
FINAL NOTICE

To: **UAB Best Finance**

Address: **Mindaugo g. 1A-104
Vilnius
LT-03108
Lithuania**

FRN: **901041**

Dated: **7 December 2023**

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action.
2. The Authority issued to UAB Best Finance the Decision Notice, which notified it that for the reasons listed below and pursuant to paragraph 20(1)(a) of Schedule 3 of the Regulations, the Authority has decided to cancel UAB Best Finance's Transitional Authorisation as an authorised payment services institution. This was because UAB Best Finance's authorisation by its home state competent authority has been cancelled.
3. UAB Best Finance has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was given to it.
4. Accordingly, the Authority has today cancelled UAB Best Finance's Transitional Authorisation.

DEFINITIONS

5. The definitions below are used in this Final Notice:

“the Act” means the Financial Services and Markets Act 2000;

“the Authority” means the Financial Conduct Authority;

“BOL” means the Bank of Lithuania;

“the Decision Notice” means the decision notice given to UAB Best Finance dated 16 October 2023;

“EG” means the Authority’s Enforcement Guide;

“the Handbook” means the Authority’s Handbook of rules and guidance;

“the PSR 2017” means the Payment Services Regulations 2017;

“the Regulations” means the Electronic Money, Payment Services and Payment Systems (Amendment and Transitional Provisions) (EU Exit) Regulations 2018;

“the Temporary Permission Notification Form” means the form submitted by UAB Best Finance notifying the Authority of UAB Best Finance’s intention to obtain Transitional Authorisation;

“Transitional Authorisation” means the transitional authorisation granted by the Authority by virtue of paragraph 14, Part 2 of Schedule 3 of the Regulations;

“the Tribunal” means the Upper Tribunal (Tax and Chancery Chamber);

“UAB Best Finance’s Transitional Authorisation” means the Transitional Authorisation granted by the Authority to UAB Best Finance; and

“the Warning Notice” means the warning notice given to UAB Best Finance dated 13 September 2023.

FACTS AND MATTERS

6. UAB Best Finance was authorised by BOL, the Lithuanian central bank and financial services regulator, as an authorised payment services institution.
7. On 27 November 2020, UAB Best Finance notified the Authority of its intention to enter the TPR by submitting the TPR Notification Form.
8. As of January 2021, the Authority treated UAB Best Finance as having transitional authorisation in the UK after the EU transition period ended on 31 December 2020.
9. On 31 October 2022, BOL announced that it had carried out an inspection of UAB Best Finance and identified systematic violations in the prevention of money laundering and terrorist financing. The announcement further stated that following an application made by UAB Best Finance, BOL had revoked UAB Best Finance’s licence as a payment institution.
10. Despite the Authority’s attempts to communicate with UAB Best Finance, with a view to obtaining voluntary cancellation of UAB Best Finance’s Transitional Authorisation, to date

UAB Best Finance has not responded to the Authority's correspondence or voluntarily applied to cancel its transitional authorisation.

CANCELLATION

11. The statutory and regulatory provisions relevant to this Final Notice are set out in the Annex.
12. The facts and matters described above lead the Authority, having regard to its operational objectives, which include protecting and enhancing the integrity of the UK financial system and the protection of consumers, to the conclusion that:
 - a) the revocation of UAB Best Finance's licence by the BOL amounts to UAB Best Finance's authorisation by its home state competent authority being cancelled; and
 - b) in the circumstances, the Authority considers it is appropriate for the Authority to exercise its powers under paragraph 20(1)(a) of Schedule 3 to the Regulations to cancel UAB Best Finance's Transitional Authorisation.
13. Accordingly, the Authority has cancelled UAB Best Finance's Transitional Authorisation.

DECISION MAKER

14. The decision which gave rise to the obligation to give this Final Notice was made by an Authority staff member under executive procedures.

IMPORTANT

15. This Final Notice is given to UAB Best Finance in accordance with Section 390(1) of the Act (as applied by paragraph 10 of Schedule 6 of the PSR 2017 and paragraph 20(2) of Schedule 3 of the Regulations and the provisions referred to therein).

Publicity

16. The Authority must publish such information about which this Final Notice relates as the Authority considers appropriate. The information may be published in such manner as the Authority considers appropriate. However, the Authority may not publish information if such information would, in the opinion of the Authority, be unfair to UAB Best Finance or prejudicial to the interests of consumers.
17. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority Contact

18. For more information concerning this matter generally, contact Bnar Mecaj at the Authority (direct line: 020 7066 4240/email: bnar.mecaj@fca.org.uk)

Jeremy Parkinson

Financial Conduct Authority, Enforcement and Market Oversight

ANNEX A

RELEVANT STATUTORY AND REGULATORY PROVISIONS

1. Paragraph 14 of Schedule 3 of the Regulations provides that a person who (i) immediately before exit day entitled to provide payment services in the UK in the exercise of a passport right; (ii) would cease from exit day to be entitled to provide those services in the UK; and (iii) has notified the Authority in accordance with paragraph 15, Part 2 of Schedule 3 of the Regulations that the person wishes that paragraph to apply, the person is taken to be an authorised payment institution whose authorisation under the PSR 2017 relates to the payment services referred to in (i) and (ii) above.
2. Paragraph 20(1)(a) of Schedule 3 of the Regulations provides that the Authority may cancel a person's transitional authorisation and remove the person from the register where the person's authorisation by the person's home state competent authority is cancelled. Paragraph 20(2) of Schedule 3 of the Regulations provides Regulation 10(2) to (5) of PSR 2017 apply in relation to cancellation under sub-paragraph (1) of this paragraph as they apply in relation to cancellation under regulation 10(1) of those Regulations.
3. Paragraph 10 of Schedule 6 of the PSR 2017 (as applied by paragraph 20(2) of Schedule 3 of the Regulations) provides that, "Part 26 of the... Act (notices)(1) applies...".

OTHER RELEVANT REGULATORY PROVISIONS

4. The Authority's policy for its use of the own initiative power to cancel a firm's authorisation is set out in the Enforcement Guide ("EG") which forms part of the Authority's Handbook of rules and guidance. EG 19.20 and 19.22 provide that the Authority's approach to enforcing the PSR 2017 (respectively) will mirror the general approach to enforcing the Act. EG 19.20.5 provide that, in relation to the PSR 2017, the Authority has decided to adopt the procedures and policies, in relation to the use of its sanctioning and regulatory powers, akin to those it has under the Act.