

# Decision of the European Banking Authority EBA/DC/482

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of 23 March 2023

amending Decision EBA/DC/453 of 24 June 2022 concerning the reporting of payment fraud data under the revised Payment Services Directive (PSD2)

**The Executive Director**

**Having regard to**

- (1) Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority) amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC<sup>1</sup> (the 'EBA Regulation'), in particular Article 35 thereof;
- (2) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC<sup>2</sup> (the 'PSD2'), in particular Article 96(6) thereof;
- (3) EBA Guidelines on fraud reporting under the Payment Services Directive 2 (PSD2) (EBA/GL/2018/05) as amended by EBA/GL/2020/01;
- (4) Decision EBA/DC/2020/335 of 5 June 2020 concerning the European Centralised Infrastructure of Data (EUCLID), as amended by Decision EBA/DC/2021/403 of 3 August 2021 and Decision EBA/DC/2022/448 of 10 June 2022 (the 'EUCLID Decision');
- (5) Decision EBA/DC/453 of 24 June 2022 concerning reporting of payment fraud data under the revised Payment Services Directive (PSD2) (the 'Payment Fraud Data Decision').

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<sup>1</sup> OJ L331, 15.12.2010, p. 12

<sup>2</sup> OJ L 337, 23.12.2015, p. 35

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**Whereas:**

- (1) Article 96(6) of the PSD2 provides that EU Member States shall ensure that payment service providers provide, at least on an annual basis, statistical data on fraud relating to different means of payment to their competent authorities. Those competent authorities shall provide EBA and the ECB with such data in an aggregated form. Details on this statistical data on fraud, as well as the aggregated data that the competent authorities have to share with the EBA and the ECB is provided for in the EBA Guidelines on fraud reporting under the PSD2.
- (2) The EBA Payment Fraud Data Decision covers the reporting to the EBA of the aggregated statistical data on fraud by the competent authorities designated under PSD2, in accordance with Article 96(6) of the PSD2 and the EBA Guidelines on fraud reporting under PSD2.
- (3) The EBA, the ECB, the competent authorities designated under Article 100 of PSD2 and the central banks of those EU Member States whose currency is not the euro<sup>3</sup>, have signed a Memorandum of Understanding on the reporting of payment fraud data.
- (4) This Memorandum of Understanding set up arrangements for a streamlined process for the reporting of payment fraud data that the national competent authorities and co-operating non-Euro national central banks must provide to the EBA and the ECB under article 96(6) of the PSD2. In particular, under the Memorandum of Understanding the reporting process is streamlined by means of a single reporting of payment fraud data to the ECB, which then arranges for the transmission of the data to the EBA.
- (5) The EBA Payment Fraud Data Decision should be amended to be aligned with the arrangements provided for in the Memorandum of Understanding.

**Has decided as follows:**

**Article 1**

Decision of European Banking Authority EBA/DC/453 is amended as follows:

- (1) Article 3 is replaced by the following:

“Without prejudice to the provisions in guideline 3.2 of the EBA Guidelines on fraud reporting under PSD2, competent authorities shall submit to the EBA the data referred to

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<sup>3</sup> Listed in Annex 2 of the Memorandum of Understanding

in Article 2 on a semi-annual basis for the reporting periods ending on 30 June and on 31 December, respectively by 10 February and by 10 August of the subsequent year.”

## **Article 2**

This Decision shall enter into force immediately.

Done at Paris,

[signed]

François-Louis Michaud

Executive Director