

NBP

Narodowy Bank Polski

Payment Schemes

Frequently Asked Questions



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Payment Schemes – Frequently Asked Questions

1. What is a payment scheme?

It is a set of rules defining how payment transactions are processed with the use of payment instruments (e.g. payment cards, mobile applications, electronic wallet solutions). The rules that the payment scheme is composed of relate to the following activities: issuing of payment instruments by the payment service providers, providing the acquiring service by the payment service providers (including the conclusion of agreements with entrepreneurs on accepting of payments with the use of payment instruments), processing of payment transactions. The entity that operates the payment scheme (the payment organisation) sets the rules of the abovementioned activities, may also perform these activities (in the three-party model), as well as it manages and makes decisions on the payment scheme functioning.

2. Does each simultaneous issuing of a payment instrument and provision of acquiring service by a given entity mean operating a payment scheme?

In case that a given entity issues payment instruments and provides the acquiring service with respect to these instruments, it should in principle be considered as a potential operator of the payment scheme. However, if the entity only issues payment instruments with a logo of another payment organisation, it should not be recognised as a payment scheme. In such a case this entity does not define its own rules for the issuing and accepting of that instrument, but it only adopts the rules of another payment organisation. Consequently, this entity does not determine the rules of the payment scheme, and thus it does not operate a payment scheme.

3. Is a payment scheme the same as a payment card scheme?

A payment card scheme is a category of a payment scheme. A payment card scheme is defined as rules for performing payment transactions solely with the use of payment cards or card-based payment instruments, while the scope of a payment scheme covers all types of payment instruments.

4. In what situations it is necessary to obtain the authorisation of the President of NBP in relation to the functioning of a payment scheme?

The President of NBP grants an authorisation to operate a payment scheme on the territory of the Republic of Poland and to amend rules for the functioning of such a payment scheme.

5. Are all schemes operating or intending to operate on the territory of the Republic of Poland required to obtain the authorisation of the President of NBP?

The obligation to obtain the authorisation of the President of NBP does not apply to:

- **three-party schemes** (i.e. such schemes where the same entity is the sole issuer of the payment instrument and the only provider of the acquiring service),
- **EU-based four-party schemes** (which are under the oversight of an authority from another Member State or an authority of the European Union; after the submission of the assessment of the rules for the functioning of the payment scheme prepared by the abovementioned authority, the President of NBP may state on that basis that these rules do not meet the statutory criteria. This will result in an obligation of such a scheme to obtain the authorisation of the President of NBP).

6. If a payment instrument is used in a limited acceptance network is it necessary to obtain an authorisation of the President of NBP to operate a payment scheme?

If a payment instrument is used only in a limited acceptance network, as referred to in Article 6 point 11 of the Payment Services Act, i.e. when:

- it is allowed to acquire goods or services only on the premises of the issuer or under a commercial agreement with the issuer, other than an agreement on provision of the acquiring services;
- within a limited network of service providers;
- for a limited range of goods or services

then any of the abovementioned business models are not recognized as a payment scheme under the oversight of the President of NBP.

7. What is the deadline for the submission of the application?

The application for the authorisation of the President of NBP to operate a payment scheme shall be submitted at least **3 months** before the planned beginning of operating (which shall be understood as the date of concluding the first agreement on the issuing of a payment instrument with an issuer operating on the territory of the Republic of Poland or as the date of issuing of the first payment instrument on the territory of the Republic of Poland).

In case of an intention to introduce amendments in the rules for the functioning of a payment scheme, the application should be submitted at least **3 months** before the assumed introduction of these amendments.

8. What documents shall be submitted when applying for an authorisation to operate a payment scheme / to introduce amendments in the rules for the functioning of a payment scheme?

When applying for **the authorisation to operate a payment scheme** it is necessary to submit the following:

- the documents and information as referred to in the Regulation of the Minister of Development and Finance on functioning of a payment scheme,
- completed *Payment scheme questionnaire*, available on the NBP website,
- confirmation of a stamp duty payment (see point 11).

When applying for **authorisation to introduce amendments for the rules for the functioning of a payment scheme** it is necessary to submit:

- the documents and information referred to in the Regulation of the Minister of Development and Finance on functioning of a payment scheme, to the extent that they are modified as a result of the attempted changes in the principles of the payment scheme's operating,
- completed *Payment scheme questionnaire*, available on the NBP website, completed in the scope of the questions concerning the proposed changes in the principles of functioning of the scheme,
- confirmation of a stamp duty payment (see point 11).

9. Is the submission of the *Payment scheme questionnaire* mandatory?

No, it is not mandatory; however, the submission of this questionnaire along with the abovementioned application will significantly facilitate the work on the assessment of the application, which will accelerate the procedure.

10. In what form the application and the documentation accompanying the application shall be submitted?

The application and the accompanying documentation shall be submitted in electronic form to the email address (nadzor@nbp.pl), in accordance with the instructions contained in **Security of electronic communications sent to Narodowy Bank Polski under the Oversight**.

11. Is it necessary to pay a fee for the application?

Yes, the submission of the application requires of a stamp duty payment in the amount of 10 PLN, to the bank account of the Śródmieście District of the Capital City of Warsaw:

(account no 60-1030-1508-0000-0005-5001-0038)

for payments from abroad:

SWIFT CODE: „CITIPLPX”

IBAN: „IBAN(space)PL60 1030 1508 0000 0005 5001 0038”

12. Do payment organisations have other obligations (beyond the obligation to obtain the authorisation of the President to operate a payment scheme) in relation to the oversight authority?

Yes, in addition to the obligation to obtain the authorisation to operate a payment scheme, payment organisations are obligated to:

- **submit quarterly information** on total **number and value** of the performed and cleared domestic payment transactions,
- **immediate information on any incidents**,
- additionally, payment organisations operating payment card schemes are required to **submit quarterly information** on the applied *Interchange fees* (for the purpose of determining their compliance with the obligations stemming from the MIF Regulation).

The above obligations apply to all payment schemes operating on the territory of the Republic of Poland, regardless of whether they are covered by the obligation to obtain the authorisation of the President of NBP to operate a payment scheme.

The above information is sent by email to the following address raporty.oversight@nbp.pl in accordance with the instructions included in [Security of electronic communications sent to Narodowy Bank Polski under the Oversight](#).

We would like to encourage you to send suggestions regarding other questions relating to the oversight of the payment schemes. Please send any suggestions by email to the address: nadzor@nbp.pl.

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