



Payments, E-Money and Crypto-Assets Quarterly Legal and Regulatory Update

Period covered: 1 April 2023 – 30 June 2023

TABLE OF CONTENTS

<u>PAYMENTS</u>	<u>DIGITAL FINANCE & CRYPTO-ASSETS</u>	<u>CENTRAL BANK OF IRELAND</u>	<u>AML & CFT</u>
<u>DATA PROTECTION</u>	<u>MISCELLANEOUS</u>		

1. PAYMENTS

1.1 Publication of the European Union (Requirements for Credit Transfers and Direct Debits in Euro) (Amendment) Regulations 2023

On 24 May 2023, the Minister for Finance published the European Union (Requirements for Credit Transfers and Direct Debits in Euro) (Amendment) Regulations 2023 [S.I. No. 253 of 2023] (**Amending Regulations**). The Amending Regulation amend the existing European Union (Requirements for Credit Transfers and Direct Debits in Euro) Regulations 2013 (**Principal Regulations**) which were published to give further effect to Regulation 260/2012/EU (**Single Euro Payments Regulation** or **SEPA Regulation**).

The Single Euro Payments Area (**SEPA**) is a mechanism that facilitates the standardisation of electronic payments denominated in euro across Europe. Under SEPA, all bank accounts must be identified by an International Bank Account Number (IBAN) and a Bank Identifier Code (BIC). The Amending Regulations make provision to confer additional powers to the Central Bank of Ireland (**Central Bank**) including the power to require payment service providers or other relevant persons to provide information, records, forecasts, plans, accounts or other documents so specified by the Central Bank to ensure compliance under the SEPA Regulation or the Principal Regulations.

The Amending Regulations came into force on 1 June 2023.

The Amending Regulations can be found [here](#).

The Principal Regulations can be found [here](#).

1.2 European Commission Proposal for PSD3 and PSR

On 28 June 2023, the European Commission issued Proposals for a Directive of the European Parliament and of the Council on payment services and electronic money services in the Internal Market amending Directive 98/26/EC and repealing Directives 2015/2366/EU and 2009/110/EC (**PSD3**) and for a Payment Services Regulation (**PSR**). The Proposals aim to bring payments and the wider financial sector into the digital age and will repeal Directive 2015/2366/EU (**PSD2**).

The new Proposals seek to improve consumer rights and allow consumer's increased information rights in relation to their data; to enable payment service providers (**PSPs**) to share fraud-related information between themselves and to utilise other measures to combat and mitigate payment fraud; to allow non-bank PSPs access to all EU payment systems, with appropriate safeguards, and securing those providers' rights to a bank account; to improve the functioning of open banking; and to strengthen harmonisation and enforcement through the implementation of the PSR.

The Proposals will also improve the availability of cash in shops and via ATMs, by allowing retailers to provide cash services to customers without requiring a purchase and clarifying the rules for independent ATM operators.

You can access a copy of the Proposal for PSD3 [here](#) with its related Annexes [here](#) and a copy of the Proposal for the PSR [here](#) with its related Annexes [here](#). For more information on the Proposals, the European Commission's press release on the Proposals can be accessed [here](#).

2. DIGITAL FINANCE & CRYPTO-ASSETS

2.1 MiCA and the Recast Funds Transfer Regulation publication in the Official Journal of the EU

On 9 June 2023, Regulation (EU) 2023/1114 on markets in crypto assets (**MiCA**) and Regulation (EU) 2023/1113 on information accompanying transfers of funds and certain crypto-assets (the **Recast Funds Transfer Regulation**) were published in the Official Journal of the European Union.

The MiCA Regulation sets out a new supervisory regime for crypto-assets with a focus on issuers of certain crypto-assets (stablecoins) and crypto-asset service providers (**CASPs**). MiCA provides for the regulation and supervision of stablecoin issuers and for CASPs, requirements for public offers or admission to trading of crypto-assets, as well as a bespoke market abuse regime for crypto-assets admitted to trading.

The Recast Funds Transfer Regulation will introduce traceability of transactions in crypto-assets conducted through an intermediary or service provider and provides for the detection of suspicious transactions. The Recast Funds Transfer Regulation will see crypto-assets being brought in line with the traceability requirements for traditional financial products.

MiCA and the Recast Funds Transfer Regulation enter into force on 29 June 2023 and all provisions of the Regulations will become applicable by 30 December 2024.

The text of MiCA can be accessed [here](#) and the text of the Recast Funds Transfer Regulation can be accessed [here](#).

For more information including the applicable implementation timeline, please see our Dillon Eustace legal update [here](#).

3. CENTRAL BANK OF IRELAND

3.1 Updated Central Bank Procedures for Fitness and Probity Investigations, Suspensions and Prohibitions

In April 2023, the Central Bank published updated regulations and guidance for its Fitness and Probity investigations, suspensions and prohibitions procedures, which apply from 20 April 2023, namely the:

- Central Bank Reform Act 2010 (Procedures Governing the Conduct of Investigations) Regulations 2023, available [here](#); and
- Fitness and Probity - Investigations, Suspensions and Prohibitions: Guidance (April 2023), available [here](#).

(Together, the **Updated Regulations and Guidance**).

For further details on the Updated Regulations and Guidance, please refer to the Dillon Eustace briefing on this topic which can be accessed [here](#).

3.2 Updated Guidance on Fitness and Probity for a Payment Institution, Electronic Money Institution or Account Information Service Provider

On 18 April 2023, the Central Bank updated their Guidance on Fitness and Probity for a Payment Institution, Electronic Money Institution or Account Information Service Provider - Under the European Union (Payment Services) Regulations 2018 and the European Communities (Electronic Money) Regulations 2011 (as amended).

The updated guidance reflects the new process for submitting Individual Questionnaires (**IQs**) via the Central Bank's online Portal system and recent changes to the list of the Central Bank's Pre-Approval Control Functions (**PCF**).

The updated guidance can be accessed [here](#).

3.3 Central Bank publishes consultation on Guidelines in respect of the Administrative Sanctions Procedure (CP154)

On 9 March 2023, the Central Bank (Individual Accountability Framework) Act 2023 (**Act**) was signed into law.

The Act was introduced to promote individual accountability within the financial services sector and is intended to make individuals in key positions individually responsible for their actions within the scope of their roles (**IAF**). This includes senior management, directors and other decision makers with an impact on the firm's overall performance, with the ultimate goal being an improvement in integrity and stability.

The Act also introduces a number of important changes intended to enhance the Central Bank's Administrative Sanctions Procedure (**ASP**) which are intended to underpin and support the introduction of the IAF and to incorporate additional safeguards.

On 22 June 2023, the Central Bank published CP154, which contains draft consolidated guidelines in respect of the ASP, for consultation. The consultation will close on 14 September 2023, following which the Central Bank will review all feedback received.

Interested stakeholders are invited to submit their feedback on CP154 to the Central Bank by the deadline of 14 September 2023 via email to ASPconsultation2023@centralbank.ie.

A copy of the Act can be accessed [here](#).

CP154 can be accessed [here](#).

3.4 Safeguarding Notice to Payment and E-Money Firms.

On 25 May 2023, The Central Bank published a safeguarding notice to Payment and E-Money firms. This notice was published by the Central Bank to further clarify their position communicated to industry in the Central Bank's letter of 20 January 2023, regarding the nature of the specific audit of compliance with the safeguarding requirements under the European Union (Payment Services) Regulations 2018 (**Irish Payment Services Regulation**)/ European Communities (Electronic Money) Regulations 2011 (**EMR**).

In the January letter, in-scope firms were asked to provide an audit opinion on their compliance with the safeguarding requirements, from an audit firm which has the necessary specialist skill to audit compliance in the area, supplemented by a response from the firm's board to the audit's outcome. The original deadline for this audit to be submitted to the Central Bank was 31 July 2023, but has since been extended to 31 October 2023 to allow Chartered Accountants Ireland (**CAI**) sufficient time to develop guidance for their members on how to perform this specific audit.

Firms are required to prepare a detailed document (the **description**), the format of which is described in Appendix 1 of this notice, detailing their organisational arrangements in place as at **31 December 2022** (the **reference date**).

The firm must then prepare a board- approved assertion approved by their board stating that the aforementioned description is fairly presented and that the processes and controls included in the description operate as described as of the reference date.

The auditor then performs the following functions:

- a reasonable assurance attestation engagement in relation to the assertion, assessing whether the processes and controls mentioned in the description are fairly represented as of the reference date. The auditors will not be obligated, however, to

give an assurance that the arrangements described in the description are appropriate for the purposes of compliance with the PSR/EMR's safeguarding requirements.

- A review engagement, which the auditor will consider the description, management meetings and any gaps/deficiencies identified in the joint exercise with a view to create a "narrative or long form report" detailing the work performed and their professional view of the relevant arrangements.

The reports must be submitted to the Central Bank by the revised deadline of 31 October 2023. A copy of the safeguarding notice can be accessed [here](#).

3.5 Central Bank remarks on the forthcoming implementation of MiCA

On 30 May 2023, The Director of the Central Bank, Gerry Cross, speaking at Blockchain Ireland Week remarked on MiCA and its imminent implementation. Mr Cross noted the strong cooperation and involvement of the Central Bank and the Irish Department of Finance in the EU legislative process to finalise the novel legislation.

The Director commented that MiCA is expected to apply to issuers of Asset Referenced Tokens (**ARTs**) and E-Money Tokens (**EMTs**) around July 2024 and to CASPs at the beginning of 2025. This implementation timeline has been confirmed (please see [2.1](#) above) upon MiCA's publishing in the Official Journal on 9 June 2023.

Mr Cross also referred to the potential supervisory difficulties posed by these "stable-coins" (ARTs and EMTs). In short, MiCA is "designed to ensure that so-called stablecoins live up to their name" and this will be a challenge also for supervisors to implement effectively. The Director made reference to the climate disclosure obligations found in MiCA as proof that scale of energy use in crypto models is an important area of attention for the European Union.

In relation to CASPs, Mr Cross remarked that MiCA commented on the welcome imposition of consumer protection measures on CASPs, such as consumer warnings, minimum capital requirements with prohibition on such activities as insider dealing and market manipulation.

The speech in full can be found on the Central Bank's website [here](#).

4. ANTI-MONEY LAUNDERING (AML) AND COUNTERING THE FINANCING OF TERRORISM (CFT)

4.1 European Commission adds Nigeria and South Africa to its list of high-risk countries

Under Article 9 of Directive (EU) 2015/849 (the **Fourth Anti-money Laundering Directive**), the European Commission is mandated to adopt and maintain a list of countries with strategic deficiencies in their anti-money laundering/countering the financing of terrorism regimes.

On 17 May 2023, the European Commission published a draft delegated regulation adding Nigeria and South Africa to its list of high-risk third countries and deleting Cambodia and Morocco from that list.

The delegated regulation will enter into force following its publication in the OJ and after the standard two-month scrutiny period by the European Parliament and the Council of Europe.

A copy of the delegated regulation can be accessed [here](#).

4.2 EBA consults on amendments to the Guidelines on money laundering and terrorist financing risk factors to include CASPs

On 31 May 2023, the European Banking Authority (**EBA**) published a public consultation paper on proposed amendments to its guidelines from March 2021 on customer due diligence and the factors credit and financial institutions should consider when

assessing the money laundering and terrorist financing risk associated with individual business relationships and occasional transactions (**ML/TF Risk Factors Guidelines**). These proposed amendments would, broadly speaking, extend the scope of the Guidelines to include crypto-asset service providers (**CASPs**). CASPs may be especially exposed to money laundering risks due to the use of innovative technologies and the inherently instant transfers of crypto assets globally. The new Recast Funds Transfer Regulation and the proposal for a new Directive for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 (**AMLD4**) has driven the EBA to revise the Guidelines to address specific risks associated with CASPs.

The proposed amendments can be summarised as follows:

- **CASP specific risk factors:** The guidelines identify specific ML/TF risk factors associated with CASPs and crypto-assets which credit and financial institutions should consider when entering into a business relationship with CASPs.
- **Remote customer onboarding practices:** The updated guideline reminds CASPs and other firms using innovative onboarding solutions that they must comply with the EBA's Guidelines for Remote Customer Onboarding.
- **Sector specific guidelines:** Guideline 21 introduces new sectoral guidelines for CASPs containing risk factors that increase and reduce money laundering and terrorist financing risk. While broadly speaking, due diligence for CASPs is largely similar to traditional financial instructions, the amended guidelines call for CASPs to implement adequate procedures and systems in place to monitor all types of crypto assets.

The full consultation paper can be accessed [here](#). Responses to the consultation paper are due by 31 August 2023 and can be submitted [here](#).

4.3 Changes to the right of access to the Central Register of Beneficial Ownership of Companies

On 13 June 2023, the European Union (Anti-Money Laundering: Beneficial Ownership of Corporate Entities) (Amendment) Regulations 2023 (**Amending Regulations**) became law in Ireland, restricting access to the Central Register of Beneficial Ownership of Companies to those persons who have a "legitimate interest" in anti-money laundering and the countering of terrorism financing.

The amending regulations are required on foot of the European Court's decision in *Sovim*¹ in November 2022. The Court found that a regime of general public access to companies' beneficial ownership information constituted a "a serious interference with the fundamental rights to respect for private life and to the protection of personal data."

Under the "legitimate interest requirement, the interested party must demonstrate to the Registrar of Beneficial Ownership of Companies and Industrial and Provident Societies that:

- the person is engaged in the prevention, detection or investigation of money laundering or terrorist financing offences;
- they are seeking to inspect the information for those purposes; and
- that the relevant entity concerned is connected with persons convicted of an AML/CTF offence or holds assets in a high-risk third country.

The Amending Regulations amend the European Union (Anti-Money Laundering: Beneficial Ownership of Corporate Entities) Regulations 2019 (**Principal Regulation**).

The Principal Regulation can be accessed [here](#).

The Amending Regulation can be accessed [here](#).

¹ The *Sovim* decision (C-37/20 and C-601/20)

4.4 EBA Report on ML/TF risks associated with payment institutions

On 16 June 2023, the EBA published its report on money laundering and terrorist financing (**ML/TF**) risks associated with EU payment institutions. The report follows an assessment carried out in 2022 regarding anti-money laundering and counter financing of terrorism risks in the payment institutions sector with a view to better understand the extent to which payment institutions' AML and CTF systems and controls are effective in tackling such risks, and the effectiveness of current supervisory approaches undertaken by national competent authorities (**NCAs**) to alleviate ML/TF risk within the sector.

The findings of the report can be summarised as follows:

- Parties with responsibility for the supervision of AML/CTF risks consider payments institutions to inherently represent high ML/TF risks. However, the systems and controls of payment institutions used to mitigate these risks are at times ineffective.
- Some AML/CFT supervisors do not base the frequency and intensity of on-site and off-site supervision on the ML/TF risk profile of an individual payment institution, and on the ML/TF risks in that sector.
- Regarding authorisation in the payments sector, supervisory practices vary significantly within the EU. The EBA considers this an issue, as payment institutions with weak AML/CFT controls may establish themselves in member states with less stringent AML/CTF controls at authorisation, and then may subsequently passport their activities cross-border afterwards.
- Lack of EU-level common approach to the AML/CFT supervision of agent networks or payment institutions with widespread agent networks. The EBA recognises these agent networks as a significant inherent ML/TF risk, particularly in a cross-border context.

The EBA wishes to address the majority of the findings related to the ML/TF risks through updates to the existing EU legislative framework, other findings will require further assessment by the EBA.

The report can be accessed [here](#).

4.5 Targeted Update on Implementation of the FATF Standards on Virtual Assets and Virtual Asset Service Providers

On 27 June 2023, the Financial Action Task Force (**FATF**) published a report detailing country compliance with FATF's Recommendation 15 (relating to Virtual Asset Service Provider (**VASP**) regulation for AML/CFT purposes).

This report, FATF's fourth review since VASPs were included in their AML/CTF measures, reviews countries implementation of these standards. The report includes a consideration of the "travel rule" and a discussion regarding emerging risks and developments in the area.

The key findings can be summarised as follows:

- Global compliance with AML standards in VASPs remains "relatively poor" compared to other financial sectors;
- Jurisdictions continue to struggle with fundamental requirements, such as carrying out risk assessments;
- Implementation of the Travel Rule has been insufficient rendering VASPs "vulnerable to misuse".

The report can be found [here](#).

5. DATA PROTECTION

5.1 EDPB publishes Final Guidelines on Data Subject Right of Access

On 17 April 2023, the European Data Protection Board (EDPB) published a final version of the Guidelines 01/2022 on data subject rights - Right of access (**Guidelines**). The updated version follows a public consultation on their draft guidelines published on 18 January 2022.

The Guidelines include consideration of:

- The aim of the right of access, the structure of Article 15 of GDPR and general principles;
- General considerations regarding the assessment of access requests;
- Scope of the right of access and the personal data and information to which it refers;
- Guidelines on how controllers can provide access;
- Limits and restrictions of the right of access; and
- A flowchart illustrating the process relevant firms should take in interpreting, assessing and processing a request.

The Guidelines can be accessed [here](#).

5.2 EDPB promotes consistent approach for 101 NOYB data transfers complaints

On 19 April 2023, the EDPB published a report of the work undertaken by supervisory authorities within the “101 Task Force”. This task force (TF) was initiated at a plenary meeting on 2 September 2020 to ensure a common supervisory approach to the 101 complaints made by non-profit organisation NOYB regarding transfers of personal data to the USA earlier in that year.

The complaints revolve around the implementation of the tools “Google Analytics” and “Facebook Business Tools” (“**tools**”) on a website and the subsequent processing of personal data that may follow because of such implementation.

The report details three main topics:

1. **Transfers of Personal Data:** Even if appropriate standard contractual clauses are used, additional measures must still be in place to address deficiencies identified in the *Schrems II* judgement. In this context, the TF members agreed that encryption by the data importer was not a suitable measure if the data importer, as provider of the tool, has legal obligations to provide the cryptographic keys. In addition, there was an agreement that anonymization functions, such as the anonymization of the IP address, are not a suitable measure where the anonymization takes place only after all the data has been transferred to the third country to the importer.
2. **Principle of Accountability:** The onus of compliance is not solely upon the website operators (as data controllers), but in certain instances also on respective “providers of tools” which enable the processing of data to a sufficient degree whereby they can be considered a controller, or a processor for the purposes of the assistance obligations under Article 28 GDPR.
3. **Allocation of data protection roles:** The TF members agreed that the decision of a website operator to use a specific tool for specific purposes is regarded as determining the “purposes and means” pursuant to Article 4(7) GDPR (as relevant for identifying the data controller(s)).

The report can be accessed [here](#).

5.3 European Parliament issues Opinion rejecting the proposed EU-US Data Privacy Framework

On 11 May 2023, the European Parliament adopted a non-binding opinion concluding that the EU-U.S. data privacy framework proposed by the European Commission on 13 December 2022 (**EU-U.S. Data Privacy Framework**) fails to ensure an adequate level of protection for personal data transferred from the EU to US companies (**Opinion**).

The European Commission had previously proposed on 13 December 2022 that the EU-U.S. Data Privacy Framework, which was intended to replace the previous US Privacy Shield invalidated by the CJEU in the *Schrems II* case, would ensure equivalence in the level of protection between U.S. and EU Law.

In the Opinion, the European Parliament indicates that;

- It has taken note of the efforts made in the President of the United States' Executive Order 14086 of 7 October 2022 on Enhancing Safeguards for United States Signals Intelligence Activities (**EO 14086**) to lay down limits on US signals intelligence activities. However, the European Parliament voices its concerns in respect EO 1408, such as the failure to provide sufficient safeguards in the case of bulk data collection and the failure to provide clear rules on data retention.
- In respect of the principles of proportionality and necessity introduced by EO 14086, the substantive definitions in EO 14086 are not in line with their definition under EU law and their interpretation by the CJEU. The European Parliament also points out that for the purposes of the EU-US Data Privacy Framework, these principles would be interpreted solely in the light of US law and legal traditions and not those of the EU.
- In relation to the new Data Protection Court, the European Parliament calls out the inability of European citizens to seek effective judicial redress in the U.S. courts to the same extent as US citizens, the failure of the proposed redress process to provide for an avenue for appeal in a federal court and the failure to provide any possibility for of European citizens to claim damages and the lack of independence of the Date Protection Review Court.

The Opinion notes that the European Parliament believes that the EU-US Data Privacy Framework fails to create essential equivalence in the level of protection in the U.S, and it therefore calls on the European Commission to continue negotiations with its U.S. counterparts with the aim of creating a mechanism that would ensure such equivalence and which would provide the adequate level of protection required by Union data protection law. It has called on the European Commission not to adopt the adequacy finding until all the recommendations made in the Opinion and the EDPB opinion of 28 February 2023 are fully implemented.

A copy of the Opinion can be accessed [here](#).

5.4 EDPB adopts final version of its Recommendations 1/2022 on the application for approval and on the elements and principles to be found in Controller Binding Corporate Rules and template complaint form

On 20 June 2023, the EDPB adopted the final version (version 2.0) of its Recommendations 1/2022 on the application for approval and on the elements and principles to be found in Controller Binding Corporate Rules (**Recommendations**).

The Recommendations build upon the agreements reached by data protection authorities in the course of approval procedures on concrete BCR applications since the entering into application of the GDPR. The recommendations provide additional guidance and aim to ensure a level playing field for all BCR applicants. The recommendations also bring the existing guidance in line with the requirements in the CJEU's *Schrems II* ruling.

The Recommendations indicate that the EDPB expects all new and ongoing BCR-C applicants to bring their BCR-C in line with the requirements either during the application process or as part of their 2024 update.

The Recommendations can be accessed [here](#).

In addition, on 20 June 2023, the EDPB adopted a template complaint form to facilitate the submission of complaints by individuals and the subsequent handling of complaints by Data Protection Authorities in cross-border cases.

A copy of the template complaint form and the template acknowledgement of receipt can be accessed [here](#).

6. MISCELLANEOUS

6.1 European Commission adopts draft Memorandum of Understanding with the United Kingdom

On 17 May 2023, the European Commission announced that it has adopted a draft Memorandum of Understanding (**MoU**) establishing a framework for structured regulatory cooperation in the area of financial services with the UK.

The MoU, once signed by both Parties, will create the administrative framework for voluntary regulatory cooperation in the area of financial services between the EU and the UK. The MoU does not deal with the access of UK-based firms to the Single Market – or EU firms' access to the UK market - nor does it prejudice the adoption of equivalence decisions.

The draft MOU is subject to final political endorsement by the European Council before it can be signed by the Commission on behalf of the EU.

A copy of the press release can be accessed [here](#).

6.2 ESMA public statement highlights the risks arising from the provision of unregulated products and/or services by investment firms

On 25 May 2023, ESMA published a public statement, highlighting the risks National Competent Authorities (**NCA**s) have observed arising from the provision of unregulated products and/or services by investment firms to investors.

The statement notes that these products or services are not governed under MiFID II and are often advertised as alternatives to traditional financial instruments. Examples of these alternative and unregulated investment products include crypto assets (which will continue to be unregulated until MiCA becomes applicable in December 2024), real estate, and gold. ESMA is concerned that these practices give rise to both investor protection and prudential risks.

Regarding crypto assets, while MiCA has been published in the Official Journal (see [2.1](#) above), crypto assets will continue to be unregulated in most jurisdictions until MiCA enters fully into force.

From a consumer protection perspective ESMA is concerned that:

- There is a potential for investors to be misled as to the level of protection they receive especially if the unregulated product or service are marketed on the same webpage as regulated ones.
- There is a potential for investors to be confused or mis-sold products. Consumers could rely on a recommendation from an investment firm, although MiFID suitability and appropriateness requirements only apply to investment services in relation to financial instruments.
- Some firms may actively encourage this confusion between regulated and unregulated services.

From the investment firm's perspective, ESMA notes that:

- Unregulated products could cause reputational damage to the firm. Where clients lose their initial investment or discover they do not benefit from the protections afforded to them under financial regulation, they may complain to the investment firm for not having provided clear information about the products they were investing in.
- In addition, firms investing in and providing unregulated products may pose a higher risk to the sound and prudent management of the investment firm as a whole. This may in turn negatively affect the firm's overall compliance with its regulatory.

The statement can be found [here](#).

6.3 Provisional Agreement reached on Directive concerning Financial Services Contracts Concluded at a Distance

On 6 June 2023, the Council of the EU and the European Parliament reached a provisional political agreement on the directive concerning financial services contracts concluded at a distance, repealing the existing Distance Marketing Directive and inserting its provisions into the Consumer Rights Directive once finalised.

The agreed text simplifies existing legislation, increases consumer protection and is intended to reduce unnecessary burden and create a level playing field for financial services concluded at a distance in order to encourage the cross-border provision of such services. It is also intended to improve the rules around information disclosure and aims to provide better protection for consumers in the digital environment. Under the agreed text, where the consumer concludes a contract using online tools (such as robo-advice or chatbots), the consumer will have the right to request human intervention in order to fully understand the effects of the contract on their financial situation.

The agreed text also provides for a 'withdrawal function', which aims to ensure that to withdraw from a contract is not more burdensome than to enter it.

The provisional agreement must now be formally adopted by both the European Parliament and the Council of Europe before being published in the OJ.

A copy of the Council's press release can be accessed [here](#).

6.4 ESAs launch Consultation on first batch of DORA RTS

On 19 June 2023, the ESAs published the first batch of policy mandates in respect of Articles 15, 16(3), 18(3), 28(9) and 28(10) of the [Digital Operational Resilience Act \(DORA\)](#).

Please refer to our Dillon Eustace briefing paper entitled "First Public Consultation on DORA standards launched" for further information, which can be accessed [here](#).

If you have any questions in relation to the content of this update, to request copies of our most recent newsletters, briefings or articles, or if you wish to be included on our mailing list going forward, please contact any of the team members below.

Keith Waine

E-mail: keith.waine@dilloneustace.ie

Tel : + 353 1 673 1822

Fax: + 353 1 667 0042

Karen Jennings

E-mail: karen.jennings@dilloneustace.ie

Tel : + 353 1 673 1810

Fax: + 353 1 667 0042

Laura Twomey

E-mail: laura.twomey@dilloneustace.ie

Tel : + 353 1 673 1848

Fax: + 353 1 667 0042

Caoimhe Costello

E-mail: caoimhe.costello@dilloneustace.ie

Tel : + 353 1 673 1856

Fax: + 353 1 667 0042

DISCLAIMER:

This document is for information purposes only and does not purport to represent legal advice. If you have any queries or would like further information relating to any of the above matters, please refer to the contacts above or your usual contact in Dillon Eustace LLP.