To the Receipt stamp

Financial Market Authority Liechtenstein (FMA)

*Annex 3 to FMA Guidelines 2018/22 – Review scheme for agents in a different EEA Member State*

*Please tick the applicable options, add other remarks and references as required and enclose the signed checklist as an attachment with the written notification for the intended commissioning of agents in a different EEA Member State, making sure to number the respective enclosures. The enclosures are based on the FMA Guidelines 2018/22. The notification, including the enclosures, must be submitted in writing* ***and*** *electronically (PDF format). In the case of notarised (and possibly apostilled) documents, a corresponding note must be applied in the electronic document upon it being submitted electronically if this is not already visible in the electronic document.*

**Details on the identity of the applicant**

*a) Applicant details:*

|  |  |  |
| --- | --- | --- |
| *Last name*  | *Last name at birth* | *First name(s)*  |
| *Date of birth*  | *Place of birth*  | *Country of birth*  | *Nationality (nationalities)*  |
| *Address of principal place of residence* | *Street*  | *Number*  |
| *Postcode*  | *Town or city*  |

*b) Contact person[[1]](#footnote-1) (for enquiries):*

|  |  |
| --- | --- |
| *Last name*   | *First name(s)*   |
| *Address* | *Street*  | *Number*  |
| *Postcode*   | *Town or city*   |
| *Telephone number*  | *E-mail address*  |

**Information to be enclosed**

Details on the information to be included in the enclosures can be found in the FMA Guidelines 2018/22, Article 16(1) of the Liechtenstein Payment Services Act (*Zahlungsdienstegesetz, ZDG* – hereinafter referred to as the “PSA”) and Article 25 in conjunction with Article 23 of the Liechtenstein E-Money Act (*E-Geldgesetz, EGG* – hereinafter referred to as the “EMA”), and Article 26 in conjunction with Article 24 PSA.

The presented enclosures must bear the relevant enclosure number in accordance with the following table. In specific cases, should it only be necessary to provide an enclosure on a reduced basis or in part, the original of a corresponding signed and dated declaration from the applicant must be enclosed under all circumstances. If it is not possible to provide a declaration for one of the named points, written justification must also be submitted to the FMA.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Act** | **Letter** | **Description** | **Enclosure No.** | **Enclosed** | **Not enclosed** | **Not applicable** | **Remarks** |
| *Agent details* | **PSA**Art. 16(1) | a | Name and address of the agent |   | [ ]  | [ ]  | [ ]  |   |
| b | A description of the internal control mechanisms applied by the agent in order to meet the requirements set out under due diligence legislation, in particular with respect to:* The determination and verification of the contractual partner’s identity (Article 6 of the Liechtenstein Due Diligence Act (Sorgfaltspflichtgesetz, SPG – hereinafter referred to as the “DDA”))
* The determination and verification of the beneficial owner’s identity (Article 7 DDA)
* The documentation obligations (Article 20 DDA)
* The risk assessment (Article 9a DDA)
* The processes and measures in place where enhanced due diligence obligations apply
* The process for uncovering transactions for which there is an obligation to file a suspicious transaction report to the Liechtenstein Financial Intelligence Unit (FIU) in accordance with Article 17(1) DDA as well as the process for submitting the report
* The measures implemented for the education and further training of the agent and agent employees in accordance with Article 32 of the Liechtenstein Due Diligence Ordinance (Sorgfaltspflichtverordnung, SPV – hereinafter referred to as the “DDO”)
 |   | [ ]  | [ ]  | [ ]  |   |
| c | The names of the agent’s Executive Board members and the persons responsible for the management of the agent that is to be called on for the provision of payment services as well as, in the case of agents that do not operate as payment services providers, evidence that they are reliable and possess the appropriate professional skills (see section 6 of the FMA Guidelines 2018/22)  |   | [ ]  | [ ]  | [ ]  |   |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *Details on the e-money institution or payment institution* | **EMA**Art. 25(1)in conjunction with Art. 23(2)**PSA**Art. 26(1)in conjunction with Art. 24(2) | a | The name and address of the e-money institution or payment institution |   | [ ]  | [ ]  | [ ]  |   |
| b | The EEA Member State in whose territory the agent will perform its activities or has its registered office |   | [ ]  | [ ]  | [ ]  |   |
| c | The nature of the payment services that the agent intends to provide for the e-money institution or payment institution |   | [ ]  | [ ]  | [ ]  |   |
| e | A comprehensive description of the agent’s organisational structure (number of business divisions and employees; an organisational chart that shows the reporting lines to the e-money institution or payment institution) and how the agent has been integrated within the structure of the payment institution or e-money institution  |   | [ ]  | [ ]  | [ ]  |   |
| EBA GL on Electronic Money Directive Passport Notifications (2013) |  | A comprehensive description of the agent’s participation in a national or international payment system, or details as to whether the agent intends to participate in such a payment system |   | [ ]  | [ ]  | [ ]  |   |
|  | A description of the integration of the agent in the internal control system of an e-money institution or a payment institution, including an account of the permanent and periodic control processes that have been implemented by the e-money institution or payment institution in order to check proper compliance with the requirements set out under due diligence legislation by the agent |   | [ ]  | [ ]  | [ ]  |   |
|  | Opinion of the special-law auditing firm (see section 6 of the FMA Guidelines 2018/22) |   | [ ]  | [ ]  | [ ]  |   |

The information as stipulated under Annex 3 to the Commission Delegated Regulation (EU) 2017/2055 of 23 June 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for the cooperation and exchange of information between competent authorities relating to the exercise of the right of establishment and the freedom to provide services of payment institutions must also be submitted.

**Please note:**

If it is not possible to provide a declaration for one of the named points, written justification must be submitted to the FMA.

If an agent has already been reviewed by the FMA, any changes that have occurred since the last review must also be documented, with the provision of express confirmation that there are no further changes in addition to the stated changes. The completeness and accuracy of these details must be confirmed at the same time. In individual cases, the FMA will request the updating of documents that are already available.

By providing their signature, the undersigned confirm that the details provided in the checklist, including the enclosures and other information, are complete and accurate.

**Data protection:**

The FMA processes personal data exclusively in accordance with the general data processing principles of the General Data Protection Regulation (Regulation (EU) No. 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC) and in line with applicable data protection law.

Information regarding the processing of personal data, including details about the purpose of processing, the data controller and the rights of data subjects can be found in the FMA Privacy Policy: https://www.fma-li.li/en/fma/data-protection

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(Place, date) (Name in block capitals and signature of the authorised representative)

1. In addition to the address, please also provide, if known, the contact person and his or her contact details (telephone number, e-mail address). [↑](#footnote-ref-1)