



EUROPEAN CENTRAL BANK  
EUROSYSTEM

## Template for comments

### Public consultation on the draft ECB Regulation amending the Regulation on payments statistics

#### Institution/Company

European Association of Payment Service Providers for Merchants – EPSM e.V.  
Ludwigstr. 8  
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Registered at:  
Amtsgericht München, Germany, VR 18893

#### Contact person

Mr/Ms

First name

Surname

Email address

Telephone number

Please tick here if you do not wish your personal data to be published.

#### General comments

To: ECB-Payments-Regulation@ecb.europa.eu

Dear ECB Statistics team:

Enclosed, you can find our brief statement, mainly asking for clarifications and an implementation delay to January 2023. Several statements are valid also for the existing statistics regulation. For fraud sub-categories, it would be helpful to consider more existing industry standards.

Due to capacity reasons, this is only a brief statement, prepared hands-on by the EPSM Board. EPSM Members might send in different statements on their own. For a meaningful future result, we recommend future direct communication with major market players like payment card schemes, major acquirers - in at least the major markets of the Euro area - and also with major international e-money-transaction PSPs based in Luxemburg.

Please note, that especially with a Geo3 and Geo 6 granularity, you will require large and very costly data analysis from reporting PSPs, with perhaps only very limited informational value. As a consequence, e.g. instead of requiring PSPs to report on Geo-6, you rather might want to contact only centrally global payment system operators or global payment schemes (CPS) for their consolidated information - they have probably much better and more reliable information for "one leg transactions".

Please feel free to contact us for any questions. Kind regards,

## Template for comments

### Public consultation on the draft ECB Regulation amending the Regulation on payments statistics

Please enter all your feedback in this list.

When entering feedback, please make sure that:

- each comment deals with a single issue only;
- you indicate the relevant article/chapter/paragraph, where appropriate;
- you indicate whether your comment is a proposed amendment, clarification or deletion.

<b>Deadline:</b>	7 May 2020
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ID	Chapter	Article	Paragraph	Page	Type of comment	Detailed comment	Concise statement as to why your comment should be taken on board	Name of commenter	Personal data
1	Regulation	8	1 and 2	5	Amendment	Postponement by at least one year: new requirements should start in operation at earliest only in January 2023.	Due to the Corona-Crisis, many major IT projects must be delayed, so there will probably not be enough IT resources for a consistent implementation in time, especially if IT core systems need to be upgraded with new information fields and additional statistics and databases will have to be set-up. Also, several important uncertainties esp. for card acquiring should be clarified before an implementation can be planned.		Don't publish
2	Annex I		1.3.1	3	Clarification	Where is the term "payment system operator" and its duties legally defined?	The term "payment system operator" seems not to be a term of PSD2 . Does it refer to another legal text?		Don't publish
3	Annex I		1.3.1	3	Clarification	What means "and/or"	Can each NCB decide on "and" or "or"?		Don't publish
4	Annex I		1.3.1	3	Clarification	What about institutions or payment system operators based within the EEA but outside the euro area, or operators outside the EEA?	Can you please clarify the scope e.g. for a payment systems operator in Norway , active also in the euro area, or in the UK (after Dec 2020)?		Don't publish

5	Annex I		2.1.1 and 2.1.2	5	Clarification	How can an acquirer recognize "cards with an e-money function only" and "delayed debit function"?	For acquirers in many payment card systems, there is currently only the differentiation to debit and credit card transaction, due to the MIF regulation. Do you want to require to introduce an additional new coding for card transactions?		Don't publish
6	Annex I		2.1.2	5	Clarification	Please correct as acronym "PCS" instead of "CPS for "payment card scheme"	The interchange fee regulation does not define any "CPS" acronym - therefore any new acronym should stick to the first letters of the official wording, to avoid confusion. Or you define within this regulation explicitly that "card payment scheme (CPS)" shall have the meaning of "payment card scheme" of the interchange regulation.		Don't publish
7	Annex I		2.2	6	Clarification	Please clarify explicitly, that you want to double-count "multi acquirer terminals"	A typical case in the German market: domestic debit cards ("electronic cash") are handled by acquirer A, MasterCard-Visa by acquirer B, and American Express by Acquirer C.		Don't publish
8	Regulation		2.2	6	Clarification	Please clarify if terminals outside the EEA should also be counted	Shall terminals e.g. in Switzerland, in the UK (after 31.Dec 2020), or outside Europe also be included?		Don't publish
9	Annex I		2.2.5	6	Clarification	What is the difference between an EFT POS terminal and a POS terminal?	The definition of POS terminal on page 13 seems not to be completely clear. Is it correct that an imprinter would be a "POS terminal"? And is it correct that an EFT POS terminal can also accept only "card-not present" transactions (e.g. transmitted to the merchant by fax)?		Don't publish
10	Annex I		2.2.5	6	Clarification	What about activated but de facto inactive terminals, or terminals that might be active but in the last quarter did not do any transactions (like in locations for summer holidays)?	In other statistics, only "active" terminals are counted.		Don't publish
11	Annex I		2.2.5	6	Clarification	Scope unclear, e.g. for payment transactions based on non regulated-business of banks	Is it correct that payments received by a bank from an credit card acquirer for commercial transactions where the bank sells non-regulated products (like terminals, agricultural goods, or Christmas decoration) are "not in scope" of this statistics?		Don't publish

12	Annex II	Definition	acquiring of payment transactions	1	Clarification	Shall acquiring transaction that a PSP settles with another licensed PSP (like a "payment facilitator" with an own PSD2 licence in the MasterCard system) be included?	To avoid unwanted double counting, this should be clarified		Don't publish
13	Annex II	Definition	Card with a delayed debit function	4	Clarification	Typically, such a "charge card", is currently flagged as "credit card"	As an acquirer, such a transaction can currently not be recognized. New IT fields would be probably necessary across the whole card payment process.		Don't publish
14	Annex II	Definition	Fraudulent payment transaction	9	Clarification	In many cases, an acquirer receives no information about a fraudulent transaction from a card issuer, e.g. if there is no charge back	It should be clarified that only those transactions must be reported of which the acquirer is aware. (as an acquirer can report only data that is available to him).		Don't publish
15	Annex II	Definition	Merchant category Code (MCC)	10	Clarification	MCC coding strictly according to ISO 18245 is uncommon.	As the use of ISO 18245 is not mandatory, for many CPS there are deviations and own requirements. Some CPS, like electronic cash in Germany, have currently no detailed MCC flagging at all.		Don't publish
16	Annex II	Definition	Monetary financial institutions (MFIs)	11	Clarification	It should be clarified that payments to banks and MFIs shall be excluded, even if they receive the money due to non-regulated activities, like selling agricultural goods or other merchandise.	This should be clarified. Also the last "10" at the definition seems to be a small typo.		Don't publish
17	Annex III	Definition	table 2	2	Clarification	Why is the order first Visa and then MasterCard?	Perhaps a alphabetical order would make sense		Don't publish
18	Annex III	Definition	table 2	2	Clarification	Please clarify if Maestro and VPAY fall within the respective "parent CPS"	Sometime, there is confusion who to count Maestro and VPAY correctly		Don't publish
19	Annex III	Definition	table 4a	5	Clarification	It should be clarified if and where remote card transactions ("card-not-present") shall be counted	This seems currently not very clear		Don't publish
20	Annex III	Definition	table 5a	13 and 14	Clarification	It should be clarified that only fraud cases where the acquirer has received the information shall be counted by the acquirer.	In many cases of fraud, there is no charge back and the acquirer never sees the fraud.		Don't publish
21	Annex III	Definition	table 5a	13 and 14	Clarification	It should be clarified that in case of several weeks or months of information delay, in which reporting period the fraud case shall be counted: The date of the initial transaction, the date of the charge back, or the date when a potential fraud case was ultimately confirmed.	In some cases, there might be several months of delay between a transaction and a charge back due to fraud. Among many reasons, this can depend also on the notification by the card holder.		Don't publish
22	Annex III	Definition	table 5a	14	Amendment	In many cases, fraud might happen when SCA is not applied in "one leg transactions". Therefore a separate line "one leg transactions" might be helpful for "reason for authentication via non-SCA"	Many acquired transactions e.g. from card holders residing in the United States might still be non-SCA.		Don't publish
23	Annex III	Definition	Geo 3	26	Clarification	It should be clarified that in case of EEA, this means domestic, plus 29 countries			Don't publish

24	Annex III	Definition	Geo 3	26	Clarification	It should be clarified what "cross-country" means	Suggestion: "all other countries outside the EEA cumulated"		Don't publish
25	Annex III	Definition	Geo 6	26	Clarification	It should be clarified that you refer to ISO 3166-1 even if the use seems currently not legally mandated for card payments	Up to now, the codings of major card schemes seem not to be 100% identical with ISO 3166-1 for various reasons		Don't publish
26	Annex III	Definition	Geo 6	26	Clarification	It should be clarified what to do for some "disputed territories" in the ISO list that are not recognized by all EU member states.	As an example, please check with the Central Bank of Spain how to code transactions relating to Kosovo		Don't publish
27	Annex IV		2 (a)	1	Clarification	It might be helpful to get a clear overview, which "subtotals" must add up to "totals", and which lines cannot be added up, as they are "of which"	In several lines, there are items under the provision "of which", which seem to imply that these numbers are no "subtotals"		Don't publish