

# Adherence Guide to the EPC SEPA RTP Scheme



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## **Guide for Adherence to the SEPA Request-to-Pay Scheme (the “SRTP Adherence Guide”)**

Abstract	The present document provides detailed guidelines as well as template application forms for Applicants wishing to join the EPC managed SEPA Request-to-Pay scheme.
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## Table of Contents

<b>Guide for Adherence to the SEPA Request-to-Pay Scheme (the “SRTP Adherence Guide”)</b> .....	<b>1</b>
<b>1. Preface to the SRTP Adherence Guide</b> .....	<b>4</b>
1.1 About the SEPA Request-to-Pay Scheme .....	4
1.2 The role of the EPC .....	4
<b>2. Introduction to the SRTP Adherence Guide</b> .....	<b>4</b>
2.1 Purpose of the document.....	4
2.2 The EPC Registers of Participants.....	5
2.3 Publication Date and Readiness Date .....	5
<b>3. Preparation to the Adherence Process</b> .....	<b>6</b>
3.1 Pre-Conditions to Adhere .....	6
3.2 Eligibility Self-Assessment .....	7
3.3 Branches and subsidiaries .....	8
3.4 Possible identifiers .....	9
3.4.1 The BIC .....	9
3.4.2 The LEI .....	9
3.4.3 Identifier issued by a SEPA country .....	9
3.5 The Homologation process .....	9
<b>4 The Adherence Documents and Process</b> .....	<b>11</b>
4.1 The Adherence Pack – Documents to be submitted by all Applicants .....	11
4.2 Completing and submitting the Adherence Documents .....	12
4.2.1 Self-submitting Applicants .....	12
4.2.2 Agents acting on behalf of the Applicant.....	13
4.3 STEP BY STEP GUIDE - Instructions for completing the Adherence Agreement (Annex 1) and the Schedule (Annex 2) .....	14
4.4 STEP BY STEP GUIDE - Instructions to the Legal Counsel for completing the Legal Opinion (Annex 3) .....	15
<b>5 Application Processing by the EPC Secretariat</b> .....	<b>16</b>
5.1 Evaluation of the Application .....	16
5.2 Inclusion in the Register of Participants.....	17
5.3 Reject of an Application .....	17
5.4 Processing flow of Applications (Including All Actors).....	17
<b>6 Scheme Participation Fees</b> .....	<b>18</b>
6.1 Invoicing .....	18
6.2 Payment of the Invoices.....	18



<b>7</b>	<b>Personal Data Protection .....</b>	<b>19</b>
7.1	Personal data collected in relation to the adherence process .....	19
7.2	Rights of data subjects .....	19
7.3	Disclosure of personal data.....	20
7.4	Personal data breach notification.....	20



## 1. Preface to the SRTP Adherence Guide

### 1.1 About the SEPA Request-to-Pay Scheme

The **SEPA Request-to-Pay Scheme** (the "**SRTP Scheme**") establishes a set of harmonised rules, practices and standards to allow service providers ("**SPs**") in SEPA to request a payment initiation in euro, based on the rules set out in the SEPA Request-to-Pay Scheme Rulebook (the "**SRTP Rulebook**") and the associated document such as the SEPA Request-to-Pay Scheme Implementation Guidelines (the "**IGs**"), as amended from time to time.

### 1.2 The role of the EPC

The SEPA Request-to-Pay Scheme is managed by the **European Payments Council** (the "**EPC**"), i.e., the Scheme Manager.

- The **EPC Secretariat** (the "**Secretariat**") is responsible for approving applications to join the Scheme.
- The EPC body that is charged with overseeing adherence to the Schemes is the EPC Board.
- The **Dispute Resolution Committee** (the "**DRC**") is responsible for investigating complaints from applicant Scheme Participants whose application for has been rejected, as well as for managing disputes arising within the Scheme and for handling breaches of the Rulebook.
- Complaints against the Homologation Body should be addressed to the EPC as part of the Adherence Process.

Further details on the role of the Secretariat and the Request to Pay Task Force ("**RTP TF**") can be found in the section 4 of the SRTP Rulebook ("**Scheme Management**"), whereas further details on the role of the DRC can be found in the [Dispute Resolution Committee Mandate](#) (the "**DRC Mandate**").

## 2. Introduction to the SRTP Adherence Guide

### 2.1 Purpose of the document

This document (the "**SRTP Adherence Guide**") provides detailed guidance on the adherence process for the SEPA Request-to-Pay ("**SRTP**") Scheme.

It is directed at:

- institutions wishing to join the Schemes ("**Applicants**") as **Participants**,
- **Agents** applying on behalf of Applicants (e.g., NASOs, parent companies of Applicant subsidiaries, etc.)

with a view to providing these entities with a step-by-step guide on the process established by the EPC for adhering to the Scheme.

The institution applying to participate in the Scheme throughout the present document is called "**Applicant**" or "**Request-to-Pay Service Provider**" (abbreviated "**RTP SP**").

All capitalised terms used but not defined in the present document shall have the meaning attributed to them in the Rulebook.



For all questions that are not covered by the present guide, Applicants can contact the EPC Secretariat at [srtp@epc-cep.eu](mailto:srtp@epc-cep.eu)

## 2.2 The EPC Registers of Participants

The EPC keeps and publishes a Register of Participants for each SEPA Scheme (the “**Register**” or “**Registers**”) on the EPC website. The Registers are freely downloadable as a PDF, an XML, and a CSV file on the [EPC Register webpage](#).

The SRTP Register is published regularly and contains the details of Participants that are ready to send and/or receive SEPA Request-to-Pay messages.

The published SRTP Register contains a record for each Participant and include the following information:

- Name of the Participant
- Address of its registered office
- Reference identifier- a BIC8 or BIC11 selected by and applicable to the Participant, or LEI, or National Registration Number.
- Readiness Date – the date by which the Participant will be ready and able to process SEPA Request-to-Pay messages.

## 2.3 Publication Date and Readiness Date

The EPC updates the Registers regularly, by adding/removing the names of Participants joining/exiting the Scheme. This is done in a process divided by **adherence cycles**.

To this extent, the EPC maintains a [yearly Calendar](#) on its website, that Applicants shall carefully evaluate before applying.

The EPC Calendar shows the following dates for each adherence cycle:

- 1) **Adherence Receipt Deadline at EPC** – The deadline to send the application documents to the EPC Secretariat. To be considered within the deadline, by that date Applicants must send complete adherence packages, at least in their electronic formats (i.e., scanned copies of the originals), to the EPC Secretariat. Original copies of the Adherence Agreement and of the Legal Opinion shall be sent via regular mail to the EPC premises before the relevant Register Publication Date.
- 2) **Register Publication Date** – Is the date on which the updated Register is published on the EPC website. The Register is automatically published at midnight.
- 3) **Operational Readiness Date** – Is the date on which the Applicant effectively becomes a Participant to the Scheme it has adhered to (the “**Readiness Date**”), as it becomes reachable for RTP messages made under the rules of the SRTP Scheme. As of the Readiness Date the Participant is bound to all obligations and is entitled to all the benefits set out in the related Rulebook.



The EPC requires Applicants to choose a Readiness Date in the Schedule (Annex 2) to the Adherence Agreement that is one of the available Operational Readiness Dates on the EPC Calendar or a subsequent one. **Applicants can in fact choose a Readiness Date that is up to 6 months subsequent to the date of their application. This has to be duly specified to the EPC Secretariat.**

**The actual Readiness Date might be influenced/depend on the Homologation process that the Applicant will have to undergo. The Applicant should duly inform the EPC Secretariat of any change in the expected Readiness Date.**

The recommendation to all Applicants is to submit the adherence application well in advance of the Adherence receipt deadline at EPC, to avoid any risk of missing the desired adherence window.

### 3. Preparation to the Adherence Process

Applicants are advised to familiarise themselves with the Adherence Documents and the Adherence Process first. This information can be found under the section 3.4.1 (“Application process”) and Annex II (“Adherence Agreement and related documents”) of the SRTP Rulebook.

They are also advised to create a list of their own documentation that they need to support and/or use in the adherence process.

These steps aim at helping Applicants to:

- Design the adherence workflow
- Plan the time schedule
- Plan the effort, budget and resource allocation
- Identify the areas where they need legal advice

#### 3.1 Pre-Conditions to Adhere

Applicant’s Pre-Conditions to Adhere	
Conditions	Description of the Conditions
<b>Condition #1</b>  <b>The Applicant must satisfy all the relevant Eligibility Criteria</b>	In order to be eligible as a Participant, an Applicant must at all times comply with <b>Section 3.3</b> of the Rulebook.  This compliance is equally required from a Participant at all times during its participation in the Scheme. Participants should at all times also comply with the relevant Participant obligations as set out in Sections 3.6 and 3.8 of the Rulebook.
<b>Condition #2</b>	The following identifiers are accepted by the EPC to adequately identify an Applicant: <ul style="list-style-type: none"> <li>• Business Identifier Code (BIC);</li> </ul>



<p><b>The Applicant must have a valid identifier</b></p>	<ul style="list-style-type: none"> <li>• Legal Entity Identifier (LEI);</li> <li>• Identifiers issued by each SEPA country (e.g., enterprise number / trade register number)</li> </ul>
<p><b>Condition #3</b></p> <p><b>The Applicant must be prepared/actively preparing to be reachable and be able to process SEPA RTP messages by the Readiness Date</b></p>	<p>If this is not the case, the Applicant should not submit an Adherence Pack but rather wait until it is ready and then submit its Adherence Pack.</p>
<p><b>Condition #4</b></p> <p><b>The Applicant must obtain a Certificate of Homologation issued by the Homologation Body appointed by the EPC</b></p>	<p>The Applicant should obtain the Certificate of Homologation up to 6 months subsequent to the date of its application.</p>

Table 1: Applicant Conditions to Adhere

### 3.2 Eligibility Self-Assessment

**The Eligibility Criteria for the admission to the Schemes are listed in the Rulebook (Section 3.3) and here below.** The criteria reflect the key technical and legal requirements that must be fulfilled by all Scheme Participants to ensure the integrity and proper functioning of the Scheme.

The Secretariat will only approve an Applicant for participation in a Scheme if it can demonstrate that it satisfies the Eligibility Criteria. The information provided by an Applicant in accordance with the instructions included in the present document should enable the Secretariat to determine whether or not the Applicant is able to satisfy them.

It is extremely important that Applicants provide **accurate, up-to-date and complete information** in relation to the criteria set out in this document. If an Applicant fails to provide the necessary information, consideration of its application could be subject to delay or further investigation in accordance with the Rules. Each Applicant shall determine its status as follows:



Eligibility Self-Assessment	
<p>Eligibility Requirements (Annex I – Trust and Security Framework (TSF) of the EPC SRTP Rulebook)</p>	<p>In order to successfully onboard an RTP SP as Participant in the SRTP scheme (adherence process), the EPC is generally required to check that an RTP SP:</p> <ul style="list-style-type: none"> <li>• is a validly constituted legal entity;</li> <li>• complies with the eligibility criteria set out under Section 3.3 of the SRTP Rulebook;</li> <li>• has been successfully accredited by the appointed Homologation Body giving certainty about the technical and security capability of the applicant RTP SP to perform the activities in accordance with the SRTP Rulebook.</li> </ul>
<p>Eligibility Criteria (Section 3.3 of the EPC SRTP Rulebook)</p>	<p>In order to be eligible as a Participant, a Participant must at all times:</p> <ol style="list-style-type: none"> <li>1) fulfil the necessary identity verification requirements as part of the contractual relationship with its clients;</li> <li>2) have the capacity to build and maintain a secure and reliable technical infrastructure for the connection with the RTP eco-system in order to be able to exchange RTP messages;</li> <li>3) in case of outsourcing activities in the context of the SRTP service to third parties have in place legally binding agreements with all such third parties to ensure the correct provision of the SRTP service in accordance with the rules of the Scheme;</li> <li>4) develop and effect operational and risk control measures appropriate to the business undertaken by the Participant;</li> <li>5) follow the trust and security requirements outlined in Annex I (Trust and Security Annex);</li> <li>6) fully comply with the SRTP Risk Management Annex (RMA);</li> <li>7) fully comply with the applicable regulations in respect of data protection (i.e., GDPR or other equivalent law).</li> </ol>

Table 2: Eligibility Assessment

The assessment above is relevant to the amount of information required for each type of Applicant SP at the time of its adherence. This is set out in details under Section 4 below.

### 3.3 Branches and subsidiaries

**For SPs based in SEPA, a non-subsidiary branch is not able to adhere separately from the legal entity of which it forms part, as a branch does not have separate legal personality.**

In such case the “parent” legal entity applies to become a Participant in the Scheme and all of its branches located in SEPA will automatically be covered by its adherence, without all such branches being required to be reachable.

Before sending the application, **Applicants are required to verify with their legal counsel the legal status/qualification of the relevant institution.**





### 3.4 Possible identifiers

#### 3.4.1 The BIC

The Register lists adhering SPs with, among other identifiers, their individual BIC8 or BIC11. **It does not list branches** of SPs in SEPA as branches of a Participant are considered covered by the BIC8 of the head office.

The Participant Register **does not constitute an operational database** and does not contain a comprehensive list of BICs used for routing payments. The Participant Register is not designed for routing SRTP messages. In the Participant Registers, BIC 8 or BIC11 are used by EPC solely as a means of identifying unambiguously the Participant organisation.

Institutions adhering to more than one SEPA Scheme are requested to provide the EPC with **the same reference BIC for each Scheme**.

#### 3.4.2 The LEI

The Legal Entity Identifier (LEI) can be used as an identifier in the Participant Register. The LEI is formatted as a 20-character, alpha numeric code based on ISO standard, assigned by an issuer accredited by the Global Legal Entity Identifier Foundation (GLEIF).

#### 3.4.3 Identifier issued by a SEPA country

The Participant can also provide any valid identifier issued by a SEPA country (e.g., enterprise number / trade register number). In this case, the Participant Register will mention this identifier.

### 3.5 The Homologation process

As mentioned in the Trust and Security Framework (TSF), Annex I of the SRTP rulebook, in order to ensure to ensure that the Applicants to the SRTP Scheme have the required technical, operational, security and business continuity capabilities to exchange RTP messages as described in the SRTP scheme rulebook and the SRTP Implementation Guidelines, and can therefore send and receive messages in accordance with the scheme rules without compromising security or stability of the SRTP Scheme, they have to undergo the SRTP homologation process.

The Applicants should contact the Homologation Body appointed by the EPC for this purpose after the initial application is sent to the EPC secretariat.

The homologation costs will be borne by the Applicants.

The following (non-exhaustive) list of requirements will be assessed by the Homologation Body:

Category	Requirement
Performance and availability	The applicant has performant and reliable technical infrastructure to connect to the SRTP eco-system and is capable of exchanging and processing fully secured SRTP messages as described in the SRTP Rulebook and the related Implementation Guidelines.
	The applicant's technical infrastructure must be able to provide a near real time service in the inter-SP space in a 24/7/365 mode.
	The applicant must have non-stop monitoring and warning mechanisms (to prepare and verify the RTP messages correctly and securely before these are further transmitted to the Payee or the Payer) together with appropriate escalation procedures to ensure that they meet the performance requirements.



Category	Requirement
Correct processing of messages	The applicant's technical infrastructure must support all messages defined in the SRTP rulebook and the related Implementation Guidelines depending on the role(s) chosen by the applicant.
	The applicant's technical infrastructure must create messages in the ISO20022 formats specified in the implementation guide and the related Implementation Guidelines (or any technical specifications that might further be approved by the EPC Board).
	The applicant's technical infrastructure must process messages received from RTP SPs, Payers and Payees in accordance with the rules defined in the rulebook.
	The applicant's technical infrastructure must validate all messages received from RTP SPs, Payers and/or Payees and reject any messages that are not formatted as defined in the rulebook and the related Implementation Guidelines (and any technical specifications that might further be approved by the EPC Board).
	The applicant, when acting as SRTP SP of the Payer, has the capability to send the data to the payer to proceed with the payment instruction.
Connections	The applicant's technical infrastructure must be able to connect to other RTP SPs, Payers and/or Payees and send and receive RTP messages.
Fraud	The applicant's current systems used to support the SRTP service adequately address fraud screening through monitoring and warning mechanisms operating in a 24/7/365 mode. Such screening must apply on both outgoing and incoming SRTP messages for existing and newly onboarded Payees, Payers and RTP SPs to detect abnormal patterns (e.g., increase in the frequency).
	The applicant has procedures in place to thoroughly perform the necessary identity verification requirements.
	An authentication is executed by the applicant when there is a communication with the Payee, the Payer and another SRTP SP.
Security	All communications between the RTP SPs, Payers and Payees must be secured, and the applicant's technical infrastructure must include the following: <ol style="list-style-type: none"> <li>1. Sealing:                         <ol style="list-style-type: none"> <li>a. Signature</li> <li>b. Encryption of transport</li> <li>c. Integrity</li> </ol> </li> <li>2. Non-repudiation: proof of sending and receiving.</li> </ol>
Testing capabilities	The applicant has reviewing and testing processes in place (based on upfront defined test cases) of the effectiveness of the monitoring and warning mechanisms on a regular basis. The applicant documents the review tests results and undertakes remedial and/or escalation actions if and as necessary.
	The applicant will ensure regular testing of the security of the offered SRTP message-channels and will undertake remedial actions if and as necessary.



Category	Requirement
	Prior to the implementation of every new update affecting an SRTP channel and/or the SRTP messages preparation, verification and/or transmission, the applicant will conduct and document all necessary tests (e.g., based on pre-defined test cases) to see if this channel functions properly to accept large volumes of SRTP messages and if all relevant procedures and systems function properly to produce, verify and/or transmit the SRTP messages as required by the Rulebook.
Educating customers (Payees and Payers)	The applicant can provide information to Payees and Payers on how to handle SRTP messages in a correct manner.
	The applicant can provide information and security recommendations to the Payees or Payers when using each specific technical channel.
Documentation	The applicant implemented documented procedures to prepare and verify the SRTP messages correctly and securely before these are further transmitted to the Payee or the Payer.
	The applicant has staff screening policies and procedures for all staff members who get in touch with (potential) Payees and/or Payers using the SRTP scheme or dealing with fraud screening.
	The applicant has up-to-date communication procedures for sending appropriate information to their customers in the event of a major incident.
	The applicant documented the authentication procedures.
	The applicant documented the enrolment/activation procedures.
Educating staff members	The applicant develops, communicates about and re-assesses the relevant policies and procedures for all staff members who get in touch with (potential) Payees and/or Payers using the SRTP scheme.
	The applicant ensures that all staff involved in fraud screening are adequately trained, and that the training material is regularly updated as necessary.
	All staff at the applicant's involved in Payee's enrolment are adequately trained.
BCP	The applicant developed, communicates about, maintains and regularly tests the Business Continuity Plan (BCP) set-up for all the systems which the SRTP processing will rely upon.

## 4 The Adherence Documents and Process

Once the Applicant has made sure that the pre-conditions above are fulfilled and has performed a preliminary eligibility self-assessment, in order to adhere to one or more Schemes, it is required to download, complete and submit a basic Adherence Package ("the **Adherence Pack**") and, if applicable, the relevant **Additional Documents** required.

### 4.1 The Adherence Pack – Documents to be submitted by all Applicants

The Adherence Pack is the **core set of mandatory documents** necessary to adhere and must be duly completed in all its relevant parts **by all types of eligible SPs**.



The Adherence Packs are available for download on the dedicated EPC webpage [Toolkit for New Scheme Participants](#), and contain the mandatory adherence documents, namely:

- 1) The **Adherence Agreement (Annex 1)** – This is the multilateral contract that will bind the Applicant/Participant with the EPC and each other Participant in the same Scheme;
- 2) The **Schedule** to the Adherence Agreement (**Annex 2**) – Where the Applicant is asked to provide basic details in relation to its organisation and its application;
- 3) The **Legal Opinion (Annex 3)** – To be duly completed and signed by an internal/external qualified lawyer, supporting the information provided for the adherence.

Any application will remain valid up to 6 months from its submission, to allow time to obtain a valid certificate of homologation. After 6 months, the Applicant is required to sign a new Adherence Agreement and Legal Opinion and ensure that all the other relevant details provided under the Schedule and/or in the Additional Documents are still up to date.

Sections 4.2 and following below explain in detail how to duly complete and submit each main document of the Adherence Pack.

## 4.2 Completing and submitting the Adherence Documents

Under the Rules, an Applicant may complete the Adherence Pack and the Additional Documents using one of the following two methods:

**Method 1** – the Applicant completes its own Adherence Documents, or

**Method 2** – the Applicant gives legal authority to an Agent (e.g., the parent company) to complete the Adherence Pack on its behalf.

The Adherence Pack and the Additional Documents (if required) must be submitted at the same time.

### 4.2.1 Self-submitting Applicants

#### Method 1 – Applicant completes its own Adherence Pack

Where an Applicant downloads the Adherence Pack from the EPC website and completes it on its own, it must read through the Adherence Pack, correctly execute the Adherence Agreement (with Schedule) and complete the relevant pro-forma Legal Opinion.

For Method 1 an Applicant needs to prepare and submit the following documentation:

- Adherence Agreement (Annex 1);



- Schedule to the Adherence Agreement (Annex 2);
- Legal Opinion (Annex 3);
- Additional documents/information evidencing that the Applicant satisfies the eligibility criteria, if required under the present document;

Templates of the three main adherence documents for each Scheme can be found on the EPC website at the dedicated EPC webpage [Toolkit for New Scheme Participants](#)

#### 4.2.2 Agents acting on behalf of the Applicant

##### Method 2 – An Authorised Agent completes the Adherence Agreement for the Applicant

The EPC recognises that it may be easier for an Applicant to undertake the adherence process through an Agent instead of completing the form by itself. Any legal person, having received legal authority from the Applicant to act and sign on its behalf, may act as Agent for the Applicant. **Examples of entities that can act as Agents include NASOs, parent companies, national banking associations or other Applicants.**

If an Applicant wishes to use an Agent for completing the Adherence Agreement, it must give this Agent **binding legal authority to act on its behalf**. If the Applicant is in any doubt as to whether it has done this correctly, it must consult its own internal or external legal counsel for advice. The Applicant will also be required to supply the Agent with sufficient information enabling it to complete the schedule to the Adherence Agreement.

An Agent will be responsible and required to:

- Correctly execute the Adherence Agreement (Annex 1) and Schedule (Annex 2);
- Obtain a Legal Opinion (Annex 3) from either the Applicant's internal counsel or from an external counsel. The legal counsel has to ensure a proper reflection of the legal authority of the Agent to complete the Adherence Agreement in the Legal Opinion. This wording is already provided in square brackets in the pro-forma standard Legal Opinion;
- Provide additional documents and information evidencing that the Applicant satisfies the eligibility criteria, as required under the present document.

An Agent may complete one Adherence Agreement on behalf of each Applicant or on behalf of all of the Applicants on whose behalf it is acting at the same time. Where an Agent wishes to complete one Adherence Agreement on behalf of all of the Applicants, it must ensure that it provides a list of each of their names and a Schedule completed on behalf of each Applicant<sup>1</sup> as an annex to the Adherence Agreement.

Where an Agent is completing Adherence Packs on behalf of several Applicants at the same time (i.e., a parent company on behalf of several subsidiaries, a "Grouping"), it is only required to submit one Legal Opinion, appropriately covering all the Applicants.

However, where an Agent is acting for Applicants who are not all established in one and the same jurisdiction, it must obtain separate Legal Opinions relating to the laws of each jurisdiction.

The Agent has no legal responsibility in relation to the Scheme. It does not assume any of the rights and obligations arising from the adherence of the Applicant. It is only obliged to the Applicant to complete the Adherence Pack. (More information on the role and responsibilities of an Agent can be found in the Rules.)

<sup>1</sup> If the Schedule information is provided as an excel file, only one excel file containing the Schedule information of each Applicant on whose behalf the Agent submits the adherence pack has to be completed.



Applicants (and Agents on behalf them) should submit the Application Documents to the EPC directly in two manners:

1. **Electronic copies of the Adherence Documents (Adherence Pack and Additional Documents)** should be sent (PDF version of the Adherence Agreement, the Schedule information and the Legal Opinion) by e-mail to the EPC at [srtp@epc-cep.eu](mailto:srtp@epc-cep.eu) .  
It is strongly recommended to provide the Schedule information in an Excel spreadsheet for which a template is available at [www.epc-cep.eu](http://www.epc-cep.eu). Applicants may, however, choose to provide the Schedule information in a Word document for which a template is available as well at [www.epc-cep.eu](http://www.epc-cep.eu). Applicants are recommended to also save an electronic copy for their own records.
2. **The original documents (mandatory)**. When original Adherence Packs are sent either to NASOs or to the EPC this should be done by secure means (e.g., courier or special delivery), not by regular mail. **The Applicants are required to send original wet copies only of the Adherence Agreement and of the Legal Opinion.**

**4.3 STEP BY STEP GUIDE - Instructions for completing the Adherence Agreement (Annex 1) and the Schedule (Annex 2)**

Steps for an Applicant or Agent to complete the Adherence Agreement and the Schedule		
	Description of Steps	Applicants’ Action
Step 1	Read through the Adherence Guide and template Adherence Documents and in particular the Adherence Agreement.	Applicants are advised to familiarise themselves with the documentation first.
Step 2	Download the Adherence Pack from the <a href="#">Toolkit</a> .	The documents are made available in MS-Word format. There is also an Excel version available for the Schedule information.
Step 3	Adherence Agreement: Fill in the legal name of Applicant.	This should be the legal name of the entity.
Step 4	Adherence Agreement: Applicant/Agent proceeds to signature section.	Applicants/their Agents should fill in the following information: <ul style="list-style-type: none"> <li>• Full name of the authorised person</li> <li>• Position of the authorised person</li> <li>• Date of signing the Adherence Agreement</li> <li>• Impress company seal (if applicable)</li> </ul> An Applicant should ensure that an authorised person(s) from its organisation signs the Adherence Agreement. An Agent should ensure that it is authorised to sign on behalf of the authorised person(s) from the organisation of the Applicant.



Step 5	Schedule: Applicants are required to submit certain details, as set out in the Schedule	<p>The Schedule provides the EPC with general information on the Applicant. The following information provided in the Schedule will be published in the relevant Participant Register:</p> <ul style="list-style-type: none"> <li>• Name of Participant</li> <li>• Address of Participant</li> <li>• Reference BIC, or another permitted Identifier</li> <li>• Readiness Date</li> </ul> <p>Applicants must explicitly indicate a date on which they will be ready to adhere to the relevant Scheme (the “Readiness Date”). Where an Applicant is not ready to participate from the Readiness Date given, it may delay its participation in the Scheme, as necessary. <b>Where an Applicant wishes to delay its participation in the Scheme, it must give timely notice to the Secretariat of not less than 15 calendar days before the relevant Register update publication date.</b> It is strongly recommended that Applicants provide the Schedule information in an Excel file, for which a template Excel file is available for download from the EPC website. A printed version of the file must be forwarded along with the duly signed Adherence Agreement and Legal Opinion.</p>
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Table 3: Adherence Application - Instructions for an Applicant or Agent

#### 4.4 STEP BY STEP GUIDE - Instructions to the Legal Counsel for completing the Legal Opinion (Annex 3)

Steps for a Legal Counsel to complete the Legal Opinion		
	Description of Steps	Legal Counsel’s Action
Step 1	Familiarise with the standard pro-forma template enclosed under Annex 3 of the Adherence Pack.	The Legal Opinion must be completed by the Applicant’s legal counsel. The Legal Opinion can be completed either by an external or by an internal legal counsel.
Step 2	Evaluate all the necessary elements and information required	The purpose of the Legal Opinion is to give comfort to the EPC that the Applicant is able to satisfy the eligibility criteria set out in section 3.3 of the Rulebook, and that it has the necessary power and authority to become a Participant in the Scheme.
Step 3	Assess if the Legal Opinion related to an Adherence Agreement completed and signed by an Agent	<p>The provided template wording of the Legal Opinion can cover both the Adherence Agreement executed by the Applicant itself and the Adherence Agreement executed by an Agent on behalf of the Applicant. To this extent, <b>the relevant square brackets in the text must be properly adjusted.</b></p> <p>In fact, in order to ensure that the Legal Opinion is correctly completed, in case of Adherence documents completed and sent by an Agent, the Legal Counsel must ensure that the Legal Opinion includes a proper statement, confirming that the Agent is</p>



		properly authorised to complete the Adherence Agreement on behalf of the Applicant.
Step 4	Make sure that the Legal Opinion does not pre-date the Adherence Agreement and that all dates are consistent	<p>In completing the Legal Opinion, the Legal Counsel is asked to confirm that the Adherence Agreement has been validly executed by the Applicant.</p> <p>Consequently, <b>the Legal Opinion cannot pre-date the Adherence Agreement</b>. The Applicant will ensure that this is respected before submitting its Adherence Pack to the EPC Secretariat, saving time and costs.</p> <p>The Legal Counsel and the Applicant will also ensure that the date of signing of the Adherence Agreement is properly reflected under the “Assumptions” of the Legal Opinion.</p>
Step 5	Sending of the Legal Opinion – Evaluation time	<p>The Legal Opinion can be sent directly by the Applicant or by the Legal Counsel.</p> <p>Applicants are advised that a Legal Opinion which follows the pro-forma provided in Annex 3 of the Adherence Packages is usually handled rapidly, while any non-standard Legal Opinion might require longer processing.</p>

Table 4: Adherence Application - Instructions for a Legal Counsel

## 5 Application Processing by the EPC Secretariat

### 5.1 Evaluation of the Application

The **EPC Secretariat**, overseen by the EPC Board, is **responsible for determining whether an Applicant is eligible for joining the Schemes** in accordance with the criteria set out in section 3.3 of the Rulebook.

The Secretariat shall review an Adherence Pack submitted by an Applicant, together with any statements provided by Agents, in making its decision in respect of an Applicant.

In the case of a successful application, the Applicant or its Agent will receive a written notification of admission to a Scheme.

The major responsibilities of the Secretariat include:

- Collating the adherence documentation received in respect of each Applicant and preparing lists of Applicants;
- Determining applications and informing Applicants which fail to satisfy the eligibility criteria set out in section 3.3 of the Rulebook;
- Managing data in respect of the Adherence Packs received and archiving files;
- Maintaining the EPC Registers of Participants;
- Producing the Registers of Participants and publishing the Registers on the EPC website.





The Secretariat has its own internal procedure for processing the Adherence Packs; this process is not set out in this document.

The relevant scheme participant shall ensure that the EPC is at all times provided with up-to-date contact details in order to allow the EPC to contact the scheme participant.

## 5.2 Inclusion in the Register of Participants

**The Applicant becomes a Scheme Participant and becomes subject to the Rulebook(s) on one of the Operational Readiness Date as published under the [EPC Calendar](#)** or, where requested by the Applicant and agreed by the Secretariat, on a deferred Readiness Date (specified by the Applicant in advance to the Secretariat). The Secretariat shall send the written notification to the Applicant in case of successful application.

The Secretariat will notify an Applicant for Scheme participation if it fails to satisfy the eligibility criteria set out in section 3.3 of the Rulebook. In such case, the Secretariat may decide to request the Applicant to provide additional information, or to reject the application.

## 5.3 Reject of an Application

**Where the Secretariat rejects an application, it will provide a letter to the Applicant setting out its reasons for rejecting an application.** The Applicant may file a complaint with the DRC for a re-consideration of its application. An Applicant should consult the Rules and the DRC Mandate for further information on filing a complaint in these circumstances.

The DRC is responsible for investigating complaints from applicant Participants whose application for participation in one or more Schemes has been rejected.

The role of the DRC in relation to scheme adherence is set out in detail in the DRC Mandate.

## 5.4 Processing flow of Applications (Including All Actors)

Actions of Applicant, Agent, EPC Secretariat and DRC in the Adherence Process	
Step 1	<p>An Applicant or its Agent prepares and sends the Adherence Pack to the EPC.</p> <p>Applicants are required to submit an Adherence Pack to the EPC in two manners:</p> <ul style="list-style-type: none"><li>i) <b><u>Electronic copies of the Adherence Documents (Adherence Pack and Additional Documents)</u></b> should be sent (PDF version of the Adherence Agreement, the Schedule information and the Legal Opinion) by e-mail to the EPC at <a href="mailto:srtp@epc-cep.eu">srtp@epc-cep.eu</a>.</li></ul> <p>It is strongly recommended to provide the Schedule information in an Excel spreadsheet for which a template is available at <a href="http://www.epc-cep.eu">www.epc-cep.eu</a>. Applicants may, however, choose to provide the Schedule information in a Word document for which a template is available as well at <a href="http://www.epc-cep.eu">www.epc-cep.eu</a>. Applicants are recommended to also save an electronic copy for their own records.</p>



	ii) <b><u>The original documents (mandatory)</u></b> . When original Adherence Packs are sent to the EPC (European Payments Council AISBL, Cours Saint-Michel 30A, B-1040 Brussels, Belgium), this should be done by secure means (e.g., courier or special delivery), not by regular mail. <b>The Applicants are required to send original wet copies only of the Adherence Agreement (Annex 1) and of the Legal Opinion (Annex 3).</b>
Step 2	The EPC Secretariat receives the application and stores an electronic version of it. Then it date-stamps the Adherence Packs received from Applicants.
Step 3	Once the Adherence Pack is received, the EPC Secretariat confirms to the Applicant within 10 days that the Adherence Pack has been received and is being processed. This email is an automated confirmation sent to the Applicant once its file has been marked as received.
Step 4	The EPC Secretariat process the application and gives feedback to the Applicant if further evidence or information are needed.  In case of successful homologation and application, the Secretariat sends a written confirmation to the Applicant.  All approved applications will be logged into the Register for the first publication date following the date of approval and in accordance with (but not earlier than) the Readiness Date supplied by the Applicant.
Step 5	If the application is rejected, the EPC Secretariat sends a letter of explanation to the Applicant, which may decide to appeal the decision to the DRC.
Step 6	The EPC Secretariat updates the Registers of Participants.
Step 7	On Publication Date, the EPC Secretariat publishes the Registers of Participants.

Table 5: Processing Applications Flow

## 6 Scheme Participation Fees

### 6.1 Invoicing

In accordance with the Rules, the EPC may levy Scheme participation fees to recover the costs related to the Scheme Management function performed by the EPC.

To this end, specific invoicing related details for each Applicant are to be provided with the Schedule to the Adherence Agreement (for example **VAT number, address and contact details for invoicing**).

### 6.2 Payment of the Invoices

**The EPC aims to collect SEPA Scheme participation fees using SEPA Direct Debit Core (SDD Core) as the preferred payment instrument.**



By making use of SDD Core, the Participants' payment administration will be made easier, since the process is automated. It will also avoid missing payment deadlines, which generates reminders as well as unnecessary escalation and extra work, and could even result into being suspended from the Registers of Participants.

Participants which prefer not to make use of SDD Core may settle their SEPA Scheme participation fee invoices by SEPA Credit Transfer (SCT) or SEPA Instant Credit Transfer (SCT Inst). No other payment methods are supported by the EPC.

Applicants will be requested to indicate their preferred method of payment (SDD Core, SCT or SCT Inst) with the Schedule to the Adherence Agreement. Applicants wishing to make use of SDD Core to settle their Scheme participation fees are requested to provide the EPC with a duly completed and signed template SDD Core mandate, the template of which will be provided by the Secretariat.

More details regarding the Scheme participation fee invoicing policy and guidelines are set out in the document [EPC194-15](#)

## 7 Personal Data Protection

### 7.1 Personal data collected in relation to the adherence process

In the course of completing its adherence application, an Applicant may provide the EPC with information or documents including "personal data" (i.e., information relating to an identified or identifiable natural person, hereafter referred to as a "data subject").

The personal data collected typically include contact details of data subjects provided by the Applicant (such as personal data relating to employees, officers, or directors of the Applicant) and are only accessible or shared on a need-to-know basis.

Applicants that submit personal data relating to a data subject to the EPC in the course of completing their adherence application must ensure that they do so in accordance with all applicable laws and regulations, including providing notice to the individual about the adherence process and, where required, obtaining appropriate consent.

The EPC may process such personal data for the purpose of ensuring the performance of the adherence agreement, the Rulebooks and/or the Scheme Management Internal Rules.

### 7.2 Rights of data subjects

The EPC shall, under the conditions of the applicable Belgian legislation, allow data subjects to:

- exercise their access rights and obtain the correction or deletion of their personal data
- restrict the processing of their personal data in the future
- object to the processing of their personal data on compelling legitimate grounds
- unsubscribe from any EPC publications, notably the EPC newsletter

Data subjects may exercise the above rights by sending a written request with a proof of their identity to European Payments Council AISBL, to the attention of the EPC Legal Counsel, Cours Saint-Michel 30, B-1040 Brussels, Belgium, or by e-mail to [secretariat@epc-cep.eu](mailto:secretariat@epc-cep.eu).



The relevant scheme participant shall ensure that the EPC is at all times provided with up-to-date contact details in order to allow the EPC to contact the scheme participant.

### 7.3 Disclosure of personal data

The EPC will refrain from including any personal data with the Participant's data shared on the EPC public website.

As and when required to achieve the performance of the adherence agreement, the Rulebooks, and/or the Rules, the EPC may share personal data with its processors and disclose them to third parties (i.e., professional advisers, NASO's, or relevant supervisory authorities).

In addition, the EPC may, in exceptional circumstances, disclose personal data to third parties when:

- disclosure is required by law or regulation
- non-disclosure exposes the EPC or its staff to civil or criminal liability
- disclosure is necessary to co-operate with competent authorities
- disclosure is necessary to the relevant persons involved in any further investigation or subsequent judicial proceedings instigated as a result of an enquiry by the EPC (for example, external counsel) or following a scheme participant's complaint in accordance with the relevant provisions of the Rules

The EPC will require entities acting as processors to process the personal data on behalf and under the instructions of the EPC to achieve the performance of the adherence agreement, the Rulebooks, and/or the Rules only.

The personal data collected by the EPC in the context of the adherence process will not be transferred to countries that do not offer a level of data protection considered as adequate under applicable EU standards.

### 7.4 Personal data breach notification

In case of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data that the EPC collected in the context of the adherence process, the EPC will notify the personal data breach to the relevant supervisory authority and to the individuals concerned, if and as required under the applicable Belgian legislation.