

ANNEX

Technical specifications and procedures

15. Exchange of information on disqualified directors

15.1. Introduction

The exchange of information referred to in Article 13i(4) of Directive (EU) 2017/1132 shall cover cases where a person is disqualified from becoming a director of a company of one of the types listed in Annex II to that Directive further to a decision of a court or another competent authority of a Member State based on its national law.

The exchange of information shall not cover cases where, under national law, a person is generally incapable of contracting or restricted in his or her general legal capacity or further to a decision of a court or another competent authority of a Member State based on its national law and therefore unable to become a director of a company of the type referred to in the first paragraph.

The exchange of information shall not cover cases based on specific rules under Union law, such as the rules on fitness and propriety provided under Article 91(1) of Directive 2013/36/EU of the European Parliament and of the Council⁽¹⁾.

Where, in accordance with national law in a Member State, legal persons are allowed to be directors of companies of the type referred to in the first paragraph, such legal persons shall fall under the scope of the exchange of information. Each Member State shall inform the other Member States and the Commission whether this possibility exists in its national law.

15.2. Methods of exchange of information between Member States

The following method shall be used for the exchange of information between the registers in accordance with Article 13i of Directive (EU) 2017/1132.

The queries and the answers under this section shall be transferred through BRIS using end-to-end encryption.

Member States shall exchange the information needed to correlate queries and the answers under this section concerning the same request.

15.2.1. First level of exchange of information

15.2.1.1. First level query on disqualification

Member States' competent authorities may request, through BRIS, information from one or more Member States on whether a person who applies to become a director of a company of one of the types listed in Annex II to Directive (EU) 2017/1132 is disqualified or is recorded in any of their registers that contain information relevant for disqualification of directors.

The requesting Member State shall decide to which Member State or Member States the query shall be sent. The queries shall be sent with a view to ensure effective, efficient and prompt exchange of information.

Each query shall cover one single person and shall provide the data for identification of the person. The requesting Member State shall process such data in compliance with Regulation (EU) 2016/679. The Member States shall ensure that only necessary data and only data concerning the applicant in question is exchanged.

15.2.1.2. First level answer on disqualification

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2244, Division 15.. (See end of Document for details)

Upon receipt of the query, the competent authorities of the requested Member State shall, without delay, provide an answer through BRIS.

The answer shall indicate whether the person identified in the query is disqualified or is recorded in any of the registers of the requested Member State that contain information relevant for disqualification of directors.

In case the answer is that the person is disqualified or is recorded in any of the registers that contain information relevant for disqualification of directors, the requested Member State may indicate in its answer, which specific data provided by the requesting Member State matches the data available in the requested Member State and which specific data included in the query cannot be confirmed by the requested Member State as it is not recorded in its registers.

If it is necessary, the requested Member State may ask the requesting Member State to provide further data to ensure unequivocal identification of the person. Such data shall be processed in compliance with Regulation (EU) 2016/679.

15.2.2. *Second level of exchange of information*

The exchange for additional information may take place through other appropriate means than BRIS. If the second level of exchange of information is carried out through BRIS, the rules set out in points 15.2.2.1, 15.2.2.2, 15.3.3 and 15.3.4 shall apply.

15.2.2.1. Second level query on disqualification

In case a requested Member State indicates in the first level answer that a given person is disqualified or is recorded in any of its registers that contain information relevant for disqualification of directors, the requesting Member States may request further information from the requested Member State concerning the person identified in the first level query.

The second level query shall cover the same person as the first level query and first level answer.

15.2.2.2. Second level answer on disqualification

The requested Member State may decide, under its national law, which additional information to provide. In case that Member State's national law does not allow further exchange of information, it shall inform accordingly the requesting Member State.

15.3. *Detailed list of data*

For the exchange of information on disqualified directors, Member States shall include the following data.

15.3.1. *First level query on disqualification*

Data type	Description	Cardinality^a	Additional description
Issuance Date and Time	Date and time when this query was sent	1	Date and Time
Issuing Organisation	Name/Identifier of the organisation that issues this query	1	Party data structure
Recipient Organisation	Name/Identifier of the register of the	1	Party data structure

^a Cardinality 0 means that the data is optional. Cardinality 1 means that the data is mandatory. Cardinality 0...n or 1...n means that more than one piece of the same type of data may be provided.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2244, Division 15.. (See end of Document for details)

	requested Member State		
Legislation Reference	Reference to relevant national or Union legislation	0...n	Text
First level query on disqualification If the person who applies to be a director is a natural person			
First name	First name of the person who applies to be a director	1	Text
Surname	Surname of the person who applies to be a director	1	Text
Date of birth	Date of birth of the person who applies to be a director	1	Date
Further identification data	Further data processed according to the requesting Member State's national law and in compliance with Regulation (EU) 2016/679	0...n	Text/date/identifier
First level query on disqualification If the person who applies to be a director is a legal person			
Name of the legal entity	Name of the legal entity which applies to be a director	1	Text
Legal form	Legal form of the legal entity which applies to be a director	1	Code As referred to in Annex II to Directive (EU) 2017/1132 of the company therein or other legal form if the legal entity falls outside of the

a Cardinality 0 means that the data is optional. Cardinality 1 means that the data is mandatory. Cardinality 0...n or 1...n means that more than one piece of the same type of data may be provided.

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			scope Directive (EU) 2017/1132
EUID	EUID if it is a company listed in Annex II to Directive (EU) 2017/1132.	1	Identifier
Other registration number	Other registration number if not a company listed in Annex II to Directive (EU) 2017/1132.	0	Identifier
Alternate ID	Other identifiers of the company (e.g. Legal Entity Identifier)	0...n	Identifier

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Member States shall provide information on the means of identification needed for an efficient exchange of information on disqualified directors. That information may consist in providing the data that is necessary to identify the persons covered by a request.

Member States may also use e-identification means for the identification of persons in the exchange of information.

Queries covering a legal person shall be sent only to those Member States which allow legal persons to be directors and which allow disqualification of such legal persons.

15.3.2. First level answer on disqualification

Data type	Description	Cardinality ^a	Additional description
Issuance Date and Time	Date and time when this answer was sent	1	Date and Time
Issuing Organisation	Name/Identifier of the organisation that issues this answer	1	Party data structure
Recipient Organisation	Name/Identifier of the register of the requesting Member State	1	Party data structure
Legislation Reference	Reference to relevant national or Union legislation	0...n	Text
Yes/no/no sufficient data for identification	‘Yes’ if the person is disqualified or is recorded in any of its	1	Select an option

a Cardinality 0 means that the data is optional. Cardinality 1 means that the data is mandatory. Cardinality 0...n or 1...n means that more than one piece of the same type of data may be provided.

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	registers that contain information relevant for disqualification of directors 'No' if the person is not disqualified or is not recorded in any of its registers that contain information relevant for disqualification of directors 'No sufficient data for identification' if the data provided does not make it possible to unequivocally identify the person and more information is needed.		
Further identification data required	Indicate what data is needed for unequivocal identification	1...n (only if no sufficient data for identification)	Text/date/identifier
No second level answer will be provided through BRIS	If "yes", option to indicate that no answer will be provided for second level query through BRIS	0	Select the option
a Cardinality 0 means that the data is optional. Cardinality 1 means that the data is mandatory. Cardinality 0...n or 1...n means that more than one piece of the same type of data may be provided.			

15.3.2.1. Provision of further identification data

In case the requested Member State requires further identification data to ensure unequivocal identification, the requesting Member State shall provide the data using the following message format:

Data type	Description	Cardinality ^a	Additional description
Issuance Date and Time	Date and time when this query was sent	1	Date and Time
Issuing Organisation	Name/Identifier of the organisation that issues this query	1	Party data structure
a Cardinality 0 means that the data is optional. Cardinality 1 means that the data is mandatory. Cardinality 0...n or 1...n means that more than one piece of the same type of data may be provided.			

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Recipient Organisation	Name/Identifier of the register of the requested Member State	1	Party data structure
Legislation Reference	Reference to relevant national or Union legislation	0...n	Text
Further identification data	Further data required by the requested Member State to ensure unequivocal identification processed according to the requesting Member State's national law and in compliance with Regulation (EU) 2016/679	1...n	Text/date/identifier

a Cardinality 0 means that the data is optional. Cardinality 1 means that the data is mandatory. Cardinality 0...n or 1...n means that more than one piece of the same type of data may be provided.

15.3.3. Second level query on disqualification

Data type	Description	Cardinality ^a	Additional description
Issuance Date and Time	Date and time when this query was sent	1	Date and Time
Issuing Organisation	Name/Identifier of the organisation that issues this query	1	Party data structure
Recipient Organisation	Name/Identifier of the register of the requested Member State	1	Party data structure
Legislation Reference	Reference to relevant national or Union legislation	0...n	Text
Request further information	Request for further information	1...n	Request further information at least on one of the following: — grounds for disqualification under

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			<ul style="list-style-type: none"> — national law, — date of decision, — period or validity of the disqualification, — file number, issuer of the decision. — Information on any limitation to such disqualification (e.g. sector specific disqualifications)
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a Cardinality 0 means that the data is optional. Cardinality 1 means that the data is mandatory. Cardinality 0...n or 1...n means that more than one piece of the same type of data may be provided.

15.3.4. Second level answer on disqualification

Data type	Description	Cardinality ^a	Additional description
Issuance Date and Time	Date and time when this answer was sent	1	Date and Time
Issuing Organisation	Name/Identifier of the organisation that issues this answer	1	Party data structure
Recipient Organisation	Name/Identifier of the register of the requesting Member State	1	Party data structure
Legislation Reference	Reference to relevant national or Union legislation	0...n	Text
Further information	Request for further information	1...n	Further information at least on one of the following: <ul style="list-style-type: none"> — grounds for disqualification under national law,

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			—	date of decision,
			—	period or validity of the disqualification,
			—	file number, issuer of the decision.
			—	Information on any limitation to such disqualification (e.g. sector specific disqualifications)
			—	No further information provided in case the Member State's national law does not allow further exchange of information - list data on which further information is not provided. (attachment of documents possible)

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15.4. Operation of the exchange of information

Member States shall indicate if they face difficulties due to high numbers of queries received. In such a case, the Commission and the Member States shall assess the issue with a view of ensuring smooth operation of the exchange of information and further development of the system.

Changes to legislation: There are currently no known outstanding effects for the Commission
Implementing Regulation (EU) 2020/2244, Division 15.. (See end of Document for details)

- (1) Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC ([OJ L 176, 27.6.2013, p. 338](#)).

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2244, Division 15..