

CEF TELECOM – 2020-2 CALLS FOR PROPOSALS

FREQUENTLY ASKED QUESTIONS

BRIS – 11 August 2020 version

All information marked in blue has been added or updated since the previous version.

AMLD	<u>Anti-Money Laundering Directive</u>
BO	Beneficial Ownership
BORIS	Beneficial Ownership Registers Interconnection System
BRIS	Business Registers Interconnection System
eIDAS	electronic Identification, Authentication and Trust Services
FIU	Financial Intelligence Unit
SSO	Single Sign-On

1. What is the difference between this BRIS call and the 2017 call?

The current call focuses mainly on the new functionalities of the European Central Platform to be developed in the context of:

- the Business Registers Interconnection System (BRIS), as required by Directive 2019/1151¹;
- the Beneficial Ownership Registers Interconnection (BORIS), as required by Directive 2015/849², as amended in May 2018.

2. Is it mandatory for an applicant to be a Business Register or a Beneficial Ownership register? Or could our consortium made up of non-registers build a solution which would be offered to the registers?

According to section 6.1 of the call text, only actions that are submitted by business registers as referred to in Directive 2009/101/EC (now codified in Directive 2017/1132), and/or by a central register storing information on beneficial ownership as referred to in the amendment to Directive 2015/849/EU, will be eligible to participate in this call.

3. Are we allowed to submit a single-applicant proposal under the BRIS call? If so, would this have any effect on the evaluation scores?

As noted in Q2 above and according to section 6.1 of the call text, only actions that are submitted by business registers as referred to in Directive 2009/101/EC (now codified in Directive 2017/1132) and/or a central register storing information on beneficial ownership as referred to in the amendment to Directive 2015/849/EU will be eligible. There are no restrictions in terms of size

¹ Directive (EU) 2019/1151 of the European Parliament and of the Council of 20 June 2019 amending Directive (EU) 2017/1132 as regards the use of digital tools and processes in company law.

² Directive 2015/849/EU 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/EC.

of consortia – i.e. one individual entity or several entities grouped together in a consortium, as long as the specific eligibility conditions are met. Your proposal will be assessed against the evaluation criteria, and not on the size of the consortium itself.

4. Would our proposal be eligible for the call if its scope only contains analysis activities such as:

- ***detailing the BRIS or BORIS Use Case model***
- ***mapping the BRIS or BORIS system-wide requirements, entity model and messaging model specifications to the relevant registers, and***
- ***integrating the relevant register back-office(s) with the eDelivery gateway?***

Yes, the above-mentioned analysis activities would be eligible for this call as long they are related to work for the purpose of enabling the relevant registers to support the data model and the standard messages coming from the European Central Platform in the context of BRIS and/or BORIS, which may involve the upgrade of the existing business registers. (See section 2.1 of the call text). Note that, as indicated at the beginning of section 2.1 of the call text, actions selected following this call must include a mandatory conformance testing as determined by the Commission service responsible for the development of the European Central Platform. For this purpose, the proposal should clearly define the expected output of the action that would be submitted as part of the conformance testing.

5. How can an applicant check whether anyone else from the same Member State has already applied or is making an application under this call?

INEA does not disclose information on the applications made to the calls. However, applicants may contact the national authorities in charge of providing the endorsement letter (form A2.3) under this call to check whether this information can be obtained.

6. What is expected to be included in the new BRIS technical specifications?

The new BRIS technical specifications are planned to cover the new BRIS functionalities that have to be implemented in 2021, including the following:

- the new exchange of information between business registers on opening and closure of cross-border branches,
- the new exchange of information between business registers on changes to documents and information of companies, and
- the additional information and documents to be made available free of charge on the European e-Justice Portal.

7. What is expected to be included in the BORIS technical specifications?

a) Actions under this call are expected to support Member States that wish to deploy a new eDelivery gateway needed to interconnect the BO registers with the European Central Platform, in addition to the existing one used to interconnect the business registers.

b) Furthermore, the application must include an analysis and implementation plan at national level of the Single Sign-On (SSO) authentication and authorisation solution for so called 'qualified users' as set out in points (a) to (b) of Article 30(5) and in points (a) to (b) of Article 31(4) of the Directive (EU) 2015/849. According to these, 'qualified users' of the system are, on the one hand, competent authorities (law enforcement agencies, FIUs, tax and custom authorities etc.) in the

Member States with competence in the prevention or fight against money laundering and terrorism financing; and on the other hand so called 'obliged entities'. Obligated entities under the AMLD are entities with reporting obligation concerning suspicious activities and transactions, such as banks, other financial institutions, casinos, lawyers or public notaries, etc.

Users will login on a national website such as that of the tax authorities, then a link or button which will redirect the user to the central BORIS system along with their credentials, a security certificate, and their role as set out in points (a) to (b) of Article 30(5) and in points (a) to (b) of Article 31(4) of the Directive (EU) 2015/849. Member States can propose additional elements to be added in the BORIS-specific header, which will be considered for the common interface. The users will then be considered authenticated in BORIS.

The solution will reuse the eIDAS communication protocol with an additional BORIS-specific header (yet to be defined by the Commission), and preferably use the CEF eID Building Block to implement it. The solution is based on the eIDAS Regulation, although given the short timeline the BORIS authentication scheme will not be published on the existing eID network set up by the national Ministries of Internal Affairs. The technical choices however aim to facilitate joining the eID network in the future.

c) finally, with regard to the payment solution: some of the national beneficial ownership registers charge fees for issuing information, and to make that information available in BORIS the system will redirect the users to the payment providers of the respective Member States. The payment providers of the Member States might have to be adapted to offer web services that can be invoked from the European e-Justice Portal. Widely used payment modalities such as credit and debit cards should be accepted. Applicants addressing this activity must therefore foresee analysis and implementation of the necessary changes required, as applicable.

8. Is it possible to attract partners for project implementation and funding and make a consortium? We notice that part of the work should also be done by other institutions from which we collect and compile data.

According to section 6.1 of the call text, only business registers can submit proposals for BRIS. The text does not prevent other institutions partnering with the business register and forming a consortium, as long as the business register submits the proposal.

9. Signing of grant agreements is planned next summer. However, according to the call text, BORIS must be implemented by March 2021 and BRIS by 1 August 2021. Can you explain this discrepancy?

According to section 11.4.b of the call text, no grant may be awarded retrospectively for Actions already completed. A grant may be awarded for an Action which has already begun only where the applicant can demonstrate in the grant application the need to start the Action before the grant agreement is signed.

In such cases, costs eligible for financing may not have been incurred prior to the date of submission of the grant application.

10. Is it possible to apply separately for "data transfer of disqualified directors and document machine reading" in the next BRIS call and implement this part separately?

Please be reminded that proposals must comply with the requirements set out in section 2.1 of the BRIS call text.

This is the last year of the CEF Telecom Programme. The new framework programme has not been adopted, nor published, therefore it is not possible to provide any information at this stage on potential future BRIS calls for proposals.

11. Applicants are required to either directly deploy eDelivery, if not yet deployed, or to use eDelivery through a service provider. Could you explain this?

CEF eDelivery Access Point (AP) is the only way to exchange information with the European Central Platform (ECP). Member States can decide if they prefer to use the implementation of the eDelivery AP provided by Connecting Europe Facility (CEF) Programme – the Domibus implementation - or to use one of the commercial solutions supporting the eDelivery AP protocol (AS4). Full details about the eDelivery Building Block can be found on the CEF Digital Portal: <https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/eDelivery>.

12. If the requested total funding is higher than the indicative budget allocated for BRIS, how will the Commission handle this?

Please refer to section 9 of the call text related to the award criteria and section 9 in the General FAQs.

13. Can one single applicant apply for both BRIS and BORIS under the same call?

Yes, this is possible, provided the proposal complies with the eligibility criteria set out in section 6.1 and with the requirements defined in section 2.1 of the call text.