

Assessment of follow-up on ERPB statements, positions and recommendations

1. Background

According to the mandate of the Euro Retail Payments Board (ERPB) its work includes “formulating common positions, guidance, statements and strategic views on the way forward”¹. It is also stipulated that the ERPB follows up on identified barriers to integration through three main ways: a) establishing working groups b) delegation of work priorities to external groups or organisations and c) through the identification and acknowledgment of already existing and working market groups.

The aim of this document is to provide an overview on the follow-up of ERPB statements, positions and recommendations. The overview serves the purpose of keeping track at the ERPB level on whether ERPB statements, positions and recommendations are followed up with action by relevant stakeholders and, if not, to enable the ERPB to discuss possible remedies. A similar overview is planned to be provided for each meetings of the ERPB.

2. Assessment of follow-up on ERPB statements, positions and recommendations

No	ERPB action (statement, position, recommendation)	Addressees/actors	Assessment
1	Work plan of the ERPB: The ERPB adopted its work plan and set up two working groups on pan-European electronic mandates and on SCT-SDD post migration issues.	ERPB members, working groups	The working groups have prepared their reports and present them at the 1 December ERPB meeting
2	Agreement on the alternative SEPA direct debit scheme: ERPB members agreed: i) to recommend to the European Commission and the EU legislators that they consider a legal solution to clarify the refund rights in the context of a review of the Payment Services Directive; and ii) that such an alternative direct debit scheme (conforming to the 7 principles agreed by the ERPB) in SEPA could only be launched once the review of the Payment Services Directive was complete and thus provided a clear legal background to allow for this.	European Commission, stakeholders to a potential alternative direct debit scheme	The review of the Payment Services Directive is still under negotiation (as at 13 November 2014). It appears that the PSD will keep the possibility of creating a direct debit scheme without an automatic refund right for authorised transaction. However a

¹ Article 2, paragraph 1

			list of goods and services (as foreseen in the set of principles agreed by the ERPB) for which such a direct debit scheme can be used will most likely not be provided by the EU law-makers.
3	<p>Electronic mandates for SEPA direct debit: The ERPB members agreed that</p> <p>i) there was a short-term need to clarify the rules of the SEPA direct debit schemes governing electronic mandates in a way that was more open to all types of electronic mandate solutions.</p> <p>ii) this clarification should be based on the principle that — in cases where “weak” customer authentication techniques are employed and the payer claims that an unauthorised transaction has taken place — the burden of proof lies on the creditor’s side</p>	European Payments Council (in the capacity of the SDD scheme owner)	The EPC has followed up on the invitation to clarify the openness of scheme rules by removing from SDD Rulebooks (as of 1 November 2015) the closed reference to qualified electronic signature. As for clarifying the principle that the burden of proof is on the creditor’s side for cases of weak customer authentication the EPC is the addressee of a draft recommendation proposed by the pan-European electronic mandates WG addressing this issue.
4	Acknowledgment of the Cards Stakeholders Group: The ERPB acknowledged the Cards Stakeholders Group and invited it to carry out a stock-taking exercise on the implementation of standards related to payment cards and to devise a plan on dealing with the practical implementation issues in this respect.	Cards Stakeholders Group (CSG)	<p>The CSG has prepared a report presenting their work in the field of standardisation in the payments card domain and the plan to implement these standards. The analysis includes an overview of the card standards ecosystem, the market fragmentation and the initiatives in place to reduce it.</p> <p>The CSG will ask for the support of the ERPB to continue their work on monitoring practical implementation issues and updating their existing plan to implement these standards.</p>
5	SEPA migration: The members of the ERPB called upon all stakeholders in the euro area to complete their preparations and their migration to SEPA payment instruments as early as possible and before the deadline.	All euro area stakeholders to SEPA migration	Migration was successfully completed in the euro area by 1 August 2014.

3. Necessary further actions by the ERPB

Based on the assessment by the Secretariat there is no immediate need for further action at the ERPB level on past ERPB statements, positions and recommendations listed above. The Secretariat will continue to monitor related developments and similar document will be prepared also for the coming meetings of the ERPB.