



Banc Ceannais na hÉireann
Central Bank of Ireland

Eurosystem

Addendum to the Code of Conduct on Mortgage Arrears (2013)

September 2024

Code of Conduct on Mortgage Arrears (2013)

**Contents of the Addendum to the Code of Conduct on Mortgage Arrears
(CCMA):**

- Addendum for Amendments to the Code of Conduct on Mortgage Arrears 2013 arising from the introduction of the European Union (Credit Servicers and Credit Purchasers) Regulations 2023.

Code of Conduct on Mortgage Arrears (2013)

Addendum for Credit Servicers

Introduction

Directive (EU) 2021/2167 of the European Parliament and of the Council of 24 November 2021 on credit servicers and credit purchasers and amending Directives 2008/48/EC and 2014/17/EU lays down, inter alia, a common authorisation and supervisory framework and requirements for credit servicers of a creditor's rights under a non-performing credit agreement, or of the non-performing credit agreement itself, issued by a credit institution, who act on behalf of a credit purchaser (as defined).

The European Union (Credit Servicers and Credit Purchasers) Regulations 2023, which give effect to Directive 2021/2167/EU, came into operation on 30 December 2023.

The purpose of this Addendum is to apply the Code of Conduct on Mortgage Arrears 2013 ("CCMA") to the credit servicing activities in respect of mortgage loans of a credit servicer, within the meaning of Directive 2021/2167/EU, operating in the State.

For that purpose, the following parts of the CCMA are now amended:

- Chapter 1 - Scope
- Chapter 2 - Definitions

This Addendum is effective from 17 September 2024.

Legal Basis

Pursuant to Section 117 of the Central Bank Act 1989, the CCMA is hereby amended as set out below.

Chapter 1 - Scope

Under the "Application of this Code" section of Chapter 1 (Scope), the part of the first paragraph which reads as follows:

“This Code applies to the mortgage lending activities and credit servicing activities in respect of mortgage loans¹ of all regulated entities, except credit unions, operating in the State, including:” is deleted and replaced with the following text:

“This Code applies to the mortgage lending activities, credit servicing, and credit servicing activities in respect of mortgage loans² of all regulated entities, except credit unions, operating in the State, including:”

The third paragraph in the “Application of this Code” section is deleted and replaced with the following text:

“For the purposes of this Code, regulated entity applies only to a regulated financial service provider that is engaged in mortgage lending, credit servicing, or credit servicing activities.”

Chapter 2 - Definitions

The following definition is added to Chapter 2 of the CCMA:

Credit servicing activities: has the meaning assigned to it under Article 3 of Directive 2021/2167/EU.

The definition of “regulated entity” in Chapter 2 is deleted and replaced with the following:

Regulated entity: for the purposes of this Code means a financial service provider authorised, registered or licensed by the Central Bank or other EU Member State that is providing mortgage lending activities, credit servicing, or credit servicing activities.

¹ Where the mortgage loan is secured on the borrower’s primary residence only.

² Where the mortgage loan is secured on the borrower’s primary residence only.

T: +353 (0)1 224 5800
E: publications@centralbank.ie
www.centralbank.ie



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