

Meeting DG FISMA

Minutes

20 November 2025



Minutes

20 November 2025, 14:00 (CET)

Location	Online	
Attendance	<i>FCE</i>	<i>DG FISMA</i>
	Leon Carford, Radius Antonio Chiesa, DKV Aurélie Decker Peigneur, FCE Pauline Gain, Edenred Ulf Marquardt, DKV	Stavroula Christodoulaki Michal Kwiatkowski

- The aim of the meeting was to clarify the context and rationale behind the European Commission’s interpretation in response to [EBA Question 2023_6910](#) (published on 11 July 2025), in order to assess its potential impact and determine how FCE should best respond to or challenge its conclusions in future advocacy discussions.
- A secondary aim of the meeting will be to gain insights into the PSR/PSD3 trilogue negotiations—including progress, timeline, anticipated points of disagreement, and politically sensitive issues—with particular attention to the European Commission’s views on Article 39 of PSD3 and potential areas for simplification concerning LNE.
- The meeting was opened by the FCE Secretary General, followed by a presentation of FCE, its members, and the fleet card model, including key sector figures. For clarity, the following minutes summarise by topic the information shared during the meeting with DG FISMA, rather than presenting it in chronological order.

1) **EBA question 2023_6910**

- The FCE Secretary General outlined FCE’s concerns regarding the response to Question 2023_6910 and requested clarification on the context and specific case behind the question, including which NCA submitted it and the transactional structure that had been considered.
- Mr Kwiatkowski indicated that no complaints had been received regarding this question. He added that it is very rare for EBA Q&As to generate complaints—only one such case was recorded in relation to the e-money definition. He further noted that no additional contextual information is available beyond what appears on the EBA website.
- Regarding how NCAs should treat the answer, Mr Kwiatkowski explained that all Q&A responses are discussed internally by NCAs (in a dedicated EBA internal forum) before publication. The resulting interpretation (although non-binding) should be used by NCAs for future cases under PSD2. Under PSR/PSD3, NCAs may still rely on the earlier interpretation unless the relevant provision has been modified.

- Mr Kwiatkowski stressed that there is no mechanism to modify a Q&A once it has been published on the EBA website. However, he noted that if FCE wishes to clarify that the typical fleet card business model does not fall within the scope of this interpretation and should therefore be treated differently, FCE may submit its own question to the EBA via the [online form](#). The new question must be distinct from any previously submitted question, and the process typically takes around nine months.

Following the meeting, detailed background information and guidance on submitting questions were found [here](#).

2) PSR/PSD3 negotiations

- M. Kwiatkowski indicated that the trilogue negotiations are currently taking place in a tense atmosphere. The next meeting, scheduled for 26 November, is expected to be the final one. From the outset, he noted that, in his view, the current text does not raise any issues for the products offered by FCE members.
- It was recalled that fleet cards are excluded from the scope of the PSD2 framework, but that this exclusion has been formally recognised by only 13 NCAs. As a result, and in order to address the existing uncertainty, FCE members have proactively submitted LNE notifications to NCAs—receiving varying responses both within and across Member States, despite operating similar “buy & sell” business models. FCE members shared their experiences with the LNE notification process with DG FISMA’s representatives. This inconsistency, combined with the length of the process, is very costly for companies, and FCE members would strongly welcome greater harmonisation in this area.
- Mr Kwiatkowski noted some openness to the Council’s proposal to reword PSD3 Article 39 and allow Member States to decide whether they wish to maintain a notification process, with the aim of achieving administrative simplification.
- FCE representatives stressed that the new wording may unintentionally increase regulatory divergence among Member States and could result in a more fragmented regulatory landscape. Under such a scenario, some countries may retain notification requirements while others may not, thereby increasing legal uncertainty for businesses compared with the current framework. FCE presented three options regarding Article 39: full deletion, a negative-passporting approach, or establishing a minimum level of harmonisation through RTS.
- Mr Kwiatkowski noted that some NCAs consider the notification process useful and suggested that an RTS (as a Level 2 act) could help ensure a certain level of harmonisation while allowing stakeholders consultation prior to adoption. Responding to concerns about the burdens faced by FCE members under the current notification process, he asked whether introducing a deadline for NCA responses could improve business certainty. FCE replied that such a measure would not address the core issue: the fact that many NCAs do not respond to notifications at all, which demonstrates that the process provides no added value and does not mitigate risks.

3) Next steps

- FCE will follow up on the meeting by sharing with DG FISMA its latest position papers on the PSR/PSD3 negotiations.
- DG FISMA indicated that it is open to engaging further with FCE, particularly in the event of an EBA consultation on an RTS relevant to fleet cards.