoption of the Banking Directive and MiFID makes necessary a deepening of their cooperation. The Competent Authorities intend to uphold practical cooperation between national administrative services for the purpose of facilitating the passport notification process for credit institutions within the EEA and of examining any difficulties which may arise in the application of MiFID to credit institutions.
10. Additionally, the increase of the membership of the EU in recent years and the consequent increased information flows between supervisors make streamlined and effective procedures and communications even more important.
11. In this Guideline, CEBS builds upon work already done by CESR, on the grounds that it is neither necessary nor efficient to duplicate work that has been done by another Lamfalussy Committee.
12. The CESR framework which has been put into place in the 'Protocol on MiFID Passport Notifications', was published in May 2007 (and updated in October 2007) in the specific context of MiFID with regard to investment firms. The main features of the Protocol on MiFID Passport Notifications were deemed applicable also for CEBS, particularly given Annex I of the Banking Directive quoted above. However adjustments are included in this Guideline compared to that adopted by CESR, to address the differences between the Directives and the specific nature of credit institutions.

1.2. Co-operation between Competent Authorities

13. The Competent Authorities, recognising that the supervision of credit institutions has an ongoing character and that its efficiency shall be based upon the knowledge of the situation of the credit institution and the possibility of joint action, intend to co-operate in all cases necessary for the proper application of the EU passporting provisions and to mutually facilitate the carrying out of their tasks and the good functioning of the Single Market. They agree that the co-operation between Competent Authorities as a result of the provisions of the Directives should lead to genuine dialogue between themselves with a view to the promotion within the EU of a system of supervision which is as satisfactory as possible.
14. In this regard, each Competent Authority should designate a contact point responsible for the co-ordination of passport notifications, and whose contact details shall be made available to the other authorities.

1.3. Harmonisation of documents used

15. The Competent Authorities consider that harmonisation of passport notifications, through the adoption of the common templates set out in Annexes 1 and 2, will help ensure host authorities receive the information they require and reduce the need for further requests for information.

1.4. Mutual assistance and confidentiality

16. Competent Authorities shall provide each other with the fullest mutual assistance in any matters falling within the scope of this Guideline. When receiving confidential information under this Guideline, they will maintain its confidentiality according to TITLE V, CHAPTER 1, Section 2 of the Banking Directive.

1.5. Possible addition to provisions for co-operation

17. The Competent Authorities acknowledge that the relevant provisions for co-operation set out in this document may show themselves to be inadequate when faced with actual cases. They agree that, as a result, the relevant provisions could be adapted on a bilateral basis as the need arises for a specific case and that such bilateral arrangements would be drawn up in conformity with the principles of Community law.
18. The Competent Authorities also agree that their co-operation may extend to areas not expressly provided for by the Directives, taking account, as far as possible, of the principles of the Directives.

1.6. Co-operation with non-EU States that are parties to the EEA Agreement

19. The Guideline applies to the Competent Authorities of non-EU Member States that are parties to the EEA Agreement as if they were the Competent Authorities of EU Member States. Consequently, the term 'Member State' shall be used in this Guideline to include the non-EU Member States that are parties to the EEA Agreement.
20. Furthermore, where the term 'European Union' ('EU') is used, this shall be understood to apply to the whole EEA. If the term 'Member' (of CEBS) is used, this shall be understood to include also the supervisory authorities of the Non-EU EEA countries.
21. If certain supervisory tasks according to the Banking Directive fall under the competence of Authorities that are not Members of CEBS, those Authorities may, subject to approval by CEBS Members, join the present Guideline by signing the Joinder Agreement in Annex 7, if this contributes to further strengthening cross-border cooperation as provided for in this Guideline. If the term 'Competent Authority' is used, this shall also include the latter Authorities. Annex 3 lists all Competent Authorities to which the Guideline applies.

PART II – Services and Activities of Credit Institutions: Notifications

2.1. Exercise of activities by way of freedom to provide services

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

22. Article 28 of the Banking Directive requires notification by the Competent Authority of the home Member State of the activities which the credit institution intends to carry on for the first time in the host Member State. It is agreed that this notification shall include:
 - the name and head office address of the credit institution;
 - the activities listed in Annex I of the Banking Directive which will be provided into the host Member State¹;

¹ Where notification is in respect of an electronic money institution, only Activity 5 shall be notified, with confirmation that this activity is "strictly limited to the issuance of electronic money".

- the investment services and/or activities as well as ancillary services listed in Annex 1 of MiFID which will be provided into the host Member State (if applicable).

23. All information shall be written in English or another language accepted by the respective home and host Competent Authorities.

2.1.2 Transmission of the notification

24. This information should be communicated to the Competent Authority of the host Member State as listed in Annex 3 using the standard notification form template set out at Annex 1.

25. This may be by post or email, depending on whether the Competent Authorities of the home and host Member State agree to exchange such notifications electronically. Annex 3 contains a list of agreed contact points for competent authorities under the Banking Directive, and an indication of whether they have agreed to accept electronic notifications whether, for example, by PDF attachment, or 'electronic signature' etc.

26. This information must be communicated by the Competent Authority of the home Member State as soon as is practicable, but no later than one month from its receipt.

27. The Competent Authority of the host Member State should acknowledge receipt of the notification from the Competent Authority of the home Member State in a timely manner.

28. The Competent Authorities may then add details of the service(s) and activities to be carried on in the host Member State(s) – the 'passport' – on the public registers, where applicable, in a timely manner.

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

29. Although not specifically required under the Banking Directive, CEBS members agree that any changes to an existing services notification made under article 28, communicated by the credit institution to the Home authority (including cancellation/termination/merger) should be communicated between Home and Host competent authorities. For changes concerning the scope of activities, the notification may be established according to the Schedule attached to Annex 1.

2.2 Opening a branch by way of freedom of establishment

2.2.1 Contents of the application made by the institution to the Competent Authority of the home Member State

30. Any credit institution wishing to establish a branch in another Member State must communicate certain information to the Competent Authority of its home Member State (article 25(2) of the Banking Directive), which includes a 'programme of operations' setting out, amongst other things, the types of business envisaged and the structural organisation of the branch. This does not affect the right of both Home and Host competent authorities to request additional information, as necessary.
31. The information provided in this instance will be more detailed than the brief summary information supplied where cross border services are being provided, as the host Member State will assume certain supervisory responsibilities in accordance with the competencies identified within article 26(1) of the Banking Directive ("general good"), article 41(1) of the Banking Directive (liquidity supervision) and – concerning credit institutions providing investment services – within article 32(7) of MiFID (see the box below). With this in mind, the Competent Authorities consider that, while it is possible to identify information that should be included in the notification sent to the Competent Authority of the host Member State, the focus and level of detail supporting a specific notification will vary depending on the business model of the institution concerned.

Article 26(1) of the Banking Directive identifies as competence of the Authority of the Host Member State to indicate the conditions under which, in the interest of the general good (rules of conduct, consumers protection, and other general good), the activities shall be carried on.

Article 41(1) of the Banking Directive establishes that Host Member States shall retain responsibility in cooperation with the competent authorities of the Home Member State for the supervision of the liquidity of the branches of credit institutions.

Article 32(7) of MiFID assigns additional responsibility to the Competent Authority of the Host Member State as follows:

- Conduct of Business obligations (article 19(1) of MiFID)
- Information provided to clients or potential clients (article 19(2) & (3) of MiFID)
- Client profile information (article 19(4) to 19(6) of MiFID)
- Client records (article 19(7) of MiFID)
- Reporting on services provided to clients (article 19(8) of MiFID)

- Best execution and order handling (articles 21 & 22 of MiFID as well as article 45 of Directive 2006/73/EC²)
- Obligation to uphold market integrity and transaction reporting (article 25 of MiFID)
- Pre and post trade transparency (articles 27 and 28 of MiFID)
- Right to examine arrangements and to request changes in order to ensure compliance with the above mentioned obligations (article 32(7) of MiFID).

In addition, article 13(9) of MiFID gives the Competent Authority of the host Member State responsibility for "enforcing record keeping obligations with regard to transactions undertaken by the branch".

32. The Competent Authorities agree that, where a branch is being established, the details requested by the Competent Authority of the home Member State from the institution in support of their passport application should usually include the following³:

- Name, head office address and branch address of the credit institution and the address in the host Member State from which documents may be obtained if it is different;
- details of the accredited compensation scheme of which the institution is a member⁴;
 - the activities listed in Annex I of the Banking Directive which will be provided in the host Member State;
- the investment services and/or activities as well as ancillary services listed in Annex 1 of the MiFID which will be provided into the host Member State (if applicable);
- the names of those responsible for the management of the branch; and
- a 'programme of operations' as set out in detail in the Schedule attached to Annex 2 including at least the following information:

Business plan

- A high level strategy, explaining how the branch will contribute to the institution's/group's strategy and what the main functions of the branch will be.
- A description of the type of customers or counterparties the branch will be dealing with and how the institution will obtain and deal with those clients.

² Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive.

³ The template notification form is attached at Annex 2.

⁴ A list of accredited compensation schemes in each Member State is attached (Annex 6).

Organisational structure

- A high-level summary of the organisational structure of the branch, showing both functional and legal reporting lines (if a matrix management structure is in operation), how the branch fits into the corporate structure of the institution/group and how the branch reports to the head office.
- Details of individuals managing the branch.

Systems and Controls

- The branch's principal policies and limited covering liquidity, and the procedures for determining them;
- Summary details of the systems and controls that will be put in place, including:
 - Details of the audit arrangements of the branch (including where applicable details of the external auditor);
 - anti money laundering arrangements; and
 - controls over outsourcing and other arrangements with third parties in connection with the regulated activities carried on in the branch.

Financial information

- Forecast statements for profit and loss and cash flow, both over at least a twelve month period.

Investment activities (if applicable)

- Details of arrangements for:
 - safeguarding client money and assets;
 - compliance with the obligations identified in the box above under this section (2.2.1) (if applicable);
 - internal Code of Conduct, which should include controls over personal account dealing (if applicable);

2.2.2 Contents of the notification to be transmitted by the Competent Authority of the home Member State to the Competent Authority of the host Member State

33. The high-level information identified in the first six bullet points above can be communicated to the Competent Authority of the home Member State using the standard notification form contained in Annex 2. The information contained within the programme of operations will generally be more detailed and is not easily captured in a standard format. With this in mind, the programme of operations template in Annex 2 has been developed to facilitate consistent, efficient and accurate communication of the information

contained within a programme of operations between home and host Member State. It is recommended that the Competent Authority of the home Member State requires credit institutions making a passport notification to submit the programme of operations template in the language of the home Member State, along with a translated copy in the language of the host Member State (or another language that is mutually acceptable to the Competent Authorities of the home and host Member State concerned) for onward transmission to the Competent Authority of the host Member State.

34. Unless the Competent Authority of the home Member State has reason to doubt the adequacy of the administrative structure or the financial situation of the credit institution, taking into account the activities envisaged, the notification must be transmitted to the Competent Authority of the host Member State within three months of its receipt.
35. This may be by post or email, depending on whether the Competent Authorities of the home and host Member State agree to exchange such notifications electronically. Annex 3 contains a list of agreed contact points for competent authorities under the Banking Directive, and an indication of whether they have agreed to accept electronic notifications whether, for example, by PDF attachment, or 'electronic signature' etc.
36. The Competent Authority of the home Member State will then write to the credit institution confirming that such a communication has been made, and confirming the date such communication was made.
37. The Competent Authority of the host Member State should acknowledge receipt of the notification to the Competent Authority of the home Member State in a timely manner, but no later than two months from its receipt. Moreover, the host authority will have to inform the institution of any conditions under which, in the interests of the general good, the activity(ies) shall be carried on in the host Member State.
38. The Competent Authorities State may then add details of the service(s) and activities to be carried on – the 'passport' – on the public registers, where applicable, in a timely manner.

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

39. Credit institutions shall give written notice of any change in respect of the establishment of a branch to the Competent Authority of the home and host Member State at least one month before implementing the change. Once it has taken its decision to accept the change the Competent Authority of the home Member State shall inform the Competent Authority of the host Member State of the change. 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.
40. This may be by post or email, depending on whether the Competent Authorities of the home and host Member State agree to exchange such notifications electronically. Annex 3 contains a list of agreed contact points

for competent authorities under the Banking Directive, and an indication of whether they have agreed to accept electronic notifications whether, for example, by PDF attachment, or 'electronic signature' etc

DRAFT

ANNEX 1 - Standard notification form for cross-border services

Direct line:
Local fax:
Email:

[Date]

Our Ref:

Dear,

Notification in accordance with Article 28 of the Recast Banking Directive (2006/48/EC)

[In accordance with Article 28(2) of the Recast Banking Directive (2006/48/EC),] I wish to notify you that **[Name of institution]**, a credit institution authorised by [Competent Authority of the home Member State], intends to [carry on the activities listed in the attached schedule for the first time under the freedom to provide services]/[to change the activities previously notified on a cross-border basis].

The relevant activities are covered by the credit institution's authorisation and the credit institution is validly licensed under the laws of [Member State] to conduct all these activities.

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

Yours sincerely,

[Signatory details]

SCHEDULE TO NOTIFICATION DATED [date] IN ACCORDANCE WITH ARTICLE 28 OF THE RECAST BANKING DIRECTIVE 2006/48/EC

Type of notification : [e.g first time / changes⁵]
Notification reference : [Home State ref]
Member State into which activities are to be provided : [Host State]
Name of Credit Institution : [name]
Address : [Head Office address]
Telephone No : [tel no]
Fax No : [fax no]
Email : [email address]
Contact : [name]
Home State : [Home State]
Authorisation Status : Authorised by [Home State competent authority]

Date from which activities will be provided :

Activities to be provided in accordance with Annex I of Directive 2006/48/EC

1.	Acceptance of deposits	
2.	Lending	
3.	Financial Leasing	
4.	Money transmission services	
5.	Issuing and administering means of payment	
6.	Guarantees and commitments	
7.	Trading for own account or for account of customers in:	
7a.	money market instruments	
7b.	foreign exchange	
7c.	financial futures and options	
7d.	exchange and interest-rate instruments	
7e.	transferable securities	
8.	Participation in securities issues and the provision of services related to such issues	
9.	Advice to undertakings on capital structure, industrial strategy, and related questions and advice as well as services relating to mergers and the purchase of undertakings	

⁵ to be delivered by Home State competent authority

10.	Money broking	
11.	Portfolio management and advice	
12.	Safekeeping and administration of securities	
13.	Credit reference services	
14.	Safe custody services	

Details of investment services that the Credit Institution is authorised to provide on a cross-border basis

Financial Instruments	Investment services and activities								Ancillary services						
	A1	A2	A3	A4	A5	A6	A7	A8	B1	B2	B3	B4	B5	B6	B7
C1															
C2															
C3															
C4															
C5															
C6															
C7															
C8															
C9															
C10															

Note 1: abbreviations in the table are to the relevant provisions in MiFID (e.g. A1 refers to Annex 1 Section A paragraph 1 MiFID)

Note 2: matrix should cover all activities (old and new) provided by the credit institution under the freedom to provide services

ANNEX 2 – Standard notification form for branch establishment

Direct line:
Local fax:
Email:

[Date]

Our Ref:

Dear

Notification in accordance with Article 25 [26.3] of the Recast Banking Directive (2006/48/EC)

In accordance with Article 25.3 [or 26.3] of the Recast Banking Directive (2006/48/EC), I wish to notify you that **[Name of institution]**, a credit institution authorised by [Competent Authority of the home Member State], intends to establish a branch [change the scope of activities previously notified] to carry out the activities listed in the attached schedule under the freedom of establishment.

[if notification under Article 25:] The branch managers will be [Names], whose CVs are attached, and there will be a total of [X] employees at the branch. A staff organisational chart is attached together with a programme of operations. The branch address is:

XXXXX
XXXXX
XXXXX

Tel:
Fax:
Email:

[Name of institution] is a participant in the [Home State accredited compensation scheme(s)], which provides cover for eligible depositors and/or investors as required by the [Home State legislation] in respect of banking and/or financial business carried on by the institution in the [Home State] and through its branch offices in the European Economic Area. As of [date] the own funds of [Name of institution] amount to EUR [XXX]. The solvency ratio of this credit institution is [XXX].

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

Yours sincerely,
[Signatory details]

**SCHEDULE TO NOTIFICATION DATED [date] IN ACCORDANCE WITH
ARTICLE 25 [or 26(3)] OF THE RECAST BANKING DIRECTIVE
2006/48/EC**

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

Notification reference : [Home State reference]

Member State into which branch is to be established : [Host State]

Name of Credit Institution : [name]

Address : [Head Office address]

Telephone No : [tel no]

Fax No : [fax no]

Email : [email address]

Contact : [name]

Home State : [Home State]

Authorisation Status : Authorised by [Home State competent authority]

Financial status : [level of own funds, sum of the capital requirements]⁶

Date on which branch intends to commence business :

Activities to be provided in accordance with Annex I of Directive 2006/48/EC:

1.	Acceptance of deposits	
2.	Lending	
3.	Financial Leasing	
4.	Money transmission services	
5.	Issuing and administering means of payment	
6.	Guarantees and commitments	
7.	Trading for own account or for account of customers in:	
7a.	money market instruments	
7b.	foreign exchange	

⁶ to be delivered by Home State competent authority

7c.	financial futures and options	
7d.	exchange and interest-rate instruments	
7e.	transferable securities	
8.	Participation in securities issues and the provision of services related to such issues	
9.	Advice to undertakings on capital structure, industrial strategy, and related questions and advice as well as services relating to mergers and the purchase of undertakings	
10.	Money broking	
11.	Portfolio management and advice	
12.	Safekeeping and administration of securities	
13.	Credit reference services	
14.	Safe custody services	

Details of investment services that the Credit Institution will provide on a cross-border basis

Financial Instruments	Investment services and activities								Ancillary services						
	A1	A2	A3	A4	A5	A6	A7	A8	B1	B2	B3	B4	B5	B6	B7
C1															
C2															
C3															
C4															
C5															
C6															
C7															
C8															
C9															
C10															

Note 1: abbreviations in the table are to the relevant provisions in MiFID (e.g. A1 refers to Annex 1 Section A paragraph 1 MiFID)

Note 2: matrix should cover all activities (old and new) provided by the branch

Programme of operations

(This summary should be completed in both, the language of the home state and the host state or a language mutually acceptable to the Competent Authorities of both the home and host Member State.)

Requirement	Response
<p><u>1. Business Plan</u></p> <p>a) <i>How will the branch contribute to the overall strategy of the institution/group?</i></p> <p>b) <i>What will be the main objectives and functions of the branch?</i></p> <p>c) <i>Describe the types of customers/counterparties the branch will be dealing with</i></p> <p>d) <i>Describe how the institution will obtain and deal with these customers/clients</i></p>	
<p><u>2. Organisational structure</u></p> <p>a) <i>Briefly describe how the branch fits into the corporate structure of the group</i></p> <p>b) <i>Description of the administrative structure of the branch (number of business units/premises; number of employees; organisational chart, showing both functional and legal reporting lines);</i></p> <p>c) <i>Details of the branch manager(s) – CV(s) to be supplied</i></p> <p>d) <i>Details of any direct business relations (clients, partners, counterparties) and conditions under which they operate</i></p> <p>e) <i>Details of links with administrative and IT systems of the head office;</i></p> <p>f) <i>Details of links with internal control system of the head office;</i></p>	
<p><u>3. Systems & Controls</u></p> <p>a) <i>Measures for supervising risk management procedures (includes credit/market/operational/liquidity)</i></p>	

<p>b) Powers of the branch in respect of granting credit facilities</p> <p>c) Details of the audit arrangements of the branch (including where applicable details of the external auditor)</p> <p>d) anti-money laundering procedures (including the name of the AML compliance officer)</p> <p>e) monitoring and control of critical outsourcing arrangements (if applicable)</p>	
<p><u>4. Financial information</u> Attach a forecast for over at least a 12 months period, of material items of the Balance Sheet and Profit and Loss.</p>	
<p><u>5 Investment activities</u> (if applicable)</p> <ul style="list-style-type: none"> • Provide details of arrangements for: <ul style="list-style-type: none"> • safeguarding client money and assets • compliance with the conduct of business and other obligations that fall under the responsibility of the Competent Authority of the host Member State according to MiFID Article 32(7) and record keeping under MiFID Article 13(9) • code of conduct, including personal account dealing • Provide details of the individual who will be responsible for compliance of the branch • Provide details of the individual responsible for dealing with complaints in relation to the investment activities of the branch 	

ANNEX 3 - List of competent authorities for notification of cross-border services and branch establishments

Member State	Competent Authority	e-mail accepted for cross-border notifications	e-mail accepted for branch notifications
Austria	<p>Financial Market Authority (Banking Supervision Department) Ms Karin DREER Praterstrasse 23 A-1020 Vienna AUSTRIA</p> <p>Tel: +43 1249 1208 Fax: +43 1249 591299 Email: passport.notifications@fma.gv.at</p>	Yes	
Belgium	<p>Commission Bancaire Financiere et des Assurances (Prudential Supervision Department) 12 rue de Congrès 1000 Brussels BELGIUM</p> <p>Tel: +32 2535 2211 Fax: Email:e- notification.passporting@cbfa.be</p>	Yes	
Bulgaria	<p>Bulgarian National Bank (Banking Supervision Department) 1, Knyaz Alexander I Square 1000 Sofia BULGARIA</p> <p>Tel: +359 (2) 9145 2103 Fax: +359 (2) 9145 2535 E-mail: timnev.t@bnbank.org</p>		
Cyprus	<p>Central Bank of Cyprus Banking Supervision and Regulation Division 80 Kennedy Avenue 1395 Nicosia CYPRUS</p> <p>Tel: +357 2271 4100 Fax: +357 2237 8152 Email:</p>		

Czech Republic	<p>Czech National Bank Na Příkopě 28 11503 Prague 1 CZECH REPUBLIC</p> <p>Tel: +420 22441 2004 Fax: +420 22441 2922 Email:</p>	Yes	
Denmark	<p>Finanstilsynet GI. Kongevej 74A 1850 Frederiksberg C DENMARK</p> <p>Tel: +45 3355 8282 Fax: +45 3355 8200 Email:</p>	Yes	
Estonia	<p>Estonian Financial Supervision Authority Sakala 4 15030 Tallinn ESTONIA</p> <p>Tel: +372 668 8500 Fax: +372 668 0501 Email: notification@fi.ee</p>	Yes	Yes
Finland	<p>Finanssivalvonta Snellmaninkatu 6, PO Box 103 00101 Helsinki FINLAND</p> <p>Tel: +358 108 3151 Fax: +358 108 315328 Email: fin-fsa.notifications@bof.fi</p>		
France	<p>Banque de France Direction des Établissements de crédit et des Entreprises d'Investissement Affaires européennes CC 40-1359 31 rue Croix des Petits Champs 75001 PARIS CEDEX 01 FRANCE</p> <p>Tel : (+33 1) 42 92 41 02 Fax : (+33 1) 42 92 21 70 Email:passport.notifications@banq ue-France.fr</p>	Yes	No
Germany	<p>Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin) Graurheindorfer Strasse 108 53117 Bonn</p>	not yet decided	

	<p>GERMANY Tel: +49 228 41080 Fax: +49 228 4108 1550 Email:</p>		
Greece	<p>Bank of Greece Supervision of Credit and Financial Institutions 21 El Venizelos Av 10250 Athens GREECE</p> <p>Tel: +30 210 320 5115 Fax: +30 210 320 5400 Email:</p>	Yes	
Hungary	<p>Hungarian Financial Supervisory Authority <i>(International Affairs Department)</i> Krisztina krt. 39 H-1013 Budapest HUNGARY</p> <p>Tel: +36 1489 9100 Fax: +36 1489 9102 Email: gordos.balazs@pszaf.hu havasi.zsofia@pszaf.hu</p>	Yes	
Iceland	<p>Fjarmalaeftirlitid Suourlandsbraut 32 108 Reykjavik ICELAND</p> <p>Tel: +354 525 2700 Fax: +354 525 2727 Email:</p>		
Ireland	<p>Irish Financial Services Regulatory Authority <i>(Banking Supervision Department)</i> PO Box 9138 College Green Dublin 2 IRELAND</p> <p>Tel: +00 3531 410 4000 Fax: +00 3531 679 0362 Email:</p>	Yes	
Italy	<p>Bank of Italy <i>(External Relations and General Affairs Department)</i> Via Milano, 64 00187 Rome ITALY</p> <p>Tel: +39 06 47924525</p>	Yes, in pdf (or equivalent) format with the visible signature of the home country	

	<p>Fax: +39 06 47925110 Email: rea.constituzioni@bancaditalia.it</p>		
Latvia	<p>Financial and Capital Market Commission 1 Kungu Street Riga LV 1050 LATVIA</p> <p>Tel: +371 6777 4800 Fax: +371 6722 5755 Email: single.passport@fktk.lv</p>	Yes	
Liechtenstein	<p>Financial Market Authority (FMA) Heiligkreuz 8, PO Box 684 LI-9490 LIECHTENSTEIN</p> <p>Tel: +423 236 6221 Fax: +423 236 6224 Email:</p>		
Lithuania	<p>Bank of Lithuania <i>(Credit Institutions Supervision Department)</i> 14 Jogailos St LT-2001 Vilnius LITHUANIA</p> <p>Tel: +370 268 0500 Fax: +370 261 5665 Email:</p>		
Luxembourg	<p>Commission de Surveillance du Secteur Financier 110 route d'Arlon L-2991 Luxembourg LUXEMBOURG</p> <p>Tel: +352 26 2511 Fax: +352 26 251601 Email: passport.notifications@cssf.lu</p>	Yes	Yes
Malta	<p>Malta Financial Services Authority Banking Unit Notabile Road Attard BKR 3000 MALTA</p> <p>Tel: +356 2144 1155 Fax: +356 2144 9234 Email: bu@mfsa.com.mt</p>	Yes	
Netherlands	<p>De Nederlandsche Bank NV Westeinde 1 PO Box 98</p>	Yes	

	1000 AB Amsterdam NETHERLANDS Tel: +31 20 524 3332 Fax: +31 20 524 3669 Email: passport.notifications@dnb.nl		
Norway	Kredittilsynet (<i>Capital Markets Department</i>) Ostensjoveien 43 PO Box 100 Bryn N-0611 Oslo NORWAY Tel: +47 2293 9800 Fax: +47 2263 0226 Email:	Yes	
Poland	Komisja Nadzoru Finansowego Plac Powstańców Warszawa 1 00-950 Warsaw Poland (phones, fax and e-mail for each one sector are yet to determine)	Yes	
Portugal	Banco de Portugal (<i>Banking Supervision Department</i>) Rua Francisco Ribeiro, 2 1150-165 Lisbon PORTUGAL Tel: +351 21313 0000 Fax: +351 21353 2591 Email:	No	No
Romania	National Bank of Romania 25 Lipscani Street 030031 Bucharest (Sector 3) ROMANIA Tel: +40 (21) 307 02 11 Fax: +40 (21) 312 38 05 Email: notifications@bnro.ro	No	
Slovak Republic	The National Bank of Slovakia Imricha Karvaša 1 813 25 Bratislava SLOVAK REPUBLIC Tel: +421 2 5787 2865 Fax: +421 2 5787 1176 Email: notificationsfi@nbs.sk	Yes	No
Slovenia	Bank of Slovenia (<i>Banking Supervision Department</i>) Slovenska 35 S1-1505 Ljubljana SLOVENIA	No	

	<p>Tel: +386 1471 9000 Fax: +386 1251 5516 Email:</p>		
Spain	<p>Banco de Espana <i>(General Directorate of Regulation)</i> Alcala 48 28014 Madrid SPAIN</p> <p>Tel: +34 91 338 5000 Fax: +34 91 531 0059 Email:</p>	Yes	
Sweden	<p>Finansinspektionen <i>(Licences and Legal Affairs Department)</i> PO Box 6750 SE-113 85 Stockholm SWEDEN</p> <p>Tel: +468 787 8000 Fax: +468 24 1335 Email:</p>		
United Kingdom	<p>The Financial Services Authority (FSA) <i>(Passport Notification Unit)</i> 25 The North Colonnade Canary Wharf London E14 5HS UNITED KINGDOM</p> <p>Tel: +44 (0) 20 7066 1000 Fax: +44 (0) 20 7066 9798 email: passport.notifications@fsa.gov.uk</p>	Yes	

ANNEX 4 – List of website addresses of public registers for credit institutions in various Member States

Member State	Website Address
Austria	www.fma.gv.at
Belgium	www.cbfa.be
Bulgaria	www.bnbank.org
Cyprus	www.centralbank.gov.cy
Czech Republic	www.cnb.cz
Denmark	www.ftnet.dk
Estonia	www.fi.ee
Finland	www.fin-fsa.fi
France	www.banque-france.fr
Germany	www.bafin.de
Greece	www.bankofgreece.gr
Hungary	www.pszaf.hu
Iceland	www.fme.is
Ireland	www.financialregulator.ie
Italy	www.bancaditalia.it
Latvia	www.fktk.lv
Liechtenstein	www.fma-li.li
Lithuania	www.lb.lt
Luxembourg	www.cssf.lu
Malta	www.mfsa.com.mt
Netherlands	www.dnb.nl
Norway	www.kredittilsynet.no
Poland	www.knf.gov.pl
Portugal	www.bportugal.pt
Romania	www.bnro.ro
Slovak Republic	www.nbs.sk
Slovenia	www.bsi.si
Spain	www.bde.es
Sweden	www.fi.se
United Kingdom	www.fsa.gov.uk/register

ANNEX 5 – List of competent bodies for receipt of complaints and out-of-court settlements of complaints

Member State	Competent Body	Receipt of complaints	Out-of-court settlements
Austria			
Belgium	Service de médiation Banques - Crédit - Placements Ombudsman Rue Belliard 15-17, boîte 8 1040 Brussels Tel. : +32 2 545 77 70 Fax : +32 2 545 77 79 E-mail : Ombudsman@OmbFin.be	Yes	Yes
Bulgaria	1. Supervisory and Legal Directorate Banking Supervision Department 1, Knyaz Alexander I Square 1000 Sofia Tel: +359 (2) 9145 2103 Fax: +359 (2) 9145 2535 Email: Timnev.T@bnbank.org 2. Payment Disputes Conciliation Committee at the Commission for Consumers Protection 4 A, Slaveykov Square 1000 Sofia	Yes	No
Cyprus		Yes Payment Disputes	Yes Payment Disputes
Czech Republic			
Denmark			
Estonia	Finantsisnpektsioon Sakala 4 15030 Tallinn Tel: (+372) 668 0500 Fax: (+372) 668 0535 e-mail: info@fi.ee		
Finland	Vakuutus- ja rahoitusneuvonta Porkkalankatu 1 00180 Helsinki Puhelin +358 9 6850 120 Faksi +359 09 6850 1220	Yes	Yes
France	Monsieur le médiateur Banque de France CC 09-1029	Yes	Yes

	75049 PARIS Cedex 01 Tel : +33.1.42.92.41.02 e-mail : infos@banque-france.fr		
Germany			
Greece		Yes	Yes
Hungary			
Hungary			
Iceland			
Ireland		Yes	Yes
Italy	Ombudsman Bancario Via IV Novembre 114 00186 Roma ITALY Tel: +39 06 6767236 Fax: +39 06 6767400 e-mail: pm@abi.it	Yes	Yes
Latvia	Latvia Ombudsman of the Association of Commercial Banks Perses street 9/11 Riga, Latvia Phone: +371 67284528, Fax: +371 67828170 e-mail: office@bankasoc.lv	Yes	Yes
Liechtenstein			
Lithuania			
Luxembourg	Commission de Surveillance du Secteur Financier 110 route d'Arlon L-2991 Luxembourg Tel: +352 26 251-1 Fax: +352 26 251-601 E-mail: sg@cssf.lu	Yes	Yes
Malta		Yes	Yes
Netherlands		Yes	Yes
Norway			
Poland			

Portugal	Banco de Portugal (Banking Supervision Department) Rua Francisco Ribeiro, 2 1150-165 Lisbon PORTUGAL Tel: +351 21313 0000 Fax: +351 21353 2591	Yes	No
Romania			
Slovak Republic	The National Bank of Slovakia Imricha Karvaša 1 813 25 Bratislava SLOVAK REPUBLIC Tel: +421 2 5787 2860 Email: Peter_Balaz@nbs.sk	Yes	No
Slovenia			
Spain			
Sweden			
United Kingdom	Financial Ombudsman Service South Quay Plaza 183 Marsh Wall London E14 9SR UNITED KINGDOM Tel: +44 (0)20 7964 1000 Email: complaint.info@financial-ombudsman.org.uk	Yes	Yes

ANNEX 6 – List of compensation schemes

Member State	Compensation Scheme
Austria	
Belgium	Protection fund for deposits and financial instruments boulevard de Berlaimont 14 1000 Brussels Email : protectionfund@nbb.be Tel : 32.2.221.38.92 www.protectionfund.be
Bulgaria	Bulgarian Deposit Insurance Fund (BDIF) 27, Vladaiska Street 1606 Sofia Tel: +359 (2) 953 1217 Fax: +359 (2) 953 1318 Email: contact@dif.bg www.dif.bg
Cyprus	
Czech Republic	
Denmark	
Estonia	Tagatisfond Roosikrantsi 2 10119 Tallinn Tel: (+372) 611 0730 Fax: (+372) 611 0732 www.tf.ee
Finland	The Deposit Guarantee Fund c/o Federation of Finnish Financial Services Bulevardi 28 FI-00120 Helsinki Phone +358 20 793 4245, fax +358 20 793 4202
France	Fonds de garantie des dépôts 4 rue Halévy 75009 PARIS Tel : +33 1 58 18 38 08 Fax : +33 1 58 18 38 00 www.garantiedesdepots.fr
Germany	
Greece	

Hungary	
Iceland	
Ireland	
Italy	F.I.T.D. - FONDO INTERBANCARIO DI TUTELA DEI DEPOSITI VIA DEL PLEBISCITO, 102 - ROMA - Tel. 06-699861 Fax 06-6798916 www.fitd.it
Latvia	Financial and Capital Market Commission 1 Kungu Street Riga LV 1050 LATVIA Tel: +371 6777 4800 Fax: +371 6722 5755 E-mail: fktk@fktk.lv
Liechtenstein	
Lithuania	
Luxembourg	Association pour la Garantie des Dépôts Luxembourg (AGDL) B.P. 241 L-2012 Luxembourg Tel: +352 46 36 60-1 Fax: + 352 46 09 21 E-mail: info@agdl.lu
Malta	
Netherlands	
Norway	
Poland	
Portugal	Fundo de Garantia de Depósitos Avenida da República, 57 - 8º 1050-189 LISBOA PORTUGAL Tel: +351 21 792 5735 Fax: +351 21 794 2001 Email: ajaguas@sgfpbp.pt
Romania	
Slovak Republic	
Slovenia	

Spain	
Sweden	
United Kingdom	Financial Services Compensation Scheme 7th floor, Lloyds Chambers Portsoken Street London E1 8BN UNITED KINGDOM Tel: +44 (0)20 7892 7300 Email: enquiries@fscs.org.uk www.fscs.org.uk

DRAFT

ANNEX 7 – Joinder agreement

The undersigned Competent Authority, designated to carry out duties under Directive 2006/48/EC, having given notice of its intent to participate in this Guideline and having received the consent of all parties thereto, hereby agrees to be bound by the terms of the Guideline as now in effect and as may be amended from time to time.

This Declaration of Joinder shall be effective as of the date first written below.

Date:

Joining Authority:

Signature:

Name:

Contact person:

DRAFT