

Procedure in the event of errors in the unique identifier

1. Basic rights and obligations

- 1.1. A direct participant shall proceed in accordance with this Annex, regardless of whether it is simultaneously the provider of the payer or the beneficiary, in the event of a credit transfer which it has made using the CERTIS system where the payer has entered an incorrect unique identifier for this transfer and asked the payer's provider for the return of funds or the provision of data.
- 1.2. The operator shall provide direct participants with a free means of mutual communication for the purpose of returning funds or providing data in respect of payments referred to in point 1.1. The operator shall make reasonable efforts to guarantee the security and proper delivery of this communication in the CERTIS system; Article 1747 of the Civil Code shall apply to the operator's obligations. In the event of a breakdown, direct participants may proceed in accordance with Article 28 of the Rules or communicate in another appropriate manner. The operator shall not be held responsible for the correctness and completeness of the data that direct participants communicate to each other pursuant to this Annex, or for their compliance with legislation.
- 1.3. A direct participant shall be responsible for fulfilment of its duties under the procedure laid down in this Annex. In necessary cases, the direct participant shall obtain contractual consent from its clients. A direct participant which maintains an account of another payment service provider pursuant to the Payment System Act shall place this provider under a contractual obligation to cooperate in the fulfilment of the participant's duties under this Annex, including responsibility to all the entities concerned for the proper provision of this cooperation, and shall disclose its identity and prove its obligation to the entities affected at their request.
- 1.4. Where proceeding in accordance with points 4, 5 and 7, the direct participant shall provide only the information available to it.
- 1.5. Where more than 13 months have passed since the date of a credit transfer made via the CERTIS system, the direct participant is not required to proceed in accordance with this Annex but may communicate with the other direct participant concerned in another appropriate manner.

2. Definitions

In this Annex,

- a) **incorrect unique identifier** shall mean an incorrect unique identifier of the beneficiary or its account pursuant to the Payment System Act;
- b) **payer** shall mean a payer pursuant to the Payment System Act (including the owner of an account other than a payment account);
- c) **payer's provider** shall mean the payer's payment service provider pursuant to the Payment System Act (including providers which do not fall under the scope of the Payment System Act);
- c) **beneficiary's provider** shall mean the beneficiary's payment service provider pursuant to the Payment System Act (including providers which do not fall under the scope of the Payment System Act);
- b) **beneficiary** shall mean the beneficiary pursuant to the Payment System Act (including the owner of an account other than a payment account);
- f) **provision of data** shall mean the provision of data which the payer needs to exercise the right to the return of funds;
- g) **payer's account** shall mean the payer's account pursuant to the Payment System Act or a similar account which does not fall under the scope of the Payment System Act;
- g) **beneficiary's account** shall mean the beneficiary's account pursuant to the Payment System Act or a similar account which does not fall under the scope of the Payment System Act;
- i) **credit transfer** shall mean the transfer and credit of funds initiated by the payer pursuant to the Payment System Act, including the transfer and credit of funds which do not fall under the scope of the Payment System Act;

3. Verification

- 3.1. Before proceeding in accordance with point 4 or 5, the payer's direct participant shall verify whether:
 - a) the credit transfer was made using the CERTIS system as accounting item 01 or 11 or as an instant payment;
 - b) the payer has proved that he entered an incorrect unique identifier in the payment order (for example by means of an invoice or another document from which the error is evident; if the payer does not have such a document, he shall submit an affirmation containing an explanation of the circumstances).
- 3.2. The payer's direct participant shall be held responsible for the verification to both the beneficiary's direct participant and the other persons concerned, with the exception of cases where the participant is not the payer's provider and where it has duly obliged the payer's provider to conduct the verification and assume responsibility pursuant to point 1.3.

3.3. Neither the payer's direct participant nor the beneficiary's direct participant shall be required to verify whether the beneficiary has returned the payment.

4. Procedure to be followed by the payer's direct participant if the payer asks for the return of funds (first sentence of Article 186(2) of the Payment System Act)

4.1. This procedure shall not be applied if the payer's account has meanwhile been cancelled or if, for other specific reasons, the payer is asking for the funds to be returned to another account – in such case, direct participants shall communicate in another appropriate manner.

4.2. The payer's direct participant shall create new non-accounting item 96 from the original accounting item 01 or 11 by changing the type of the item from HD:01 or HD:11 to HD:96.

At the request of the payer, it shall enter the following information in the DI (debit information) field:

Sub-field 1 (35 characters): Name and surname/name

Sub-field 2 (35 characters): Address line 1 (in the form of street and house number/orientation number)

Sub-field 3 (35 characters): Address line 2 (in the form of postcode, municipality and state – where the state is not the Czech Republic)

Sub-field 4 (35 characters): Telephone, including international dialling code, and e-mail

The other fields of the original item 01 or 11 shall remain unchanged in item 96.

4.3 In the case of an instant payment, the payer's direct participant shall create non-accounting item 96 from all the relevant data provided in the instant payment order; the primary document identification of the instant payment (not XID) shall be entered in the ID field. At the request of the payer, the participant shall fill in the DI (debit information) field pursuant to point 4.2.

4.4. The payer's direct participant shall transmit item 96 to the beneficiary's direct participant via the CERTIS system.

5. Procedure to be followed by the payer's direct participant if the payer asks for the provision of information (Article 186(2), second sentence, of the Payment System Act)

5.1. This procedure shall also be applied if the payer's account has meanwhile been cancelled.

5.2. The payer's direct participant shall create new non-accounting item 97 from the original accounting item 01 or 11 by changing the type of the item from HD:01 or HD:11 to HD:97.

It shall fill in the DI (debit information) field pursuant to point 4.2.

The other fields of the original item 01 or 11 shall remain unchanged in item 97.

5.3 In the case of an instant payment, the payer's direct participant shall create non-accounting item 97 from all the relevant data provided in the instant payment order and shall enter the primary document identification of the instant payment (not XID) in the ID field. At the request of the payer, it shall fill in the DI (debit information) field pursuant to point 4.2.

5.4. The payer's direct participant shall transmit the item 97 to the beneficiary's direct participant via the CERTIS system.

6. Procedure to be followed by the beneficiary's direct participant which receives item 96

6.1. This procedure shall also be applied if the beneficiary's account has meanwhile been cancelled.

6.2 Based on the non-accounting item 96 received, the beneficiary's direct participant shall inform the beneficiary (or his proxy, notary, etc.) directly or through its client of the fact that, according to information from the payer, he has become an unintended, unjustly enriched recipient of funds credited to his account on the basis of the credit transfer in question. At the same time, it shall call on the beneficiary to return the funds to the payer.

7. Procedure to be followed by the beneficiary's direct participant which receives item 97

7.1 This procedure shall also be applied if the beneficiary's account has meanwhile been cancelled.

7.2 This procedure shall not be applied if the payer's direct participant has discovered that the beneficiary has returned the payment.¹

7.3 Based on the non-accounting item 96 received, the beneficiary's direct participant shall create new non-accounting item 96 from this item by changing the type of the item from HD:97 to HD:98, in which it shall enter the following contact information of the beneficiary in the KI (credit identification) field:

Sub-field 1 (35 characters): name and surname of natural person/name of legal entity (this may also include any related information, such as multiple names or surnames, the "trustee" designation, etc.);

Sub-field 2 (35 characters): Address line 1 (in the form of street and house number/orientation number or other similar information)

Sub-field 3 (35 characters): Address line 2 (in the form of postcode, municipality and state – where the state is not the Czech Republic, including the part thereof where appropriate)

¹ However, the beneficiary's direct participant is not obliged to check the return of the payment; see point 3.2.

Sub-field 4 (35 characters): birth certificate number of a natural person who is not an entrepreneur/company ID number of a natural person who is an entrepreneur or of a legal entity; in the case of an organisational unit of a foreign legal entity in the Czech Republic, the municipality where this organisational unit has its the registered office shall also be entered.

7.4 Explanatory notes on filling in the sub-fields referred to in point 7.3.

Sub-field 1:

- In the case of an organisational unit of the state, the name of this organisational unit should be entered.

Sub-field 2:

- In the case of natural persons (including entrepreneurs), the address of permanent residence should be entered.
- In the case of natural persons who do not reside in the Czech Republic, the place of residence abroad should be entered; however, if a contact address (correspondence address, address of permanent residence, etc.) in the Czech Republic is available, both addresses should be entered – in such case, CERTIS direct participants should proceed in accordance with point 7.6.
- In the case of a legal entity, the registered address of the legal entity should be entered (in the case of a foreign legal entity, the registered address of this entity abroad should be entered).
- In the case of an organisational unit of the state, the address of this organisational unit should be entered.
- In the case of a higher self-governing unit, the registered address of the regional authority should be entered.
- In the case of a municipality, the registered address of the municipal authority should be entered.
- In the case of any other entity, its address pursuant to the legislation should be entered.

Sub-field 4:

- Where the birth certificate number of a natural person who is not an entrepreneur or the company ID number of a natural person who is an entrepreneur is unavailable, the date of birth in the form DD.MM.YYYY should be entered.
- In the case of a trustee, the identification number of the trust fund should be entered in brackets after his birth certificate number or company ID number; where this is unavailable, his name or reference number should be entered in brackets.

All sub-fields:

- The municipality should be entered including the self-governing municipal unit/district, where divided into such units.

7.5. The beneficiary's direct participant shall transmit item 98 to the payer's direct participant via the CERTIS system within three working days or, if it needs to contact the beneficiary, within seven working days.

7.6. In cases where

- the sub-field is too small to fit the required data,
- the account is owned by a trustee, without the beneficiary's direct participant having stated this information in sub-field 1 of item 98,
- specific persons or entities without legal personality are concerned,
- the company ID number of a natural person who is an entrepreneur or of a legal entity is not available to the direct participant, but another identification number of this person is available to the participant,
- an address of a natural person other than the address of permanent residence (residence address, registered address or other contact address) is (also) available to the direct participant,
- the direct participant is recording the death of the owner of an account,
- the direct participant is recording distraint over an account,
- the payer needs to know other information which is available to the beneficiary's direct participant in order to exercise his claim,

the beneficiary's direct participant shall communicate the beneficiary's contact data pursuant to points 7.3 and 7.4 and the information referred to in the indents above in another appropriate manner. If the beneficiary's direct participant fails to obtain the beneficiary's account data, it shall communicate the reasons in the same manner.