EUROPEAN CENTRAL BANK

EUROSYSTEM

Template for comments

Public consultation on the draft ECB Regulation amending the Regulation on payments statistics

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French Banking Federation

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General comments

We welcome the approach adopted by the European Central Bank (ECB) giving us the opportunity to answer to the public consultation on .the draft regulation amending the regulation on payments statistics

The draft Regulation amending the Regulation on payment statistics to be provided appears to the French Banking Federation as too .disproportionate and too complex for the reasons described below

,The Payment Service Directive (PSD2) already calls for PSPs to provide numerous declarations, notifications and audits. In particular Article 96.6, implemented by the European Banking Authority Guidelines (EBA/GL/2020/01) amending the Guidelines on fraud reporting under the Payment Services Directive (PSD2) (EBA/GL/2018/05), requires activity and fraud statistics that entail substantial investments due to the addition of numerous new indicators : nearly 400 activity indicators and over 700 additional fraud indicators are to be produced .twice a year. The integration of this article is already a revision of the European regulation EU 2013/1409

This already existing legal context is unfavourable to consider another recast of activity, fraud or balance of payments statistics and to add the collection on a quarterly basis of aggregates by means of payment for economic forecast purposes. Indeed, at the European level, it is crucial to stabilise, homogenise and increase the reliability of the data requested under the PSD2. Before any modifications, it is essential that the banks of the Union align themselves and draw conclusions from the exploitation of the collections provided in article 96.6 of the .PSD2

The draft regulation would represent an increase of more than 1.5 million statistical data to be provided annually for activity, fraud, balance of payments and for the economic forecast (+ 28 000 activity and fraud indicators per institution and per semester and + 370 000 balance of payments indicators per institution and per quarter). This seems excessive, disproportionate as not all this data is necessary for monitoring activity or fraud. In particular, the draft regulation includes indicators that are deemed not reliable or subject to interpretation (1.5 .million indicators yearly), especially with regards to fraud. A waiver of these data appears to be the most appropriate position

With the spread of the COVID-19 pandemic in Europe since March, banks being providers of essential activities, are responding all over Europe to the pandemic, ensuring the safety of bank customers and employees and maintaining business continuity and support to their clients. Banks and other PSPs will keep on working hardly in the coming months and years to deal with the many impacts of the COVID-19 .crisis

It should be noted that the envisaged deadline for the first reporting periods starting in July 2021 is clearly too tight. We would ask the ECB to postpone the first application of its payment statistics requirements by at least eighteen months to allow PSPs to return to normal activity and be able to design and build the necessary systems to provide the data required under the draft Regulation. We would therefore propose Q1 2023 as the first reporting period and believe that the first reporting period should be aligned with the beginning of the calendar .year

To conclude, the FBF calls for a simplification of the requirements, a clarification of the purpose of these requirements and reckons that .feedback from the ECB on the new regulation should be scheduled regarding the expended collection of indicators

Template for comments

Public consultation on the draft ECB Regulation amending the Regulation on payments statistics

Please enter all your feedback in this list.
When entering feedback, please make sure that:
- **each comment deals with a single issue only;**
- **you indicate the relevant article/chapter/paragraph, where appropriate;**
- **you indicate whether your comment is a proposed amendment, clarification or deletion.**

Deadline:	7 May 2020

ID	Chapter	Article	Paragraph	Page	Type of comment	Detailed comment	Concise statement as to why your comment should be taken on board	Name of commenter	Personal data
1	Regulation		(1)	1	Clarification	The ECB must take account of the burden imposed on reporting agents ; whereas in so doing attention must be paid not only to the performance of the ESCB's tasks and its independence but also to keeping the burden placed on the reporting agents to a minimum.	This draft involving 1.5 million additional statistical data per year and per establishment does not seem to be consistent with the objective of minimizing the burden on reporting parties. Recital 2 of European Regulation No. 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank, specifies: "Whereas, in order for statistical information to be effective as an instrument for the performance of the tasks of the ESCB, definitions and procedures for its collection need to be structured so that the ECB has the ability and flexibility to avail itself in a timely manner of high-quality statistics which reflect changing economic and financial conditions and take account of the burden imposed on reporting agents; whereas in so doing attention must be paid not only to the performance of the ESCB's tasks and its independence but also to keeping the burden placed on the reporting agents to a minimum". However, the draft revision of EU regulation 2013/1409 on the statistics to be provided by establishments in terms of payment results in the requirement of 1.5 million additional data per establishment per year, which cannot be easily obtained from payment systems and back offices. The application of this revision seems to be unrealistic.	Ballerini, Anne	Publish

2	Regulation		(1)	1	Clarification	We believe that not all the 1.5 million additional statistical data per establishment, per year, appear to be essential.	We believe that the 1.5 million additional statistical data per establishment and per year under Article 2 (1) of Regulation (EC) No 2533/98 do not all appear to be essential for identifying and monitoring changes in payment markets within Member States, thereby fulfilling their role of promoting the proper operation of payment systems in the Union, thus contributing to the proper implementation of policies relating to the prudential supervision of credit institutions and to the stability of the financial system.	Ballerini, Anne	Publish
3	Regulation		(1)	1	Clarification	The country-by-country breakdowns of the EEA (GEO 3) do not all appear to be essential	The country-by-country breakdowns of the EEA (GEO 3) do not all appear to be essential. Most tables require a country-by-country breakdown of the EEA (GEO 3) with the exception of a few (GEO 1) and 9 (GEO 6).However, systematic breakdowns in GEO 3 generate enormous volumes, representing about 11,000 data per half-year period and per establishment which are not warranted.	Ballerini, Anne	Publish
4	Regulation		(1)	1	Clarification	Fraud and financial loss statistics, which do not seem to be subject to the ECB's supervisory role, should be removed from the draft.	Fraud and financial loss statistics do not fall within the scope of Regulation (EC) No 2533/98, which provides that information may be collected with regard to payment and payment system statistics in order to identify and monitor changes in the payment market in Member States, and to support the promotion of the proper operation of payment systems.	Ballerini, Anne	Publish
5	Regulation		(1)	1	Clarification	Statistical data that cannot be of high quality should be removed from the draft.	Recital 2 of Regulation 2533/98 indicates that the statistical information must be of high quality to reflect changes in economic and financial conditions. However, the 19,000 statistical data per half-year period and per establishment related to fraud and financial losses cannot be guaranteed by reporting agents. The classification of a fraudulent transaction is based on the client’s declaration and the case manager’s assessment. It is subjective, variable and without guarantee. The only reliable information is obtained from the findings of police investigations and few fraud cases are subject to such investigations. Since the classification of data cannot be automated, it is unreliable. The classification of an MCC is based on the merchant company code (which can be variable depending on the client’s activities, the scheme and requirements specific to each scheme).The nearly 370,000 additional indicators per establishment to be reported on a quarterly basis related to the Balance of Payments cannot be guaranteed by the reporting agents. In addition, the MCC can only be provided when it is already available to reporting agents. This information cannot be homogeneous from one establishment to another and from one country to another.	Ballerini, Anne	Publish

6	Regulation		(2)	1	Clarification	The collection of information that is not subject to payment system standards should not be required.	The ECB considers it necessary to collect statistical information on payment systems (SCT, SCT Inst, non SEPA, SDD, SDD B2B, Visa, MasterCard, domestic card Scheme) to ensure their proper operation and that of the payment instruments. However, the collection of approximately 13,600 data per half-year period and per establishment that are not subject to payment system standards should not be required. In fact, neither the European nor international standards used for payment messages nor the card and transfer clearing systems contain sufficient information on payer authentication and the reasons for the lack of strong authentication. In addition, regarding transfers, the data in payment messages and clearing systems do not include any information on the category (paper, electronic), the channel for initiating orders submitted by our clients (proximity, distance) or fraud types. Payment and clearing systems were initially created for operational purposes and not for statistical purposes. Thus, any additional request generates significant developments and investments for each establishment, which are impossible to pool.	Ballerini, Anne	Publish
7	Regulation		(3)	1	Clarification	Financial losses not subject to the ECB's supervisory role should be removed from the draft. Financial losses result from financial choices between losses, processing loads and the provision of special services. They vary significantly from one PSP to another and do not allow PSPs to benchmark themselves in their performance in fraud prevention.	Financial loss statistics do not fall within the scope of Regulation (EC) No 2533/98, which provides that information may be collected with regard to payment and payment system statistics in order to identify and monitor changes in the payment market in Member States, and to support the promotion of the proper operation of payment systems.	Ballerini, Anne	Publish

8	Regulation		(4)	2	Clarification	The collection of information on fraud that is not subject to payment system standards should not be required.	The ECB considers it necessary to collect detailed statistical information on fraud broken down by payment system (SCT, SCT Inst, non SEPA, SDD, SDD B2B, Visa, MasterCard, domestic card Scheme) and by country to assess the degree of security and efficiency of payment instruments. However, since fraud, category and initiation and authentication channel data are not subject to payment system standards, their collection should not be required. These statistical breakdowns on fraud should be removed from the draft. The breakdown of card payment fraud by function or scheme not only multiplies the number of indicators but will also not provide any useful information for monitoring fraud. The brand of the card or the type of card is of little importance to the fraudster, especially as the ceilings can be modified by the client himself. In fact, the techniques of fraudsters and anti-fraud measures are the same regardless of the card function (debit, credit) or its brand (Visa, MasterCard or other).This also applies to transfers regardless of the transfer category (SCT, Instant Payment, Non SEPA).These breakdowns represent more than 10,900 fraud indicators (out of the 19,000 listed), and they do not provide information for fraud monitoring. Based on our analysis, the breakdowns of fraud by initiation channel and according to whether or not SCA is carried out are sufficient. These combined breakdowns by proximity/distance and by authentication (or not) provide real value in terms of fraud monitoring. On the one hand, they provide an assessment of the effectiveness of strong authentication solutions and, on the other hand, they will result in a benchmark at the national or European level.The establishments will already need to make the effort to provide statistics on a semi-annual basis (instead of on an annual basis, as currently applicable to the French Market), while in recent years, payments and fraud have remained constant. The statistical data required under Article 96.6 of the DSP2 and specified in EBA guidelines EBA/GL/2018/05, to be implemented gradually by the different communities, constitute a major change in fraud indicators on a European scale. It is important to be able to capitalise on the implementation of the reporting specified in the EBA guidelines EBA/GL/2018/05 before considering the provision of 18,000 additional data per half-year period and per establishment.	Ballerini, Anne	Publish

9	Regulation		(7)	3	Clarification	As the breakdown by MCC is not available and homogeneous from one country to another, it should be removed. The detailed breakdown distinguishing the type of business is not of interest considering the excessive volume.	Recital 2 of Regulation 2533/98 indicates that the statistical information must be of high quality to reflect changes in economic and financial conditions. However, the classification of an MCC is based on the merchant company code (which can be variable depending on the client's activities, the scheme and requirements specific to each scheme). In addition, the MCC can only be provided when it is already available to reporting agents. This information cannot be homogeneous from one establishment to another and from one country to another. Furthermore, the balance of payments by card with the additional breakdown by merchant code (MCC) in the draft would generate a considerable amount of data, i.e. nearly 370,000 additional indicators per establishment, to be reported quarterly by each establishment. This seems excessive for data that is not all necessary and essential under Article 2 (1) of Regulation (EC) No 2533/98 for monitoring cross-border trade. Regarding the balance of payments for the French market, statistics are already broadly collected by breaking down remote transactions or transactions in proximity for all countries. The breakdown of remote transactions or transactions in proximity already makes it possible to determine if payers/carriers make a purchase in the market in the country or remotely. A detailed breakdown distinguishing the type of trade (for example, purchases in a book shop or bakery) will not be of interest considering the excessive volume.For example, for a French mutual group, this would represent nearly 70 million statistical data to be produced per year.	Ballerini, Anne	Publish
10	Regulation		(8)	3	Clarification	The half-yearly declaration provided under Article 96.6 of the DSP2 and its variations in the EBA guidelines (see EBA/GL/2018/05) are already a step forward compared to the current situation.	For the GDP forecast, the ECB wishes to collect statistics on payment activity with greater frequency and a global geographic breakdown. However, this activity has been constantly changing for several years, casting doubt on the usefulness of such data. These indicators are all the more difficult to produce because they consist of numerous data to be aggregated for credit cards, transfers, debits, cheques and electronic money.	Ballerini, Anne	Publish
11	Regulation		(9)	3	Amendment	We propose that the frequency not be reduced.	The text includes a principle of proportionality allowing a national central bank to reduce the frequency of reporting (from semi-annual to annual). However, no homogeneity seems to be provided for at the European level regarding the representativeness of a market and possible inequalities in treatment. This option also raises the question of the exploitation of data on a semi-annual basis. Depending on the country, the half-yearly data published will be incomplete and introduce a bias. It would be preferable to maintain the same annual frequency for each reporting party.	Ballerini, Anne	Publish

12	Regulation		(10)	3	Clarification	Before considering such a measure, the current statistics and those under EBA guidelines (see EBA/GL/2018/05) must first be produced, stabilized and rendered more reliable by the PSPs of the different communities.	It seems premature to start implementing a new collection measure such as this one at this time. Before considering any new indicator, the current statistics and those under EBA guidelines (see EBA/GL/2018/05) must first be produced, stabilized and rendered more reliable by the PSPs of the different communities. It is preferable to allow time for homogenisation at the European level of the statistical data required under EBA guidelines (see EBA/GL/ 2018/05) provided by PSPs of the different communities.	Ballerini, Anne	Publish
13	Regulation		(11)	3	Amendment	The inclusion of Article 96.6, implemented under EBA guidelines EBA/GL/2018/05 already amounts to revising the European regulation EU 2013/1409.	The Payment Services Directive 2 (DSP2) already requires PSPs to provide numerous declarations, notifications and audits. In particular, Article 96.6, implemented under EBA guidelines EBA/GL/2018/05, requires activity and fraud statistics requiring significant investments by the addition of many new indicators: nearly 400 activity indicators and over 700 fraud indicators, to be produced twice a year. The inclusion of this article already constitutes a revision of European regulation EU 2013/1409. This already demanding legal context is unfavourable for considering another revision of activity, fraud or balance of payments statistics and for adding the quarterly collection of data aggregated by means of payment for economic forecasting needs. At the European level, it is essential to stabilise, render more reliable and homogenise the data required under PSD2. Before any changes are made, it is essential to align and draw lessons from the exploitation of data collected under Article 96.6 of DSP2.	Ballerini, Anne	Publish
14	Regulation	4	All	4	Amendment	We request that the semi-annual frequency be replaced by an annual frequency for all reporting parties to allow the provision of complete statistics.	The text includes a principle of proportionality allowing a national central bank to reduce the frequency of reporting (from semi-annual to annual). However, no homogeneity seems to be provided for at the European level regarding the representativeness of a market and possible inequalities in treatment. This option also raises the question of the exploitation of data on a semi-annual basis. Depending on the country, the half-yearly data published will be incomplete and introduce a bias. It would be preferable to maintain the same annual frequency for each reporting party.	Ballerini, Anne	Publish
15	Regulation	6	All	5	Amendment	Revision of report submission dates	Given the large amount of information contained in the reports and the time limit specific to each national authority, reports should be submitted at the end of June and at the end of December.	Ballerini, Anne	Publish

16	Regulation	8	All	5	Amendment	We recommend amending the paragraphs as follows: 1. Reporting to the ECB shall begin with quarterly data for [Q1 of 2023 by end-June 2023] and if semi-annual data for [H1 of 2023 by end-December 2023]. 2. Reporting to the ECB for annual data shall begin with the reference period [2023 by end-June 2024].	The timeframe for first reporting was already challenging before the COVID-19 pandemic emerged in Europe. Since March banks across Europe have been preparing for and responding to the pandemic, including ensuring the safety of banks' customers and employees and maintaining business continuity. Banks and other PSPs will have to work hardly in the coming months and years to deal with the impacts of the COVID-19 pandemic. The dates for first reporting should be deferred to enable PSPs to return to business as usual operations and design and build the systems needed to provide the data required under the Regulation. The implementation of the statistics required under Article 96.6 of the DSP2 and defined in EBA guidelines EBA/GL/2018/05 shall become effective in early 2021 in France. This measure currently requires a major mobilisation of resources. Before any changes are made, it is essential to align and draw lessons from the exploitation of data collected under Article 96.6 of DSP2.	Ballerini, Anne	Publish
17	Annex I	Part 1.1	1	1	Clarification	This section should be clarified to make clear who should report this data point. It implies that the AISP reports on this but the table implies that the ASPSP reports on this.	The definition implies that the AISP reports on this but the table implies that the ASPSP reports on this as the data point is listed under ASPSPs.	Ballerini, Anne	Publish
18	Annex I	Part 2.1	2	5	Deletion	The breakdown related to the deferred debit function should be removed.	The breakdown of activity related to the deferred debit function of cards is not in line with Regulation (EU) 2015-751, known as IFR: the category "cards with deferred debit function" should be removed.	Ballerini, Anne	Publish
19	Annex I	Part 2.3.1	8	7	Deletion	The statement is too generic and potentially confusing and should be deleted.	This statement is too generic and potentially confusing while adding no explanatory value.	Ballerini, Anne	Publish
20	Annex I	Part 2.3.1	18-19	8	Deletion	The breakdown of information by scheme that is not part of the payment and transfer systems should be removed from the draft.	Regarding transfers, the data in payment messages and clearing systems does not include any information on the category (paper, electronic), the channel for initiating orders submitted by our clients (proximity, distance), payer authentication, reasons for a lack of strong authentication and fraud types. This information, which represents about 1,100 indicators per half-year period and per establishment, appears to be useless for monitoring the proper operation of payment systems. Thus, all these additional requirements generate significant developments and investments for each establishment, which are impossible to pool.	Ballerini, Anne	Publish
21	Annex I	Part 2.3.1	20	8	Deletion	The reasons for exemption from strong authentication are not adapted to the payment system and should be removed from the draft.	The reasons for exemption from strong authentication in Tables 4a and 4b, which are not suitable for transfers should be removed, thus avoiding the need to enter unnecessary data from the beginning. These include reasons related to "low value contactless" payments or "unattended terminals for transportation or parking rates."	Ballerini, Anne	Publish
22	Annex III		Table 4a	4	Deletion	The breakdown of the received credit transfer should be aligned with the EBA Guidelines	The breakdown of transfers received for each EEA country exceeds EBA requirements. It multiplies the number of statistics without a known benefit. We do not see a reason for multiplying the statistics regarding sent and received payments.	Ballerini, Anne	Publish

23	Annex I	Part 2.3.1	29	8	Deletion	As the type of mandate is unknown to the creditor's PSP, it should be removed.	The type of direct debit mandate (electronic or otherwise) is not known to the creditor's PSP. The payer's consent is provided directly to the creditor. The mandate is managed entirely by the creditor. This indicator (type of mandate) should thus be removed.	Ballerini, Anne	Publish
24	Annex I	Part 2.3.1	30	9	Deletion	As the type of mandate is unknown, the breakdown by scheme is impossible. The indicator should therefore be removed.	As the type of mandate cannot be included, the breakdown by payment system cannot be provided.	Ballerini, Anne	Publish
25	Annex III		Table 4a	4	Deletion	The breakdown of the received Direct debit should be aligned with the EBA Guidelines	The breakdown of direct debits received for each EEA country exceeds EBA requirements. It multiplies the number of statistics without a known benefit. We do not see a reason for multiplying the statistics regarding sent and received payments.	Ballerini, Anne	Publish
26	Annex I	Part 2.3.1	38	9	Deletion	The breakdown related to the deferred debit function should be removed. A card with a "deferred debit function" should be declared as a "card with a credit function."	The breakdown related to the deferred debit function of cards is not in line with Regulation (EU) 2015-751, known as IFR: the category "with deferred debit function" should be removed.	Ballerini, Anne	Publish
27	Annex I	Part 2.3.1	39	9	Deletion	The reasons for exemption from strong authentication are not adapted to the payment system and should be removed from the draft.	The reasons for exemption from strong authentication in tables 4a and 4b, which are not suitable for card payments should be removed, thus avoiding the need to enter unnecessary data from the beginning. These include "recurring transactions," "company payment processes and protocols."	Ballerini, Anne	Publish
28	Annex I	Part 2.3.1	40	9	Amendment	The definition should be adapted to Regulation (EU) 2015-751 (IFR).	A card with a "deferred debit function" should be declared as a "card with a credit function."	Ballerini, Anne	Publish
29	Annex I	Part 2.3.1	42	10	Deletion	The breakdown related to the deferred debit function should be removed. A card with a "deferred debit function" should be declared as a "card with a credit function."	The breakdown related to the deferred debit function of cards is not in line with Regulation (EU) 2015-751, known as IFR: the category "with deferred debit function" should be removed.	Ballerini, Anne	Publish
30	Annex I	Part 2.3.1	43	10	Deletion	This section should be deleted, as well as those parts of table 4b affected.	The breakdown of cash withdrawal transactions by authentication method (SCA and non-SCA) is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified.	Ballerini, Anne	Publish
31	Annex I	Part 2.3.2	30	14	Deletion	This section should be deleted, as well as those parts of table 4b affected.	The breakdown of cash withdrawal transactions by authentication method (SCA and non-SCA) is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified.	Ballerini, Anne	Publish
32	Annex III		Table 4a	6	Deletion	The breakdown of the received Cheque should be aligned with the EBA Guidelines	The breakdown of cheques received for each EEA country exceeds EBA requirements. It multiplies the number of statistics without a known benefit. We do not see a reason for multiplying the statistics regarding sent and received payments.	Ballerini, Anne	Publish
33	Annex I	Part 2.3.1	58	11	Deletion	This section should be deleted, as well as those parts of table 4a affected.	The breakdown of PISP-initiated transactions by authentication method (SCA and non-SCA) is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified.	Ballerini, Anne	Publish
34	Annex I	Part 2.3.2	35	15	Deletion	This section should be deleted, as well as those parts of table 4b affected.	The breakdown of PISP-initiated transactions by authentication method (SCA and non-SCA) is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified.	Ballerini, Anne	Publish

35	Annex I	Part 2.4.1 and 2.4.2	5	17-18	Deletion	Statistical data that cannot be of high quality should be removed from the draft.	Recital 2 of Regulation 2533/98 indicates that the statistical information must be of high quality to reflect changes in economic and financial conditions. However, the 3,500 statistical data per half-year period and per establishment related to fraud cannot be guaranteed by reporting agents. The classification of a fraudulent transaction is based on the client's declaration and the case manager's assessment. It is subjective, variable and without guarantee. The only reliable information is obtained from the findings of police investigations and few fraud cases are subject to such investigations. Since the classification of data cannot be automated, it is unreliable. For the type "the payer has been manipulated", it will be particularly difficult to obtain the testimony of the payer. Indeed, the payer will not be inclined to "confess" that he has been manipulated for fear of not receiving a reimbursement due to "gross negligence. "Moreover, payer manipulation is not sufficient to carry out fraud. For example, a fraudster who steals data from the payer's online bank must also have access to the payer's mobile phone in the case of a secure remote transfer. Is this manipulation or fraudulent use of the payer's mobile phone? What type of fraud should this be classified as, payer manipulation or issuance of an order by the fraudster? As the decision is subjective, the different interpretations made at the level of each PSP make it impossible to compile the results for a benchmark. For this reason, we propose the removal of this type, which will not be completed in the same way by all PSPs, making comparisons unusable.	Ballerini, Anne	Publish
36	Annex I	Part 2.4.1 and 2.4.2	5	17-18	Deletion	Non-essential fraud breakdowns per scheme should be removed from the draft.	Under Article 2 (1) of Regulation (EC) No. 2533/98, the breakdown of transfer fraud per scheme is not all essential for identifying and monitoring changes in payment markets within Member States, thereby fulfilling its role of promoting the proper operation of payment systems in the Union, thus contributing to the proper implementation of policies relating to the prudential supervision of credit institutions and to the stability of the financial system. The breakdown of transfer fraud per scheme not only multiplies the number of indicators but will not provide any useful information for monitoring fraud. In fact, the techniques used by fraudsters and anti-fraud measures are the same regardless of the transfer category (SCT, Instant Payment, Non SEPA).These breakdowns represent about 2,000 fraud indicators per half-year period and per establishment, and they do not provide information for fraud monitoring.	Ballerini, Anne	Publish
37	Annex I	Part 2.4.1 and 2.4.2	5-6-7	16-18	Deletion	The collection of information that is not subject to payment system standards should not be required.	Neither the European or international standards used for transfers, nor the transfer clearing systems contain information on fraud and breakdowns of the category (paper, electronic), the channel for initiating orders submitted by our clients (proximity, distance), payers authentication, reasons for the lack of strong identification and fraud types.	Ballerini, Anne	Publish

38	Annex I	Part 2.4.1	8	17	Deletion	The reference to mandate inexistence/invalidity should be deleted and the fraud types should be aligned with the EBA Guidelines.	The breakdown of direct debit fraud is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified. It may also lead to inconsistent reporting. The fraud types should be aligned with the EBA Guidelines.	Ballerini, Anne	Publish
39	Annex I	Part 2.4.2	8	18	Deletion	The reference to mandate inexistence/invalidity should be deleted and the fraud types should be aligned with the EBA Guidelines.	The breakdown of direct debit fraud is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified. It may also lead to inconsistent reporting. The fraud types should be aligned with the EBA Guidelines.	Ballerini, Anne	Publish
40	Annex I	Part 2.4.1 and 2.4.2	8	17-18	Deletion	As the type of the mandate is not known to the creditor's PSP, the breakdown should be removed.	The breakdown of fraud according to the type of direct debit mandate (electronic or other) is not possible from the creditor's PSP. The payer's consent is provided directly to the creditor. The mandate is managed entirely by the creditor. This indicator (type of mandate) should thus be removed.	Ballerini, Anne	Publish
41	Annex I	Part 2.4.1 and 2.4.2	9	17-18	Deletion	As the type of mandate is unknown, the breakdown by scheme is impossible. The indicator should therefore be removed.	As the type of mandate cannot be included, the breakdown by payment system cannot be provided.	Ballerini, Anne	Publish
42	Annex I	Part 2.4.1 and 2.4.2	9-10	17-18	Deletion	Statistical data that cannot be of high quality should be removed from the draft.	Recital 2 of Regulation 2533/98 indicates that the statistical information must be of high quality to reflect changes in economic and financial conditions. However, about 1,000 statistical data per half-year period and per establishment related to fraud and financial losses cannot be guaranteed by reporting agents. The classification of a fraudulent transaction is based on the client's declaration and the case manager's assessment. It is subjective, variable and without guarantee. The only reliable information is obtained from the findings of police investigations and few fraud cases are subject to such investigations. Since the classification of data cannot be automated, it is unreliable. For the type "the payer has been manipulated," it will be particularly difficult to obtain the testimony of the payer. Indeed, the payer will not be inclined to "confess" that he has been manipulated for fear of not receiving a reimbursement due to "gross negligence." Is this manipulation or fraudulent use? For this reason, we propose the removal of this type, which will not be completed in the same way by all PSPs, making comparisons unusable.	Ballerini, Anne	Publish

43	Annex I	Part 2.4.2	11	19	Deletion	Statistical data that cannot be of high quality should be removed from the draft.	Recital 2 of Regulation 2533/98 indicates that the statistical information must be of high quality to reflect changes in economic and financial conditions. However, about 10,400 statistical data per half-year period and per establishment related to card payment fraud cannot be guaranteed by reporting agents. The classification of a fraudulent transaction is based on the client's declaration and the case manager's assessment. It is subjective, variable and without guarantee. The only reliable information is obtained from the findings of police investigations and few fraud cases are subject to such investigations. Since the classification of data cannot be automated, it is unreliable. In these circumstances, questions are raised in terms of the actual relevance of certain indicators considered as well as their publication. It is preferable to favour the automated measurement of fraud (proximity/distance and SCA/non-SCA cross-referencing), rather than relying on a specific classification made by case managers that would prove unreliable and time consuming. For the type "the payer has been manipulated," it will be particularly difficult to obtain the testimony of the payer. Indeed, the payer will not be inclined to "confess" that he has been manipulated for fear of not receiving a reimbursement due to "gross negligence. "Moreover, payer manipulation is not sufficient to carry out card fraud. For example, a fraudster who steals data from the payer's card must also have access to the payer's mobile phone in the case of a secure remote purchase. Is this manipulation or fraudulent use of the payer's mobile phone? What type of fraud should this be classified as, payer manipulation or issuance of an order by the fraudster? As the decision is subjective, the different interpretations made at the level of each PSP make it impossible to compile the results for a benchmark. For this reason, we propose the removal of this type, which will not be completed in the same way by all PSPs, making comparisons unusable.	Ballerini, Anne	Publish

44	Annex I	Part 2.4.2	12	19	Deletion	Non-essential fraud breakdowns per scheme should be removed from the draft.	Under Article 2 (1) of Regulation (EC) No. 2533/98, the breakdown of card payment fraud per card function or per scheme is not all essential for identifying and monitoring changes in payment markets within Member States, thereby fulfilling its role of promoting the proper operation of payment systems in the Union, thus contributing to the proper implementation of policies relating to the prudential supervision of credit institutions and to the stability of the financial system. The breakdown of card payment fraud by function or scheme not only multiplies the number of indicators but will also not provide any useful information for monitoring fraud. The brand of the card or the type of card is of little importance to the fraudster, especially as the ceilings can be modified by the client himself. In fact, the techniques of fraudsters and anti-fraud measures are the same regardless of the card function (debit, credit) or its brand (Visa, MasterCard or other).These breakdowns represent nearly 7,000 fraud indicators per half-year period and per establishment, and they do not provide information for fraud monitoring.	Ballerini, Anne	Publish
45	Annex I	Part 2.4.2	14	19	Deletion	Statistical data that cannot be of high quality should be removed from the draft.	Recital 2 of Regulation 2533/98 indicates that the statistical information must be of high quality to reflect changes in economic and financial conditions. However, about 1,600 statistical data per half-year period and per establishment related to card withdrawal fraud cannot be guaranteed by reporting agents. The classification of a fraudulent transaction is based on the client's declaration and the case manager's assessment. It is subjective, variable and without guarantee. The only reliable information is obtained from the findings of police investigations and few fraud cases are subject to such investigations. Since the classification of data cannot be automated, it is not reliable. In these circumstances, questions are raised in terms of the actual relevance of certain indicators considered as well as their publication. It is preferable to favour the automated measurement of fraud (proximity/distance and SCA/non-SCA cross-referencing), rather than relying on a specific classification made by case managers that would prove unreliable and time consuming. For the type "the payer has been manipulated," it will be particularly difficult to obtain the testimony of the payer. Indeed, the payer will not be inclined to "confess" that he has been manipulated for fear of not receiving a reimbursement due to "gross negligence." For this reason, we propose the removal of this type, which will not be completed in the same way by all PSPs, making comparisons unusable.	Ballerini, Anne	Publish

46	Annex I	Part 2.4.2	15	19	Deletion	Non-essential fraud breakdowns per scheme should be removed from the draft.	Under Article 2 (1) of Regulation (EC) No. 2533/98, the breakdown of withdrawal fraud by scheme is not all essential for identifying and monitoring changes in payment markets within Member States, thereby fulfilling its role of promoting the proper operation of payment systems in the Union, thus contributing to the proper implementation of policies relating to the prudential supervision of credit institutions and to the stability of the financial system. The breakdown of card withdrawal fraud by function or by scheme not only multiplies the number of indicators but will also not provide any useful information for monitoring fraud. The brand of the card or the type of card is of little importance to the fraudster, especially as the ceilings can be modified by the client himself. In fact, the techniques of fraudsters and anti-fraud measures are the same regardless of the card function (debit, credit) or its brand (Visa, MasterCard or other).These breakdowns represent nearly 1,200 fraud indicators per half-year period and per establishment, and they do not provide information for fraud monitoring.	Ballerini, Anne	Publish
47	Annex I	Part 2.4.1	15-16	17	Deletion	This section should be deleted, as well as those parts of table 5a affected.	The breakdown of cash withdrawal transactions by authentication method (SCA and non-SCA) is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified.	Ballerini, Anne	Publish
48	Annex I	Part 2.4.2	15-16	19	Deletion	This section should be deleted, as well as those parts of table 5b affected.	The breakdown of cash withdrawal transactions by authentication method (SCA and non-SCA) is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified.	Ballerini, Anne	Publish

49	Annex I	Part 2.4.2	14	19	Deletion	Statistical data that cannot be of high quality should be removed from the draft.	Recital 2 of Regulation 2533/98 indicates that the statistical information must be of high quality to reflect changes in economic and financial conditions. However, about 1,800 statistical data per half-year period and per establishment related to electronic money fraud cannot be guaranteed by reporting agents. The classification of a fraudulent transaction is based on the client's declaration and the case manager's assessment. It is subjective, variable and without guarantee. The only reliable information is obtained from the findings of police investigations and few fraud cases are subject to such investigations. Since the classification of data cannot be automated, it is unreliable. In these circumstances, questions are raised in terms of the actual relevance of certain indicators considered as well as their publication. It is preferable to favour the automated measurement of fraud (proximity/distance and SCA/non-SCA cross-referencing), rather than relying on a specific classification made by case managers that would prove unreliable and time consuming. For the type "the payer has been manipulated," it will be particularly difficult to obtain the testimony of the payer. Indeed, the payer will not be inclined to "confess" that he has been manipulated for fear of not receiving a reimbursement due to "gross negligence." For this reason, we propose the removal of this type, which will not be completed in the same way by all PSPs, making comparisons unusable.	Ballerini, Anne	Publish
50	Annex I	Part 2.4.1	20	18	Deletion	This section should be deleted, as well as those parts of table 5a affected.	The breakdown of PISP-initiated transactions by authentication method (SCA and non-SCA) is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified.	Ballerini, Anne	Publish
51	Annex I	Part 2.4.2	20	19	Deletion	This section should be deleted, as well as those parts of table 5b affected.	The breakdown of PISP-initiated transactions by authentication method (SCA and non-SCA) is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified.	Ballerini, Anne	Publish

52	Annex I	Part 2.8	6	25	Deletion	As breakdowns by MCC are not available and homogeneous from one country to another, they should be removed. These detailed breakdowns distinguishing the type of business are not of interest considering their excessive volume.	Recital 2 of Regulation 2533/98 indicates that the statistical information must be of high quality to reflect changes in economic and financial conditions. However, the classification of an MCC is based on the merchant company code (which can be variable depending on the client's activities, the scheme and requirements specific to each scheme) In addition, the MCC can only be provided when it is already available to reporting agents. This information cannot be homogeneous from one establishment to another and from one country to another. Furthermore, the balance of payments by card with the additional breakdown by merchant code (MCC) in the draft would generate a considerable amount of data, i.e. nearly 370,000 additional indicators, to be reported on a quarterly basis by each establishment. This seems excessive for data that is not all necessary and essential under Article 2 (1) of Regulation (EC) No 2533/98 for monitoring cross-border trade. Regarding the balance of payments for the French market, statistics are already broadly collected by breaking down remote transactions or transactions in proximity for all countries. The breakdown of remote transactions or transactions in proximity already makes it possible to determine if payers/carriers make a purchase in the market in the country or remotely. A detailed breakdown distinguishing the type of trade (for example, purchases in a book shop or bakery) will not be of interest considering the excessive volume. For example, for a French mutual group, this would represent nearly 70 million statistical data to be produced per year.	Ballerini, Anne	Publish
53	Annex II	Number of accounts accessed by AISPs		11	Clarification	This definition should be clarified to make clear who should report this data point. It implies that the AISP reports on this but the table implies that the ASPSP reports on this.	The definition implies that the AISP reports on this but the table implies that the ASPSP reports on this as the data point is listed under ASPSPs.	Ballerini, Anne	Publish

54	Annex III		Table 4a	5	Deletion	Non-essential breakdowns per scheme should be removed from the draft	Under Article 2 (1) of Regulation (EC) No. 2533/98, the breakdown of card payments by schemes is not all essential for identifying and monitoring changes in payment markets within Member States, thereby fulfilling its role of promoting the proper operation of payment systems in the Union, thus contributing to the proper implementation of policies relating to the prudential supervision of credit institutions and to the stability of the financial system. The breakdown of payment activity by card function or by scheme greatly increases the number of indicators, despite the fact that this does not seem to be essential for monitoring the market. Furthermore, as the information on the reasons for a lack of strong authentication is not included in card systems, the requirement of this information should be removed. These new breakdowns, which represent approximately 3,000 indicators per half-year period and establishment related to activity and are not necessary for market monitoring, should be removed from the draft. Thus, all these additional requirements generate significant developments and investments for each establishment, which are impossible to pool.	Ballerini, Anne	Publish
55	Annex III		Table 5a	11-16	Deletion	For non-card payments, fraudulent payment transactions should only be reported on a sent basis so reporting for all other types of fraudulent transactions should be removed	In line with the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2), the ECB should only collect data on fraudulent payment transactions from PSPs on a payment sent basis as set out in the flow of funds, with the exception of card payments. Additional reporting on fraudulent payments received would create an unnecessary reporting burden and would be impractical for PSPs.	Ballerini, Anne	Publish
56	Annex III		Tables 5a 5b	11 to 21	Deletion	The reasons for exemption from strong authentication are not adapted to the payment system and should be removed from the draft.	The reasons for exemption from strong authentication in Tables 5a and 5b which are not suitable for payment systems should be removed. For example: - Transfers: remove the reasons “low value contactless” payments or “unattended terminals for transportation or parking rates.” - Card payments and electronic money: remove the reasons “recurring transactions” and “company payment processes and protocols.”	Ballerini, Anne	Publish

57	Annex III		Tables 5a 5b	12 to 21	Deletion	Financial losses not subject to the ECB's supervisory role should be removed from the draft. Financial losses result from financial choices between losses, processing loads and the provision of special services. They vary significantly from one PSP to another and do not allow PSPs to benchmark themselves in their performance in fraud prevention.	Financial loss statistics on transfers, direct debit, card payments, card withdrawals, electronic money and cheques do not fall within the scope of Regulation (EC) No 2533/98, which provides that information may be collected with regard to payment and payment system statistics in order to identify and monitor changes in the payment market in Member States, and to support the promotion of the proper operation of payment systems. Several very different factors are involved in financial losses: - acceptor - acquirer contractual clauses for cards; - the rules of transfer of responsibility between PSPs and acceptors for cards; - the creditworthiness of the client or that of the recipient; - The cost of processing a fraud case (consisting of internal charges, unpaid issue/arbitration fees invoiced by card schemes, other procedural costs), with regard to the potential recovery of the debt).Thus, recovery from a client will not be performed for a fraud case of a certain amount set by each bank.	Ballerini, Anne	Publish
58	Annex III		Tables 4a 4b	4 to 10	Amendment	The geographical breakdown of payment transactions should be aligned with the Guidelines on fraud reporting under PSD2: 'Domestic payment transactions; 'Cross-border payment transactions within the EEA' ; 'Cross-border payment transactions outside the EEA'	The geographical breakdown of payment transactions should be aligned with the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) to avoid unnecessary reporting burden on PSPs. These systematic breakdowns in GEO 3 generate enormous volumes representing about 6,000 statistical data per half-year period and per establishment (not including the 3,000 data related to breakdowns per scheme, per half-year period and per establishment).We propose that only the (main) consolidated indicators be broken down by country in the EEA (GEO 3).	Ballerini, Anne	Publish
59	Annex III		Tables 5a 5b	11 to17	Amendment	The geographical breakdown of fraudulent a payment transactions should be aligned with the Guidelines on fraud reporting under PSD2: 'Domestic payment transactions; 'Cross-border payment transactions within the EEA' ; 'Cross-border payment transactions outside the EEA'	The geographical breakdown of fraudulent payment transactions should be aligned with the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) to avoid unnecessary reporting burden on PSPs. These systematic breakdowns in GEO 3 generate enormous volumes representing about 5,000 statistical data per half-year period and per establishment (not including the 11,000 data related to breakdowns per scheme, per half-year period and per establishment).We propose that only the (main) consolidated indicators be broken down by country in the EEA (GEO 3).	Ballerini, Anne	Publish
60	Annex III		Tables 5a 5b	12 to 18	Deletion	The breakdown for mandate inexistence/invalidity should be deleted and the fraud types should be aligned with the EBA Guidelines	The breakdown of direct debit fraud is not required in the EBA Guidelines on fraud reporting under the Payment Services Directive (PSD2) and has not been justified. It may also lead to inconsistent reporting. The fraud types should be aligned with the EBA Guidelines.	Ballerini, Anne	Publish

61	Annex III		Table 9	25	Deletion	As breakdowns by MCC are not available and homogeneous from one country to another, they should be removed. These detailed breakdowns distinguishing the type of business are not of interest considering their excessive volume.	Recital 2 of Regulation 2533/98 indicates that the statistical information must be of high quality to reflect changes in economic and financial conditions. However, the classification of an MCC is based on the merchant company code (which can be variable depending on the client's activities, the scheme and requirements specific to each scheme). In addition, the MCC can only be provided when it is already available to reporting agents. This information cannot be homogeneous from one establishment to another and from one country to another. Furthermore, the balance of payments by card with the additional breakdown by merchant code (MCC) in the draft would generate a considerable amount of data, i.e. nearly 370,000 additional indicators, to be reported on a quarterly basis by each establishment. This seems excessive for data that is not all necessary and essential under Article 2 (1) of Regulation (EC) No 2533/98 for monitoring cross-border trade. Regarding the balance of payments for the French market, statistics are already broadly collected by breaking down remote transactions or transactions in proximity for all countries. The breakdown of remote transactions or transactions in proximity already makes it possible to determine if payers/carriers make a purchase in the market in the country or remotely. A detailed breakdown distinguishing the type of trade (for example, purchases in a book shop or bakery) will not be of interest considering the excessive volume. For example, for a French mutual group, this would represent nearly 70 million statistical data to be produced per year.	Ballerini, Anne	Publish
62	Annex III				Clarification	For the attention of the ECB	All comments in Annex I also apply to the tables in Annex III.	Ballerini, Anne	Publish