

EBA responses to issues IV to VII raised by participants of the EBA Working Group on APIs under PSD2

Published on 1st April 2019

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ID	Topic	Description	EBA Response
IV	API performance and support	<p>Several participants expressed concerns regarding the requirement under Article 32 the Commission Delegated Regulation (EU) 2018/389 (the RTS on SCA&CSC) for account servicing payment service providers (ASPSPs) to ensure that their dedicated interface offers “at all times the same level of availability, performance, and support as PSU face-interfaces”.</p> <p>These participants were of the view that the two kinds of interfaces are not comparable, that dedicated interfaces would face higher data traffic, and that it would be difficult to provide 24/7 support for an API interface. Instead, they suggested that specific absolute measures should be defined for dedicated interfaces.</p>	<p>Article 32(1) of the RTS on SCA &CSC requires ASPSPs to ensure that their dedicated interface offers “at all times the same level of availability, performance and support” as the interfaces made available to their own payment service users (PSUs) for directly accessing their payment accounts online.</p> <p>This means that the availability, performance and support offered for the dedicated interface should, at a minimum, match those for the PSU interface(s). For that reason, the EBA cannot define absolute benchmarks for ASPSPs’ dedicated interfaces, as these latter will depend on the performance, availability and support offered by each ASPSP to its own PSUs when using the PSU-facing interfaces, and these may differ between ASPSPs. So, for example, if the availability of the PSU interface is 99.9%, then the dedicated interface should be (at least) the same.</p> <p>With regard to support, in turn, the provision in the RTS means that the level of support offered for the dedicated interface has to be the same as the one offered to the customer interface(s) at all times, including out-of-hours support. For example, if an ASPSP offers 24/7 support to its customers when using the PSU-facing interfaces, it should offer the same support to TPPs for the dedicated interface.</p>

			<p>Furthermore, Article 32(2) of the RTS on SCA&CSC and Guideline 2.1 of the EBA Guidelines on the Conditions to Benefit from an Exemption from the Fall-Back Mechanism (EBA/GL/2018/07) require ASPSPs to define key performance indicators (KPIs) and service level targets “including for problem resolution, out of hours support, monitoring, contingency plans and maintenance” for their dedicated interfaces, that are “at least as stringent as” those for their PSU-facing interface(s).</p> <p>Finally, and as clarified in the Final report on the above mentioned Guidelines, if an ASPSP offers more than one customer-facing interface, the KPIs and service level targets for the dedicated interface should match the best KPIs and service level targets across all of the ASPSP’s customer-facing interfaces. For that reason, Guideline 3.2 requires ASPSPs to publish data on the availability and performance of the dedicated interface and of each of the interfaces made available to the PSUs.</p>
<p>V</p>	<p>List of TPPs interested in testing</p>	<p>Some participants raised the concern that without a published list of interested third party providers (TPPs) for the purpose of testing, ASPSPs may face difficulties in identifying TPPs willing to test the interfaces developed by ASPSPs. They suggested the creation of a central list of TPPs (and other entities acting as TPPs) that are interested in testing ASPSPs’ APIs, and preferably for the EBA to create such list.</p> <p>In addition, a number of other participants required easily accessible information to identify ASPSPs that have an interface ready for testing.</p>	<p>Article 30(5) of the RTS on SCA&CSC requires ASPSPs to make available “a testing facility, including support, for connection and functional testing” of the access interface that they are developing for TPPs to enable TPPs to test their “software and applications”.</p> <p>Such testing will be of primary importance to TPPs as they will need to integrate the ASPSP’s interface with the software and applications used for offering a payment service to users. Testing is equally important to ASPSPs ahead of them launching their production interface.</p> <p>In addition, one of the four criteria to be fulfilled under Article 33(6) of the RTS on SCA&CSC in the event the ASPSP has developed a dedicated interface and wishes to obtain an exemption is for that interface to have been tested in accordance with Article 30(5) of the RTS. In this context, Guideline 6.6 of the EBA Guidelines on the Exemption to the Fall-back mechanism states that “the ASPSP should provide the competent authority with a summary of the results of the</p>

			<p>testing referred to in Article 30(5) of the RTS. This includes the number of TPPs that have used the testing facility as well as the feedback received by the ASPSP from these TPPs.</p> <p>The EBA is of the view that the industry is better placed to address this issue and notes that a number of initiatives have been developed in the market to assist ASPSPs to identify TPPs available for testing and, vice-versa, to inform TPPs of which ASPSPs have developed PSD2 interfaces that are ready for testing. There are nine such initiatives represented in the EBA Working Group on APIs. The EBA welcomes such industry initiatives and encourages industry participants, including all types of industry associations (whether representing TPPs or ASPSPs) to publish information on ASPSPs' testing facilities (including weblinks to ASPSPs' developer portals) and TPPs available for testing in order to support the testing period.</p>
VI	Testing by entities that are not authorised TPPs	Several participants queried how ASPSPs would identify entities that have applied for authorisation as a TPP and whether ASPSPs should offer access to their testing facility to entities that are not (i) authorised payment service providers or (ii) entities that have applied for authorisation as a TPP (e.g. technical service providers). If the answer is 'yes', participants asked whether ASPSPs should offer the same level of service to the referred entities.	The response to this issue requires a legal interpretation of existing requirements set out in PSD2 and/or the EBA's legal instruments and has therefore been provided as answer in the EBA's Q&A tool, as Q&A 4609 published on 29 March 2019.
VII	Timelines for the fall-back exemption process	Several participants requested greater transparency with regard to the timelines that apply across the 28 EU Member States for the process until 14 September 2019 for ASPSPs to apply for an exemption from the fallback mechanism under Article 33(6) of the RTS on SCA&CSC.	The table in the Annex overleaf provides indicative timelines across EU Member States.

Annex to the EBA response to issue VII:

Timelines for the fall-back exemption process for ASPSPs seeking an exemption prior to 14 September 2019

Note: The information contained in the table below is based on the indicative timelines provided by national competent authorities (NCAs) regarding the fall-back exemption process for ASPSPs seeking an exemption prior to 14 September 2019. The information is based on the data currently available and may be subject to change. The information is also without prejudice to any future decisions taken or views expressed by the European Banking Authority or NCAs. All references to the “EBA Guidelines” refer to the [EBA Guidelines on the conditions to benefit from an exemption from the fall-back mechanism \(EBA/GL/2018/07\)](#).

EU/EEA MS	1. Date from which ASPSPs may submit an application for an exemption	2. Expected date for submitting an application for exemption	3. Date by which the testing facility has to be made available as required by Article 30(5) of the RTS on SCA&CSC	4. Expected date for launching the production interface	5. Expected date for NCAs to issue a decision on the exemption	6. Info on how and when the timelines were, or will be, communicated to the market (incl. weblink where available)	7. Additional comments
AT	Applications are accepted at any point until 14.06.2019	01.06.2019	14.03.2019	14.06.2019	n/a The process is currently being established. Details will be presented during an industry workshop on 07.05.2019.	Workshop with the banking industry on 07.05.2019; bilateral meetings with banks	
BE	Any time after 26.03.2019	01.06.2019 - Evidence under GL 2-6 of the EBA Guidelines: to be submitted by 01.06.2019;	14.03.2019	01.06.2019	14.09.2019	Public seminar with ASPSP (bank and non-bank) industry on 19 and 20.12.2018 as well as bilateral meetings with sector representatives since then. The publicly available Circular Letter	

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		- Evidence under GL 7-8 of the EBA Guidelines: to be submitted at the latest by 02.09.2019.				officially setting out the national exemption procedure was published on 26.03.2019 and is available on www.nbb.be	
BG						A letter was sent to the Bulgarian Bank Association to provide clarity on the process.	The legal framework is being amended to arrange the timelines.
CY	05.03.2019	14.06.2019	14.03.2019			Circular Letter dated 05.03.2019, with reference BS 9010 / 9390	
CZ	01.03.2019	14.07.2019	14.03.2019	14.04.2019	2 months after receiving an application	Workshop with the Czech Banking Association	
DE	After launch of the production interface (wide usage phase)	31.07.2019	14.03.2019	14.06.2019	n/a	Information on BaFin website and communication via workshops: https://www.bafin.de/SharedDocs/Downloads/DE/Formsular/BA/dl_190315_Ausnahmeantrag_PSD_ZAG.html	
DK	Applications are accepted at any	14.06.2019	14.03.2019	n/a	n/a	Information on the DFSA webpage (not online yet); workshops with ASPSPs;	

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	point until 14 June 2019	<ul style="list-style-type: none"> - Evidence under GL 2-6 of the EBA Guidelines: to be submitted by 14.06.2019; - Evidence under GL 7-8 of the EBA Guidelines: can be submitted at a later stage after individual agreement with the DFSA. 				distribution of application template through Finance Denmark (business association for Danish banks)	
EE	n/a (as soon as ASPSPs have the preliminary information)	01.06.2019 NCA would like to receive and start processing the ASPSP's applications asap, but some info (e.g. related to the production interface) can be received later.	14.03.2019	14.06.2019	The timeline for the NCA to issue a decision on the exemption is difficult to predict.	Via meetings with the national banking association and official EFSA letters to all relevant market participants.	
ES	n/a	23.08.2019	14.03.2019	23.05.2019	3 weeks is the time estimated to assess the applications. Thus from 23.08.2019, Banco de España will only grant the exemption	pspsupervision@bde.es ; information communicated by mail	ASPSPs may apply for an exemption as soon as they fulfil the requirements. Nevertheless an informal (and

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					before 14.09.2019 on a best effort basis.		flexible if needed) process allowing the interaction between Banco de España and ASPSPs has been designed. This process consists of 3 phases: (i) availability of the testing facility, (ii) result of the testing phase (launch of the production interface) and (iii) formal application (usage and performance of the production interface).
FI	ASPSP can apply as soon as the ASPSP fulfils the requirements	03.06.2019, but FIN-FSA will allow that ASPSPs can submit additional material/evidence for their application after this deadline.	14.03.2019	n/a	n/a	FIN-FSA will publish a supervision release in March 2019. The NCA also discusses these issues in the PSD2 meetings with the market participants.	

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FR	20.02.2019	14.07.2019 To receive an exemption by 14.09.2019, ASPSPs will have to submit a complete application file by 14.07.2019.	14.03.2019	14.04.2019 To be complete on 14.07.2019, the application file will have to show 3 months wide usage, requiring the ASPSPs to have started the wide usage by 14.04.2019 at the latest.	n/a ACPR will have two months to confirm the exemption after submission of a complete application file (silence from the Authority means agreement).	https://acpr.banque-france.fr/autoriser/procedures-secteur-banque/exemption-api	It remains the responsibility of the ASPSP to be compliant with the regulation by 14.09.2019. If the ACPR denies the exemption on 14.09.2019, the ASPSP will have to have a back-up solution in place or will not be compliant with the RTS.
HR	11.02.2019	14.04.2019 - By 14.04.2019: ASPSPs should send any documentation available at that moment; - By 14.06.2019: ASPSPs should send all other documentation (except production statistics (GL 7) and internal	14.03.2019	14.06.2019	n/a	Via a circular letter sent to ASPSPs on 11.02.2019. Also, a workshop is scheduled on 02.04.2019	Croatian National Bank defined 11 requirements for ASPSPs to evidence fulfilment of the conditions for an exemption.

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		audit report which will be required by 14.07.2019)					
GR	17.06.2019	26.08.2019	14.03.2019	24.05.2019	n/a	Timelines communicated via on-site visits, workshops in banking association and official emails. Weblink available in Bank of Greece official site: https://www.bankofgreece.gr/BogDocumentEn/ASPSPs_exemption_Timeline_en.pdf	
HU							
IE	29.01.2019	14.06.2019 Evidence to be submitted by 14.06.2019. In exceptional circumstances, additional evidence for GL 7-8 to be submitted at the latest by 01.09.2019.	14.03.2019	n/a	13.09.2019	Timelines communicated to ASPSPs by letter issued on 29.01.19 and at an industry workshop on 05.03.19. Application template: https://www.centralbank.ie/regulation/psd2-overview/faq	

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IT	04.01.2019	04.08.2019 - By 14.03.2019: ASPSPs should send information about GL 3, 5, 6 and 8.1a of the EBA Guidelines; - By 14.06.2019: ASPSPs should send data about tests and stress tests; PSPs must also confirm that the dedicated platforms are in use from 01.06.2019 (GL 4-7); - By 01.08.2019: ASPSPs should provide any additional information about the widely used criterion (GL 7-8.1b); this information can be eventually updated by the ASPSPs by 01.09.2019 in case any additional information	14.03.2019	01.06.2019	In 45 days from receiving the complete documentation	http://www.bancaditalia.it/compiti/vigilanza/normativa/archivio-norme/circolari/c285/	PSPs are provided with an ad hoc template to collect and send information about their compliance with EBA GL.

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		need to be communicated.					
LV							
LT	Applications are accepted at any point until 14.08.2019	14.08.2019 (latest date to submit the application in order to ensure timely processing). Evidence under GL 2-6 of the EBA Guidelines could be submitted much earlier.	14.03.2019	14.05.2019	1 month after receiving an application with complete set of supporting documents	Workshops	

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LU	01.03.2019	<ul style="list-style-type: none"> - General requirements and requirements under GL 2 to 6 and 8 of the EBA Guidelines: to be evidenced by 01.05.2019 at the latest; - Evidence of wide usage (GL 7): to be submitted twice: 14.07.2019 and 14.08.2019 	14.03.2019	14.06.2019	14.09.2019	http://www.cssf.lu/fileadmin/files/Publications/Communiqués/Communiqués_2019/C_SCA_CSC_PSD2_280219_eng.pdf	
MT	15.03.2019	<ul style="list-style-type: none"> - Requirements under GL 2 – 6 of the EBA Guidelines: to be evidenced by 01.05.2019; - Requirements under GL 7 and 8 of the EBA Guidelines: to be evidenced by 01.07.2019. 	14.03.2019	14.06.2019	Not later than 60 days from receiving the complete documentation	The timelines were communicated to ASPSPs via email. Application with the timelines also available on the following link: https://www.centralbankmalta.org/regulation	
NL	28.02.2019	14.03.2019	14.03.2019	14.06.2019	13.09.2019	A workshop was held in Jan 2019 and a follow-up workshop was held on	

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		<ul style="list-style-type: none"> - Requirements under GL 2, 3, 5, 6.1.1, 6.1.2, 6.2, 6.3 and 6.4 of the EBA Guidelines: to be evidenced by 14.03.2019 (design aspects); - Requirements under 6.5 to be evidenced by 14.06.2019; also a reasonable assurance report from an internal or external auditor evidencing GL 6.1.2, 6.1.3, 6.2, 6,3 to be provided; also GL 7.1: plan for wide usage, GL 8.1.A: plan for problem resolution: to be submitted by 14.06.2019; - Evidence of 'wide usage' (GL 7) and regarding the resolution of issues related to the 				27.02.2019. All APSPSs have also been emailed the exemption form.	

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		production environment (GL 8): to be submitted at the latest by 01.08.2019 (final approval in September).					
NO	01.04.2019	07.06.2019	15.04.2019 (Provisions similar to PSD2 fist will apply in Norway from 01.04.2019)	15.06.2019	n/a	www.finanstilsynet.no	Norway will establish an webpage covering all relevant information regarding PSD2. This will be up and running in the near future.
PL							
PT	28.03.2019	14.07.2019	14.03.2019	14.04.2019	14.09.2019	Workshop with ASPSP on 18 – 19.02.2019 Circular-letter no. 35/2019, issued on 28.03.2019	ASPSPs are requested to provide a preliminary assessment form by 30.04.2019.
RO	15.04.2019	03.06.2019 - Requirements under GL 3, 5 related to the design of the interface, 6.1 - 6.4 of the EBA	14.03.2019	10.06.2019	n/a	Bilateral meetings with the Romanian Associations of Banks, banking industry and other PSPs.	PSD2 is not yet transposed into Romanian legislation.

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		<p>Guidelines: to be evidenced by 03.06.2019;</p> <p>- Requirements under GL 2, 4, 6.5, 6.6, 7.1 ('wide usage') and 8 (regarding the resolution of issues related to the production environment) of the EBA Guidelines: to be submitted at the latest by 10.09.2019.</p>					
SE	14.03.2019	<p>16.07.2019</p> <p>The date is based on the competent authority's service undertaking on processing time (60 days) for such applications; there is no guarantee that an application filed on 16.07.2019 will be processed before 14.09.2019 (for example,</p>	14.03.2019	n/a	Within 60 days (service undertaking) after receiving a complete application	<p>https://www.fi.se/sv/bank/andra-betaltjanstdirektivet-psd-2/undantag-fran-beredskapsmekanism/ and https://www.fi.se/sv/publi/cerat/nyheter/2019/fi-tillampar-riktlinjer-for-villkoren-att-utnyttja-undantaget-fran-beredskapsmekanism/</p>	

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		requests for additional information and clarifications could delay the processing).					
SL	01.03.2019	01.06.2019	14.03.2019	01.06.2019	n/a	<ul style="list-style-type: none"> - A circular letter sent to Slovenian Banking Association on 28.3.2019; - Workshop with ASPSPs scheduled on 11.4.2019 	
SK	As soon as possible (an exact date is not specified)	14.06.2019	14.03.2019	N/A	31.08.2019 (at the latest)	Workshops	Timelines do not derive from any legislation and are only indicative/non-binding.
UK	14.01.2019	14.06.2019 (advised rather than mandatory)	14.03.2019	14.06.2019	Aim for one month after receiving adequate information	Policy statement: https://www.fca.org.uk/publications/policy-statements/ps18-24-approach-final-regulatory-technical-standards-and-eba-guidelines-under-revised-payment Dedicated webpage: https://www.fca.org.uk/fir	

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						ms/exemption-psd2-contingency-mechanism	