

Single Rulebook Q&A

Question ID	2020_5573
Status	Final Q&A
Legal act	Directive 2015/2366/EU (PSD2)
Topic	Other topics
Article	44, 45
Paragraph	-
Subparagraph	-
COM Delegated or Implementing Acts/RTS/ITS/GLs/Recommendations	Not applicable
Article/Paragraph	NA
Date of submission	20/10/2020
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Disclose name of institution / entity	Yes
Name of institution / submitter	Multi-Stakeholder Group Mobile initiated SEPA (instant) Credit Transfers
Country of incorporation / residence	Belgium
Type of submitter	Industry association
Subject matter	Information to be provided by the PISP to the payer prior to the initiation of the transaction
Question	Is it sufficient that the merchant makes available upon request by the payer (consumer) the information about the Payment Initiation Service Provider (PISP) in the Point of Interaction (POI) environment before the consumer presents their data (e.g., via a QR code) to meet the requirements of Articles 44 and 45, (2), PSD2?
Background on the question	Articles 44 and 45, (2), PSD2, set out the information to be provided to the payer by the PISP, about the PISP, prior to the initiation of a transaction. Typically for (instant) credit transfers at the POI based on consumer-presented data (e.g. a QR-code with CustomerID and IBAN read by the merchant POI), a PISP is involved on the merchant side, and has a contractual relationship with the merchant to initiate the transaction, but might not have any prior contractual relationship with the consumer (e.g. in

	<p>case of a single transaction). It is unclear how a PISP can provide or make available to the payer the information on the PISP required under Article 45 (2), PSD2, for (instant) credit transfers at the POI based on consumer-presented data (e.g. a QR-code with CustomerID and IBAN read by the merchant POI), where typically a PISP has a contractual relationship with the merchant to initiate the transaction but where the same PISP may not have any prior contractual relationship with the consumer? Is it sufficient that the merchant makes available,, upon request by the payer (consumer), the information about the PISP in the POI environment before the consumer presents their data (e.g., via a QR code) to meet the requirements of Articles 44 and 45, (2), PSD2?</p>
<p>Final answer</p>	<p>The information to be provided, within the meaning of Article 45(2) of Directive (EU) 2015/2366 (PSD2) read in conjunction with Article 44 PSD2, can be provided by the merchant acting on behalf of the Payment Information Service Provider (PISP), as long as it is provided in an easily accessible manner, as specified in the first sentence of Article 44(1) PSD2.</p> <p>Cases where the provision of information by the payment service provider to the payment service user requires a prior request from the latter are clearly stipulated in PSD2 (cf. Article 44(1), second sentence, Article 53). Article 45(2) PSD2 does not refer to a payer’s prior request. The PISP, or the merchant acting on its behalf, should therefore provide or make available to the payer the information under Article 45(2) PSD2 without being requested to do so by the latter.</p> <p>Disclaimer:</p> <p>The answers clarify provisions already contained in the applicable legislation. They do not extend in any way the rights and obligations deriving from such legislation nor do they introduce any additional requirements for the concerned operators and competent authorities. The answers are merely intended to assist natural or legal persons, including competent authorities and Union institutions and bodies in clarifying the application or implementation of the relevant legal provisions. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law. The views expressed in the internal Commission Decision cannot prejudice the position that the European Commission might take before the Union and national courts.</p>
<p>Link</p>	<p>https://www.eba.europa.eu/single-rule-book-qa/qna/view/publicId/2020_5573</p>

