

151**DECREE**

of 2 July 2022,

amending Decree No 1/2022 Coll., on applications and notifications to perform activities pursuant to the Payment System Act and Decree No. 7/2018 Coll., on some conditions on the pursuit of business of payment institutions, payment account information administrators, small-scale payment service providers, electronic money institutions and small-scale electronic money issuers, as amended by Decree No. 2/2022 Coll.

The Czech National Bank determines, pursuant to Article 263 of Act No. 370/2017 Coll., on payments, as amended by Act No. 129/2022 Coll., for the implementation of Article 60(3), Article 65a(2), Article 101(3), Article 106a(2), Article 254e(3), Article 254f(2) and Article 254h(4) of the act:

PART ONE

Amendment to decree on applications and notifications to perform activities pursuant to the Payment System Act

Article I

Decree No 1/2022 Coll., on applications and notifications to perform activities pursuant to the Payment System Act, is amended as follows:

1. In the introductory sentence, the word “and” will be replaced by a comma and after the text “Article 102(2)” the words “Article 254e(3) and Article 254f(2)” will be inserted.

2. In Article 1(1) at the end of paragraph a) a subparagraph 6 will be inserted and will read:

“6. dynamic currency conversion service providers.”

3. In Article 1(1)(b) the number “5” will be replaced by the number “6”.

4. In Article 8 and Article 14 paragraphs k) to n) will read:

“k) information for assessing the trustworthiness of the applicant,

l) information about managers pursuant to Annex No 4 to this Decree,

m) information about persons with a qualifying holding in the applicant and persons who, acting in concert with

another person, achieve a qualifying holding in the applicant, and the controlling person pursuant to Annex No 3 to this Decree,

n) a description of measures in the fight against money laundering and the financing of terrorism and a guide for measures in the fight against money laundering and the financing of terrorism for the applicant’s staff.”.

5. After Article, 21 new Articles 21a and 21b will be added and will read as follows, including the titles:

“Article 21a

Application for authorization to operate a dynamic currency conversion service

(Re Article 254e(3) of the Payment System Act)

The details of this application are

- a) the identification details of the applicant, and
 1. if the applicant is a legal person that has not yet been established, the founding legal act,
 2. the address of the registered office, where different from the seat, and where the applicant has its seat and registered office in another Member State, also the address of the branch in the Czech Republic, an extract from a register similar to the Commercial Register, which must not be older than 3 months, and the founding legal act,
 3. the e-mail address and website of the applicant, where available, and
 4. information about whether the applicant is a regulated institution,
- b) information for assessing the trustworthiness of the applicant,
- c) information about managers pursuant to Annex No 4 to this Decree,
- d) information about persons with a qualifying holding in the applicant and persons who, acting in concert

with another person, achieve a qualifying holding in the applicant, and the controlling person pursuant to Annex No 3 to this Decree,

- e) the name of the association of persons providing the dynamic currency conversion service or other similar associations of which the applicant is a member or of which they will soon become a member.

Article 21b

Notification of a change to the information given in an application

for authorization to operate

a dynamic currency conversion service

(Re Article 254f(2) of the Payment System Act)

Notification of a change to the information given in an application to operate a dynamic currency conversion service provider will contain the information that will be changed, supplemented with the updated information pursuant to Article 21a affected by such change, depending on the nature of the change.”.

6. In Annex No 3, paragraph d), at the end of the text in sub-paragraphs 3 and 5 the words “or a dynamic currency conversion service provider” will be added.

7. In Annex No 3, paragraph e), at the end of the text in sub-paragraph 4 the words “or a dynamic currency conversion service provider” will be added.

8. In Annex No 4, second paragraph, first sentence, the words “provider or” will be replaced by the word “provider,” and after the words “electronic money issuer” the words “or dynamic currency conversion service provider” will be added.

9. In Annex No 5, at the start of paragraph i) the words “in the case of a payment institution, payment account information administrator or electronic money institution” will be inserted.

PART TWO

Amendment to decree on some conditions on the pursuit of business of payment institutions, payment account information administrators, small-scale payment service providers, electronic money institutions and small-scale electronic money issuers

Article II

Decree No. 7/2018 Coll., on some conditions on the pursuit of business of payment institutions, payment account information administrators, small-scale payment

service providers, electronic money institutions and small-scale electronic money issuers, as amended by Decree No. 2/2022, is amended as follows:

1. In the introductory sentence the words “Article 59(4), Article 74(6), Article 75(3), Article 78(4) and Article 100(4)” will be replaced by the words “Article 59(4), Article 65a(2), Article 74(6), Article 75(3), Article 78(4), Article 100(4), Article 106a(2) and Article 254h(4)”.

2. At the end of Article 1 the full-stop will be replaced by a comma and a paragraph e) will be added, reading as follows:

“e) the method for compliance with the requirements for the claims and complaints management system for dynamic currency conversion service providers.”.

3. In part two in the heading for title IV after the number “(4)” the words “and Article 65a(2)” will be added.

4. In part two in the heading for title V after the number “(4)” the words “and Article 106a(2)” will be added.

5. In part two after title V a title VI shall be added, and shall read as follows, including the heading:

“TITLE VI

METHOD FOR COMPLYING WITH THE REQUIREMENTS FOR A CLAIMS AND COMPLAINTS MANAGEMENT SYSTEM FOR A DYNAMIC CURRENCY CONVERSION SERVICE PROVIDER

(Re Article 254h(4) of the Act)

Article 10

In order to comply with the requirements for a claims and complaints management system, a dynamic currency conversion service provider will proceed mutatis mutandis pursuant to Article 5.”.

PART THREE

EFFECT

Article III

This Decree will come into effect on 1 July 2022.

Governor:

Ing. **Rusnok**, duly signed