

Guidelines compliance table

EBA/GL/2020/01

(Update: 01 March 2021); Issue date:
22 January 2020; Application date: 1
July 2020

Guidelines amending Guidelines on fraud reporting under PSD2

The following competent authorities* comply or intend to comply with the EBA's Amending Guidelines amending Guidelines on fraud reporting under PSD2:

		Competent authority	Complies or intends to comply	Comments
Member State				
BE	Belgium	National Bank of Belgium	Intends to comply**	By application date, i.e. 01.07.2020.
BG	Bulgaria	Bulgarian National Bank	Complies	As of notification date, i.e. 26.03.2020.
CZ	Czech Republic	Czech National Bank	Intends to comply**	By 01. 01.2022. Due to a need for a standardized, efficient and cost-effective approach with regard to reporting under both the said Guidelines and the ECB Payment Statistics Regulation (hereinafter the ECB Regulation), in line with the EBA's efforts. Moreover, the CNB has decided to start collecting the data under the Revised ECB Regulation by 1. 1. 2022 since the reporting systems of the CNB should be prepared for automated processing of standardized reporting by that date. The necessary legislative proceedings (in particular the issuance of an implementing

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				<p>decree) should be completed by 1. 1. 2022 as well. Such a coherent approach with regard to fraud reporting will also have a positive effect on the costs of implementing these requirements that are to be borne by payment service providers.</p> <p>The CNB will therefore not require payment service providers to report data for 2020 and 2021 in the extent specified by the Guidelines. First reporting of granular data according to the Guidelines from payment service providers to the CNB will happen in 2022 (for data related to the first half of 2022); it will be aggregated by the CNB as per the Guidelines and forwarded to the EBA and the ECB.</p> <p>The CNB is at the moment (on a yearly basis) manually collecting a certain set of data from payment service providers in order to fulfil the requirement of Art 96(6) PSD2. This set of 10 data points includes the number of payment transactions executed and the number of fraudulent payment transactions in 4 categories (credit transfers, direct debits card payments and other payment transactions) as well as the total number of payment transactions and fraudulent payment transactions. This data has been provided to the EBA and ECB in an aggregated form, as mandated by PSD2.</p>
DK	Denmark	Danish Financial Supervisory Authority	Complies	By 01.01.2021.
DE	Germany	Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin)	Intends to comply**	Intends to comply with the Guidelines by such time as the necessary legislative or regulatory proceedings have been completed at national level, within the limit of the competencies that have been conferred to BaFin. BaFin is currently modifying its reporting templates and reporting channels.

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EE	Estonia	Finantsinspektsioon	Complies	As of notification date, i.e. 06.04.2020. Finantsinspektsioon fully complies with the guidelines but it would like to note that Finantsinspektsioon will submit a proposal to the Ministry of Finance to amend the Regulation No 41 of the Minister of Finance (30.08.2019) on the submission of statistics on fraud on the various forms of payment. The amendment proposal will be based on the EBA guidelines.
IE	Ireland	Central Bank of Ireland	Intends to comply**	By application date, i.e. 01.07.2020. As all PSPs are required to comply with the Guidelines, the Central Bank will need to communicate with the following representative bodies and firms to notify them of the Guidelines and the Central Bank's expectation that they comply with the Guidelines: <ul style="list-style-type: none"> the Banking and Payments Federation of Ireland (BPFi), the Irish League of Credit Unions (ILCU), the Credit Union Development Association (CUDA), the Fintech and Payments Association of Ireland (FPAI), individual payment institutions and electronic money institutions (in the event not all Payment Institutions and Electronic Money Institutions are members of BPFi or FPAI), and An Post
EL	Greece	Bank of Greece	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed at national level.
HR	Croatia	Hrvatska narodna banka (Croatian National Bank)	Complies	As of notification date, i.e. 03.07.2020. Croatian National Bank enacted new Decision on amendments to the Decision on the obligation to

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				<p>submit fraud data (OG, 75/2020) which entered into force on 1st July 2020. (Odluka o izmjenama Odluke o obvezi dostavljanja podataka o prijevarama (NN, broj 75/2020)).</p> <p>It is published in Official Gazette and web site of Croatian National Bank on the following link: https://www.hnb.hr/-/odluka-o-objavi-podataka-o-prijevarama (only croatian version in this moment)</p>
ES	Spain	Banco de España	Intends to comply**	Intends to comply with the Guidelines by such time as the necessary legislative or regulatory proceedings have been completed at national level, within the limit of the competencies that have been conferred to Banco de España.
FR	France	Banque de France	Intends to comply**	<p>By 01.01.2021.</p> <p>The French collection fraud statistical framework needs to be enhanced to meet all requirements of the Guidelines, in particular, with regard to the following aspects:</p> <ul style="list-style-type: none"> -introduction of new categories of allocation for fraud allowing cross-referencing data: geographical area/use of strong authentication/typology of fraud; -introduction of additional payment services in fraud monitoring (initiation, electronic money, money remittance); -breakdown of damage by payment instrument (accounting view); -transition to a bi-annual frequency of collections which were so far annual; -monitoring of exemptions from strong customer authentication cases from September 2019; <p>All these updates need IT developments for both PSP and Banque de France.</p> <p>That is the reason why FR is compliant with all guidelines (both</p>

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				<p>reporting from PSP and NCA), except for: 1.4, 1.5, 2.1, 3.1, 7 (except 7.2) on reporting applicable to Payment Services Providers and guideline 2.1 on reporting by competent authorities to the EBA and the ECB. Banque de France is going to comply with the latter guideline by 01.01.2021.</p> <p>Official publication in the ACPR's website: https://acpr.banque-france.fr/sites/default/files/media/2020/0406/202001_notice_de_conformite_acpr_orientations_eba_gl.pdf</p>
IT	Italy	Bank of Italy	Intends to comply**	By application date, i.e. 01.07.2020. The Bank of Italy will provide the PSPs with the new reporting Template in due time.
CY	Cyprus	Central Bank of Cyprus	Does not comply	Has not notified the EBA.
LV	Latvia	Financial and Capital Market Commission	Intends to comply**	<p>By 01.06.2020.</p> <p>To comply with the EBA Guidelines EBA/GL/2018/05 the FCMC has adopted Regulations No.124 "Regulations governing the preparation and submission of information on fraud reporting in the field of payment services" (https://likumi.lv/ta/id/309066-informacijas-par-krapsanas-gadijumiem-maksajumu-joma-sagatavosanas-un-iesniegsanas-normativie-noteikumi).</p> <p>The amendments to these FCMC Regulations incorporating EBA Guidelines EBA/GL/2020/01 are prepared and under the discussion with the market participants. It is planned that the amendments to the Regulations will be adopted by the FCMC Board by the end of May.</p>

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LT	Lithuania	Bank of Lithuania	Does not comply	Has not notified the EBA.
LU	Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)	Intends to comply**	By application date, i.e. 01.07.2020.
HU	Hungary	Central Bank of Hungary	Intends to comply**	By 31.12.2020. The new rule set was implemented and effective from 1st January 2020 therefore the Central Bank of Hungary is able to receive data including the following breakdowns "merchant initiated transactions" and "other" as well so Hungary complies with the Final EBA GL, however the current fraud and data collections are including an exemption rule only for electronic e-commerce transactions carried out with cards concerning the Opinion approved by the Board and published by the EBA in October. This additional rule exists only in the Central Bank of Hungary rule set until 31th December 2020.
MT	Malta	Central Bank of Malta	Complies	As of notification date, i.e. 18.02.2020.
NL	Netherlands	De Nederlandsche Bank N.V. (DNB)	Complies	As of notification date, i.e. 06.04.2020.
AT	Austria	Austrian Financial Market Authority	Intends to comply**	Intends to comply with the Guidelines by such time as the necessary legislative or regulatory proceedings have been completed at national level. On the one hand, FMA has initiated activities in the context of updating the Austrian Payment Services Act 2018 (ZaDiG 2018; Zahlungsdienstegesetz 2018) which is FMA's legal basis under national law. At the same time, the Central Bank of Austria (OeNB; Oesterreichische Nationalbank) started to adapt the reporting forms on fraud reporting in the respective IT Systems.

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PL	Poland	Komisja Nadzoru Finansowego	Complies	As of notification date, i.e. 02.04.2020.
PT	Portugal	Banco de Portugal	Complies	As of notification date, i.e. 12.03.2020.
RO	Romania	National Bank of Romania	Complies	As of notification date, i.e. 06.04.2020.
SI	Slovenia	Bank of Slovenia	Intends to comply**	By application date, i.e. 01.07.2020. Link to the measures published in the relevant jurisdiction (Uradni list RS, št. 40/2020, 31. 3. 2020 - 705. Sklep o spremembi Sklepa o uporabi Smernic o zahtevah poročanja o goljufijah iz člena 96(6) direktive PSD2) - https://www.uradni-list.si/_pdf/2020/Ur/u2020040.pdf
SK	Slovakia	Národná banka Slovenska	Intends to comply**	By 01.01.2021.
FI	Finland	Finanssivalvonta (FIN-FSA)	Intends to comply**	By application date, i.e. 01.07.2020.
SE	Sweden	Finansinspektionen (Swedish Financial Supervisory Authority)	Intends to comply**	By 01.01.2021.
UK	United Kingdom	PRA		
		Financial Conduct Authority (FCA)	Intends to comply**	By 01.07.2021.

EU Institutions – Agencies

ECB	Single Supervisory Mechanism	Not applicable	The SSM notified the EBA on 14 February 2020 that the EBA/GL/2020/01 Guidelines amending the EBA Guidelines on fraud reporting under PSD2 are deemed non-applicable to the ECB.
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EEA – EFTA State

		Competent authority	Complies or intends to comply	Comments
IS	Iceland	Fjármálaeftirlitið (Financial Supervisory Authority, Iceland)	Intends to comply**	By such time as the necessary legislative or regulatory proceedings have been completed at national level.
LI	Liechtenstein	Financial Market Authority Liechtenstein (FMA)	Complies	As of notification date, i.e. 02.04.2020.
NO	Norway	The Financial Supervisory Authority of Norway	Intends to comply**	Intends to comply with the Guidelines by the time the PSP's reporting for H1 2020 is opened 15. September 2020.

European Territories under Article 355(3) TFEU

UK	United Kingdom	Gibraltar Financial Services Commission	Does not comply	Has not notified the EBA.
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*The EEA States other than the Member States of the European Union are required to notify their compliance with EBA guidelines and recommendations relating to a legislative act which has been incorporated into the EEA Agreement, and otherwise provide the information on a voluntary basis.

** Please note that, in the interest of transparency, if a competent authority continues to intend to comply after the application date, it will be considered “non-compliant” unless (A) the Guidelines relate to a type of institution or instruments which do not currently exist in the jurisdiction concerned; or (B) legislative or regulatory proceedings have been initiated to bring any national measures necessary to comply with the Guidelines in force in the jurisdiction concerned.

Notes

Article 16(3) of the EBA’s Regulations requires national competent authorities to inform us whether they comply or intend to comply with each Guideline or recommendation we issue. If a competent authority does not comply or does not intend to comply it must inform us of the reasons. We decide on a case by case basis whether to publish reasons.

The EBA endeavour to ensure the accuracy of this document, however, the information is provided by the competent authorities and, as such, the EBA cannot accept responsibility for its contents or any reliance placed on it.

For further information on the current position of any competent authority, please contact that competent authority. Contact details can be obtained from the EBA’s website www.eba.europa.eu.

