

Question ID	2019_4496
Status	Final Q&A
Legal act	Directive 2015/2366/EU (PSD2)
Topic	Strong customer authentication and common and secure communication (incl. access)
Article	66
Paragraph	-
Subparagraph	-
COM Delegated or Implementing Acts/RTS/ITS/GLs/Recommendations	Not applicable
Article/Paragraph	Not applicable
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Disclose name of institution / entity	No
Type of submitter	Credit institution
Subject matter	Revocation of future dated Payment Initiation Services (PIS) payments
Question	<p>Is the Bank (an 'Account Servicing Payment Service Provider'(ASPSP)) prohibited under PSD2 from acting on the following unsolicited customer instruction:- Customer asks their Bank to cancel a future-dated payment, or a series of recurring future-dated payments - where the original consent for the payment(s) was given by the customer to a Payment Initiation Services Provider (PISP).</p> <p>In this scenario, is the Bank required to advise the customer that the Bank cannot accept the customer's instruction to revoke these future payments; and that only a revocation instruction received via the PISP can be accepted by the Bank?</p>
Background on the question	Table 1 in the EBA Opinion on the implementation of the RTS on SCA and CSC, EBA-Op-2018-04, suggests that PISP initiated transactions may be revoked/cancelled after initiation and the dedicated interface must accommodate that functionality.Q&A 2018-4309 states that '...it is only the Payment Service User (PSU) that can give consent to the provision of PIS and AIS services. It is consequently also the PSU that only has the right to

	<p>withdraw the consent after it has been provided. The ASPSP cannot revoke consent.'Taking both of these considerations into account, does this mean that a customer can only ask the Payment Initiation Services Provider (PISP) to revoke a future dated payment instruction? Is an ASPSP prohibited from accepting such an instruction directly from their customer? Are there any circumstances where the ASPSP can accept an instruction from their customer to revoke/cancel a future dated PISP payment e.g. if the PISP ceased to operate, etc.Is it reasonable to assume that the customer will always recall the PISP to whom it gave the original consent - particularly where a significant period of time has elapsed between the giving and the withdrawal of the consent?Consent for direct debits is given via the payee, but a customer may still contact their Bank to cancel a Direct Debit. Similarly, we would suggest that the Bank should also be able to act on a direct instruction from its customer to revoke any future dated PISP payments.</p>
<p>Final answer</p>	<p>In accordance with Article 80(4) of Directive (EU) 2015/2366 (PSD2), the PSU (Payment Service User) can revoke its payment order to execute a future-dated payment transaction or a series of recurring future-dated payment transactions. This applies also to payment transactions initiated through a PISP (Payment Initiation Service Provider) since Article 80(4) PSD2 is <i>lex specialis</i> to Article 80(2) PSD2.</p> <p>This instruction to revoke the order can be given by the PSU through the PISP or, directly, to the ASPSP (Account Service Payment Service Provider). In the latter case, the ASPSP can accept and execute this direct instruction from the PSU, even if the original consent was given by the PSU to a PISP.</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/2019_4496</p>

