



South African Reserve Bank

National Payment System Department

Position paper on Common Monetary Area (CMA) Cross-border Payments

(Note: This position paper supersedes position papers 01/2001 and 01/2010 effective from 2013-07-22)

Position paper: NPS 02/2013

Date: July 2013

TABLE OF CONTENTS

1. Introduction	3
2. Objective	4
3. Principles	4
4. Compliance	6
5. Acknowledgement of receipt	6

CMA Cross-border payments

EXECUTIVE SUMMARY

This document outlines the principles to be applied by the clearing banks in South Africa when clearing and settling of cross-border payments through the Payment Clearing House (PCH) and Settlement facilities of the National Payment System (NPS).

It also outlines the principles to be applied when banks in South Africa settle CMA cross border transactions through the SADC Integrated Electronic Settlement System (SIRESS) effective from 22 July 2013.

It is intended that the application of the principles outlined herein will promote the achievement of a legally sound cross-border payment system where the risks involved are effectively managed.

1. INTRODUCTION

- 1.1. The implementation of the strategies contained in the South African NPS Strategy and Framework document (Blue book) published in November 1995 and subsequent National Payment System Framework and Strategy documents (Vision documents), the latest being Vision 2015, is currently being actively pursued by the South African banking industry in conjunction with the Payments Association of South Africa (PASA), the SADC PSMB and the South African Reserve Bank (Reserve Bank).
- 1.2. One of the fundamental principles contained in the Blue book is a requirement that all payment related risks should be identified, quantified and assessed with the purpose of enabling the participants to manage their exposures in the NPS. Coupled to this is the requirement that cross-border practices should be reviewed with the purpose of formalising the South African Rand (ZAR) leg in the NPS and, in the long term, having

these practices comply with international best practice.

- 1.3. One of the strategic objectives of Vision 2015 is to have an integrated electronic payment, clearing and settlement infrastructure existing in the SADC region, which achieves efficient circulation of money for the region as the basis for integration in the region. One component towards achieving this vision is the regional infrastructure integration project which has been embarked upon with the implementation of the SADC Integrated Electronic Settlement System (SIRESS) to settle cross border payments within the CMA region, in South African Rand (ZAR).

2. OBJECTIVE

- 2.1. The objective of this position paper is to provide the South African banking industry with a framework enabling them to achieve a legally sound CMA cross- border payment exchange system in which the risks are adequately managed. Additionally the framework is expected to assist in identifying any inappropriate practices within the NPS, e.g. the provision of payment services within South Africa by non-South African CMA banks which are not subject to South African banking regulations and supervision.

3. PRINCIPLES

- 3.1. Two of the fundamental principles contained in the Blue book which relate to the CMA cross-border payment exchange issues are:
 - 3.1.1. **Risks and exposures are visible** - All payment related risks should be identified, assessed and quantified as far as possible. To the extent that the NPS does not control risks, it provides the facilities and information for participants to manage their exposures, and
 - 3.1.2. **Participants are liable for the risk that they introduce into the NPS**
 - NPS participants individually, and where applicable, jointly, are

responsible for managing the risks that they introduce into the NPS.

- 3.2. The Reserve Bank requires South African banks who participate in the clearing of non-South African CMA payment instructions within the South African PCH's to either participate in accordance with the applicable South African PCH or to draw up separate CMA clearing (CMAC) agreements, in respect of the clearing of these items, and to make them available to the Reserve Bank and PASA on request.
- 3.3. Additionally, the Reserve Bank requires that South African banks (CMA Sponsoring banks) must have written correspondent arrangements with non-South African CMA banks and make them available to the Reserve Bank and PASA on request.
- 3.4. Furthermore, South African banks that participate in the settlement of CMA cross border payments via SIRESS are required to enter into a service Agreement with the SIRESS Operator and a Settlement Agreement with other participants in SIRESS with whom they transact.
- 3.5. To assist the South African banking industry in achieving the objectives of these principles in respect of the CMA cross-border payment exchange system, a series of rules have been drawn up by the Reserve Bank in collaboration with the banking industry and PASA as well as SADC PSMB, setting out in detail the requirements for attaining a legally sound CMA cross-border payment exchange system in which the risks are effectively managed. This set of rules is attached to this position paper as Annexure A and forms an integral part of this position paper.
- 3.6. To manage the reduction of CMA cross-border risks, the CMA central banks have agreed to establish a joint oversight committee to oversee the implementation of, and to monitor, various risk reduction arrangements contained in this position paper.

4. COMPLIANCE

Each South African bank participating in the clearing of CMA payments with a non-South African CMA clearing bank will be required annually, as at 31 March, to confirm its CMAC relationships and CMA Correspondent and Sponsorship relationships to PASA and the NPS Department of the Reserve Bank.

5. ACKNOWLEDGEMENT OF RECEIPT

Two additional copies of this position paper are enclosed for the use of your institution's independent auditors. The attached acknowledgement of receipt, duly completed and signed by both the Chief Executive Officer of the institution and the said auditors, should be returned to the NPSD of the Reserve Bank by 2013-**-**.

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge receipt of Position Paper NPS 02/2013. Copies have been handed to the undermentioned auditors of this institution:

NAME OF AUDITOR

AUDITOR'S SIGNATURE

1. _____

2. _____

DATE

CHIEF EXECUTIVE OFFICER

NAME OF BANK

PLEASE RETURN TO:

South African Reserve Bank
National Payment System Department
9TH Floor
P O Box 427
PRETORIA
0001

**CROSS-BORDER PAYMENTS - COMMON MONETARY AREA (CMA) RULES
FOR APPLICATION BY THE SOUTH AFRICAN BANKING INDUSTRY**

1. OBJECTIVE

- 1.1. The objective of this set of rules is to provide the South African banking industry with a framework enabling them to achieve a legally sound CMA cross-border payment exchange system in which the risks are adequately managed. Additionally the framework is expected to assist in identifying any inappropriate payment practices within the NPS, e.g. the provision of payment services within South Africa by non-South African CMA banks which are not subject to South African banking regulations and supervision.

2. CMA CROSS-BORDER PAYMENTS

2.1. Categories

- 2.1.1. Payments made within South Africa, drawn on non-South African CMA banks, using card payments via Point of Sale (PoS) devices, cash withdrawals at Automatic Teller Machines (ATM's) and Electronic Fund Transfer (EFT) debits;
- 2.1.2. Payments made within non-South African CMA countries, drawn on South African banks, using card payments via PoS devices, cash withdrawals at ATM's and EFT debits;
- 2.1.3. Payments made within South Africa, drawn on South African banks for credit of persons with banking accounts at non-South African CMA banks, using EFT credits, paper credits and SWIFT transfers; and
- 2.1.4. Payments made within non-South African CMA countries, drawn on non-South African CMA banks participating in SIRESS for credit of persons with banking accounts at South African banks, using EFT credits, paper credits and SWIFT transfers.

2.2. Methods of exchange

- 2.2.1. Directly, i.e. outside any South African Payment Clearing House (PCH), to or from a non-South African CMA bank from or to a South African bank using the internationally accepted practice of correspondent banking, i.e. whereby the two banks, normally situated in different countries, maintain accounts with each other in the required currency, and periodically or whenever necessary, discharge the balance(s) thereon;
- 2.2.2. Directly, i.e. outside any South African PCH, by a South African bank to or from a South African bank that has a correspondent banking relationship with the relevant non-South African CMA bank using the internationally accepted practice of correspondent banking;
- 2.2.3. Through a South African PCH, where the clearing takes place between South African banks and where the South African bank, to or from which the CMA cross-border payments are cleared within the PCH, acts as correspondent bank for the relevant non-South African CMA bank; or
- 2.2.4. Directly, i.e. outside any South African PCH, to or from a non-South African CMA bank or financial institution from or to a South African bank using SIRESS, whereby two SIRESS Participants in different countries maintain South African Rand (ZAR) accounts with the Reserve Bank.

3. RULES TO BE APPLIED

3.1. General Rules

- 3.1.1. Any South African clearing bank may establish a relationship and may exchange payments with any non-South African CMA bank based on the international best practice of correspondent banking as foreseen in sections 2.2.1, 2.2.2 or by using SIRESS as foreseen in 2.2.4 above

subject to compliance with the SIRESS rules and procedures. However, banks that wish to change their existing payment exchange practice of processing payments via a South African PCH and follow practices as described in the aforementioned sections, may only do so with prior notification to the counter-party non-South African CMA bank and the joint oversight committee.

3.1.2. Direct clearing banks, as defined in the Reserve Bank, National Payment System (NPS) Department position paper no 01/2007, that have established correspondent banking relationships with non-South African CMA banks, may facilitate the clearing of CMA cross-border payments in a South African PCH, as per section 2.2.3 above. These existing correspondent banking relationships, together with the relationship between participating banks in the South African PCH must be formalised in terms of sections 3.2.6 and 3.2.9 herein.

3.1.3. South African banks may not facilitate CMA cross-border payments for non-South African CMA banks other than through the methods of exchange outlined in section 2 above.

3.1.4. CMA cross-border payments made at PoS devices by means of internationally acceptable payment cards such as Visa or Mastercard cards must be processed as international payments via the aforementioned card associations.

3.2. **Rules to be applied to the exchange of CMA cross-border payments through a South African PCH**

3.2.1. For purposes of risk management within the NPS, the South African bank that facilitates clearing of CMA cross-border payments in a South African PCH acts as correspondent for the relevant non-South African CMA bank. The South African bank is therefore, as documented in the applicable PCH agreements and the Clearing Rules, responsible for clearing and

subsequent settlement of any payment obligations created or receivable by the clearing of the CMA cross-border payments and is effectively “sponsoring” clearing and settlement for the relevant non South African CMA bank in the South African PCH. For purposes of identification, such a South African bank will be known as a CMA sponsoring bank.

- 3.2.2. CMA cross-border payments made within South Africa that are drawn on non-South African CMA banks may only be cleared to a CMA Sponsoring bank in any South African PCH, provided it is drawn in ZAR or converted to ZAR, refer to section 3.2.12 herein, before being delivered for clearing as foreseen in section 3.2.6 herein.
- 3.2.3. CMA cross-border payments made within South Africa that are drawn on South African banks for credit of persons with accounts in the books of non-South African CMA banks may be cleared to a CMA sponsoring bank in any South African PCH, provided it is drawn in ZAR or converted to ZAR, refer to section 3.2.12 herein, before being delivered for clearing as foreseen in section 3.2.6 herein.
- 3.2.4. CMA cross-border payments made within non-South African CMA countries that are drawn on South African banks may only be cleared by a CMA Sponsoring bank, in any South African PCH, provided it is drawn in ZAR or converted to ZAR, refer to section 3.2.12 herein, before being delivered for clearing as foreseen in section 3.2.6 herein.
- 3.2.5. CMA cross-border payments, made within non-South African CMA countries, drawn on non-South African CMA banks for credit of persons with banking accounts in the books of South African banks, may only be cleared by a CMA Sponsoring bank in any South African PCH provided it is drawn in ZAR or converted to ZAR, refer to section 3.2.12 herein, before being delivered, for clearing as foreseen in section 3.2.6 herein.
- 3.2.6. Arrangements between South African banks in respect of the clearing of

CMA cross-border payments through a South African PCH must be documented in standard, uniform CMA Clearing (CMAC) agreements approved by PASA and the Reserve Bank. Such agreements must ensure conformance to South African clearing rules and may not, under any circumstances, override any clauses contained in the South African PCH agreements. It must be clearly recorded in the agreements that, for the purpose of clearing and settlement in terms of that PCH agreement, the CMA Sponsoring bank is acting as correspondent and therefore the non-South African CMA bank has no status in its own right.

- 3.2.7. All payment obligations stemming from the clearing of CMA cross-border payments in a South African PCH must be settled in ZAR through the South African Multiple Option Settlement (SAMOS) system, by or to the CMA sponsoring bank of the relevant non-South African CMA bank.
- 3.2.8. Local payments made within non-South African CMA countries and cross-border payments drawn on or made to banks in non-South African CMA countries may not be cleared in any South African PCH.
- 3.2.9. The correspondent banking relationships between CMA sponsoring banks and the relevant non-South African CMA banks must be entered into contractually and approved by PASA and the Reserve Bank. The correspondent contracts with the non-South African CMA banks will require those banks to conform to South African clearing rules, in respect of items cleared through a South African PCH, that are in place from time to time. Such contracts should also provide for the conditions under which immediate suspension of cross-border exchange operations could be initiated.
- 3.2.10. A South African bank may not clear any CMA cross-border payments stemming from any correspondent banking relationship with a non-South African CMA bank, through a South African PCH, without the support of a CMAC agreement as foreseen in section 3.2.6 above.

- 3.2.11. Currency conversions between ZAR and the non-South African CMA country's currency take place in the books of each CMA sponsoring bank. Currency risk, therefore, is the responsibility of the CMA sponsoring bank.
- 3.2.12. Currency risk relating to currency conversions performed by a South African bank in order to deliver CMA cross-border payments for clearing via a South African PCH is the responsibility of that South African bank.
- 3.2.13. Each South African bank is free to manage its CMA cross-border payments on a true correspondent banking basis in terms of the provisions of sections 2.2.1, 2.2.2 and 2.2.4 above, provided that such payments do not enter a South African PCH in any form whatsoever.
- 3.2.14. More than one South African bank may act as CMA sponsoring banks for any non-South African CMA bank provided that the non-South African bank appoints only one sponsoring bank per PCH agreement.
- 3.2.15. All CMA cross-border payments, viz. those cleared in a South African PCH and those cleared in terms of the method of payment described in section 2.2.1 above, must be identified as CMA cross-border payments.
- 3.2.16. South African PCH system operators must provide information relating to CMA cross-border payments separately from information relating to South African payments.
- 3.2.17. Direct clearing banks acting as CMA sponsoring banks must provide information relating to volumes and values of transactions passed under such relationships to the Reserve Bank as and when required. As a minimum standard, such information must be provided for each non-South African CMA country within each South African PCH.
- 3.2.18. South African banks are not obliged to accept, within South Africa, any CMA cross-border payment of, or for, any specific or all non- South

African CMA banks of a non-South African CMA country. CMAC agreements created in terms of section 3.2.6 above must therefore provide for the immediate suspension of such an agreement as and when deemed necessary.

3.3. Rules for the management of risk

The joint oversight committee which has been appointed by the CMA central banks, in collaboration with the banks involved in the CMA cross-border payment exchange system will, as a minimum, ensure that the following issues are addressed:

- 3.3.1. Item limits per payment cleared through South African PCH's and/or methods of exchange as described in sections 2.2.1 and 2.2.2 above must be agreed and implemented, but may not be larger than item limits imposed for local South African payments.
- 3.3.2. Jurisdiction applicable to each CMA cross-border payment category or method of exchange as defined in section 2 above, must be agreed and documented in those agreements envisaged in sections 3.2.6 and 3.2.9 above.
- 3.3.3. Settlement of CMA cross border payments through SIRESS is final and irrevocable in terms of the relevant agreements. The jurisdiction and law applicable for cross-border payments made via SIRESS must be South African.
- 3.3.4. Cancellation arrangements for various situations, including cases of political upheaval, must be agreed and documented in those agreements envisaged in sections 3.2.6 and 3.2.9 above.
- 3.3.5. South African banks that create correspondent relationships with non-South African CMA banks in terms of this position paper will arrange

these correspondent relationships contractually. Any other subsidiary or management relationship that may also exist between those banks does not in any way alter the need for this contractual arrangement.

- 3.3.6. South African banks that choose to use the method of exchange described in section 2.2.2 above, must settle the related obligations via the South African Multiple Option Settlement (SAMOS) system.