



BANKING STAKEHOLDER GROUP

CONSULTATION EBA/CP/2017/16 ON
“DRAFT REGULATORY TECHNICAL STANDARDS ON COOPERATION
BETWEEN COMPETENT AUTHORITIES IN THE HOME AND HOST
MEMBER STATES IN THE SUPERVISION OF PAYMENT INSTITUTIONS
OPERATING ON A CROSS-BORDER BASIS UNDER ART. 29 (6) OF
PSD2”

General Comments and Replies to Questions

BY THE EBA BANKING STAKEHOLDER GROUP

London, January 03, 2018

Foreword

The EBA Banking Stakeholder Group (BSG) welcomes the opportunity to comment on the Consultation Paper EBA/CP/2017/16.

Replies to Questions

Question 1: Do you consider the objectives of the RTS as identified by the EBA to be appropriate and complete? If not, please provide your reasoning.

Yes, we consider the objectives of the RTS to be appropriate.

Question 2: Do you agree with the proposed framework for cooperation and the standardised forms specified in Articles 2 to 8 and Annexes 1 to 4? If not, what other ways of cooperation would you consider more efficient?

We recommend that Point 5 of Article 7 should be expanded to include the issue that the Competent Authorities should agree “responsibility for monitoring the implementation of any risk mitigation plan or supervisory actions which could be considered necessary as a result of the inspection.” An inspection may highlight a number of issues which need to be dealt with to ensure appropriate standards of consumer protection. It is important that the CAs have a clear plan for allocating responsibility for actions that arise to ensure that they are implemented.

Question 3: Do you agree with the proposed framework for notifications of infringements and suspected infringements specified in Article 8 and Annex 4? If not, how should this be done?

Yes, we agree with the proposed framework.

Question 4: Do you consider that the approach proposed in Article 10, which gives the host CA discretion to require reporting either from all payment institutions or a characteristic subset thereof, is methodologically robust?

Yes, we consider that the approach is methodologically robust.

Question 5: Do you consider that payment institutions will be able to report the data specified in Article 10 and Annex 5? If not, what obstacles do you see and how could these obstacles be overcome?

We agree with the requirement to report the data listed in Article 10 and Annex 5 and recommend that the data should be enhanced to include:

- Number of past and current enforcement actions by Competent Authorities which have been taken against the payment institution.

Question 6: Do you consider that payment institutions should and will be able to report the data specified in Article 11 and Annex 6? If not, what obstacles do you see and how could these obstacles be overcome?

Yes we agree with the information provided and recommend that the description of the procedure in place to handle and follow up complaints should include any analysis of common patterns or root causes of the complaints received from payment services users and the action taken by the payment institution to change its policies and procedures in response to this analysis.

As above we recommend that the data should be enhanced to include:

- Details of any past and current enforcement actions which have been taken against the payment institution
- Details of any relevant pending action or matters reported to the Competent Authorities of other Member States.

Whilst we agree that annual reporting should be sufficient for most of the data, there should be immediate reporting of major operational or security incidents or enforcement actions taken by other Competent Authorities.

Submitted on behalf of the EBA Banking Stakeholder Group