

# Decision of the European Banking Authority EBA/DC/453

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of 24 June 2022

concerning reporting of payment fraud data under the revised Payment Services Directive (PSD2)

**The Executive Director**

**Having regard to**

- (1) Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC<sup>1</sup> (the 'EBA Regulation'), in particular Article 35 thereof,
- (2) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market<sup>2</sup> (the 'PSD2'), in particular Article 96(6) thereof,
- (3) EBA Guidelines on fraud reporting under PSD2 (EBA/GL/2018/05), as amended by EBA/GL/2020/01 (the 'EBA Guidelines on fraud reporting under PSD2'),
- (4) Decision EBA/DC/2020/335 of the EBA concerning the European Centralised Infrastructure of Data (EUCLID) (the 'EUCLID decision'),

**Whereas:**

- (1) Competent authorities, as referred to in point (2) of Article 4 of the EBA Regulation, are required, in accordance with Article 35 of the EBA Regulation, to provide the EBA with all the necessary information, in specified formats, to carry out the tasks conferred on it. The EBA may also request information to be provided at recurring intervals and in specified formats or by way of comparable templates approved by the EBA.

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<sup>1</sup> OJ L331, 15.12.2010, p. 12

<sup>2</sup> OJ L 337 23.12.2015, p. 35

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- (2) Article 96(6) of PSD2 requires payment service providers, as defined in Article 4(11) PSD2, to submit to their competent authorities statistical data on fraud relating to different means of payment. Also, the competent authorities under the PSD2 are required in turn to provide the EBA and the ECB with the same data in aggregated form.
- (3) The EBA Guidelines on fraud reporting under PSD2 require payment service providers to report to their competent authorities such data on a semi-annual basis, based on the applicable data breakdown(s) and validation rules set out in Annex 2 of the EBA Guidelines on fraud reporting under PSD2, and in accordance with the timelines and format set by the respective competent authorities. Competent authorities are required in turn to send the aggregated data to the EBA and the ECB within six months from the day after the end of the reporting period.
- (4) The EBA Guidelines on fraud reporting under PSD2 apply since 1 January 2019. In order to provide a streamlined submission of data and avoid double reporting burden for competent authorities to send data both to the EBA and the ECB, the EBA, the ECB and competent authorities agreed in 2019 on an 'interim' solution (envisaged to apply until the application date of the revised ECB Regulation on Payments Statistics), whereby each competent authority/National Central Bank would submit the data required under the PSD2 and the EBA Guidelines on fraud reporting under PSD2 only once, to the ECB and the ECB would subsequently share this data with the EBA, which would be based on a separate bilateral procedure. This 'interim solution' applied for the first six half-yearly reporting periods under the EBA Guidelines on fraud reporting under PSD2 (i.e. from January 2019 to December 2021).
- (5) The experience accumulated in the collection of data under the EBA Guidelines on fraud reporting under PSD2 during the said period has shown that there is a need to provide clearer expectations to all parties involved regarding both a minimum admissible level of data quality and specifications, and binding remittance dates for the submission of data to the EBA.
- (6) The EUCLID Decision, which applies to competent authorities as referred to in point (2) of Article 4 of the EBA Regulation on fraud reporting under PSD2, states that the competent authorities shall submit "all necessary data, record, file, statistics, document or numbers (...) to the EBA (...) on the basis of a Data Reporting Obligation" exclusively through EUCLID, except where the EBA has explicitly acknowledged, by Decision of the Executive Director, that the submission of data through other means is permitted. The Decision of the Executive Director shall also specify the other means that may be used for submission of such data and shall set out any technical specification necessary. Furthermore, data on payment fraud is a Data Reporting Obligation, as defined in Article 1(c) of the EUCLID Decision, incumbent on competent authorities.
- (7) With a view to providing a streamlined submission of data and avoiding a burden of double reporting for competent authorities to both the EBA and the ECB, this decision allows for

data to be submitted by the relevant competent authorities via the ECB to the EBA. This is also the case for other data transmitted under the EUCLID decision, provided that the data submitted by the competent authorities is in accordance with the data breakdowns and validation rules set out by the EBA and in line with the format and timelines set out in the Decision.

## **Has decided as follows:**

### **Article 1 – Scope**

This decision covers the reporting to the EBA of aggregated statistical data on fraud from competent authorities designated under PSD2 in accordance with Article 96(6) of PSD2 and the EBA Guidelines on fraud reporting under PSD2.

### **Article 2 – Data to be reported**

1. The competent authorities referred to in Article 1 shall report to the EBA the data required in Article 96(6) of PSD2, in accordance with the EBA Guidelines on fraud reporting under PSD2.
2. Each competent authority should report only one file including data of all payment service providers within their jurisdiction and revise the information included therein where needed in accordance with guideline 3.2 of the EBA Guidelines on fraud reporting under PSD2.
3. Where the ECB has submitted data referred to in paragraph 1 to the EBA and that data submission is in line with the data specifications set out in the EUCLID Decision, the relevant competent authorities shall, without prejudice to Article 4 (data quality), refrain from submitting those data.

### **Article 3 – Date of submission**

Without prejudice to the provisions in guideline 3.2 of the EBA Guidelines on fraud reporting under PSD2, competent authorities shall submit to the EBA the data referred to in Article 2 on a semi-annual basis, by 30 June for the reporting period ending on 31 December of the previous year, and respectively by 31 December for the reporting period ending on 30 June of the same year.

### **Article 4 – Data quality**

1. With the submission of the relevant data to the EBA, the competent authorities warrant that the data has undergone rigorous internal controls and quality checks, as per the technical

specifications provided by the EBA (including the EUCLID specifications mentioned in the EUCLID Decision and the validation rules set in the EBA Guidelines on fraud reporting under PSD2). Where the competent authorities cannot warrant this for a particular set of submitted data, the competent authorities shall draw the EBA's attention thereto.

2. The EBA shall make the results of applied EBA validation rules available to the competent authorities by 25 July and 25 January of each year.
3. In addition to the EUCLID specifications and the EBA validation rules published by the EBA, the EBA may conduct additional quality checks of the data received to ensure consistency, which may then require revisions from the competent authorities.
4. Competent authorities shall submit the required data revisions to the EBA without undue delay.

#### **Article 5 - Confidentiality and technical specifications**

1. All data submitted to the EBA according to this Decision shall be covered by the EU law framework of professional secrecy and confidentiality as applicable to the EBA. Access to this data shall be provided in conformity with the EBA Regulation on fraud reporting under PSD2.
2. The data referred to in this decision shall be regarded as information submitted through EUCLID and the EUCLID Decision shall apply.
3. All the data submissions via EUCLID of data referred to in Article 2 shall be according to the EBA Data Point Model (DPM).
4. For the reporting of the data referred to in Article 2, the EBA will provide an Excel template to be filled in by the competent authorities. The Excel file will contain a tool that will generate a XBRL-CSV file to be submitted to the EBA. Alternatively, the competent authorities will be able to report the data by submitting XBRL-XML files.
5. Competent authorities shall not submit data other than as foreseen in Article 2 unless they have previously obtained the EBA's consent.

#### **Article 6 – Miscellaneous**

This decision is without prejudice to the EBA's power in accordance with Article 35 of the EBA Regulation on fraud reporting under PSD2 to request the competent authorities to submit other data or data from institutions not falling under Article 1.

#### **Article 7 – Final provisions**

This Decision enters into force immediately.

Done at Paris, 24 June 2022

François-Louis Michaud  
Executive Director