

DECREE

No. 375/2009 Coll.,

of 23 October 2009

on reporting by payment institutions, small-scale payment service providers and electronic money institutions to the Czech National Bank

Pursuant to Article 142 of Act No. 284/2009 Coll., on the Payment System (hereinafter referred to as the “Act”), the Czech National Bank stipulates the following regarding the implementation of Articles 27(2) and 50(2) of the Act:

Article 1

Subject matter

This Decree stipulates the content, form, time limits and manner of providing information by payment institutions, small-scale payment service providers and electronic money institutions (hereinafter referred to as the “reporting agent”) to the Czech National Bank.

Article 2

Definitions

For the purposes of this Decree:

- a) “statement” shall mean a structured set of data that have material and formal links, and
- b) “dataset” shall mean a set of statement data with predefined data structures that are methodologically described, transmitted and processed as a whole by an information system.

Article 3

Statements of a payment institution

(Regarding Article 27(2) of the Act)

A payment institution shall compile the following statements as of the last day of the calendar quarter and submit them within 30 calendar days after the end of the calendar quarter to which they relate:

- a) PLT(ČNB) 15-04 “Balance sheet of payment institution”,
- b) PLT(ČNB) 25-04 “Profit and loss account of payment institution”,
- c) PLT(ČNB) 30-04 “Report on capital”,
- d) PLT(ČNB) 40-04 “Report on eligible assets and volume of payment transactions”, and
- e) PLT(ČNB) 50-04 “Report on organisational structure”.

Article 4

Statements of a small-scale payment service provider

(Regarding Article 44(1) of the Act)

A small-scale payment service provider shall compile statement PLT(ČNB) 40-04 “Report on eligible assets and volume of payment transactions” as of the last day of the calendar quarter and submit it within 30 calendar days after the end of the calendar quarter to which it relates.

Article 5

Statements of an electronic money institution (Regarding Article 50(2) of the Act)

An electronic money institution shall compile the following statements as of the last day of the calendar quarter and submit them within 30 calendar days after the end of the calendar quarter to which they relate:

- a) PLT(ČNB) 10-04 “Balance sheet of electronic money institution”,
- b) PLT(ČNB) 20-04 “Profit and loss account of electronic money institution”,
- c) PLT(ČNB) 30-04 “Report on capital”,
- d) PLT(ČNB) 40-04 “Report on eligible assets and volume of payment transactions”, and
- e) PLT(ČNB) 50-04 “Report on organisational structure”.

Article 6

Joint provisions for the compilation of statements

- (1) The content of the statements is given in Annex 1 hereto.
- (2) Statements compiled at the end of the fourth calendar quarter shall be submitted by the reporting agent by 10 February of the following year.
- (3) When compiling the statements, the reporting agent shall follow the procedures set out in the legal rules regulating the keeping of accounts and the compilation of financial statements¹⁾ or in international accounting standards governed by the law of the European Communities²⁾.
- (4) The reporting agent shall convert data expressed in foreign currency to data expressed in the Czech currency at the exchange rate announced by the Czech National Bank and valid on the statement compilation date, or it shall follow the procedures set out in another legal rule regulating the accounting of entrepreneurs keeping accounts in a double-entry bookkeeping system.³⁾ In the case of the data in reports regarding compliance with the rules for the performance of activities, reporting agents may use the exchange rates announced by the European Central Bank in accordance with the legal rule regulating prudential rules.⁴⁾
- (5) The reporting agent shall value assets and liabilities according to the situation as of the statement compilation date.

Article 7

Submitting information for entry in the list of branches and agents (Regarding Article 27(2) of the Act)

- (1) Where a payment institution provides payment services through a branch or an agent, it shall submit the necessary information for entry in the list of such branches or agents to the Czech National Bank in electronic form in the form of a data report.⁵⁾ The Czech National

¹⁾ Act No. 563/1991 Coll., on Accounting, as amended, and Decree No. 501/2002 Coll., implementing certain provisions of Act No. 563/1991 Coll., on Accounting, as amended, for accounting units that are banks and other financial institutions, as amended.

²⁾ Article 2 of Regulation (EC) No. 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards.

³⁾ Article 60(4) of Decree No. 500/2002 Coll., implementing certain provisions of Act No. 563/1991 Coll., on Accounting, as amended, for accounting units that are entrepreneurs keeping accounts in a double-entry bookkeeping system.

⁴⁾ Article 53 of Decree No. 123/2007 Coll., on prudential rules for banks, credit unions and investment firms.

⁵⁾ Article 2(d) of Act No. 227/2000 Coll., on Electronic Signature and on the Amendment of Some Other Acts (Electronic Signature Act), as amended by Act No. 440/2004 Coll.

Bank shall publish the structure and manner of drawing up the data report in a manner allowing remote access.

(2) The structure of the information required for entry in the lists referred to in paragraph 1 is given in Annex 2 hereto.

(3) The information shall be submitted as of the date the fact entered in the list of branches or agents came into being or ceased to be or as of the date such fact changed, together with the notification laid down in the decree regulating the pursuit of business of a payment institution.⁶⁾

Article 8

Commencement and termination of the submitting of statements and information

(1) Payment institutions and electronic money institutions shall submit the statements laid down herein as from the date the authorisation to perform the activities of a payment institution or the authorisation to perform the activities of an electronic money institution becomes final and conclusive. A small-scale payment service provider shall submit the statement laid down herein as from the date the certificate of entry in the register of small-scale payment service providers is issued.

(2) Payment institutions and electronic money institutions shall submit the statements laid down herein up to the date the Czech National Bank's decision to withdraw the authorisation to perform the activities of a payment institution or electronic money institution becomes final and conclusive. A small-scale payment service provider shall submit the statement laid down herein up to the date of deletion from the register of small-scale payment service providers.

Article 9

Manner and form of submitting statements

(1) The reporting agent shall send the statements referred to in Articles 3 to 5 to the Czech National Bank in electronic form, in the form of data reports⁵⁾ and in the structure and form of datasets accessible via:

- a) the Czech National Bank's application for data collection from non-banks (SDNS), which is available in a manner allowing remote access,
- b) the reporting agent's own application allowing electronic exchange of information (EDI/EDIFACT), or
- c) the reporting agent's own application using the Czech National Bank's web service for data collection to transmit the statement (SDNS-WS).

(2) The reporting agent shall furnish data reports sent via the applications referred to in paragraph 1(a) and (c) with a secured electronic signature based on a qualified certificate⁷⁾.

(3) The reporting agent shall furnish data reports sent via the application referred to in paragraph 1(b) with a security sign based on a certificate issued by the Czech National Bank.

⁶⁾ Articles 51 and 53 of Decree No. .../2009 Coll., on the pursuit of business of payment institutions, electronic money institutions, small-scale payment service providers and small-scale electronic money issuers.

⁷⁾ Article 2(b) of Act No. 227/1991 Coll., as amended by Act No. 440/2000 Coll.

Article 10

Corrections and changes in statements

(1) If a mistake is found or a change made in the data of a statement after the statements have been submitted to the Czech National Bank, the reporting agent shall resubmit the statement with the corrected data to the Czech National Bank without undue delay. If the correction also affects data in other statements or statements for other time periods, the reporting agent shall also correct all such related statements.

(2) If a change is made in the reported data in a statement compiled as of the last day of the calendar year on the basis of an audit of the financial statements made by an auditor, the reporting agent shall resubmit the statement with the corrected data no later than 15 days after the audit of the financial statements. If the correction also affects data in another statement or statements for other time periods, the reporting agent shall also correct all such related statements.

(3) The reporting agent shall submit corrected statements to the Czech National Bank within the time limits laid down in paragraphs 1 and 2 in the manner defined in Article 9 together with information about the content of, and reason for, the correction.

Article 11

Organisational prerequisites for the submitting of statements

(1) A reporting agent compiling and submitting statements to the Czech National Bank using an application referred to in Article 9(1)(a) or (c) shall inform the Czech National Bank of:

- a) the name(s) and surname of the person submitting statements to the Czech National Bank on behalf of the reporting agent,
- b) also, in particular, the address of the place of work, the telephone number and the e-mail address of this person, and
- c) the number of the qualified certificate issued by an accredited provider of certification services for electronic signing pursuant to Article 9(2) of this person.

(2) The reporting agent shall inform the Czech National Bank of any change in the data referred to in paragraph 1.

Article 12

Transitional provision

Reporting agents shall submit the statements referred to in Articles 3 to 5 hereof for the first time for the first calendar quarter of 2010.

Article 13

Effect

This Decree shall take effect on the date of its publication.

Basic characteristics and content of the statements submitted by payment institutions and electronic money institutions to the Czech National Bank

Statement: PLT(ČNB) 15 - 04

Name: Balance sheet of payment institution

Content:

The statement contains the structure of assets and liabilities pursuant to Annex 1 to Decree No. 500/2002 Coll., implementing certain provisions of Act No. 563/1991 Coll., on Accounting, as amended, for accounting units that are entrepreneurs keeping accounts in a double-entry bookkeeping system, as amended. It contains the main items at the level of capital letters and Roman numerals. Items of short-term financial assets, capital funds, reserve funds, profit/loss of previous years and bank loans and assistance are further broken down in accordance with the aforementioned decree.

The data are reported for all activities and separately for the activities listed in Article 8 of the Act. Asset items are reported as of the last day of the reference period at book value not adjusted for and adjusted for specific provisions and accumulated depreciation, while specific provisions and accumulated depreciation are also reported separately.

Statement: PLT(ČNB) 25 - 04

Name: Profit and loss account of payment institution

Content:

The profit and loss account contains an overview of income, costs, profit/loss and accounting profit/loss pursuant to Annex 2 to Decree No. 500/2002 Coll., implementing certain provisions of Act No. 563/1991 Coll., on Accounting, as amended, for accounting units that are entrepreneurs keeping accounts in a double-entry bookkeeping system, as amended by Decree No. 472/2003 Coll. It contains the main items at the level of capital letters and Roman numerals. The item of income on long-term financial assets is further broken down in accordance with the aforementioned decree.

The data are reported for all activities and separately for the activities listed in Article 8 of the Act.

Statement: PLT(ČNB) 30 - 04

Name: Report on capital

Content:

The report contains information relating to Decree No. .../2009 Coll., on the pursuit of business of payment institutions, electronic money institutions, small-scale payment service providers and small-scale electronic money issuers (hereinafter referred to as the "Decree"). In the part relating to capital, it follows its individual items in accordance with Part 2 of the Decree as of the last day of the reference period. It also contains information about the manner of calculating capital requirements in compliance with the individual methods listed in Part 3 or Article 45 of the Decree, and a surplus or shortage of capital. The data provided here represent either the position as of the last day of the reporting period or the data for the previous period known as of the last day of the reporting period.

The part relating to capital is completed uniformly by all agents. As regards the parts relating to capital requirements, only the part that corresponds to the method chosen and approved by the agents in accordance with Part 3 or Article 45 of the Decree is completed. Hybrid payment institutions apply the calculation of capital requirements only to activities under Article 8 of the Act.

Statement: PLT(ČNB) 40 - 04**Name: Report on eligible assts and volume of payment transactions****Content:**

The report contains the structure of funds of the payment institution or small-scale payment service provider that have been entrusted to them for the purposes of conducting a payment transaction, or of funds of an electronic money institutions corresponding to financial liabilities arising from electronic money that may be invested only in low-risk liquid assets. Items of cash, bank accounts and bonds broken down in accordance with the first and second parts of Table 2 of Annex 20 to Decree No. 123/2007 Coll. on prudential rules for banks, credit unions and investment firms, as amended, are stated separately. The data are given according to the position as of the last day of the reference period. Payment institution and small-scale payment service providers also give the volume of payment transactions conducted in the reference period.

Statement: PLT(ČNB) 50 - 04**Name: Report on organisational structure****Content:**

The report contains data on the organisation structure, bodies, employees, shareholders and significant equity holdings of the payment institution or electronic money institution. It includes basic identification data, data on registered capital broken down into the Czech Republic, the EU, the EEA and the other states, basic identification data, position and information about the commencement of office of members of the statutory body and the supervisory body, basic identification data, position, main area of work and information about the commencement of office of managers, information about the shareholder structure and qualifying holdings of the reporting agent, and the qualifying holdings of the reporting agent in other legal entities.

“Basic identification data” means, in the case of a legal entity, the identification number, business name and registered address (street, house number, municipality, postcode and state), or, in the case of a natural person, the name(s), surname, titles before and after name, date of birth and permanent residence address (street, house number, municipality, postcode and state).

Statement: PLT(ČNB) 10 - 04**Name: Balance sheet of electronic money institution****Content:**

The statement contains the structure of assets and liabilities pursuant to Annex 1 to Decree No. 501/2002 Coll., implementing certain provisions of Act No. 563/1991 Coll., on Accounting, as amended, for accounting units that are banks and other financial institutions, as amended. No detailed structure is required for the items of holdings, long-term tangible and intangible assets, reserves and valuation differences. Asset items are reported at book value not adjusted for and adjusted for specific provisions and accumulated depreciation, while specific provisions and accumulated depreciation are also reported separately.

Statement: PLT(ČNB) 20 - 04**Name: Profit and loss account of electronic money institution****Content:**

The profit and loss account of the reporting agent contains an overview of the income, costs, profit/loss and accounting profit/loss of the electronic money institution pursuant to Annex 2 to Decree No. 501/2002 Coll., implementing certain provisions of Act No. 563/1991 Coll., on Accounting, as amended, for accounting units that are banks and other financial institutions, as amended by Decree No. 473/2003 Coll. No detailed structure is required for the items of income on shares and equity and costs per employee. The data are reported from the start of the year until the end of the reference period.

Scope of the information submitted by payment institutions to the Czech National Bank for entry in the list of branches and agents

The information required for entry in the list of branches and agents of payment institutions comprises:

- a) basic identification data on the payment institution, i.e. in the case of a legal entity, the identification number, business name and registered address (street, house number, municipality, postcode and state), or, in the case of a natural person, the name(s), surname, titles before and after name, date of birth and permanent residence address (street, house number, municipality, postcode and state),
- b) basic identification data on the branch(es), i.e. their designation (serial number) and address (street, house number, municipality, postcode and state),
- c) basic identification data on the agent(s) – natural person(s), i.e. their serial number, name(s), surname, degrees before and after name, date of birth, permanent residence number (street, house number, municipality, postcode and state) and identification number if assigned,
- d) basic identification data on the agent(s) – legal entity (entities), i.e. the serial number, identification number, business name and registered address (street, house number, municipality, postcode and state),
- e) information about the range of payment services provided,
- f) for individual agents – legal entity, basic identification data on its directors, i.e. their serial number, name(s), surname, date of birth, permanent residence address (street, house number, municipality, postcode and state),
- g) for individual branches or agents, information on whether this is a new entry, an amendment of an existing entry or a deletion of an entry,
- h) contact details of the persons submitting the data report.