

EPIF RESPONSE TO THE EBA GUIDELINES ON PROCEDURES FOR COMPLAINTS OF ALLEGED INFRINGEMENTS OF THE PSD2.

ABOUT EPIF (EUROPEAN PAYMENT INSTITUTIONS FEDERATION)

EPIF, founded in 2011, represents the interests of the non-bank payment sector at the European level. We currently have over 190 authorised payment institutions and other non-bank payment providers as our members offering services in every part of Europe. EPIF thus represents roughly one third of all authorized Payment Institutions in Europe. Our diverse membership includes a broad range of business models, including:

- 3-party Card Network Schemes
- Acquirers
- Money Transfer Operators
- FX Payment Providers
- Mobile Payments
- Payment Processing Service Providers
- Card Issuers
- Third Party Providers
- Digital Wallets

EPIF seeks to represent the voice of the PI industry and the non-bank payment sector with EU institutions, policy-makers and stakeholders. We aim to play a constructive role in shaping and developing market conditions for payments in a modern and constantly evolving environment. It is our desire to promote a single EU payments market via the removal of excessive regulatory obstacles.

We wish to be seen as a provider for efficient payments in that single market and it is our aim to increase payment product diversification and innovation tailored to the needs of payment users (e.g. via mobile and internet).

EPIF RESPONSE

- 1. Do you agree with the proposed Guideline 1 on the channels through which complainants should be able to submit their complaints of alleged infringements of PSD2? If not, please provide your reasoning.**

Generally, EPIF agrees with proposed Guidelines 1 to 6, but we would like to underline the importance of the Home State Principle and its application to the complaints procedure for alleged infringements of the PSD2. This Principle is a founding block of the Single Market, providing legal certainty, removing the complexity of complying with 28 different regimes and mitigating the threat of regulatory competition. It further serves as an incentive for cross-border activity within the EU.

As such, when customers file a complaint, they should do so before the relevant authority of the PSP's Home Member State. If a customer has filed a complaint to a host Member State, that Member State should forward it to the relevant PSP's Home State for review and processing.

This Principle is especially important given that the National Competent Authority (NCA) will analyse and aggregate the data, notably to "ensure and monitor [PSPs'] effective compliance" with the PSD2, as per Article 100 of the Directive. In our view, this competence lies solely with the Home State.

- 2. Do you agree with the proposed Guideline 2 on the information to be requested from the complainant when the complaint is submitted, and to be recorded by competent authorities, as and when provided? If not, please provide your reasoning.**

Generally, EPIF agrees with proposed Guideline 2. We would however encourage the EBA to add to the list a requirement for the complainant to state the nature of their relationship with the PSP that is subject to the complaint. That is to say, when the complainant is a business (as opposed to a consumer), is that business a customer, supplier, competitor etc.

- 3. Do you agree with the proposed Guideline 3 on reply to complainants? If not, please provide your reasoning.**

EPIF agrees with proposed Guideline 3.

- 4. Do you agree with the proposed Guideline 4 on aggregate analysis of complaints of alleged infringements of PSD2? If not, please provide your reasoning.**

EPIF agrees with proposed Guideline 4. It would however be useful to know what the NCAs will do with the aggregate report - will the aggregate analysis serve for internal analysis only, or will it be shared with other NCAs, or even made public in an annual report, for instance?

- 5. Do you agree with the proposed Guideline 5 on the internal written rules on complaints procedures? If not, please provide your reasoning.**

EPIF agrees with proposed Guideline 5.

- 6. Do you agree with the proposed Guideline 6 on the public information to complainants? If not, please provide your reasoning.**

EPIF agrees with proposed Guideline 6.
