

EBA/CP/2024/23

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Consultation Paper

Draft Regulatory Technical Standards

amending Commission Delegated Regulation (EU) 2018/1108 on the criteria for the appointment of central contact points for electronic money issuers and payment service providers and with rules on their functions under Article 45(10) of Directive (EU) 2015/849

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1. Responding to this consultation

The EBA invites comments on all proposals put forward in this paper and in particular on the specific questions summarised in 5.2.

Comments are most helpful if they:

- respond to the question stated;
- indicate the specific point to which a comment relates;
- contain a clear rationale;
- provide evidence to support the views expressed/ rationale proposed; and
- describe any alternative regulatory choices the EBA should consider.

Submission of responses

To submit your comments, click on the 'send your comments' button on the consultation page by 04.02.2024. Please note that comments submitted after this deadline, or submitted via other means may not be processed.

The draft RTS will be published for public consultation in early December 2025, for a two-months consultation period. The two-months public consultation period is based on the fact that this is an amendment to an existing RTS, which retains the original policy while extending its provisions to include CASPs. It is also necessary to provide legal certainty for CASPs on how to appoint a contact point given that CASPs will enter within the EU regulatory perimeter from December 2024.

Publication of responses

Please clearly indicate in the consultation form if you wish your comments to be disclosed or to be treated as confidential. A confidential response may be requested from us in accordance with the EBA's rules on public access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by the EBA's Board of Appeal and the European Ombudsman.

Data protection

The protection of individuals with regard to the processing of personal data by the EBA is based on Regulation (EU) 1725/2018 of the European Parliament and of the Council of 23 October 2018. Further information on data protection can be found under the Legal notice section of the EBA website.

2. Executive Summary

Payment service providers (PSPs), electronic money issuers (EMI), and crypto-asset service providers (CASPs) that are authorised in an EU Member State can operate establishments in other, host, Member States. Once established, PSPs, EMIs and CASPs have to comply with local AML/CFT obligations. This is the case even if their establishments are not 'obliged entities' themselves.

To facilitate AML/CFT supervision in such cases, host Member States may require PSPs, EMIs or CASPs to appoint a central contact point (CCP) in their territory. A CCP acts on behalf of the appointing institution and ensures compliance with local AML/CFT obligations.

Article 45(10) of Directive (EU) 2015/849 requires the EBA to develop draft regulatory technical standards setting out:

- the criteria for determining the circumstances in which the appointment of a central contact point is appropriate, and
- the functions of central contact points.

A first version of such draft regulatory standards was issued in 2017¹. They were published in the Official Journal of the EU in 2018². Since their scope was limited to PSPs and EMIs, the co-legislator amended Article 45(9) of Directive (EU) 2015/849 on 9/6/2023 to extend it to CASPs. The EBA decided to update and amend the Commission Delegated Regulation (EU) 2018/1108 in this regard.

Next steps

The draft regulatory technical standards are published for a two-month public consultation. The EBA will finalise the draft regulatory technical standards once the consultation responses have been assessed. The final report on draft regulatory technical standards is envisaged to be published in Q2, 2025.

¹ <https://eba.europa.eu/regulatory-technical-standards-ccp-strengthen-fight-against-financial-crime#:~:text=The%20Joint%20Committee%20of%20the%20three%20European%20Supervisory,the%20fight%20against%20money%20laundering%20and%20terrorist%20financing.>

² Commission Delegated Regulation (EU) 2018/1108 of 7 May 2018 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regulatory technical standards on the criteria for the appointment of central contact points for electronic money issuers and payment service providers and with rules on their functions (Text with EEA relevance.), C/2018/2716, OJ L 203, 10.8.2018, p. 2–6, ELI: http://data.europa.eu/eli/reg_del/2018/1108/oj.

3. Background and rationale

Payment service providers (PSPs), electronic money issuers (EMI), and crypto-asset service providers (CASPs) that are authorised in an EU Member State can operate establishments in other, host, Member States. Once established, PSPs, EMIs and CASPs have to comply with local AML/CFT obligations. This is the case even if their establishments are not ‘obliged entities’ themselves.

To facilitate anti-money laundering and counter-terrorist financing (AML/CFT) supervision in such cases, host Member States may require PSPs, EMIs or CASPs to appoint a central contact point (CCP) in their territory. A CCP acts on behalf of the appointing institution and ensures compliance with local AML/CFT obligations.

Article 45(10) of Directive (EU) 2015/849 requires the EBA to develop draft regulatory technical standards setting out:

- the criteria for determining the circumstances in which the appointment of a central contact point is appropriate, and
- the functions of the central contact points.

The mandate in Article 45(10) of Directive (EU) 2015/849 does not extend to the EBA specifying the form a CCP must take or determining when PSPs, EMIs, and CASPs provide services in another Member State through establishments.

A first version of such draft regulatory standards was issued in 2017. This Commission Delegated Regulation (EU) 2018/1108³ was published in the Official Journal of the EU in 2018. The scope was limited to PSPs and EMIs.

Regulation (EU) 2023/1113 on information accompanying transfers of funds and certain crypto-assets applies from 30 December 2024. It amends Directive (EU) 2015/849, inter alia by extending its scope to crypto-asset service providers. Consequently, Article 45(9) of this Directive extends provisions that Member States may require EMIs and PSPs established on their territory in forms other than a branch, and whose head office is situated in another Member State, to appoint a CCP point in their territory to CASPs. This means that the EBA has to update the Commission Delegated Regulation (EU) 2018/1108

Rationale

³ Commission Delegated Regulation (EU) 2018/1108 of 7 May 2018 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regulatory technical standards on the criteria for the appointment of central contact points for electronic money issuers and payment service providers and with rules on their functions (Text with EEA relevance), C/2018/2716.

As is the case for EMIs and PSPs, CASPs can provide services in other Member States through establishments other than branches. This can make the AML/CFT supervision of services provided through these establishments difficult.

Since the same considerations apply to EMIs and PSPs as they do to CASPs, and to keep disruption to a minimum the EBA proposes to:

- a. retain the structure and approach set out in Commission Delegated Regulation (EU) 2018/1108, and leave the provisions that apply to PSPs and EMIs unchanged.
- b. extend existing provisions to CASPs, while introducing new provisions for CASPs where this is necessary in light of their business model and operation.

Specifically, the EBA proposes to:

- a. include a definition of crypto-asset service providers (reflecting the definition in Article 3 (2) of Directive (EU) 2015/849) in Article 2;
- b. extend the existing definitions of 'competent authority' and 'host Member State' to include references to CASPs;
- c. extend other provisions in Articles 3 (1), (2), and (4), Article 4, Article 5 point (a) and (c), and Article 6 (1) and (2) to CAPSs;
- d. include in Article 3 paragraph (1) point (b), specific criteria for determining the circumstances in which the appointment of a CCP should happen for CASPs. These criteria follow the same logic as that applied to EMIs and PSPs by focusing on the size and scale of the activities carried out by the entity in the host Member State but are adapted to fit the distinct nature of crypto-assets services, in line with Recital 27 of Regulation (EU) 2024/1624.

As is the case for EMIs and PSPs, where this is justified by the level of money laundering or terrorist financing risk associated with the operation of CASPs, Member States may require them to appoint a CCP even if the criteria in Article 3(1)(b) are not met.

In addition, the nature of some crypto-assets services makes the notion of establishment challenging from a practical perspective. Therefore, the concept of establishment should follow the recital 27 of Regulation (EU) 2024/1624, considering the limited physical equipment needed for operators that mainly service their customers through non-physical means. Equally, it should be irrespective of the fact that these establishments are regarded as obliged entities under national law.

4. Draft regulatory technical standards

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

amending the regulatory technical standards laid down in Delegated Regulation (EU) 2018/1108 as regards the criteria for the appointment of central contact points for electronic money issuers and payment service providers and with rules on their functions

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC⁴, and in particular Article 45(11) thereof,

Whereas:

- (1) For the purposes of ensuring compliance with anti-money laundering and countering the financing of terrorism rules and facilitating supervision of crypto-asset service providers, Article 45(9) of Directive (EU) 2015/849 as amended by Regulation (EU) 2023/1113⁵ indicates that Member States may require crypto-asset service providers established on their territory in forms other than a branch, and whose head office is situated in another Member State, to appoint a central contact point in their territory.
- (2) An equivalent provision exists in relation to electronic money issuers and payment service providers. To ensure a consistent approach to the appointment of a central contact point and to determine the functions of a central contact point across all sectors, these provisions should be amended to include references to crypto-asset service providers.

⁴ OJ L 141, 5.6.2015, p. 73, ELI: <http://data.europa.eu/eli/dir/2015/849/oj>.

⁵ Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849 (OJ L 150, 9.6.2023, p. 1, ELI: <http://data.europa.eu/eli/reg/2023/1113/oj>)

- (3) To extend the scope of these regulatory technical standards to crypto-asset service providers and their competent authorities, the definitions of 'competent authority' and 'host Member State' should be amended to include references to crypto asset services.
- (4) Amendments should also include the introduction of criteria for determining the circumstances in which crypto-asset service providers must appoint a central contact point. These criteria follow the same logic as that applied to EMIs and PSPs by focusing on the size and scale of the activities carried out by the entity in the host Member State but are adapted to fit the distinct nature of crypto-assets services, in line with Recital 27 of Regulation (EU) 2024/1624.
- (5) As is the case for electronic money issuers and payment institutions, Member States should be able to require crypto-asset service providers to appoint a central contact point in all cases where this is commensurate with the level of money laundering or terrorist financing risk associated with the operation of crypto-asset service providers.
- (6) Commission Delegated Regulation (EU) 2018/1108 should therefore be amended accordingly.
- (7) This Regulation is based on the draft regulatory technical standards submitted to the Commission by the European Banking Authority.
- (8) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory⁶,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2018/1108

Delegated Regulation (EU) 2018/1108 is amended as follows:

- (1) in Article 2, point (1) is amended as follows:
 - ‘(1) 'competent authority' means the authority of a Member State competent for ensuring compliance of electronic money issuers, payment service providers, and crypto-asset service providers that are established in their territory in forms other

⁶ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, pp. 12–47).

than a branch and whose head office is situated in another Member State with the requirements of Directive (EU) 2015/849 as transposed by national legislation;’;

(2) in Article 2, point (2) is amended as follows:

‘(2) ‘host Member State’ means the Member State in whose territory electronic money issuers, payment service providers, and crypto-asset service providers whose head office is situated in another Member State are established in forms other than a branch;’

(3) in Article 2, the following point (4) is inserted:

‘(4) ‘crypto-asset service providers’ means a crypto-asset service provider as defined in Article 3(1), point (15), of Regulation (EU) 2023/1114, where performing one or more crypto-asset services as defined in Article 3(1), point (16), of that Regulation ⁽⁷⁾, with the exception of providing advice on crypto-assets as referred to in Article 3(1), point (16)(h), of that Regulation.’

(4) in Article 3, paragraph (1) is amended as follows:

‘1. Host Member States may require electronic money issuers, payment service providers, and crypto-asset service providers that have establishments in their territory in forms other than a branch, and whose head office is situated in another Member State, to appoint a central contact point where any of the following criteria is met:’

(5) in Article 3, paragraph (1) point (b) is amended as follows:

‘(b) “the cumulative amount of the electronic money distributed and redeemed, or the cumulative value of the payment transactions executed, or the cumulative volume of the services and activities carried out by the CASP’s establishments is expected to exceed EUR 3 million per financial year or has exceeded EUR 3 million in the previous financial year”.’

(6) in Article 3, paragraph (2) is amended as follows:

‘2. Without prejudice to the criteria set out in paragraph 1, host Member States may require categories of electronic money issuers, payment service providers, and crypto-asset service providers that have establishments in their territory in forms other than a branch, and whose head office is situated in another Member State, to appoint a central contact point where this requirement is commensurate to the level of money laundering or terrorist financing risk associated with the operation of those establishments.’

⁷ Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (OJ L 150, 9.6.2023, p. 40, ELI: <http://data.europa.eu/eli/reg/2023/1114/oj>).

(7) in Article 3, paragraph (4) is amended as follows:

‘4. Without prejudice to the criteria set out in paragraphs 1 and 2, a host Member State may, in exceptional cases, empower the host Member State's competent authority to require an electronic money issuer, payment service provider, or crypto-asset service provider that has establishments in its territory in forms other than a branch, and whose head office is situated in another Member State, to appoint a central contact point providing that the host Member State has reasonable grounds to believe that the operation of establishments of that electronic money issuer, payment service provider or crypto-asset service provider presents a high risk of money laundering and terrorist financing.’

(8) Article 4 is amended as follows:

‘The central contact point shall ensure that electronic money issuers, payment services providers and crypto-asset service providers that operate establishments specified in Article 45(9) of Directive (EU) 2015/849 comply with the AML/CFT rules of the host Member State. To this end, the central contact point shall:

- (a) facilitate the development and implementation of AML/CFT policies and procedures pursuant to Article 8(3) and (4) of Directive (EU) 2015/849 by informing the appointing electronic money issuer, payment service provider, or crypto-asset service provider of AML/CFT requirements applicable in the host Member State;
- (b) oversee, on behalf of the appointing electronic money issuer, payment service provider, or crypto-asset service provider, the effective compliance by those establishments with AML/CFT requirements applicable in the host Member State and the appointing electronic money issuer's, payment services provider's, or crypto-asset service provider's policies, controls and procedures adopted pursuant to Article 8(3) and (4) of Directive (EU) 2015/849;
- (c) inform the head office of the appointing electronic money issuer, payment service provider, or crypto-asset service provider of any breaches or compliance issues encountered in those establishments, including any information that may affect the establishment's ability to comply effectively with the appointing electronic money issuer's, payment services provider's, or crypto-asset service provider's AML/CFT policies and procedures or that may otherwise affect the appointing electronic money issuer, payment service provider, or crypto-asset service provider's risk assessment;
- (d) ensure, on behalf of the appointing electronic money issuer, payment service provider, or crypto-asset service provider, that corrective action is taken in cases where those establishments do not comply, or are at risk of not complying, with applicable AML/CFT rules;
- (e) ensure, on behalf of the appointing electronic money issuer, payment service provider, or crypto-asset service provider, that those establishments and their staff participate in training programs referred to in Article 46(1) of Directive (EU) 2015/849;
- (f) represent the appointing electronic money issuer, payment service provider, or crypto-asset service provider in its communications with the competent authorities and the FIU of the host Member State.’

(9) Article 5 is amended as follows:

‘The central contact point shall facilitate the supervision by competent authorities of the host Member State of establishments specified in Article 45(9) of Directive (EU) 2015/849 to comply with AML/CFT rules of the host Member State. To this end, the central contact point shall, on behalf of the appointing electronic money issuer, payment services provider, or crypto-asset service provider:’

(10) in Article 5, point (a) is amended as follows:

‘(a) represent the appointing electronic money issuer, payment service provider, or crypto-asset service provider in its communications with competent authorities;’

(11) in Article 5, point (c) is amended as follows:

‘(c) respond to any request made by competent authorities related to the activity of those establishments, provide relevant information held by the appointing electronic money issuer, payment service provider, or crypto-asset service provider and those establishments to competent authorities and report on a regular basis where appropriate;’

(12) in Article 6, paragraph 1 is amended as follows:

‘1. In addition to the functions specified in Articles 4 and 5, host Member States may require central contact points to perform, on behalf of the appointing electronic money issuer, payment service provider, or crypto-asset service provider, one or more of the following functions:’

(13) in Article 6, paragraph 2 is amended as follows:

‘2. Host Member States may require central contact points to perform one or more of the additional functions specified in paragraph 1 where those additional functions are commensurate to the overall level of money laundering and terrorist financing risk associated with the operation of those electronic money issuers, payment service providers, and crypto-asset service providers that have establishments in their territory in forms other than a branch.’

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President*

*[For the Commission
On behalf of the President*

5. Accompanying documents

5.1 Draft cost-benefit analysis / impact assessment

As per Article 10 of Regulation (EU) No 1093/2010 (EBA Regulation), any draft regulatory technical standards RTS developed by the EBA shall be accompanied by an Impact Assessment (IA), which analyses ‘the potential related costs and benefits’.

This analysis presents the IA of the main policy options included in this Consultation Paper on the Draft Regulatory Technical Standards amending Commission Delegated Regulation (EU) 2018/1108 on the criteria for the appointment of central contact points for electronic money issuers and payment service providers and with rules on their functions under Article 45(10) of Directive (EU) 2015/849 (“the draft RTS”). The analysis provides an overview of the identified problem, the proposed options to address this problem as well as the potential impact of these options. The IA is high-level and qualitative in nature.

A. Problem identification

In 2023, Regulation (EU) 2023/1113 on information accompanying transfers of funds and certain crypto-assets was published. It amends Directive (EU) 2015/849 to extend its scope to crypto-asset service providers (CASPs) as defined in Article 3(1), point (15), of Regulation (EU) 2023/1114 and applies from 30 December 2024.

Article 45(9) of this Directive provides that Member States may require electronic money issuers (EMIs), payment service providers (PSPs), and CASPs established on their territory in forms other than a branch, and whose head office is situated in another Member State, to appoint a central contact (CCP) point in their territory. This is because in line with the principle of territoriality, the operation of such establishments means that the appointing PI, EMI or CASP will have to comply with the host Member State’s laws. Article 45(10) of the AMLD mandates the EBA to issue a draft regulatory technical standard (RTS) on the criteria for determining the circumstances in which the appointment of a CCP, and what the functions of the central contact points should be.

In 2018, Commission Delegated Regulation (EU) 2018/1108 was adopted⁸ which was based on an RTS the European Supervisory Authorities (ESAs) prepared under Article 45(10) of the AMLD5 as originally drafted. Consequently, it applies only to EMIs and PSPs. Therefore, the EBA had to consider whether to issue new RTS, or to amend Commission Delegated Regulation (EU) 2018/1108 to extend it to CASPs.

⁸ Commission Delegated Regulation (EU) 2018/1108 of 7 May 2018 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regulatory technical standards on the criteria for the appointment of central contact points for electronic money issuers and payment service providers and with rules on their functions (Text with EEA relevance), C/2018/2716.

B. Policy objectives

The draft RTS sets proportionate and risk-sensitive criteria Member States must use when deciding whether or not foreign PSPs, EMI and CASPs that operate establishments in forms other than a branch in the host Member State's territory should appoint a CCP and what the functions of that CCP should be.

C. Baseline scenario

Section C. presents the main policy options discussed, and the decisions made by the EBA during the development of the draft RTS. Advantages and disadvantages, as well as potential costs and benefits from the qualitative perspective of the policy options and the preferred options resulting from this analysis, are provided.

Amendment of the Commission Delegated Regulation 2018/1108 versus entirely new Regulation

EBA needs to draft an RTS on the criteria to be used when deciding whether or not CASPs, in addition to PSPs and EMIs, that operate establishments in the host Member State's territory in forms other than a branch to appoint a CCP and what the functions of that CCP should be. Commission Delegated Regulation 2018/1108 already covers the criteria and functions of CCP for PSPs and EMIs. In this regard, the EBA considered two options:

Option 1a: Amending Commission Delegated Regulation 2018/1108 to extend it to CASPs.

Option 1b: Repealing Commission Delegated Regulation 2018/1108 and replacing it with new draft RTS.

Repealing Commission Delegated Regulation 2018/1108 and replacing it with new draft RTS would allow the wholesale review of the existing approach, but amending Commission Delegated Regulation 2018/1108 would minimize the impact and costs on PSPs and EMIs since the existing approach, which feedback from competent authorities suggests works well, would be preserved. What is more, repealing Commission Delegated Regulation 2018/1108 might not be efficient, because the new AML Authority, AMLA, has a similar mandate under Article 41(2) of the Directive (EU) 2024/1640 (AMLD6), which it has to discharge by 10 July 2026.

On the basis of the above, **option 1a has been chosen as the preferred option** and the draft RTS will keep the structure and framework of Commission Delegated Regulation 2018/1108 while amending specific points for extension to CASPs. Provisions applicable to EMIs and PSPs will therefore remain unchanged.

Criteria to be used when deciding whether or not foreign CASPs that operate establishments in forms other than branches in the host Member State's territory should appoint a CCP and what the functions of that CCP should be

Commission Delegated Regulation 2018/1108 already details the criteria to be used when deciding whether or not foreign PSPs or EMIs that operate establishments in forms other than branches in the host Member State's territory should appoint a CCP and what the functions of that CCP should be. With regards to the criteria to be used for CASPs, the EBA considered two options:

Option 2a: Align the criteria with the existing criteria for EMIs and PSPs, while only customizing the substance of Article 3(1)(b) to make it relevant for CASPs.

Option 2b: Aligning the criteria with the existing one applicable to EMIs and PIs, together with introducing additional criteria for CASPs that would be also applicable to EMIs and PIs.

Introducing additional criteria for CASPs would impact EMIs and PIs as well and offer more precision. This would require a data analysis across all three sectors and would result in more extensive amendments to the RTS.

However, this data analysis would incur costs for Competent Authorities while its outcomes could also trigger costs for entities that would have to deal with additional criteria to the existing ones (PSPs and EMIs). As mentioned above, the costs of tailoring now the criteria are not worth as a review will be anyway performed in the near future by AMLA. Besides, the EBA mandate doesn't include changes to the criteria for appointing a CCP regarding EMIs and PSPs. It is also important to highlight that aligning the criteria between PSPs, EMIs, and CASPs would ensure consistency across sectors.

On the basis of the above, **the option 2a has been chosen as the preferred option** and the draft RTS will align the criteria with the existing criteria for EMIs and PSPs, while only customizing the substance of Article 3(1)(b) to make it relevant for CASPs.

D. Options considered

The Draft Regulatory Technical Standards amending Commission Delegated Regulation (EU) 2018/1108 on the criteria for the appointment of central contact points for EMIs and PSPs and with rules on their functions under Article 45(10) of Directive (EU) 2015/849 will set the criteria to be used when deciding whether or not foreign PSPs, EMIs, and also CASPs that operate establishments in the host Member State's territory should appoint a CCP and what the functions of that CCP should be. For the concerned entities and competent authorities, the draft RTS is not expected to trigger significant additional costs as the amendments to the existing Commission Delegated Regulation (EU) 2018/1108 have been kept to the minimum. Overall, the impact assessment on the draft RTS suggests that the expected benefits are higher than the incurred expected costs.

5.2 Overview of questions for consultation

Question 1. Do you have any comments on the recitals?

Question 2. Do you have any comment on the amendments proposed in Article 2, point (1)?

Question 3. Do you have any comments on the amendments proposed in Article 2, point (2)?

Question 4. Do you have any comments on the amendments proposed in Article 2, the following point (4)?

Question 5. Do you have any comments on the amendments proposed in Article 3, paragraph (1)?

Question 6. Do you have any comments on the amendments proposed in Article 3, paragraph (1) point (b)? Particularly, do you agree with the specific criteria introduced for CASPs in Article 3, paragraph (1) point (b)? If not, please (i) explain why, (ii) provide data or other evidence to support your position, and (iii) describe an alternative drafting proposal.

Question 7. Do you have any comments on the amendments proposed in Article 3, paragraph (2)?

Question 8. Do you have any comments on the amendments proposed in Article 3, paragraph (4)?

Question 9. Do you have any comments on the amendments proposed in Article 4?

Question 10. Do you have any comments on the amendments proposed in Article 5?

Question 11. Do you have any comments on the amendments proposed in Article 5, point (a)?

Question 12. Do you have any comments on the amendments proposed in Article 5, point (c)?

Question 13. Do you have any comments on the amendments proposed in Article 6, paragraph 1?

Question 14. Do you have any comments on the amendments proposed in Article 6, paragraph 2?

Question 15. Do you have any other comments?